

**Town of Anson**

**SUBDIVISION  
ORDINANCE**

**March 2006**

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## Section 1 General

### A. Title:

This Ordinance shall be known as the Town of Anson Subdivision Ordinance and will be referred to as "this Ordinance".

### B. Authority:

This Ordinance has been prepared in accordance with the provisions of Title 30-A, M.R.S.A. Section 4403.

### C. Purpose:

The purposes of this Ordinance are:

1. To provide for an expeditious and efficient process for the review of proposed subdivisions.
2. To clarify the approval criteria of the State Subdivision Law, found in Title 30-A, M.R.S.A. Section 4404.
3. To preserve and enhance the rural character of the community.
4. To assure the safety, health, and welfare of the people of the Town of Anson.
5. To protect the natural resources of the Town of Anson.
6. To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions can support the proposed uses and structures.
7. To promote the development of an economically sound and stable community.

### D. Applicability:

The provisions of this Ordinance shall apply to all development considered a subdivision as defined by Title 30-A, M.R.S.A Section 4401 and this Ordinance.

### E. Effective Date:

The effective date of this Ordinance shall be the date of the adoption by the Town of Anson on: March 4, 2005

### F. Conflicts with other Ordinances:

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or any other ordinance, regulation or statute, the more restrictive provision shall control.

### G. Validity and Severability:

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

H. Availability:

A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost to be charged to the person making the request. Notice of availability of this Ordinance shall be posted in the Town Office.

I. Application Forms:

The Town of Anson Planning Board shall develop application forms to be used by all applicants seeking subdivision approval.

J. Application Fee:

All applications for subdivision approval shall be accompanied by the following non-refundable fee made payable to the Town of Anson: The fee for filing a preliminary plan shall be \$100.00 plus \$50.00 per lot and/or unit. (The fee for a minor subdivision that is permitted to file a final plan shall be the same as a preliminary plan)

K. Amendments:

Amendments to this Ordinance may be initiated by a majority vote by the Board of Selectmen, Planning Board, or by written petition by a number of voters equal to at least 10% of the number of votes cast in the municipality in the last gubernatorial election. This Ordinance may be amended by a majority vote of the legally constituted municipal governing body at a regular or special town meeting or by referendum ballot.

## Section 2 Definitions

**Abutter:** The owner of any property with one or more common boundaries, or across the road or stream, from the property involved in an application.

**Aggrieved Party:** An owner of land whose property is directly or indirectly affected by the granting or denial of a permit under this Ordinance; a person whose land abuts lands for which a permit has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of a permit.

**Applicant:** The person applying for subdivision approval under this Ordinance.

**Complete Application:** An application shall be considered complete upon submission of the required fee and all the information required by this Ordinance, or by a vote to waive certain submission or performance standards by the Planning Board.

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

**Final Plan:** The final drawings and other required materials on which the applicant's plan

of subdivision is presented to the Planning Board for approval and which, if approved, may be recorded at the Registry of Deeds.

**Minor Subdivision:** A minor subdivision shall be considered a subdivision proposal consisting of no more than 4 lots and/or units which do not involve the construction of any private or public roads.

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

**Preliminary Plan:** The preliminary drawings and other required materials indicating the proposed layout of the subdivision to be submitted to the Planning Board for consideration.

**Property Owner:** The owner of land shall be determined to be that person listed on the Town of Anson property tax assessment records.

**Public Improvements:** The term shall include all roads, fire protection structures and ponds, any structure or land proposed to be dedicated to the Town, any land or structure which is offered as an easement to the Town, and all storm drainage structures which are designed to allow water to flow outside the property of the subdivision.

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

**Subdivision:** As defined in Title 30-A, M.R.S.A. Section 4401.

**Wetland:** A swamp, marsh, bog or similar areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils. This is also meant to include forested wetlands.

### Section 3 Review Criteria

The Planning Board shall consider the following criteria and before granting approval must determine that:

- A. The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:
  1. The elevation of the land above sea level and its relation to the floodplain,

2. The nature of the soils and subsoils and their ability to adequately support waste disposal,
3. The slope of the land and its effect upon effluents, and,
4. The applicable state and local health and water resource rules and regulations.

B. The proposed subdivision has sufficient water available for the reasonable needs of the subdivision.

C. The proposed subdivision will not cause an unreasonable burden on an existing municipal or private water supply.

D. 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.

E. 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.

F. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are used.

G. The proposed subdivision will not cause an unreasonable burden on the town's ability to dispose of solid waste, if Town services are used.

H. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, archeological sites, significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the Town, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

I. The proposed subdivision conforms with all the applicable standards and requirements of this Ordinance, the comprehensive plan, and other local ordinances. In making this determination, the Planning Board may interpret these ordinances and plans.

J. The subdivider has adequate financial and technical capacity to meet all the review criteria, standards, and requirements contained in this Ordinance.

K. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, Subchapter 1, Article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

L. The proposed subdivision will not, alone or in conjunction with existing activities, adversely

affect the quality or quantity of ground water.

- M. Based on Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundary 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 the lowest floor, including the basement, at least one foot above the 100-year flood elevation.
- N. All fresh water wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. All wetlands shall be preserved to the greatest extent practicable.
- O. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. All rivers, streams or brooks shall be protected from any adverse development impacts.
- P. The proposed subdivision will provide for adequate storm water management.
- Q. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or wetland as these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision shall have a lot depth to shore frontage ratio greater than 5 to 1.
- R. 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.
- S. For any 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.

## Section 4 Administration and General Procedures

- A. Administration:
  - 1. The Planning Board shall administer this Ordinance and review all subdivision applications according to the applicable review criteria and standards.
  - 2. The Planning Board shall provide the Code Enforcement Officer and the Selectmen a copy of its decision on a subdivision application including all application materials.

B. Decisions:

1. The Planning Board shall determine if the subdivision application is complete before it schedules a public hearing or meeting and begins a review of the application.
2. After review of a complete application the Planning Board shall determine whether the application meets the Review Criteria contained in Section 3 of this Ordinance. The Planning Board shall make a written finding of fact to support its decision and vote to approve the application, deny the application, or approve the application with conditions.
3. If in its findings, the Planning Board determines that the application may not meet the review criteria, and that additional actions by the applicant will be sufficient to meet them, it may require such actions, as conditions of approval. The conditions may set forth requirements in addition to those set forth in the Ordinance only when the Planning Board finds it necessary to further the purposes of this Ordinance. All conditions approved by the Planning Board shall be listed along with the reasons for these conditions in the Planning Board's decision and on the final subdivision plan.
4. The Planning Board shall list any waivers approved by the Board on its decision form, and, on the final subdivision plan, and the reasons for such approval.

C. Burden of Proof:

1. The applicant shall have the burden of proof to show the proposed subdivision application meets the applicable review criteria and standards contained in this Ordinance.

D. Additional Studies:

1. The Planning Board may require the applicant, to perform additional studies or hire a consultant to review the entire, or portions of the subdivision application. The cost to perform additional studies or hire a consultant shall be borne by the applicant. The Planning Board may require the applicant to deposit with the Town the estimated cost of any consultant or additional study which shall be placed in an escrow account. The Town shall pay for the services rendered and reimburse the applicant, if funds remain after payments are completed. The applicant shall place additional funds into the escrow account to meet expenses.

E. Rights Not Vested:

1. The submittal of a sketch plan or a preliminary plan to the Planning Board to review for a complete application shall not be considered the initiation of the review process for the purposes of bringing the application under the protection of Title 1, M.R.S.A., Section 302. The formal review process shall begin upon written notification to the

applicant that a complete application has been received.

F. Site Inspection:

1. The Planning Board may vote to schedule an on-site inspection of the proposed project. The Planning Board shall schedule the date and time of the site inspection at the sketch plan meeting or at another time. The Planning Board shall post the date, time and place of the site inspection at the Town Office.
2. The Planning Board may vote to reschedule the site visit and delay its review of the subdivision application whenever it finds that snow cover prohibits viewing land features of the proposed site.
3. The purpose of the site inspection is for the Planning Board to obtain knowledge about the site and surrounding area. The Planning Board shall not render any decision concerning the application during the site inspection.

G. Waivers:

1. The Planning Board may vote to waive any of the review criteria and/or ordinance performance standards when it finds one of the following:
  - a. One or more of the review criteria and /or ordinance performance standards are not applicable to the proposal due to the size of the project, circumstances of the site, design of the project, or unique features of the proposal.
  - b. The applicant has proposed an alternative design that meets or exceeds the requirements set forth in the performance standards.
2. The applicant shall submit information and materials that support the waiver request with the application.
3. The Planning Board may only consider a waiver request when the applicant has submitted a written waiver request in the application. The first item of the application review shall be a consideration of any waiver request. The Planning Board shall review the request and if it meets the criteria for a waiver, shall approve the request. If the Planning Board finds that the request does not meet the waiver criteria, the Board shall deny the request. The applicant shall amend the application as required if the waiver is not approved by the Board. The Planning Board may vote to suspend review of the application until the applicant provides any information necessary as a result of not obtaining the waiver. In no case shall the Planning Board make a final decision upon the application until the applicant supplies any additional information to the satisfaction of the Board.

