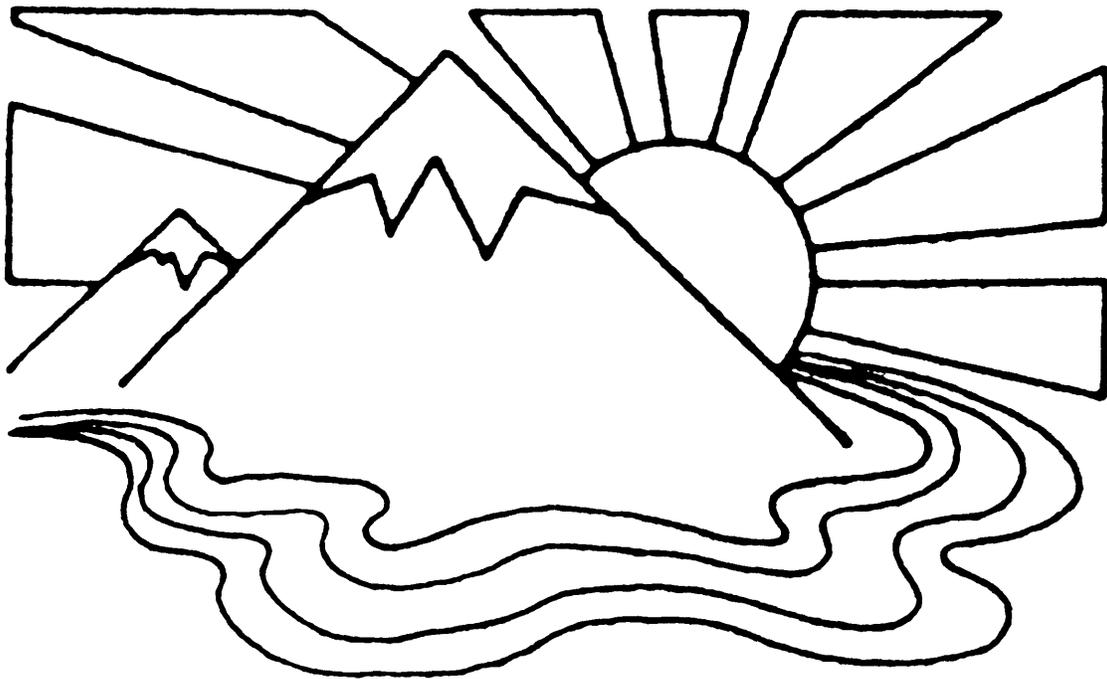


SUBDIVISION ORDINANCE

OF THE TOWN OF

Carrabassett Valley, Maine



**AS ADOPTED BY THE TOWN MEETING
MARCH 14, 1990**

**Amended
March 12, 2008**

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Section 1 Purpose

The purpose of this Ordinance is to assure the comfort, convenience, safety, health and welfare of the people of the Town of Carrabassett Valley, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Carrabassett Valley, Maine, the Planning Board shall consider the following criteria and before granting approval shall make findings of fact that the provisions of this Ordinance have been met and that the proposed subdivision will meet the requirements Title 30-A Section 4401 Et seq.

Section 2 Authority, Administration, Effective Date, Conflict with existing Ordinances

A. Authority

1. This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A Part 2, Section 1 of the Maine Constitution and Title 30-A M.R.S.A. Section 3001.
2. These Ordinance shall be known and may be cited as "Subdivision Ordinance of the Town of Carrabassett Valley, Maine."

B. Administration

1. The Planning Board of the Town of Carrabassett Valley, hereinafter called the Board, shall administer this Ordinance.
2. The provisions of this Ordinance shall pertain to all land and buildings proposed for subdivision, as defined by this Ordinance within the Town of Carrabassett Valley.

C. Effective Date

The effective date of this Ordinance is March 14, 1990.

D. Conflict with Other Existing Ordinances

1. This Ordinance shall not be construed to repeal any existing bylaws or ordinances, other than those specifically identified, or to impair the provisions of private restrictions placed upon property, provided, however, that where this Ordinance imposes greater restrictions, its provisions shall control.
2. Where the Zoning Ordinance requires Site Plan Review approval of a proposed development along with this Ordinance, the applicant will submit applications concurrently.

E. Validity and Severability

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

Section 3 Administrative Procedure

A. Purpose

The purpose of this Section is to establish an orderly, equitable and expeditious procedure for reviewing subdivisions.

B. Agenda

The Board shall prepare an agenda for each regularly scheduled meeting. Applicants shall request to be placed on the Board's agenda at least ten days in advance of a regularly scheduled meeting by contacting the Code Enforcement Officer. Applicants who attend a meeting but who are not on the Board's agenda may be heard but only after all agenda items have been completed, and then only if a majority of the Board so votes.

Section 4 Preapplication

A. Submission

The Preapplication Sketch Plan shall show, in simple sketch form, the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The Sketch Plan, which may be a free-hand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located. The Sketch Plan shall be accompanied by a copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision, unless the proposed subdivision is less than ten acres in size.

B. Contour Interval and On-Site Inspection

Within thirty days of the Board's receipt of the Preliminary Sketch Plan, the Board shall determine and inform the applicant in writing of the required contour interval on the Preliminary Plan and hold an on-site inspection of the property. If the conditions are such that drainage patterns, wetlands and stormwater run off patterns cannot be seen on the site the Board shall not hold an on-site inspection until such time that they can be seen.

C. Ownership Interest

The applicant will furnish written evidence showing interest (option, contract for sale, etc.) in the property to be subdivided to the Board.

