

TOWN OF BUCKFIELD, MAINE



SUBDIVISION REGULATIONS

Effective Date: April 10, 2013

DRAFT FOR REVISION PURPOSE 4/11/22

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ARTICLE I: PURPOSES

The purpose of these Regulations is to assure the comfort, convenience, safety, health and welfare of the people of the Town of Buckfield, to protect the environment and to promote the development of an environmentally and economically sound, stable, and sustainable community. To this end, in approving subdivision within the Town of Buckfield, Maine, the Planning Board shall consider the following criteria, and before granting approval, shall make finding of fact that the provisions of these Regulations have been met and that the proposed subdivision will meet the guidelines of Title 30-A, M.R.S.A. Section 4404 stated below.

- 1.1 Pollution.** The proposed subdivision will not result in undue water or air pollution. In making this determination, the Board shall at least consider the elevation of the land above sea level and its relation to the flood plains; the nature of soils and sub-soils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents, the availability of streams for the disposal of effluents, and the applicable state and local health and water resource rules and regulations.
- 1.2 Sufficient water.** The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.
- 1.3 Municipal water supply.** The proposed subdivision will not cause an unreasonable burden on existing water supply, if one is to be used.
- 1.4 Erosion.** The proposed subdivision will not cause unreasonable soil erosion or reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
- 1.5 Traffic.** The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed; and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway, or highway right-of-way, as defined in Title 23, Section 53, "Classification of Highways," of the M.S.R.A., the subdivider has secured a written permit from the Department of Transportation, as required by Title 23, Section 704, "Entrances to Highways Regulated."
- 1.6 Sewage Disposal.** The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.
- 1.7 Municipal Solid Waste Disposal.** The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized.
- 1.8 Aesthetic, cultural and natural values.** The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the Municipality, or rare and irreplaceable natural areas or any public right to physical or visual access to the shoreline.
- 1.9 Conformity with local ordinances and plans.** The proposed subdivision conforms with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.
- 1.10 Financial and technical capacity.** The subdivider has adequate financial and technical capacity to meet the standards of these regulations and review criteria.

- 1.11 Surface waters.** Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond, or river as defined in Title 38, Chapter 3, Subchapter I, Article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.
- 1.12 Ground water.** The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
- 1.13 Flood areas.** If the proposed subdivision, or any part of it, is in a flood-prone area, as defined by the Federal Emergency Management Agency's Boundary and Floodway Maps and the Flood Insurance Rate Map for Buckfield, the subdivider shall indicate the 100-year flood elevation and flood hazard boundaries within the subdivision. As a condition of plan approval, the proposed subdivision plan must include the requirement that principal structures within the subdivision be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.
- 1.14 Freshwater wetlands and vernal pools.** All freshwater wetlands and vernal pools within (or if they receive drainage from, adjacent to) the subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands or vernal pools. Any mapping of freshwater wetlands may be done with the help of the Oxford County Soil and Water Conservation District.
- 1.15 Rivers, streams, or brooks.** Any river, stream, or brook within the proposed subdivision, or nearby if it will receive drainage from the proposed subdivision, has been identified on any maps submitted as part of the application. For purposes of this section, "River, stream or brook" has the same meaning as in Title 38, §480-B, Subsection 9.
- 1.16 Storm water.** The proposed subdivision will provide for adequate storm water management in accordance with existing state stormwater laws.
- 1.17 Spaghetti-lots prohibited.** If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond as defined in Title 38, §480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1.
- 1.18 Lake phosphorous concentration.** The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
- 1.19 Impact on adjoining municipality.** For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
- 1.20 Farmland.** All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district.

- 1.21 Lands subject to liquidation harvesting.** Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority's request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a licensed forester.

For the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12, section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership. This subsection takes effect on the effective date of rules adopted pursuant to Title 12, section 8869, subsection 14.

ARTICLE II: AUTHORITY AND ADMINISTRATION

2.1 Authority

- A. These standards have been prepared in accordance with provisions of M.R.S.A. Title 30A. Sections 4401-4407.
- B. These standards shall be known and may be cited as "Subdivision Regulations of the Town of Buckfield, Maine".

2.2 Administration

- A. The Planning Board of the Town of Buckfield, hereinafter called the Board, shall administer these standards.
- B. The provisions of these standards shall pertain to all land proposed for subdivision, as defined in Title 30-A, M.R.S.A. Sections 4401-4407, within the boundaries of the Town of Buckfield.

ARTICLE III: DEFINITIONS

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

Cluster Subdivision: A subdivision in which the lot sizes are reduced below those required in Buckfield's "Building Permit, Lot Size, and Setback Requirement Ordinance" for individual lots, in return for the provision of permanent open space owned in common by lot/unit owners, the town, or a land conservation organization. Clustering shall not be used to increase the overall new residential density of the development. (For Regulations regarding cluster development, see Article VII, 7.9 on Pages 17 & 18.)

Complete application: The submission of the required fee and all information required by these Regulations for consideration of a Preliminary Plan, together with a signed receipt by the Board stating that it has found the information sufficiently complete to begin consideration.

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

Contiguous Lots: Lots which adjoin at any line or point, or are separated at any point by a body of water less than fifteen feet wide.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

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

Dwelling Unit: Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multi-family housing, condominiums, time-share units and apartments.

Farmland. "Farmland" means a parcel consisting of 5 or more acres of land that is:

A. Classified as prime farmland, unique farmland or farmland of statewide or local importance by the Natural Resources Conservation Service within the United States Department of Agriculture; or B. Used for the production of agricultural products as defined in Title 7, section 152, subsection 2.

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

Freshwater Wetland: Freshwater swamps, marshes, bogs, and similar areas which are:

1. 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;
2. Not considered part of a great pond, river, stream, or brook.
These areas may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

High Intensity Soil Survey: A soil survey conducted by a certified soil scientist, meeting the standards of the National Cooperative Soil Survey, which identifies soil down to 1/10 acre or less at a scale equivalent to the subdivision plan submitted. The mapping units shall be the soil series. Single soil test pits and their evaluation shall not be considered to constitute high intensity soil surveys.

100 Year Flood: The highest level of flood that, on the average, is likely to occur once every 100 years (that has a one percent chance of occurring in any given year), as delineated on the Federal Emergency Management Agency (FEMA) map (as revised.)

Industrial Park or Development: A subdivision planned for industrial uses and developed and managed as a unit, usually with provisions for common services for the users.

Mobile Home Park: A parcel of land under unified ownership approved by the Town of Buckfield's Planning Board pursuant to the Town of Buckfield Subdivision Regulations for the placement of three (3) or more mobile homes.

Net Residential Acreage: The total acreage available for the subdivision, and shown on the proposed subdivision plan, minus the area for streets or access and the areas which are unsuitable for development as outlined in Section 7.3.

Net Residential Density: The average number of dwelling units per net residential acre.

New Structure: Any structure for which construction began on or after September 23, 1988. The area included in the expansion of an existing structure is deemed a new structure for the purpose of this definition.

Normal High Water Elevation of Inland Waters: That line on the shores of banks on non-tidal waters which is apparent because of the different character of the contiguous soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominately terrestrial. (By way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups: water lily, pond lily, pickerel weed, cattail, wild rice, sedges, rushes, and marsh grasses; terrestrial vegetation includes but is not limited to the following plants and plant groups: upland grasses, aster, lady slipper, wintergreen, partridge berry, sarsaparilla, pines cedars, oaks, ashes, alders, elms, and maples.) In places where the shore or bank is of such character that the high water mark cannot be easily determined, (rockslides, ledges, rapidly eroding or slumping banks,) the normal high water elevation shall be estimated from the places where it can be determined by the above method.

Official Submittal Date: The date upon which the Planning Board issues a receipt indicating a complete application has been submitted.

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

Planned Unit Development (PUD): A development controlled by a single developer for a mix of residential, commercial, and industrial uses. A PUD is undertaken in a manner that treats the developed area in its entirety to promote the best use of land, including the creation of open space, a reduction in the length of road and utility systems, and the retention of the natural characteristics of the land.

Planning Board: The planning board of the Town of Buckfield, created under Title 30-A, M.R.S.A. Section 3001 as amended.

Preliminary Subdivision Plan: 1) The completed application form, including any submissions required in the application form; 2) the preliminary maps and design drawings for the subdivision; and 3) any submissions required by these Regulations.

Principal Structure: Any building or structure in which the main use of the premises takes place.

Resubdivision: The division of an existing subdivision or any change in the plan for an approved subdivision which affects the lot lines, including land transactions by the subdivider not indicated on the approved plan.

Solar Energy System: A complete design or assembly consisting of a solar energy collector, an energy storage facility (when used), and components for the distribution of transformed energy.

Streets: Public and private ways such as alleys, avenues, boulevards, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way.

Street Classifications:

Arterial Street: A road primarily designed for travel between and through towns. In Buckfield, the arterial streets are Routes 117, 140, and 124.

Collector Street: A street that serves as a feeder to an arterial street, and a collector of traffic from minor streets.

Minor Street: A street designed to accommodate local, rather than through, traffic.

Private Right-of-Way: A vehicular accessway serving no more than two dwelling units.

Subdivision- "Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5-year period, which period begins after September 22, 1971, whether accomplished by sale, lease, development, buildings or otherwise, unless exempt through conditions noted below. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land, and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period. The area included in the expansion of an existing structure is deemed a new structure for the purpose of this paragraph.

