

SECTION 8 – SUBDIVISION REVIEW

A. PURPOSE

The purpose of these standards shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community.

B. STATUTORY CRITERIA

In approving subdivisions within the Town of Sebago, Maine, the Planning Board shall evaluate the proposed subdivision. When reviewing a subdivision for approval, the Planning Board shall consider the following criteria set forth in M.R.S.A. Title 30-A, Section 4404, or as amended by State law, and, before granting approval, shall determine that:

1. **Pollution** – The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:
 - a. The elevation of the land above sea level and its relation to the flood plains
 - b. The nature of soils and subsoils and their ability to adequately support waste disposal
 - c. The slope of the land and its effect on effluents
 - d. The availability of streams for disposal of effluents
 - e. The applicable state and local health and water resource rules and regulations
2. **Sufficient water** – The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.
3. **Municipal water supply** – The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used.
4. **Erosion** – The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition may result.
5. **Traffic** – The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the 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 located outside the urban compact area of an urban compact municipality as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section.

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.
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.
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.
9. **Conformity with local ordinances and plans** – The proposed subdivision is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.
10. **Financial and technical capacity** – The subdivider shall have adequate financial and technical capacity to meet the standards of this section.
11. **Surface waters; outstanding river segments** – Whenever situated entirely or partially within the watershed of any pond or lake or within two-hundred-fifty (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.

Note: Subsection 11-A of the subdivision statute contains additional requirements for outstanding river segments, as defined in Section 4401, subsection 7. There are no outstanding river segments in Sebago.

12. **Ground water** – The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. **Flood areas** – Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the one hundred (100) year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the one hundred (100) year flood elevation.

14. **Freshwater wetlands** – All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.
15. **River, stream or brook** – Any river, stream or brook within or abutting 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, section 480-B, subsection 9.
16. **Storm water** – The proposed subdivision will provide for adequate storm water management.
17. **Spaghetti-lots prohibited** – No lot in any subdivision shall have a depth to width ratio greater than 5 to 1.
18. **Lake phosphorus 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.
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.
20. **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 five (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 five (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 thirty (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.

C. AUTHORITY AND ADMINISTRATION

1. AUTHORITY

- a. These Standards have been prepared in accordance with the provision of the Maine Revised Statutes, Title 30-A, Sections 4401-4407, as Amended.
- b. These Standards shall be known and may be cited as "Subdivision Standards of the Town of Sebago, Maine".

2. ADMINISTRATION

- a. The Planning Board of the Town of Sebago, hereinafter called the Board, shall administer these Standards.
- b. The provisions of these Standards shall pertain to all land within the boundaries of the Town of Sebago, Maine.

D. GENERAL REQUIREMENTS

The Planning Board's review of applications for the subdivision of land shall be subject to the following general requirements. In all instances, the burden of proof shall be upon the person proposing the subdivision.

- 1. **PROCEDURES FOR SUBDIVISION REVIEW** – Applications for subdivision approval shall be submitted to the Town on forms provided by the Town to the attention of the Town Planner in accordance with Sections 8.E (Sketch Plan), 8.F (Preliminary Plan) and 8.G (Final Plan).
- 2. **IMPACT ON SERVICES AND FACILITIES** – Any proposed subdivision shall be reviewed by the Board with respect to its effect upon existing services and facilities. The Final Plan shall include a list of the construction items that will be completed by the developer prior to the sale of lots and the list of construction and maintenance items that must be borne by the Town of Sebago, which shall include, but not be limited to:

- Schools, including busing
- Road maintenance and snow removal
- Public safety and emergency protection
- Recreation facilities
- Solid waste disposal

The Board shall further require the developer to provide reasonable cost estimates to the town for the above services, and the expected tax revenue of the subdivision.

