Subdivision Ordinance
of
The Town of Penobscot, Maine

SUBDIVISION ORDINANCE OF THE TOWN OF PENOBSCOT

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SUBDIVISION ORDINANCE OF THE TOWN OF PENOBSCOT, MAINE

SECTION I: PURPOSES

A. The purposes of this ordinance shall be to assure the comfort, convenience, safety health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Penobscot, Maine, the Planning Board shall consider the following criteria and before granting approval shall affirmatively determine that the proposed subdivision:

1. Will not result in undue water or air pollution. In making this determination it shall at least consider: the elevation of land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable state and local health and water resources regulations;

2. Has sufficient water available for the reasonably foreseeable needs of the subdivision;

3. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;

4. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

5. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;

6. Will provide for adequate sewage waste disposal:

7. Will not cause an unreasonable burden on the ability of the municipality to dispose of solid waste and sewage if municipal services are to be utilized;

8. Will not have an undue adverse effect on the scenic or natural beauty of the area aesthetics, historic sites or rare and irreplaceable natural areas;

9. Is in conformance with a duly adopted comprehensive plan, development plan, or land use plan, if any;

10. The subdivider has adequate financial and technical capacity to meet the above stated criteria; and

11. Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water.

SECTION II: AUTHORITY AND ADMINISTRATION

A. Authority

1. This ordinance has been prepared in accordance with the provisions of Title 30 M.R.S.A., Section 4956
2. This ordinance shall be known and may be cited as "Subdivision Standards of the Planning Board of the Town of Penobscot, Maine.

B. Administration

1. The Planning Board of the Town of Penobscot, hereinafter called the Board, shall administer these standards.

2. The provisions of this ordinance shall pertain to all land proposed for subdivision as herein defined within the boundaries of the Town of Penobscot.

SECTION III: DEFINITIONS

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

1. Block	A lot or groups of lots bounded all sides by lot lines, streets, town lines, or other rights-of-way.
2. Comprehensive Plan or Policy Statement	Any part or element of the over-all plan or policy for development of the Town as defined in Title 30 M.R.S.A. Chapter 239, Section 4961.
3. Construction Drawings	Means detail drawings of improvements planned to be constructed by the subdivider, to include roads, bridges, water or sewer service systems, electrical or telephone utility lines or structures to be used for any purpose.
4. Easement	The authorization of a property owner for the use by another, and for a specified purpose, of any designated part of his property.
5. Engineer	Municipal Engineer or consulting engineer licensed by the State of Maine.
6. Final Subdivision Plan	The final drawings on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, must be filed for record with the Municipal Clerk and County Registry of Deeds and must comply with all requirements of Section VI, Subsection II, D. 1 of this ordinance.
7. Legislative Body	Special or regular Town meeting.
8. Lot	Any separate or distinct unit of land, structure or part of structure, whether residential or non-residential, with a clearly separate but not necessarily different use, or intended use

8.	Lots (continued)	from the lot or lots adjacent to it, with the exception of auxiliary buildings for a single family residence, not intended for human occupancy. Included under this definition are apartments, shopping centers, and groups of non-residential buildings with different uses even if under the same ownership.
9.	Municipality	Town of Penobscot, Maine.
10.	Official Map	The map adopted by the Municipality showint the location of public property, ways used in common by more than 2 owners of abutting property, and approved subdivision; and any amendments thereto adopted by the Municipality or additions thereto resulting from the approval of subdivision plans by the Planning Board and the subsequent filing for record of such approved plans.
11.	Official Submital Date	The time of submission of a Preapplication Plan, Final Plan for Minor Subdivision, Preliminary Plan for Major Subdivision or Final Plan for Major Subdivision shall be the date of a regular meeting of the Board. The Plan will not be considered as submitted unless and until such plan is complete in detail to meet the requirements of the ordinance including fee payment.
12.	Person	Includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity.
13.	Planning Board	The Planning Board of the Municipality created under Title 30, M.R.S.A. Section 191 1917.
14.	Preliminary Subdivision Plan	The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.
15.	Resubdivision	The division of an existing subdivision or any change of lot size therein or the relocation of any road or lot in a subdivision.
16.	Subdivision	A subdivision is the division of a tract or parcel of land into 3 or more lots within any 5-year period, which period begins after September 22, 1971, whether accomplished

16. Subdivisions (continued)

by sale, lease, development, buildings or otherwise, provided that a division accomplished by devise, condemnation, order of court. gift to a person related to the donor by blood, marriage or adoption, unless the intent of such gifts is to avoid the objectives of this section, or by transfer of any interest in land to the owner of land abutting thereon, shall not be considered to create a lot or lots for the purposes of this section. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of such tract or parcel, unless otherwise exempted herein, shall be considered to create the first 2 lots and the next dividing of either of said first 2 lots, by whomever accomplished, unless otherwise exempted herein, shall be considered to create a 3rd lot, unless both such dividings are accomplished by a subdivider who shall have retained one of such lots for his own use as a single family residence for a period of at least 5 years prior to such 2nd dividing. Lots of 40 or more acres shall be counted as lots. For the purposes of this section, a tract or parcel of land is defined as all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

17. Subdivision, Major — Any subdivision containing more than four lots, or any subdivision requiring any new public road extension, or the extension of municipal facilities.

18. Subdivision, Minor — A subdivision containing not more than four (4) lots.

SECTION IV: PREAPPLICATION

A. Procedure

1. In order that the Planning Board may be fully informed about the site and in a knowledgeable position to prescribe the contour interval and other data to be employed on topographic maps and grading plans for the subdivision, the subdivider shall arrange for a joint inspection of the site with the Planning Board or a committee, member, or individual appointed by the Chairman to act as the Board's representative for such inspection.

2. At the time of the preapplication inspection, the subdivider shall submit for informal discussion a Sketch Plan and other date relative to the proposed subdivision which may be of assistance to the Planning Board in making its determinations.

3. After preliminary site inspection, and within 30 days plus the number of days until the next regular meeting, the Planning Board shall advise the subdivider in writing of the preliminary data and contour intervals required; and will classify the Sketch Plan into one of two categories as defined herein:

   a. MINOR SUBDIVISION; or

   b. MAJOR SUBDIVISION.

4. If classified as a Minor Subdivision, the subdivider shall then comply with the procedure outlined in Section V of this ordinance. If classified as a Major Subdivision the subdivider shall comply with procedures outlined in Section VI, Subsections I and II of this ordinance.

5. The Planning Board shall determine whether the Sketch Plan complies with this ordinance and shall, where it deems necessary, make specific suggestions in writing to be incorporated by the applicant in his subsequent submissions.

B. Submissions

1. The Sketch Plan shall be submitted to the Planning Board at the time of or prior to the on-site inspection.

2. The Sketch Plan shall show, in simple sketch form on a topographic map the proposed layout of roads, lots, and other features in relation to existing conditions.