In determining whether a tract or parcel of land is divided into three (3) or more lots, the first dividing of such tract or parcel, by whomever accomplished, shall be considered to create the first two lots, and the next dividing of either of the first two lots, by whomever accomplished, shall be considered to create the third lot, unless

- 1) Both divisions are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single family residence that has been the subdivider's principal residence for a period of at least five years immediately preceding the second division;
- or
- 2) The division of the tract or parcel is otherwise exempt under the Title 30-A §4401 definition of a subdivision as outlined below:

Exemptions:

- 1) The division of a tract or parcel of land into 3 or more lots upon each of which lots permanent dwelling structures existed before September 23, 1971 is not a subdivision.
- 2) A division accomplished by devise, by condemnation, by order of the court, or by a gift to a municipality, (provided the municipality accepts the gift), is not considered a subdivision, unless the intent of the gift is to avoid the objectives of existing state and local subdivision laws and regulations.
- 3) A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a continuous period of 5 years prior to the division by gift does not create a lot or lots for the purposes of subdivision, unless the intent of the transferor is to avoid the objectives of existing state and local subdivision laws and regulations. However, if the real estate exempt under this paragraph is transferred within five years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of this definition. "Persons related to the donor" means a spouse, parent, grandparent, brother, sister, child, or grandchild related by blood, marriage, or adoption. A gift under this paragraph cannot be given for consideration that is more than 1/2 the assessed value of the property.

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

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

The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to subdivision regulation, do not become subject to subdivision regulation by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. However, the Planning Board shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.

- 5) Exception to MRSA Title 30-A Section 4401 (Definitions) 4 (Subdivision) C (A lot of 40 or more acres) 2 exception the Town of Buckfield will not consider lots created of 40 or more acres that are entirely outside any shoreland area as depicted in the Town of Buckfield Shoreland Zoning ordinance as lots for the purpose of determining a lot in a subdivision.

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Tract or parcel of land. "Tract or parcel of land" means all contiguous land in the same ownership, except that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road after September 22, 1971.

Vernal Pool: A naturally occurring, seasonal body of water, free of predatory fish populations, that provides essential breeding habitat for one or more of Maine's four vernal pool indicator species - spotted and blue-spotted salamanders, wood frogs, and fairy shrimp. Vernal pools are most likely to occur in the spring and fall.

ARTICLE IV: ADMINISTRATIVE PROCEDURE

4.1 Purpose: The purpose of this article is to establish an orderly, equitable and expeditious procedure for reviewing subdivisions.

4.2 Agenda. In order to avoid unnecessary delays in processing applications for subdivision review, the Board shall prepare an agenda for each regularly scheduled meeting. Applicants shall request to be placed on the Board's agenda at least one week in advance of a regularly scheduled meeting by contacting the Town Manager. Applicants who attend a meeting but who are not on the Board's agenda may be heard, but only if time permits, and a majority of the Board so votes.

ARTICLE V: PREAPPLICATION

5.1 Procedure

- A. Applicant presentation and submission of sketch plans and pre-application plans.
- B. Question and answer period.
- C. Discussion: Board makes specific suggestions to be incorporated by the applicant into the Preliminary Plan.
- D. Decision by Board that sketch plan is feasible, and scheduling of on-site inspection.

- E. Public notice of site visit and invitations from the Board to abutters, Fire Chief, Road Commissioner, School Superintendent, and, if use of public water is planned, Buckfield Water District Superintendent.

5.2 Submission: The pre-application sketch plan shall show, in simple sketch form, the proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plan, which may be a free-hand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It is recommended that the sketch plan be superposed on or accompanied by a copy of the Assessor's tax map(s) on which the land is located. The sketch plan should include the names and addresses of the current owners of record of adjacent property, including any property directly across an existing public street from the subdivision. The sketch plan shall be accompanied by a portion of the U.S.G.S. Topographic Map of the area showing the outline of the proposed subdivision.

5.3 Contour Interval and On-site Inspection. If the Board determines that the sketch plan is feasible, it shall, within thirty days, hold an on-site inspection of the property. The Planning Board, at its next meeting, shall determine and inform the applicant in writing of the required contour interval on the Preliminary Plans may be determined below:

- Small (3 to 4 lots) subdivisions on less than 5 acres on existing road frontage where no road or drainage work is needed / proposed: A USGS map or contours superimposed from the USGS map.
- Small (3 to 4 lots) subdivisions on less than 5 acres, existing road frontage where visibility is questionable or where drainage improvements are needed: A USGS map or contours superimposed from the USGS map with 2 foot contours along the access points or where drainage work is needed.
- Moderate size (5 or more lots on 5 or 10 acres) subdivisions especially where there are wetlands, drainage swales, brooks or other water bodies or nearby abutters: Two foot contour intervals if slopes are moderate to steep and five foot intervals on flatter land
- (less than 5%).
- Moderate size subdivisions (5 or more lots on 5 or 10 acres) with less than 500 feet of road construction. Two foot contour intervals if slopes are moderate to steep and five foot intervals on flatter land (less than 5%).
- Large subdivisions (greater than 10 acres) and ones having more than 500 feet of road: Two foot intervals for entire subdivision. Generally, the topography will be done by aerial photography and there is little difference in cost between two foot and five foot contours. An exception can be made on sites having consistent slopes greater than 15%; however, spot elevations may be needed around culverts since elevations are critical to determining the adequacy of culverts.

The Maine Stormwater Management Law Rules require two foot contours. Many subdivisions will fall under this law.

5.4 Rights Not Vested. The submittal or review of the pre-application sketch plan shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, M.R.S.A., Section 302, as amended.

ARTICLE VI: PRELIMINARY SUBDIVISION PLAN

6.1 Procedure.

- A. No more than six months after the on-site inspection by the Board, and at least seven days prior to a scheduled meeting of the Board, the subdivider shall submit a Preliminary Plan that includes the completed Application Form, Fee, and all required submissions. Failure to do so shall require resubmission of the sketch plan to the Board. The Preliminary Plan shall reflect changes to the sketch plan resulting from recommendations made by the Board or information provided by consultants.
- B. All applications for Preliminary Plan approval for a subdivision shall be accompanied by an application fee of \$100.00 per lot, dwelling unit, or unit contained in a shopping center or similar commercial establishment, payable by check to the Town of Buckfield. There shall be an additional payment of \$150.00 for each lot or dwelling unit or for each unit contained in a shopping center, mini mall, business complex or similar commercial establishment. This portion of the application fee shall be known as the Planning Board Review Escrow Account, a dedicated account. The monies shall be made by check payable to the Town of Buckfield, Maine. These funds or portion thereof may, from time to time, be used by the Planning Board, for purposes to be determined by the Planning Board, in order to make payments for reasonable costs, expenses and services incurred by or contracted for by the Town through the Planning Board at its discretion. These costs must relate directly to the review of the subdivision application. Such services may include, but need not be limited to, consulting engineering fees, architectural fees, land use planner fees, and attorney fees. If the balance in the applicant's portion of the Planning Board Review Escrow Account should be drawn down by 75%, the Board shall require that an additional \$50.00 per lot or dwelling unit or unit contained in a commercial or business complex be deposited by the applicant. The Board shall continue to notify the applicant and require that an additional \$50.00 per lot or unit be deposited as necessary whenever the balance of the account is drawn down to 75% of the original deposit. The Town at the request of the Planning Board shall refund all the remaining monies in the account upon the payment of all costs and services related to the Planning Board review. Such payment of remaining monies shall be made no later than 30 days after the approval, denial, or approval with conditions of the application. Such refund shall be accompanied by a final accounting of all expenditures from the fund. The monies in such fund shall not be used by the Planning Board for any enforcement purposes.
- C. It is strongly recommended that the subdivider or his/her duly authorized representative attend the meeting of the Board to discuss the Preliminary Plan.
- D. Upon receipt at a Board meeting of the Preliminary Plan application, the Board shall give a dated receipt to the applicant. The Board shall notify in writing all owners of abutting property, and the Planning Board of any municipality which is within 500 feet of the proposed subdivision, that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project. If any portion of the subdivision crosses municipal boundaries, the Board shall make provision for joint reviews of the subdivision, as required by Title 30A §4403 1-A Joint Meetings. The Board shall also notify the Road Commissioner, School Superintendent, Water Superintendent, if applicable and Fire Chief of the receipt of a Preliminary Plan, 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 Planning Board shall request that these

officials comment upon the adequacy of their departments' existing capital facilities to serve the proposed subdivision.

- E. Within thirty days of receipt by the Board of a Preliminary Plan Application and fee, if the application is complete, the Board shall notify the applicant in writing and begin its full evaluation of the proposed subdivision. If the Board has determined that the application is still incomplete, it will notify the applicant of the specific additional material needed to complete the application.
- F. If the Board decides to hold a public hearing on a Preliminary Plan Application for subdivision approval, it shall hold the hearing within thirty days of determining it has received a complete application. The Board shall have notice of the date, time, and place of the hearing:
 - 1. Given to the applicant, and
 - 2. Published, at least two times, in a newspaper having general circulation in the municipality in which the subdivision is proposed to be located. The date of the first publication must be at least 7 days before the hearing. The Board should also post a notice of the hearing on the Town web site and its public access channel, if they are operational.
- G. The Board shall, within thirty (30) days of a public hearing, or, if no public hearing is held, within sixty days of receipt of a complete application, or within another time limit as may be otherwise mutually agreed to by the Board and the Subdivider, make findings of fact that the proposed subdivision does or does not meet the review criteria of Title 30A § 4404, and approve, approve with conditions, or deny the Preliminary Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.
- H. When granting approval to a Preliminary Plan, the Board shall state the conditions of such approval, if any, with respect to:
 - 1. The specific changes which it will require in the Final Plan;
 - 2. The character and extent of any waivers requested by the applicant which, in the Board's opinion, may be granted without jeopardy to public health, safety, the general welfare, or the environment; and
 - 3. Any performance guarantees which it will require as a prerequisite to the approval of the Final Plan.
- I. 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 and a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Board upon fulfillment of the requirements of these Regulations 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.