3. RETENTION OF PROPOSED PUBLIC SITES AND OPEN SPACES

- a. Depending on the size and location of the subdivision, the Board may require the developer to provide up to ten percent (10%) of his total area for recreation or other town purposes. It is desirable that areas reserved for recreation be at least one acre in size and easily accessible from all lots within the subdivision.
- b. Land reserved for park and/or recreational purposes shall be of a character, configuration and location suitable for the particular use intended. A site to be used for active recreation purposes, such as a playground or a playfield, should be relatively level and dry, have a total frontage on one or more streets of at least two hundred (200) feet, and have no major dimensions of less than two hundred (200) feet. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board may deem suitable and shall have no less than twenty-five (25) feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.
- c. Where the proposed subdivision is located on a lake, pond, river, or stream, a portion of the waterfront area, when feasible, shall be included in the reserved land.

- 4. LANDSCAPE PLAN** – The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible.

- 5. DRAINAGE EASEMENTS** – Where a subdivision is traversed by a natural water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction, or both, as will assure that no flooding occurs and all storm water can be disposed of properly, such easement or right of way shall be wide enough to accommodate the situation.

6. RESIDENTIAL LOT STANDARDS

- a. Lots shall meet or exceed the minimum requirements per residential dwelling unit set forth in Section 4 (Schedule of Uses), Paragraph G (Dimensional Requirements) of this Ordinance.

- b. If more than one residential dwelling unit is constructed on a single parcel, the minimum lot size requirement shall be met for each dwelling unit.
- c. A lot abutting a lake, pond, river or stream shall have a minimum shore frontage of 150 feet, measured in a straight line between the two points of intersection of the side lot lines with the shorelines at normal high water elevation. A lot abutting a street or highway shall have a minimum frontage on said street or highway that complies with Section IV, Paragraph G of this Ordinance, measured in a straight line between the two points of intersection of the side lot lines with the sideline of said street or highway.
- d. Structures shall not cover more than twenty percent (20%) of any lot.
- e. This section shall not apply to any lot which prior to March 15, 1975 was specifically described as an identifiable and separate lot either in the instrument conveying such lot to the then owner or in a valid and enforceable agreement for purchase and sale or was shown on a plan recorded in accordance with the law, prior to March 15, 1975; provided that on and after March 15, 1975 if two or more lots or combination of lots and portions of lots with continuous frontage are in single ownership at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the land involved shall be considered to be an individual parcel for the purpose of this Ordinance and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of parcel be made which leaves the remaining frontage or area below the requirements stated in this Ordinance.
- f. This Ordinance shall not apply to any structure in existence and in place on or before November 28, 1977, which then or therefore disposed of wastes by means of subsurface waste disposal, except that no person shall reduce the size of the lot upon which said structure is located to a size or frontage less than allowed by M.R.S.A. Title 12, § 4807-B. No lot shall be comprised or more than fifteen percent (15%) unusable land.

E. SKETCH PLAN

1. PROCEDURE

- a. **Sketch Plan and Application** – The subdivider shall submit a Sketch Plan together with an Application for Subdivision Approval on a form provided by the Town to the attention of the Town Planner.
- b. **Fee** – The Sketch Plan and application shall be accompanied by the applicable fee established by the Select Board, payable to the Town of Sebago.

- c. **Dated Receipt** – Upon receiving an application, the Town will issue to the applicant a dated receipt. Within thirty (30) days from receipt of an application, the Town Planner will notify the applicant in writing whether additional information is required, in order to place the application on the agenda of a Planning Board meeting for a completeness determination. Upon receipt of such additional information, the Town Planner shall forward the application and Sketch Plan to the Planning Board for a determination whether the sketch plan and application are complete.

- d. **Planning Board Completeness Determination** – If the Town Planner determines that a Sketch Plan and application contain all the documentation required by this Ordinance, the Sketch Plan and application shall be placed on the agenda of a Planning Board meeting for a completeness determination. For subdivisions of five (5) or more lots, the applicant shall mail notice of the Planning Board meeting by certified U.S. mail, return receipt requested, to the owners of abutting and nearby properties described in Section 7.G.3 at least ten (10) days prior to the meeting. The Town Clerk shall publish notice of the meeting on the Town's website at least seven (7) days prior to the meeting. Prior to making a completeness determination, the Planning Board shall provide the public with an opportunity to comment on whether the application is complete. If the Planning Board determines that an application is not complete, it shall provide the applicant with an indication of the additional information that will be required in order for the application to be placed on the agenda of a subsequent Planning Board meeting. If the Planning Board determines that a Sketch Plan and application are complete, it shall notify the applicant.

