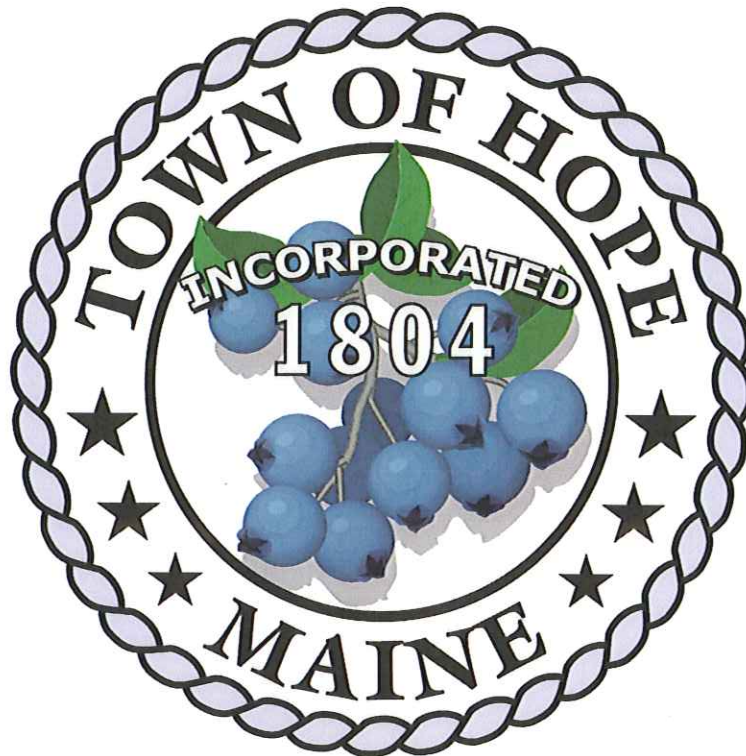


**HOPE
SUBDIVISION
ORDINANCE**



A TRUE COPY

ATTEST:

Florance A. Merrifield
Florance A. Merrifield
Hope Town Clerk

Adopted November 4, 2008

HOPE SUBDIVISION ORDINANCE

TABLE OF CONTENTS

Section 100	Purpose and Intent	1-1
	101 Purposes	1-1
	102 Intent.....	1-1
Section 200	Authority and Administration	2-1
	201 Authority	2-1
	202 Administration.....	2-1
	203 Amendments.....	2-1
	204 Effective Date.....	2-1
Section 300	Definitions	3-1
Section 400	Administrative Procedure	4-1
	401 Purpose	4-1
	402 Time Frame for Requesting Placement on Agenda	4-1
	403 Copies of Application and Supporting Documentation	4-1
	404 Preparation and Distribution of Agendas	4-1
	405 Notice to Abutters	4-1
	406 Public File	4-1
	407 Ineligible Applicant.....	4-1
Section 500	Pre-application Meeting	5-1
	501 Purpose	5-1
	502 Procedure.....	5-1
	503 Submissions for the Pre-application Meeting	5-1
	504 On-Site Inspection.....	5-1
	505 Rights Not Vested	5-2
	506 Establishment of File.....	5-2
Section 600	Minor Subdivision Final Plan	6-1
	601 Purpose	6-1
	602 Procedure.....	6-1
	603 Submission Requirements for Minor Subdivision	
	Final Plan Approval	6-2
	603.1 Application Form	6-2
	603.2 Location Map	6-2
	603.3 Documentation Required.....	6-2
	604 Final Approval and Filing	6-5

HOPE SUBDIVISION ORDINANCE

Section 700	Major Subdivision Preliminary Plan Review	7-1
701	Purpose	7-1
702	Procedure.....	7-1
703	Submission Requirements	7-2
703.1	Application Form.....	7-2
703.2	Location Map.....	7-3
703.3	Documentation Required.....	7-3
703.4	Preliminary Plan Requirements	7-4
Section 800	Major Subdivision Final Plan Review	8-1
801	Purpose	8-1
802	Procedure.....	8-1
803	Submission Requirements for Major Subdivision Final Plan	8-2
804	Final Approval and Filing	8-3
Section 900	Reserved	9-1
Section 1000	Revisions to Approved Plans	10-1
1001	Process and Procedure.....	10-1
1002	Type of Revision	10-1
1003	Submissions.....	10-1
1004	Scope of Review.....	10-1
Section 1100	Inspections and Enforcement	11-1
1101	Inspection of Required Infrastructure Improvements	11-1
1102	Violations and Enforcement.....	11-2
Section 1200	Review Criteria	12-1
1201	Purpose	12-1
1202	Air or Water Pollution.....	12-1
1203	Sufficient Water	12-1
1204	Existing Water Supply	12-2
1205	Erosion	12-2
1206	Traffic.....	12-2
1207	Sewage Disposal	12-3
1208	Municipal Solid Waste Disposal	12-3
1209	Aesthetic, Cultural and Natural Values.....	12-4
1210	Conformity with Local Ordinances and Plans	12-5
1211	Financial and Technical Capacity	12-5
1212	Surface Waters	12-5

HOPE SUBDIVISION ORDINANCE

1213	Ground Water	12-5
1214	Flood Areas	12-7
1215	Freshwater Wetlands	12-7
1216	River, Stream or Brook	12-7
1217	Stormwater	12-7
1218	Spaghetti Lots Prohibited	12-8
1219	Lake Phosphorus Concentration.....	12-8
1220	Impact on Adjoining Municipality	12-8
1221	Liquidation Harvesting.....	12-8
Section 1300	Design and Performance Standards	13-1
1301	Purpose	13-1
1302	Design and Performance Standards.....	13-1
1302.1.	Sufficient Water	13-1
1302.2	Impact on Natural Areas, Historic Sites, and Significant Wildlife Habitats.....	13-1
1302.3	Stormwater Management	13-2
1302.4	Lots.....	13-2
1302.5	Utilities.....	13-3
1302.6	Monuments.....	13-3
1302.7	Cluster Development.....	13-3
1302.8	Subsurface Wastewater Disposal	13-3
1302.9	Identification of Freshwater Wetlands	13-3
1302.10	Erosion and Sedimentation Control	13-3
1302.11	Phosphorus Control.....	13-4
Section 1400	Road Design Standards.....	14-1
1401	Purpose	14-1
1402	Access Control	14-1
1403	Road Design Standards	14-2
1404	Road Construction Standards	14-4
Section 1500	Performance Guarantees	15-1
1501	Process.....	15-1
1502	Types of Guarantees.....	15-1
1503	Contents of Guarantee	15-2
1504	Conditional Agreement	15-2
1505	Phasing of Development	15-2
1506	Release of Guarantee.....	15-2
1507	Default.....	15-2

HOPE SUBDIVISION ORDINANCE

Section 1600	Waivers	16-1
1601	Waivers Authorized.....	16-1
1602	Findings of Fact Required.....	16-1
1603	Conditions	16-1
1604	Waivers Shall be Shown on the Final Plan	16-1
Section 1700	Appeals	17-1
1701	Appeals to Superior Court.....	17-1

SECTION 100 – PURPOSE AND INTENT

101. Purposes

The purposes of this Ordinance are:

- 101.1.** To provide a reasonable and efficient process for the review of proposed subdivisions;
- 101.2.** To ensure adequate review of the subdivision review criteria of the State Subdivision Law found in 30-A M.R.S.A. §4404;
- 101.3.** To ensure new development meets the goals of the Hope Comprehensive Plan;
- 101.4.** To ensure the health, safety, and welfare of the residents of Hope; and
- 101.5.** To allow landowners to responsibly and appropriately develop their land.

102. Intent

The Intention of this Ordinance is to:

- 102.1.** Protect the public health and safety by ensuring that subdivisions are designed and developed to adequate standards to ensure traffic safety, emergency access, water supply, and subsurface wastewater disposal;
- 102.2.** Promote the general welfare of the community by minimizing the adverse impacts on abutting properties and the surrounding area; and
- 102.3.** Protect natural resources through appropriate storm water management design, erosion and sedimentation control, groundwater protection, and the identification and protection of wildlife habitats and unique natural areas.

ARTICLE 200 – AUTHORITY AND ADMINISTRATION

201. Authority

201.1. This Subdivision Ordinance has been prepared in accordance with the provisions of 30-A M.R.S.A. §4403, under the home rule authority granted to the Town of Hope by Maine statute.

201.2 This Ordinance shall be known and may be cited as the “Hope Subdivision Ordinance.”

202. Administration

202.1. The Planning Board of the Town of Hope, hereinafter called the “Board,” shall administer this Ordinance.

202.2. The provisions of this Ordinance shall pertain to all land and buildings proposed for subdivision as defined by 30-A M.R.S.A. §4401 et seq., within the Town of Hope.

202.3. All applications, supporting documentation, and required fees shall be processed through the Code Officer within the required time period specified in this Ordinance.

202.4. The fee schedule for this Ordinance shall be approved by the municipal officers.

203. Amendments

203.1. This Ordinance may be amended by the legislative body of the Town of Hope.

203.2. 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.

204. Effective Date

204.1. This Ordinance shall be in full force and effect on the day following an affirmative Town Meeting to adopt this Ordinance.

204.2. Any previously enacted Subdivision Ordinance of the Town of Hope shall be repealed as of that date.

SECTION 300 – DEFINITIONS

301. Meaning of Words

In general, words and terms used in this Ordinance shall have their customary dictionary meanings. More specifically, any word or term defined in the Hope Land Use Ordinance shall have the definition contained in that Ordinance, unless defined differently below.

302. Relationship to Other Town Ordinances

When there is a conflict in language contained in this Subdivision Ordinance and other Hope Ordinances, the stricter language shall apply for purposes of this Ordinance.

303. Definitions

Affordable Housing: Housing units which will meet the sales price and/or rental targets established by the Hope Comprehensive Plan for housing affordability.

Applicant: The land owner or their representative applying for subdivision approval under this Ordinance.

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

Board: The Planning Board of the Town of Hope.

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 abutting properties or on sensitive natural resources.

Building Envelope: An area designated on the plan that indicates where a principal structure and accessory structures, including parking, are to be located. Utilities and driveways may be located outside the building envelope.