3. The Sketch Plan, which may be a free-hand pencilled sketch, should include the data listed in Section V.C of this ordinance or such of it as the Planning Board determines is necessary.

4. General subdivision information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawing required above.

5. General subdivision information shall include date on existing covenants, medium intensity soil survey and soil interpretation sheets, and available community facilities and utilities and information describing the subdivision proposal such as number of residential lots, typical grounds, park areas and other public areas, proposed protective covenants and proposed utilities and road improvements.

6. All applications and submissions filed with the Planning Board shall be prepared on the adopted official forms, which shall be provided by the Board to the applicant or his agent upon request.

SECTION V: REVIEW AND APPROVAL OF MINOR SUBDIVISIONS

A. General

1. The Planning Board may require, where it deems it necessary for the protection of public health, safety and welfare, that a Minor Subdivision comply with all or any of the requirements specified for Major Subdivisions.

B. Procedure

1. Within six months after classification of the Sketch Plan as a Minor Subdivision by the Planning Board, the subdivider shall submit an application for approval of a Final Plan at least seven (7) days prior to a scheduled meeting of the Board. Failure to do so within six (6) months shall require re-submission of the Sketch Plan to the Planning Board for reclassification. The Final Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board pursuant to this ordinance.

2. Application for Minor Subdivision Plan review shall be accompanied by a fee of $50.00, payable by check to the Town of Penobscot.

3. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Final Plan.

4. The time of submission of the Final Plan shall be as defined in Section III of this ordinance.

5. The Planning Board shall, from the date of submission, have sixty (60) days plus the number of days until the next regular meeting to approve, modify and approve or disapprove the Final Plan. The Board shall specify in writing its reason for any such modification or disapproval. If the Board fails to take action within the time span specified above, the Final Plan shall be deemed disapproved.

6. The Final Approved Plan will not be considered in effect until said Plan is filed with the Registry of Deeds, Hancock County, and a copy receipted by the Registry and containing a reference number is furnished to the Town Clerk of Penobscot.

C. Submissions

1. The subdivision plan for a minor subdivision shall consist of a Construction Drawing and other related material as described in 2 below:

   a. The Construction Drawing shall consist of two reproducible sheets and three copies of one or more maps or drawings drawn to a scale of not more than one hundred (100) feet to an inch, which shall be legibly reproduced on a durable material or clearly drawn in India ink on linen, and the size of the sheets shall be 8½ x 11 inches or a multiple thereof, but in no case larger than 34 x 44 inches. Such sheets shall have a margin of two (2) inches outside the border on the left side for binding and one (1) inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by all appropriate agencies.

b. Detail in the drawing shall show all the information shown on the Sketch Plan and include date, north point, graphic map scale, name and address of record owner and subdivider, Registry of Deeds book and page numbers of all deeds within the subdivision, similar information for all other deeds with claims, covenants, encumbrances or right-of-way on subject land and the names of adjoining land owners.

2. Other related material shall include the following:

a. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

b. An actual field survey of the boundary lines of the tract giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments as herein required, and shall be referenced as shown on the Plan. All corners of individual lots shall be marked with solid iron stakes.

c. A medium intensity soil survey, unless a greater intensity is deemed advisable by the Board, identifying the soils boundaries and type within the tract, in accord with the USDA Soil Conservation Service National Cooperative Soil Classification. The intensity of this study must identify changes in soil conditions down to one-eighth acre. The survey shall be prepared by a Soil Scientist currently registered by the State of Maine. The survey shall include a report of soils suitability determination for a septic or alternate waste disposal system as pertains to each lot within the subdivision, in accord with the "Soil Suitability Guide for Land Use Planning in Maine."

d. The subdivider shall provide sufficient supportive data to demonstrate that a suitable water supply and waste discharge or disposal system may be installed and sustained within the confines of each proposed lot in compliance with State codes, local ordinances and for protection of public health.

e. Proposed name of the subdivision or identifying title.

f. A survey showing approximate boundaries of wooded and cleared areas, general classification of vegetation and location of ledge outcropping.

g. A plan or drawing depicting proposed electrical and telephone utility service into and within the proposed subdivision where such service to each proposed lot does not already exist at time of application. (Ref. Section VIII for details)

h. Other information deemed necessary by the Board pursuant to the purpose of this ordinance.

SECTION VI: REVIEW AND APPROVAL OF MAJOR SUBDIVISIONS

SUBSECTION I: PRELIMINARY PLAN

A. Procedure

1. Within six months after classification of the Sketch Plan as a Major Subdivision by the Planning Board, the subdivider shall submit an application for consideration of a Preliminary Plan for a Major Subdivision. Failure to do so within six months shall require resubmission of the Sketch Plan to the Planning Board for reclassification. The Preliminary Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board.

2. Application for Preliminary Plan review shall be accompanied by a fee of $100.00 plus $10.00 per lot for each lot in excess of four (4) shown thereon, payable by check to the Town of Penobscot.

3. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plan.

4. The time of submission of the Preliminary Plan shall be as defined in Section III of this ordinance.

5. After formal submission of a Preliminary Plan, the Planning Board shall have sixty (60) days plus the number of days until the next regular meeting to take action to give preliminary approval, with or wihout modification, or disapprove such Preliminary Plan. The reasons for any modification required or the grounds for disapproval shall be stated upon the records of the Planning Board and conveyed to the applicant in writing. Failure of the Planning Board to act within the above period shall constitute disapproval of the Preliminary Plan. Prior to preliminary approval the Planning Board may hold a public hearing.

6. When granting approval to a Preliminary Plan, the Planning Board shall state the conditions of such approval, if any, with respect to:

   a. The specific changes which it will require on the Final Plan;

   b. The character and extent of any variances, modifications or waivers which may have been requested.

   c. The amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the Final Subdivision Plan.

   d. The decision of the Planning Board plus any conditions imposed shall be noted on two copies of the Preliminary Plan. One copy shall be returned to the sub-divider and one retained by the Board.

7. Approval of a Preliminary Plan shall not constitute approval of the Final Plan, but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Planning Board and for recording

upon fulfillment of the requirements of this ordinance and the conditions of the preliminary approval, if any. Prior to approval of the Final Subdivision Plan, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at a public hearing.

B. Submissions

1. Location Map: The Preliminary Plan shall be accompanied by a Location Map. The Location Map shall show:

   a. All existing subdivisions and approximate tract lines of adjacent parcels together with the names of the record owners of all adjacent parcels of land, namely, those directly abutting or directly across any road adjoining the proposed subdivision.

   b. Locations, widths and names of existing, filed or proposed roads, easements, building lines and utilities pertaining to the proposed subdivision and to the adjacent properties as designated in paragraph (1) above.

   c. The boundaries and designations of recreation areas or other public spaces.

   d. An outline of the proposed subdivision together with its road system and an indication of the future probable road system of the remaining portion of the tract, if the Preliminary Plan submitted covers only part of the subdivider's entire holding.

   e. Location Map - The Preliminary Plan shall be accompanied by a Location marked down on U.S.G.S. topographic map or a copy thereof.