- e. **Vote to Commence Substantive Review** – Once the Planning Board has determined that a Sketch Plan and application are complete, it shall adopt a vote to commence substantive review, either at the same or a subsequent meeting. Until such a vote has been taken, the Planning Board shall not engage in further discussion or review of the application.

2. SUBMISSIONS

- a. **Streets, Lots, Data** – The Sketch Plan shall show, in simple sketch form, neatly done, on a topographic map, the proposed layout of streets and lots. The Sketch Plan shall include the existing topographic data listed below, and all other data as the Board determines is necessary for its consideration of the proposed Sketch Plan.
 - 1. **Boundaries of Tract** – If the proposed subdivision is a portion of a larger tract then the boundary lines of the larger tract must be shown.

 - 2. **Easements** – location, width and purpose

3. **Streets** – Streets adjacent to the proposed subdivision showing right-of-way width, location and name
 4. **Underground Structures** – Culverts and other underground structures within the tract and immediately adjoining thereto
 5. **Utilities** – Existing utilities on and adjacent to the tract
 - a. Electric and telephone poles
 - b. Location and size of any proposed community sewage disposal system
 - c. Location of any proposed community water system and location of water main
 - d. Type of land use on and adjacent to the tract
 6. **Name** – Proposed name of the subdivision or identifying title
 7. **Misc.** – The date, north point, map scale, name and address of record owner and subdivider, and the names of adjoining property owners
 8. **Scale and Numbers of Copies** – The Sketch Plan shall be drawn to a scale of not less than one-inch equals 100 feet nor greater than one-inch equals 400 feet. At least seven copies shall be provided.
- b. **General Information** – General subdivision information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawing required above. This information shall include:
1. **Covenants** – Data on existing covenants
 2. **Descriptive Information** – Information describing the subdivision proposal such as:
 - a. Price range
 - b. Business areas
 - c. Proposed restrictions and conditions to be incorporated in the deed or otherwise recorded.
 3. **Owners of nearby property** – the names and addresses of the owners of abutting and nearby properties as described in Section 7.G.3.
 4. **Dead-End Streets**
 - a. Dead-end streets are defined as those that have a single outlet for vehicular traffic. A road system where the sole access is through a single intersection and where blockage of that intersection prevents access to the rest of the street. The point of terminus to determine the

length of the dead-end street is that point furthest from the sole point of access and that serves three (3) dwellings or more.

- b. Limiting new dead-end streets to a maximum length is an effective tool that can encourage compact development and help prevent habitat fragmentation.
- c. Maximum length of dead-end streets whether the streets meet the definition of major or minor streets shall not exceed 1500 feet, or the length required to serve up to 25 dwellings whichever comes first. The Planning Board may waive the maximum length required as stipulated if it finds that:
 - 1. Ten (10) dwellings or less will be served by the street,
 - 2. The road has a maximum length of two thousand feet (2000),
 - 3. The applicant has demonstrated that overall environmental impact by the development will not be reduced by the longer street.
- d. Any dead-end street in excess of one thousand (1000) feet in length shall meet mandatory requirements for the entire length of the dead-end street. Mandatory requirements shall include the placement of all utilities underground and a minimum pavement width of twenty-two (22) feet.
- e. The terminus of any dead-end street must have a cul-de-sac, with standards as listed in Sec. 5 table 5-1. Other types of turnarounds may be approved by the Planning Board after receiving a recommendation by the Fire/EMS Chief and the Public Works Director.
- f. Sebago has many pre-existing dead-end streets that predate any formal review process. This section is intended to identify those by name and to not preclude development of new dead-end extensions that would otherwise be prohibited: Peabody Pond Road, Anderson Road, Woods Road, Northwest River Road and Barker Pond Rd.