H. Subdivision Review Process:

1. All subdivision applicants shall be required to follow a three-tier review process as follows:

- Sketch Plan Review
- Preliminary Plan Review
- Final Plan Review

The Planning Board may vote to allow Minor Subdivisions to submit a final plan for review directly after the Sketch Plan Review meeting. The Planning Board shall make this decision after reviewing the sketch plan proposal.

I. Revisions to Approved Plans

1. An application for a revision to a previously approved plan shall be submitted to the Planning Board at least 14 days prior to a scheduled meeting of the Planning Board. If the revision involves a modification to a condition imposed by the Planning Board; the addition of additional units; the addition of new lots; or an expansion of the subdivision, then the procedure for a new application shall be followed. If the revision only involves minor modifications to the plan, the Planning Board may consider the revision request at the meeting. The Planning Board may vote to hold a public hearing on the proposed revision.
2. The Planning Board's scope of review shall be limited to those portions of the plan which are proposed to be revised or that are adversely impacted by the proposed revision.
3. The applicant shall submit a copy of the approved plans and 5 copies of the revised portions of the plans. The application shall include enough supporting data to allow the Planning Board to make a decision that the proposed revision meets the review criteria.
4. The Planning Board shall vote to approve the revision, deny the revision or approve the revision with conditions. The Planning Board may vote to require that additional information be submitted to ensure that the review criteria are met.

J. As Built-Plans:

1. Upon Completion of all the public improvements contained in the subdivision, the applicant shall submit a copy of as-built plans to the Planning Board.

K. Appeals to Superior Court:

1. An aggrieved party may appeal any final decision of the Planning Board under this Ordinance to Superior Court, within 30 days of the date the Planning Board issues a written order of its decision.

L. Public Hearing Requirements:

1. The Planning Board may hold a public hearing on all preliminary and final plan applications to receive public comment and information concerning the

application.

2. The public hearing notice shall be made as follows:
  - a. The Planning Board shall hold a public hearing within 35 days after determining that the application is complete. A notice of the date, time and place of the public hearing shall be:
    - (1) Published, at least two times, in a newspaper having general circulation in the municipality. The date of the first publication shall be at least 7 days before the hearing.
    - (2) Mailed by first class mail to the applicant, at least 7 days prior to the public hearing.
    - (3) Mailed by first class mail to all property abutters, at least 7 days prior to the public hearing. The Planning Board shall maintain a list of all property abutters and record the date the notice was mailed. Failure of an abutter to receive a notice shall not invalidate the public hearing, nor shall it require the Board to schedule a new public hearing.
3. The Planning Board may vote to continue the public hearing to receive additional public comment or information concerning the application. The Board is not required to meet the notice requirements listed above for the continued public hearing.

M. Joint Meetings:

1. If any portion of a proposed subdivision crosses municipal boundaries, the Planning Board shall follow the notice, meeting, and review requirements specified in Title 30-A, M.R.S.A., Sections 4401- 4407.

N. Performance Guarantee:

1. A performance guarantee shall be required for all public improvements proposed for the subdivision. The applicant shall submit a proposal for the performance guarantee at the time of submission of the Final Plan.
2. The performance guarantee shall include one of the following:
  - a. A certified check, in an amount equal to the expense of installing the public improvements, made payable to the Town.
  - b. A performance bond, in an amount equal to the expense of installing the public improvements, made payable to the Town, issued by a surety company.
  - c. A conditional agreement with the Town, whereby no lot in the subdivision may be sold and no building permit issued until the applicant installs all public improvements. A phase development plan may be incorporated into the conditional agreement.
  - d. An irrevocable letter of credit from a bank or other lending institution which

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.

3. The Planning Board, prior to approval of the final plan, shall consult with the Selectmen on the terms proposed by the applicant for the performance guarantee. The Selectmen may recommend that the amount of the certified check or performance bond or the terms of the performance guarantees be amended or revised. The Planning Board shall consider the recommendation of the Selectmen and decide on the contents of the performance guarantee.
4. Prior to the release of the performance guarantee, the Planning Board shall determine that the proposed improvements meet or exceed the design and construction requirements specified in this Ordinance and the subdivision plans. The Planning Board shall base its decision upon the inspection reports filed by the Code Enforcement Officer, other Municipal Officials or other designated inspector.
5. If the Planning Board, Code Enforcement Officer, or other designated inspection official finds that any of the public improvements have not been constructed in accordance with the plans and specifications filed as part of the application, they shall report this condition to the Selectmen. The Selectmen shall take any steps necessary to preserve the Town's rights.