2. Preliminary Plan: The Preliminary Subdivision Plan shall be submitted in two copies of one or more maps or drawings which may be printed or reproduced on paper with all diminsions shown in feet or decimals of a foot, drawn to a scale of 1 inch equals not more than one hundred (100) feet, showing or accompanied by the following information:

   a. Proposed subdivision name or identifying title and the name of the Municipality.

   b. Name and address of record owner, subdivider and designer of Preliminary Plan.

   c. Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, watercourses and other essential existing physical features.

B. Submissions (continued)

2. Preliminary Plan (continued)

d. The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage to be notified by the Secretary of Planning Board.

e. The provisions of any other Ordinance applicable to the area to be subdivided and any zoning district boundaries affecting the subdivision.

f. Location and width of any existing road; location, width and grade profile of all proposed roads; typical cross-sections for grading of proposed roads.

g. Location of proposed bridges, culverts or drains and direction of water flow.

h. Contour lines at intervals of not more than five (5) feet or at such intervals as the Planning Board may require, based on United States Geological Survey datum of existing grades.

i. A medium intensity soil survey, unless a greater intensity is deemed advisable by the Board, identifying the soils boundaries and type within the tract, in accord with the USDA Soil Conservation Service National Cooperative Soil Classification. The intensity of this study must identify changes in soil conditions down to one-eighth acre. The survey shall include a report of soils suitability determination for a septic or alternate waste disposal system as pertains to each lot within the subdivision intended for residential use, in accord with the "Soil Suitability Guide for Land Use Planning in Maine." The survey drawing shall be prepared as an overlay to the plot plan and shall be done by a Soil Scientist currently registered by the State of Maine.

j. Date, magnetic north point and graphic scale.

k. Deed description including Registry of Deeds book and page numbers of all deeds in the proposed subdivision, similar information for all other deeds with claims, covenants, encumbrances or rights-of-way on the proposed subdivision land; and map of the survey made and certified by a registered land surveyor, tied into established reference points.

l. Connection with existing water supply or diagram or statement of alternative means of providing water to the proposed subdivision.

m. Connection with existing sanitary sewage system or alternate means of treatment and disposal proposed.

n. Provisions for collecting and discharging storm drainage, in the form of a drainage plan.

o. Preliminary designs of any bridges or culverts which may be required.

B. Submissions (continued)

2. Preliminary Plan (continued)

p. The proposed lot lines with approximate dimensions and suggested locations of buildings, or as required by the Planning Board.

q. The location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field.

r. All parcels of land proposed to be dedicated to public use and the conditions of such dedications.

s. The location of all natural features or unique site elements, including waterways.

t. A soil erosion and sediment control plan as required by the Planning Board and in compliance with the standards of the Hancock County Soil and Water Conservation District and the Maine Soil and Water Conservation Commission.

u. A plan or drawing depicting proposed electrical and telephone utility service into and within the proposed subdivision where such service to each proposed lot does not already exist at time of application. (Ref. Section VIII)

v. A survey showing approximate boundaries of wooded and cleared areas, general classification of vegetation and location of ledge outcroppings or other information deemed necessary by the Board pursuant to the purposes of this ordinance.

SUBSECTION II: FINAL PLAN

A. Procedure

1. The subdivider shall, within six months after the preliminary approval of the Preliminary Plan, file with the Planning Board an application for approval of the Final Subdivision Plan in the form described herein. If the Final Plan is not submitted to the Planning Board within six months after the approval of the Preliminary Plan, the Planning Board may refuse without prejudice to act on the Final Plan and require re-submission of the Preliminary Plan.

2. The time of submission of the Subdivision Plan shall be as defined in Section III of this ordinance.

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

4. Central water supply system(s) proposed within the subdivision plan shall be approved in writing by the Department of Health and Welfare, State of Maine. If an individual water source (well) is intended to serve each building site or more, the Planning Board may require the subdivider to provide a written report, prepared by a geologist registered in the State of Maine, stating water source adequacy and potability of those sources identified in the plan.

5. Sewage disposal system proposals contained within the subdivision plan shall be approved in writing by the Local Plumbing Inspector if individual septic systems are planned to be installed by the subdivider; or by the Maine Department of Environmental Protection if a central sewage collection system is planned; or if any waste, treated or untreated, is discharged into any body of water. Such approval shall be secured before submission of the Final Plan.

6. The subdivider shall provide sufficient supportive data to demonstrate that a suitable water supply and waste discharge or disposal system(s) may be installed and sustained within the confines of each proposed lot in compliance with State codes, local ordinances and for protection of public health.

7. A public hearing may be held by the Planning Board within thirty (30) days after the time of submission of the Final Plan for approval. This hearing shall be advertised in a newspaper of local circulation and notice of hearing shall be posted in at least three public places at least 10 days prior to the scheduled hearing.

8. The clerk of the appropriate adjacent municipality to be notified in the case of a plan located within 500 feet of a municipal boundary at least 10 days prior to the hearing. Abutting property owners to be notified also.

9. Before the Planning Board grants approval of the Final Plan, the subdivider shall, in an amount set by the Planning Board, either file with the Municipal Treasurer a certified check to cover the full cost of the required improvements, or the subdivider shall file with the Minicipal Treasurer a performance bond to cover the full cost of required improvements. Any such bond shall be satisfactory to the Municipal Officers and municipal attorney as to form, sufficiency, manner of execution and surety. A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed three years) shall be set forth in the bond time within which required improvements must be completed. The certified check or bond may include an amount required for recreation land improvements as specified.

10. From the date of receipt of the Final Plan the Board shall have sixty (60) days plus the number of days until the next regular Board meeting to approve, modify and approve or disapprove the Final Plan. The reasons for any modifications required or the grounds for disapproval shall be stated upon the records of the Planning Board and conveyed to the applicant in writing. Failure of the Planning Board to act within the above period shall constitute disapproval of the Final Plan.

B. Inspection of Required Improvements

1. At least five (5) days prior to commencing construction of required improvements the subdivider shall notify the Municipal Officers in writing of the time when he proposes to commence construction of such improvements so that the Municipal Officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board. The Town shall appoint an engineer or agent to act as its representative on technical matters.

2. If the appointed engineer shall find, upon inspection of the improvements performed before expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Municipal Officers, Building Inspector and Planning Board. The Municipal Officers shall then notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the municipality's rights under the bond. No plan shall be approved by the Planning Board as long as the subdivider is in default on a previously approved Plan.

3. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the appointed engineer (or agent) that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the engineer shall submit such changes to the Planning Board for approval.

4. The applicant shall be required to maintain all improvements and provide for snow removal on roads and walkways until acceptance of said improvements by the legislative body.