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

Capital Investment Plan: The portion of the comprehensive plan that identifies the projects for consideration for inclusion within the capital improvements program, together with an estimate of the order of magnitude for the cost of each project.

Code Officer: The Code Enforcement Officer for the Town of Hope.

HOPE SUBDIVISION ORDINANCE

Section 300 – Definitions

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. It may include complementary structures and improvements, typically used for maintenance and operation of the open space, such as for outdoor recreation.

Complete Application: All submission requirements mandated by this Ordinance and payment of the required fee as determined by the Planning Board.

Comprehensive Plan: The Town of Hope Comprehensive Plan.

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 as defined in the Land Use Ordinance.

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

Direct Watershed of a Great Pond: That portion of a watershed which drains directly to the great pond without first passing through an upstream great pond.

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

Dwelling Unit: A room or group of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, bathing and sleeping facilities. A dwelling unit 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 is presented to the Board for approval and which, if approved, shall be recorded at the Registry of Deeds.

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

HOPE SUBDIVISION ORDINANCE

Section 300 – Definitions

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

High Intensity Soil Survey: A map prepared by a Certified Soil Scientist, identifying the soil types down to one-eighth of an 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.

Hundred Year Flood: The highest level of flood that, on the average, has a one percent chance of occurring in any given year.

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

Normal High Water Line: 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. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and are at the same or lower elevation as the water level of the river or great pond during the period of normal high water are considered part of the river or great pond.

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

Planning Board: The Planning Board of the Town of Hope.

Preliminary Plan: The preliminary drawings for a major subdivision indicating the proposed layout of the subdivision and supporting documentation that is required by this Ordinance. Approval of the preliminary plan shall not constitute approval of the final subdivision plan.

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.

Recording Plan: An original of the Final Plan, suitable for recording at the Knox County Registry of Deeds.

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.

HOPE SUBDIVISION ORDINANCE
Section 300 – Definitions

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

Street and Road Classification:

Arterial Highway: A major thoroughfare which serves as a major traffic way for travel through the municipality.

Collector Road: A road with average daily traffic of 200 vehicles per day or greater, or streets which serve as feeders to arterial streets, and collectors of traffic from minor roads.

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

Minor Road: A road which has an average daily traffic of less than 200 vehicles per day.

Private Road: Any road which is not intended to be dedicated as a municipal road and for which the Town has no maintenance responsibility.

Private Way: A minor residential road serving no more than four lots or dwelling units which is not intended to be dedicated as a municipal road and for which the Town has no maintenance responsibility.

Public Road: A strip of land owned by the Town for the passage or use by the general public by motor vehicles and for which the Town has a maintenance responsibility. New municipal roads must be accepted by a Town Meeting.

Subdivision: The definition of “Subdivision” contained in 30-A M.R.S.A. §4401 et seq., as amended.

Subdivision, Major: Any subdivision containing five or more lots or dwelling units.

Subdivision, Minor: Any subdivision containing no more than four lots or dwelling units.

Town: The town of Hope, Maine

SECTION 400 – ADMINISTRATIVE PROCEDURE

401. Purpose

In order to establish a consistent and equitable process for reviewing and approving subdivisions the following administrative procedures will be in effect for each stage of the subdivision review process.

402. Time Frame for Requesting Placement on Agenda

Applicants shall request to be placed on the Board's agenda at least fifteen (15) days in advance of a regularly scheduled meeting by contacting the Code Officer. At each stage of the review process, in order to be placed on the agenda, the applicant is required to submit any required fee and all necessary information mandated for that stage of the review process.

403. Copies of Application and Supporting Documentation

At each stage of the review process, the applicant shall provide the Code Officer ten (10) copies of all documentation and materials.

404. Preparation and Distribution of Agendas

The agenda shall be prepared by the Code Officer, under direction of the Planning Board Chair, at least seven days prior to the meeting. The agenda, application and supporting documentation shall be distributed to all Board members at least four days prior to the meeting. The agenda shall be posted at the Town Office and Town website. The Board shall take no action on items not appearing on the Board's written agenda.

405. Notice to Abutters

The Code Officer or designee shall mail a copy of the agenda to all abutters. The agenda shall indicate that a copy of the application and supporting documentation are available for review at the Hope Town Office.

406. Public File

The Code Officer or designee shall maintain a file of the application and all submissions at the Hope Town Office.

407. Ineligible Applicant

No plan shall be approved as long as the applicant is in violation of the provisions of a previously approved subdivision plan within the Town of Hope.

SECTION 500 – PRE-APPLICATION MEETING

501. Purpose

The purpose of the pre-application meeting is for the applicant to present a general overview of the proposed subdivision and receive the Board's comments prior to the expenditure of substantial financial resources to design and engineer the subdivision.

502. Procedure

502.1. The applicant shall follow the administrative procedures outlined in Section 400.

502.2. The applicant shall present the Sketch Plan of the proposed subdivision and make a presentation to the Planning Board regarding the proposed subdivision.

502.3. Following the applicant's presentation, the Board may ask questions and make suggestions that may be incorporated by the applicant into the application.

503. Submissions for the Pre-Application Meeting

503.1. Sketch Plan: The applicant shall show, in simple sketch form, the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The Sketch Plan does not have to be engineered and may be a free-hand penciled sketch. The Sketch Plan should show the existing site conditions such as steep slopes, wet areas, and vegetation. It is recommended that the sketch plan be superimposed over the parcel(s) on which the land is located.

503.2. U.S.G.S. Topographic Map: A copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision.

503.3. County Soil Survey: A copy of the county soil survey covering the proposed subdivision, showing the outline of the proposed subdivision.

504. On-Site Inspection

504.1. The Board and applicant shall set a date for an on-site inspection prior to the Final Plan meeting for a minor subdivision and prior to the Preliminary Plan meeting for a major subdivision.

504.2. The applicant shall place "flagging" at the centerline of any proposed streets and at the approximate street intersections and lot corners, prior to the on-site inspection.

504.3. The Board shall not conduct on-site inspections when there is more than six inches of snow on the ground.

505. Rights Not Vested

The Pre-Application Meeting, the submittal or review of the Sketch Plan, shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of 1 M.R.S.A. §302, as amended.

506. Establishment of File

Prior to the pre-application meeting the Code Officer shall establish a file for the proposed subdivision. Copies of the application and all supporting documentation for each phase of the process of the proposed subdivision shall be maintained in this file which will be located at the Town Office.

SECTION 600 – MINOR SUBDIVISION FINAL PLAN

601. Purpose

The purpose of the Minor Subdivision Final Plan process is to provide a simple and expedited process for the Planning Board to review plans for subdivisions of no more than four lots or dwelling units.

602. Procedure

602.1. The applicant shall follow the administrative procedures outlined in Section 400.

602.2. Within six months after the pre-application meeting, the applicant shall submit an application for approval of a final plan at least fifteen days prior to a regularly scheduled meeting of the Board. Applications shall be submitted to the Hope Town Office. Failure to submit the application within six months shall require restart of the pre-application process. The Final Plan shall approximate the layout shown on the sketch plan, and shall address any suggestions made by the Board at the Pre-Application Meeting.

602.3. All applications for final plan approval for a Minor Subdivision shall be accompanied by a non-refundable application fee per lot or dwelling unit, as determined by the municipal officers, payable to the Town of Hope. In addition, the Board, upon reviewing the application and finding the need for outside professional assistance, may, at its sole discretion, hire its own civil engineer, soil scientist, geologist or other expert to review the plan submitted by the applicant. The applicant shall deposit an amount determined by the Board in a non-interest-bearing account with the Town of Hope in advance of the hiring of such experts to cover this expense. Any balance in the account remaining after the decision on the final plan application by the Board shall be returned to the applicant.

602.4. The applicant, or his authorized agent, 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 review of the final plan.

602.5. Prior to the first meeting for Minor Subdivision Final Plan approval, the Code Officer or his designee shall:

1. Notify all owners of abutting property by first class mail that an application for subdivision approval has been submitted.
2. Notify the clerk of an adjacent municipality if any portion of the subdivision crosses the municipal boundary.

HOPE SUBDIVISION ORDINANCE

Section 600 – Minor Subdivision

602.6. Determination of Complete Application: Within thirty days of the receipt of the final plan application, the Board shall determine whether the application is complete and notify the applicant 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.

602.7. Public Hearing Required: The Board shall hold a public hearing on the final plan application within thirty days of determining that it has received a complete application. Notice of the public hearing shall be posted at the Town Office, on the Town's website, and mailed to abutters.

602.8. Approval of Final Plan: Within thirty days from the public hearing or within sixty days of determining a complete application has been received, or within another time limit as may be otherwise mutually agreed upon by the Board and the applicant, the Board shall make findings of fact and conclusions relative to the criteria contained in 30-A M.R.S.A. §4404 and the review criteria of Section 1200. If the Board finds that all the criteria of the Statute and the review criteria of Section 1200 have been met, they shall approve the final plan. If the Board finds that any of the criteria of Section 1200 or the State Subdivision Law has not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the criteria will be met by the subdivision. The Board shall issue a written notice of findings and conclusions to the applicant.

603. Submission Requirements for Minor Subdivision – Final Plan Approval

The final plan shall consist of the following items:

603.1. Application Form: The standard application form as provided by the Town of Hope.

603.2. Location Map: The location map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the abutting properties, and to allow the Board to locate the subdivision within the municipality. The location map shall show:

1. Existing subdivisions in the proximity of the proposed subdivision.
2. Locations and names of existing and proposed roads.
3. Boundaries and designations of zoning districts.
4. An outline of the proposed subdivision and any remaining portion of the owner's contiguous property.