D. Statement Regarding Liquidation Harvesting

The applicant shall provide a written statement indicating if the parcel to be subdivided has changed ownership within the past five years, if timber has been harvested within the past five years and if such harvesting resulted in a violation of the Liquidation Harvesting Rules.

Section 5 Preliminary Plan

A. Procedure

1. Within six months after the on-site inspection by the Board, the applicant shall submit an application for approval of a Preliminary Plan to the Code Enforcement Officer at least ten days prior to a scheduled meeting of the Board. Failure to do so shall require resubmission of the Sketch Plan to the Board. The Preliminary Plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.
2. The following fees shall be paid to the Town of Carrabassett Valley at the time of application for Preliminary Plan approval. The Selectmen shall have the authority to revise such fees from time to time after conducting a public hearing.
 - a. Application Fee

\$75 per lot or unit.
 - b. Review Escrow Account

\$50 per lot or unit, deposited in a separate escrow account for each development, established by the Town. These monies may be used by the Board to pay for professional reviews and advice related to the developer's application as it deems necessary. The Board shall provide the applicant with notice of its intent to spend any portion of this account, which notice shall specify the purpose for the proposed expenditures. If the balance of the balance in the applicant's portion of the Review Escrow Account shall be drawn down by 75%, the Board shall require an additional \$50 per lot or unit be deposited by the applicant. Those monies deposited by the applicant and not spent by the Board in the course of its review shall be returned to the applicant within thirty days after the Board renders its final decision on the application.
3. The applicant, or his duly authorized representative, shall attend the meeting of the Board to discuss the Preliminary Plan.
4. Upon receipt by the Board of an application for Preliminary Plan approval of a subdivision, the Board shall provide a receipt to the applicant and notify in writing all owners of abutting property to the proposed subdivision.
5. If the subdivision is located in more than one municipality, all meetings and hearings to review the application shall be held jointly by the Planning Boards from each municipality. The Planning Boards in each municipality, upon written agreement, may waive this requirement.
6. Within thirty (30) days of receipt by the Board of a Preliminary Plan application form and fee, the Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application.
7. The Board shall determine whether to hold a public hearing on the Preliminary Plan application. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of receipt of a complete application, and shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two

times, the date of the first publication to be at least seven (7) days prior to the hearing by the Town of Carrabassett Valley.

When a subdivision is located within 500 feet of a municipal boundary, and a public hearing is to be held, the Planning Board shall notify the Clerk and the Planning Board of the adjacent municipality involved, at least ten days prior to the hearing.

8. The Board shall, within thirty days of a public hearing, or within sixty days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, make findings of fact on the application, and approve, approve with conditions, or deny the Preliminary Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.
9. When granting approval to a Preliminary Plan, the Board shall state the conditions of such approval, if any, with respect to:
 - a. The specific changes which it will require in the Final Plan;
 - b. The character and extent of the required improvements for which waivers may have been requested and which in the Board's opinion may be waived without jeopardy to the public health, safety, and general welfare; and
 - c. The amount and type of all performance guarantees which it will require as prerequisite to the approval of the Final Plan.
10. Approval of a Preliminary Plan shall not constitute approval of the Final Plan or intent to approve the Final Plan, but rather it shall be deemed an expression of approval of the design of the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Board upon fulfillment of the requirements of this Ordinance and the conditions of preliminary approval, if any. Prior to the approval of the Final Plan, the Board may require additional changes as a result of the further study of the subdivision or as a result of new information received.

B. Submissions

The Preliminary Plan shall be submitted in 10 copies of one or more maps or drawings and all accompanying information which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The Preliminary Plan shall be drawn to a scale of not more than one hundred feet to the inch for subdivisions up to 50 acres and two hundred feet to the inch for subdivisions larger than 50 acres. The Board may allow plans for subdivisions containing more than one hundred acres to be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. The Preliminary Plan shall be available at the town office no less than ten days prior to the meeting. The following information shall either be shown on the Preliminary Plan or accompany the application for preliminary approval:

1. Preliminary Plan Application

The application form shall be furnished by the Board, filled out by the applicant and shall include the following information:

- a. Name and address of owner.

- b. Name and address of applicant (if other than owner).
- c. Name of applicant's authorized representative.
- d. Name, address and number of Licensed Professional Engineer, Professional Land Surveyor or Planner who prepared the plan.
- e. Address to which all correspondence from the Board should be sent.
- f. Any property abutting the parcel to be subdivided that the applicant has interest in.
- g. Statement whether the subdivision covers the entire or contiguous holdings of applicant.
- h. Location of property: book and page (from Registry of Deeds).
- i. Location of property: map and lot (from Assessor's Office).
- j. A copy of the deed from which the survey was based. A copy of all covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
- k. A copy of any deed restrictions intended to cover all or part of the lots in the subdivision.
- l. Current zoning of property.
- m. Acreage of parcel to be subdivided.
- n. A copy of that portion of the county soil survey covering the subdivision. When the medium intensity soil survey shows soils which are generally unsuitable for the use proposed, the Board may require the submittal of a report by a Registered Soil Scientist indicating the suitability of soil conditions for those uses.
- o. Indication of the type of sewage disposal to be used in the subdivision.

When sewage disposal is to be accomplished by subsurface sewage disposal system, test pit analyses, prepared by a Licensed Site Evaluator, shall be provided. A map showing the location of all test pits dug on the site shall be submitted.