In certain subdivisions, at the discretion of the Board, if all requirements of these Regulations have been fulfilled, if the Preliminary Plan is approved without conditions, and if all applicable requirements of the Final Plan have been met, the Board may accept, by unanimous vote, the Preliminary Plan as the Final Plan if the Preliminary Plan has been submitted and accepted, at that meeting or a subsequent meeting, in a form such that it may be signed by the Board and recorded by the Registry of Deeds.

6.2 Submissions for the Preliminary Plan

- A. All costs of submissions are to be borne by the applicant.
- B. Location Map. The Preliminary Plan shall be accompanied by a location map of scale no more than 2000' to the inch, 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 within a mile and a half of the proposed subdivision.
 - 2. Locations of existing streets within a mile and a half of the proposed subdivision and proposed streets within the subdivision.
 - 3. Boundaries of Shoreland Zoning districts, Flood Hazard Areas, and any other zoning districts created by ordinance subsequent to the approval of these Regulations.
 - 4. An outline of the proposed subdivision and any remaining contiguous portion of the owner's property.
- C. Preliminary Plan. The Preliminary Plan shall be submitted in eight copies of one or more maps or drawings which may be printed or reproduced on paper as well as eight copies of all accompanying information. The Preliminary Plan shall be drawn to a scale of not more than one hundred feet to an inch, with all dimensions shown in feet or decimals of a foot. The Board may allow plans for subdivisions containing more than one hundred acres to be drawn at a scale of not more than two hundred feet to the inch, provided all necessary detail can be easily read. The following information shall either be shown on the Preliminary Plan or shall accompany the application for Preliminary Approval:
 - 1. Proposed name of the subdivision and name(s) of the municipality(ies) in which it is located, plus a copy of the Tax Assessor's tax map and lot numbers.
 - 2. An actual field survey of the boundary lines of the entire tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.

Monuments - Permanent granite or cement monuments not less than four (4) inches square in width or iron reinforcement rods at least 5/8 inches across the top and at least four (4) feet in the ground shall be installed as follows:

 - a. Monuments shall be set at all street intersections and points of curvature, but no further than 750 feet apart along street lines without curves or intersections.
 - b. Monuments shall be set at all corners and angle points of the subdivision boundaries and all lot boundary and angle points.
 - 3. A copy of the deed upon which the survey was based. A copy of all covenants or deed descriptions, easements, rights-of-way, or other encumbrances currently affecting the property.
 - 4. A draft of any proposed covenants, easements, or deed restrictions intended to cover all or part of the lots in the subdivision.

5. Contour lines at the interval specified by the Planning Board, showing elevations in relation to mean sea level. For purposes of this section, "mean sea level" shall be determined by the North American Vertical Datum of 1988 (NAVD 88) or the most current version thereof.
6. The number of acres within the proposed subdivision including all contiguous land in which the applicant has a legal interest, location of property lines, existing buildings, watercourses, vegetative cover type, and other essential existing physical features.
7. Indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by subsurface sewage disposal systems, 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. Two sites per dwelling unit, or two sites per septic system if a common septic system or shared systems are used, shall be identified by the licensed site evaluator.
8. Indication of the type of water supply system(s) to be used in the subdivision.
 - a) When water is to be supplied by the Buckfield Village Corporation, a letter from the Buckfield Village Corporation shall be submitted indicating there is adequate supply and pressure for the subdivision, and approving the plans for extensions where they are necessary. Where the District's supply line is to be extended, a written statement from the Fire Chief, approving the location of fire hydrants, shall be submitted.
 - b) The location of any pond, fire cistern and dry hydrant, together with specifications and a draft easement shall be submitted to be approved by the Fire Chief, unless the Board has found that such a system is not needed.
9. The date the Plan was prepared, magnetic north point, graphic map scale, names and addresses of the owner of record, subdivider, and individual or company who prepared the plan.
10. The names and addresses of owners of record of adjacent property, including any property directly across an existing public street from the subdivision.
11. The location of any shoreland zoning or other zoning boundaries affecting the subdivision. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.
12. The location of all rivers, streams, brooks, freshwater wetlands and vernal pools within, near 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. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
14. The location, names, and widths of existing streets, highways, easements, buildings, parks and other open spaces, or public improvements on or adjacent to the subdivision shown on the E-911 map and/or the Comprehensive Plan, if any.
15. The width, and location and, if applicable, name of any proposed streets, public improvements, easements, or open spaces within the subdivision.

16. The proposed lot lines and building envelopes within lots, with dimensions and lot areas, as well as areas to be reserved as buffer zones.
17. A soil erosion and sedimentation control plan endorsed by the Oxford County Soil and Water Conservation District (OCSWCS), and employing Best Management Practices established by the Maine Department of Environmental Protection pursuant to M.R.S.A. Title 38 §420 C.
18. A plan for the disposal of surface drainage water, prepared by a registered professional engineer, and designed in accordance with the standards outlined in these Regulations Article VIII, Section 8.4 "Storm Water Management Design Standards", and Section 8.5 "Storm Drainage Construction Standards" and Maine DEP Standards for Storm Water Management established pursuant to M.R.S.A. Title 38 §420 D.
19. A copy of that portion of the county soil survey covering the subdivision. If the medium intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Board may require the submittal of a report by a registered soil scientist indicating the suitability of soil conditions for those uses.
20. A hydrogeologic assessment, prepared in accordance with Article VIII, of these Regulations, Section 8.8 A, by a certified geologist or registered professional engineer experienced in hydrogeology, when the subdivision is not served by public sewer and
 - a. Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydro-geologic Data for Significant Sand and Gravel Aquifers," by the Maine Geological Survey and will likely be subject to soils disruptions caused by general development requirements, wells and / or septic installations.
 - b. The subdivision has an average density of less than 100,000 square feet per dwelling unit.
21. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the Comprehensive Plan, and areas, such as cemeteries, of historic interest or value.
22. If the proposed subdivision is in the direct watershed of North or South Ponds, a phosphorus control plan shall be submitted which includes the following:
 - a) A phosphorous impact analysis and control plan conducted using the procedures set forth in "Phosphorous Control in Lake Watersheds: A Technical guide for Evaluating New Development," published by the Maine Department of Environmental Protection, May 1990, and as may be revised.
 - b) A long-term maintenance plan for all phosphorus control measures.
 - c) Areas with sustained slopes greater than 25% covering more than one acre shall be delineated.
23. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

24. The location of any open space to be preserved, and an indication of its improvement and management. (See Section 7.2: Retention of Open Spaces and Natural or Historic Features.)

ARTICLE VII: GENERAL STANDARDS

In reviewing applications for a subdivision, the Board shall consider the following general standards and make findings that each has been met prior to the approval of a final plan. In all instances the burden of proof shall be upon the applicant.

7.1 Conformance with the Comprehensive Plan. All proposed subdivisions shall be in conformity with the policies set out in the Comprehensive Plan, and with the provisions of all pertinent State and local ordinances.

7.2 Retention of Open Spaces and Natural or Historic Features.

- A. In any major subdivision larger than thirty-five acres, or more than twenty lots or dwelling units, the subdivider shall provide ten percent of his total area as open space. In smaller subdivisions, the Board may require the subdivider to provide up to ten percent of his total area as open space. In any subdivision with areas of exceptional historic or natural resource value, the Board shall require that those areas be preserved as open space. Open space created through the use of clustered housing will be credited toward meeting the ten percent requirement. In some cases, where it would be of benefit to the community, the Board may waive the requirement for open space within the subdivision and give the subdivider an option to make a payment instead into a municipal land acquisition fund.
- B. Land reserved for open space purposes shall be of a character, configuration, and location suitable for the particular use intended. A site intended to be used for active recreation purposes, such as a playground or a playing field, should be relatively level and dry, have a total frontage on one or more streets of at least 200 feet, and have no major dimensions of less than 200 feet. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board deems suitable with no less than twenty-five feet of road frontage. The Board shall approve the configuration of such sites with regard to scenic attributes to be preserved, sufficient areas for trails, lookouts, etc. where necessary and appropriate.
- C. The Board may require, as a condition of approval, the dedication of acceptable reserved land to the Municipality.
- D. The Board may require that the subdivision plans include a landscape plan that will show the retention or replacement of trees and vegetation, graded contours, streams, and the preservation of scenic, historic, or environmentally significant areas. Cutting of trees on the northerly borders of lots should be avoided as far as possible to retain a natural wind buffer.

7.3 Land Not Suitable for Development. The following lands shall not be included in the calculations of lot area for the purpose of meeting the requirements of the minimum lot size law.

- Land which is situated below the normal high water mark of any water body.
- Land which is located within the 100-year frequency flood plain as identified by the Federal Emergency Management Agency (FEMA) maps, (including all future amendments).
- Land which is part of a right-of-way, or easement, including utility easements.

- Land which has a water table within ten inches of the surface for at least three months of the year as identified by the Oxford County Soil Survey.
- Land that has been created by filling or draining a pond or wetland.

7.4 Blocks. Where street lengths exceed 1,000 feet between intersections with other streets, the Board may require a utility/pedestrian easement, at least 20 feet in width, to provide for underground utility crossings and/or a pedestrian pathway of at least five feet in width constructed in accordance with design standards in Section 8.2 M. Maintenance obligations of the easements shall be included in the written descriptions of the easement.