603.3. Documentation Required for Minor Subdivision Plan: The final plan and supporting documentation for a Minor Subdivision shall include the following information to ensure that the review criteria of 30-A M.R.S.A., §4404 and Section 1200 are met:

HOPE SUBDIVISION ORDINANCE

Section 600 – Minor Subdivision

1. Proposed name of the subdivision, name of the municipality, and proposed map and lot numbers.
2. Verification of right, title, or interest in the property.
3. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel shall be located on the ground and marked by monuments. The plan shall indicate the type of monument found or to be set at each lot corner.
4. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
5. A copy of any deed restrictions, covenants, or homeowner association agreement intended to cover the lots or dwellings in the subdivision.
6. The type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, site evaluations and locations prepared by a Licensed Site Evaluator must be included.
7. The type of water supply system to be used in the subdivision.
 - a. When water is to be supplied by a public water supply, a written statement from the servicing water 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.
 - 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 hydrogeologist familiar with the area.
8. The date the plan was prepared, north point, and graphic map scale.
9. The names and addresses of the owner of record, applicant, individual who prepared the plan, and abutting property owners.
10. The location of gravel pits and freshwater wetland areas.
11. The total number of acres within the proposed subdivision, location of property lines, location of all existing buildings, and vegetative cover type. On wooded sites, the plan shall indicate building envelopes for future development and shall include a plan note detailing any restrictions placed on clearing existing vegetation.

HOPE SUBDIVISION ORDINANCE

Section 600 – Minor Subdivision

12. The location of all rivers, streams and brooks within or adjacent to the proposed subdivision. If any portion of the proposed subdivision is located in the direct watershed of a great pond, the application shall indicate which great pond.
13. Contour lines at interval specified by the Board.
14. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the proposed subdivision.
15. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the proposed subdivision.
16. The location, names, and present widths of existing roads, 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. In order to facilitate the addition of the subdivision into the municipal property records, this information shall also be submitted in a format compatible with the assessors' records.
17. The width and location of any roads, public improvements or open spaces within the subdivision.
18. The location and description of any open space to be preserved.
19. The location and description of any parcels of land proposed to be dedicated to public use and the conditions of such dedication.
20. The location of any portion of the proposed subdivision that is in a flood plain, as depicted on the Hope Flood Insurance Rate Map, shall be delineated on the plan.
21. The Board may require a hydrogeologic assessment in cases where site considerations or development design indicate a serious potential of adverse impacts on ground water quality.
22. The Board may require a stormwater management plan prepared in accordance with the *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection (current edition).
23. The Board may require 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 (current edition). The Board must require submission of the erosion and sedimentation control plan if the subdivision is within 500 feet of a great pond.

HOPE SUBDIVISION ORDINANCE

Section 600 – Minor Subdivision

24. If any portion of the subdivision is located within an area designated as a critical natural area by the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.
25. If the proposed minor subdivision is within the direct watershed of a great pond, the phosphorus control measures shall meet the simplified design criteria contained in Section 1302.11.2.

604. Final Approval and Filing

604.1. Previous Violations: No plan shall be approved by the Board as long as the applicant is in violation of any provision of the Hope Subdivision Ordinance and/or Land Use Ordinance.

604.2. Subdivision Plan to Meet Review Criteria: Upon determining that all criteria in 30-A M.R.S.A § 4404 and criteria of Section 1200 of this ordinance have been met, the Board shall vote to approve the subdivision and then sign the final plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. Any subdivision not recorded at the Knox County Registry of Deeds within two years of the date upon which the plan is approved and signed by the Board shall become null and void.

604.3. Changes to the Final Plan: 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 Section 1000. The Board shall make findings that the revised plan meets the criteria of 30-A M.R.S.A. §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.

604.4. Approval of Plan Shall Not Constitute Acceptance of a Private Way: The approval by the Board of a subdivision plan shall not constitute acceptance by the Town of any road, easement, or other open space shown on such plan. When a park 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 area. 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 municipal officers covering future deed and title dedication, and provision for the cost of development and maintenance of the dedicated area.

604.5. Failure to Complete Infrastructure Improvements: Failure to complete infrastructure improvements within five years of the date of subdivision approval shall render the plan null and void. Upon determining that a subdivision's approval has expired under this section, the Board shall have a notice placed at the Knox County Registry of Deeds to that effect.

SECTION 700 – MAJOR SUBDIVISION PRELIMINARY PLAN REVIEW

701. Purpose

The purpose of the Major Subdivision Preliminary Plan Review process is to provide the second stage in a three-stage process to review plans for Major Subdivisions, which are defined as subdivisions of five or more lots or dwelling units.

702. Procedure

702.1. The applicant shall follow the administrative procedures outlined in Section 400 including submission of ten (10) copies of the application, plan, and all supporting documentation at least fifteen (15) days prior to the scheduled meeting.

702.2. Within six months of the pre-application meeting, the applicant shall submit an application for approval of a final plan at least fifteen (15) days prior to a scheduled meeting of the Board. Applications shall be submitted to the Hope Town Office. Failure to submit the application within six months shall require restart of the pre-application process. The preliminary plan shall approximate the layout shown on the sketch plan, plus any recommendations made by the Board.

702.3. All applications for preliminary plan approval for a Major Subdivision shall be accompanied by a non-refundable application fee per lot or dwelling unit, as determined by the municipal officers, payable to the Town of Hope. In addition, the Board, upon reviewing the application and finding the need for outside professional assistance, may, at its sole discretion, hire its own civil engineer, soil scientist, geologist or other expert to review the plan submitted by the applicant. The applicant shall deposit an amount determined by the Board in a non-interest-bearing account with the Town of Hope in advance of the hiring of such experts to cover this expense. Any balance in the account remaining after the decision on the final plan application by the Board shall be returned to the applicant.

702.4. The applicant, or his representative, shall attend the meeting of the Board to present the preliminary plan application. Failure to attend the meeting to present the preliminary plan application shall result in a delay of the Board's review of the preliminary plan.

702.5 Prior to the meeting at which an application for preliminary plan approval of a Major Subdivision is initially presented, the Code Officer or his designee shall:

1. Notify all owners of abutting property that an application for subdivision review has been submitted.

HOPE SUBDIVISION ORDINANCE
Section 700 – Major Subdivision Preliminary Plan Review

2. Notify the clerk of an adjacent municipality if any portion of the subdivision crosses the municipal boundary.

702.6. Determination of Complete Application: Within thirty days of the receipt of the preliminary plan application, the Board shall determine whether the application is complete and notify the applicant 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.

702.7. Public Hearing Required: The Board shall hold a public hearing on the preliminary plan application within thirty days of determining that it has received a complete application. Notice of the public hearing shall be posted at the Town Office, the Town's website, and mailed to abutters.

702.8. Approval of Major Subdivision Preliminary Plan: Within thirty days from the public hearing, or within another time frame mutually agreed to by the Board and the applicant, the Board shall make findings of fact on the application, and approve, approve with conditions, or deny the preliminary plan application. When granting approval to a preliminary plan, the Board shall state the conditions of such approval, if any, with respect to:

1. The specific changes which it will require in the final plan;
2. The character and extent of the required improvements for which waivers may have been requested and which the Board finds may be waived without jeopardy to the public health, safety, and general welfare; and
3. The construction items for which cost estimates and performance guarantees will be required as a prerequisite to approval of the final plan.

702.8. Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary subdivision 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 plan approval. 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.

703. Submission Requirements for Major Subdivision – Preliminary Plan

The preliminary plan application shall consist of the following items:

703.1. Application Form. The standard application form provided by the Town of Hope.

HOPE SUBDIVISION ORDINANCE
Section 700 – Major Subdivision Preliminary Plan Review

703.2. Location Map. The location map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the abutting properties, and to allow the Board to locate the subdivision within the municipality. The location map shall show:

1. Existing subdivisions in the proximity of the proposed subdivision.
2. Locations and names of existing and proposed roads.
3. Boundaries and designations of zoning districts.
4. An outline of the proposed subdivision and any remaining portion of the owner's property if the preliminary plan covers only a portion of the owner's entire contiguous holding.

703.3. Documentation Required for Preliminary Plan: A Major Subdivision preliminary plan shall include the following information. This information is in addition to the information outlined in Section 703.4.

1. Proposed name of the subdivision, name of the municipality in which it is located, map and lot numbers, name and address of the owner of record, and name and address of the individual who prepared the plan.
2. Verification of right, title or interest in the property and a copy of the most recently recorded deed for the parcel.
3. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property. When access is over a private road outside the subdivision, documented proof of right of way access and right to improve the road shall be provided.
4. A copy of any deed restrictions, covenants or homeowners association agreement intended to cover all or part of the lots or dwellings in the subdivision.
5. Information on the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by subsurface waste water disposal systems, test pit analyses, prepared by a Licensed Site Evaluator shall be provided. This information shall be referenced to the test pits shown on the plat plan.
6. Information on the type of water supply system(s) to be used in the subdivision. When water is to be supplied by a public water supply, a written statement from the servicing water district shall be submitted indicating there is adequate supply and pressure for the proposed subdivision.

7. Names and addresses of property owners within 200 feet of the proposed subdivision.

HOPE SUBDIVISION ORDINANCE
Section 700 – Major Subdivision Preliminary Plan Review

8. 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.
9. If the proposed Major Subdivision is in the direct watershed of a great pond, the phosphorus control measures shall meet the design criteria contained in Section 1302.11.3.
10. If any portion of the proposed subdivision is located within an area designated as a unique natural area by the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of that portion of the parcel.
11. The Board may require a hydrogeologic assessment in cases where site considerations or development design indicate a serious potential of adverse impacts on ground water quality.
12. The Board may require a stormwater management plan prepared in accordance with the *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection (current edition).
13. The Board may require 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 (current edition). The Board must require submission of the erosion and sedimentation control plan if the subdivision is within 500 feet of a great pond.
14. If there is property held in common, or private roads to be maintained, the applicant shall form and incorporate a homeowners' or road association. As evidence of the creation of such an association the submission shall include copies of the by-laws and articles of incorporation developed by the applicant. The document shall clearly establish:
 - a. The association's responsibility to properly and routinely maintain and repair private roads and private ways serving the subdivision after the applicant has legally relinquished that responsibility.
 - b. Covenants for mandatory membership to be included in the deed for each lot.
 - c. The association's responsibility for maintaining any common open space.
 - d. The establishment of annual charges for all property owners to maintain roads and common open space.

