

Subdivision Ordinance Adopted July 28th, 1999

Changes to the Proposed Town of Randolph Subdivision Ordinance as a result of Public Hearing June 16th, 1999

Section 11.6. Sewage Disposal;

Existing: Any subdivision within the service area of the Randolph Wastewater System shall be connected to the public system.

New: Hookups to the Randolph Wastewater system shall be installed where required by Article 3, Section 4, of the Town of Randolph Sewer Use Ordinance (1981, or as amended).

Section 12.3. Impact on Scenic, Historic, or Environmental Features

New sec. 12.3.D, as follows:

D. Construction on Steep slopes. No Construction of roads, buildings, or other improvements shall occur on slopes in excess of 25 percent. The Planning Board may waive this standard if it finds that the area of greater than 25 percent slope is less than 20,000 square feet in extent and has no direct influence on a surface water body.

ARTICLE 1 - PURPOSES

The purposes of this ordinance are:

- 1.1 To provide for an expeditious and efficient process for the review of proposed subdivisions;
- 1.2 To clarify the approval criteria of the state Subdivision Law, found in Title 30-A M.R.S.A., s4404;
- 1.3 To assure new development in the Town of Randolph meets the goals and conforms to the policies of the Comprehensive Plan;
- 1.4 To assure the comfort, convenience, safety, health and welfare of the people of the Town of Randolph;
- 1.5 To protect the environment and conserve the natural and cultural resources identified in the Randolph Comprehensive Plan as important to the community;
- 1.6 To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures;
- 1.7 To minimize the potential impacts from new subdivisions on neighboring properties and on the municipality; and
- 1.8 To promote the development of an economically sound and stable community.

ARTICLE 2: AUTHORITY AND ADMINISTRATION

2.1 Authority.

- A. This ordinance has been prepared in accordance with the provisions of Title 30-A M.R.S.A., s4403, and adopted by the Town Meeting of the Town of Randolph, hereinafter called the "Town."
- B. This ordinance shall be known and may be cited as "Subdivision Ordinance of the Town of Randolph , Maine."

2.2 Administration.

- A. The Planning Board of the Town of Randolph, hereinafter called the "Board," shall administer this ordinance.
- B. The provisions of this ordinance shall pertain to all land and buildings proposed for subdivision within the boundaries of the Town of Randolph.

2.3 Amendments

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

ARTICLE 3: DEFINITIONS

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

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

Average Daily Traffic (ADT): The average number of vehicles per day that enter and exit a premise or travel over a specific section of road. For the purpose of this ordinance, a single-family, detached home can be expected to produce 10 ADT. Other land uses shall be based on predicted values from Trip Generation, published by the Institute of Transportation Engineers, or actual observation.

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

Common Open Space: Land within a subdivision, not individually owned or within an individual lot, which is designed and intended for the common use or enjoyment of the residents of the development or the general public.

Complete Application: Submission of the required fee and all information required by this ordinance, unless waived by a vote by the Board. A complete application is determined by the Board and evidenced by written statement to the applicant that an application is complete.

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

Comprehensive Plan: The 1996 Comprehensive Plan for The Town of Randolph.

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

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

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

Dwelling Unit: A room or suite of rooms used as a habitation which is separate from other such

rooms or suites of rooms, and which contains independent living, cooking, and sleeping facilities; includes single family houses, and the units in a duplex, apartment house, multifamily dwellings, and residential condominiums.

Engineered Subsurface Waste Water Disposal System: A subsurface waste water disposal system designed, installed, and operated as a single unit to treat 2,000 gallons per day or more; or any system designed to treat waste water with characteristics significantly different from domestic waste water.

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

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

100-Year Flood: The highest level of flood that, on the average, has a one percent chance of occurring in any given year. The floodplain is as indicated on the Flood Insurance Rate Maps for the Town of Randolph, unless actual observation of on-site conditions indicates otherwise.

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

Level of Service: A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the Highway Capacity Manual, 1991 edition, published by the National Academy of Sciences, Transportation Research Board. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

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

Municipal Inspector: The Code Enforcement Officer, Public Works Commissioner, or any registered professional engineer hired or retained by the Town of Randolph, either as staff or on a consulting basis.

Open Space Subdivision: A subdivision in which the lot sizes are reduced below those normally required in the district in which the development is located in return for the provision of permanent

open space.

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

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

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

Public Water System: A water supply system that provides water to at least 15 service connections or services water to at least 25 individuals daily for at least 30 days a year. The term shall include both the Gardiner Water District and any privately-developed system within the Town.

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

Sight Distance: The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in this ordinance as a reference for unobstructed road visibility. Sight distance shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curblineline or edge of shoulder, with the height of the eye 3 ½ feet, to the top of an object 4 ¼ feet above the pavement.

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

Street: Public and private ways such as alleys, avenues, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access other than driveways.

Arterial Street: A major thoroughfare which serves as a major traffic way for travel between and through the town. Water Street, Windsor Street, and Kinderhook Road are arterial streets

Collector Street: A street with average daily traffic of 200 vehicles per day or greater, or which serve as a feeder to arterial streets, and collector of traffic from minor streets.

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

Residential Street: A street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.

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

Subdivision: The division of a tract or parcel of land into 3 or more lots within any 5-year period, that begins after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. 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.

In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of such tract or parcel shall be considered to create the first 2 lots and the next dividing of either of the first 2 lots, by whomever accomplished, unless otherwise exempted herein shall be considered to create a third lot, unless: a) Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence or for open space land as defined in Title 36 M.R.S.A., s1102 for a period of at least 5 years before the second dividing occurs; or b) The division of the tract or parcel is otherwise exempt under this definition. A lot of 40 or more acres shall not be counted as a lot, except where the lot or parcel from which it was divided is located entirely or partially within any shoreland area as defined by Randolph's Shoreland Zoning Ordinance.

A division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption or a gift to a municipality or by transfer of any interest in land to the owner of land abutting that land does not create a lot or lots for the purposes of this ordinance, unless the intent of the transferor in any transfer or gift is to avoid the objectives of this ordinance. If real estate exempt under this paragraph by a gift to a person related to the donor by blood, marriage or adoption is transferred within 5 years to another person not related to the donor of the exempt real estate by blood, marriage or adoption, then the previously exempt division creates a lot or lots for the purposes of this definition. The grant of bona fide security interest in an entire lot that has been exempted from the definition under this paragraph, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this ordinance.

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.

Subdivision, Major: Any subdivision containing more than four lots or dwelling units, or any subdivision containing a proposed street.

Subdivision, Minor: Any subdivision containing four lots or dwelling units or less, and in which no street is proposed to be constructed.

Subdivision, Commercial: Any subdivision in which one or more of the lots or units is intended primarily for the conduct of manufacturing, service, or other form of business or commerce.

Tract or Parcel of Land: All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

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

Wetland: Areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and are not part of a river, stream or brook. Wetlands may contain small stream channels or inclusions of land that do not conform to the above criteria.

ARTICLE 4: PLANNING BOARD REVIEW OF SUBDIVISIONS

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

ARTICLE 5: PREAPPLICATION SKETCH PLAN

5.1 Purpose

The purpose of the preapplication sketch plan and on-site inspection is for the applicant to present general information regarding the proposed subdivision to the Board and ascertain the requirements that may be placed on him by the Town prior to the expenditure of substantial sums of money on surveying, soils identification, and engineering.

5.2 Procedure

- A. The applicant shall present the Preapplication Sketch Plan and make a verbal presentation regarding the site and the proposed subdivision to the Board.
- B. Following the applicant's presentation, the Board may ask questions and make suggestions to be incorporated by the applicant into the application.
- C. The date of the on-site inspection is selected.

5.3 Submission

The Preapplication Sketch Plan shall show in simple sketch form the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The Sketch Plan, which may be a free-hand penciled sketch, should be supplemented with a general description of the existing conditions of the site and the proposed development. It will be most helpful to both the applicant and the Board for site conditions such as steep slopes, wet areas and vegetative cover to be identified in a general manner. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the assessor's map(s) on which the land is located.

The Sketch Plan shall be accompanied by:

- A. A copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision unless the proposed subdivision is less than ten acres in size.
- B. A copy of that portion of the county soil survey covering the proposed subdivision, showing the outline of the proposed subdivision..c.

5.4 Contour Interval and On-Site Inspection.

Within thirty days of the preapplication meeting, the Board shall hold an on-site inspection of the property and inform the applicant in writing of the contour interval it will require on the subdivision plan. Prior to the inspection, the applicant shall place flagging at the centerline of any proposed

streets, and at the approximate intersections of the street center lines and lot corners, prior to the on-site inspection. The Board shall not conduct on-site inspections when there is more than one foot of snow on the ground.

5.5 Rights not Vested;

The preapplication meeting, the submittal or review of the sketch plan or the on-site inspection shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1 M.R.S.A., s302.

5.6 Establishment of File

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

ARTICLE 6: MINOR SUBDIVISION

6.1 General

The Board may require, where it deems necessary to make a determination regarding the criteria for approval from Title 30-A M.R.S.A., s.4404, or the standards from Article 11 of this ordinance, that a Minor Subdivision comply with some or all of the submission requirements for a Major Subdivision.