**O. Inspection Requirements:**

1. The Code Enforcement Officer shall be responsible for conducting and/or coordinating all inspections with other municipal officials. The following municipal officials shall perform the following inspections:
  - a. The Road Commissioner shall inspect all roads including roads to be considered for public acceptance and private roads and associated drainage systems. All roads proposed for public acceptance shall also be inspected by a professional engineer as per the road performance standards contained in the Town of Anson Road Design Ordinance.
  - b. The Local Plumbing Inspector shall inspect the installation of all subsurface wastewater treatment systems.
  - c. The Code Enforcement Officer shall inspect all erosion control measures, stormwater management features, and all other site features.
2. The applicant shall be responsible for scheduling all inspections with the Code Enforcement Officer. The Code Enforcement Officer and all other inspection officials shall keep a record of all inspections and all deficiencies. It shall be the responsibility of the Code Enforcement Officer to notify the applicant in writing that a deficiency exists and the steps necessary to remedy the situation. The Code Enforcement Officer shall notify the Planning Board and the Selectmen whenever the applicant fails to remedy a deficiency. Upon completion of the subdivision

and/or consideration of release of the performance guarantee, all inspection reports shall be made available to the Planning Board and the Selectmen.

## Section 5 Sketch Plan Review

### A. Purpose:

The purpose of the sketch plan submittal is for the applicant to present general information regarding the proposed subdivision to the Planning Board and to receive the Planning Board's comments prior to the expenditure of substantial sums of money for developing the subdivision plan.

### B. Procedure:

1. The applicant shall submit a complete sketch plan application to the Planning Board at a regularly scheduled Planning Board meeting.
2. The applicant shall present the sketch plan application to the Planning Board and make a verbal presentation regarding the site and the proposed subdivision.
3. Following the applicant's presentation, the Planning Board may ask questions and make suggestions to be incorporated into the application.
4. The Planning Board shall determine the contour intervals to be shown on the plan.
5. The Planning Board shall decide if the proposed subdivision meets the definition of a minor subdivision and if the applicant may submit a final plan for consideration.

### C. Submissions:

1. The sketch plan shall show in simple sketch form the proposed layout of roads, lots, buildings, and other features in relation to existing site conditions. The sketch plan does not have to be an engineered plan and may be a free-hand penciled sketch.
2. The sketch plan shall be submitted on the application forms provided by the Planning Board and include the following:
  - a. A copy of the Tax Assessors map of the site and surrounding area.
  - b. A copy of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision.
  - c. A copy of the County Soil Survey showing the area of the proposed subdivision.

## Section 6 Preliminary Plan Review

### A. Procedure:

1. The applicant shall, at least 14 days prior to a scheduled meeting of the Planning Board, submit a complete preliminary plan application to the Town Clerk and/or the Code Enforcement Officer. The applicant shall be issued a dated receipt and the preliminary plan application shall be placed on the Planning Board's agenda to be reviewed for a complete application.
2. The application shall consist of 5 complete copies including all maps and related attachments. The Planning Board shall receive 3 copies; the Code Enforcement Officer shall receive one copy; and, one shall be placed in the Town Office for public review.
3. As soon as possible, after the receipt of the preliminary plan the Town shall notify by first class mail all abutters to the proposed subdivision that an application for a subdivision has been submitted to the Planning Board, specifying the location of the proposed subdivision and including a general description of the project. The notice shall also indicate that a copy of the application is available for public review at the Town Office. The Planning Board shall maintain a list of all abutters notified by first class mail, specifying the date the notice was mailed.
4. Within 35 days of the receipt of the preliminary plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the board shall notify the applicant of the specific material needed to complete the application.
5. The Planning Board shall hold a public hearing or meeting within 35 days of determining that it has received a complete application.
6. Within 35 days of the public hearing or meeting, or within another time as may be mutually agreed to by the Board and the applicant, the Planning Board shall make a decision on the application. The Planning Board may vote to delay its review if it cannot conduct a site visit due to snow cover.
7. Upon approval of the preliminary plan, the applicant is eligible to submit a final plan to the Planning Board for consideration. The approval of the preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to preparation of the final plan. The final plan shall be

submitted for consideration upon fulfillment of the requirements of this Ordinance and conditions of preliminary approval, if any.