703.4. Preliminary Plan Requirements: The Major Subdivision Preliminary Plan shall be submitted in ten (10) copies which may be printed or reproduced on paper drawn to a scale of not more than one hundred (100) feet to the inch. Where practical, the sheet size of the drawings shall be 24 inches by 36 inches. The following information shall be shown on the preliminary plan:

HOPE SUBDIVISION ORDINANCE
Section 700 – Major Subdivision Preliminary Plan Review

1. 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 to be set in the future at each lot corner.
2. Proposed name of the subdivision, or identifying title, and individual or company who prepared the plan.
3. The date the plan was prepared, north point, and graphic map scale.
4. Abutting property owners' names, addresses and map and lot numbers.
5. The location of all test pits dug on the site for evaluation of the subsurface wastewater disposal systems. The pits shall be numbered to correspond to the test pit analysis included with the written statement.
6. The location of any existing wells.
7. The total number of acres within the proposed subdivision, location of property lines, location of all existing buildings, and vegetative cover type. On wooded sites, the plan shall indicate building envelopes for future development and shall include a plan note detailing any restrictions placed on clearing existing vegetation.
8. The location of rivers, streams, brooks and wetlands within or adjacent to the proposed subdivision.
9. Contour lines at five (5) foot intervals unless directed otherwise by the Board.
10. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the proposed subdivision.
11. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the proposed subdivision.
12. The location, names, and present widths of existing streets, and the location and names of parks and other open spaces within or adjacent to the proposed subdivision.
13. 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.
14. The location of any preserved open space or dedicated public land and the conditions of such dedication.
15. The boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the Hope Flood Insurance Rate Map, shall be delineated on the plan.

SECTION 800 – MAJOR SUBDIVISION FINAL PLAN REVIEW

801. Purpose

The purpose of the Major Subdivision Final Plan Review is to provide the final stage in a three-stage process to review plans for Major Subdivisions, which are defined as subdivisions of five or more lots or dwelling units.

802. Procedure

802.1. Administrative Procedure: The applicant shall follow the administrative procedures outlined in Section 400 including the submission of ten (10) copies of the application, subdivision plan, and all supporting documentation at least fifteen (15) days prior to a scheduled Board meeting.

802.2. Time Line: Within six months of approval of the preliminary plan, the applicant shall submit an application for approval of a final plan. Applications shall be submitted to the Hope Town Office. Failure to submit the application within six months may require restart of the preliminary plan process. The final plan shall approximate the layout shown on the preliminary plan, plus any changes required by the Board.

802.3. Fee: All applications for final plan approval for a Major Subdivision shall be accompanied by a non-refundable application fee per lot or dwelling unit, determined by the municipal officers.

802.4. Applicant Representation: The applicant, or his representative, shall attend the meeting of the Board to present the final plan application. Failure to attend the meeting shall result in a delay of the Board's review of the final plan.

802.5. Notice: Prior to the meeting at which an application for final plan approval of a Major Subdivision is presented, the Code Officer or his designee shall:

1. Notify all owners of abutting property by first class mail that an application for subdivision approval has been submitted.
2. Notify the clerk of an adjacent municipality if any portion of the subdivision crosses the municipal boundary.

802.6. Determination of Complete Application: Within thirty days of the receipt of the final plan application, the Board shall determine whether the application is complete and notify the applicant 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.

HOPE SUBDIVISION ORDINANCE
Section 800 – Major Subdivision Final Plan Review

802.7. Public Hearing: The Board may hold a public hearing on the final plan application within thirty days of determining that it has received a complete application. Notice of the public hearing shall be posted at the Hope Town Office, the Town's website, and mailed to abutters.

802.8. Approval of Major Subdivision Final Plan: 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 30-A M.R.S.A. §4404 and the standards of this Ordinance. If the Board finds that all the criteria of the statute and the standards of this Ordinance have been met, the Board shall approve the final plan. If the Board finds that any of the criteria of the statute or the standards of this Ordinance has not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The Board shall draft a written notice of its decision including findings of fact and conclusions. The notice of decision should include any conditions of approval required by the Board.

803. Submission Requirements for Major Subdivision Final Plan

The final plan application shall consist of the following items:

803.1. Final Plan Requirements: The Major Subdivision Final Plan shall be submitted in ten (10) copies which may be printed or reproduced on paper drawn to a scale of not more than one hundred (100) feet to the inch. In addition, two reproducible, stable-based transparencies, one to be recorded at the Knox County Registry of Deeds, the other to be filed at the Hope Town Office, shall also be submitted. Where practical, the sheet size of the drawings shall be 24 inches by 36 inches.

803.2. Information to be included on the Final Plan: The final plan shall consist of all information contained on the approved preliminary subdivision plan as required in Section 703.4.

803.3 Additional Information Required for Final Plan Approval: The following submission requirements may apply.

1. Evidence satisfactory to the Board that the applicant has the technical capability to complete the infrastructure improvements of the subdivision.
2. Evidence satisfactory to the Board that the applicant has the financial capability to obtain a performance guarantee as required by Section 1400 to secure the completion of all infrastructure improvements.
3. A copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision if different than those submitted with the preliminary plan.

HOPE SUBDIVISION ORDINANCE
Section 800 – Major Subdivision Final Plan Review

4. If required by the Board under the provisions of Section 703.3.12 a stormwater management plan, prepared in accordance with the *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection (current edition).
5. If required by the Board under the provisions of Section 703.3.13 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 Maine Department of Environmental Protection (current edition).
6. If required by the Board under the provisions of Section 703.3.14 a phosphorus control plan developed in accordance with the *Phosphorus Control in Lake Watersheds Handbook* published by the Maine Department of Environmental Protection (current edition).
7. The final draft(s), if any, of a homeowners' association by-laws, road association agreement or restrictive covenants that will apply to the subdivision.

804. Final Approval and Filing

804.1. Previous Violations: No plan shall be approved by the Board as long as the applicant is in violation of any provision of the Hope Subdivision Ordinance and/or Land Use Ordinance.

804.2. Subdivision Plan to Meet Review Criteria: Upon determining that all criteria in 30-A M.R.S.A § 4404 and criteria of Section 1200 of this ordinance have been met, the Board shall vote to approve the subdivision and then sign the final plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. Any subdivision not recorded at the Knox County Registry of Deeds within two years of the date on which the plan is approved and signed by the Board shall become null and void.

804.3. Changes to the Final Plan: No changes, erasures, or revisions shall be made in any final plan after the Board has approved and signed the final plan unless the revised final plan is first resubmitted to the Board and the Board approves any modifications. The Board shall make findings that the revised plan meets the criteria of 30-A M.R.S.A. §4404 and the standards of this Ordinance. In the event that a plan is recorded without complying with this requirement, the plan shall be considered null and void.

804.4. Approval of Plan Shall Not Constitute Acceptance of a Private Way: The approval by the Board of a subdivision plan shall not constitute acceptance by the Town of any street, easement, or other open space shown on such plan. When a park 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 municipal officers

HOPE SUBDIVISION ORDINANCE
Section 800 – Major Subdivision Final Plan Review

covering future deed and title dedication, and provision for the cost of development and maintenance of the dedicated area.

804.5. Phasing of Development: The Board may approve plans to develop a major subdivision in separate and distinct phases to ensure the orderly development of the subdivision.

804.6. Failure to Complete Infrastructure Improvements: Failure to complete infrastructure improvements within seven years of the date of subdivision approval shall render the plan null and void. Upon determining that a subdivision's approval has expired under this section, the Board shall have a notice placed at the Knox County Registry of Deeds to that effect.

SECTION 900 – RESERVED

This section reserved for future use.

SECTION 1000 – REVISIONS TO APPROVED PLANS

1001. Process and Procedure

The applicant shall follow the administrative procedures outlined in Section 400.

1002. Type of Revision

If the revision involves only modifications of an approved plan such as lot line revisions or the creation of one to four additional lots or dwelling units, the procedures for Section 600 shall be followed. If the revision involves the creation of more than four lots or dwelling units, the procedures for Sections 700 and 800 shall be followed.

1003. Submissions

The applicant shall submit a copy of the approved plan as well as ten (10) 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 Review Criteria of Section 1200 of this Ordinance and 30-A M.R.S.A. §4404. 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 cabinet and sheet on which the original plan is recorded at the Knox County Registry of Deeds.

1004. Scope of Review

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

SECTION 1100 – INSPECTIONS AND ENFORCEMENT

1101. Inspection of Required Infrastructure Improvements

1101.1. Responsibilities of Developer: At least five days prior to commencing construction of required infrastructure improvements, the developer shall:

1. Notify the Code Officer of the time when he proposes to commence construction so that the Town can arrange for inspections to assure that all specifications and Board conditions of approval are met during the construction of required improvements.
2. Pay the fee that may be required for the inspection of infrastructure improvements.

1101.2. Responsibilities of Town: If the Code Officer finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications approved by the Board, he shall notify, in writing, the developer and municipal officers. The municipal officers shall take appropriate steps to assure compliance with the approved plans.

1101.3. Modification of Approved Plan: If it appears necessary or desirable to modify the required improvements before or during the construction the Code Officer is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The Code Officer shall issue any approval under this section in writing and shall transmit a copy of the approval to the Planning Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the developer shall obtain approval of the Board under Section 1000.

1101.4. Installation of Stormwater and Erosion Control Measures: By November 1st of each year that the subdivision is under construction, the Code Officer shall require that the developer has installed temporary stormwater and erosion control measures to ensure stabilization of the project during the winter months.

1101.5. Installation of Monumentation: Prior to the sale of any lot, the developer shall provide the Board with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.

1101.6. Proposed Public Way: Upon completion of road construction and prior to a vote by the municipal officers to submit a proposed Public Way to a Town Meeting vote, a written certification signed by a professional engineer shall be submitted to the municipal officers at the expense of the applicant, certifying that the proposed Public Way meets or exceeds the design and construction requirements of this Ordinance. If there are any

HOPE SUBDIVISION ORDINANCE
Section 1100 – Inspections and Enforcement

underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility.