- p. Indication of type of water supply to be used. Evidence of adequate ground water supply and quantity shall be submitted by a well driller or a hydrogeologist familiar with the area if individual wells will be used.
- q. The names and addresses of owners of record of adjacent property, including any property directly across an existing public or private street from the subdivision.
- r. Proposed restrictive covenants to be placed on the deeds.
- s. Statement of financial and technical capability.

- t. A phosphorus impact analysis and control plan when located in the direct watershed of a great pond.
- u. A soil erosion and sedimentation control plan.
- v. A stormwater management plan, prepared by a Licensed Professional Engineer from the State of Maine.
- w. Maine Department of Transportation Driveway/Entrance Permit if the subdivision will have access to Route 27 or the Long Falls Dam Road.
- x. Statement of other local, state or Federal permits required.
- y. The Board shall notify the Road Commissioner and Fire Chief of the proposed subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multi-family, commercial or industrial buildings. The Board may request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed subdivision.
- z. Waivers requested accompanied by reasons and justification.

2. Location Map

The Preliminary Plan shall be accompanied by a Location Map adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The Location Map shall show:

- a. Existing subdivisions in the proximity of the proposed subdivision.
- b. Locations and names of existing and proposed streets.
- c. Boundaries and designations of any zoning districts.
- d. An outline of the proposed subdivision and any remaining portion of the applicant's property if the Preliminary Plan submitted covers only a portion of the owner's entire contiguous holding.

3. Preliminary Plan

- a. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Tax Assessor's Map and Lot numbers.
- b. The date the Plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner, applicant, individual or company who prepared the plan. The plan(s) shall be ~~or~~ embossed with the sealed by a professional engineer, surveyor or architect, or all of them, as the case may be.
- c. The names and addresses of owners of record of adjacent property, including any property directly across an existing public or private street from the subdivision.

- d. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a professional land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each corner.
- e. Contour lines at the interval specified by the Board, showing elevations in relation to Mean Sea Level.
- f. The number of acres within the proposed subdivision, location of property lines, existing buildings, water-courses, vegetative cover type, and other essential existing physical features shall be shown on the plan.
- g. The proposed lot lines with approximate dimensions and lot areas.
- h. The location of any zoning boundaries affecting the subdivision.
- i. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
- j. The location, names and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.
- k. The width and location of any streets or public improvements shown upon the Official Map and Comprehensive Plan, if any, within the subdivision.
- l. All parcels of land proposed to be dedicated to the public use and the conditions of such dedication.
- m. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.
- n. Location of wetlands.
- o. Location of all required soils investigation test pits.
- p. Location and size of existing buildings.
- q. Suggested location of buildings, subsurface sewage disposal systems and wells.
- r. The location and nature of significant wildlife habitats identified by the Maine Department of Inland Fisheries and Wildlife.
- s. Any portion of the subdivision which is located in the direct watershed of a great pond shall be identified.
- t. The location of archaeological and historic sites, scenic areas as identified in the Comprehensive Plan and rare and natural areas.
- u. Other information not indicated above as required by the Board.

Section 6 Final Plan

A. Procedure

1. The applicant shall, within 12 months after the approval of the Preliminary Plan, submit an application for approval of the Final Plan to the Code Enforcement Officer at least ten days prior to a scheduled meeting of the Board. If the application for the Final Plan is not submitted within 12 months after Preliminary Plan approval, the Board may refuse without prejudice to act on the Final Plan, and require resubmission of the Preliminary Plan. The Final Plan shall approximate the layout shown on the Preliminary Plan, plus any recommendations made by the Board
2. The, applicant or his duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan.
3. Upon receipt by the Board of an application for Final Plan approval of a subdivision, the Board shall provide a receipt to the applicant.
4. Within thirty (30) days of receipt by the Board of a Final Plan application, the Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application.
5. The Board shall determine whether to hold a public hearing on the Final Plan application. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of receipt of a complete application, and shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven (7) days prior to the hearing by the Town of Carrabassett Valley.

When a subdivision is located within 500 feet of a municipal boundary, and a public hearing is to be held, the Board shall notify the Clerk and the Planning Board of the adjacent municipality involved, at least ten days prior to the hearing.

6. Prior to approval of the Final Plan application, the following approvals shall be obtained in writing, where applicable.
 - a. Maine Department of Environmental Protection, under the Site Location of Development Act, *Stormwater Management Law*, Natural Resources Protection Act, or if a Wastewater Discharge License is needed.
 - b. Maine Department of Health and Human Services, if the subdivider proposes to provide a Community Water System as defined by the State of Maine Rules of the Department of Health and Human Services Relating to Drinking Water (10-144. C.M.R).
 - c. Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.
 - d. An approved driveway or entrance permit issued by the Maine Department of Transportation if a driveway or entrance will enter on to Route 27 or Long Falls Dam Road.

- e. A traffic movement permit issued by the Maine Department of Transportation.
- 7. Before the Board grants approval of the Final Plan, the subdivider shall meet the performance guarantee requirements contained in Section 11.
- 8. The Board, within thirty days from the public hearing or within sixty days of receiving a complete application, if no hearing is held, shall make findings of fact, and conclusions relative to the standards contained in Title 30-A, M.R.S.A., §4404 and in this Ordinance. If the Board finds that all standards of the Statute and this Ordinance have been met, they shall approve the Final Plan. If the Board finds that any of the standards of the statute and this Ordinance have not been met, the Board shall either deny the application or approve the application with condition to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Board.

