



TOWN OF ARROWSIC SUBDIVISION ORDINANCE

As Amended June 13, 2012

\$10.00

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Note: Dates in parentheses indicate when the section was last amended.

1.0 General

1.1 Purpose: The purpose of this Subdivision Ordinance shall be to assure the comfort, health, safety, and general welfare of the people, to protect the environment, and to provide for the orderly development of a sound and stable community. This Ordinance shall apply to all subdivisions as defined by Title 30, M.R.S.A: Section 4956 as amended from time to time, including residential, commercial and industrial uses.

1.2 Basic Requirements: The provisions of this Ordinance, in addition to the Zoning Ordinance, apply to all of the land areas of all proposed subdivisions located in the Town of Arrowsic.

1.3 Effective Date: The effective date of this Ordinance is June 29, 1989.

2.0 Review Criteria

The Planning Board shall approve, deny, or approve with conditions, all applications for a Subdivision. The applicant shall have the burden of proving that his or her application is in compliance with the requirements of this Ordinance. After submission of a complete application, the Planning Board must grant a permit if it makes a positive finding on each of the following factors, based upon the information the applicant presented to it, that the proposed use:

2.1 Will not result in undue water or air pollution. In making this determination the Board 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 resource regulations;

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

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

2.4 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;

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

2.6 Will provide for adequate sewage waste disposal;

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

2.8 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;

2.9 Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any; and

2.10 The subdivider has adequate financial and technical capacity to meet the above stated standards.

2.11 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.

2.12 Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

A negative finding of any one of the above innumerable factors will result in denial of the application, or subject the application to being granted with conditions. The Planning Board may only impose conditions upon subdivisions which remedy the defect.

3.0 General Requirements

3.1 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.

3.2 Conformity with Comprehensive Plan: Any proposed subdivision shall be in conformity with the Comprehensive Plan of the Town of Arrowsic and with the provisions of all pertinent state and local codes and ordinances.

3.3 Impact on Community Services: The Planning Board may request information regarding the subdivision's effect upon existing services and facilities; a list of construction items that will be completed by the developer prior to the sale of lots; and the list of construction and maintenance items that must be borne by the town which shall include, but not be limited to:

- Schools, including busing
- Road maintenance and snow removal
- Police and fire protection
- Solid waste disposal
- Town Hall

3.4 Landscape Plan: The Planning Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees, the replacement of trees and vegetation, proposed 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 much as possible.

3.5 Retention of Proposed Public Sites and Open Spaces

3.5.1 Depending on the size and location of the subdivision, the Board may require the developer to provide up to ten (10) percent of the total area for recreation. Areas reserved for recreation shall be at least one acre in size and easily accessible from all lots within the subdivision.

3.5.2 Land reserved for park and/or recreational purposes shall be of a character, configuration and location suitable for the particular use intended. A site to be used for active recreation purposes, such as a playground or a playfield, should be relatively level and dry, have a total frontage on one or more roads of at least 200 feet, and have no major dimensions of less than 200 feet. Sites selected primarily for scenic or passive recreation purposes shall have such access, and sufficient areas for trails, lookouts, etc. as the Board may deem suitable, and shall have no less than twenty-five (25) feet of road frontage.

3.5.3 Where the proposed subdivision is located on a pond, river, or stream, a portion of the waterfront area shall be included in reserved land for use by property owners in the subdivision. It shall be a minimum of 200 feet plus ten (10) additional feet for each unit/lot.

3.5.4 Ownership shall be clearly indicated for all reservations of park and playground purposes on the Final Plan and shall be clearly established in a manner satisfactory to the town attorney so as to ensure the continuation of responsibility for owners' maintenance. The land or a part of it may be deeded to the Town of Arrowsic subject to the approval of the Town.

3.5.5 The Board may further require that the developer provide space for future municipal uses, in accordance with a Comprehensive Plan or policy statement, giving the Town first option on the property.

3.6 Land Not Suitable for Development: The Planning Board shall not approve building lots located totally on land below sea level, on land below the base flood elevation for the 100-year flood plain as designated on the Town of Arrowsic Federal Emergency Management Agency Flood Insurance Rate Maps, on land which must be filled or drained, on land created by diverting a watercourse, or on filled tidal land or filled or drained Great Ponds.

3.7 Market Study: The Board may require that a market study be prepared for a proposed subdivision.

3.8 Traffic Impact: The Board may require that a traffic study and/or a fiscal impact study be prepared for a proposed subdivision.

3.9 Easements for Natural Drainage Ways: Where a subdivision is traversed by a natural watercourse, drainage way, channel or stream, the Planning Board may require that a storm water easement or drainage right-of-way be provided which conforms substantially with the lines of such watercourse and is of such width as to assure that no flooding occurs and all storm water can be disposed of properly. Such easement or right-of-way shall be not less than thirty (30) feet in width.

3.10 Net Residential Density: The calculation of density for all residential subdivisions shall be based on the net residential area or acreage of the parcel as defined herein.

3.11 Buildable Land: In a new subdivision, only buildable land as defined herein shall be utilized in the creation of lots or building sites. Buildings, roads and septic systems shall be constructed only in those areas designated as buildable.

3.12 Utilities

3.12.1 The size, type and location of public utilities, such as road lights, electricity and telephone transmission lines, and fire hydrants shall be approved by the Board and installed in accordance with the requirements of the Board.

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

3.12.3 All public utilities and facilities, such as sewer, electrical and water systems shall be located and constructed to minimize or eliminate flood damage.

3.13 Density Bonus: A 20% density bonus shall be given to all subdivisions which provide, either within the proposed subdivision or in another location in town, at least 10% of the total lots or units proposed, be sold at a price which is affordable to low or moderate income individuals, as defined by the State.

3.14 Required Improvements: The following are required improvements: boundary monuments, road signs, roads, landscaping, and storm drainage, except where the Board may waive or vary such improvements in accordance with the provisions of these Standards.

3.15 Covenants, Deeds, Leases, Etc.: The Planning Board may request that the subdivider submit for review and approval copies of all proposed deeds; leases, restrictive covenants; easements; and other such documents pertaining to or governing the subdivision.

3.16 Public Acceptance of Roads, Recreation Areas: The approval by the Planning Board of a Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the town of any road, easement, recreation area, or other open space shown on such plan.