7.5 Lots.

- A. All lots shall meet minimum lot requirements, although lots in cluster developments are exempt from this requirement. Whenever possible the lot configuration should be designed to maximize the use of solar energy on building sites with suitable orientation.
- B. Lot configuration and area shall be designed to provide for adequate off-street parking.
- C. The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future re-subdivision. Where public utilities could be extended to the subdivision in the foreseeable future, the subdivision shall be designed to accommodate the extensions of utilities.
- D. If a lot on one side of a stream, road, or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, or road to meet the minimum lot size.
- E. Flag lots and other oddly shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited. The ratio of length to width shall not be more than three to one unless waived by the Board.

7.6 Utilities.

- A. Whenever possible, utilities shall be installed underground.
- B. Underground utilities shall be installed prior to the installation of the final gravel base of the road.
- C. The size, type, and location of street lights, electric and gas lines, telephone, and other utilities shall be shown on the plan approved by the Board.

7.7 Required Improvements. The following improvements are required for all subdivisions unless waived by the Board in accordance with provisions of these Regulations.

A. Monuments.

1. Permanent granite or cement monuments not less than four (4) inches square in width or iron reinforcement rods at least 5/8 inches across the top and at least four (4) feet in the ground shall be installed as follows:

- a. Monuments shall be set at all street intersections and points of curvature, but no further than 750 feet apart along street lines without curves or intersections.
- b. Monuments shall be set at all corners and angle points of the subdivision boundaries and all lot boundary and angle points.

B. Water Supply.

1. When a subdivision is to be served by the Buckfield Village Corporation water system, the complete supply system, including fire hydrants, shall be installed at the expense of the subdivider.
 - a. The subdivider shall provide a written statement from the water company that adequate water for both domestic and fire fighting purposes can be provided without placing an undue burden on the source, treatment facilities, or distribution system involved. The subdivider shall be responsible for paying the costs of system improvements necessary to serve the subdivision.
 - b. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the Buckfield Village Corporation and the Buckfield Fire Chief.
2. When the location of a subdivision does not allow for a financially reasonable connection to the public water supply system, the Planning Board may allow the use of individual wells or a private community water system.
 - a. If a central water supply system is provided by the subdivider, the location and protection of the source, and the design, construction and operation of the system shall conform to the most recent standards of the Maine Rules relating to drinking water.
 - b. If the proposed subdivision is more than one and a half miles from the nearest Buckfield Village Corporation hydrant or a currently maintained dry hydrant, or is within a mile and a half but elevated more than 200 feet above that hydrant, and if the subdivision will consist of more than six residential lots, the subdivider shall construct and maintain one or more ponds and/or fire cisterns with dry hydrants, consistent with NFPA 1231, Standard on Water Supplies for Suburban and Rural Fire Fighting, to provide for adequate water storage for fire-fighting purposes. An easement for access to the dry hydrants shall be granted to the Municipality where necessary.

C. Sewage Disposal - Private Systems

1. The subdivider shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules. Two sites with suitable soils shall be shown for each lot, to allow for a reserve for future replacement. The reserve area shall be shown on the plan and restricted so as not to be built upon. A second site shall also be required in lots of clustered housing which do not have a shared septic system.
2. In no instance shall a disposal area be permitted on soils or on a lot that requires a new system variance from the subsurface wastewater disposal rules.

D. Surface Drainage.

1. Where a subdivision is traversed by a stream, river, or surface water drainage, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins, or other means of channeling surface water within the subdivision and over other properties. This stormwater management system shall be designed by a registered professional engineer.

2. Drainage easement for existing watercourses or proposed drainage ways shall be provided and indicated on the plan. They shall be at least thirty feet wide, conforming substantially with the lines of existing natural drainage.
3. The subdivider shall provide a statement from the designing engineer or the Natural Resources Conservation Service (NRCS) that the proposed subdivision will not create erosion, drainage, or runoff problems either in the subdivision or in other properties. Where the peak runoff from the subdivision onto other properties is increased either in volume or duration, easements from the abutting property owners, allowing such additional discharge, shall be obtained.
4. A storm water drainage plan, showing ditching, culverts, storm drains, easements, and other proposed improvements, and meeting the standards of Section 8.4 "Storm Water Management Design Standards" shall be submitted.

7.8 Land Features

- A. Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.
- B. Except for normal thinning, landscaping, and cutting trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion. The Board shall require a developer to take measures to correct and prevent soil erosion in the proposed subdivision. The subdivider shall, by notes on the Final Plan and by deed restrictions, limit the clearing of trees to those areas designated on the Plan.
- C. To prevent soil erosion of shoreland areas, Shoreland Zoning Regulations shall apply.
- D. The subdivider shall make every effort to preserve natural and historic features of the land such as rock outcroppings, natural contours, and stone walls.
- E. 25' buffers shall be preserved along all streams not protected by Shoreland Zoning Laws.

7.9 Cluster Developments.

The following cluster development standards are optional and should be used as a means to preserve open space, including farm and forestland on parcels of 10 acres or more. Cluster development is one of the most important ways of controlling sprawl and minimizing the conversion of open space to residential use, while allowing residential development to take place.

1. Purposes. The purposes of these provisions are:
 - a. To provide for efficient use of land not possible under traditional lot-by-lot size requirements, provided that the net density shall be no greater than is permitted, unless a density bonus is granted to the applicant;
 - b. To provide for the preservation of parks, recreation, and open space areas;
 - c. To provide for a more attractive, varied arrangement of dwelling units and open space on a particular parcel;
 - d. To provide for the location of housing units and other uses where they are least visible and hidden by topography or vegetation, therefore minimizing perceived densities;
 - e. To provide for orderly development in the rural areas and maintain the rural character of the community by preserving tree masses, stream valleys, woodlands, of views and scenic vistas, and other significant natural features;

- f. To provide for reasonable standards for the perpetual maintenance of community or privately owned facilities necessary to service the development;
- g. To preserve and protect environmentally sensitive areas; and
- h. To allow for new and innovative approaches to housing development and discourage the location of housing units in strip fashion along rural roads.
Notwithstanding other provisions of this and other ordinances relating to dimensional requirements, the Planning Board, in reviewing and approving proposed residential developments, may modify said provisions related to dimensional requirements to permit innovative approaches to housing and environmental design in accordance with the following standards. This shall not be construed as granting variances to relieve hardship.

2. Application Procedures.

- a. The Planning Board may allow subdivided development on reduced lot sizes in return for open space where the Board determines that the benefits of the cluster approach will prevent the loss of natural features without increasing the net density of the development. Where a developer elects or is required to cluster, a written application shall be submitted to the Planning Board. Two sketch plans shall be submitted with one layout as a standard traditional subdivision and the other as a cluster development indicating open space and significant natural features. Each lot in the standard traditional subdivision shall meet the minimum lot size and lot width requirements, and if not serviced by public sewer have an area suitable for subsurface wastewater disposal according to the Maine Subsurface Wastewater Disposal Rules. The number of lots in the cluster may exceed the number of lots in the standard subdivision (density bonus), with approval from the Planning Board.
- b. The written statement shall describe the natural features which will be preserved or enhanced by the cluster approach. Natural features include, but are not limited to, moderate to high value wildlife and waterfowl habitats, moderate to high yield aquifers, preserving prime agricultural and forestland areas and soils, large trees, woods, ponds, rock outcrops, and other important natural or historic sites. The statement shall also compare the impact upon the community by both proposals. Examples of impacts are, municipal costs for roads, schools, school busing, solid waste management, utility efficiency, recreational opportunities, protection of flood water storage areas, and environmental impacts on sensitive lands.
- c. For purposes of this section, the tract or parcel to be developed shall be in single ownership, or the subject of an application filed jointly by the owners of all the property included.
- d. Estimated costs of infrastructure development (roads, utilities, etc.) shall accompany the plan. The developer shall file with the municipality, at the time of submission of the final plan for subdivision approval, a performance guarantee.

3. Basic Requirements for Cluster Development.
- a. Cluster development shall be a minimum of 10 acres and shall meet all requirements for a subdivision, the Town's road standards, all other applicable Town ordinances or regulations, and state laws and regulations.
 - b. Each building shall be an element of an overall plan for site development. Only developments having a total site plan for structures will be considered. The developer shall illustrate the placement of buildings and the treatment of spaces, paths, roads, service, and parking and in so doing shall take into consideration all requirements of this section and of other relevant sections of this Ordinance.
 - c. The maximum allowed reduction in the size of individual lots is 25%. However a larger reduction can be made if site conditions can be proven by the applicant to support smaller lot sizes.
 - d. The maximum net density allowed in cluster developments shall be calculated on the basis of the "Qualifying Land Area" standards contained below.
 - e. Unless a public sewer or community sewage collection and treatment system is provided, no lot shall be smaller than 20,000 square feet. No unit shall be constructed on any lot with soil considered as being "very poorly" drained.
 - f. The total area of open space within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required, except where density bonuses are permitted.
 - g. Every building lot that is reduced in area below the amount normally required should abut the open space area for a distance of 50 feet, or be within 1000 feet distance from the open space area.
 - h. Distance between buildings shall not be less than 20 feet.
 - i. In rural areas, no individual lots shall have frontage on an existing road at the time of development. There shall be a setback of 50 feet from the main public access road and from interior roads that are constructed as part of the cluster development. Access from public ways, internal circulation, and parking shall be designed to provide for vehicular and pedestrian safety and convenience, emergency and fire equipment maneuverability, snow removal, road maintenance, and delivery and collection services.
 - J. In no case shall shore frontage and setback be reduced below the minimums normally required by the Buckfield Shoreland Zoning Ordinance.
 - k. Where a cluster development abuts a body of water, a usable portion of the shoreline, which shall be a minimum of 100 feet, as well as reasonable access to it, shall be a part of the open space land.
 - I. When individual wells are to be utilized, a drilled well with casing, shall be provided on each lot by the developer/builder. The location of all wells shall be shown on the plan. The applicant shall demonstrate the availability of water adequate in quantity and quality for domestic purposes, as well quantity for fire safety. The Planning Board may require the construction of fire ponds and/or dry hydrants.