6.2 Procedure

- A. Within six months after the on-site inspection by the Board, the applicant shall submit an application for approval of a minor subdivision plan. Applications shall be submitted by mail to the Board in care of the Randolph town office or delivered by hand to the office and must be received within seven days of the Board's scheduled meeting. Failure to submit the application within six months shall require resubmission of the Sketch Plan to the Board. The plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.
- B. All applications for a Minor Subdivision shall be accompanied by a non-refundable application fee of \$25 per lot or dwelling unit, payable by check to the Town of Randolph. If a public hearing is deemed necessary by the Board, the applicant shall be billed and liable for the costs of advertising and notification over and above the application fee.
- C. The applicant, or his duly authorized representative, shall attend the meeting of the Board to present the final plan. Failure to attend the meeting to present the final plan shall result in a delay of the Board's consideration of the plan until the next meeting which the applicant attends.
- D. At the meeting at which an application for approval of a minor subdivision is initially presented, the Board shall:
 - 1. Issue a dated receipt to the applicant.
 - 2. Notify in writing all owners of property within 200' of the proposed subdivision, specifying the parcel to be divided and including a general description of the project.
 - 3. Notify the clerk and the review authority of Chelsea or Pittston if any portion of the subdivision abuts or crosses their boundary.
- E. Within thirty days of the receipt of the final plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.
- F. The Board shall determine whether to hold a public hearing on the final plan application. The public hearing, if necessary shall be held within thirty days of the determination of a complete application. The Board shall cause to be published a notice of the date, time and

place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. A copy of the notice shall be mailed to the applicant and owners of property within 200' of the parcel.

- G. Within thirty days of the public hearing or within sixty days of determining a complete application has been received, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact and conclusions relative to the criteria contained in Title 30-A M.R.S.A., s.4404 and the standards of Article 11. If the Board finds that all the criteria of the Statute and the standards of Article 11 have been met, they shall approve the plan. If the Board finds that any of the criteria of the statute or the standards of Article 11 have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the criteria and standards will be met by the subdivision. The Board shall issue a written notice of its decision to the applicant, including its findings, conclusions and any reasons for denial or conditions of approval.

6.3 Submissions

The minor subdivision plan application shall consist of the following items:

- A. Completed Town of Randolph Subdivision Application Form
- B. Location Map, drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The location map shall show: existing subdivisions in the proximity of the proposed subdivision; Locations and names of existing and proposed streets; Boundaries and designations of zoning districts; An outline of the proposed subdivision and any remaining portion of the owner's property if the final plan submitted covers only a portion of the owner's entire contiguous holding.
- C. Final Plan:

The subdivision plan for a Minor Subdivision shall consist of two reproducible, stable-based transparencies, one to be recorded at the Registry of Deeds, the other to be filed at the municipal office, and three copies of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. The reproducible transparencies shall be embossed with the seal of the individual responsible for preparation of the plan. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border lines on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. Three copies of all information accompanying the plan shall be submitted. In addition, one copy of the Plan(s) reduced to a size of 8 ½ by 11 inches or 11 by 17 inches, and all accompanying

information shall be mailed to each Board member no less than seven days prior to the meeting.

D. **Application Requirements.** The application for approval of a Minor Subdivision shall include the following information. The Board may require additional information to be submitted, where it finds necessary in order to determine whether the criteria of Title 30-A M.R.S.A., s.4404 are met.

1. Verification of right, title, or interest in the property.
2. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel shall be located on the ground and marked by monuments. The plan shall indicate the type of monument found or to be set at each lot corner.
3. A copy of the most recently recorded deed for the parcel, showing all existing restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
4. A copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
5. An indication of the type of sewage disposal to be used in the subdivision.
 - a. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the Gardiner Sewer District, stating that the district has the capacity to collect and treat the waste water, shall be provided.
 - b. When sewage disposal is to be accomplished by subsurface waste water 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.
6. An indication of the type of water supply system to be used in the subdivision.
 - a. When water is to be supplied by the Gardiner Water District, a written statement from the district shall be submitted indicating that there is adequate supply and pressure for the subdivision and that the district approves the plans for extensions where necessary. Where the district's supply line is to be extended, a written statement from the fire chief, stating approval of the location of fire hydrants, if any, and a written statement from the district approving the design of the extension shall be submitted.
 - b. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.
7. The date the plan was prepared, north point, and graphic map scale.

8. The names and addresses of all landowners within 200 feet of the property boundaries.

9. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features. The location of any trees larger than 24 inches in diameter at breast height shall be shown on the plan. On wooded sites, the plan shall indicate the area where clearing for lawns and structures shall be permitted and/or any restrictions to be placed on clearing existing vegetation.

10. The location of all rivers, streams and brooks within or adjacent to the proposed subdivision, and the location and boundaries of any wetland, regardless of size.

11. Contour lines at the interval specified by the Board, showing elevations in relation to mean sea level.

12. The location of any zoning boundaries affecting the subdivision.

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 present widths of existing streets and highways, and existing and proposed easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established.

15. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the Town of all public open spaces shown on the plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the applicant or lot owners are to be maintained shall be submitted.

16. 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, as depicted on the Town's Flood Insurance Rate Map, shall be delineated on the plan.

17. For commercial subdivisions only, an estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from Trip Generation Manual, 1991 edition, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.

18. For commercial subdivisions involving 40 or more parking spaces or projected to generate more than 400 vehicle trips per day, a traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic engineering, shall be submitted. The analysis shall

indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.

19. A storm water management plan, prepared by a registered professional engineer in accordance with the Stormwater Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection (1995). The Board may not waive submission of the storm water management plan unless the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

20. An erosion and sedimentation control plan prepared in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, March 1991. The Board may not waive submission of the erosion and sedimentation control plan unless the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

21. The location and method of disposal for land clearing and construction debris.

ARTICLE 7: PRELIMINARY PLAN FOR MAJOR SUBDIVISION

7.1 Procedure

- A. Within six months after the on-site inspection by the Board, the applicant shall submit an application for approval of a preliminary plan. The application shall be submitted at least seven days prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Board in care of the town office or delivered by hand to the town office. Failure to submit an application within six months shall require resubmission of the Sketch Plan to the Board. The preliminary plan shall approximate the layout shown on the Sketch Plan, incorporating any recommendations made by the Board.
- B. All applications for preliminary plan approval for a Major Subdivision shall be accompanied by a non-refundable application fee of \$25 per lot or unit, payable by check to the Town of Randolph. In addition, the applicant shall fund a special account in the amount of \$25 per lot or unit designated for that subdivision application, to be used by the Board for advertising and notification, and for hiring professional expertise to assist in reviewing the application. If the balance in this special account is drawn down by 75%, the Board shall notify the applicant, and require an additional \$25 per lot or dwelling unit. Any balance in the account remaining after a decision on the final plan application shall be returned to the applicant.
- C. The applicant, or his duly authorized representative, shall attend the meeting of the Board to present the preliminary plan application. If the applicant or his representative fail to attend

the meeting, the Board shall delay any action on the preliminary plan application, including acknowledging receipt of the application, until the next meeting that the applicant attends.

- D. Following the meeting at which an application is initially presented, the Board shall:
1. Issue a dated receipt to the applicant.
 2. Notify in writing all owners of property within 200' of the proposed subdivision that an application has been submitted, specifying its location and including a general description.
 3. Notify the clerk and Planning Board of Chelsea or Pittston if any portion of the subdivision abuts or crosses their municipal boundary.
 4. Notify the public works director, school superintendent, water district, constable, and fire chief of the size and construction characteristics of any multi-family, commercial or industrial buildings and request that these officials comment upon the adequacy of their existing capital facilities to service the proposed subdivision.
 5. Within thirty days, determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.
- F. Upon determination that a complete application has been submitted for review, the Board shall schedule a public hearing on the preliminary plan application. The Public Hearing shall be held within thirty days of the determination. The Town shall publish a notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. A copy of the notice shall be mailed to the applicant.
- G. Within sixty days of determining a complete application has been received, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact, and approve, approve with conditions, or deny the preliminary plan application. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.
- 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. Required improvements for which waivers may have been requested and which the Board finds may be waived without jeopardy to the public health, safety, and general welfare; and
 3. The construction items for which cost estimates and performance guarantees will be required as prerequisite to the approval of the final plan.
- I. Approval of a preliminary plan shall constitute only an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval by the Board upon fulfillment of the requirements of this ordinance and the conditions of preliminary approval, if any. Prior to the approval of the final plan, the Board may require that additional information be submitted and changes in the plan be made as a result of further study of the proposed subdivision or as a result of new information

received.

7.2 Submissions

The preliminary plan application shall consist of the following items.