3.17 Maintenance: The subdivider shall be required to maintain all improvements and provide for snow removal on roads and sidewalks until acceptance of said improvements by the town or occupant association.

3.18 Trust Account Fee: As a condition of approval of the Final Plan, the Planning Board may require, in addition to a performance bond or guarantee, a payment of two hundred dollars (\$200.00) for each lot, or for each dwelling unit. Payment shall be held in an escrow account by a trustee mutually agreeable to both the town and the developer.

The Planning Board may from time to time withdraw from the escrow account in order to make reasonable payment for costs, expenses and services incurred by the Planning Board at its sole discretion which relate directly to the review of the subdivision; or which relate directly to the efforts of the town to assure compliance with the Final Plan. Such services may include, but not be limited to, clerical costs, consulting engineering fees, architectural feed, attorney fees, recording fees, appraisal fees, and the trustees administration fee.

The trustee shall provide the subdivider with a periodic accounting and shall refund all of the remaining monies in the account upon the payment of all costs and services related to the subdivision upon the subdivision's completion and compliance with the Final Plan. The refund shall be accompanied by a final accounting.

The subdivider shall not be liable for costs incurred by or costs of services contracted for by the Planning Board which exceed the amount of the escrow account fee.

4.0 Design Standards

4.1 Survey Monuments

4.1.1 A Standard Boundary Survey which meets or exceeds the standards of the State Board of Registration for Land Surveyors for Category 1 Condition III shall be completed for all subdivisions submitted for review under this Ordinance.

4.1.2 Permanent monuments made from granite or iron rods drilled into ledge shall be set at all angle points in the perimeter of the subdivision. Permanent iron markers shall be set at all lot corners and at all angle points and points of curvature of all roads. The monuments and markers shall clearly show the registration number or temporary certificate number of the registered land surveyor responsible for the survey. Where installation of the required monument or marker at its correct location is impractical, it shall be permissible to set a reference monument close to that point.

4.1.3 Prior to the release of any performance guarantee on a subdivision, the inspecting engineer shall certify that all survey monuments required by this section are in place.

4.2 Water Supply

4.2.1 The water supply system for each lot shall be designed, approved and installed in accordance with requirements of the Maine Department of Human Services.

4.2.2 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 groundwater sources.

4.3 Sewage Disposal

4.3.1 In no instance shall a septic disposal system be allowed in soil rated poor or very poor for such purpose by the Maine Plumbing Code.

4.3.2 An application for an individual septic system shall be completed by a licensed soil scientist or site evaluator in full compliance with the requirements of the State of Maine Plumbing Code.

4.3.3 Plans for Engineered Systems as defined in the Maine State Plumbing Code shall be designed by a professional civil engineer and approved by the Department of Human Services.

4.3.4 Regardless of the type of subsurface disposal system proposed, each building lot in a new subdivision shall pass a soils test for an individual subsurface disposal system.

4.4 Surface Drainage

4.4.1 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 should be controlled for the protection of the subdivision and owners of property abutting it, there shall be provided an easement or drainage right-of-way and culverts, catch basins or other means of channelling surface water within such subdivision and over the property of owners abutting upon it, of such nature, width and location as the Board deems adequate.

4.4.2 The developer shall provide a statement from a civil engineer, registered in the State of Maine, that the proposed subdivision will not create erosion, drainage or runoff hazards either in the subdivision or in adjacent properties. The developer's surface drainage plan shall show ditching, culverts, easements and other proposed improvements.

4.4.3 Topsoil shall be considered part of the subdivision and shall not be removed from the site.

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

4.4.5 To prevent soil erosion of shoreline areas, tree cutting on the shoreline shall conform to the Zoning Ordinance of the Town of Arrowsic, Maine.

4.5 Road Design and Construction

4.5.1 Classification

4.5.1.1 **Minor subdivision roads:** All roads in subdivisions serving fewer than 10 lots or dwelling units are classified as minor subdivision roads.

4.5.1.2 **Major subdivision roads:** All roads serving 10 or more lots or dwelling units either within or contiguous to a subdivision shall be major subdivision roads to the intersection with the public way.

4.5.1.3 **Town ways:** Roads accepted by the town, as a town way, and for which the town correspondingly acquires maintenance responsibility, are classified as town ways.

4.5.2 General Criteria

4.5.2.1 Before a road will be considered for acceptance as a town way it must first meet the standards of a major subdivision road and be completed to the satisfaction of the Planning Board and Road Commission. On their written approval, major subdivision roads may be presented to the Town for acceptance.

4.5.2.2 All roads in the subdivision shall be so designed that, in the opinion of the Planning Board, they will provide safe vehicular travel.

4.5.2.3 If deemed necessary by the Planning Board, the subdivision may be required to provide at least two road connections with existing roads or roads on an approved Subdivision Plan for which a bond has been filed.

4.5.2.4 Where private and public roads serve a subdivision or cluster development, the formation of a neighborhood association is required in order to guarantee and administer road maintenance. The property owners' obligations for road maintenance cost shall be included as a covenant in their deeds.

4.5.2.5 If private roads are not properly maintained - including snow removal and sanding - the Town of Arrowsic may take corrective action and shall recover costs by means of a pro-rated assessment of all subdivision property owners without regard for lot size, configuration or location.

4.5.2.6 All roads shall be named and posted with signs. Signs shall conform with the sign performance standards listed in Section 3.14 of the Arrowsic Zoning Ordinance, and be subject to Planning Board approval.

4.5.2.7 Entrances, including proposed driveways and roads, onto existing State highways must be approved by the Maine Department of Transportation. Copies of such approvals shall be submitted to the Board at the time of final review. Entrances onto town ways must be approved by the Road Commission.

4.5.2.8 All roads within a subdivision shall be completed prior to the sale of any lots.

4.5.3 **Construction Standards.** All roads within the subdivision, including access roads from the town way, all be constructed to the specifications herein (6-24-82)

4.5.3.1 **Preparations:** Before grading is started, the entire right-of-way shall be cleared of all stumps, roots, brush, and other objectionable materials and all trees not intended for preservation. Such material shall be removed from the road site and hauled away, buried, burned or chipped.