F. PRELIMINARY PLAN

1. PROCEDURE

- a. **Deadline for Submission** – Within six (6) months after receipt of a completed Sketch Plan by the Board, the subdivider shall submit a Preliminary Plan for the subdivision. to the Town to the attention of the Town Planner with the applicable fee established by the Select Board. Within thirty (30) days of receipt of the Preliminary Plan, the Town Planner shall notify the applicant if the Preliminary Plan is sufficient

for placement on the agenda of a Planning Board meeting, and, if not, shall provide the applicant with an indication of the additional information that will be required. Upon a determination by the Town Planner that the Preliminary Plan contains all the documentation required by this Ordinance, the Preliminary Plan shall be placed on the agenda of a Planning Board meeting for a completeness determination and a public hearing. Failure to submit a Preliminary Plan within six (6) months shall require re-submission of the Sketch Plan to the Board for review. The Preliminary Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Board.

- b. **Fee** – The Preliminary Plan shall be accompanied by a fee established by the Select Board, payable to the Town of Sebago. In addition, the applicant shall pay into an escrow account such amount as may be required by the Planning Board, to be deposited in an account by the Town. The escrow account funds shall be used by the Board to pay for professional reviews and advice relating to the developer's application. Whenever the balance in this special account shall be depleted by seventy-five percent (75%), the Board may notify the applicant of the expenditures and require an additional payment to be deposited as necessary. Until this balance is replenished, the Board shall take no further action on the subdivision. Any balance in the account remaining after all inspections are completed and the Planning Board renders its final decision on the application shall be returned to the applicant.
- c. **Board Meeting** – The subdivider, or his duly authorized representative, shall attend the Board meeting and public hearing on the Preliminary Plan.
- d. **Public Hearing** –When a public hearing on a Preliminary Plan has been placed on the agenda of a Planning Board meeting, the applicant shall mail notice by certified U.S. mail, return receipt requested, to abutting and nearby property owners in accordance with Section 7.G.3 at least ten (10) days prior to the public hearing. The applicant shall also cause notice of the public hearing to be published in the Bridgton News at least seven (7) days prior to the hearing. The Town Clerk shall post a notice of the public hearing on the Town's website at least seven (7) days prior to the hearing. The applicant shall provide evidence to the Planning Board that the required notices have been mailed and a copy of the notice published in the Bridgton News. The notification shall describe the subject matter of the public hearing. Failure to receive this notice shall not invalidate the proceedings herein prescribed.
- e. **Board Action on the Plan** – The Board shall, within thirty (30) days of the close of the public hearing, or within such other time limit as may be otherwise mutually agreed to, grant preliminary approval with or without modifications, or disapprove such Preliminary Plan. The reasons for any modification required or the grounds for disapproval shall be stated in the Board's decision and a copy will be provided to the subdivider.

- f. **Conditions** – When granting approval to a preliminary plan the Board shall state the conditions of such approval, if any with respect to:
1. **Required Changes** – The specific changes which it will require in the Final Plan.
 2. **Required Improvements** – The character and extent of the required improvements for which waivers may have been requested and which, in its opinion, may be waived without jeopardy to the public health, safety and general welfare.
 3. **Amount of Improvements or Bonds** – The amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the final subdivision plan. The decision of the Board, plus any conditions imposed shall be noted on three (3) copies of the preliminary plan by the Chairman of the Board in black ink. One copy shall be returned to the subdivider and the remaining two copies retained by the Board.
- g. **Limitations of Preliminary Plan Approval** – Approval of a preliminary plan shall not constitute approval of the Final Plan, but rather it shall be deemed as an expression of approval of the design submitted on the preliminary plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Board upon fulfillment of the requirements of these standards and the conditions of the preliminary approval, if any. Prior to approval of the final subdivision plan, the Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at a public hearing.