1101.7. Private Roads and Private Ways: The developer or homeowners' association shall be required to maintain all improvements including maintenance and snow removal on Private Roads and Private Ways.

1102. Violations and Enforcement

11.2.1. No plan of a division of land within the Town which would constitute a subdivision shall be recorded at the Knox County Registry of Deeds until a final plan has been approved and signed by the Board in accordance with this Ordinance.

1102.2. No person shall convey, or offer to convey any land in a subdivision which has not been approved by the Board and recorded at the Knox County Registry of Deeds.

1102.3. No utility company shall serve any lot in a subdivision for which a final plan has not been approved by the Board.

1102.4. Development of a subdivision without Board approval shall be a violation of state subdivision law and this Ordinance. Development includes the construction of roads, grading of lots, or construction of buildings as set forth in 30-A M.R.S.A. §4406 which require an approved plan recorded in the Registry of Deeds.

1102.5. No lot in a subdivision may be sold, leased, or otherwise conveyed before the road upon which the lot fronts is completed up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the road upon which the unit is accessed is completed in accordance with this Ordinance.

1102.6. Violations of the provisions of this Ordinance shall be subject to the monetary penalties and remedies set forth in 30-A M.R.S.A. §4452.

SECTION 1200 – REVIEW CRITERIA

1201. Purpose

The review criteria in this section are intended to clarify the criteria for approval found in the State Subdivision Law 30-A M.R.S.A. §4404, et seq. In reviewing a proposed subdivision, the Board shall review the application for conformance with the following review criteria and make findings that each has been met prior to final plan approval. Compliance with the design guidelines of Sections 1300 and 1400 shall be considered evidence of meeting the appropriate review criteria. Proposed subdivisions not in compliance with the design guidelines of Sections 1300 and 1400 may be considered, but the applicant shall provide clear and convincing evidence that the proposed design will meet the review criteria of this Ordinance and State law. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all review criteria and statutory criteria for approval have been met.

1202. The Proposed Subdivision will not Result in Undue Air or Water Pollution.

1202.1. The proposed subdivision shall not discharge wastewater to a water body or a designated wetland without approval from the Maine Department of Environmental Protection.

1202.2. Discharges of stormwater shall be treated to remove oil, grease, and sediment prior to discharge into surface waterbodies. When the subdivision is within the watershed of a great pond, the storm water shall be treated in order to remove excess nutrients.

1202.3. Applicable State and local health and water resource rules and regulations shall be adhered to.

1203. The Proposed Subdivision has Sufficient Water Available for the Reasonably Foreseeable needs of the Subdivision.

1203.1. Water Supply

1. Individual wells shall be sited and constructed to prevent infiltration of surface water and contamination from subsurface wastewater disposal systems and other sources of potential contamination.
2. Lot design shall permit placement of wells, subsurface wastewater disposal areas, and reserve sites for subsurface wastewater disposal areas in compliance with the *Maine Subsurface Wastewater Disposal Rules* and the *Well Drillers and Pump Installers Rules* (current edition).

HOPE SUBDIVISION ORDINANCE

Section 1200 – Review criteria

3. If a central water supply system is provided by the applicant, the location and protection of the source and 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 comprehensive plan 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 Hope to access and maintain dry hydrants or reservoirs. The Board may waive the requirement for water storage upon submittal of evidence that the Fire Chief has indicated in writing that alternate methods of fire protection are available.

1203.2. Water Quality Water supplies shall meet the primary drinking water standards contained in the *Maine Rules Relating to Drinking Water*. If existing water quality contains contaminants in excess of the secondary drinking water standards in the *Maine Rules Relating to Drinking Water*, that fact shall be disclosed in a note on the plan to be recorded at the Knox County Registry of Deeds.

1204. The Proposed Subdivision will not Cause an Unreasonable Burden on an Existing Water Supply, if one is to be used.

In meeting the standards of Section 1203, a proposed subdivision shall not generate a demand on the source, treatment facilities or distribution system of the servicing water district beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the subdivision.

1205. The Proposed Subdivision will not Cause Unreasonable Soil Erosion or a Reduction in the Land's Capacity to Hold Water so that a Dangerous or Unhealthy Condition Results.

1205.1. The proposed subdivision shall prevent eroded soil from entering waterbodies, wetlands, and abutting properties.

1205.2. The procedures outlined in the erosion and sedimentation control plan shall be implemented during site preparation, construction, and clean-up of infrastructure improvements.

1205.1. 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.

1206. The Proposed Subdivision will not Cause Unreasonable Highway or Public Road Congestion or Unsafe Conditions with Respect to the Use of the Highways or Public Roads Existing or Proposed.

HOPE SUBDIVISION ORDINANCE

Section 1200 – Review criteria

1206.1. Provision shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to:

1. Safeguard against hazards to traffic and pedestrians on existing roads and within the subdivision;
2. Minimize traffic congestion on any road; and
3. Provide safe and convenient circulation on public streets and within the subdivision.

1207. The Proposed Subdivision will Provide for Adequate Subsurface Waste Disposal and will not Cause an Unreasonable Burden on Municipal Services if they are utilized.

1207.1. Public System

1. Any subdivision within the area designated in the comprehensive plan for future public sewage disposal service shall be connected to the public system if it exists.
2. When a subdivision is proposed to be served by the public sewage system, the complete collection system within the subdivision, including manholes and pump stations, shall be installed at the expense of the applicant.
3. 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.

1207.2. Private Systems

1. The applicant shall submit documentation prepared by a licensed site evaluator that each proposed lot has soils suitable for a subsurface wastewater disposal system.
2. The site evaluator shall certify in writing that the soils on each proposed lot are suitable for a subsurface wastewater disposal system.
3. No lot shall be approved which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

1208. The Proposed Subdivision will not Cause an Unreasonable Burden on the Municipality's Ability to Dispose of Solid Waste.

HOPE SUBDIVISION ORDINANCE
Section 1200 – Review criteria

1209. The Proposed Subdivision will not have an Undue Adverse Effect on the Scenic or Natural Beauty of the Area, Aesthetics, Historic Sites, Significant Wildlife Habitat Identified by the Department of Inland Fisheries and Wildlife or the Municipality, or Rare and Irreplaceable Natural Areas or any Public Rights for Physical or Visual Access to the Shoreline.

1209.1 Preservation of Natural Beauty and Aesthetics

1. The plan may, by notes on the final plan and deed restrictions, limit the clearing of trees to designated building envelopes.
2. Except in areas of the municipality designated by the comprehensive plan as growth areas, the subdivision may be designed to minimize the visibility of structures from existing public roads.

1209.2. Retention of Open Spaces and Natural or Historic Features

1. If any portion of the subdivision is located within an area designated by the Comprehensive Plan as open space, that portion shall be reserved for open space preservation.
2. If any portion of the subdivision is located within an area designated as a unique natural area by the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values that qualify the site for such designation.
3. If any portion of the subdivision is designated a site of historic or prehistoric importance by the comprehensive plan or the Maine Historic Preservation Commission, appropriate measures for the protection of the historic or prehistoric resources shall be included in the plan.
4. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended.
5. Reserved open space land may be dedicated to the municipality.

1209.3. Protection of Significant Wildlife Habitat: If any portion of a proposed subdivision lies within 250 feet of the following significant wildlife habitats identified and mapped by the Department of Inland Fisheries and Wildlife, the plan shall contain standards to minimize impacts on these habitats:

1. High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;

HOPE SUBDIVISION ORDINANCE

Section 1200 – Review criteria

2. High or moderate value deer wintering areas or travel corridors; or
3. Habitat for species appearing on the official state or federal lists of endangered or threatened species.

1209.4. Public Access: Any existing public rights of access to the shoreline of a water body shall be maintained by means of an easement or right-of-way for continued public access.

1210. The Proposed Subdivision Conforms to the Subdivision Ordinance, Comprehensive Plan and Land Use Ordinance of the Town of Hope.

1211. The Subdivider has Adequate Financial and Technical Capacity to Meet the Standards.

1211.1. Financial Capacity: The applicant shall have adequate financial resources to construct the proposed improvements to meet 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.

1211.1. Technical Ability: The applicant shall retain qualified contractors and consultants to design and construct the required improvements in the proposed subdivision. In determining the applicant's technical ability the Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations of previous approvals granted to the applicant.

1212. Whenever Situated Entirely or Partially within the Watershed of any Pond or Lake or within 250 feet of any Wetland, Great Pond or River, the Proposed Subdivision will not adversely Affect the Quality of that Body of Water or Unreasonably Affect the Shoreline of that Body of Water.

1213. The Proposed Subdivision will not, alone or in Conjunction with Existing Activities, Adversely Affect the Quality or Quantity of Ground Water.

1213.1. Ground Water Quality

1. If a hydrogeologic assessment is required by the Board, the assessment shall contain at least the following information:
 - a. A map showing the basic soils types.

HOPE SUBDIVISION ORDINANCE
Section 1200 – Review criteria

- 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 1000 feet from contamination sources, whichever is the shortest distance.
 - f. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.
2. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
 3. No subdivision shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.
 4. If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
 5. If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.
 6. Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells 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.

1213.2. Ground Water Quantity

1. Ground water withdrawals by a proposed subdivision shall not lower the water table beyond the boundaries of the subdivision.

HOPE SUBDIVISION ORDINANCE
Section 1200 – Review criteria

2. A proposed subdivision shall not result in a lowering of the water table at the subdivision boundary by increasing runoff with a corresponding decrease in infiltration of precipitation.

1214. If the Subdivision, or any Part of it, is in a Flood Prone Area, the Subdivider shall Determine the 100-year Flood Elevation and Flood Hazard Boundaries within the Subdivision. The Proposed Subdivision Plan must Include a Condition of Plan Approval Requiring that Principal Structures in the Subdivision will be Constructed with their Lowest Floor, Including the Basement, at Least One foot Above the 100-year Flood Elevation.

1215. All Freshwater Wetlands within the Proposed Subdivision Shall be Identified on the Subdivision Plan Submitted as Part of the Application, Regardless of the Size of these Wetlands.

1215.1 All wetlands shall be identified in accordance with the *Corps of Engineers Wetland Delineation Manual*, published by the United States Army Corps of Engineers (current edition).