4.5.3.2 **Cuts:** Tree stumps, roots, and other organic materials shall be removed to a depth of two (2) feet below the subgrade. Rocks and boulders, when encountered, shall be removed to subgrade.

4.5.3.3 **Road Base:** The base of the road shall consist of at least eight inches of gravel as defined in Section 703.06 (a) Type C material of the State of Maine DOT Standard Specifications, Highways and Bridges, June 1981. Base gravel shall be placed and compacted as set forth in Section 304 of the above referenced specifications. The upper base shall consist of at least six inches of crushed gravel as defined in Section 703.11 of the State of Maine DOT Standard

Specifications, Highways and Bridges, June 1981. Surface gravel shall be placed and compacted as set forth in Section 304 of the above referenced specifications.

4.5.3.4 Description	Road Dimensions
Right-of-way	50 feet
Maximum grade (note 1)	10%
Roadbed width	16 feet
Shoulder width (each side)	2 feet
Cleared width	28 feet
Minimum grade	0.5%
Road Crown (minimum)	1/4"/ft.
Minimum curve radius to road centerline	100 feet
Minimum angle of road intersection	60 degrees
Maximum grade within 50 ft. of intersection	3%
Drainage	
1) roadbed to ditch	3:1 slope
2) ditch to level grade	2:1 slope
3) minimum culvert size	15 inches
Design speed	25 MPH
Cul-de-sac radius at dead ends (note 2)	50 feet
Pavement requirement (note 3)	Minor subdivision roads: no Major subdivision roads: yes

Notes:

- 1) No point on the road surface shall exceed the grade listed.
- 2) Cul-de-sacs shall be constructed at the end of all dead-end roads and shall be designed large enough to accommodate a school bus.
- 3) Pavement shall be applied using the following standards:

Bituminous paving base coat

1 1/2" of Type B mix as defined in Section 703.09 of the State of Maine DOT Standard Specifications, Highways and Bridges, June 1981. Base coat paving shall be placed and compacted as set forth in Section 401 of the above referenced specifications.

Surface coat

1" of Type D mix as defined in Section 703.09 of the State of Maine DOT Standard Specifications, Highways and Bridges, June 1981. Surface coat paving shall be placed and compacted as set forth in Section 401 of the referenced specifications.

4.5.3.5 Warning posts and/or guardrails shall be installed at dangerous areas.

4.5.3.6 Ditches shall be stabilized with suitable vegetation. In addition, ditches carrying a high volume of water, areas of steep slopes, and areas near culverts and/or ridges may require a stone, rip-rap or coarsely graded aggregate surface for stabilization.

4.6 Buffer Strip (6-13-07) A buffer strip shall be required within the subdivision between the subdivision and adjacent properties.

5.0 Performance Guarantees

5.1 The subdivider shall file a performance guarantee with the Town prior to subdivision approval. A certified check payable to the Town of Arrowsic, a performance bond running to the Town of Arrowsic, an irrevocable letter of credit to cover the full cost of required improvements, or some other form of surety that is acceptable to the Selectmen, shall be provided. For the purposes of this section, required improvement shall mean all public and private roads, all drainage structures and ditches, all erosion

control measures, all utilities, all landscaping and all recreation facilities. Any such bond shall be satisfactory to the Selectmen and the municipal attorney as to form, sufficiency, manner of execution and surety.

5.2 At the discretion of the Planning Board, the subdivider may be allowed to submit individual bonds for each phase of a project's development. If this option is chosen, prior to submission of each individual bond, the developer shall submit to the Town a written statement detailing completion dates for all roads and other public improvements planned for that phase.

5.3 A period of one year (or such period as the Planning Board may determine appropriate, not to exceed three (3) years) shall be set forth in the bond time within which time required improvements must be completed.

5.4 Inspection and Required Improvements

5.4.1 At least fifteen (15) days prior to commencing construction of required improvements, the subdivider shall notify in writing the Code Enforcement Officer of the time when he proposes to commence construction of such improvements so that the Code Enforcement Officer can cause inspection to be made to assure that all 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 Board. Inspection shall be made of all required public improvements as defined above.

5.4.2 At least five (5) days prior to commencing construction of required improvements, the subdivider shall pay an inspection fee equal to the estimated cost of inspection by an engineer appointed by the Town, payable by check to the Town of Arrowsic stating the purpose of the fee. No building permits shall be issued on the project and no work begun until the inspection fee has been paid.

5.4.3 If the inspector shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Planning Board, Road Commission and Code Enforcement Officer. The Planning Board shall then notify the subdivider and, if necessary, the bonding company or bank, and take all necessary steps to preserve the municipality's rights under the bond or letter of credit. No plan shall be approved by the Board as long as the subdivider is in default on a previously approved Plan.

5.4.4 If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the inspector that unforeseen conditions make it necessary or preferable to modify the location or design of any required improvement, the inspector may, upon approval of the Code Enforcement Officer, authorize modifications, provided these modifications are within the spirit and intent of the Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The inspector shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Code Enforcement Officer.

5.4.5 Upon completion and final inspection of all required improvements, any funds remaining in a project's inspection fee account, after all inspection fees have been paid, shall be returned to the subdivider.

5.4.6 The subdivider or successor owners' association shall be required to maintain all improvements and provide for snow removal on roads and sidewalks.

5.5 Release of Performance Guarantees

5.5.1 The performance guarantee shall not be released by the Town Selectmen until:

5.5.1.1 The inspecting engineer has completed his final inspection of the project and has submitted a written report stating that all required public improvements as defined above and survey markers have been completed or placed in accordance with approved plans and specifications.

5.5.1.2 The Code Enforcement Officer has examined the site, has reviewed the inspecting engineer's report and concurs with his findings.

5.5.2 Performance guarantees collected on phased work segments shall be released in the same manner as outlined above, upon the completion of each phase.

6.0 Enforcement

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

6.2 No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in a subdivision until the land is approved by the Planning Board, recorded in the Sagadahoc County Registry of Deeds, and the required improvements as described in Section 3.14 have been completed and approved.

6.3 Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this section shall be punished by a fine as set by the Selectmen for each such conveyance, offering or agreement. The Town of Arrowsic may institute proceedings to enjoin the violation of this section.