2. SUBMISSIONS

- a. **Location Map** – The preliminary plan shall be accompanied by a location map drawn at a scale of not over four hundred (400) feet to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The location map shall show:
1. **Area within 100 Feet** – All the area within one hundred (100) feet of any property line of the proposed subdivision showing:
 - a. All existing subdivision and approximate tract lines of acreage parcels together with names of the record owners of all parcels of land within such area.
 - b. The boundaries and designations of parks and other public spaces.
 - c. An outline of the proposed subdivision together with its street system and an indication of the future probable street system of

the remaining portion of the tract, if the preliminary plan submitted covers only part of the subdivider's entire holding.

b. Preliminary Plan – The subdivider shall submit seven (7) copies of each map or drawing, which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to a scale of not more than one hundred (100) feet to the inch (preferably forty (40) to the inch), showing or accompanied by the following information:

1. **Sketch Plan Information** – All existing information provided as part of the Sketch Plan.
2. **Acres** – Number of acres within the proposed subdivision.
3. **Lots and Buildings** – Proposed lot lines with approximate dimensions, lot numbers, areas in square feet and suggested locations of buildings.
4. **Easements and Watercourses** – Proposed easements and existing watercourses and proposed watercourses.
5. **Contour Lines** – Contour lines at intervals of not more than five (5) feet or at such other intervals as the Board may require.
6. **Roadway Cross Sections** – Typical cross sections of the proposed grading for roadway including width, type of pavement, elevations and grades.
7. **Water Supply** – Connections with existing or proposed water supply or alternative means of providing water supply to the proposed subdivision.
8. **Sewage Treatment System** – Connection with existing or proposed sanitary sewerage system or alternative means of treatment and disposal proposed.
9. **Private Sewage Disposal** – If a private sewage disposal system is proposed, location and results of tests to ascertain sub-surface soil and ground water conditions, depth to maximum ground water level, location and results of soil test. Location of test pits for subsurface wastewater disposal systems shall be dug in the area where this system would most likely be placed. At the option of the Board, an alternate test pit may be required.
10. **Drainage Plan** – Provisions for a drainage plan and certification by a professional engineer that the change in hydrologic conditions will not cause flood damage to public or private property.

11. **Bridges and Culverts** – Preliminary designs of any bridges or culverts which may be required.
12. **Temporary Markers** – The location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field.
13. **Parcels for Public Use** – All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
14. **Features to be Preserved** – The location of all natural features or site elements to be preserved.
15. **Soil Report** – A soils report identifying the soils boundaries and name in the proposed subdivision with the soils information superimposed upon the plot plan in accordance with the USDA Soil Conservation Service National Cooperative Soil Classification. A lot by lot soils suitability determination for house building with septic sewage disposal or, if appropriate, house building with public sewage disposal, shall be made in accordance with the Soil Suitability Guide for Land Use Planning in Maine and will accompany the plot plan soils study.
16. **Erosion Plan** – A soil erosion and sediment control plan shall be prepared in accordance with the guidelines of the Cumberland County Soil and Water Conservation Commission.
17. **Certification** – Certification by a registered professional engineer that all survey, deed and supporting information accurately reflects the true conditions existing on the proposed subdivision.

G. FINAL PLAN

1. PROCEDURE

- a. **Deadline for Submission** – The subdivider shall, within six (6) months after the approval of the Preliminary Plan, file with the Town to the attention of the Town Planner an application for approval of the final subdivision plan in the form described herein with the applicable fee established by the Select Board. Within thirty (30) days of receipt of the Final Plan, the Town Planner shall notify the applicant if the Final Plan contains all of the documentation required by this Ordinance, and if not, shall provide the applicant with an indication of the additional information that will be required. Upon a determination by the Town Planner that the Final Plan contains all the documentation required by this Ordinance, the Final Plan shall be placed on the agenda of a Planning Board meeting for a completeness determination. The Planning Board may schedule a public hearing on the Final Plan. If a public hearing is scheduled, the applicant and the Town Clerk shall follow

the same notice requirements as those required for the hearing on the Preliminary Plan under Section 8.F.1.d If the Final Plan is not submitted to the Board within six (6) months after the approval of the Preliminary Plan, the Board may refuse to act on the Final Plan and require resubmission of the Preliminary Plan.