- m. The location of subsurface sewage disposal systems and an equivalent reserve area for a replacement system(s) shall be shown on the plan. The report of a licensed Site Evaluator shall accompany the plan. The reserve areas shall be restricted so as not to be built upon. The report of a licensed Site Evaluator shall accompany the plan. If the subsurface disposal system is an engineered system, approval from the Department of Human Services, Division of Health Engineering shall be obtained prior to Planning Board approval.
4. Siting and Buffering Standards.
- a. Buildings shall be oriented with respect to views and scenic vistas, natural landscape features, topography, south facing slopes (wherever possible), and natural drainage areas, in accordance with an overall plan for site development and landscaping. A site inspection shall be conducted by the Planning Board prior to approval. Once approved, the plan shall not be altered in any manner, without prior approval of the Planning Board.
 - b. Buildings shall be designed and planned to protect bedroom windows from light invasions by vehicle headlights or glare from existing outdoor lighting or illuminated signs, where allowed, insofar as practical.
 - c. Where parking spaces or storage areas are located in areas abutting existing residential properties, a permanent wood or masonry screen, at least 4 feet high, shall be erected along the property line, in addition to the "green" perimeter strip described below.
 - d. Other than any land within shoreland zoning, a "green" vegetative perimeter strip, not less than 20 feet wide, shall be maintained with grass, bushes, flowers, scrubs, and/or trees alongside all lot or rear lot lines of the property as a whole, and (except for entrance and exit driveways) along the entire frontage of such lot. Such "green" strip shall not be built upon, paved, or used for parking or storage. There shall be no removal of trees over 4" in diameter within this buffer. In the shoreland zoning area, vegetation shall be retained in its natural state.
 - e. Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. Adequate provision shall be made for storm waters, with particular concern for the effects of erosion from the site. Erosion resulting from any improvements to the site shall be prevented by landscaping or other means.
 - f. All utilities shall be installed underground, whenever possible. Transformer boxes, pumping stations, and meters shall be located so as to not to be unsightly, hazardous to the public, or detract from the natural beauty of the development.
5. Preservation and Maintenance of Open Space and Facilities.
- a. Common open space shall be dedicated upon approval of the project. There shall be no further subdivision of open space. Open space shall be used for agriculture, non-commercial recreation, forestry, or conservation. However, easements for public utilities may be permitted in the open space area, with prior approval of the Planning Board.
 - b. There shall be no land development within the open space without the prior approval of the Planning Board.

- c. The open space(s) shall be shown on the development plan and with appropriate notation on the facethereof to indicate that:
 1. The open space shall not be used for future buildings lots or development; and
 2. A part or all of the open space may, at the option of the Town, be dedicated for acceptance by the Town. Such dedication shall take place after final approval of the project. Final acceptance by the Town of dedicated open space rests with the Town.
- d. If any or all of the open space is to be reserved as common open space for use by the residents, the by-laws of the proposed homeowners association shall specify maintenance responsibilities and shall be submitted to the Planning Board prior to approval. The developer shall maintain control of such open space(s) and be responsible for its maintenance until development sufficient to support the association has taken place. Such determination shall be made by the Planning Board upon the request of the homeowners association or the developer.
- e. Covenants for mandatory membership in the association, setting forth the owner's rights and interest and privileges in the association and the common land, shall be reviewed by the Planning Board and included in the deed for each lot (i.e. annual fee to the association for lawn mowing, snow removal, solid waste management, municipal assessments, neighborhood recreational facilities, etc.). A clause should be added to every deed that any unpaid association fees, plus interest, shall be paid at the time of a deed transfer and the association will receive first "dibs".
- f. Open space land may be leased for agriculture or forestry purposes provided that development rights for the open space land are held by the homeowners association. The legal instruments for the development rights shall be submitted to and reviewed by the Planning Board and approved by the homeowners association.

6. Qualifying Land Area.

To determine the number of lots/dwelling units permitted in a subdivision, the applicant shall perform the following calculations and submit evidence in the form of plans and data to verify the calculations.

Net Buildable Acreage (NBA) Calculation

From the gross acreage of the site (____ acres) subtract the following:

- | | | |
|----|---|-------|
| a. | Existing road right-of-way 1 | acres |
| b. | Proposed right-of-way 1 | acres |
| c. | Noncontiguous land 2 | acres |
| d. | 100% of RP and SP Districts 3 | acres |
| e. | 100% of the 100 year floodplain land 4 | acres |
| f. | 100% of wetlands, NRPA Class I and II 4 | acres |
| g. | 50% of the wetlands, NRPA Class III 4 | acres |
| h. | 100% of ponds or lakes | acres |
| i. | 50% of slopes from 15% - 25% | acres |
| j. | 85% of slopes over 25% | acres |

- Net Buildable Acreage (NBA) acres
- a. Include shoulder and ditches in wide calculation
 - b. land separated by roads and railroads, or land linked by a strip less than 50' wide.
 - c. Resource Protection and Stream Protection
 - d. Where this overlaps, the overlapping acreage shall be counted only once.

Net Density Calculation:

- a. Multiply the NBA by the minimum lot size requirement.
(this figure is determined by dividing 43,560 by the minimum
lot size requirement- ie 40,000 square feet= 0.9183 lots
- b. Multiply the result by 10% (density bonus) lots
- c. Add the result of "a" and "b" total allowable lots

Dimensional Standards

- a. Maximum reduction in size of individual lots is %
- b. Traditional Minimum Lot Size -- sqft
- c. Clustered Minimum Lot Size — sqft
- d. Minimum Lot Width feet
- e. Minimum Yards feet

Front (from right-of-way)	feet
Rear	feet
Side	feet

7.10 Dedication and Maintenance of Common Open Space and Services.

- A. All common land shall be owned jointly or in common by the owners of the dwelling units by means of a homeowners' association, by an association which has as its principal purpose the conservation or preservation of land in essentially its natural condition, or by the Municipality.
- B. Further subdivision of the common land or its use for other than non-commercial recreation or conservation purposes, except for easements for utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land.
- C. The common open space shall be shown on the Final Plan with appropriate notation on the Plan to indicate that
 1. It shall not be used for future building lots; and
 2. A part or all of the common open space may be dedicated for acceptance by the municipality.
- D. If any or all of the common open space and services are to be reserved for use by the residents, the by-laws of the proposed homeowners' association shall specify maintenance responsibilities and shall be submitted to the Board prior to Final Plan approval.
- E. Covenants for mandatory membership in the homeowners' association setting forth the owners' rights, interests, and privileges in the association and the common property, shall be reviewed by the Board and included in the deed for each lot or dwelling.

- F. The homeowners' association shall have the responsibility of maintaining the common property.
- G. The Association shall levy annual charges against all owners of dwelling units to defray the expenses connected with the maintenance of common property and tax assessments.
- H. The subdivider shall maintain control of the common property, and be responsible for its maintenance until development sufficient to support the association has taken place.

7.11 Construction in Flood Hazard Areas.

When any part of a subdivision is located in a special flood hazard area as identified on the Federal Emergency Management Agency (FEMA) maps, a note on the Plan shall indicate that all principal structures on lots in the subdivision shall be constructed in accordance with the Buckfield Floodplain Management Ordinance.

7.12 Access Limitations.

A subdivision that abuts one or more state or town-maintained streets shall be limited to not more than one (1) curb cut (entrance) for the first four lots, not more than two (2) curb cuts in total for five to fourteen lots, and not more than three (3) curb cuts in total for fifteen or more lots. Where the standards of these Regulations regarding access from a subdivision onto a state-maintained road conflict with requirements of the Maine Department of Transportation (MDOT), the more restrictive standards shall apply.

7.13 Mobile Home Parks.

Mobile home parks and expansions of mobile home parks shall be considered a subdivision and shall comply with the provisions of these Regulations, and with the provisions contained in this section. Where provisions of these regulations conflict with specific provisions of this section, the provisions of this section shall prevail.

- A. Prior to the establishment or expansion of a mobile home park, an applicant shall apply for subdivision approval. The application shall include information required in Articles VI and IX (Preliminary and Final Plans), and the following:
 - 1. Location of existing and proposed manufactured housing units and other structures, and the location of each mobile park lot.
 - 2. Location of existing and proposed pedestrian walkways.
 - 3. Location, intensity, type, size and direction of all outdoor lighting.
 - 4. Location and proposed use of areas proposed for outdoor recreation.
 - 5. A report or reports by qualified professional(s) stating that the proposed mobile home park will have a sufficient quantity of drinking water that meets state water quality standards available for each manufactured housing unit within the mobile home park.
 - 6. A copy of proposed mobile home park regulations, consistent with state statute, which assure tenant compliance with the standards in this ordinance, including off-street parking if required, and posted speed limits and trash disposal.