6.4 No public utility of any kind shall be installed in a subdivision for which a Final Plan has not been approved by the Planning Board.

6.5 Grading or construction of roads, grading of land or lots, or construction of buildings within a proposed subdivision is prohibited until such time as the original copy of the approved and endorsed Final Plan has been duly recorded in the Sagadahoc County Registry of Deeds.

6.6 The invalidity of any section or provision of these Standards shall not be held to invalidate any other section or provision of these Standards.

7.0 Waivers and Legal Provisions

7.1 Where the Planning Board finds that undue hardship not self-imposed, will result from strict compliance with these standards, it may grant waivers, providing that such waivers will not have the effect of nullifying the intent and purpose of these Standards.

7.2 In granting waivers, the Planning Board shall utilize the following criteria in determining whether or not there is sufficient evidence to establish that the practical difficulties and unusual hardships are caused by special conditions peculiar to the particular property and not common to other property in the general area, and that such waivers can be granted without detriment to the general area.

Location, character and natural features.

Landscaping, topography, and natural drainage.

Vehicular access, circulation and parking.

Signs and lighting.

Public safety.

Violation of the basic criteria established in Section 2.1 through 2.12.

7.3 The provisions of these Standards, not specifically required by M.R.S.A., Title 30, Section 4956, Chapter 454 shall not apply to any subdivision which has been approved by the Board and recorded in the Registry of Deeds of Sagadahoc Country prior to enactment of these Standards.

7.4 These Standards are effective June 29, 1989, as adopted by the Town, and replaces all previous subdivision ordinances.

8.0 Procedures

8.1 Introduction: There shall be three distinct steps in the review of all subdivision applications in the Town of Arrowsic. The first step shall be the submission of a pre-application sketch plan as outlined below. The second step shall be the submission of a preliminary plan and the third step shall be the submission of a final plan. An application for subdivision review will not be considered complete until all

items required under the preliminary plan submission have been received by the Board. An application will not be considered pending until the Board has completed its first substantive review of the complete preliminary submission.

8.2 Preapplication

8.2.1 Procedure (6-13-07)

8.2.1.1 At least 15 days before a regular meeting of the Planning Board, the subdivider shall submit a sketch plan of the proposed project to the Board for informal discussion at the regular meeting of the Board. This plan shall include the information listed below and any other data relative to the proposed subdivision which may be of assistance to the Board in understanding the scope of the project. Eight (8) copies of the Sketch Plan shall be submitted. Not less than 7 days before the meeting to receive the sketch plan, the Planning Board shall give written notice of the meeting to all property owners within 200 feet of the subdivider's property by sending the written notice via US first-class mail to the property owners at their addresses shown on the Town assessment records.

8.2.1.2 No binding commitments shall be made between the subdivider and the Board at this stage. The purpose of the preapplication meeting shall be to understand what is proposed, what is possible and what is acceptable.

8.2.1.3 At said meeting, the Planning Board and the Subdivider shall arrange for a joint inspection of the site with the Board or an individual appointed by the Chairman of the Board to act as the Board's representative for such inspection.

8.2.2 Submissions

8.2.2.1 The sketch plan shall show, in simple sketch form, neatly done, the proposed layout of roads, lots, open space and other features in relation to existing conditions. The sketch plan shall include the data listed below:

- a. Boundary lines and total acreage of the parcel
- b. Easements - location, width and purpose
- c. Roads on and adjacent to the tract-name and right-of-way width and location
- d. Walks, curbs, ditches, culverts and other underground structures within the tract and immediately adjacent thereto.
- e. Existing structures on and adjacent to the tract.
- f. Existing utilities on and adjacent to the tract.
 - (1) Location and size of all proposed and existing sewer and water mains
 - (2) Location of fire hydrants, electric and telephone poles
 - (3) Road lights
 - (4) If proposed and/or existing water mains or sewers are not on or adjacent to the tract, indicate the distance to and size of nearest ones.
- g. Soil test data adequate to show that the subsurface soil conditions on the tract will accommodate the proposed development.
- h. Type of land use on and adjacent to the tract.
- i. Proposed name of the subdivision or identifying title. This name shall not duplicate or closely resemble the name of a subdivision already existing or proposed in the town.
- j. The date, north point, graphic map scale, name and address of record owner and subdivider, and the names of adjoining property owners.

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

- a. Data on existing covenants
- b. A medium intensity standard soil survey
- c. Available community facilities and utilities
- d. Information describing the subdivision proposal such as:
 - (1) Number of residential lots
 - (2) Typical lot width and depth
 - (3) Playgrounds, park areas and other public areas or open space
 - (4) Proposed protective covenants; and
 - (5) Proposed utilities and road improvements

8.3 Preliminary Plan

8.3.1 Procedure (6-13-07)

8.3.1.1 Within six (6) months of the first pre-application sketch plan submission, the subdivider shall submit a preliminary plan for the subdivision. The preliminary plan documentation shall be submitted to the Town at least fifteen (15) days prior to the Planning Board meeting at which the subdivider wishes to be heard. Not less than 7 days before the meeting, the Planning Board shall give written notice of the meeting to all property owners within 200 feet of the subdivider's property by sending the written notice via US first-class mail to the property owners at their addresses shown on the Town assessment records. Failure to meet the above referenced six-month deadline shall require re-submission of the Sketch Plan to the Board for review. The Preliminary Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Board.

8.3.1.2 The Preliminary Plan shall be accompanied by a fee as established in a Town Fee Schedule revised from time to time by the Board of Selectmen and payable by check to the Town of Arrowsic, Maine with a note indicating the specific purpose of the fee.

8.3.1.3 In addition, the Board shall require the owner or his authorized agent to deposit in escrow an amount of money sufficient to cover the costs of any professional review of the subdivision which the Board may feel is reasonably necessary to protect the general welfare of the Town.

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

8.3.1.5 Within forty-five (45) days of receipt of a completed preliminary plan the Board shall take action to give preliminary approval, with or without modifications, or disapproval of such Preliminary Plan.

8.3.1.6 No Preliminary Plan shall be acted on by the Board until it has held a public hearing thereon. Not less than 7 days before the hearing, the Planning Board shall give written notice of the hearing to all property owners within 200 feet of the subdivider's property by sending the written notice via US first-class mail to the property owners at their addresses shown on the Town assessment records.

