

**CHAPTER 16  
SUBDIVISION ORDINANCE**

[Adopted eff. 6/9/68, under R. S. 1964, T. 30, Sec. 4956] (With revisions eff. 7/13/93 and subsequent revisions eff. 2/12/94 , 7/13/94, 1/10/96 and 12/10/03)]

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**ARTICLE I. Purpose, Authority, Scope, Definitions.**

**Sec. 16-1-1. Purpose.** This ordinance is designed to promote the health, safety, convenience and general welfare of the Inhabitants of the Town of Cape Elizabeth by encouraging and ensuring sound planning, the use of the environment under healthful conditions, the imaginative and orderly use of land, compliance with the goals and objectives of the Comprehensive Plan, and development that fits harmoniously into the existing natural environment and rural character.

1 **Sec. 16-1-2. Authority.** These regulations shall apply to all land within the limits of the  
2 Town of Cape Elizabeth, Cumberland County, Maine. They shall be administered by the  
3 Planning Board of the Town of Cape Elizabeth, hereinafter called “the Planning Board”,  
4 and the Town’s planning and code enforcement staff, and the registered professional  
5 engineer employed or retained by the Town who shall be its lawful agents.

6 **Sec. 16-1-3 Scope.**

7  
8 (a) Any person, firm, corporation or other legal entity proposing to sell, lease or  
9 convey, or to offer or agree to sell, lease or convey, any land in a subdivision any  
10 portion of which is within the limits of the Town of Cape Elizabeth, , shall first  
11 submit such subdivision for approval by the Planning Board in accordance with  
12 this Ordinance and shall record in the Cumberland County Registry of Deeds a  
13 plan thereof bearing the approval of the Planning Board.  
14

15 (b) No utility installations; no ditching, grading or construction of roads; no grading  
16 of land or lots; and no construction of buildings shall be done on any part of the  
17 proposed subdivision until a subdivision application has been submitted, reviewed  
18 and finally approved as provided by this Ordinance.  
19

20 **Sec. 16-1-4 Definitions.**

21  
22 In general, words and terms used in this Ordinance shall have their customary dictionary  
23 meanings, but the following words and terms as used in this Ordinance are defined as  
24 follows:

25 “**Applicant**” - the record owner, or a person having an interest in the land either through  
26 written option or contract.

27 “**Access Road**” - any road which includes (1) an 18’ wide traveled way, (2) deeded and  
28 actual rights of public emergency access, and (3) year-round maintenance, including  
29 snow plowing of the road, the responsibility of which is documented in a binding written  
30 agreement if the road is not located within a public right-of-way.

31 “**Arterial**” - a road which is a major link with other communities. This road typically  
32 averages in excess of 3,000 trips per day with an average length of each trip of more than  
33 one mile. Arterials accommodate residential, agricultural and most of the Town’s  
34 commercial development. Direct access by residential development should be  
35 discouraged, and commercial access should be combined with adjacent commercial uses  
36 where feasible.

37 “**Building Envelope**” - The area within a lot where the main and accessory buildings  
38 shall be located.

39 “**Cluster Development**” - A type of subdivision development for single family detached  
40 dwellings or a combination of single-family detached dwellings and multiplex dwellings  
41 where lot sizes, lot widths, and building setbacks are reduced below the minimum  
42 requirements of this ordinance and the land gained thereby is set aside as open space.

1     **“Code Enforcement Officer”** - the staff person designated to administer the Town’s  
2 code enforcement operations.

3     **“Collector”** - a road which collects traffic from the most densely settled areas and  
4 typically connects to an adjacent community. This road averages in excess of 2,000 trips  
5 per day with an average length of each trip over more than one mile. Collectors are  
6 located in areas with a dense, suburban pattern of development. The design of collectors  
7 must provide heavy traffic flow capacity and protect sensitive scenic areas and  
8 neighborhoods. Direct access by single driveway should be discouraged.

9     **“Dead-end road”** - a road with a single, common means of ingress and egress.  
10 [Rev. eff. 7/13/94]

11  
12     **“Ditch”** - a channel for conveying surface water outside the traveled way.

13  
14     **“Dwelling unit”** - any part of a structure which, through sale or lease, is intended for  
15 human habitation, including single-family and multi-family housing, condominiums,  
16 apartments and time-share units.