B. Preliminary Plan Submissions:

1. The applicant is responsible for supplying all the necessary information to show that the proposed subdivision is in compliance with the review criteria, and requirements and performance standards contained in this Ordinance. The preliminary plan submissions shall consist of the following:
  - a. A receipt from the Town indicating that the application fee has been paid.
  - b. A preliminary plan application form and all required attachments and maps.
  - c. Waiver request form, if applicable.
  - d. A location map, drawn at an appropriate scale to show the relationship of the proposed subdivision to adjacent properties. The map shall show the following:
    - (1) Locations and names of existing and proposed roads as per the Town of Anson E-911 Ordinance.
    - (2) Boundaries and designations of all shoreland zoning and other land use districts.
    - (3) An outline of the proposed subdivision and any remaining portion of the owner's property if not included in the subdivision proposal.
  - e. The following general information:
    - (1) Name and address of the applicant and applicant's agent.
    - (2) The applicant shall provide proof of right, title or interest in the property.
    - (3) A copy of all existing and proposed, deed restrictions, rights-of-way, or other encumbrances affecting the property.
    - (4) The book and page and tax map and lot information of the property.
    - (5) The names of all property owners abutting the property.
    - (6) Acreage of the proposed subdivision, acreage of roads, and acreage of any land not included in the subdivision.
  - f. A subdivision plan consisting of one or more maps drawn to a scale of not more than 100 feet to the inch. The plan shall show the following:
    - (1) Name of the subdivision.
    - (2) Number of lots.
    - (3) Date, north point, graphic scale.
    - (4) Proposed lot lines with dimensions.
    - (5) A survey of the perimeter of the tract, giving complete descriptive data by bearing and distances, made and certified by a Registered Land Surveyor. The corners of the tract shall be located on the ground and marked by permanent markers. The plan shall indicate

the type of permanent marker proposed to be set or found at each lot corner.

- (6) Contour intervals as specified by the Planning Board.
- (7) The location of all wetlands regardless of size.
- (8) The location of all rivers, streams, brooks and ponds within or adjacent to the subdivision.
- (9) The location of all slopes in excess of 10% slope.
- (10) The number of acres within the subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing features.
- (11) The location of any significant sand and gravel aquifers,
- (12) The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the Town's most recent FIRM Map.
- (13) The boundaries of all shoreland zoning districts.
- (14) The location and boundaries of any significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife.
- (15) The location of any site or structure listed on the National Register of Historic Places or any archeological site identified by the State Historic Preservation Commission.
- (16) The location of all scenic areas and rare and endangered plants as identified by the Town of Anson.
- (17) The location of all subsurface wastewater disposal system test pits or borings and test data and appropriate documentation.
- (18) The location of all existing and proposed wells and appropriate documentation.
- (19) All erosion control features proposed for the site.
- (20) All stormwater control features proposed for the site.
- (21) All parcels of land proposed to be owned or held in common or joint ownership by the subdivision or individual lot owners. All land proposed to be offered for public acceptance to the Town.
- (22) Road plans and specifications and appropriate documentation.
- (23) Traffic access data for the site including an estimate of the amount of vehicular traffic to be generated on a daily basis.
- (24) The type and location of any proposed fire control features, and appropriate documentation.

g. A statement indicating how the solid waste from the subdivision will be handled.

h. Documentation indicating that the applicant has the financial and technical capacity to meet the requirements of this Ordinance.

i. Any other data necessary in order to meet the requirements of this Ordinance.

j. List the anticipated types of land use that will be developed within the proposed subdivision.

k. Indicate how all roads and other public improvements will be maintained until the improvements are dedicated to the Town or, for private roads and improvements, how they will be maintained over their lifespan.