8.3.2 Submissions (6-13-07)

8.3.2.1 **Location Map:** The Preliminary Plan shall be accompanied by a Location Map drawn at a scale of not over four hundred feet (400') to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The Location Map shall show:

- a. All the area within 2500 feet of any property line of the proposed subdivision showing:
 - (1) All existing subdivisions and approximate property lines of adjacent parcels.
 - (2) Location, widths and names of existing, filed or proposed roads, easements, building setback lines pertaining to the proposed subdivision and to the properties as designated in Section 8.3.1.6 above.
 - (3) The boundaries and designations of parks and other public spaces.
 - (4) 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.

8.3.2.2 Preliminary Plan: The Preliminary Subdivision Plan shall be submitted, with eight (8) copies of each map or drawing, together with eight (8) copies of any attachments required for approval. All dimensions shall be shown in feet or decimals of a foot and drawn to a scale of not more than 100 feet to the inch. The Preliminary Plan and accompanying materials shall show:

- a. All existing information provided as part of the Sketch Plan.
- b. Proposed lot lines with approximate dimensions, lot numbers, areas in square feet and suggested locations of buildings
- c. Watercourses and proposed easements.
- d. Contour lines at intervals of not more than two (2) feet except that in clustered subdivisions all land outside the developed area may be at intervals of five (5) feet.
- e. Typical cross sections of the proposed grading for roadways, sidewalks, etc. at all key locations and a road plan and profile which includes final grades, elevations and type of pavement.
- f. Connection with existing or proposed water supply or alternative means of providing water supply to the proposed subdivision.
- g. Connection with existing or proposed sanitary sewerage system or alternative means of treatment and disposal proposed.
- h. A high intensity soils map that encompasses the area to be subdivided including all common areas.
- i. If a private sewage disposal system is proposed, location and results of tests to ascertain subsurface soil ground water conditions and depths to maximum ground water level. A completed HHE 200 form must be submitted for multi-family subdivisions.
- j. A report from a hydrogeologist stating that septic runoff from the proposed development will not adversely affect adjacent property or private water supplies.
- k. Provisions for collecting and discharging storm drainage, in the form of a drainage plan prepared by a professional engineer, that demonstrates changes in hydrologic conditions will not cause off-site flood damage to public or private property. Changes in runoff shall be calculated by using the TR-55 method or subsequent approved methods developed by the U.S.D.A. Soil Conservation Service. The Board may require review and endorsement of the drainage plan by the Androscoggin Valley Soil and Water Conservation District.
- l. Preliminary designs of any bridges or culverts which may be required along with State approval if required.
- m. The location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field.
- n. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- o. The location of all natural features or site elements to be preserved.

- p. A soil erosion and sediment control plan shall be prepared by a professional engineer or geologist. The Board may require review and endorsement of this plan by the Androscoggin Valley Soil and Water Conservation District.
- q. Certification by a registered professional engineer or a registered land surveyor that all survey, deed and supporting information accurately reflects the true conditions existing on the proposed subdivision.
- r. Flood hazard line as shown on the Town of Arrowsic Flood Zone Map.
- s. A landscaping plan if required by the Board.
- t. A market study if required by the Board.
- u. A hydrogeologic assessment must be prepared by a certified geologist or licensed professional engineer, experienced in hydrogeologic assessments as to groundwater supply availability. The study shall include a survey of wells in the surrounding area, a recharge analysis and groundwater nitrate analysis.

The Board may require a more extensive hydrogeologic assessment in other cases such as when the subdivision is located over a sand and gravel aquifer or where the subdivision has an average density of more than one dwelling unit per 100,000 square feet or where site considerations or development design indicate greater potential of adverse impacts on groundwater quality. These cases include extensive areas of shallow to bedrock soils; or cluster developments in which the average density is less than one dwelling unit per 100,000 square feet but the density of the developed portion is in excess of one dwelling unit per 80,000 square feet; and proposed use of shared or common subsurface wastewater disposal systems. The more extensive hydrogeologic assessment shall be conducted in accordance with the provisions listed below.

A. Ground Water Quality

1. The assessment shall contain at least the following information:
 - a. A map showing the basic soils types.
 - b. The depth to the water table at representative points throughout the subdivision.
 - c. Drainage conditions throughout the subdivision.
 - d. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
 - e. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, or at the subdivision boundaries; or at a distance of 1,000 feet from potential contamination sources, whichever is a shortest distance.
 - f. A map showing the location of any subsurface waste water disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.
2. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
3. No subdivision shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.
4. If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
5. If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.
6. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction

standards for drinking water wells or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the final plan, and as restrictions in the deeds to the affected lots.

B. Ground Water Quantity

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

8.4 Final Plan

8.4.1 Procedure (6-13-07)

8.4.1.1 The subdivider shall, within six (6) months after the approval of the Preliminary Plan, file a Final Subdivision Plan in the form described herein. The subdivider may be granted an extension by the Board if a letter is submitted explaining the need for additional time. If the Final Plan is not submitted to the Board within six (6) months after the approval of the Preliminary Plan, the Board may refuse, without prejudice, to act on the Final Plan and require re-submission of the Preliminary Plan. The Final Plan for subdivisions shall be accompanied by a fee payable by check to the Town of Arrowsic, Maine. (See Town Fee Schedule.) All required Final Plans shall be submitted to the Town Office at least fifteen (15) days prior to the Planning Board meeting at which the subdivider wishes to be heard. Not less than 7 days before the meeting, the Planning Board shall give written notice of the meeting to all property owners within 200 feet of the subdivider's property by sending the written notice via US first-class mail to the property owners at their addresses shown on the Town assessment records of the subdivision.

8.4.1.2 If the proposed subdivision in any way falls within the jurisdiction of the State of Maine Department of Environmental Protection, their approval shall be secured in writing before official submission of the Final Plan.

8.4.1.3 Water supply system proposals contained in the Subdivision Plan shall be approved in writing by a civil engineer registered in the State of Maine if individual wells serving each building site are to be used. The Board may also require the subdivider to submit the results of water quality tests as performed by the State of Maine Department of Human Services.