- A. Town of Randolph Subdivision Application Form.
- B. Location Map, drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to orient itself. The map shall show:
 - 1. Existing subdivisions in the proximity of the proposed subdivision.
 - 2. Locations and names of existing and proposed streets.
 - 3. Boundary lines and designations of zoning districts affecting the property.
 - 4. An outline of the proposed subdivision and any remaining portions of the owner's property.
- C. Preliminary Plan, submitted in three copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary plan shall be drawn to a scale of not more than one hundred feet to the inch. In addition, one copy of the plan(s) reduced to a size of 8 ½ by 11 inches or 11 by 17 inches, and all accompanying information shall be mailed to each Board member no less than seven days prior to the meeting.
- D. Verification of right, title or interest in the property, by means of deed, lease, purchase-and-sale agreement or other document.
- E. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel shall be located on the ground and marked by monuments.
- F. A copy of the most recently recorded deed(s) for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
- G. A copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
- H. An indication of the type of sewage disposal to be used in the subdivision.
 - 1. When sewage disposal is to be accomplished by connection to the public sewer, a letter from the Gardiner Sanitary Treatment District stating the district has the capacity to collect and treat the waste water shall be provided.
 - 2. When sewage disposal is to be accomplished by subsurface waste water disposal systems, a high intensity soil survey and test pit analyses, prepared by a Licensed Site Evaluator or Certified Soil Scientist shall be provided. The high intensity soil survey shall show the location of all test pits dug on the site.

- I. An indication of the type of water supply system(s) to be used in the subdivision. When water is to be supplied by the Gardiner Water District, include a written statement from them indicating there is adequate supply and pressure for the subdivision.
- J. The date the plan was prepared, north point, and graphic map scale.
- K. The names and addresses of the record owner, applicant, and individual or company who prepared the plan and of all property owners within 200 feet of the property boundaries.
- L. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features. The location of any trees larger than 24 inches in diameter at breast height shall be shown on the plan.
- M. The extent of all rivers, streams, or wetlands within or adjacent to the proposed subdivision.
- N. Contour lines at the interval specified by the Board, showing elevation in relation to Mean Sea Level.
- O. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
- P. The location, names, and present widths of existing streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.
- Q. The proposed lot lines with approximate dimensions and lot areas.
- R. All land proposed to be dedicated to public use and the conditions of such dedication. The location of open space to be preserved and a description of proposed ownership, improvement and management.
- S. 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, as depicted on the Town of Randolph Flood Insurance Rate Map, shall be delineated on the plan.
- T. The Board may require a hydrogeologic assessment in cases where site considerations or development design indicate a potential for adverse impacts on ground water quality. These cases include extensive areas of shallow to bedrock soils; or cluster developments where the density of the developed portion is in excess of one dwelling unit per 20,000 square feet; or the proposed use of shared or common subsurface waste water disposal systems.
- U. An estimate of the amount and type of vehicular traffic to be generated on a daily basis (ADT) and at peak hours. Average daily traffic shall be estimated based on the definition in this ordinance. Trip generation rates from other sources may be used if the applicant demonstrates that

these sources better reflect local conditions.

V. 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.

ARTICLE 8: FINAL PLAN FOR MAJOR SUBDIVISION

8.1 Procedure.

- A. Within six months after the approval of the preliminary plan, the applicant shall submit an application for approval of the final plan at least seven days prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Board in care of the town office or delivered by hand to the town office. If the application for the final plan is not submitted within six months after preliminary plan approval, the Board may require resubmission of the preliminary plan, except as stipulated below. The final plan shall approximate the layout shown on the preliminary plan, plus any changes required by the Board. If an applicant cannot submit the final plan within six months, due to delays caused by other regulatory bodies, or other reasons, the applicant may request an extension. Such a request for an extension to the filing deadline shall be filed, in writing, with the Board prior to the expiration of the filing period. In considering the request for an extension the Board shall make findings that the applicant has made due progress in preparation of the final plan and in pursuing approval of the plans before other agencies, and that municipal ordinances which may impact on the proposed development have not been amended.
- B. There is no separate fee for the final plan phase of the approval process. Any costs of advertising, notification, and professional services incurred by the Board shall be taken from the special account established for that purpose at the time of preliminary plan application.
- C. Prior to submittal of the final plan application, the following approvals shall be obtained in writing, where applicable:
 - 1. Maine Department of Environmental Protection, under the Site Location of Development Act, Natural Resources Protection Act, or if a waste water discharge license is needed.
 - 2. Maine Department of Human Services, if the applicant proposes to provide a public water system or an engineered subsurface waste water disposal system(s).
 - 3. U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is needed.
 - 4. Maine State Fire Marshall, if a commercial building requiring fire safety and ADA compliance.
- D. The applicant, or his duly authorized representative, shall attend the meeting of the Board to present the final plan application. If the applicant or his representative fail to attend the meeting, the Board shall delay any action on the application, including acknowledging receipt of the application, until the next meeting that the applicant attends.
- E. At the meeting at which an application for final plan approval of a major subdivision is initially presented, the Board shall issue a dated receipt to the applicant.
- F. Within thirty days of the receipt of the final plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination.

If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.

- G. Upon determination that a complete application has been submitted for review, the Board shall determine whether to hold a public hearing on the final plan. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days and shall publish a notice of the date, time and place of the hearing in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days before the hearing. In addition, the notice of the hearing shall be posted in at least three prominent places within the town at least seven days prior to the hearing.
- H. Before the Board grants approval of the final plan, the applicant shall meet the performance guarantee requirements contained in Article 13.
- I. Within thirty days from the public hearing or within sixty days of receiving a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria for approval contained in Title 30-A M.R.S.A., s4404 and the standards of this ordinance. If the Board finds that all the criteria of the statute and the standards of this ordinance have been met, it shall approve the final plan. If the Board finds that any of the criteria of the statute or the standards of this ordinance have not been met, it 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.

8.2 Submissions

The final plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border line on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be reserved on the plan for endorsement by the Board. Two reproducible, stable-based transparencies, one to be recorded at the Registry of Deeds, the other to be filed at the town office, and three copies of the plan shall be submitted. The applicant may instead submit one reproducible stable-based transparent original of the final plan and one recording plan with three copies of the final plan. In addition, one copy of the final plan, reduced to a size of 8 ½ by 11 inches or 11 by 17 inches, and all accompanying information shall be mailed to each Board member no less than seven days prior to the meeting.

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

- A. Proposed name of the subdivision, plus the assessor's map and lot numbers.
- B. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.

- C. An indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by connection to the Gardiner Sanitary Treatment District, a written statement from the district indicating that it has reviewed and approved the sewerage design.
- D. An indication of the type of water supply system(s) to be used in the subdivision.
1. When water is to be supplied by the Gardiner Water District, a written statement from the District shall be submitted indicating that it has reviewed and approved the water system design. A written statement shall be submitted from the fire chief approving all hydrant locations or other fire protection measures deemed necessary.
 2. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.
- E. The date the plan was prepared, north point, graphic map scale.
- F. The names and addresses of the record owner, applicant, and individual or company who prepared the plan.
- G. The location of any zoning boundaries affecting the subdivision.
- H. If different than those submitted with the preliminary plan, a copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
- I. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
- J. The location, names, and present widths of existing and proposed streets, highways, easements, buildings, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The location, bearing and length of street lines, lot lines and parcel boundary lines shall be certified by a registered land surveyor. The original reproducible plan shall be embossed with the seal of the registered land surveyor and be signed by that individual.
- K. Street plans, meeting the requirements of Section 12.2.B.2.
- L. A storm water management plan, prepared by a registered professional engineer in accordance with the Stormwater Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection (1995). The Board may not waive submission of the storm water management plan unless the subdivision will not involve grading which changes drainage patterns and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.
- M. An erosion and sedimentation control plan prepared in accordance with the Maine Erosion

and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, March 1991. The Board may not waive submission of the erosion and sedimentation control plan unless the subdivision will not involve grading which changes drainage patterns and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

N. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the Town of all public ways and open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained. If proposed streets and/or open spaces or other land is to be offered to the Town, written evidence that the Selectmen are satisfied with the legal sufficiency of the written offer to convey title shall be included.

O. The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the Town of Randolph Flood Insurance Rate Map, shall be delineated on the plan.

P. Where the proposed subdivision is expected to have a significant impact, the applicant shall submit a list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the Town, or quasi-municipal districts. These lists shall include but not be limited to: Schools, including busing; Street maintenance and snow removal; Police and fire protection; Solid waste disposal; Recreation facilities; Storm water drainage; Waste water treatment; and Water supply. The applicant shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.

Q. The location and method of disposal for land clearing and construction debris.

R. If a Lot Owner's Association is proposed to be formed, draft articles of incorporation, draft bylaws specifying the authority, operating procedures, and suitable capitalization, and covenants for mandatory membership of lot owners.

8.3 Final Approval and Filing

A. No plan shall be approved by the Board as long as the applicant is in violation of the provisions of a previously approved Plan within the Town of Randolph.

B. Upon findings of fact and determination that all standards in Title 30-A M.R.S.A., s.4404, and this ordinance have been met, and upon voting to approve the subdivision, the Board shall sign the final plan. The Board shall specify in writing its findings of facts and reasons for any conditions of approval 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 tax assessor. One copy of the signed plan shall be forwarded to the code enforcement officer.