B. Submissions

The Final Plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than fifty acres may be drawn at a scale of not more than two hundred feet to the inch. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border line on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by the Board. Two reproducible, stable based transparent originals, one to be recorded at the Registry of Deeds, the other to be filed at the Municipal Offices, and three copies of the plan shall be submitted. The subdivider may, instead submit one reproducible stable based transparent original of the Final Plan and one Recording Plan with three copies of the Final Plan.

The application for approval of the Final Plan shall include the following information.

- 1. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's Map and Lot numbers.
- 2. The date the Plan was prepared, magnetic and true north point, graphic map scale, names and addresses of the record owner, applicant, and individual or company who prepared the plan.
- 3. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a professional land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.
- 4. Proposed lot lines with dimensions, bearings, deflection angles, radii and central angles sufficient to reproduce any line on the ground and lot areas and total area of land to be subdivided.
- 5. The number of acres and/or units within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.
- 6. The location of any zoning boundaries affecting the subdivision.

7. The location and size of existing and proposed sewers, water mains, culverts and drainage ways on or adjacent to the property to be subdivided.
8. The location, names and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The length of all straight lines, the deflection angles radii, length of curves and central angles of curves, tangent distances and tangent bearings for each street shall be included.
9. The width and location of any streets or public improvements shown upon the Official Map and the Comprehensive Plan, if any, within the subdivision.
10. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers of cession to the municipality of all public open spaces shown on the plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If open space or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer of cession shall be included.
11. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard area and the 100-year flood elevation shall be delineated on the plan.
12. Location of wetlands.
13. A copy of any covenants or deed restrictions intended to cover all or part of the lots and/or units in the subdivision.
14. Plans prepared by utility companies for the installation of utilities.

C. Final Approval and Filing

1. Upon findings of fact and determination that all standards in Title 30-A, M.R.S.A. §4404, and this Ordinance have been met, and upon voting to approve the subdivision, the Board shall sign the Final Plan. The Board shall specify in writing its findings of facts, and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Board as part of its permanent records. One copy of the signed plan shall be forwarded to the Tax Assessor. One copy of the signed plan shall be forwarded to the Code Enforcement Officer. Any subdivision not recorded in the Registry of Deeds by the applicant within ninety days of the date upon which the plan is approved and signed by the Board, shall become null and void.
2. 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 insure the orderly development of the Plan.
3. No change, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted and the Board approves any modifications, except in accordance

with Section 7.D. The Board shall make findings that the revised plan meets the standards of Title 30-A, M.R.S.A. § 4404, and this Ordinance. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the records of the Registry of Deeds.

4. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality 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 municipality, 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 Municipal Officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.
5. Failure to commence substantial construction of the subdivision within two 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. An extension may be granted by the Board.

Section 7. Inspection of Required Improvements

- A. At least five days prior to commencing each major phase of construction of required improvements, the applicant shall notify the Code Enforcement Officer in writing of the time he proposes to commence construction of such improvements, so that the Municipal Officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.
- B. At least five days prior to commencing each major phase of construction of required improvements deposit with the municipal officers a check for the amount of 2% of the estimated costs of construction and improvements to pay for the costs of inspection. If upon satisfactory completion of construction and cleanup there are funds remaining, the surplus funds shall be refunded to the applicant within 30 days. If the inspection account shall be drawn down by 90%, the applicant shall deposit an additional 1% of the estimated costs of construction and improvements
- C. If the inspecting official finds, upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by applicant, he shall so report in writing to the Municipal Officers, Board, and the applicant or builder. The Municipal Officers shall take any steps necessary to preserve the municipality's rights.
- D. If at any time before or during the construction of the required improvements, it appears to be necessary or desirable to modify the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Town. For major modifications, such as relocation of rights-of-way, property

boundaries, changes of grade by more than 1%, etc., the subdivider shall obtain permission to modify the plans from the Board.

- E. As the close of each summer construction season, the Town shall, at the expense of the applicant, have the site inspected by a qualified individual. By December 1 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, appear adequate to do the job they were designed for. The report shall also include a discussion and recommendations on any problems which were encountered.
- F. Prior to the sale of any lot or unit, the applicant shall provide the Board with a letter from a Professional Land Surveyor, stating that all monumentation or pins shown on the plan has been installed.
- G. Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed townway to a town meeting, a written certification signed by a professional licensed engineer registered in the State of Maine may be required by the Municipal Officers at the expense of the applicant, certifying that the proposed town way meets or exceeds the design and construction requirements of the Town of Carrabassett Valley, Maine, Street Construction Ordinance.
- H. The applicant, builder, or designated association shall be required to maintain all improvements and provide for snow removal on streets and sidewalks and maintenance until acceptance of the improvements by the municipality.

Section 8 Violations and Enforcement

- A. No plan of a division of land or building within the municipality which would constitute a subdivision shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Board in accordance with this Ordinance.
- B. No person, firm, corporation or other legal entity may convey any land or unit in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.
- C. No person, firm, corporation or other legal entity may convey any land or unit in an approved subdivision which is not shown on the Final Plan as a separate lot or unit.
- D. Any person who sells, leases, develops, builds upon, or conveys for consideration, offers or agrees to sell, lease, develop, build upon or convey for consideration any land or unit in a subdivision that has not been approved under this ordinance, shall be penalized in accordance with Title 30-A MRSA Section 4452.
- E. Any person who, after receiving approval from the Board and recording the final plan at the registry of deeds, constructs or develops the subdivision or transfers any lot in a manner other than depicted on the approved plans or amendments or in violation of any condition imposed by the Board must be penalized in accordance with Title 30-A Section 4452.
- F. No public utility or any utility company of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Board.