## Section 7 Final Plan Review

#### A. Procedure:

1. The applicant shall, at least 14 days prior to a scheduled meeting of the Planning Board, submit a complete final plan application to the Town Clerk and/or Code Enforcement Officer. The applicant shall be issued a dated receipt and the final plan application shall be placed on the Planning Board's agenda to review for a complete application.
2. The application shall consist of 2 stable-based transparencies and 3 paper copies. The Planning Board shall receive 2 original transparencies, and two paper copies. One paper copy shall be placed in the Town Office for public review.
3. Within 35 days of the receipt of the final plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific material needed to complete the application.
4. The Planning Board shall schedule a public hearing or a meeting to review the final plan within 35 days of determining that it has received a complete application.
5. Within 35 days of the public hearing or meeting, or within another time as may be mutually agreed to by the Board and the applicant, the Planning Board shall make a decision on the application.
6. Upon voting to approve the final plan, the Planning Board shall sign the 2 stable-based transparencies. The Planning Board shall retain one copy and the other shall be provided to the applicant. The applicant shall file the approved final subdivision plan with the Register of Deeds, within 90 days of the date upon which the plan is approved. Failure to file the plan with the Register of Deeds, within 90 days, shall make the plan null and void. Final Plans not filed in the appropriate time shall be re-submitted to the Board according to the requirements of Section 7 of this Ordinance. The Applicant shall provide the Town proof that the Subdivision Plan was filed with the Register of Deeds, and shall submit to the Tax Assessors a copy of the subdivision plan showing the proposed lots, which corresponds to the scale of the Town Tax map showing the subdivision.

#### B. Final Plan Submissions:

1. The applicant is responsible for supplying all the necessary information to show

that the proposed subdivision is in compliance with the review criteria and requirements and performance standards contained in this Ordinance. The final plan submissions shall consist of the following:

- a. A receipt from the Town indicating that the application fee has been paid.
- b. A final plan application form and all required attachments and maps.
- c. All the submission materials required for a preliminary plan.
- d. All conditions and modifications approved by the Planning Board for the preliminary plan shall be contained on the final plan.
- e. All waivers approved by the Planning Board shall be shown on the final plan.
- f. All additional studies and/or materials required by the Planning Board, as applicable.
- g. A signature block shall be provided on the final plan.
- h. A performance guarantee, if applicable.
- i. The location and type of all permanent markers set at all lot corners.
- j. If the subdivision contains any private roads, the plan shall contain a statement as follows: The subdivision roads are designed as private roads and are not eligible for acceptance by the Town of Anson, unless the road is improved to meet the appropriate standards for road acceptance.
- k. Written copies of any documents of land dedication, and written evidence that the Board of Selectmen is satisfied with the legal sufficiency of any documents accomplishing such land dedication.
- l. Any conditions placed on the final plan by the Planning Board shall be clearly listed on the plan. Planning Board imposed conditions shall be listed separately from any conditions or restrictions placed on the subdivision by the applicant.
- m. Proof that applicant has made application for all applicable State and Federal permits.

## Section 8 Performance Standards

- A. The performance standards contained in this section shall apply to all subdivision proposals in the Town of Anson.
- B. General Lot Requirements:
  1. Subdivisions shall conform to the Town's minimum lot requirements.
  2. Land in the following areas shall not be used to calculate the required minimum lot size: wetlands; rivers; streams; brooks; stormwater drainage features; resource protection areas as defined in the Town's Shoreland Zoning Ordinance; areas within the floodway as defined in the Town's Floodplain Management Ordinance; and, areas within public and private rights-of-way.

C. Monuments:

1. Monumentation as required by the Maine Board of Registration of Land Surveyors shall be installed at the following:
  - a. At all road intersections and points of curvature, but no farther than 750 feet apart along road lines without intersections or curves.
  - b. At all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135 degrees or less.
  - c. At all other subdivision boundary corners and angle points plus lot boundary corners and angle points.
  - d. If lot lines are not perpendicular to the road, the Planning Board may require monuments shall also be set 100 feet from the road at each side lot line.

D. Water Supply:

1. When a subdivision is to be served by Anson Water District, the complete supply system within the subdivision including fire hydrants, shall be installed at the expense of the applicant. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the Anson Water District and the fire chief.
2. When public water supply service is not available, water supply shall be from individual wells which shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of pollution. The lot design shall permit the placement of wells, subsurface wastewater disposal systems and reserve areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.
3. In meeting the standards of subsection 1 above, a proposed subdivision shall not generate a demand on the source, treatment facilities or distribution system of the Anson Water District beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the subdivision. The applicant shall be responsible for paying the costs of system improvements to the District's system as necessary to alleviate existing deficiencies.

E. Fire Protection:

1. They shall design the subdivision so that the Town of Anson Fire Department shall have unrestricted access to all developed areas within the subdivision and they arrange for a supply of water for fire suppression. The applicant shall review the proposed subdivision with the Fire Chief and shall obtain a written statement from the Fire Chief approving the plan's fire protection measures. This statement shall be submitted with the preliminary plan application.
2. The Fire Chief in making his/her determination that adequate provisions are made

for fire protection shall consider the following:

- a. The road is adequate for the passage of fire equipment.
- b. An adequate water supply is available near or within the subdivision to serve the density of the development.