1216. Any River, Stream or Brook within or Abutting the Proposed Subdivision shall be Identified on any Maps Submitted as Part of the Application.

1217. The Proposed Subdivision will Provide for Adequate Stormwater Management.

1217.1. Adequate provision shall be made for the management of the quantity and quality of all stormwater generated within the subdivision, and any drained ground water through a management system of best management practices such as swales, culverts, under drains, storm drains, buffers, turnouts and level spreaders conforming to *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection (current edition). The stormwater management system shall be designed to meet the standards outlined for projects based upon their disturbed and impervious areas.

1217.2. 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. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the Town or homeowners' association allowing maintenance and improvement of the system.

HOPE SUBDIVISION ORDINANCE
Section 1200 – Review criteria

1218. If any Lots in the Proposed Subdivision have Shore Frontage on a River, Stream, or Great Pond, none of the Lots created Within the Subdivision Shall have a Lot Depth to Shore Frontage Ratio Greater than 4:1.

1219. The Long-Term Cumulative Effects of the Proposed Subdivision will not unreasonably Increase a Great Pond's Phosphorus Concentration During the Construction Phase and Life of the Proposed Subdivision.

Phosphorus control measures shall meet the design criteria in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, Published by the Maine Department of Environmental Protection (current edition).

1220. For any Proposed Subdivision that Crosses Municipal Boundaries, the Proposed Subdivision will not Cause Unreasonable Traffic Congestion or Unsafe Conditions with Respect to the Use of Existing Public Ways in an Adjoining Municipality in which part of the Subdivision is Located.

1221. The Proposed Subdivision shall not be on Land that has been Subject to Liquidation Harvesting in Violation of Rules Adopted by the Maine Forest Service.

SECTION 1300 – DESIGN AND PERFORMANCE STANDARDS

1301. Purpose

The design and performance standards of Section 1300 are intended to provide direction to the applicant and Board that will enable the proposed subdivision to meet the review criteria of Section 1200. The applicant should ensure that the proposed subdivision plan addresses these design and performance standards. The Board shall review the application for conformity with these standards. In all instances, the burden of proof shall be upon the applicant to present adequate information to indicate all design and performance standards are met.

1302. Design and Performance Standards

1302.1. Sufficient Water

1. **Placement of Wells:** Wells shall not be constructed within 50 feet of the edge of pavement of any road. This restriction shall be included as a note on the plan.
2. **Fire Protection:** In areas where there is no public water supply, fire ponds may be required by the Fire Chief. Hydrants or other provisions for drafting water shall be designed to the specifications of the Fire Department. 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 of Hope shall be provided to allow access. A suitable access way to the hydrant or other water source shall be constructed.

1302.2 Impact on Natural Areas, Historic Sites, and Significant Wildlife Habitats

1. **Maintenance of Forested Areas:** In proposed subdivisions in which the land is forested, applicants are encouraged to design a 50-foot wide wooded buffer strip along existing roads to be depicted on the plan.
2. **Open Space:** Applicants are encouraged to reserve an area of the subdivision as open space to maintain the scenic or natural beauty of the area, to be shown on the plan. In major subdivisions of more than 15 lots, the applicant is required to set aside 5 percent of the area of the subdivision as open space, to be shown on the plan.
3. **Historic Sites:** Proposed subdivisions on land which the comprehensive plan has identified as being of historical significance shall be designed to minimize the impact on identified historic sites.
4. **Identified Significant Wildlife Habitats:** If areas within the proposed subdivision contain significant wildlife habitats including, but not limited to, deer wintering areas and high and moderate value waterfowl and wading bird habitats that have

HOPE SUBDIVISION ORDINANCE
Section 1300 – Design and Performance Standards

been identified by the Maine Department of Inland Fisheries and Wildlife then the submissions shall include a management plan to protect these wildlife habitats.

- 5. Identified Habitat of Rare and Endangered Species:** Habitat of species appearing on the official state or federal lists of rare or endangered species shall be placed in open space. Notes on the plan shall reflect recommendations from the Department of Inland Fisheries and Wildlife for habitat protection.

1302.3 Stormwater Management

1. A stormwater management plan shall be designed to conform to the guidelines described in the *Stormwater Management for Maine - Best Management Practices*, published by the Maine Department of Environmental Protection (current edition).
2. The minimum size for any storm drainage pipe shall be 15 inches for driveway entrances and 18 inches for cross culverts. Pipe shall be bedded in a fine granular material, containing no stones larger than three inches reaching a minimum of six inches below the bottom of the pipe extending to six inches above the top of the pipe.
3. Storm drainage pipes shall conform to the requirements of Maine Department of Transportation materials specifications. Plastic (polyethylene) pipes shall not be installed except in closed systems such as street underdrains. Where the storm drainage pipe is to be covered by ten feet or more of fill material, pipe material with a 50-year life shall be used. Metallic storm drainage pipe shall meet the thickness requirements listed below.

<u>Diameter</u>	<u>Galvanized /Al/Zinc Coated CMP</u>	<u>Aluminum Coated CMP</u>
	<u>Corrugated Aluminum Alloy</u>	<u>Polymer Coated CMP</u>
15" to 24"	14 gauge	16 gauge
30" to 36"	12 gauge	14 gauge
42" to 54"	10 gauge	12 gauge
60" to 72"	8 gauge	10 gauge

1302.4 Lots

1. The Board shall not approve for building envelope development that portion of any proposed lot that:
 - a. Is located in a floodway as designated in the Flood Insurance Rate Maps of the Town of Hope.
 - b. Contains slopes greater than 25%.
 - c. Is in a delineated wetland.
 - d. Is in a right of way.
 - e. Is covered by surface waters.
 - f. Is utilized for stormwater management facilities.

HOPE SUBDIVISION ORDINANCE
Section 1300 – Design and Performance Standards

2. 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.
3. The ratio of lot length to width shall not be more than 4:1.
4. If required by the Board, building envelopes shall be shown on the plan.

1302.5. Utilities: It is encouraged that utilities serving subdivisions be installed underground to maintain the land's natural character.

1302.6. Monuments: Monuments shall be set at all corners and angle points of the subdivision. Monuments shall be 5/8 inch or larger rebar. Permanent monuments shall be referenced on the final plan and shall comply with the standards of the Maine Board of Land Surveyors.

1302.7 Cluster Development: Cluster development, if permitted by the Hope Land Use Ordinance, shall conform to the standards of that Ordinance and be consistent with the purposes of the Hope Comprehensive Plan.

1302.8. Subsurface Wastewater Disposal

1. The applicant shall submit evidence of site suitability for subsurface wastewater disposal prepared by a Licensed Site Evaluator in full compliance with the requirements of the Maine Subsurface Wastewater Disposal Rules.
2. 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 system. The reserve area shall be shown on the plan.

1302.9. Identification of Freshwater Wetlands: All freshwater wetlands shall be identified on the Plan in accordance with the *Wetland Delineation Manual*, published by the US Army Corps of Engineers (current edition).

1302.10. Erosion and Sedimentation Control

1. The erosion and sedimentation control plan shall meet the standards outlined in *Maine Erosion and Sedimentation Control Handbook for: Best Management Practices* published by the Cumberland Soil and Water Conservation District (current edition).
2. The plan submitted for erosion and sedimentation control shall illustrate best management practices for site preparation, infrastructure development, and clean-up.

HOPE SUBDIVISION ORDINANCE
Section 1300 – Design and Performance Standards

3. Topsoil shall be considered part of the subdivision. Except for surplus topsoil from roads, parking areas and building excavations, topsoil shall not be removed from lots.

1302.11. Phosphorus Control.

***Explanatory Statement:** The primary source of new phosphorus levels in Hope's lakes and ponds is land disturbance through new development. Phosphorus stimulates growth of algae that can create a significant decline in water quality and can affect fish and waterfowl habitat. Phosphorus impact on water quality is permanent and has been so significant that the State of Maine now requires that the issue be addressed for all proposed subdivision developments within the watersheds of great ponds. Because much of the land in Hope is in the direct watershed of a great pond, this issue takes on added importance for our Town. Developing best management practices to control phosphorus is the best long-term insurance for maintaining water quality. Minimizing and controlling soil disturbance in a proposed subdivision is the simplest way to ensure there will not be a significant change in phosphorus export from a subdivision site.*

1. When a proposed subdivision is within the direct watershed of a great pond, phosphorus control measures shall meet the design criteria in *Phosphorus Control in Lake Watersheds*, published by the Maine Department of Environmental Protection (current edition). Simplified phosphorus review may be used for a minor subdivision. Any subdivision within the watershed of a great pond shall limit its post-development phosphorus export to specific standards dependent on the water quality of the great pond in whose watershed the development is located. Upon determination of the applicable watershed, the allowable phosphorus export figure (in pounds per acre) shall be used to determine whether the proposed development meets its allocation. The Department of Environmental Protection has provided pond-by-pond statistics to use in calculating the necessary information, and current figures used to determine per-acre phosphorus allocation are available at the Hope Town Office.
2. **Minor Subdivisions:** The final plan for a Minor Subdivision in the direct watershed of a great pond shall be reviewed using the simplified best management practices listed below for controlling phosphorus export, which shall be referenced on the final plan.
 - a. Natural growth must be left or established down-grade of developed areas. The following buffer widths are required to the maximum extent possible given lot layout restrictions: If the watershed's area allocation is 0.05 lb/acre or less, a 75-foot wooded or 125-foot non-wooded buffer must be provided. If the watershed's area allocation is greater than 0.05 lb/acre, a 50-foot wooded or 100-foot non-wooded buffer must be provided.

HOPE SUBDIVISION ORDINANCE
Section 1300 – Design and Performance Standards

- b. Driveways and parking areas must be designed and constructed so that runoff is directed from roofs and driveways to buffer areas. Disturbance of natural drainage areas shall be minimized.
- c. Roof runoff may not be channeled directly to the lake but must be distributed over stable, well-vegetated areas or infiltrated into the soil.
- d. Use of fertilizers containing phosphorus is prohibited except when establishing new turf.
- e. Subsurface wastewater disposal systems must be designed to meet the Maine Wastewater Disposal Rules 144A CMR 241.