- G. No person shall establish or develop a subdivision without first having a final plan thereof approved by the Board. "Develop" shall include grading or construction of roads, grading of land or lots, or construction of any buildings.

Section 9 General Standards

In reviewing applications for a subdivision, the Board shall consider the following general standards and make findings that each, in addition to standards contained in Title 30-A, M.R.S.A., Section, have been met prior to the approval of a Final Plan. In all instances, the burden of proof shall be upon the applicant.

A. Conformance with Comprehensive Plan.

All proposed subdivisions shall be in conformity with the Comprehensive Plan of the municipality and with the provisions of all pertinent state and local codes and ordinances.

B. Open Space Provisions

1. The 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, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas.
2. The Board may require that the applicant reserve an area equal to ten percent of the total land as an open space and/or recreational area for use by property owners in the subdivision. The applicant may instead make a payment in lieu of dedication into a municipal land acquisition fund. A payment in lieu of dedication shall be calculated at the market value of land at the time of the subdivision, as determined by the municipal tax assessor, and deposited into a municipal land acquisition or improvement fund.
 - a. If such an area is reserved, the Final Plan shall provide how title to the reserved land shall be held and how costs of development, maintenance and taxes shall be met.
 - 1) Included in the instrument of conveyance to each property or unit owner of the subdivision shall be a statement of:
 - 2) The manner of providing for the cost of development and maintenance and for property taxes of the reserved land.
 - 3) If appropriate, the individual property or unit owner's pro rata share of development costs, maintenance costs and property taxes of the reserved land.
 - 4) Land designed for public use shall not be subdivided for any other purpose. This prohibition does not apply to land areas designed for later development if the Subdivision Plan includes provision for development in discrete stages.
 - 5) Any area designated for common use shall be so arranged that each property or unit owner has access to it.
3. Land reserved for open space purposes shall be a character, configuration and location suitable for the particular use intended. A site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry. The Board

shall review open space plans to determine if the subdivider has made a maximum effort to preserve scenic vistas and make available land for trails and lookouts, etc.

4. Reserved land acceptable to the Board and applicant may be dedicated to the municipality as a condition of approval.

C. Lots

All lots and densities shall conform to the requirements of the Town of Carrabassett Valley's Zoning Ordinance except when lots have frontage on the Carrabassett River the subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.

1. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.
2. The frontage and set-back provisions of this section do not apply within areas zoned General Development in the Zoning Ordinance of the Town of Carrabassett Valley, Maine.

D. Utilities

1. The Board may require utilities serving the subdivision to be installed underground. The applicant will furnish or cause to be furnished to the Board the plans prepared by utility companies for the installation of utilities. Approval of the Final Plan of a subdivision is conditioned upon receipt of these utility plans.
2. Underground utilities shall be installed prior to paving. All utilities, except water and sewer, passing under a road or street shall be installed utilizing conduit. All underground utilities shall be properly marked to avoid damage by future excavations.
3. The size, type and location of street lights, electric lines, telephone, and other utilities shall be shown on the plan.

E. Required Improvements

The following improvements are required for all subdivisions unless waived by the Board in accordance with provisions of this Ordinance.

1. Water Supply

If a community water system is provided by the applicant, the location and protection of the source, and the design, construction and operation of the system shall conform to the standards of the state of Maine Rules of the Department of Health and Human Services Relating to Drinking Water (10-144 C.M.R. 231).

2. Sewage Disposal

The applicant shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

3. Surface Drainage

- a. Where a subdivision is traversed by a stream, river or surface water drainage way, or where the Board has determined that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. This stormwater management system shall be designed by a Licensed Professional Engineer from the State of Maine and comply with Stormwater Management for Maine Volume III BMPS Technical Design Manual published by the Maine Department of Environmental Protection.
- b. Drainage easements for existing watercourses or proposed drainage ways shall be provided and indicated on the plan at least thirty feet wide, conforming substantially with the lines of existing natural drainage.
- c. The applicant shall provide a statement from the designing engineer that the proposed subdivisions will not create erosion, drainage or runoff problems either in the subdivision or with respect to adjoining properties. Where the peak runoff from the subdivision onto abutting properties is increased either in volume or duration, easements from the abutting property owners, allowing such additional discharge shall be obtained.

F. Land Features

1. Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.
2. Except for normal thinning, landscaping, and cutting trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion.
3. The Board shall require an applicant to take measures to correct and prevent soil erosion in the proposed subdivision. The standards set forth in the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices (March 1991 and as amended) shall be employed.

G. Cluster Residential Developments

1. Purpose

Notwithstanding other provisions of this Ordinance, the Board, in reviewing and approving proposed residential subdivisions in R-1, R-2, PD, and VC districts, may modify provisions relating to space and bulk to permit innovative approaches to housing and environmental design in accordance with the following standards. Such modifications of space and bulk provisions shall not be construed as granting variances to relieve hardship. The purpose of this Section shall be to encourage housing development that will result in:

- a. open space and recreation areas;
- b. variety and choice of housing;
- c. a pattern of development in harmony with the natural features of the land;
- d. efficient use of the land, with small networks of utilities and streets.

2. Procedure

Proposed clustered residential developments shall be considered residential subdivisions and shall be reviewed by, and final decisions shall be made by, the Board.