C. Submissions

1. The Final Plan shall consist of four (4) copies, at least two of which shall be reproducible mylars, of one or more maps or drawings which shall be printed or reproduced in the same manner as the Preliminary Plan. Space shall be reserved thereon for endorsement by all appropriate agencies. The Final Plan shall show:

   a. All of the information presented on the Preliminary Plan and Location Map and any amendments thereto suggested or required by the Board.

   b. The name, registration number and seal of the land surveyor, architect, engineer or planning consultant who prepared the plan.

   c. Road names and lines, pedistrian ways, lots, easements and areas to be reserved for or dedicated to the public use.

C. Submissions (continued)

d. Sufficient data to determine readily the location, bearing and length of every road line, lot line, boundary line and to reproduce such lines upon the ground. Where practical these should be tied to reference points previously established.

e. The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each road.

f. By proper designation, all public open space for which offers of cession are made by the subdivider and those spaces to which title is reserved by him.

g. Lots and blocks within the subdivision numbered in accordance with local practice.

h. Permanent reference monuments shown thus: "X". They shall be constructed in accordance with specifications herein and their location noted and referenced upon the Final Plan.

2. There shall be submitted to the Board with the Final Plan:

a. Written offers of cession to the Town of all public open space shown on the Plan, and copies of agreements or other documents showing the manner in which land, easements and other physical improvements reserved by the subdivider are to be maintained.

b. Written evidence that the Municipal Officers are satisfied with the legal sufficiency of the documents referred to in Paragraph "a". above. Such written evidence shall not constitute an acceptance by the Municipality of any public open space referred to in paragraph "a" above.

c. A performance bond to secure completion of all improvements required by the Board and written evidence that the Municipal Officers are satisfied with the sufficiency of such bond.

D. Final Approval and Filing

1. Upon completion of the requirements in Section VI, Subsections I and II above and notation to that effect upon the Plan, it shall be deemed to have final approval and shall be properly signed by a majority of the members of the Planning Board and shall be filed by the applicant with the Municipal Officers. The plan shall then be filed with the Hancock County Registry of Deeds. Any Subdivision Plan not so filed or recorded within ninety (90) days of the date upon which such Plan is approved and signed by the Planning Board as herein provided shall become null and void, unless the particular circumstances of said applicant warrant the Planning Board to grant an extension which shall not exceed two additional periods of ninety (90) days. The Final Approved Plan will not be considered in effect

D. Final Approval and Filing (continued)

until said Plan is filed with the Registry of Deeds, Hancock County, and a copy receipted by the Registry, and containing a reference number, is furnished to the Town Clerk of Penobscot.

2. At the time the Planning Board grants Final Plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to insure the orderly development of the Plan. The applicant may file a section of the approved Plan with the Municipal Officers and the Registry of Deeds if said section constitutes at least 10% of the total number of lots contained in the approved Plan. In these circumstances, Plan approval of the remaining sections of the Plan shall remain in effect for three years or a period of time mutually agreed to by the Municipal Officers, Planning Board and the subdivider.

E. Plan Revisions After Approval

1. No changes, erasure, modifications, or revisions shall be made in any Final Plan after approval has been given by the Planning Board and endorsed in writing on the Plan.unless the Plan is first re-submitted and the Planning Board approves any modifications. In the event that a Final Plan is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the records of the Municipal Officers and the Registry of Deeds.

F. Public Acceptance of Roads and Recreation Areas

1. The approval by the Planning Board of a Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the Municipality of any road, easement, or other open space shown on such Plan.

2. When a park, playground, or other recreation area shall have been shown on the Plan, approval of the Plan shall not constitute an acceptance by the municipality of such areas. The Planning Board shall require the Plan to be enforced with a appropriate notes to this effect. The Planning 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 grading, development, equipment, and maintenance of any such recreation area.

SECTION VII: ENFORCEMENT

A. No plan of a subdivision of land within the municipal boundaries which would constitute a subdivision as defined herein shall hereafter be filed or recorded in the Registry of Deeds until a Final Plan thereof shall have been approved by the Planning Board in accordance with all of the requirements, design standard, and construction specifications set forth elsewhere in this ordinance, nor until such approval shall have been entered on such Final Plan by the Planning Board.

B. No person, firm, corporation or other legal entity may sell, lease, convey for conside-

ration, or offers or agree to sell, lease or convey for consideration any land in a subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds and all procedures in Section VI, Subsection II, D.1 have been complied with.

C. Any person, firm, corporation or other legal entity who sells, leases, or conveys for consideration any land in a subdivision which has not been approved as required by this section shall be punished by a fine of not more than $1,000 for each such conveyance, offering or agreement. The Attorney General, the municipality or the appropriate municipal officers may institute proceedings to enjoin the violation of this section.

D. No public utility, water district, sanitary district or any utility company of any kind shall install services to any lot in a subdivision for which a Final Plan has not been approved by the Planning Board.

E. Not only is making a subdivision without Planning Board approval a violation of law, but so also within such a subdivision is grading or construction of roads, grading of land or lots, or construction of buildings until such time as a Final Plan of such subdivision shall have been duly prepared, submitted, reviewed, approved and endorsed as provided in this ordinance, and until the original copy of the Final Plan so approved and endorsed has been duly recorded in the Hancock County Registry of Deeds and all procedures in Section VI, Subsection II, D.1 have been complied with .

SECTION VIII: GENERAL REQUIREMENTS

In reviewing applications for the subdivision of land, the Board shall consider the following general requirements. In all instances the burden of proof shall be upon the person proposing the subdivision.

A. Plan Shall Conform to Comprehensive Plan

1. Any proposed subdivision shall be in conformity with a Comprehensive Plan or policy statement of the municipality and with the provisions of all pertinent state and local codes and ordinances.

B. Relationship to Community Services

1. Any proposed subdivision shall be reviewed by the Board with respect to its effect upon existing services and facilities. The Final Plan shall include a list of the construction items that will be completed by the developer prior to the sale of lots; and the list of construction and maintenance items that must be borne by the municipality, which shall include, but not be limited to:

B. Relationship to Community Services (continued)

a.. Road maintenance and snow removal
b. Police and fire protection
c. Solid waste disposal
d. Recreation facilities
e. Runoff water disposal drainage ways
f. Schools, including busing

2. The Board may further require the developer of a major subdivision to provide accurate cost estimates to the Town for the above services, and the expected tax revenue of the subdivision.

C. Retention of Proposed Public Spaces

1. Depending on the size and location of the subdivision and where the establishment of said subdivision may seriously restrict the continued use by the general public of land previously used for recreational purposes, the Board may require the developer to provide up to 10% of his total area for public recreation, including water frontage in those subdivisions containing land along waterways.

2. Land intended for recreational use shall be of character, configuration and location suitable for the particular purpose intended; and may include scenic areas, walkways or trails designed for natural preservation of the area.

3. The Board may further require that the developer provide space for future municipal uses, in accordance with a Comprehensive Plan or Policy statement, on a reimbursable basis with a five year option after which the space may be sold for other development.

D. Preservation of Natural and Historic Features

1. The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees (10" or more), the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. The road and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible.