b. Prior Approval of State Required – If the proposed subdivision:

1. **Larger than 10 Acres** – Occupies a land area in excess of ten (10) acres, and/or
2. **60,000 square feet** – Involves a structure or structures, having in excess of sixty thousand (60,000) square feet of ground area coverage, and/or
3. **License** – Requires a license from the Maine Department of Environmental Protection under some other regulation such as waste discharge or air quality, and/or
4. **Other DEP Jurisdiction** – In any other way falls within the jurisdiction of and is subject to review by the State of Maine Department of Environmental Protection.

Then the approval of the State of Maine Department of Environmental Protection, if required, shall be secured in writing before official submission of the Final Plan.

c. Water Supply System – Water supply system proposals contained in the subdivision plan shall be approved in writing by:

1. **Servicing Water Department** – The servicing water department if existing or proposed public water service is to be used, or
2. **DHHS** – The State of Maine Department of Health and Human Services if the subdivider proposes to provide a central water supply system, or
3. **Engineer** – A civil engineer registered in the State of Maine if individual wells serving each building site are to be used. The Board may also require the subdivider to submit the results of water quality tests as performed by the State of Maine Department of Health and Human Services.

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

- d. **Sewage Disposal System** – Sewage disposal system proposals contained in the subdivision plan shall be properly endorsed and approval in writing by:
1. **Servicing District** – The servicing sanitary sewer district if existing or proposed public disposal systems are to be used, or
 2. **DHHS** – The State of Maine Department of Health and Human Services if a separate central sewage collection and treatment system is to be utilized.
 3. **Local Plumbing Inspector** – The local plumbing inspector if individual subsurface wastewater disposal systems are to be installed by the builder.

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

- e. **Board Action on the Plan** – The Board shall, within thirty (30) days of the close of a public hearing, or within sixty (60) days of the Planning Board determining that it has received a complete application, if no hearing is held, or within such other time limit as may be otherwise mutually agreed to, approve, modify and approve, or disapprove the Final Plan. The reasons for any modification required or the grounds for disapproval shall be stated in the Board's decision and a copy will be provided to the subdivider.

2. SUBMISSIONS

- a. **Final Plan** – The Final Plan shall be submitted with three Mylar originals and seven (7) copies (including one sepia print), of each map or drawing, together with two (2) copies of any attachments required for approval. All maps and drawings shall be printed or reproduced in the same manner as the preliminary plan. Space shall be reserved thereon for endorsement by all appropriate agencies. The Final Plan submissions must be received by the Planning Board at least two weeks in advance of the meeting at which it is to be considered. The Final Plan shall show:
1. **Preliminary Plan Information** – All of the information presented on the preliminary plan, location map and any amendments thereto suggested or required by the Board.
 2. **Professional Credentials and Seal** – The name, registration number and seal of the land surveyor or engineer or planning consultant who prepared the plan.
 3. **Street Names and Walkways** – Street names and pedestrian ways

4. **Bearings and Lengths of Lines** – Sufficient data to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Parting lines of all lands adjoining the subdivision shall be shown.
 5. **Street Data** – The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearing for each street.
 6. **Lot Numbers** – Lots within the subdivision numbered as prescribed by the Board.
 7. **Public Spaces** – All public open space for which offers of cession are made by the subdivider and those spaces to which title is reserved by him.
 8. **Reference Monuments** – Permanent reference monuments shown thus: “X”. They shall be constructed and placed in accordance with specifications herein, and their location noted and referenced upon the Final Plan.
 9. **Landscaping Program** – The plan shall indicate the proposed landscaping program of the subdivider.
- b. **Additional Information** – There shall be submitted to the Board with the Final Plan:
1. **Offers of Cession and Agreements** – Written offers of cession to the Town of Sebago of all public open space shown on the plan, and copies of agreements or other documents showing the manner in which spaces, title to which is reserved by the subdivider, are to be maintained.
 2. **Subdivision Roads to Remain Private** – Subdivision roads are to remain private unless accepted by the Town.
 3. **Covenants, Restrictions, Conditions** – Written statement of covenants, restrictions and conditions to be incorporated in any deed or separate instrument to be recorded in the Cumberland County Registry of Deeds, having reference to any conveyance of land as delineated on said Final Plan by the subdivider.