- C. Any subdivision not recorded in the Registry of Deeds within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void.
- 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 ensure the orderly development of the Plan. If any municipal or quasi-municipal department head notified of the proposed subdivision informs the Board that their 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. If the expansion, addition or purchase of the needed facilities is included in the Town's capital improvements program, the time period of the phasing shall be no longer than the time period contained in the capital improvements program for the expansion, addition or purchase.
- E. No changes, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the Board and endorsed in writing on the plan, unless the revised final plan is first submitted and the Board approves any modifications, except in accordance with Article 10. The Board shall make findings that the revised plan meets the criteria of Title 30-A M.R.S.A., s.4404, and the standards of this ordinance. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the plan stricken from the records of the Registry of Deeds.
- F. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the Town, approval of the plan shall not constitute an acceptance by the Town of such areas. The Board shall require the plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the selectmen covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.
- G. Except in the case of a phased development plan, failure to complete substantial construction of the subdivision within five years of the date of approval and signing of the plan shall render the plan null and void. Upon determining that a subdivision approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect.

ARTICLE 9: REVISIONS TO APPROVED PLANS

9.1 Procedure

An applicant for a revision to a previously approved plan shall be subject to the same procedures as a new application. If the revision involves the creation of more than three additional lots or units, or the creation or extension of a roadway, the procedures for preliminary plan approval shall be followed. If the revision involves only modifications of the approved plan, without the creation of additional lots or units, the procedures for final plan approval shall be followed. Otherwise, the procedures for a minor subdivision shall be followed.

9.2 Submissions

The application shall include a copy of the approved plan as well as three copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of this ordinance and the criteria of the statute. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the title of the subdivision and the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds.

9.3 Scope of Review

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

ARTICLE 10: INSPECTIONS AND ENFORCEMENT

10.1 Inspection of Required Improvements.

- A. At least five days prior to commencing construction of required improvements, the subdivider or builder shall:
1. Notify the code enforcement officer in writing of the time when (s)he proposes to commence construction of such improvements and provide a construction schedule, so that the Selectmen can arrange for a municipal inspector to assure that all specifications, requirements, and conditions of approval are met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.
 2. Deposit with the selectmen a check for the amount of 2% of the estimated costs of the required improvements to pay for the costs of inspection. If upon satisfactory completion of construction and cleanup there are funds remaining, the surplus shall be refunded to the subdivider or builder as appropriate. If the inspection account shall be drawn down by 90%, the subdivider or builder shall deposit an additional 1% of the estimated costs of the required improvements.
- B. If the municipal inspector finds upon inspection that any of the required improvements have not been constructed in accordance with the plans and specifications, he shall so report in writing to the selectmen, Board, and the subdivider and builder. The selectmen shall take any steps necessary to assure compliance with the approved plans.
- C. The municipal inspector is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspector shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the subdivider shall obtain prior permission from the Board to modify the plans.
- 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 October 1 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate. The report shall also include a discussion and recommendations on any problems which were encountered.
- E. Prior to the sale of any 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. No road or other public way shall be proposed for town meeting acceptance until a written certification signed by a professional engineer is submitted at the expense of the applicant,

certifying that the proposed public way meets or exceeds the design and construction requirements of this ordinance. If there are any underground utilities, the appropriate district or utility shall certify in writing that they have been installed in a manner acceptable to the utility. As built plans shall be submitted to the selectmen.

10.2 Violations and Enforcement.

- A. No plan of a division of land within the Town which would constitute a subdivision shall be recorded in the Registry of Deeds until a final plan has been approved by the Board in accordance with this ordinance.
- B. A person shall not convey, offer or agree to convey any land or units in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.
- C. A person shall not sell, lease or otherwise convey any land or unit in an approved subdivision which is not shown on the plan as a separate lot or unit.
- D. No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a final plan has not been approved by the Board.
- E. Development of a subdivision without Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a plan approved as provided in this ordinance and recorded in the Registry of Deeds.
- F. No building permit shall be issued for construction within an approved subdivision before the street upon which the lot fronts is completed to rough grade, including the application of gravel base, in accordance with specification 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 fully completed in accordance with specifications.
- G. The subdivider shall maintain all improvements and provide for snow removal on streets and sidewalks until accepted by the Town of Randolph or until control is placed with a lot owners association.
- H. Violations of the above provisions of this section are a nuisance and shall be punished in accordance with the provisions of Title 30-A M.R.S.A., s.4452.

ARTICLE 11: PERFORMANCE STANDARDS

The performance standards in this article are intended to clarify and expand upon the approval criteria found within the subdivision statute (Title 30-A M.R.S.A., s4404). In reviewing a proposed subdivision, the Board shall review the application for conformance with these standards and make findings that each has been met prior to the approval of a final plan. Compliance with the design guidelines of Article 12 shall be considered to be evidence of meeting the appropriate performance standards. Proposed subdivisions not in compliance with the design guidelines of Article 12 may be considered, but the applicant shall provide clear and convincing evidence that the proposed design will meet the performance standard(s) and the statutory criteria. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance standards and statutory criteria for approval have been or will be met.

11.1. Pollution.

- A. The proposed subdivision shall not discharge waste water to a water body.
- B. Discharges of storm water shall be treated to remove oil, grease, and sediment prior to discharge into surface waterbodies.

11.2. Sufficient Water.

A. Water Supply.

- 1. Any subdivision in an area not currently served by the Gardiner Water District shall make provisions for connection to it. When public water supply service will not be available at the time of construction of the subdivision, an internal supply network (within the subdivision) shall be installed and capped, to allow future connection when service becomes available without additional excavation within rights-of-way.
- 2. When a subdivision is to be served by the Gardiner Water District, the complete supply system within the subdivision including fire hydrants, shall be installed. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the District and the fire chief.
- 3. When a proposed subdivision draws water from individual wells or a private community water system, individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface waste water disposal systems and other sources of potential contamination. Lot design shall permit placement of wells, subsurface waste water disposal areas, and reserve sites for subsurface waste water disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules. If a public water supply system other than the Gardiner Water District is provided by the

applicant, the location and protection of the source, the design, construction and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231).

4. In areas where the fire chief has identified the need for additional water storage capacity for fire fighting purposes, the applicant shall provide adequate water storage facilities. Facilities may be ponds with dry hydrants, underground storage reservoirs or other methods acceptable to the fire chief. An easement shall be granted to the Town of Randolph granting access to and maintenance of dry hydrants or reservoirs where necessary. The Board may waive the requirement for water storage only upon submittal of evidence that the soil types in the subdivision will not permit their construction or installation and that the fire chief has indicated in writing that alternate methods of fire protection are available.

B. Water Quality.

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

11.3. Impact on Existing Water Supplies.

In meeting the standards of Section 11.2, a proposed subdivision shall not generate a demand on the source, treatment facilities or distribution system of the Gardiner Water District beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the subdivision. The applicant shall be responsible for paying the costs of system improvements as necessary to alleviate existing deficiencies.

11.4. Soil Erosion.

- A. The proposed subdivision shall prevent soil and other contaminants from entering waterbodies, wetlands, and adjacent properties.
- B. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages. Contractors trained and certified in erosion control practices by Maine Department of Environmental Protection shall be used.
- C. Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.

11.5. Traffic Conditions.

- A. In general, the subdivision shall be designed so as to
1. Safeguard against hazards to traffic and pedestrians in existing streets and within the subdivision;
 2. Avoid traffic congestion on any street; and
 3. Provide safe and convenient circulation on public streets and within the subdivision.
- B. More specifically, provisions for vehicular movement shall conform to the following standards.
1. Vehicular access to the subdivision shall be arranged to avoid through traffic use of existing residential access streets.
 2. The street giving access to the subdivision and neighboring streets and intersections which can be expected to carry traffic generated by the subdivision shall have the capacity or be suitably improved to accommodate that traffic and avoid unreasonable congestion. No subdivision shall reduce the Level of Service (LOS) of the street giving access to the subdivision and neighboring streets and intersections to LOS D or below. The applicant shall be responsible for paying the costs of system improvements as necessary to alleviate existing deficiencies.
 3. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, sidewalks, bicycleways and traffic controls within existing public streets.
 4. Accessways to non-residential subdivisions or to multifamily developments shall be designed to avoid queuing of entering vehicles on any street. Left lane storage capacity shall be provided to meet anticipated demand. A study or analysis to determine the need for a left-turn storage lane shall be done in instances where ADT exceeds 200.
 5. Provision shall be made for street connections to adjoining lots of similar existing or potential use in subdivisions when such access will facilitate fire protection service or enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a public street.
 6. Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Street naming shall be in accordance with the Town of Randolph E911 Addressing Ordinance. The applicant shall either install street name, traffic safety and control signs meeting town specifications or reimburse the town for the costs of their installation. Street lighting shall be installed as approved by the Board.

7. The applicant shall provide for cleanup following street construction. Cleanup shall consist of removal 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.