3. Standards

The standards of review of a clustered residential subdivision shall be those of subdivision review and the following:

- a. Each building shall be an element of an overall plan for site development. For any proposed development designed pursuant to the standards of this section, the Board may approve the use of single-family attached as well as detached dwellings, but not multi-family dwellings unless otherwise allowed as a permitted or conditional use in the zoning district.
- b. No clustered residential subdivision shall violate the allowable residential density (minimum net lot area per dwelling unit) otherwise permitted in the zoning district. The following lands shall not be included in the calculations of the allowable residential density for the purpose of meeting the requirements of this section.
 - 1) Land which is located within the floodway as identified by the Federal Emergency Management Agency Flood Insurance Administration. The elevation of filled or made land shall not be considered.
 - 2) Land which is part of a right-of-way, or easement, including utility easements.
 - 3) Wetlands or land covered by surface waters.
 - 4) Land that has been created by filling or draining a pond or wetland.
- c. If the development is of individual lots for single-family detached dwellings:
 - 1) The development shall contain a minimum of 5 lots;
 - 2) Lot size shall not be reduced to less than 50% of that required by the district requirements;
 - 3) Each lot shall have at least 50 feet of frontage on a way approved by the Planning Board;
 - 4) Front yard setbacks shall not be reduced to less than 50%
 - 4) Side yard setbacks shall together contain a total of at least 20 feet;
 - 5) No structure shall be located within 25 feet of the development's perimeter boundary line.
- d. If the development does not include creation of individual lots for single-family detached dwellings:

- 1) The parcel of land proposed for development shall contain a minimum gross lot area of 100,000 sq. ft. and shall have a minimum of 150 feet of frontage.
- 2) No building or structure shall be located within 25 feet of the tract's perimeter boundary line.
- 3) The minimum distance between principal structures on the same lot shall be equivalent to the height of the taller building.
- 4) Attached dwellings shall include no more than six such dwellings attached in any single series, and no more than an average of four per series for the development as a whole.

4. Common Open Space

- a. The common open space accumulated by modifying space and bulk requirements in the clustered residential development shall be shown on the subdivision plan with appropriate notation that it shall not be used for future building lots.
- b. The common open space shall be accessible to the residents of the development, and shall be used to preserve natural features, protect wildlife cover, and for outdoor living purposes.
- c. The formulation and incorporation by the applicant of a homeowner's association shall be a condition of final subdivision approval, with evidence of its accomplishment submitted to the Board prior to final plan approval. Covenants for mandatory membership in the association shall be included in the deed for each lot or unit. The association shall have the responsibility of maintaining the common open space and other private facilities dedicated to the use in common by the development's residents.

5. Site Considerations

In addition to the standards of subdivision review, proposed clustered residential developments shall provide the following:

- a. Where possible, building shall be oriented with consideration for scenic vistas, natural landscape features, topography, and potential solar access.
- b. All utilities shall be installed underground, unless specifically waived by the Board.
- c. Development proposals shall include a landscape program to illustrate the proposed treatment of roads, paths, service and parking areas, and buffers from surrounding uses, and the way in which important natural features are to be preserved. The proposals shall detail any alterations to or improvements to be located in the common open space.
- d. Adequate provision shall be made for erosion control and management of stormwater runoff, with particular concern for the effects of effluent draining from the site. Drainage facilities shall be designed to accommodate the 25-year, 2-hour storm.

H. Construction in Flood Hazard Areas

When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency, the plan shall indicate as a conditional of approval that all principle structures in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. Such a restriction shall be included in the deed to any lot which is included or partially included in the flood hazard area.

I. Mobile Home Parks

Proposed new mobile home parks and expansions to existing mobile home parks which would constitute a subdivision as defined shall comply with the provisions of this Ordinance and the Town of Carrabassett Valley's Zoning Ordinance.

1. The mobile home park will be designed so that each mobile home is placed on a defined lot clearly marked having access from a roadway within the mobile home park. The roadways and lots will be laid out to provide safe and convenient access to every mobile home lot. The lot layout will be designed so that the vehicular access to each lot is from the internal road system of the mobile home park and not from existing public streets.
2. Each lot within a mobile home park shall be of such dimensions to provide for two (2) off-street parking spaces. Each parking space shall contain a minimum of 200 square feet. The Planning Board may require additional parking areas within the mobile home park.

J. Archaeological Sites

Any proposed subdivision activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least 20 days prior to action being taken by the Board. The Board shall consider comments received from the Commission prior to rendering a decision on the application.

K. Scenic Locations

The Board shall consider the existence of a scenic site or view location as identified in the Town of Carrabassett Valley Comprehensive Plan and the impact of the proposed subdivision on such a site or view. The Board may require the placement or visual qualities of structures on lots in such locations so to minimize the negative impacts of the subdivision on such sites and views.

L. Phosphorous Export

Phosphorus, a natural nutrient, stimulates algal growth that causes a significant decline in water quality. The primary source of new and increasing phosphorus loads in Maine lakes is development-residential, commercial, and industrial. Its impact on water quality is extremely long term. The following phosphorus control measures were created and designed to address this concern.

1. Subdivisions proposed within the direct watershed of a lake or pond listed below shall be designed to limit phosphorus runoff to the levels defined below.

Post Development Phosphorous Export by Watershed

Lake Name	Lake Protection Level	Lake Load Allocation (lb/year) ¹	Allowable Phosphorus Export (lb/acre/year)
Flagstaff Lake	High	44.14	0.049
Gilman Pond	High	5.01	0.055
Redington Pond	High	4.34	0.042

¹ The pounds per year of phosphorus from the watershed that would produce an increase in phosphorus concentration by more than 1.0 parts per billion.