3. FINAL APPROVAL AND FILING

- a. **Approval of All or a Portion of the Plan** – Upon completion of the requirements as set forth in Paragraphs E (Sketch Plan) and F (Preliminary Plan), the Board shall have the option under the guidelines of the Ordinance, of approving the

Final Plan in its entirety or a portion of the Final Plan. The Mylar original of the Final Plan approved shall be properly signed by a majority of the members of the Board, using black ink.

- b. **Division of Plan into Sections** – In the event the Board exercises its option to approve only a portion of lots, the Board may permit the plan to be divided into one or more sections subject to any conditions of the plan. In this event, each section shall be considered an individual Final Plan. In these circumstances, application for Final Plan approval on the remaining sections of the plan must be made with two (2) years of approval of the first section or a period of time mutually agreed to by the Board and the subdivider.
 - c. **Disposition of Signed Copies** – As each Final Plan has the approval entered upon it, one (1) copy of the plan shall be returned to the subdivider. The other copies shall be retained by the Board, two (2) copies of which shall be maintained in the subdivision plan file and the third copy given to the Town Clerk.
 - d. **Recording** – Within ninety (90) days of Final Approval, the subdivider or his agent shall record the subdivision in the Cumberland County Registry of Deeds and shall submit a copy of the Plan to the Town, with a copy of the receipt for recording. Filing time extensions of up to two ninety (90) day periods may be granted by the Board with justification provided by the subdivider and accepted by the Board. Failure to comply with this requirement shall render the subdivision null and void.
- 4. **PLAN REVISIONS AFTER APPROVAL** – No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing on the plan, unless the plan is first re-submitted and the Board approves any modification. In the event that a Final Plan is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the plan stricken from the records of Selectmen and the Cumberland County Registry of Deeds.
- 5. **RESUBDIVISION** – There shall be no re-subdivision of any lot for a period for five (5) years from the date of approval of the Final Plan. After that period, any re-subdivision of a lot shown on an approved plan shall require Planning Board approval of an amendment to the prior plan. The developer shall note this restriction on all deeds.
- 6. **PUBLIC ACCEPTANCE OF STREETS, RECREATION AREAS** – The approval of the Board of the subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the Town of Sebago, Maine, of any street, easement, park, playground or other open space shown on said plan.

H. PERFORMANCE GUARANTEES

1. **REQUIREMENT** – The subdivider shall, in any amount set by the Board, file with the Town Clerk prior to the approval of the Final Plan, a performance guarantee in the form of a certified check payable to the Town of Sebago or a irrevocable letter of credit running to the Town of Sebago to cover the full costs of required improvements. Any such letter shall be satisfactory to the Board as to form, sufficiency, manner of execution and surety. The certified check or bond shall include an amount required for recreation land or improvements as specified.
2. **BOND TIME** – A period of two (2) years (or such period as the Board may determine appropriate, not to exceed three years) shall be set forth in the bond time within which required improvements must be completed.
3. **INSPECTION OF REQUIRED IMPROVEMENTS**
 - a. **Required Notification** – At least fourteen (14) days prior to commencing construction of required improvements, the subdivider shall notify in writing the Code Enforcement Officer and the Road Commissioner of the time when he proposes to commence construction of such improvements so that the Code Enforcement Officer and the Road Commissioner can cause inspection to be made to assure that all specifications and requirements shall be met during the construction of the required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.
 - b. **Payment of Inspection Fee** – If funds are not sufficient in the subdivision review account, at least five (5) days prior to commencing construction of required improvements the subdivider shall pay an inspection fee equal to the estimated cost of inspection by an engineer appointed by the Board payable by check to the Town of Sebago stating the purpose of the fee. If the actual cost exceeds the estimated costs, subdivider shall pay this difference at the completion of project. If the actual cost is less than the fee deposited by the subdivider, this difference will be returned to the subdivider at the completion of the project.
 - c. **Failure to Meet Construction Requirements** – If the inspector shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Board. The Board shall then notify the subdivider and if necessary, the bonding company and take all necessary steps to preserve the municipality's rights under the bond. No plan shall be approved by the Board as long as the subdivider is in default on a previously approved plan.
 - d. **Modification of Required Improvements** – If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the inspector that unforeseen conditions make it necessary or preferable to