11.6. Sewage Disposal.

A. Public System.

1. Any subdivision within the service area of the Gardiner Sewer District shall be connected to the public system. The complete collection system within the subdivision, including manholes and pump stations, shall be installed at the expense of the applicant.
2. The sewer district shall certify that providing service to the proposed subdivision is within the capacity of the system's existing collection and treatment system or improvements planned to be complete prior to the construction of the subdivision.
3. The sewer district shall review and approve in writing the construction drawings for the sewerage system, including size and location of laterals, collectors, manholes, and pump stations.

B. Private Systems.

1. When a proposed subdivision is not within the Gardiner Sewer District service area, sewage disposal shall be private subsurface waste water disposal systems or a private treatment facility with surface discharge.
2. The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.
 - a. The site evaluator shall certify in writing that all test pits which meet the requirements for a new system represent an area large enough to install a disposal area on soils which meet the Disposal Rules.
 - b. On lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.
 - c. In no instance shall a disposal area be on a site which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

11.7. Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas or

Public Access to the Shoreline.

A. Preservation of Natural Beauty and Aesthetics.

1. The plan shall, by notes on the final plan and deed restrictions, limit the clearing of trees to those areas designated on the plan.
2. The Board may require the application to include a landscape plan that will show the preservation of any existing trees larger than 24 inches diameter breast height, the replacement of trees and vegetation, and graded contours.
3. When a proposed subdivision street traverses open fields the Board may require the planting of street trees.

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

1. If any portion of the subdivision is designated a site of historic or prehistoric importance by the Maine Historic Preservation Commission, adequate measures for the protection of the subject resources shall be included in the plan.
2. The subdivision shall reserve sufficient undeveloped land to provide for the recreational needs of the occupants. The percentage of open space to be reserved shall depend on the proposed lot sizes within the subdivision, the expected demographic makeup of the occupants of the subdivision, and the site characteristics.
3. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended.
4. Reserved open space land may be dedicated to the Town of Randolph.
5. Where land within the subdivision is not suitable or is insufficient in amount, a payment in lieu of dedication may be substituted for the reservation of some or part of the open space requirement. Payments in lieu of dedication shall be calculated based on the projected market value of the developed land at the time of the subdivision, as determined by the municipal tax assessor. The payment in lieu of dedication shall be deposited into a municipal land open space or outdoor recreation facility acquisition or improvement fund.

C. Protection of Significant Wildlife Habitat.

If any portion of a proposed subdivision lies within: 1,320 feet of an area identified and mapped by the Department of Inland Fisheries and Wildlife as a high or moderate value deer

wintering area or travel corridor; or within 250 feet of a critical natural area as identified by the Maine Critical Areas Program, the applicant shall demonstrate that there shall be no adverse impacts on the habitat and species it supports. A report prepared by a wildlife biologist certified by the Wildlife Society with demonstrated experience with the wildlife resource being impacted shall be submitted. This report shall assess the potential impact of the subdivision on the significant habitat and adjacent areas that are important to the maintenance of the affected species and shall describe appropriate mitigation measures to ensure that the subdivision will have no adverse impacts on the habitat and the species it supports.

D. Public Access.

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

11.8. Conformance with the Land Use Ordinance.

All lots shall meet the minimum dimensional requirements required by the Town for the district in which they are located, except as provided in Section 12.10. The proposed subdivision shall meet all applicable performance standards or design criteria from the Randolph Land Use Ordinance.

11.9. Financial and Technical Capacity.

A. Financial Capacity. The applicant shall have adequate financial resources to construct the proposed improvements and meet the criteria of the statute and the standards of this ordinance. When the applicant proposes to construct the buildings as well as the subdivision improvements, the applicant shall have adequate financial resources to construct the total development. In making the above determinations the Board shall consider the proposed time frame for construction and the effects of inflation. Provision of the Performance Guarantee as provided by Article 13 shall be considered evidence of financial capacity.

B. Technical Ability

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

11.10. Impact on Water Quality or Shoreline.

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

11.11. Impact on Ground Water Quality or Quantity.

A. Ground Water Quality.

1. When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:
 - a. A map showing the basic soils types.
 - b. The depth to the water table at representative points throughout the subdivision.
 - c. Drainage conditions throughout the subdivision.
 - d. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
 - e. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, or at the subdivision boundaries; or at a distance of 1,000 feet from potential contamination sources, whichever is a shortest distance.
 - f. A map showing the location of any subsurface waste water disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.
2. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
3. If ground water contains contaminants in excess of the primary Drinking Water 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.
4. If ground water contains contaminants in excess of the Secondary Drinking Water Standards, the subdivision shall not cause concentrations of contaminants to exceed 150% of background levels.
5. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the final plan, and as restrictions in the deeds to the affected lots.

B. Ground Water Quantity.

1. Ground water withdrawals by a proposed subdivision shall not lower the water table beyond the boundaries of the subdivision, either by direct drawdown or by increasing runoff with a corresponding decrease in infiltration of precipitation.

11.12. Floodplain Management.

When any part of a subdivision is located within the 100 year floodplain as identified by the Randolph Floodplain Management Ordinance:

- A. All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damages.
- B. Adequate drainage shall be provided so as to reduce exposure to flood hazards.
- C. The plan shall include a statement that structures in the subdivision shall not be constructed within the 100 year floodplain. Such a restriction shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The construction requirement shall also be clearly stated on the plan.

11.13. Identification of Wetlands.

Wetlands shall be identified in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, published by the United States Army Corps of Engineers.

11.14. Storm Water Management.

- A. Adequate provision shall be made for the management of the quantity and quality of all storm water generated within the subdivision, and any drained ground water through a management system of swales, culverts, underdrains, storm drains and best management practices equivalent to those described in Stormwater Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection, 1995. The storm water management system shall be designed to meet the following standards:
 1. Quantity. Peak discharge rates shall be limited to the predevelopment levels for the 2-year, 10-year, and 25-year frequency, 24-hour duration storm.
 2. Quality.
 - a. Major Subdivisions. Storm water run-off in major subdivisions must be treated by the use of best management practices to achieve, by design, 40% reduction in total suspended solids.

- b. Minor Subdivisions. Storm water run-off in minor subdivisions must be treated by the use of best management practices to achieve, by design, 15% reduction in total suspended solids.

B. Where necessary to achieve the above standards, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the town allowing maintenance and improvement of the system.

11.15 Reservation and Maintenance of Open Space and Common Land, Facilities and Services.

A. All open space, common land, facilities and property shall be owned either by:

- 1. The owners of the lots or dwelling units by means of a lot owners' association;
- 2. An association which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or
- 3. The Town of Randolph.

B. Further subdivision of the common land or open space and its use for other than non-commercial recreation, agriculture, or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land. When open space is to be owned by an entity other than the town, there shall be a conservation easement deeded to the Town of Randolph prohibiting future development.

C. The common land or open space shall be delineated and noted on the final plan that:

- 1. It shall not be used for future building lots; and
- 2. Which portions of the open space, if any, may be dedicated for acceptance by the Town.

D. Where a lot owner's association will be formed, the Articles of Incorporation, Bylaws, and Covenants shall, in combination, provide for the following.

- 1. The association shall have responsibility for maintaining the common property or facilities.
- 2. The association shall levy annual charges against all owners of lots or dwelling units to defray the expenses connected with the maintenance, repair and replacement of common property and facilities and tax assessments.

3. The association shall have the power to place a lien on the property of members who fail to pay dues or assessments.
4. 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. Such determination shall be made by the Board upon request of the lot owners' association or the subdivider.

ARTICLE 12: DESIGN GUIDELINES

This article is intended to provide design guidelines sufficient to meet the appropriate performance standards of Article 11. Compliance with these guidelines shall be considered evidence of meeting those standards. Subdivision design not incorporating these guidelines may be considered, but the applicant shall provide clear and convincing evidence that the proposed design will meet the performance standard(s) and the statutory criteria. In all instances the burden of proof shall be upon the applicant.

12.1. Sufficient Water

A. Well Construction.

1. Due to the increased chance of contamination from surface water, the applicant shall prohibit dug wells by deed restrictions and a note on the plan.
2. Wells shall not be constructed within 75 feet of the edge of the right of way on the downhill side of any street, or within 35 feet of the edge of the right of way in any other orientation. This restriction shall be included as a note on the plan and deed restriction to the affected lots.

B. Fire Protection.

1. Fire hydrants connected to a public water supply system shall be located no further than 500 feet from any building.
2. A minimum storage capacity of 10,000 gallons shall be provided for a subdivision not connected to the municipal water supply. Additional storage of 2,000 gallons per lot or principal building shall be provided. The Board may require additional storage capacity upon a recommendation from the fire chief. Where ponds are proposed for water storage, the capacity of the pond shall be calculated based on the lowest water level less an equivalent of three feet of ice.
3. Hydrants or other provisions for drafting water shall be provided to the specifications of the fire department. Minimum diameter of hydrant supply pipes shall be six inches.
4. Where the dry hydrant or other water source is not within the right-of-way of a proposed or existing street, an easement to the town shall be provided to allow access. A suitable accessway to the hydrant or other water source shall be constructed.