This table may be adjusted from time to time by the Board based on information provided by the Maine Department of Environmental Protection.

2. Phosphorus export from a proposed subdivision shall be calculated according to the procedures defined in “Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development” (Maine DEP et.al., September 1989 with revision in 1992 and as may be amended). Copies of all worksheets and calculations shall be submitted to the Board.
3. Phosphorus control measures shall meet the design criteria contained in “Phosphorus Control in Lake Watersheds: A Technical Guide for Reviewing Development” (Maine DEP et al., September 1989 with revisions in 1992 or as may be amended). The Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimizing street lengths, and shall encourage the use of other nonstructural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.

M. Protection of Significant Wildlife Habitat

Applicants proposing subdivision in or within seventy-five (75) feet of significant wildlife resources or fisheries habitats identified by the Maine Department of Inland Fisheries and Wildlife shall consult with a recognized wildlife or fisheries consultant or the Maine Department of Inland Fisheries and Wildlife and provide their written comments to the Board. The Board shall consider any recommended measures provided to minimize impacts on such habitats. Any conditions to the approval to wildlife or fisheries habitat preservation shall appear on the plan and as deed restrictions to the affected lots.

Section 10 Street Design and Construction Standards

A. Street Requirements

1. All streets proposed as an element of a subdivision shall comply with the Minimum Street Construction Requirements.

2. All street designs as required by the Minimum Street Construction Requirements shall be submitted as an element of the Subdivision Application as required by this Ordinance.

B. Certification of Construction

Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed public way to the legislative body, a written certification signed by a licensed professional engineer registered in the State of Maine shall be submitted to the Municipal officers at the expense of the applicant, certifying that the proposed way meets or exceeds the design and construction requirements of this Ordinance. "As built" plans shall be submitted to the Municipal Officers.

Section 11. Performance Guarantees

A. Types of Guarantees

With submittal of the application for Final Plan approval, the applicant shall provide the type of one of the following performance guarantees for the amount adequate to cover the total construction costs of all required improvements, and maintenance of improvements until accepted by the municipality taking into account the time-span of the construction schedule and the inflation rate for construction costs.

1. Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account.
2. A performance bond payable to the Town issued by a surety company, approved by the Municipal Officers.
3. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the Town may draw if construction is inadequate, approved by the Municipal Officers.
4. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed.

The conditions and amount of performance guarantee shall be determined by the Board with the advice of the Town Engineer, Road Commissioner and Municipal Officers.

B. Contents of Guarantee

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

C. Escrow Account

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a

certificate of deposit. For any account opened by the applicant, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the subdivider except for any portion of the interest earned which was needed, in addition to the principle of the escrow account, to pay for completion of the required improvements.

D. Performance Bond

A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision for which approval is sought.

F. Letter of Credit

An irrevocable letter of credit from a bank; or other lending institution shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.

G. Conditional Agreement

The Board, at its discretion, may permit for the subdivider to enter into a binding agreement with the municipality in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the Final Plan on the condition that no lots or units may be sold or built upon until either:

1. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with this ordinance and the regulations of the appropriate utilities; or
2. A performance guarantee, acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.

Notice of the agreement and any conditions shall be on the Final Plan which is recorded by the applicant at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Section 11.I Proof of recording shall be provided by the applicant to the Board.

H. Phasing of Development

The Board may approve plans to develop a subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots or units abutting that section of the proposed subdivision street which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots or units in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

I. Release of Guarantee

Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

J. Default

If, upon inspection, it is found that any of the required improvements have not been constructed in accordance with the plans and specifications as approved, the Inspecting Official shall so report in writing to the Municipal Officers, the Board, and the applicant or builder. The Municipal Officers shall take any steps necessary to preserve the Town's rights.

K. Privately-Owned Roads

Where the subdivision streets are to remain privately-owned, the following words shall appear on the recorded plan.

"All streets in this subdivision shall remain private streets to be maintained by the applicant or the lot owners and shall not be accepted or maintained by the Town."

L. Improvements Guaranteed

Performance guarantees shall be tendered for all improvements required by *Article IX. Section 7* of this Ordinance, as well as any other improvements required by the Board.

Section 12 Waivers

- A. Where the Board makes written findings of fact that the developer will suffer an undue economic or other hardship if the requirements of this Ordinance are strictly applied, it may waive the necessity for strict compliance with the requirements of ordinance in order to provide relief from the hardship in question and to permit a more practical and economical development provided, however, that the public health, safety, and welfare will not be comprised and further provided that the waivers in question will not have the effect of nullifying the effect of this ordinance or the comprehensive plan.
- B. Where the Board makes written findings of fact that, due to special circumstances regarding a particular lot or unit proposed for inclusion in the subdivision, an undue economic or other hardship will be caused, it may waive strict compliance with those requirements of this ordinance causing such hardship in order to permit a more practical or economically viable development provided that the public health, safety, and welfare will not be compromised.
- C. In granting waivers to any of these standards in accordance with Section 12 A and B, the Board shall require such conditions as that will assure the objectives of this ordinance are met.
- D. In granting waivers to any of these standards in accordance with Section 12 B and C, that fact shall be expressly noted on the face of the subdivision plan, along with the date of the granting, and shall be recorded in the Registry of Deeds within 30 days of the final subdivision approval or the waiver shall be invalid.

Section 13 Amendments to This Ordinance

A. Initiation of Amendments

An amendment to this Ordinance may be initiated by:

1. The Board, provided a majority of the Board has so voted;
2. Request by the municipal officers; or
3. Written petition of a number of voters equal to at least 10% of the number of votes cast in the municipality at the last gubernatorial election.