E. Land Not Suitable for Development

1. The Board shall not approve such portions of any proposed subdivision that:

a. Are situated below sea level.

b. Are located within the flood plain as identified by the Penobscot Planning Board.

E. Land Not Suitable for Development (continued)

c. Are located on land which must be filled or drained or on land created by diverting a watercourse; except the Board may grant approval if additional information is provided to satisfy the Board that no adverse consequence takes place. In no instance shall the Board approve any part of a subdivision located on filled tidal wetlands or filled or drained Great Ponds (natural body of water 10 acres or more in size).

d. Employs septic sewage disposal and is located on soils rated poor or very poor by the Soil Suitability Guide for Land Use Planning in Maine. Lots used for on-site sewage disposal shall meet or exceed the lot size guidelines for soil types and slopes as specified in Appendix I of "State of Maine Plumbing Code, Part II , Private Sewerage Disposal Regulations, July, 1974, "or as amended.

2. Wherever situated, in whole or in part, within 250 feet of the high water line of any pond, lake, river or tidal waters, a proposed subdivision shall conform to the Shoreland Ordinance for the Town of Penobscot.

F. Block Design

1. The length, width and shape of blocks shall be determined with due regard to:

a. Provision of adequate building sites suitable to the special needs of the type of use contemplated.

b. Land use requirements as to lot sizes and dimensions.

c. Needs for convenient access, circulation, control and safety of road traffic.

d. Limitations and opportunities of topography.

e. Vegetative, exposure, and geological character of the land.

2. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a 20-foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a 4 foot wide paved foot path be included The Planning Board shall require the subdivider to provide for the proper maintenance of any such easement.

G. Lots

1. The lot size, width, depth, shape and orientation and the minimum building set back lines from roads sidelines, or boundaries shall be appropriate for the location of the subdivision, consistent with section six (6) paragraph H, and section 7, land use standards of the Town of Penobscot and for the type of development and use contemplated.

2. Depth and width of properties reserved or laid out for any purpose shall be adequate to provide for off-road parking and service facilities for vehicles required by the type of use and development contemplated.

3. Double frontage lots and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least 10 feet, across which there shall be no right of access, shall be provided along the line of lots abutting such traffic artery or other disadvantageous use.

4. Side-lot lines shall be substantially at right angles or radial to road lines.

5. All corners of individual lots shall be marked with solid iron stakes.

6. The subdivider shall provide a list of proposed restrictive covenants to the Board upon request.

7. The subdividing of the land shall be such as to provide that all lots shall have a minimum frontage of 100 feet on a street or a lesser footage as the Planning Board may allow, all other requirements having been complied with.

8. After approval of lots in subdivisions no further subdivision of approved lots may be approved.

9. Lots contiguous to subdivision lots which are exempt as subdivision lots under Title 30, M.R.S.A., section 4956, S.S. 5, may be further subdivided in accordance with this ordinance.

H. Easements for Natural Drainage Ways

1. Where a subdivision is traversed by a natural water course, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction, or both, as will assure that no flooding occurs and all storm-water easements shall be not less than 30 feet in width.

I. Utilities

1. The size, type and location of public utilities, such as road lights, electricity, telephones, gas lines, fire hydrants, etc. shall be approved by the Board.

2. Utilities shall be installed underground except as otherwise approved by the Board.

3. In any subdivision wherein electrical power distribution to each proposed lot does not exist at time of application, an electrical power distribution plan, depicting power service entry to each lot therein and prepared in coordination with the public utility serving the area, shall be submitted upon request by the Board. Prior to sale of any lots, the subdivider shall provide a blanket easement to the public utility in order to provide legal entry for installation of such service.

J. Noise Pollution

The subdivision design shall minimize the possibility of noise pollution either from within or without the development (from highway or industrial sources) by providing and maintaining a green strip at least 20 feet wide between abutting properties that are so endangered.

K. Required Improvements

Monuments, road signs, roads, sidewalks or walkways, water supply, sewage disposal and storm/surface drainage, except where the Board may waive or vary such improvements in accordance with provisions of this ordinance.

1. Monuments and Markers

Permanent monuments shall be set at all corners and angle points of the subdivision boundaries and at all road intersections and points of curvature. Monuments shall be of concrete or stone, located in the ground at final grade level, and indicated on the Final Plan. All corners of individual lots shall be marked with solid iron stakes.

2. Road Signs

Road signs shall be furnished and installed by the subdivider. The type, size and name designation shall be approved by the Board.

3. Sidewalks and Walkways

Sidewalks and walkways shall be installed at the expense of the subdivider, located along designated roads and areas to provide for pedestrian traffic to and from public facilities in a safe manner.

4. Water Supply

a. A public water supply system with fire hydrants shall be installed at the expense of the subdivider, or, if in the opinion of the Board, service to each

K. Required Improvements (continued)

4. Water Supply (continued)

lot by a public water system is not feasible, the Board may allow individual wells to be used, which shall be installed at the expense of the subdivider on lots containing dwellings erected by the subdivider or his agent.

b. The Planning Board may require that storage shall be provided as necessary to meet fire protection needs.

c. Because they are difficult to maintain in a sanitary condition, dug wells shall be permitted only if it is not economically or technically feasible to develop other ground water sources.

d. If a central water supply system is provided by the subdivider, location and protection of the source, and design, construction and operation of the distribution system and appurtenances and treatment facilities shall conform to the recommendations included in the "Manual for Evaluating Public Drinking Water Supplies," Public Health Service No. 1180 (1969).

5. Sewage Disposal

a. A sanitary sewer system shall be installed at the expense of the subdivider, or, if in the opinion of the Board, service to each lot by a sanitary sewer system is not feasible, the Board may allow individual septic tanks to be used, which shall be installed at the expense of the subdivider on lots containing dwellings erected by the subdivider or his agent. In no instance shall a septic disposal system be allowed in soils rated poor or very poor for such purpose by the Soil Suitability Guide for Land Use Planning in Maine or on lots below the minimum size shown for particular soil types in Appendix I of "State of Maine Plumbing Code, Part II, Private Sewerage Disposal Regulations, July, 1974 or as amended.

6. Storm and Surface Drainage

a. Where a subdivision is traversed by a watercourse, drainageway or future sewer line, or where the Board feels that surface water drainage to be created by the subdivision and owners of property abutting it warrants, there shall be provided an easement or drainage right-of-way and culverts, catch basins or other means of channeling surface water within such subdivision and over the property of owners (such subdivision and over the property of owners) abutting upon it, of such nature, width and location as the Board or Municipal Engineer deems adequate.

b. The developer may be required to provide a statement from a civil engineer, registered in the State of Maine, that the proposed subdivision will not create erosion, drainage or runoff probelms either in the subdivision or in adjacent properties. The developer shall submit a surface drainage plan showing ditching, culverts, easements and other proposed improvements.

c. Topsoil shall be considered part of the subdivision. Except for surplus topsoil for roads, parking areas and building excavations, it is not to be removed from the site.

d. Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. The Board may require a developer to take measures to correct and prevent soil erosion in the proposed subdivision.