3. The Fire Chief shall approve the fire protection measures proposed for the subdivision or shall make specific recommendations to improve the fire protection measures. In making recommendations, the Fire Chief may recommend the installation of fire ponds, cisterns, or other similar features.

**F. Sewage Disposal:**

1. **Public System:**
  - a. Any subdivision within the area served by public sewage disposal service shall be connected to the public system.
  - b. 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.
  - c. The Town of Anson (if applicable) and the Anson-Madison Sanitary 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.
  - d. The Anson-Madison Sanitary District or the Town of Anson (whichever serves the area) shall review and approve the construction drawings for the sewerage system. The size and location of laterals, collectors, manholes, and pump stations shall be reviewed and approved in writing by the servicing district.
2. **Private Systems:**
  - a. When a proposed subdivision is not within the area served by public sewer, sewage disposal shall be private subsurface wastewater disposal systems or a private treatment facility with surface discharge.
    - (1) The applicant shall submit evidence of site suitability for subsurface wastewater disposal prepared by a Licensed Site Evaluator in full compliance with the State of Maine Subsurface Wastewater Disposal Rules. The site evaluator shall certify in writing that all test pits which meet the requirements for a new system represent an area large enough to install a disposal area on soils which meet the Disposal Rules.
    - (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 area. The reserve area shall be shown on the plan and restricted so as not to be built upon.

(3) In no instance shall a disposal area for a lot or structures require a New System Variance from the Subsurface Wastewater Disposal Rules. Holding tank systems shall not be allowed to serve new lots or structures.

G. Erosion Control:

1. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions shall comply with the following:
  - a. The site shall be developed to prevent soil erosion from entering waterbodies, wetlands, stormwater drainage features, and adjacent land. All temporary and permanent erosion control measures shall be designed 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 Environment Protection, as most recently amended.
  - b. All temporary and permanent erosion features shall be shown on the subdivision plan.

H. Stormwater Control:

1. All construction and development shall be designed to minimize storm water runoff from the site. Where possible existing natural runoff control features shall be retained to reduce runoff and encourage infiltration. Storm water run-off in major subdivisions must be treated by the use of best management practices equivalent to those described in *the Stormwater Management for Maine: Best Management Practice*, published by the Maine Department of Environmental Protection, 1995, as most recently amended.

I. Waterbody Protection:

1. The locations of all rivers, streams, brooks, and wetlands shall be identified on the subdivision plan. This shall include all perennial and intermittent streams and forested and non-forested wetlands.
2. Waterbodies shall not be developed or disturbed unless the applicant can provide evidence that no other alternatives exist. Any development planned within 50 feet of the high-water line of any waterbody including wetlands shall require a plan which includes the following:
  - a. A description of the proposed development including the reasons why this is the only alternative.
  - b. Construction drawings of the disturbance area showing all structures, fill areas, vegetative disturbance, and erosion control measures.
  - c. A list of state and federal permits required, if applicable.

J. Ground Water:

1. Any development proposed within a Sand and Gravel Aquifer as identified by the Town of Anson shall be designed and constructed according to a plan which takes into account the impact of the development upon the aquifer.
2. The Planning Board may require the applicant to provide a plan developed by a hydrologist which shows that the proposed development will not have an adverse impact upon the aquifer. The Planning Board, in making the determination that a plan is required, shall consider the density of the development, and existing conditions or problems within the area.

K. Historic, Archeological, Wildlife Habitat, Scenic Areas, and Rare and Natural Areas:

1. The subdivision plan shall show the locations of any historic and archeological sites, wildlife habitat, scenic areas and rare and natural areas. If any of these areas are on the site, a protection plan shall be developed in accordance with the following:
  - a. If any portion of the site is designated as a significant archeological or historic site by the Maine Historic Commission, Comprehensive Plan, or listed on the National Register of Historic Places, the applicant shall develop appropriate measures for the protection of these resources according to local, state and federal regulations.
  - b. If any portion of the site is within an area designated as a scenic area or a unique natural area by the Maine Natural Areas program or the Town of Anson, the applicant shall develop appropriate measures for the preservation of the values which qualify the site for such designation.
  - c. If any portion of the site is within a wildlife habitat area, the applicant shall consult with the Maine Department of Inland Fisheries and Wildlife or a qualified wildlife biologist and develop measures to protect these areas from environmental damage and habitat loss.  
Wildlife habitat areas shall include the following:
    - (1) Habitat or endangered species appearing on the official state or federal list of endangered or threatened species.
    - (2) High or moderate value waterfowl and wading bird habitats as defined by the Maine Department of Inland Fisheries and Wildlife.
    - (3) Deer wintering areas as identified by the Maine Department of Inland Fisheries and Wildlife.