B. Lot size, width, and density. Lots in a mobile home park not located within the area regulated by the Town of Buckfield Shoreland Zoning Ordinance shall meet the following minimum lot size, width and density requirements. Minimal requirements shall be based on Title 30-A, M.R.S.A. 4358-3.A

1. Lots served by public sewer:
Minimum lot area - 6500 square feet.
Minimum lot width - 50 feet.
2. Lots served by individual subsurface sewage disposal system:
Minimum lot area - 20,000 square feet
Minimum lot width - 100 feet
3. Lots served by a central on-site subsurface wastewater disposal system:
Minimum lot area- 12,000 square feet
Minimum lot width- 75 feet
4. The overall density of a mobile home park served by a central subsurface sewage disposal system shall be no greater than one unit per 20,000 square feet of the total park area.
5. Where lots front on a curved right-of-way or are served by a driveway, the frontage requirement shall be measured in a straight line perpendicular to the front of the mobile home.
6. Lots within the area regulated by the Town of Buckfield Shoreland Zoning Ordinance shall meet the lot area, lot width, setback and shore frontage requirements as set forth in that ordinance.
7. The overall density of the mobile home park shall be computed using the combined area of its mobile home lots plus:
 - a. the area required for road rights-of-way;
 - b. the area required for buffer strips, if any;
 - c. the area within the Municipality's shoreland setback.

C. Lot Setbacks

1. The following lot setbacks shall apply to all manufactured housing units and accessory buildings:
Front setback: 20 feet
Side setback: 20 feet
Rear setback: 10 feet

If these requirements conflict with the requirements of the Shoreland Zone, the stricter standards shall apply. If a lot is on a public road, the setback shall conform with the residential setback requirements applicable to other residential dwellings.
2. For aesthetic purposes, the Planning Board may allow the front setback on a private road within a mobile home park to be varied, provided that no home may be closer than 10 feet from the right-of way and the average distance is at least 20 feet for all units.
3. Carports of noncombustible materials are not subject to side setback requirements.

4. The Planning Board may allow lot side yard setbacks to be reduced to five (5) feet for the purpose of providing more usable space on one side of the home, provided a distance of 40 feet is maintained between manufactured housing units.
- D. **Buffer Strips.**
A 50-foot wide buffer strip shall be provided along all property boundaries that:
1. abut residential land that has a gross density of less than half of that proposed in the park, or
 2. abut residential land that is zoned at a density of less than half of that proposed in the park.
- No structures, streets or utilities may be placed in the buffer strip except that they may cross a buffer strip to provide services to the park.
- E. **Parking Requirements.**
For each mobile home lot, there shall be provided and maintained at least two (2) off-street parking spaces. Each parking space shall contain a minimum area of 200 feet with minimum dimensions of 10 feet by 20 feet. This requirement may be waived if a parking lane is provided.
- In addition to occupant parking, it is recommended that off-street parking and service parking areas be provided within the boundaries of the park at a ratio of one (1) space for each two (2) mobile home park lots. Such parking areas shall be hard-surfaced.
- F. **Road Standards.**
In addition to the standards contained in the Town of Buckfield Street Construction Ordinance, the following shall be complied with:
1. On-street parking shall be prohibited unless an 8-foot parking lane is provided, in which case on-street parking may be permitted on the side of the road where the parking lane is located.
 2. No mobile home lot may have vehicular access directly onto a public street.
 3. Two-way park roads shall have a minimum right of way of 23 feet, and a minimum paved surface of 20 feet. On-street parking shall be prohibited.
 4. One-way streets shall have a minimum right-of-way of 18 feet and a minimum paved surface of 14 feet. On-street parking shall be prohibited.
 5. Parking lanes shall be a minimum of 8 feet in width, if provided.
 6. If the applicant intends to dedicate roads within the mobile home park to the public, such roads shall meet all road construction standards contained in the Town of Buckfield Street Construction Ordinance.
- G. **Sanitary Standards for Sewage Disposal.**
All water-carried sewage shall be disposed of by means of one of the following:
1. A centralized private sewer system approved by the Maine Department of Human Services (DHS), serving each mobile home lot in the mobile home park.
 2. Individual subsurface sewage systems meeting the requirements of the State of Maine Subsurface Wastewater Disposal rules.

- H. Utility Requirements.

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

The storage, collection, and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. Mobile home parks shall provide a centralized rubbish collection facility which shall be screened from view of neighboring properties and streets. Refuse shall be removed from the site no less than once a week.
- J. Fire Protection.

Each lot shall be legibly marked for identification and easily accessible to emergency vehicles (permitting fire apparatus to approach within 100 feet.)
- K. Conversion Restrictions.

No subdivision which is approved as a mobile home park may be converted to another use without the approval of the Planning Board, and without meeting the appropriate lot size, lot width, setback and other requirements. The plan to be recorded at the Registry of Deeds and filed with the Municipality shall include the following restrictions as well as any other notes or conditions of approval:

 - 1. The land within the park shall remain in the unified ownership and the fee to lots or portions of lots shall not be transferred.
 - 2. No dwelling unit other than a manufactured housing unit shall be located within the park.

Article VIII: STREET AND STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS

8.1 General Requirements

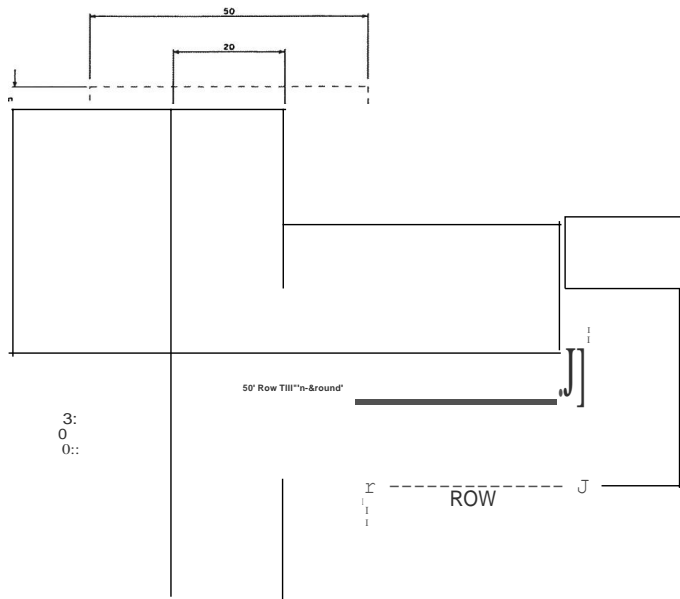
- A. The Board shall not approve any subdivision plan unless proposed streets and storm water management systems are designed in accordance with any local ordinance designated by these regulations. Approval of the Final Plan by the Board shall not be deemed to constitute or be evidence of acceptance by the Municipality of any street or easement.
- B. Subdividers shall submit to the Board, as part of the Final Plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed streets. The plan shall include the following information:
 - 1. Date, scale, and magnetic or true north point..
 - 2. Intersections of the proposed street with existing streets.
 - 3. Roadway and right-of-way limits including edge pavement, edge of shoulder, sidewalks, and curbs.
 - 4. Kind, size, location, material, profile, and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
 - 5. Complete curve data indicated for all horizontal and vertical curves.
 - 6. Turning radii at all intersections
 - 7. Center line gradients.

- 8. Locations of all existing and proposed overhead and underground utilities, to include but not be limited to, water, sewer, electricity, telephone, lighting, and cable television.
 - 9. Any other requirements of the Buckfield Street Construction Standards.
- C. Upon receipt of plans for a proposed street, the Board shall forward one copy each to the Municipal officers and the Road Commissioner.

8.2 Street Design Standards.

- A. These design standards shall be met by all streets within subdivisions, and shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances.
- B. Streets shall be designed to discourage through traffic within a residential subdivision.
- C. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the Municipality.
- D. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in these Regulations), or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the 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 of the "Building Permit, Lot Size, and Setback Requirement Ordinance." When such widening or realignment is indicated on the official map, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the Municipality or State.
- E. Where a subdivision abuts or contains an existing or proposed arterial street, no residential lot may have vehicular access directly onto the arterial street. This requirement shall be noted on the Plan and in the deeds of any lot with frontage on the arterial street.
- F. Any subdivision containing fifteen dwelling units or more shall have at least two street connections with existing state or town maintained streets, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted.
- G. Buckfield Street Construction Standards apply, except as otherwise specified in these Regulations.
- H. The centerline of the roadway shall be the center line of the right-of-way.
- I. **Dead End Roads**
If a road is to be dead-end then a cul-de-sac or hammerhead turnaround must be built at the end of the dead-end. The cul-de-sac must have an eighty-six (86) foot property line radii and a seventy (70) foot outer edge of travel way radii. A hammerhead turnaround must have a minimum traveled way and right-of-way as drawn in Exhibit B-2 (below). 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.

Exhibit B.-2



- J. Grades, Intersections, and Sight distances.
- I. Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.
 2. All changes in grade shall be connected by vertical curves to provide for the minimum sight distances below.
 3. Where new street intersections or driveways' curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below.
- | Posted Speed Limit (mph) | Sight Distances |
|--------------------------|-----------------|
| 25 | 250 |
| 30 | 300 |
| 35 | 350 |
| 40 | 400 |
| 45 | 450 |
| 50 | 500 |
| 55 | 550 |
- Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.
4. Cross (four-cornered) street intersections shall be avoided insofar as it is possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A minimum distance of two hundred feet shall be maintained between centerlines of side streets.
- K. Sidewalks. Sidewalks, if installed within subdivisions, shall meet these minimum requirements.
- I. Bituminous Sidewalks.
 - a. The gravel aggregate sub-base course shall be no less than twelve inches thick.
 - b. The crushed aggregate base course shall be no less than two inches thick.
 - c. The hot bituminous pavement surface course shall be no less than two inches after compaction.
 2. Portland Cement Concrete Sidewalks.
 - a. The sand base shall be no less than six inches thick.
 - c. The Portland cement concrete shall be reinforced with six inch square, Number IO wire mesh and shall be no less than four inches thick.
- L. Where installed, curbing shall be granite or bituminous concrete and shall be installed on a thoroughly compacted gravel base of six inches minimum thickness, except bituminous curbing shall be installed on the base course of the pavement. The specified pavement width above shall be measured between the curbs.
- M. The developer shall pay for inspection and approval for each phase of road construction by an engineer to be hired by the Town.