12.2. Traffic Conditions.

A. Access Control.

1. Where a subdivision abuts or contains Water Street or Windsor Street, no residential lot may have vehicular access directly onto either street. This requirement shall be noted on the plan and in the deed of any lot with frontage on either street.
2. Where a lot has frontage on two or more streets, access to the lot shall be by way of the street where there is lesser potential for accidents, pedestrian hazard, and congestion. This restriction shall appear as a note on the plan and as a deed restriction to the affected lots.
3. Access Design for Subdivision Roads. Where there is a conflict between the standards in this section and the standards of Section 12.2.B, the stricter or more stringent shall apply.

- a. Access points shall be designed based on the estimated Annual Daily Traffic (ADT) volume as defined in this ordinance.

1. Low Volume Access Point: An access with 100 ADT or less.

Skew Angle. Low volume accesses shall intersect the road at an angle as nearly 90° as site conditions permit, but in no case less than 60°.

Curb Radius. The curb radius shall be between 10 feet and 15 feet, with a preferred radius of 15 feet.

Access Width. The width of the access shall be between 20 feet and 24 feet, with a preferred width of 20 feet.

2. Medium Volume Access Point: An access with more than 100 ADT but less than 400.

Skew Angle. Medium Volume Accesses shall be either one-way or two-way operation and shall intersect the road at an angle as nearly 90° as site conditions permit, but in no case less than 60°.

Curb Radius. On a two-way access the curb radii shall be between 25 feet and 40 feet, with a preferred radius of 30 feet. On one way accesses, the curb radii shall be 30 feet for right turns into and out of the site, with a 5 foot radius on the opposite curb.

Width. On a two-way access the width shall be between 24 and 26 feet, with a preferred width of 26 feet, however where large trucks will be common, width may be no more than 30 feet. On a one-way access the width shall be between 16 feet and 20, with a preferred width of 16 feet.

Curb-Cut Width. On a two-way access the curb-cut width shall be between 74 feet and 110 feet with a preferred width of 86 feet. On a one-way access the curb-cut width shall be between 46 feet and 70 feet with a preferred width of 51 feet.

3. High Volume Access: An access with more than 400 ADT.
Skew Angle. High Volume Accesses shall intersect the road at an angle as nearly to 90° as site conditions permit, but in no case less than 60°.

Curb Radius. Without channelization islands for right-turn movements into and out of the site, curb radii shall be between 30 feet and 50 feet. With channelization, curb radii shall be between 75 feet and 100 feet.

Curb Cut Width. Without channelization, curb-cut width shall be between 106 feet and 162 feet with a preferred width of 154 feet. With channelization, the curb-cut width shall be between 196 feet and 262 feet with a preferred width of 254 feet.

Entering and exiting accesses shall be separated by a raised median which shall be between 6 feet and 10 feet in width. Throats shall be designed with 10 feet of length for every 100 ADT estimated.

Width. Access widths shall be between 20 feet and 26 feet on each side of the median, with a preferred width of 24 feet. Right turn only lanes established by a channelization island shall be between 16 feet and 20 feet, with a preferred width of 20 feet.

Appropriate traffic control signage shall be erected at the intersection of the access and the street and on medians and channelization islands.

- b. Sight Distances. Access points shall be located and designed to provide for a minimum sight distance of ten feet for each mile per hour of posted speed limit for all vehicles approaching the intersection.

- c. Vertical Alignment. Accesses shall be flat enough to prevent the dragging of any vehicle undercarriage. Accesses shall slope upward or downward from the gutter line on a straight slope of 3 percent or less for at least 75 feet.
- d. Access Location and Spacing.
 - 1. Corner clearance shall be measured from the point of tangency for the corner to the point of tangency for the access. Minimum corner clearances are listed in Table 12.2-1, based upon access volume and intersection type.

Table 12.2-1. Minimum Standards for Corner Clearance
Minimum Corner Clearance (feet)

<u>Access Type</u>	<u>Intersection</u>	<u>Intersection</u>
	<u>Signalized</u>	<u>Unsignalized</u>
Low Volume	150	50
Medium Volume	150	50
High Volume	500	250
Right turn in only	50	50
Right turn out only	100	50
Right turn in or out only	100	50

If based on the above criteria, full access to the site cannot be provided on either the major or minor streets, the site shall be restricted to partial access. Alternately, construction of a shared access drive with an adjacent parcel is recommended.

- 2. Access Spacing. Accesses and street intersections shall be separated from adjacent accesses, streets and property lines as indicated in Table 12.2-2, in order to allow major through routes to effectively serve their primary function of conducting through traffic. This distance shall be measured between points of tangency of existing and proposed access points or to a projection of the property line at the edge of the roadway for access spacing to the property line.
- e. Number of Accesses. No subdivision shall have more than two two-way accesses or three accesses in total onto Water Street or Windsor Street. No subdivision generating fewer than 200 ADT shall have more than one two-way access onto the named streets.
- f. Delineation of access points. All accesses entering an uncurbed street shall be curbed to the full depth of the access point and to a minimum distance of 50' along the road as measured from the point of tangency. Sloped curbing

shall border all raised channelization islands or medians.

Table 12.2-2. Minimum Access Spacing

Access Type	Minimum Spacing to Property Line ¹ (feet)	Minimum Spacing to Adjacent Access by Access Type ² (Dsp) ³		
		Medium (feet)	High w/o RT* (feet)	High w/RT** (feet)
Low Volume	5			
Medium Volume	10	75		
High Volume (w/o RT)*	75	75	150	
High Volume (w/ RT)**	75	75	250	500
1	Measured from point of tangency of access to projection of property line on roadway edge.			
2	For two more accesses serving a single parcel, or from a proposed access from an existing access.			
3	Dsp measured from point of tangency of access to point of tangency of adjacent access.			
*	High volume access without right turn channelization			
**	High Volume access with right turn channelization			

B. Street Design and Construction Standards.

1. General Requirements.

a. The Board shall not approve any subdivision plan unless proposed streets are designed in accordance with this ordinance. Approval of the final plan by the Board shall not be deemed to constitute or be evidence of acceptance by the Town of Randolph of any street or easement.

b. Applicants 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 and existing streets within 300 feet of any proposed intersections. The plan view shall be at a scale of one inch equals no more than fifty feet. The vertical scale of the profile shall be one inch equals no more than five feet. The plans shall include the following information:

1. Date, scale, and north point, indicating magnetic or true.
2. Intersections of the proposed street with existing streets.
3. Roadway and right-of-way limits including edge of 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 for all horizontal and vertical curves.
6. Turning radii at all intersections.
7. Centerline gradients.
8. Size, type and locations of all existing and proposed utilities, to include but not be limited to water, sewer, electricity, telephone, lighting, and cable television.

- c. Upon receipt of plans for a proposed public street the Board shall forward one copy to the road commissioner for review and comment.
- d. Based on findings from a traffic study, the Board may require the subdivider to provide turning lanes, median strips, curbing or other improvements within existing public streets. Design and construction details shall be approved in writing by the road commissioner or the Maine Department of Transportation, as appropriate.
- e. 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 offered for acceptance or maintained by the Town, until they meet the design and construction standards of this ordinance."

2. Street Design Standards.

- a. These design standards shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances associated with the street, and shall be met by all streets within a subdivision, unless the applicant can provide clear and convincing evidence that an alternate design will meet good engineering practice and will meet the performance standards of Article 11.
- b. Reserve strips controlling access to streets shall be prohibited. Access control shall be accomplished by means of deed restrictions and covenants.
- c. Adjacent to areas zoned and designed for commercial use, the street right-of-way and/or pavement width shall be increased on each side by half of the amount necessary to bring the road into conformance with the standards for commercial streets in this ordinance.
- d. Where a subdivision borders an existing narrow street (not meeting the width

requirements of the standards for streets in this ordinance), 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 zoning ordinance.

- e. Any residential subdivision of twenty or more units, and any commercial subdivision expected to generate at least 200 ADT shall have at least two street connections with existing public streets, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted. Any single street with an average daily traffic of 200 trips per day or more shall have at least two street connections to existing public streets, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted.
- f. The centerline of the roadway shall be the centerline of the right-of-way.
- g. Dead end streets shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii:

Property line: 60 feet;
 outer edge of pavement: 50 feet;
 inner edge of pavement: 30 feet.

Where the cul-de-sac is in a wooded area prior to development, a stand of trees shall be maintained within the center of the cul-de-sac. The Board shall 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.

- h. The design standards of Table 12.2-3 shall apply according to street classification.

Table 12.2-3 Street Design Guidelines

Description	Street Classification				
	Arterial	Collector	Minor	Private	Industrial/ Commercial
Minimum width of right-of-way	80'	50'	50'	40'	60'
Minimum pavement width	44'	24'	20'	18'	30'

Minimum shoulder width	5'	3'	3'	2'	9'
Sidewalk width	8'	5'	5'	4'	8'
Minimum grade	0.5%	0.5%	0.5%	0.5%	0.5%
Maximum grade*	5%	6%	8%	8%	5%
Minimum centerline radius without superelevation	500'	280'	280'	280'	400'
with superelevation	350'	175'	175'	175'	300'
Roadway crown, per foot from center	1/4"	1/4"	1/4"	1/4"	1/4"

* Maximum grade may be exceeded for a length of 100 feet or less.