L. Financial and Technical Capacity:

1. The applicant shall submit evidence that he/she has adequate financial and technical capacity to design and construct the development in accordance with all applicable local, state and federal laws and regulations. Evidence of adequate financial and technical capacity shall consist of the following:

- a. A list of all technical and professional staff involved with the proposal and preparation of the application including their qualifications and past experience with projects of similar size and scale.
- b. A list of all persons with inspection and oversight responsibilities for the development and, if available, the persons selected to construct the project, including their qualifications and past experience with projects of similar size and scale.
- b. A letter from a financial institution such as a bank or other lending institution that states that the applicant has the necessary funds available or a loan commitment from this institution to complete the proposed development within the time period specified by the applicant.

**M. Conformity With All Other Applicable Local Ordinances:**

1. The applicant shall show that the subdivision meets all other applicable local ordinances including Shoreland Zoning, and Floodplain Management.

**N. Agricultural, Forest and Rural Resources**

1. Whenever a proposed subdivision is located adjacent to an active farm, pasture, field, a woodlot listed under Tree Growth, a productive forest site, or a borrow pit operation suitable provisions shall be incorporated in the subdivision proposal to minimize future conflicts between residential sites and agricultural, forestry or borrow operations.
2. Provisions to reduce conflicts between residential and activities of a working rural landscape shall be proposed based upon the size, density and site conditions of the particular subdivision. Some possible options include:
  - a. A mandatory structure set back of 100 feet from the farm, forest, or borrow site.
  - b. A vegetative buffer along property lines.
  - c. Location of homes away from the farm, forest, or borrow site.
  - d. A disclosure notice, included in the deed for each lot, to inform the new landowner that agricultural, forest or borrow pit activities generate noise, dust and odors.

**O. Rural Design and Landscape Standards**

1. Each subdivision proposal consisting of more than 4 lots shall include a landscape plan which shows how the lots, building sites, structures and roads preserve the existing rural character of the community. The plan shall incorporate the following standards into the overall development of the subdivision:
  - a. Road and lot layout shall be adapted to the existing topography.
  - b. Existing trails shall be preserved.
  - c. Lots shall be designed so as to enhance the privacy and rural atmosphere of the development.

- d. Trees located along the roads shall be preserved to the greatest extent possible in order to maintain a rural roadscape.
- e. Existing vegetation along all streams, ponds, wetlands shall be preserved.

P. Maintenance of Roads and Public Improvements

- 1. All roads and other public improvements that are not dedicated to the Town or during such time prior to the actual acceptance by the Town of Anson shall be maintained by the subdivision owners or developer. A legal agreement indicating how the infrastructure will be maintained shall be submitted to the Planning Board with the preliminary plan. The Planning Board shall review the maintenance plan to ensure that sufficient provisions have been incorporated to maintain all improvements for the applicable time period.

## Section 9 Enforcement

- A. It shall be the responsibility of the Code Enforcement Officer to enforce the provisions of this Ordinance.
- B. No plan of a division of land within the Town which would constitute a subdivision shall be recorded in the Registry of Deeds until a final plan has been approved by the Planning Board in accordance with this Ordinance.
- C. A person shall not convey or offer to convey any land in a subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds.
- D. A person shall not sell, lease, offer or otherwise convey any land in an approved subdivision which is not shown on the plan as a separate lot.
- E. No public utility, water district, sanitary district, or any utility company of any kind shall serve any lot in a subdivision for which a final plan has not been approved by the Planning Board.
- F. Development of a subdivision without Planning Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land, or lots, or construction of buildings, which require a plan approved as provided in this Ordinance and recorded in the Registry of Deeds.
- G. No lot in a subdivision may be sold, leased or otherwise conveyed before the road upon which the lot fronts is completed in accordance with this Ordinance up to and including the entire frontage of the lot.
- H. Violations of the above provisions of this section are a nuisance and shall be punished in accordance with the provisions of Title 30-A, M.R.S.A. Section 4452.

Public Hearing: January 10, 2006

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Adopted: March 4, 2006

A TRUE COPY.

*Robert A. Warkley*  
*Robert S. Warkley*  
*Town CLERK*