8.3 Street Construction Standards

- A. Buckfield Street Construction Standards shall apply to all streets.
- B. Any street constructed in a subdivision interconnecting with a public way must be surfaced with the same type of material as the existing public way it will interconnect with.

8.4 Storm Water Management Design Standards.

- A. Adequate provision shall be made for disposal of all storm water generated within the subdivision, and any drained ground water through a management systems of swales, culverts, underdrain, and storm drains. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains.
 - 1. All components of the storm water management systems shall be designed to meet the criteria of a twenty-five year storm based on rainfall data for Buckfield, Maine.
 - 2. The minimum pipe size for any storm drainage pipe shall be twelve inches. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be bedded in a fine granular material, containing no stones larger than 3 inches, lumps of clay, or organic matter, reaching a minimum of six inches below the bottom of the pipe extending to six inches above the top of the pipe.
 - 3. Catch basins shall be installed where necessary and located at the curb line.
 - 4. Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials to reduce storm water velocity.
- B. The storm water management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of 25% for potential increase in upstream runoff.
- C. Downstream drainage requirements shall be studied to determine the effect of the proposed subdivision . The storm drainage shall not overload existing or future planned storm drainage systems downstream from the subdivision. The subdivider shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.
- D. Whenever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the town allowing maintenance and improvement of the system.
- E. Where soils require a subsurface drainage system, the drains shall be installed and maintained separately from the storm water drainage system.
- F. The developer shall pay for review and approval by the Natural Resources Conservation Service. (NRCS)

8.5 Storm Drainage Construction Standards.

A. Materials.

1. Reinforced Concrete Pipe. Reinforced concrete pipe shall meet the requirements of ASTM designation C-76 (AASHTO M 170). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.2 on the .1 inch crack strength with a Class B bedding. Joints shall be of the rubber gasket type meeting ASTM designation C443-70, or of an approved preformed plastic jointing material such as "Ramnek". Perforated concrete pipe shall conform to the requirements of AASHTO M 175 for the appropriate diameters.
2. Asbestos Cement Pipe. Asbestos cement pipe shall meet the requirements of ASTM designation C-428 (AASHTO M 189). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.5 on the crushing strength. Joints shall be of the rubber gasket type meeting ASTM designation D-1869-63, or of an approved preformed plastic sleeve type.
3. Corrugated Metal Pipe. Corrugated metal pipe shall be bituminous coated meeting the requirements of AASHTO designation M 190 Type C for iron or steel pipe or AASHTO designation M 196 for aluminum alloy pipe for sectional dimensions and type of bituminous coating. Pipe gauge shall be as required to meet the soil and traffic loads with a deflection of not more than 5%.
4. ABS Pipe. ABS (acrylonitrile-butadiene-styrene) composite pipe and fittings shall conform to the requirements of AASHTO M 264 and AASHTO M 265. Perforated pipe shall conform to the requirements of AASHTO M 36, Type III.
5. Corrugated Plastic Pipe. Corrugated plastic pipe shall conform to the requirements of AASHTO M 252.
6. Manholes. Manholes shall be of pre-cast concrete truncated cone section construction meeting the requirements of ASTM designation C 478 or pre-cast concrete manhole block construction meeting the requirements of ASTM designation C 139, radial type. Bases may be cast-in-place 3,000 psi 28 day strength concrete or may be of pre-cast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in full mortar bed with tops and shall conform to the requirements of AASHTO M 103 for carbon steel castings, AASHTO M 105, Class 30 for gray iron castings or AASHTO M 183 (ASTM A 283, Grade B or better) for structural steel.
7. Catch basins. Catch basins shall be of pre-cast concrete truncated cone section construction meeting the requirements of ASTM designation C 478 or pre-cast concrete manhole block construction meeting the requirements of ASTM designation C 139, radial type. Castings shall be square cast iron sized for the particular inlet condition with the gratings perpendicular to the curb line. Bases may be cast-in-place 3,000 psi 28 day strength concrete or may be of pre-cast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in full mortar bed and with tops shall conform to the requirements of AASHTO M 103 for carbon steel castings, AASHTO M 105, Class 30 for gray iron castings or AASHTO M 183 (ASTM A 283, Grade B or better) for structural steel.

- B. Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board, after consultation with a municipal engineer.

- C. Manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of 400-foot intervals.
- D. Upon completion, each catch basin or manhole shall be cleaned of all accumulation of silt, debris or foreign matter and shall be kept clean until final acceptance.

8.6 Additional Improvements and Requirements.

- A. Erosion Control. The procedures outlined in the Erosion and Sedimentation Control Plan shall be implemented during the site preparation, construction, and clean-up stages.
- B. Cleanup. Following street construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.
- C. Street Names, Signs, and Lighting. Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of the new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality, and shall be subject to the approval of the Board. The developer shall reimburse the Municipality for the costs of installing street name, traffic safety, and control signs. Street lighting shall be installed as approved by the Board.

8.7 Certification of Construction. Upon completion of street construction and prior to a vote by the Municipal officers to submit a proposed public way to the legislative body, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Municipal officers at the expense of the applicant, certifying that the proposed way "as built" meets or exceeds the design and construction requirements of these regulations. Plans shall be submitted to the Municipal officers.

8.8 Impact on Groundwater.

- A. When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:
 - 1. A map showing the basic soil types.
 - 2. The depth of the water table at representative points throughout the subdivision.
 - 3. Drainage conditions throughout the subdivision.
 - 4. Data on the existing groundwater quality, either from test wells in the subdivision or from existing wells on neighboring properties.
 - 5. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential development, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, at the subdivision boundaries and at a distance of 1,000 feet from potential contamination sources, whichever is a shorter distance. For subdivisions within the watershed of a lake, projections of the subdivision's impact on groundwater phosphate concentrations shall also be provided.
 - 6. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.

- B. Projections of groundwater quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
- C. No subdivision shall increase any contaminant concentration in the ground water to more than one half of the primary drinking water standards. No subdivision shall increase any contaminant concentration in the ground water to more than the secondary drinking water standards.
- D. If groundwater contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
- E. If groundwater contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.
- F. Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, these standards shall be included as a note on the Final Plan, and as restrictions in the deeds to the affected lots.

ARTICLE IX: FINAL PLAN FOR A SUBDIVISION.

9.1 Procedure

- A. The subdivider shall, within six months after the approval of the Preliminary Plan, and at least seven days prior to the Board meeting at which it will be discussed, file with the Board a final plan. If the Final Plan is not submitted within six months after Preliminary Plan approval, the Board may refuse without prejudice to act on the Final Plan and require resubmission of the Preliminary Plan. The Final Plan shall approximate the layout shown on the Preliminary Plan, plus any recommendations made by the Board during the Preliminary Plan approval process.
- B. If a public hearing on the Final Plan for the subdivision is deemed necessary by the Board, the costs of advertising and postal notification will be taken from the special account established during the Preliminary Plan approval process.
- C. It is strongly recommended that the subdivider, or his/her duly authorized representative, attend the meeting of the Board to discuss the Final Plan.
- D. Upon determination that a complete Final Plan 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 Final Plan application.
- E. Prior to submittal of the Final Plan application, the following approvals shall be obtained in writing, where appropriate:
 - 1. Maine Department of Environmental Protection, if
 - a) the project falls under the Site Location of Development Act,
 - b) the project falls under the Natural Resources Protection Act,
 - c) a Wastewater Discharge License is needed.
 - 2. If the existing public water service is to be used, a letter from the Buckfield Village Corporation with approval of the final plans for the water supply system.
 - 3. Maine Department of Human Services, if the subdivider proposes to provide a central water supply system.

4. Maine Department of Human Services, if the subdivider proposes to use a centralized or shared subsurface sewage disposal system(s).
 5. U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.
- F. A public hearing may be held by the Planning Board within thirty (30) days after the issuance of a receipt for the submittal of a complete application. This hearing shall be advertised in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days before the hearing. The notice of the hearing shall also be posted in at least three prominent places, which may include the town's web site or public access channel, at least seven days prior to the hearing. The Planning Board shall also notify the Road Commissioner, School Superintendent, and Fire Chief of the Public Hearing, and inform them of any changes in the Final Plan which might affect their role in serving the Proposed Subdivision. When a subdivision is located within 500 feet of a municipal boundary, and a public hearing is to be held, the Planning Board shall notify the clerk and the planning board of the adjacent municipality involved, at least ten days prior to the hearing.
- G. Before the Board grants approval of the Final Plan, the subdivider shall meet the performance guarantee requirements in Article XI which the Board has specified under Article VI 6.1 H 3 during the approval process for the Preliminary Plan.
- H. If the subdivision is located in more than one municipality, the Board shall have a joint meeting with the planning board of the adjacent municipality to discuss the plan.
- I. Within thirty days after the public hearing or, if no hearing is held, within sixty days of receiving a complete Final Plan, the Board shall make Findings of Fact, and conclusions relative to the standards contained in MRSA Title 30-A, Section 4404, as amended. If the Board finds that all standards of the statute have been met, they shall approve the Final Plan. If the Board finds that any of the standards of the Statutes and these Regulations have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Board.