B. The Board shall hold a public hearing on the proposed amendment. Notification of the hearing shall be posted and advertised in a newspaper of general circulation in the municipality at least seven days prior to the hearing.

C. Adoption of Amendment

An amendment to this Ordinance may be adopted by a majority vote of the Town Meeting.

Section 14 Appeals

An aggrieved party may appeal any decision of the Board under this Ordinance within 30 days from the date of that decision to the Franklin County Superior Court

Section 15 Definitions

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

Building: 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.

Clustered Residential Development: A form of housing development which allows the developer flexibility in subdivision and housing design, including use of single-family attached dwellings, in return for setting aside a portion of the tract of land as permanent open space, in accordance with Article IX of the Zoning Ordinance. All clustered residential developments shall be subject to this Subdivision Ordinance and approvals.

Complete Application: An application shall be considered complete upon submission of the required fee and all information required by this Ordinance, or by a vote by the Board to waive the submission of required information. The Board shall issue a receipt to the applicant upon its determination that an application is complete.

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

Direct Watershed of Lake or Pond: Any land area that contributes stormwater runoff either by direct surface water or subsurface flow to a great pond without such runoff traveling through another great pond.

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. The term shall include mobile homes, but not recreational vehicles.

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

High Intensity Soil Survey: A soil survey conducted by a Certified Soil Scientist, meeting the standards of the National Cooperative Soil Survey, which identifies soil types down to 1/10 acre or less at a scale equivalent to subdivision plan submitted. The mapping units shall be the soil series. Single soil test pits and their evaluation shall not be considered to constitute high intensity soil surveys.

100 Year Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Industrial Park or Development: A subdivision developed exclusively for industrial uses, or a subdivision planned for industrial uses and developed and managed as a unit, usually with provision for common services for the users.

Inspecting Official: An individual appointed by the Selectmen to inspect streets and other improvements during construction.

Liquidation Harvesting: The purchase or other acquisition of forestland followed by a timber harvest that does not comply with Section 6 of the Maine Forest Service Rule-Chapter 23 and the subsequent sale, offer for sale, or other conveyance of the harvested land, or any portion of it, within five years.

Lot: A contiguous parcel of land in single or joint ownership described on a deed, plot plan, or similar legal document and having frontage, as defined in the Town Zoning Ordinance.

Mobile Home: As defined in Title 30-A M.R.S.A. § 4358 and as hereafter amended.

Mobile Home Park: A parcel of land under unified ownership approved by the Town of Carrabassett Valley's Planning Board pursuant to the Town of Carrabassett Valley's Subdivision Ordinance for the placement of three (3) or more mobile homes.

Multi-unit Residential: a residential structure containing three (3) or more residential dwelling units.

Net Residential Acreage: The total acreage available for the subdivision, and shown on the proposed subdivision plan, minus the area for streets or access and the areas which are unsuitable for development as outlined in Section 9.G.3.b.

Net Residential Density: The average number of dwelling units per net residential acre.

Official Submittal Date: The date upon which the Board issues a receipt indicating an application has been submitted.

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

Planned Unit Development: A mixed-use land development which is developed under unified management; is planned as a whole according to comprehensive and detailed plans, including streets, utilities, lots or building sites, open space and preserved natural features, recreational facilities, and design principles for proposed building is reviewed and approved as a subdivision by the Board and addition is subject to the requirements of Article IX, Section 9, of the Town of Carrabassett Valley's Zoning Ordinance, may be developed in clearly identified stages; and provides for the operation and maintenance of common facilities.

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

Privately Owned Road/Street: A street not maintained by the Town of Carrabassett Valley and/or State of Maine.

Public Road/Street: A street maintained by the Town of Carrabassett Valley and/or State of Maine.

Recording Plan: A copy of the Final Plan which is recorded at the Registry of Deeds and which need not show information not relevant to the transfer of an interest in the property, such as sewer and water line locations and sizes, culverts, and building lines.

Resubdivision: The division of an existing subdivision or any change in the plan for an approved subdivision which effects the lot lines, including land transactions by the applicant not indicated on the approved plan.

Required Improvements: Including but not limited to, streets, public and private water and sewer systems, stormwater drainage systems, fire protection systems, sidewalks, utilities, street signs, recreational facilities and traffic lights.

Stream, River or Brook: A channel is created by the action of surface water and has two (2) or more of the following characteristics.

- A. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topography map or if that is not available, a 15-minute series topography map.
- B. It contains or is known to contain flowing water continuously for a period of at least 3 months of the year in most years.
- C. The channel bed is primarily composed of material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.
- D. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present, in the stream bed.
- E. The channel bed contains aquatic vegetation and is essentially devoid of upland vegetation.

River, stream or brook does not mean a ditch or other drainage way constructed and maintained solely for the purpose of draining storm water or a grassy swale

Subdivision: The division of a tract or parcel of land or building into three or more lots or units as defined by State Law and in addition shall include developments where there are three or more units involved such as mobile home parks, multiple family housing, condominiums, shopping centers, industrial parks and planned unit developments.

Substantial Construction: The completion of a portion of the required improvements that represents no less than thirty percent of the total costs of the-required improvements.

Tract, or Parcel, of Land: All contiguous land in the same ownership, except that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road after September 22, 1971.

Wetland: Means fresh water swamps, marshes, bogs and similar areas which are:

- A. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and
- B. Not considered part of great pond, river, stream or brook.

These areas may contain small stream channels or inclusions of land that do not conform to the criteria.