I. Grades and Intersections.

1. 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 in order to provide the following minimum stopping distances based on the street design speed.

<u>Design Speed (mph)</u>	<u>20</u>	<u>25</u>	<u>30</u>	<u>35</u>	
Stopping Distance (ft.)		125	150	200	0

Stopping distance shall be calculated with a height of eye at 31/2 feet and the height of object at 1/2 foot.

3. Where new street intersections or driveway 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, providing a minimum of ten feet of stopping distance for every mile per hour of speed limit. Where individual lot driveways cannot meet this standard, the subdivider may be required to revise lot boundaries or provide shared driveways.
4. Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.
5. Cross (four-cornered) street intersections shall be avoided insofar as

possible, except at important traffic intersections. A minimum distance of 125 feet shall be maintained between center lines of minor streets and 200 feet between collectors or a collector and minor street.

j. Sidewalks. Sidewalks shall be installed within all subdivisions. Sidewalks shall meet these minimum requirements.

1. Location. Sidewalks may be located adjacent to the curb but it is recommended to locate sidewalks 5 feet from the curb facing.
2. If bituminous sidewalks are installed, the subbase aggregate course shall be no less than twelve inches thick after compaction. The hot bituminous pavement surface course shall be MDOT plant Mix Grade D constructed in two lifts, each no less than one inch after compaction.
3. If Portland Cement Concrete Sidewalks are installed, the subbase aggregate shall be no less than twelve inches thick after compaction. The portland cement concrete shall be reinforced with six inch square, number 10 wire mesh and shall be no less than four inches thick.
4. Where sidewalks intersect curbing, adequate provision shall be made for handicapped access and movement. Standards developed pursuant to the Americans With Disabilities Act (ADA) shall be followed.

k. Curbs shall be installed within all subdivisions. The subdivider may install either granite or bituminous curbing. Granite curbing shall be installed on a thoroughly compacted gravel base of six inches minimum thickness. Bituminous curbing shall be installed on the base course of the pavement. The specified pavement width shall be measured between the curbs.

3. Street Construction Standards.

a. Preparation.

1. Before any clearing has started on the right-of-way, the center line and side lines of the new road shall be staked or flagged at fifty foot intervals.
2. Before grading is started, the entire area within the right-of-way necessary for traveled way, shoulders, sidewalks, drainage-ways, and utilities shall be cleared of all stumps, roots, brush, and other

objectionable material. All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.

3. All organic materials, rocks and boulders, or other deleterious material shall be removed to a depth of two feet below the subgrade of the roadway. On soils which have been identified by an engineer as not suitable for roadways, either the subsoil shall be removed from the street site to a depth of two feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below, or a Maine Department of Transportation approved stabilization geotextile may be used.
4. Except in a ledge cut, side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, loamed, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan. Where a cut results in exposed ledge a side slope no steeper than one foot horizontal to four feet vertical is permitted.
5. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

- b. The minimum thickness of material after compaction shall meet the specifications in Table 12.2-4.

Table 12.2-4. Minimum Pavement Materials Thicknesses

<u>Street Materials</u>	<u>Arterial</u>	<u>Collector</u>	<u>Minor</u>	<u>Private Right of Way</u>	<u>Industrial/ Commercial</u>
Aggregate Subbase Course (Max. sized stone 6")					
Without base gravel	24"	18"	18"	15"	24"
With base gravel	20"	15"	15"	12"	20"
Crushed Aggregate Base Course (if necessary)	4"	3"	3"	3"	4"
Hot Bituminous Pavement					
Total Thickness	3"	3"	3"	3"	4"
Surface Course	1 1/4"	1 1/4"	1 1/4"	1 1/4"	1 1/4"
Base Course	1 3/4"	1 3/4"	1 3/4"	1 1/4"	2 3/4"

- c. Bases and Pavement.
 1. Bases/Subbase.

- (a) The Aggregate subbase course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three inch square mesh sieve shall meet the grading requirements of Table 12.2-5.

Table 12.2-5. Aggregate Subbase Grading Requirements

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
1/4 inch	25-70%
No. 40	0-30%
No. 200	0-7%

Aggregate for the subbase shall contain no particles of rock exceeding six inches in any dimension.

- (b) If the Aggregate Subbase Course is found to be not fine-gradable because of larger stones, then a minimum of three inches of Aggregate Base Course shall be placed on top of the subbase course. The Aggregate Base Course shall be screened or crushed gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three inch square mesh sieve shall meet the grading requirements of Table 12.2-6.

Table 12.2-6. Base Course Grading Requirements

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
1/2 inch	45-70%
1/4 inch	30-55%
No. 40	0-20%
No. 200	0-5%

Aggregate for the base shall contain no particles of rock exceeding two inches in any dimension.

2. Pavement Joints. Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.
3. Pavements.

- (a) Minimum standards for the base layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade B with an aggregate size no more than 1 inch maximum and a liquid asphalt content between 4.8% and 6.0% by weight depending on aggregate characteristics. The pavement may be placed between April 15 and November 15, provided the air temperature in the shade at the paving location is 35°F or higher and the surface to be paved is not frozen or unreasonably wet.
- (b) Minimum standards for the surface layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade C or D with an aggregate size no more than 3/4 inch maximum and a liquid asphalt content between 5.8% and 7.0% by weight depending on aggregate characteristics. The pavement may be placed between April 15 and October 15, provided the air temperature in the shade at the paving location is 50°F or higher.

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

- A. Retention of Natural Beauty and Aesthetics. When a proposed subdivision street traverses open fields, the plan shall include the planting of street trees. Street tree species shall be approved by the Board in consultation with the road commissioner. Trees shall be planted no more than fifty feet apart.
- B. Retention of Open Spaces and Natural or Historic Features.
 - 1. Subdivision designs shall reserve between 5% and 10% of the area of the subdivision as open space in order to provide for the recreational needs of the occupants of the subdivision and/or to maintain the scenic or natural beauty of the area. In determining the need for open space the Board shall consider the needs identified in the comprehensive plan for open space or recreation facilities in the neighborhood surrounding the subdivision and the policies of the plan for meeting those needs; the proximity of the subdivision to neighboring public open space or recreation facilities; the type of development and the demographic characteristics of potential residents in the subdivision; and the density or lot sizes of the development.
 - 2. Major subdivisions of multi-family housing shall provide no less than fifty percent of the open space as usable open space to be improved for ball fields, playgrounds or other similar active recreation facility. A site intended to be used for active recreation purposes, such as a playground or a play 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. The Board may waive this requirement when the development is restricted to elderly residents.

3. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board may deem suitable and no less than 25 feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes and significant wildlife habitat to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.
4. Proposed subdivisions which include or are adjacent to buildings or sites on the National Register of Historic Places or which the comprehensive plan has identified as being of historical significance shall be designed in such a manner as to minimize the impacts on the historic features. When the historic features to be protected include buildings, the placement and the architectural design of new structures in the subdivision shall be similar to the historic structures. The Board shall seek the advice of the Maine Historic Preservation Commission in reviewing such plans.

C. Protection of Significant Wildlife Habitat and Important Habitat Areas. The guidelines of this section shall apply to only those subdivisions which include significant wildlife habitat or resources identified in Section 11.7.C. Applicants proposing to subdivide land within identified wildlife resources must consult with the Maine Department of Inland Fisheries and Wildlife or a qualified wildlife biologist and provide their written comments to the Board.

1. Protection of Habitat of Endangered or Threatened Species. Habitat of species appearing on the official state or federal lists of endangered or threatened species shall be placed in open space. Deed restrictions and notes on the plan shall reflect standards from the Department of Inland Fisheries and Wildlife for removal of vegetation within 250 feet of the habitat for species appearing on the list of endangered or threatened species unless the Department of Inland Fisheries and Wildlife has approved cutting of vegetation in writing.
2. Protection of Deer Wintering Areas. The report prepared by a wildlife biologist, selected or approved by the Board, shall include a management plan for deer wintering areas.
3. Protection of Important Waterfowl and Wading Bird Habitat. Should the Department of Environmental Protection in the future designate any wetlands within the Town as High or Moderate Value Habitat, the Board shall prohibit cutting of vegetation within 75' of the edge of such identified wetland areas.
4. If the proposed subdivision includes other important wildlife habitat as identified by the Department of Inland Fisheries and Wildlife, management plans for these areas shall be reviewed by the Department or a qualified wildlife biologist and their

comments presented in writing to the Board.