9.2 Submissions

The Final Plan shall consist of one or more maps, with notes, and drawings as required, drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than seventy-five acres may be drawn at a scale of not more than two hundred feet to the inch. Plans shall be no larger than 24 X 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 on the remaining sides. Space shall be reserved thereon for endorsement by the Board. The submitted plans shall include two reproducible stable based transparent originals, (also known as Mylars), with the embossed seal and signature of a registered land surveyor attesting to the boundaries and of a registered professional engineer certifying the road and storm water design. One original is to be recorded at the Registry of Deeds for Oxford County; the other is to be filed at the Buckfield Town Office. In addition, ten signed copies of the Final Plan shall be submitted.

The Final Plan shall include all information and submissions required in the Preliminary Plan, (Section 6.2 C-2), in final form, ready to be recorded in the Registry of Deeds, with the following differences:

- A. Names and addresses of owners of record of adjacent properties do not need to be shown.
- B. Final versions, rather than drafts, of copies of covenants, deeds, easements, rights-of-way, or other encumbrances, must be submitted in the Final Plan.
- C. Regarding 6.2 C 15 in the Preliminary Plan, the Final 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 length of all straight lines, the deflection angles, radii, length of curves, and central angles of curves, tangent distances, and tangent bearings shall be included. All streets shall be in conformity with Buckfield Street Construction Standards.
- D. The Plan should include information on all parcels of land proposed to be dedicated to public use and the conditions of such dedication, including written offers of cession to the Municipality of all public open spaces shown on the plan. Also, the Final Plan should include copies of agreements or other documents showing the manner in which open spaces to be retained by the subdivider or lot owners are to be maintained. If open space or other land, or easements on them are to be offered to the Municipality, written evidence that the Municipal officers are satisfied with the legal sufficiency of the written offer of cession shall be included.
- E. If the subdivider is constructing roads or structures, he/she should provide an itemized estimate of all construction costs, and evidence of financial commitments or resources to cover these costs. The subdivider shall also provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.

9.3 Final Approval and Filing.

- A. No plan shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plan, or is in violation of any town or state regulations on the property.
- B. Upon Findings of Fact and determination that all standards in Title 30A Section 4404 and these Regulations have been met, and upon voting to approve the subdivision, the Board shall sign the Final Plan. A Final Plan or revision of a subdivision plan must be signed only at a formal meeting of the Board. The Board shall specify in writing its Finding 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 Board of Assessors. One copy of the signed plan shall be forwarded to the Code Enforcement Officer.
- C. It shall be the responsibility of the Town Manager of the Town of Buckfield to have the Final Subdivision Plan recorded in the Oxford County Registry of Deeds within 90 days of the date upon which the plan is approved, and to present proof of the recording to the Planning Board, in the form of a receipt including number assigned by the registry.

- D. 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. If any Municipal or quasi-municipal department head notified of the proposed subdivision informs the Board that his/her department or district does not have adequate capital facilities to service the subdivision, the Board shall require the plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to allow the orderly planning, financing and provision of public services to the subdivision.
- E. No changes, erasures, modifications, or revisions shall be made in any final plan, except in accordance with Section 10.1 C, after approval has been given by the Planning Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted and the Board approves any modifications. The Board shall make Findings that the revised plan meets the standards of Title 30A Section 4404 and these Regulations. 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.
- F. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the Municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the Municipality, approval of the Plan shall not constitute an acceptance by the Municipality of such areas. The Board shall require the filing of a written agreement between the applicant and the Municipal officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.
- G. 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 the subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect.

Article X: Enforcement.

10.1. Inspection of Required Improvements.

- A. At least five days prior to commencing each major phase of construction of required improvements, the subdivider or builder shall notify the Code Enforcement Officer in writing of the time when he/she proposes to commence construction of such improvements, so that the Municipal officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.
- 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 subdivider, he shall so report in writing to the Municipal officers, planning board, and the subdivider or builder. The Municipal officers shall take 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 inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountered hidden outcrops of bedrock, natural springs, etc. The inspecting official shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Town for major modifications, such as relocation of rights-of way, property boundaries, changes of grade by more than 1%, etc. The subdivider shall obtain permission to modify the plans from the Board.
- D. At the close of each summer construction season, the town shall, at the expense of the subdivider, have the site inspected by a qualified individual. By December 1st 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 stormwater and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate to do the job they were designed for. The report shall also include a discussion and recommendation on any problems which were encountered.
- E. Prior to the sale of any lot, the subdivider shall provide the Board with a letter from a registered land surveyor, stating that all monumentation shown on the plan has been installed.
- F. Prior to the sale of any lots within the subdivision, the boundaries of all building envelopes must be clearly marked.
- G. Prior to the sale of any lot, the subdivider shall demonstrate to the Code Enforcement Officer that the road to and including the entire frontage of that lot has been completed according to Buckfield Street Construction Standards and these Regulations.
- H. Upon completion of street construction and prior to a vote by the municipal officers to submit a proposed town way to a Town meeting, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the municipal officers at the expense of the applicant, certifying that the proposed town way meets or exceeds the design and construction requirements of these Regulations. If there are any underground utilities, the utility shall certify in writing that they have been installed in a manner acceptable to the utility.
- I. Any person undertaking construction actively within an approved subdivision located in the direct watershed of North or South Ponds shall have a copy of the subdivision approval on site.
- J. The subdivider or builder shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the Municipality.

10.2 Violations and Enforcement.

- A. No plan of a division of land within the Municipality which could constitute a subdivision shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Board in accordance with these regulations.
- B. No person, firm, corporation, or other legal entity may convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds. Unless a disclaimer is added to the offer, stating that any sale is subject to approval of the subdivision by the Planning Board

- C. No person, firm, corporation, or other legal entity may convey, offer or agree to convey any land in an approved subdivision which is not shown on the Final Plan as a separate lot.
- D. Any person, firm, corporation, or other legal entity who conveys, offers, or agrees to convey any land in a subdivision which has not been approved as required by these regulations shall be punished by a fine of not less \$100.00 and not more than \$2500.00 for each such conveyance, offering, or agreement. The Municipality may institute proceedings to enjoin the violation of this section, and may collect attorney's fees and court costs if it is the prevailing party.
- E. No public utility, water district, or any utility company of any kind shall serve any lot in a subdivision for which a final plan has not been approved by the Board.
- F. Development of a subdivision without the Board's 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 final plan approval as provided in these Regulations 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 these Regulations up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the street upon which the unit is accessed is completed in accordance with these Regulations.

Article XI: Performance Guarantees

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

- A. Either a certified check payable to the Town of Buckfield or a savings account or certificate of deposit naming the Town of Buckfield as owner, for the establishment of an escrow account;
- B. A performance bond payable to the Town of Buckfield issued by a surety company, approved by the Municipal officers;
- 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 municipal officers; or
- D. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed. The conditions and amount of the performance guarantee shall be determined by the Board with the advice of a licensed engineer, the Town Road Commissioner, Municipal officers and/or town attorney.

11.2 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.

- 11.3 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 Buckfield, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the subdivider, the Municipality shall be named as owner or co-owner, and the consent of the Municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the subdivider unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be divided between the subdivider and the Town in proportion to the amount returned to the subdivider and the amount withdrawn by the Town to complete the required improvements.
- 11.4 Performance Bond.** A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the subdivider, and the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision for which approval is being sought.
- 11.5 Letter of Credit.** An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.
- 11.6 Conditional Agreement.** The Board, at its discretion, may provide for the subdivider to enter into a binding agreement with the Municipality in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the Final Plan on the condition that up to four lots may be sold or built upon until either:
- A. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with these Regulations and the regulations of the appropriate utilities; or
 - B. A performance guarantee, acceptable to the Municipality, 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 guarantee contained in Section 11.8.
- 11.7 Phasing of Development.** The Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.
- 11.8 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 a licensed engineer and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.
- 11.9 Default.** If, upon inspection, the Code Enforcement Officer 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 Municipal officers, the Board, and the subdivider or builder. The Municipal officers shall take any steps necessary to preserve the Town's rights.

11.10 Private Roads. 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."

11.11 Improvements Guaranteed. Performance guarantees shall be tendered for all improvements required by Section 7.7 of these Regulations, as well as any other improvements required by the Board.

Article XII Waivers

12.1 Where the Board makes written Findings of Fact that there are special circumstances of a particular lot proposed to be subdivided, it may waive portions of the submission requirements or standards, unless otherwise indicated in the Regulations, to permit a more practical and economical development, provided the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan, official maps, any ordinances, or these Regulations.

12.2 Where the Board makes written Findings of Fact that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or is inappropriate because of inadequate or lacking connecting facilities adjacent to or in the proximity of the proposed subdivision, it may waive the requirement for such improvements, subject to appropriate conditions.

12.3 In granting waivers to any of these Regulations in accordance with Sections 12.1 and 12.2, the Board shall require such conditions as will assure that the objectives of these Regulations are met.

12.4 When the Board grants a waiver to any of the improvements required by these Regulations, 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 XIII: Appeals

13.1 An aggrieved party may appeal any decision of the Board under these Regulations to Oxford County Superior Court.

Amended By: Buckfield Planning Board
Amendment Date: April 13, 2013