modify the location or design of such required improvements, the inspector may, upon written approval of the Board, authorize modifications, provided these modifications are within the spirit and intent of the Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The inspector shall issue an authorization under this section in writing and shall transmit a copy of such authorization to the Board at its next regular meeting.

- e. **Two-Year Time Limit** – If substantial construction of at least ten percent (10%) of the estimated cost has not begun within two years from the approval date, the approval shall lapse and the applicant shall reapply to the Board for a new approval. Reapplication for approval shall state the reasons why construction was not begun and the reasons why the applicant will be able to begin the activity within two (2) years from the granting of a new approval, if granted. Reapplication for approval may include information submitted in the initial application by reference.

- 4. **RELEASE OF GUARANTEE** – Before the Board votes to release any guarantee of the subdivider, the Board shall determine that the subdivision requirements have been fulfilled. Such determination shall be a written certification presented to the Board from the following:

- a. **Land Surveyor** – A registered land surveyor-acceptable to the Board and the subdivider, and paid for by the subdivider, that all permanent bounds or monuments on street lines and on lot lines (if such monuments are required) have been installed and are accurately in place in the location designated on the Final Plan.
- b. **Release of Guarantee** – Upon completion of street construction, and prior to a vote of acceptance by the Planning Board as a completed project, a written certification signed by a professional engineer shall be submitted at the expense of the applicant, certifying that the proposed project meets or exceeds the design and construction requirements of these regulations. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. "As built" plans shall be submitted prior to any final acceptance.

I. **DESIGN STANDARDS AND SPECIFICATIONS**

1. **MONUMENTS**

- a. **Granite Monuments** – Granite monuments 4" in diameter or square, 3' long with a flat top shall be set at all street corners, at all points where the street line intersects the exterior of the subdivision, at angle points and points of curves in each street and at all corners and angle points of the subdivision boundaries.

The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade.

- b. **Iron Marker** – All other lot corners shall be marked with an iron rebar not less than 5/8" in diameter and 24" long and driven so as to be flush with the finished grade.

2. STREET SIGNS

- a. **Requirements for Names** – Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality and shall be subject to the approval of the Board.
- b. **Name Signs** – Street name signs shall be furnished and installed by the subdivider. The type, size and location shall be to the approval of the Board.

3. STREETS

[See Section 5 (Land Use Standards) – #32 (Streets)]

- 4. **SIDEWALKS** – The Board may require the subdivider to install sidewalks at such locations as the Board may deem necessary. In the event the subdivider is required to install sidewalks, the installation shall be done at the subdivider's expense.

5. SURFACE DRAINAGE

- a. **Drainage Easement** – Where a subdivision is traversed by a watercourse, drainage way or future sewer line or where the Board feels that surface water drainage to be created by the subdivision should be controlled for the protection of the subdivision and owners of property abutting it, there shall be provided an easement or drainage right-of-way and culverts, catch basins or other means of channeling surface water within such subdivision and over the property of owners abutting upon it, of such nature, width and location as the Board deems adequate.
- b. **Topsoil Requirement** – Topsoil shall be considered part of the subdivision. Except for surplus topsoil from roads, parking areas and building excavations, it is not to be removed from the site.
- c. **Vegetation Requirement** – Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. The Board may require a developer to take measures to correct and prevent soil erosion in the proposed subdivision.