Prior to issuing a building permit for a lot in a Minor Subdivision in the direct watershed of a great pond, the Code Officer shall ensure that the applicant's proposal meets these standards. The Code Officer shall note these conditions on the building permit.

3. Major Subdivisions: The final plan for a Major Subdivision in the direct watershed of a great pond shall include the type, location and details of best management practices to mitigate phosphorus export from the subdivision, and shall include the following:

- a. The applicant's plan for phosphorus export control measures designed to meet the pounds-per-acre phosphorus export allocation for the watershed area in which the subdivision is planned.
- b. Copies of worksheets 1, 2 & 4 and, if appropriate, worksheet 3 as found in *Phosphorus Control in Lake Watersheds: a Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection (current edition).
- c. A description of best management practices to address phosphorus export, including any mitigation or compensation.

Prior to issuing a building permit for a lot in a Major Subdivision, the Code Officer shall ensure that the best management practices identified in the final subdivision approval are implemented to ensure the long-term restriction of phosphorus export. The Code Officer shall note these conditions on the building permit.

SECTION 1400 – ROAD DESIGN STANDARDS

1401. Purpose

The road design standards of Section 1400 are intended to provide direction to the applicant and Board that will enable the proposed subdivision to meet the review criteria of Section 1206. Provision shall be made for safe vehicular access to and through the subdivision. The proposed design shall minimize hazards to traffic and pedestrians within the subdivision, provide safe circulation from public ways and within the subdivision, and provide safe access for emergency vehicles. The Board shall review the application for conformance with these standards.

1402. Access Control

1402.1. The proposed subdivision road shall provide for safe access to and from public and private roads. The following criteria shall be used by the Board in reviewing subdivision applications

1402.2. Any subdivision containing twenty (20) or more lots shall have at least two (2) road connections with existing public roads or roads on a previously-approved subdivision plan.

1402.3. Direct access to an arterial, collector, or Town road from any individual lot within a proposed subdivision is discouraged.

1402.4. Grades, Intersections, and Sight Distances: All changes in a grade shall be connected by vertical curves in order to provide minimum stopping sight distance of 150 feet. Where new street intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall conform to the following table. Sight distance is measured from the driver’s seat of a vehicle that is ten feet behind the curb line with the height of the driver’s eye 3.5 feet above grade, and the height of an object 4.25 feet above grade. Egress to the subdivision shall be located and designed to provide the sight distance measured in each direction in accordance with the following table limits;

Table 1402. Sight Distance Table

Posted Speed Limit (mph)	20	25	30	35	40	45	50	55
Sight Distance (feet)	155	200	250	305	360	425	495	570

1402.5. Vertical Alignment: The grade of any proposed access where practical must be not more than +/- 3% for a minimum of forty feet from the intersection of the access and the road, measured from the edge of the traveled way of the existing road.

HOPE SUBDIVISION ORDINANCE
Section 1400 – Road Design Standards

1402.6. Location and Spacing: The access must be located no less than 75 feet from the closest intersection of two public roads. The Board may reduce this requirement if the shape of the site does not allow conformity with this standard. The minimum distance between the proposed access and adjoining accesses or driveways must be 75 feet measured from the center lines of the access points at the right-of-way line. The Board may reduce this requirement when it cannot be met because of driveway locations on abutting lots or because of topographic or other compelling on-site conditions.

1402.7. Emergency Vehicle Access: Provisions shall be made for providing and maintaining adequate and safe emergency vehicle access to the proposed subdivision and each proposed lot.

1403. Road Design Standards

1403.1. Overview: The Board shall not approve any subdivision unless proposed roads are designed to the specifications contained in this Ordinance. These design guidelines shall control the roadway, shoulders, sidewalks, drainage systems, culverts, and other features associated with the road, and shall be met by all roads 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 30-A M.R.S.A. §4404 (5) and this Section. Approval of the final plan by the Board shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement.

1403.2. Submission Requirements: 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 roads. 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. The date the plan was prepared, north point, and graphic map scale.
2. Intersections of the proposed road with existing roads.
3. Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, and curbs, if applicable.
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 overhead and underground utilities, to include but not be limited to water, sewer, electricity, telephone, lighting, and cable television.
9. Sight distances.
10. Where street lighting is proposed, the locations and specifications of the lights.

HOPE SUBDIVISION ORDINANCE
Section 1400 – Road Design Standards

1403.3. Private Roads and Private Ways: Where the subdivision roads are to remain Private Roads or Private Ways, the following words shall appear on the recorded plan: “All roads in this subdivision shall remain private, to be maintained by the developer or the lot owners, and shall not be accepted or maintained by the Town until they meet the municipal street design and construction standards at the time of the request to become Public Roads. The cost of such improvements shall not be borne by the Town. No road shall be accepted as a Public Road or maintained by the Town without an affirmative Town Meeting vote.”

1403.4. Road Design Guidelines: The design standards of Table 1403 shall apply according to road classification.

Table 1403. Road Design Guidelines

Description	Type of Road		
	Public Road	Private Road	Private Way
Minimum Right-of-Way Width	50 ft.	40 ft.	30 ft.
Minimum Traveled Way Width	18 ft.	18 ft.	16 ft.
Minimum Width of Shoulders (each side)	3ft.	3 ft.	N/A
Maximum Grade ¹	10%	10%	10%
Minimum Centerline Radius	150 ft.	150 ft.	150 ft.
Roadway Crown ²	¼ in./ ft.	¼ in. / ft. paved ¾ in. / ft. gravel ³	¼ in. / ft. paved ¾ in. / ft. gravel ³
Minimum Angle of Street Intersections ⁴	80°	80°	80°
Maximum Grade within 40 ft. of Intersection	3%	3%	3%
Minimum Curb Radii at Intersections	15 ft.	N/A	N/A
Minimum R/O/W Radii at Intersections	10 ft	10 ft.	10 ft.

¹ Maximum grade of up to 12% may be allowed for a length of no more than 100 feet.

² Roadway crown is per foot of lane width.

³ Paving is not required in a Minor Subdivision and may be waived in a Major Subdivision.

⁴ Street intersection angles shall be as close to 90° as feasible, but no less than the listed angle.

HOPE SUBDIVISION ORDINANCE
Section 1400 – Road Design Standards

1403.5. Private Ways.

1. Private ways shall be limited to Minor Subdivisions only, except under conditions stated in paragraph 4 below. Further lot divisions causing the Private Way to serve more than four residences within the subdivision are prohibited without the review and approval of the Board. Applicants seeking approval for Private Ways should be aware that further subdivision of any abutting remainder land that causes the Private Way to serve more than four residences is not permitted. The developer will be required to upgrade the Private Way to Private Road or Public Road standards.

2. The applicant shall submit such further information as the Board may require in circumstances in which it determines that, due to the scale, nature of the proposed Private Way, or the impact of the Private Way on safety considerations, such information is necessary to insure compliance with the intent and purposes of this section of the ordinance.

3. If the Board determines the need, a turnout shall be provided measuring 5 feet wide by 50 feet long for every 500 feet of private way to provide for larger vehicular passage.

4. Private Ways off a subdivision road that serve groupings of up to four lots are permitted in a Major Subdivision.

1403.6. Dead-End Roads: Dead-end roads shall be constructed to provide a cul-de-sac or vehicle turnaround that conforms to Figure 14.1 or 14.2 on pages 14.7 and 14.8. The Board may require the reservation of an easement where future development is possible.

1404. Road Construction Standards

1404.1. Road Materials: The minimum thickness of material after compaction shall meet the specifications in the following table:

Table 1404.

Road Materials	Public Road	Private Road	Private Way
Sub-Base Gravel Course	18 inches	12 inches	12 inches
Base Course – 1½" minus	6 inches	3 inches	3 inches
Bituminous/Asphalt Pavement	Required	May be Required for Major	Not Required
Total Compacted Thickness	3 inches	3 inches	3 inches
Surface Course	1 inch	1 inch	1 inch
Base Course	2 inches	2 inches	2 inches

HOPE SUBDIVISION ORDINANCE
Section 1400 – Road Design Standards

1404.2. Standards: Any approved Minor Subdivision shall comply, at a minimum, with the sub-base course, base course and surface gravel standards. Any Major Subdivision shall comply with the sub-base and base gravel course and bituminous/asphalt pavement standards (when required).

1404.3. 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 that is necessary for construction of the 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 material, rocks and boulders shall be removed to a depth of two feet from below the sub-grade of the roadway. On soils which have been identified as not suitable for roadways, either the subsoil shall be removed from the site to a depth of two feet below the sub grade and replaced with material meeting the specifications for gravel sub-base in Section 1404.4, 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.
5. All underground utilities shall be installed prior to paving to avoid cuts in the pavement.

1404.4. Bases and Pavement.

1. **Sub-Base.** The sub-base course shall be sand or gravel of hard durable particles. The sub-base shall contain no particles of rock exceeding eight inches. The gradation of the part that passes a three-inch square mesh sieve shall meet the grading requirements in the following table:

Table 1404.1.

Percentage by Weight Passing	
Sieve Designation	Square Mesh Sieves
¼ inch	25-70%
No. 40	0-30%
No. 200	0-7%

HOPE SUBDIVISION ORDINANCE
Section 1400 – Road Design Standards

2. **Base:** The base course shall be screened or crushed gravel of hard durable particles. The gradation of the part that passes a three-inch square mesh sieve shall meet the grading requirements of the following table. The base shall contain no particles of rock larger than 1½ inches in any dimension.

Table 1404.2.

Percentage by Weight Passing	
Sieve Designation	Square Mesh Sieves
½ inch	45-70%
¼ inch	30-55%
No. 40	0-20%
No. 200	0-5%

3. **Pavements:** 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. 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 ¾ 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 November 15.
4. **Gravel Roads:** Private Roads or Private Ways in Minor Subdivisions need not be paved and may have a gravel surface. Private Roads serving Major Subdivisions need not be paved and may have a gravel surface provided that the road will serve no more than 10 lots and have grades no greater than 8%.