8.4.1.4 Sewage disposal system proposals contained in the Subdivision Plan shall be properly endorsed and approved in writing by the State of Maine Department of Human Services if a separate central sewage collection and treatment system is to be utilized, or the local Plumbing Inspector if individual septic tanks are to be installed by the builder. Such approval shall be secured before official submission of the Final Plan.

8.4.1.5 A public hearing may be held concerning the Final Plans as prescribed in Section 8.3.1.6.

8.4.2 Submissions

8.4.2.1 The Final Plan shall be submitted with the mylar original, eight (8) copies and one reproducible print, of each map or drawing, together with eight (8) copies of any attachments required for approval. 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, Location Map and any amendments thereto suggested or required by the Board
- b. The name, registration number and seal of the land surveyor or engineer who prepared the plan

- c. Road names and lines, pedestrian ways, lots, easements and areas to be reserved for or dedicated to public use
- 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. Intersection lines of all lands adjoining the subdivision shall be shown
- e. The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearing for each road
- f. Lots within the subdivision numbered as prescribed by the Board
- g. 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
- h. Location of permanent reference monuments shall be located and referenced upon the Final Plan
- i. The Plan shall indicate the proposed landscaping program of the subdivider, if required.

8.4.3 Final Approval and Filing (6-13-12)

8.4.3.1 The Board shall act on a Final Plan within thirty (30) days from the date of receipt of the completed Final Plan application unless the subdivider agrees to an extension of the period. No Plan shall be approved by the Board as long as the applicant is in violation of the provisions of a previously approved Plan within the Town.

8.4.3.2 Upon findings of fact and determination that all standards in Title 30-A M.R.S.A., §4404, and these regulations have been met, and upon voting to approve the subdivision, the Board shall sign the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. One copy of the signed Plan shall be retained by the Board as part of its permanent records and one copy of the Plan will be returned to the subdivider. One copy of the signed Plan shall be forwarded to the Tax Assessor and one copy to the Code Enforcement Officer. Any subdivision not recorded in the Registry of Deeds within ninety days of the date upon which the Plan is approved and signed by the Board shall become null and void.

8.4.3.3 At the time the Board grants Final Plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to ensure the orderly development of the Plan. If any Town or quasi-Town department head notified of the proposed subdivision informs the Board that their department does not have adequate capital facilities to service the subdivision, the Board shall require the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to allow the orderly planning, financing and provision of public services to the subdivision. If the expansion, addition or purchase of the needed facilities is included in the Town's capital improvements program, the time period of the phasing shall be no longer than the time period contained in the capital improvements program for the expansion, addition or purchase.

8.4.3.4 No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing on the Plan, unless a revised Final Plan is first submitted and the Board approves any modifications, in accordance with Article 8.4.4. The Board shall make findings that the revised Plan meets the criteria of Title 30-A M.R.S.A., §4404, and the standards of these regulations. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the records of the Registry of Deeds.

8.4.3.5 The approval by the Board of a Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, or other open space shown on such Plan. When a park, playground, or other recreation area shall have been shown on the Plan to be dedicated to the Town, approval of the Plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the Plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Town Selectmen covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

8.4.3.6 Except in the case of a phased development plan, failure to complete substantial construction of the subdivision within five years of the date of approval and signing of the Plan shall render the Plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect.

8.4.4 Revisions to Approved Plans (6-13-12)

8.4.4.1 **Procedure:** An applicant for a revision to a previously approved Plan shall, at least 15 days prior to a scheduled meeting of the Board, request to be placed on the Board's agenda. If the revision involves the creation of additional lots or dwelling units, the procedures for Preliminary Plan approval shall be followed. If the revision involves only modifications of the approved Plan, without the creation of additional lots or dwelling units, the procedures for Final Plan approval shall be followed.

8.4.4.2 **Submissions:** The applicant shall submit a copy of the approved Plan as well as 8 copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of these regulations and the criteria of the statute. The revised Plan shall indicate that it is the revision of a previously approved and recorded Plan and shall show the title of the subdivision and the book and page or cabinet and sheet on which the original Plan is recorded at the Registry of Deeds.

8.4.4.3 **Scope of Review:** The Board's scope of review shall be limited to those portions of the Plan which are proposed to be changed.

9.0 Administrative Requirements

9.1 **Administration:** The Planning Board for the Town of Arrowsic shall administer this Ordinance.

9.2 **Amendments:** This Ordinance may be amended by a majority vote of the Town Meeting. A copy of all amendments shall be filed with the Register of Deeds, according to the requirements of State Statute Title 33, MRSA, Section 622-A.

9.3 **Appeals:** An appeal may be taken, within 30 days from the Planning Board's decision on the Final Plan, by any party or person aggrieved to Superior Court in accordance with Rule 80B of the Rules of Civil Procedure.

10.0 Miscellaneous Provisions

10.1 **Validity:** The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof.

10.2 **Enabling Legislation:** This Ordinance is adopted pursuant to and consistent with Title 30, MRSA, Section 4956.

10.3 **Conflict:** This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a higher standard for the promotion and protection of health and safety, the provisions of this Ordinance shall prevail.

10.4 Filing

A certified copy of this Ordinance shall be filed with the Register of Deeds, according to the requirements of State Statute, Title 33, MRSA, Section 662-A.

10.5 Repeal

All previously existing ordinances in conflict with this Ordinance are hereby repealed.

DEFINITIONS ACCOMPANYING TOWN OF ARROWSIC ZONING AND SUBDIVISION ORDINANCES

Access Road: A road connecting a mobile home park or subdivision parcel to the public way.

Accessory Structure or Use: A use incidental or subordinate to those of the principal use or structure. Accessory structures when aggregated shall not dominate the use of the lot. Extensions to the principal structure which share a common wall or roof are considered part of the principal structure.

Aggrieved Party: An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance 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 such permit or variance.

Agriculture: The production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops, grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and greenhouse products. Agriculture does not include forest management, timber-harvesting activities, and the incidental sale or lease of plant and animal products from operations primarily intended for home consumption.

Antenna: Antenna, including but not limited to radio antennae and satellite receiving dishes, are accessory structures as defined by this Ordinance and are regulated accordingly.