SECTION IX: ROAD DESIGN AND CONSTRUCION CRITERIA

A. Road Layout

1. Proposed roads shall conform to such Comprehensive Plan or policy statement as may have been adopted, in whole or in part, prior to submission of a Preliminary Plan. All roads shall be so designed that, in the opinion of the Board, they will provide safe vehicular travel while discouraging movement of through traffic.

2. The arrangement, character, extent, width, grade and location of all roads shall be considered in their relation to existing or planned roads, to topographical conditions, to public convenience and safety, and their relation to use of the land which they are intended to serve. Road grades shall conform as closely as possible to the original topography.

3. In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a twenty (20) foot wide easement in the line of the road to provide continuation of pedestrian traffic or utilities to the next road.

4. Reserve strips controlling access to roads shall not be approved except where their control is definitely placed within Town jurisdiction under conditions approved by the Board.

5. In those areas designated for commercial or recreational use, the subdivider shall provide sufficient road right-of-way and road width to assure the free flow of through traffic without interference by parked automobiles. The designated road width and parking area(s) shall be approved by the Board. Adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.

6. Where a subdivision borders an existing narrow road (below standards set herein) or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the subdivider shall be required to show areas for widening or realignment marked "Reserved for Road Realignment (or Widening) Proposed." It shall be mandatory to indicate such reservation on the Plan when a proposed widening or realignment is shown on the Official Map. Land reserved for such purposes may not be considered in satisfying setback of lot or area requirements.

7. Subdivisions containing fifteen (15) lots or more shall have at least two road connections with existing public roads; or planned public roads shown on the Official Map, if such exists.

8. Entrances onto existing or proposed roads may be limited by the Planning Board to a frequency of one (1) per thousand (1000) feet of road frontage.

9. Streets in the subdivision shall be so laid out that their use by through traffic will be discouraged.

B. Standards for Streets

All streets in a subdivision shall be designed and constructed to meet the following standards for streets according to their classification as determined by the Planning Board:

STANDARDS FOR STREETS

ITEM	Arterial Streets	Collector Streets	Minor Streets
1. Minimum Width	80′	60′	60′
2. Minimum width of Pavement	44′	26′	24′
3. Minimum grade	.5%	.5%	.5%
4. Maximum grade	5%	6%	10%
5. Maximum grade at intersections	3% within 50 feet of intersections		
6. Minimum angle of intersections		----60 ----	
7. Width of shoulders	9′	9′	8′
8. Minimum center-line radii on curves	800′	200′	200′
9. Minimum tangent length between reverse curves	300′	200′	100′
10. Road base (minimum)	24″	18″	18″
Sub-base-bank gravel	18″	12′	12″
Upper base-Crushed gravel	6″	6″	6″
11. Bituminous Paving	2½″	2½″	2″
12. Road crown, (minimum)	¼/1 ft.	¼/1 ft.	¼/1 ft.
13. Sidewalks Width (minimum where required)	8′	5′	5′
Base course (gravel)		----8″----	
Surface	2″ Bituminous hot-top		
14. Dead-end or cul-de-sac streets			
Width			60′
Length, not more than			1000′
Radii of turn-around at enclosed end Property line (minimum)			80′
Pavement (minimum)			65′
15. Property line radii at intersection (minimum)			10′
16. Curb radii at intersections			
90° intersections	--25′--		
Less than 90° intersections	--30′--		

*In addition to the minimum pavement width, all streets in a mobile home park shall have a cleared area (no vegetation or appurtenances over three feet high) of 40 feet within the right-of-way to provide for maneuvering of mobile homes.

17. Grade of all streets shall conform in general to the terrain, and shall not be less than one-half (½) of one percent nor more than 5 percent for arterial streets, 6% for collector streets, or 10 percent for minor streets in residential zones, but in no case more than 3 percent within 50 feet of any intersection'

18. All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Board so that clear visibility shall be provided for a distance of 200 feet.

19. Intersections of streets shall be at angles as close to ninety (90) degrees as possible and in no case shall two (2) streets intersect at an angle smaller than sixty (60) degrees. To this end where one street approaches another between 60-90 degrees the former street should be curved approaching the intersection.

20. Cross (four-cornered) street intersections shall be avoided insofar as possible except as shown on the Comprehensive Plan or at other important traffic intersections. A distance of at least two hundred (200) feet shall be maintained between center lines of offset intersecting streets.

21. Street lines at intersections shall be cut back to provide for curb radii of not less than 25 feet for 90 ^{o}intersections and 30 feet for intersections less than 90 ^{o}.

22. Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrain and vehicular traffic. That portion of any corner lot which is necessary to allow 25 foot sight lines between intersecting streets shall be cleared of all growth (except isolated trees) and obstructions above the level three feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.

23. A dead end street of cul-de-sac shall not exceed 1000 feet in length and shall be provided with a suitable turn-around at the closed end. When a turning circle is used it shall have a minimum outside curb radius of 65 feet.

24. All streets shall be provided with adequate drainage facilities to provide for the removal of storm water to prevent flooding of the pavement and erosion of adjacent surfaces.

25. Side slopes shall not be steeper than 3 feet horizontal and 1 foot vertical, graded, loamed, (6 inches compacted) and seeded as required.

26. Streets shall be rough-graded to the full width of the right-of-way.

27. Street curbs and gutters shall be required on all streets within Maine State Highway Commission defined urban areas and shall be required at the discretion of the Planning Board in rural areas.

28. Where curb and gutter are not required, stabilized shoulders and proper drainage shall be the responsibility of the subdivider in compliance with the requirements herein.

29. All roadways within the subdivision shall be constructed according to road specifications herein as overseen by the municipal road commissioner and engineer.

C. Standards for Streets

1. Clearing shall consist of cutting and disposing of all trees, down timber, stubs, brush and bushes that interfere with excavation, embankment, clear vision or other growth considered objectionable. Clearing shall include the entire width of the right of way, and outside the right of way in areas heavily shaded by growth of soft wood trees on the southerly side of the road.

2. Excavation shall consist of removing and satisfactorily disposing of all material encountered within the limits of the work. Suitable material taken from the excavation may be used in the fill areas. Suitable material shall be free from all stumps, roots, bushes, grass, turf or other objectionable material that should be removed and disposed of in waste areas prior to excavation. Suitable waste material may be used in the toe of the slope as described later.

3. The subgrade shall be maintained in such condition that the excavation will be drained at all times, and shall be compacted, shaped and maintained to a Tole rance of two (2) inches above or below the required grade and cross-section before the application of the gravel base.

4. In fill areas of five (5) feet or more in depth, measured from the subgrade to old ground, stumps will be allowed to remain but shall be cut as close to the ground as practicable; but in no case will the stumps exceed a height of six (6) inches above the surrounding ground.