HOPE SUBDIVISION ORDINANCE
Section 1400 – Road Design Standards

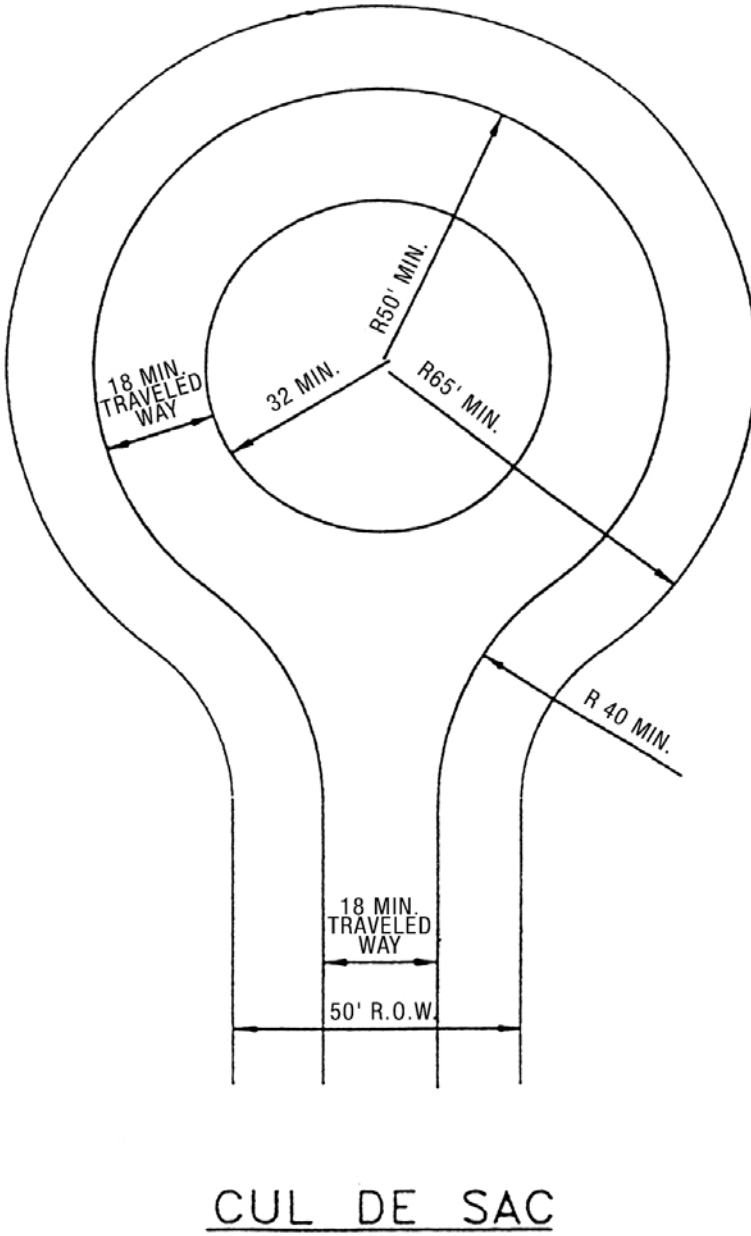
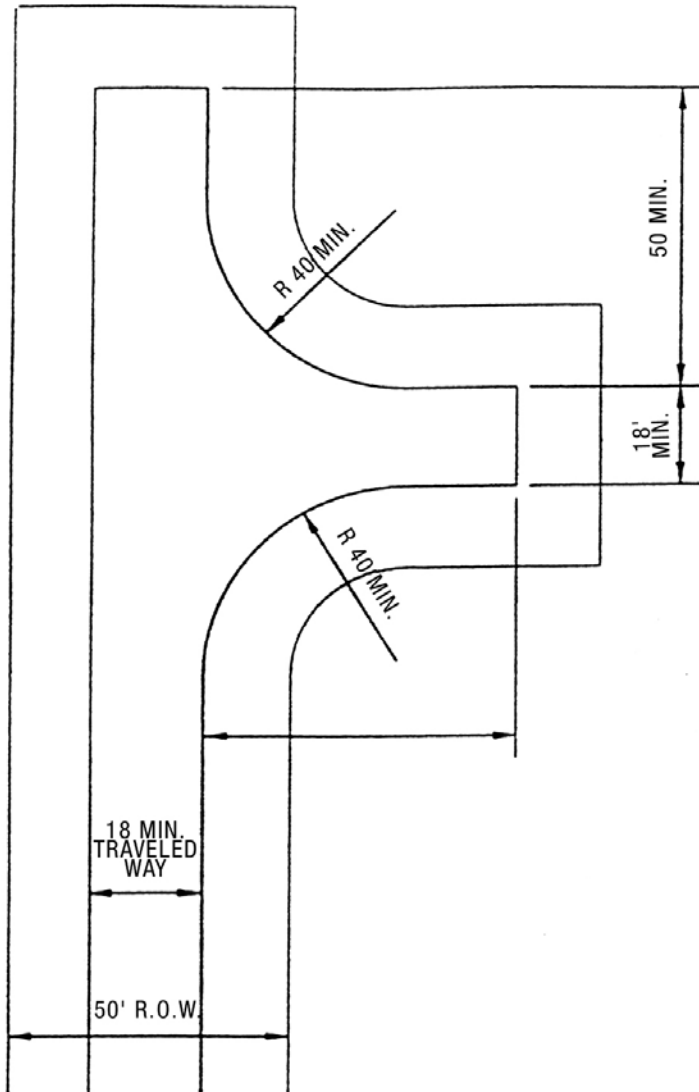


Figure 14.1: Cul-de-Sac

Note:
This figure shall also pertain to a private way. The minimum traveled way width of a private way may be maintained to within 50 feet of the entrance to the cul-de-sac.

Figure 14.2: Large Vehicle Turnaround



LARGE VEHICLE TURN AROUND

Notes:

1. This figure shall also pertain to a private way. The minimum traveled way width of a private way may be maintained to within 50 feet of the beginning of initial radius to the turnaround.
2. Private way right-of-way of 30 feet may be maintained for this kind of turnaround.

SECTION 1500 – PERFORMANCE GUARANTEES

1501. Process

1501.1. Performance guarantees shall be included for all improvements required to meet the standards of this Ordinance including but not limited to: road construction, utility installation, stormwater management facilities, public water systems, and erosion and sedimentation control measures.

1501.2. With submittal of an application for final plan approval, the applicant shall provide to the Board evidence that the applicant has adequate financial capacity to complete the infrastructure improvements for the proposed subdivision sufficient to allow the Board to determine an appropriate performance guarantee, which shall be required as part of the process.

1501.3. The conditions and amount of the performance guarantee shall be determined by the Board. The amount shall be consistent with the cost estimates for each major phase of construction.

1501.4. The execution and administration of the performance guarantee shall be the responsibility of the Town Administrator.

1502. Types of Performance Guarantees

1502.1. Escrow Account: A cash contribution for the establishment of an escrow account shall be made by either a certified check made out to the Town of Hope, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the applicant, the Town of Hope shall be named as co-owner, and the consent of the Town of Hope shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the Town of Hope 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.

1502.2. 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 of Hope. The bond documents shall specifically reference the subdivision for which approval is sought. The performance bond shall be issued by a surety company and payable to the Town of Hope.

1502.3. 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 and that the Town of Hope may draw down funds if construction is inadequate.

1503. Contents of Guarantee

The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction, provisions for the release of part or all of the performance guarantee to the applicant, and a date after which the applicant will be in default and the Town of Hope shall have access to the funds to finish construction.

1504. Conditional Agreement

The Board at its discretion may provide for the applicant to enter into a binding agreement with the Town of Hope in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the final plan on the condition that no lots may be sold or built upon until it is certified by the Code Officer that all of the required improvements have been installed in accordance with this Ordinance and the approved plan.

Notice of the agreement and any conditions shall be on the final plan that is recorded at the Knox County Registry of Deeds. Release from the conditional agreement shall follow the release of guarantee procedures in Section 1506.

1505. Phasing of Development

The Board may approve plans to develop a major subdivision in separate and distinct phases.

1506. Release of Guarantee

Prior to the release of the performance guarantee, the Hope Town Administrator shall determine that the proposed improvements meet the design and construction requirements for that phase of the subdivision for which the release is requested.

1507. Default

If, upon inspection, the Code Officer finds that any of the required improvements have not been constructed in accordance with the plans and specifications of the approved plan, the Code Officer shall report that fact to the municipal officers and Board. The municipal officers shall take the necessary steps to protect the rights of the Town of Hope.

SECTION 1600 – WAIVERS

1601. Waivers Authorized for Submission Requirements and Required Improvements

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 design and performance standards of this Ordinance and the criteria of the subdivision statute will be met, and the public health, safety, and welfare are protected. Waivers shall not have the effect of nullifying the intent and purpose of the Comprehensive Plan, Land Use Ordinance or this Ordinance.

Where the Board makes written findings of fact that due to special circumstances a required improvement is not required for the public health, safety or welfare, the Board may waive the requirement for such improvements, subject to appropriate conditions which include: ensuring that waivers do not have the effect of nullifying the intent of the Comprehensive Plan, Land Use Ordinance, or this Ordinance, and further provided the review criteria of this Ordinance and the State statute will be met by the proposed subdivision.

1602. Findings of Fact Required

Where waivers are granted, written findings of fact shall be prepared by the Board. These shall be maintained with the public file in the Town Office.

1603. Conditions

Waivers may only be granted in accordance with the provisions of Section 1601 and 1602. When granting waivers, the Board shall set conditions so that the purposes of this Ordinance are met.

1604. Waivers Shall be Shown on the Final Plan

When the Board grants a waiver to any of the improvements required by this Ordinance, the waiver shall be indicated on the Final Plan to be recorded at the Knox County Registry of Deeds.

SECTION 1700 – APPEALS

1701. Appeals to Superior Court

An aggrieved party may appeal any decision of the Board under this Ordinance to Maine Superior Court within thirty (30) days of the date the Board issues a written order and findings of its decision.