Basal Area: The area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

Buffer Strip: A continuous area of land unless otherwise specified shall not be less than 50 feet in width which shall contain no structures or roads. The first 25 feet shall contain either natural vegetation, evergreen shrubs, trees, fences, walls, or any combination which forms an effective visual barrier. Driveways shall be kept open to provide visibility for vehicles entering or leaving the lot.

Buildable Land: That land in a parcel which is left over after all deductions, except road deductions, required under the Net Residential Area or acreage calculations.

Building: A structure for the support, shelter or enclosure of persons, animals, goods or property of any kind.

Campground: Any premise established for overnight use for the purpose of temporary camping, and for which a fee is charged.

Canopy: The more or less continuous cover formed by tree crowns in a wooded area.

Clearing: The removal of timber to an extent greater than permitted by Section 3.2.3 of the Zoning Ordinance.

Cluster Development: A form of development that permits a reduction in lot area and other specified dimensional requirements, provided there is no increase in the number of lots or units permitted under conventional subdivision requirements and the resultant land is devoted to common space.

Common Land: Land within or part of a subdivision or planned unit, condominium or cluster development, owned by the unit or lot owners as tenants in common or jointly, or owned by an association or corporation comprised of unit or lot owners or shareholders, and controlled by the development's articles, by-laws, declarations or covenants.

Common Space: The residual land area which remains when a subdivision is clustered.

Conditional Use: A use permitted only after review and approval by the Planning Board or Code Enforcement Officer. A Conditional Use is a use that would not be appropriate without restriction but which if controlled under the provisions of the Zoning Ordinance, would promote the purposes of that Ordinance.

Conditional Use Permit: A permit authorized by the Planning Board or Code Enforcement Officer for a Conditional Use.

Condominium: As defined in Title 33 M.R.S.A., 1601-103(7).

Conforming Use: A use of buildings, structures or land which complies with all applicable provisions of the Zoning Ordinance.

Constructed: Includes built, erected, altered, reconstructed, relocated to, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like, shall be considered part of construction.

Distance: Measured horizontally, unless otherwise noted.

District: A specified portion of the town, delineated on the Official Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of the Zoning Ordinance.

Dwelling: A place of abode, a structure occupied as a residence as distinct from a store, office, or other building.

Single Dwelling: A place of abode for a single family in one principal structure.

Multiple Dwelling: A place of abode for two or more families in one or more principal structures.

Essential Services: Gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Expansion of Structure: An increase in the floor area or volume of a structure including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses. New stairways used solely for gaining access to a residential structure need not be considered when determining a structure's setback, providing they are no wider than four feet.

Expansion of Use: The addition of weeks or months to a use's operating season, or more floor area or ground area devoted to a particular use.

Filling: Depositing or dumping any matter on or into the ground or water.

Floor Area: Sum of the horizontal area of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of structures such as porches and decks. Floor area with a ceiling height of six feet or less or non-living basement space shall be excluded from this calculation. (6-18-03)

Forested Wetland: A freshwater wetland dominated by woody vegetation that is six meters tall (approximately twenty feet tall) or taller.

Foundation: The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basement walls, slabs, frost walls, or other base consisting of concrete, block, brick or similar material.

Frontage, Shore: The horizontal distance, measured along the high water mark, or upland edge of a wetland/meadow/marsh between the intersections of the side lot lines.

Frontage, Road: The horizontal distance between the intersections of the side lot line with the front lot line.

Functionally Water-Dependent Uses: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and which cannot be located away from these waters.

Great Pond: Any inland body of water which in a natural state has a surface area in excess of 10 acres and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland

body of water is completely surrounded by land held by a single owner. Sewell Pond is our only Great Pond.

Height of Structure: The vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, and similar appurtenances that have no floor area.

High Water Line: The upland edge of land subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Along Sewell Pond, the elevation at which vegetation changes from predominantly aquatic to predominantly terrestrial; and along freshwater rivers and streams, the highest elevation of the bank of a channel at which the water has left a definite mark.

Home Business: A home business is an occupation or business which is carried on within a dwelling or accessory structure to the dwelling by a member of the family residing therein; is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and does not involve any exterior alteration which would change the residential character of the premises. Permitted home businesses include: the production of goods, the sale of goods produced on site, the provision of services performed on site, the provision of goods and services off site for which the material and equipment are kept on site. A sales outlet is not a home business unless the item sold is a product of the labor of a person working in the business (i.e., manufactured, produced, created, caught, grown by the owner or an employee of the business). (6-23-93 and 6-15-05)

Individual Private Campsite: An area of land which is not associated with a campground but which is developed for repeated temporary camping not to exceed 130 days per year by only one group not to exceed ten individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fireplaces or tent platforms.

Junk Yard: Any area used as a place of storage for:

1. Discarded, worn-out or junked plumbing, heating supplies, household appliances, furniture and automobiles, including salvage operations;
2. Discarded, scrap and junked lumber;
3. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material; and
4. Private garbage dumps, waste dumps and sanitary fills.

Lot: A parcel of land having distinct and defined boundaries and described in a deed, plan. Parcels of land on opposite sides of a public way shall be considered separate lots.

Manufactured Housing Unit: Structure, designed for occupancy, transportable in one or more sections, which was constructed in a manufacturing facility and is transported to a building site and designed to be used as a dwelling when connected to the provided utility systems contained therein.

Marina: A shorefront commercial facility with provisions for one or more of the following: boat storage, boat launching, or the sale of supplies and services for watercraft and their equipment and accessories.

Mineral Exploration: Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral Extraction: Any operation which, within any twelve month period, removes more than 100 cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, ore, or other mineral material from its natural location and transports the product removed, away from the extraction site.

Minimum Lot Width: The closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

Mobile Home Park: A parcel of land under unified ownership, approved by the municipality, designed and/or used to accommodate three or more manufactured housing units of one or two sections.

Multi-family Cluster Developments: Multi-family development which includes apartments, condominiums and all other forms of multi-family construction.

Net Residential Area: Net residential area means the area of a parcel, which is suitable for development as determined by the Planning Board, calculated by subtracting the following from the gross acreage of a parcel.