5. In fill areas of five (5) feet or less, measured from subgrade to old ground, all stumps, bushes and objectionable material shall be removed and disposed of in waste areas prior to placing of the fill.

6. Suitable waste material with all large stumps removed may be used in the toe of slopes in fill areas. The toe of the slope area shall be defined as that area below the subgrade and outside of a 2 to 1 slope from the shoulder break. Suitable waste material shall not include trees and brush cleared from the right of way.

7. The road base shall consist of a foundation course of hard durable particles of granular material, the type and source to be approved by the Planning Board prior to being used on the project. All base material shall be placed in two layers with the top layer not exceeding a compacted depth of nine (9) inches. No stone exceeding the compact depth of any layer shall be used, and any stone exceeding the maximum dimension shall be removed from each layer prior to addition of

the next course. Each layer shall be placed uniformly over the full width of the subgrade. The base shall be thoroughly compacted, shaped, and maintained to a tolerance of one (1) inch above or below the required grade before application of any surface course.

8. Shoulder sections shall not be constructed in a separate operation from that of the gravel base. The shoulder slope shall be constructed and compacted with the gravel base installation.

9. Backfill shall be accomplished with use of suitable material to fill all spaces excavated and not occupied by drainage or other structures, and areas shall be filled up to elevation of the surrounding terrain.

10. The base level of ditching shall be a minimum of thirty (30) inches below final grade level.

11. Gravel surface course shall consist of a wearing course or levelling course of screened or crushed aggregate. This material should be uniformly graded with 100 percent passing the 1½ inch screen. If selected bank run material meeting the above requirements can be obtained, screening or crushing will not be required. When required, this course shall be treated with bituminous material of the type specified. The gravel surface course shall be a depth of six (6) inches. The gravel surface course is for the fine grading operation to obtain the desired grade and good rideability. The quality of this material must allow for possible penetration of bituminous material. Prior to application of any bituminous material, the gravel surface course shall be bladed and loosened to a depth of one (1) inch with a power grader in order to allow uniform penetration of the bituminous material.

D. Culverts

1. Structural excavation shall consist of excavating, removing and satisfactorily disposing of all material encountered within the limits of the work as required for the construction of all drainage structures. All suitable material removed may be used for backfilling or within fill areas. In case the foundation material is soft or otherwise unsatisfactory, it may be necessary to excavate to a greater depth and backfill with granular material to establish a firm and suitable foundation for the drainage structure. If the foundation is solid rock, the trench should be excavated to a depth of six (6) inches below the flow line and backfilled with a granular material to insure a cushion between the culvert and rock foundation.

2. The foundation should be carefully shaped so that the culvert will have full support for the entire length. Shimming beneath the culvert with dirt, stones, wood, etc., to meet the designed grade will not be permitted.

3. The trench should be excavated to a width of twelve (12) inches beyond each side of the culvert to allow for proper backfill and compaction. The backfill material should be placed in layers, and each layer thoroughly compacted by means of hand tamps or vibratory compactors if available. The first layer should not exceed

one-half the diameter of the pipe, with the following layers not exceeding twelve (12) inches. The layers shall be placed on all sides at the same time to prevent displacement of the structure. When the backfill reaches a sufficient depth, compaction may be obtained by running heavy equipment or trucks back and forth over the trench. A minimum depth of fifteen (15) inches of backfill shall be placed and compacted over the top of any culvert before using heavy equipment for compaction.

4. Backfill material should be of the same nature as that removed from the trench; i.e., granular material should only be used when the material adjacent to the trench is granular. Caution should be taken so that no large stones come in contact with the culvert during backfilling.

5. Culvert pipes shall extend from toe of slope to toe of slope, the pipes to be bedded in a foundation of uniform density that is compacted and carefully shaped at the required grade to fit the lower part of the pipe exterior for at least ten (10) percent of its overall height. Gravel or sand shall not be placed under the pipe unless the the natural foundation material is unstable and cannot be readily compacted. If the addition of foundation material is required, it should be of uniform thickness.

6. Laying of pipe will begin at the outlet; it shall be laid carefully in the prepared bed with the outside laps of circumferential joints pointing up-grade. The longitudinal laps parallel to the center line of the pipe shall be placed on the side of the culvert with the outside laps pointing down. The ends of section shall be fully and closely joined and true to the grade given. Each section of joint and pipe shall be securely attached to the adjoining section of joint of pipe with connecting bands. The bands shall be tightly drawn so that a rigid joint will be formed.

7. In fills with five (5) feet or more in depth over the top of the pipe, all pipe culverts forty-eight (48) inches in diameter and larger shall be elongated along the vertical diameter approximately three (3) percent by means of timber struts. Struts shall be left in place until the fill is thoroughly compacted.

8. The strutting may be accomplished by use of a longitudinal timber at the bottom as a sill, and one at the top of the pipe as a cap, with timber posts between the longitudinal members. The size of timbers to be used for strutting depends upon the size of pipe and amount of fill over the pipe. The minimum length of longitudinal timbers shall be twelve (12) feet of either four (4) inches by six (6) inches or four (4) inches by four (4) inches minimum stock. Vertical struts should be of the same spacing of six (6) feet.

9. New corrugated metal pipe with a minimum diameter of fifteen (15) inches shall be used under the roadway. Driveway culverts shall have a minimum length of twentyfour (24) feet and minimum diameter of twelve (12) inches or larger, depending upon local conditions, with a minimum cover of eighteen (18) inches.

E. Catch Basins, Manholes and Underdrains

1. Catch basins and manholes shall be constructed of Portland Cement concrete blocks precast concrete sections, or parts of both, placed on a prepared eight (8) inch concrete base or prepared earth foundation for the precast bases. Blocks shall be machine-made solid segments not less than eight (8) inches in width.

2. Cement concrete blocks shall be laid on the prepared concrete base by a mason and in a workmanlike manner. The blocks shall be wet with water before laying. All joints shall be completely filled with mortar. No joint shall be greater than one half (½) inch in thickness. Joints shall be neatly tooled on the inside of the structure. Mortar shall be composed on one (1) part Portland Cement and two (2) parts of sand.

3. Precast Portland Cement concrete catch basins or manholes shall conform to dimensions and specifications described in MDOT standards. Concrete blocks or their equivalent shall be used for the layers involved around the inlet and outlet pipes and may be used for the remaining upper section of the structure. Type "E" catch basins are preassembled from either 24 inch or 30 inch BCCMP and constructed on a six (6) inch concrete base. They shall conform to the dimensions as described in the current MDOT Standards.

4. Underdrain lines shall be installed wherever underground water is encountered in the subgrade or wherever necessary to avoid entrapment of water within the roadbed.