12.4 Storm Water Management Design Guidelines.

- A. Design of best management practices shall be substantially equivalent to those described in the Storm Water Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection, 1995.
- B. Drainage easements for existing water courses or proposed drainage ways shall be provided at least 30 feet wide, conforming substantially with the lines of existing natural drainage.
- C. The minimum pipe size for any storm drainage pipe shall be 15 inches for driveway entrances and eighteen inches for cross culverts. 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 three 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.
- D. Catch basins shall be installed where necessary and when located within a street shall be located at the curb line.
- E. Storm Drainage Construction Standards.
 - 1. Materials.
 - a. Storm drainage pipes shall conform to the requirements of Maine Department of Transportation materials specifications Section 706 for non-metallic pipe and Section 707 for metallic pipe, including, specifically pipe thicknesses. Plastic (polyethylene) pipes shall not be installed except in closed systems such as street underdrains. Bituminous-coated steel pipes shall not be used.
 - b. Where the storm drainage pipe is to be covered by ten feet or more of fill material, pipe material with a fifty year life shall be used. These materials include concrete pipe, polymer coated galvanized corrugated steel pipe, polyvinyl-chloride (PVC) pipe, and corrugated aluminum alloy pipe.
 - c. Where storm drainage pipe may come into contact with salt water, corrugated aluminum alloy pipes shall be used.
 - 2. 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 the municipal engineer.
 - 3. 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.

- F. 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.

12.5. Impact on Water Quality or Shoreline

- A. Within a strip of land extending 75 feet from any water body or the upland edge of a wetland, a buffer strip of vegetation shall be preserved. The deeds to any lots which include any such land shall contain the following restrictions:

1. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed ten feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created.
2. Selective cutting of trees within the buffer strip is permitted provided that a well distributed stand of trees and other vegetation is maintained. No more than 40% of the total volume of trees four inches or more in diameter, measured at 4 ½ feet above ground level may be removed in any ten year period.
3. Pruning of tree branches, on the bottom third of the tree is permitted.

12.6 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 12.2.B.2.j, except that such pathways may be surfaced with fine gravel or stone dust. Maintenance obligations of the easement shall be included in the written description of the easement.

12.7 Lots.

- A. Wherever possible, side lot lines shall be perpendicular to the street.
- B. 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 division. Deed restrictions and notes on the plan shall either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the plan and shall require approval from the Board, subject to the criteria of the subdivision statute, the standards of this ordinance and conditions placed on the original approval.

- C. If a lot on one side of a road or 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, tidal water, or road to meet the minimum lot size.
- D. The ratio of lot length to width shall not be more than three to one. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited.
- E. All lots shall be numbered in accordance with the Town of Randolph Street Naming and Numbering Ordinance (E911). Lots numbers shall be shown on the final plan to be submitted.

12.8 Utilities

Utilities shall be installed underground wherever feasible. The Board may approve overhead utilities when the applicant proposes reserved affordable housing and provides evidence that the increased costs of underground utilities will raise the costs of the housing beyond the targets for affordability.

12.9 Monuments.

- A. Stone or precast concrete 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. Stone or precast concrete monuments shall be set at all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135 degrees or less.
- C. Stone or concrete monuments shall be a minimum of four inches square at the top and four feet in length, and set in the ground at final grade level. After they are set, drill holes ½ inch deep shall locate the point or points described above.
- D. All other subdivision boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable monumentation, as required by the Maine Board of Registration of Land Surveyors.

12.10 Open Space Development Design

- A. Purpose. The purpose of this section is to promote flexibility in the design of housing developments to allow for the creation of open space, providing recreational opportunities or protecting important natural features from the adverse impacts of development.
- B. Flexibility in Dimensional Standards

1. Notwithstanding provisions of the zoning ordinance relating to dimensional requirements, the Board, in reviewing and approving proposed residential subdivisions, may modify the provisions related to dimensional requirements to permit flexibility in approaches to housing and environmental design in accordance with the following guidelines. The Board may allow lots within subdivisions to be reduced in area and frontage below the minimum normally required in return for open space where the Board determines that the design will decrease development costs, increase recreational opportunities and diminish the impact of the loss to open space and natural features. This shall not be construed as granting variances.
2. The Board may allow for an increase in overall residential density of up to 25 percent as an incentive for Open Space Development. The bonus may be calculated in either of two ways:
 - a. The subdivider may prepare a conventional subdivision plan conforming to the requirements of this ordinance and the zoning ordinance. The Open Space Bonus shall be calculated by multiplying the number of lots shown on this plan by 1.25.
 - b. The subdivider may calculate the Net Residential Acreage available for development, by taking the total area of the parcel and subtracting, in order, the following:
 1. 15% of the area of the lot to account for roads and rights-of-way.
 2. Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for building purposes.
 3. Portions of the lot shown to be in a floodplain as designated in the Town of Randolph Flood Management Ordinance.
 4. Portions of the lot which exceed 20 percent slope or contain wetlands.
 5. Portions of the lot subject to pre-existing rights of way.
 6. Portions of the lot covered by surface waters.The Open Space Bonus shall be calculated by dividing the remaining acreage by the minimum lot size permitted in the zone in which the parcel is located and multiplying the result by 1.25.

B. Special Application Requirements.

1. A sketch plan shall be submitted showing the Open Space Development Design and indicating open space and significant natural features to be preserved.
2. The preliminary plan shall include an estimate of costs of infrastructure development. Examples of impacts are municipal cost for roads, school bussing, solid waste removal, utility efficiencies, recreational opportunities, protection of flood water storage areas, environmental impacts on sensitive lands caused by construction activities, underground utilities, reclamation of land and provision of land for

conservation use. The written statement shall describe the natural features which will be preserved or enhanced by the design.

3. Within ten days of receiving the application, the Board shall invite comments on the application from the Selectmen, Road Commissioner, Budget Committee, and abutters. Within thirty days of receiving the application, the Board shall determine whether to allow the subdivision to be developed in accordance with the standards of this section.

C. Additional Requirements for Open Space Development.

1. Open Space developments shall meet all requirements of this ordinance.
2. 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 application 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. No building shall be sited on slopes steeper than 25%, within 100 feet of any water body or wetland, or on soil classified as being very poorly drained.
3. All Open Space Development shall utilize Town of Randolph Sewer and Water facilities.
4. The total area of reserved 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 by the zoning ordinance. No less than 30% of the reserved open space shall be usable open space.
5. Every building lot that is reduced in area below the amount normally required shall be within 1,000 feet of the common land.
6. The distance between buildings shall not be less than 20 feet.
7. No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of development.
8. Where an Open Space Development abuts a body of water, a usable portion of the shoreline, as well as reasonable access to it, shall be a part of the common land.

ARTICLE 13: PERFORMANCE GUARANTEES

Performance guarantees shall be tendered for all improvements required to meet the standards of this ordinance and for the construction of the streets, storm water management facilities, public sewage collection or disposal facilities, public water systems, and erosion and sedimentation control measures.

13.1 Types of Guarantees

With submittal of the application for final plan approval, the applicant 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 Randolph or a savings account or certificate of deposit naming the Town of Randolph as owner, for the establishment of an escrow account;
- B. A performance bond payable to the Town of Randolph issued by a surety company, approved by the Selectmen; or
- C. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the town may draw if construction is inadequate, approved by the Selectmen.

The conditions and amount of the performance guarantee shall be determined by the Board with the advice of the road commissioner, Selectmen, Town Attorney, or an engineer retained by the town.

13.2 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 applicant will be in default and the Town of Randolph shall have access to the funds to finish construction.

13.3 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 Randolph, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the applicant, the Town shall be named as owner or co-owner, and the consent of the Town shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the Town has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements.

13.4 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 applicant, and the procedures for collection by the Town. The bond documents shall specifically reference the subdivision for which approval is sought.

13.5 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.

13.6 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.

13.7 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 registered professional engineer retained by the Town and any other agencies and departments who may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the subdivision for which the release is requested.

13.8 Default

If upon inspection, the Town finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, a written report stating the deficiencies shall be submitted to the Board and the Selectmen. The Selectmen shall take any steps necessary to preserve the Town's rights.

ARTICLE 14: WAIVERS

14.1 Waivers Authorized

Where the Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, it may waive portions of the submission requirements, unless otherwise indicated in this ordinance, provided the applicant has demonstrated that the performance standards of this ordinance and the criteria of the subdivision statute have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the zoning ordinance, or this ordinance.

14.2 Findings of Fact Required

Where the Board makes written findings of fact that due to special circumstances, the provision of normal required improvements is not essential to provide for the public health, safety or welfare, or is not feasible because of inadequate or lacking connecting facilities, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the zoning ordinance, or this ordinance, and further provided the performance standards of this ordinance and the criteria of the subdivision statute have been or will be met by the proposed subdivision.

14.3 Conditions

Waivers may only be granted in accordance with Sections 14.1 and 14.2. When granting waivers, the Board shall set conditions so that the purposes of this ordinance are met.

14.4 Waivers to be shown on final plan

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

ARTICLE 15: APPEALS

15.1 Appeals to Superior Court

An aggrieved party may appeal a final decision of the Board under this ordinance to Kennebec County Superior Court, provided the appeal is filed within thirty days of the date the Board issues the written order of its decision. A final decision consists of the approval or denial of a preliminary plan, final plan, or minor subdivision plan application.