- 1) Total acreage which is used for road, sidewalk rights-of-way and transmission of utilities.
- 2) Portions of the parcel containing slopes over 15%.
- 3) Portions of the parcel shown to be within the 100-year floodplain as designated on the Town of Arrowsic Flood Zone Map.
- 4) Portions of the parcel located in the Resource Protection District and Special Protection District.
- 5) Portions of the parcel which, based on current Soil Conservation Service data, are unsuitable for development in their natural state due to drainage or subsoil conditions, including, but not limited to:
 - a) Water table at or near the surface for all or part of the year
 - b) Unstable soils such as Scantic.
- 6) Portions of the parcel covered by surface water bodies.

Net Residential Density: Net residential density shall mean the number of dwelling units per acre of net residential area.

Non-conforming Building or Use: A building, structure, use of land, or portion thereof, existing at the effective date of adoption or amendment of the Zoning Ordinance which does not conform to all applicable provisions of that Ordinance.

Non-conforming Lot: A single lot of record existing at the effective date of the adoption of the Ordinance that does not meet the area, frontage or width requirements of the district within which it is located.

Open Space Use: A use not involving: a structure; earth-moving activity; or the removal or destruction of vegetative cover, spawning grounds, or fish, aquatic life, bird and other wildlife habitat.

Parcel: The gross land area which will be divided by a subdivision.

Piers, Docks, Wharves, Ramps, Bridges and Other Structures and Uses Extending Over or Beyond the High Water Line or Within a Wetland:

Temporary: Structures which remain in or over the water for less than seven months in any period of 12 consecutive months.

Permanent: Structures which remain in or over the water for seven months or more in any period of 12 consecutive months.

Permitted Waterfront Uses: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and which cannot be located away from these waters.

Planned Unit Development: A development in which a unit owner owns both the interior and exterior of the unit and the lot on which it stands, with the remaining "common land" owned by an association or corporation.

Principal Use: The primary use to which the premises are devoted, and the main purpose for which the premises exist.

Private Facilities Open to the Public: Churches, schools, hospitals, and other facilities privately owned but open to the public.

Public Facilities: Any facilities including, but not limited to, buildings, property, recreation areas and roads which are owned, leased, or otherwise operated, or funded by a governmental or public entity.

Public Utilities: Those services furnishing gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public.

Publicly Owned Recreation Area: An area owned by the Town of Arrowsic managed specifically for recreation purposes.

Recreational Vehicle: A vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, camp trailer, tent trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Residential Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

River: A free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

NOTE: The portion of a river that is subject to tidal action is a coastal wetland.

Salt Marsh: Areas of a coastal wetland that support salt tolerant species, and where at average high tide during the growing season, the soil is regularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

Salt Meadow: Areas of a coastal wetland that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (*Spartina patens*) and black rush; common threesquare occurs in fresher areas.

Setback: The nearest horizontal distance from a lot line or the high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

Shoreland Zone: The land area located within two hundred and fifty (250) feet, horizontal distance, of the high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the high-water line of a stream.

Shoreline: The high-water line, or upland edge of a freshwater or coastal wetland.

Sign: Any painted, printed, or stenciled device either erected on a frame structure, mounted or painted on a building.

Billboard: A sign, structure or surface larger than 6 square feet which is available for advertising purposes for goods or services rendered off the premises, excluding directional signs.

Commercial Sign: A sign advertising or promoting a business enterprise of any kind.

Directional Sign: A sign conveying only directional information.

Identification sign: A sign identifying a professional service, church, fraternal organization, service club or public institution.

Name Sign: A sign naming the occupant of the premises.

Temporary Sign: A sign erected for private sales or other purposes in non-established business locations.

Surface Area: Determined as the product of maximum width and maximum height of the sign.

Skid Trail: A route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

Slash: The residue, e.g., treetops and branches, left on the ground after a timber harvest or land clearing.

Soil and Water Conservation Plan: A plan, prepared by the Androscoggin Valley Soil and Water Conservation District or other recognized agency or by a private consultant acceptable to the Town of Arrowsic, covering the operations and facilities of an agricultural or timber harvesting operation for the purpose of minimizing soil erosion and pollution from manure or chemical runoff.

Stream: A free-flowing body of water from the outlet of a great pond or the confluence of two perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river.

Structure: Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, boundary walls and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

Principal Structure (Building): The structure in which the primary use of the lot is conducted.

Accessory Structure: A structure of a nature subordinate to that of the principal structure or the primary use to which the premises are devoted.

Incidental Structure: A structure which is of no consequence in achieving or maintaining the purposes and goals of the Ordinance. Structures which need not be considered as structures for purposes of meeting the shoreland setback standard are, for example, lawn furniture, picnic tables.

Subdivision: As defined in Title 30 MRSA, Section 4956.

Subsurface sewage disposal system: Any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

Tidal waters: All waters affected by tidal action during the maximum spring tide.

Timber Harvesting: The cutting and removal of timber for the primary purpose of selling or processing forest products. Timber harvesting does not include the clearing of land for approved construction.

Travel Trailer: A manufactured housing unit not designed for permanent occupancy.

Tributary Stream: A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a stream bed devoid of topsoil containing water-borne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity. This definition does not include the term "stream" as defined elsewhere in this ordinance, and only applies to that portion of the tributary stream located within the Shoreland, Special Protection District and/or Resource Protection Districts of the receiving water body or wetland.

NOTE: Water setback requirements apply to tributary streams within the shoreland zone.

Upland Edge of a Wetland: The boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) feet) tall or taller.

Use: The purpose for which land or a structure is arranged, designed, or intended, or for which land or a structure is or may be occupied.

Variance: An easing of the terms of the Zoning Ordinance, due to the peculiar and unique characteristics of the particular property in question, where literal enforcement would result in undue hardship, and such easing of the terms would not substantially depart from the intent of the Ordinance.

Volume of a Structure: The volume of all portions of a structure enclosed by a roof and fixed exterior walls as measured from the exterior faces of those walls and roof.

Water Body: Any great pond, river, or stream.

Wetland: A freshwater or coastal wetland.

Coastal Wetlands: All tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service.

NOTE: All areas below the maximum spring tide level are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc., in addition to salt marshes and salt meadows.

Freshwater Wetland: freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

- a) Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and
- b) 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 including but not limited to those listed in Table II typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition

Woody Vegetation: Live trees or woody, non-herbaceous shrubs.