5. Underdrain trench excavation shall comply with MDOT standards, as described in the "Standards Sections State Aid," specifically as to width and depth. A bed of the required granular material six (6) inches in depth shall be placed in the bottom of the trench. On this prepared bed six (6) inch perforated bituminous coated corrugated metal pipe shall be laid true to line and grade, with the perforations on the bottom side of the pipe. After these pipes have been firmly bedded and all joints securely connected, granular material shall be filled around the pipe. As soon as an adequate height is reached, the material should be compacted. Granular material for underdrain shall consist of uniformly graded clean sharp sand or fine gravel with 100 percent passing a two (2) inch screen. Screening will not be required but any stones over two (2) inches in diameter shall be removed during the process of backfilling.

F. Embankments

1. Embankment construction may include suitable materials obtained from excavation or borrow sources, and placed in accordance with the required line and grade. Trees and bushes are not considered suitable material for this purpose.

2. Starting layers shall be placed in the deepest portion of the fill. Each layer shall be distributed uniformly over the full width of the fill, except that when it is impractical to construct layers over the full width, partial-width layers may be

authorized. If partial-width layers are found to be necessary, care will be taken to have uniform material for the full width of the embankment; i.e., one-half of a fill should not be constructed of ledge with the other half constructed of clay or sand.

3. The material shall be deposited and spread in layers not more than twelve (12) inches in depth. Haul trucks and leveling equipment should be used to obtain compaction prior to placing of the next layer. Equipment of adequate size to handle the volume of material shall be required.

4. All embankments shall be crowned at all stages of construction so as to permit ready runoff of rainwater. No depression or ruts will be permitted on the upper surface of the embankment. Any ruts or depressions that may develop shall be completely removed prior to the placing of the gravel base. All soft and unstable material and portions of the subgrade which cannot be compacted readily shall be removed and disposed of. These areas shall be brought to grade with satisfactory material and recompacted.

5. Frozen material shall not be placed in the embankment. The embankment shall not be placed upon frozen material, except that the construction of embankments may be allowed when the depth of the fill plus the depth of the frozen ground beneath does not exceed five (5) feet.

6. The construction of embankments may continue during cold weather if all frozen material in the top of the embankment is moved to the outside of the slopes before placing additional material. All material added must be free from frost.

7. When filling in layers of specified thickness is not feasible, such as filling in water, the embankment may be constructed in one layer to the minimum elevation at which the compacting equipment can be operated. The embankment, when placed in water, shall be constructed to such minimum elevation with granular material (or rock) suitable for use under the conditions encountered.

8. In the construction of ledge fills, each layer shall not exceed three (3) feet in depth. The top of each layer shall be so choked with small rock fragments, each excavation or borrow, that there will be no infiltration of the earth embankment placed on the surface of the rock embankment. In no case shall the rock embankment be placed within one (1) foot of the subgrade.

SECTION X: COMPLIANCE WITH NATIONAL FLOOD INSURANCE PROGRAM

A. The Planning Board shall assure that:

1. All such proposals are consistent with the need to minimize flood damage;

2. All public utilities and facilities, such as sewer, gas electrical and water systems are located, elevated, and constructed to minimize or eliminate flood damages;

SECTION X: COMPLIANCE WITH NATIONAL FLOOD INSURANCE PROGRAM (continued)

A. The Planning Board shall assure that: (continued)

3. Adequate drainage is provided so as to reduce exposure to flood hazards;

4. In the case of major subdivisions or other developments greater than 50 lots or 50 acres (whichever is the lesser) that all proposals include base flood elevation data; and

5. In the case of mobile home subdivisions or mobile home parks, located in Zone A of the Flood Hazard Boundary Map, an evacuation plan shall be filed with the Town Civil Emergency Preparedness Office, indicating alternate vehicular access and escape routes.

SECTION XI: VARIANCES AND WAIVERS

1. Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these standards or where there are special circumstances of a particular Plan, it may vary these standards so that substantial justice may be donw and the public interest secure; provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, or the Zoning Ordinance, where such exist.

2. Where the Planning Board finds that, due to special circumstances of a particular Plan, the provision of certain required improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.

3. In granting variances and modifications, the Planning Board shall require such conditions as will, in its judgement, secure substantially the objectives of the requirements so varied or modified.

4. All variances, modifications, and waivers of any part of this Ordinance are revocable up to the date of Final Plan approval.

SECTION XII: APPEALS

A. An appeal from a decision of the Planning Board may be taken to the Penobscot Board of Appeals in accordance with Title 30, M.R.S.A. Chapter 213, Section 2411.

SECTION XIII: PUBLIC NOTIFICATION

A. Upon receipt by the Planning Board of a Sketch Plan or Preapplication Plan the Planning Board shall, within ten days, place an announcement to that effect in a local newspaper.

B. The Board reserve the right to hold a public hearing at any time during the application review, and to request the presence of, opinion, and recommendations of professional or legal consultants on any matter concerning the application. The consultants on any matter concerning the application. The subdivider and/or his representative(s) shall be requested to attend.

SECTION XIV: SEPARABILITY AND EFFECTIVE DATE

A. The invalidity of any provision of this ordinance shall not invalidate any other part.

B. This ordinance shall take effect immediately upon adoption by the legislative body of the Town of Penobscot.

Effective Date . . . . . .

Preparation of this report was financially aided by a comprehensive planning grant from the U.S. Department of Housing and Urban Development.

SUBDIVISION APPLICATION
UNDER SUBDIVISION STANDARDS
OF THE PLANNING BOARD OF THE TOWN OF PENOBSCOT, MAINE

To be filled in by the Subdivider:

Date.....Name of proposed subdivision . . . . . .

Name and Address of Land Owner . . . . . .

Name and Address of Subdivider or Developer . . . . . .

Name of Surveyor . . . . . .

Names of others involved in the creation of the proposed subdivision. . . . . .

. . . . . .

Book and page numbers of deed (s) included in proposed subdivision as recorded in the Hancock County Registry of Deeds. . . . . .

Page and lot number(s) of property included in the proposed subdivision. . . . . .

. . . . . .

Acreage of proposed subdivision.....Number of proposed lots . . . . . .

Type of use intended for proposed lots. . . . . .

Does owner, subdivider, or developer intend to erect any buildings or structures in the proposed subdivision?.....no.....yes: Describe . . . . . .

Proposed sewage disposal method for proposed lots . . . . . .

List of enclosures with preapplication material . . . . . .

To be filled in by the Planning Board:

Preapplication Receipt Date.....Signed . . . . . .

Subdivision Classification.....Minor Subdivision Remarks. . . . . .
.....Major Subdivision . . . . . .

Minor Subdivision Preliminary Plan Receipt Date.....Signed. . . . . .

Major Subdivision Preliminary Plan Receipt Date.....Signed . . . . . .

Major Subdivision Preliminary Plan Decision Date.....Signed . . . . . .

.....Approved Remarks . . . . . .
.....Denied . . . . . .

Major Subdivision Final Plan Receipt Date.....Signed . . . . . .

Final Plan Decision Date.....Signed . . . . . .

.....Approved Remarks. . . . . .

.....Denied . . . . . .

(All receipt and decision dates shall coincide with dates of actual Planning Board meetings)

Form Date:
March, 1980