17  
18     **“Easement”**- a grant of one or more of the property rights by the property owner to  
19 and/or for use by the public , a corporation, or another person or entity. Examples of  
20 easements include but are not limited to drainage, conservation, emergency access,  
21 pedestrian, utility, road and open space easements.

22  
23     **“Emergency Access Lane”**- a public or private paved road with a minimum width of 18’  
24 which is not open to through vehicular traffic. This type of road may provide secondary  
25 emergency access to an area served by a dead-end road. [Rev. eff. 6/12/91]

26  
27     **“Esplanade”** - a landscaped strip of land located between a road and a sidewalk or  
28 between two roads.

29     **“Farmland”** - a parcel consisting of 5 or more acres of land that is (1) classified as prime  
30 farmland, unique farmland or farmland of statewide or local importance by the Natural  
31 Resources Conservation Service within the United States Department of Agriculture; or  
32 (2) used for the production of agricultural products as defined in Title 7 M.R.S.A. Sec.  
33 152, subsection 2.

34     **“Feeder”** - a road which connects local roads to other roads. This road is typically  
35 densely developed and serves more than 100 dwellings or approximately 1,000 trips per  
36 day. Feeders primarily serve residential traffic where access by single driveway is  
37 common.

38     **“Final Approval”** - The status of an application once there has been a Planning Board  
39 Decision, any conditions on the approval have been met, the recording plat has been  
40 signed and a performance guarantee has been accepted by the Town.

41     **“Local Road”** - a road which provides direct access to adjacent residential land or the  
42 Town center area. The local road is the most common road classification and carries a  
43 low volume of trips in residential areas, although higher volumes are also common in the

1 Town center area. Local roads should be designed for slow speeds and frequent  
2 pedestrian travel.

3 “**Lot**” - an area of land in one ownership, regardless of the dates or sources of acquisition  
4 thereof and regardless of the buildings and uses existing thereon, having definite  
5 boundaries by recorded plan or deed and having an area of less than 40 acres.

6 “**Manufactured Housing Unit**” - structures, transportable in one or more sections,  
7 which were constructed in a manufacturing facility and are transported to a building site  
8 and designed to be used as dwellings when connected to the required utilities, including  
9 the plumbing, heating, air conditioning and electrical systems contained therein.

10 “**Manufactured Housing Park**” - a parcel of land under unified ownership designed  
11 and/or used to accommodate three or more manufactured housing units.

12 “**Manufactured Housing Park Lot**” - the area of land on which an individual home is  
13 situated within a manufactured housing park and which is reserved for use by the  
14 occupants of that home.

15 “**Multiplex Housing**” - attached dwelling units, as defined in the Zoning Ordinance  
16 (Chapter 19).

17 “**Performance Guarantee**” - any security that may be accepted by the Town to assure  
18 that improvements required as part of an application for development will be completed  
19 in compliance with the approved plans.

20 “**Planner**” - that person designated by the Town to assist the Planning Board in its  
21 subdivision and site plan review.

22 “**Planning Board Decision**” - the Planning Board vote to approve or conditionally  
23 approve the preliminary or final plan.

24 “**Principal Structure**” - any building other than one which is used for purposes wholly  
25 incidental or accessory to the use of another building on the same premises.

26 “**Private Road**” - a road or way which provides access to more than one principal  
27 structure and which is not owned by the Town.

28 “**Resubdivision**” - the replatting of all or part of the land included in a subdivision plan  
29 already approved by the Planning Board.

30 “**Right-of-way**” - (1) a strip of land acquired by reservation, dedication, forced  
31 dedication, prescription or condemnation and intended to be occupied by a road,  
32 crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary  
33 storm sewer, or other similar uses; (2) generally, the right of one to pass over the property  
34 of another.

35 “**Road**” - a public or private way for vehicular traffic however designated, serving more  
36 than one residential unit or more than one lot.

37 “**Rural Connector**” - A road which handles trips between different parts of Town and  
38 connects rural residential development to arterials. This road typically carries less than  
39 1,000 trips per day with an average length of more than one mile. Rural connectors are  
40 located in primarily rural residential areas and the rural character should be maintained.

1 Access by residential development should preferably be by a local road, but may be from  
2 a single driveway.

3 **“Sight Distance”** - See Section 16-3-2 (a) (1) of this Ordinance.

4 **“Site Improvement”** - all changes and construction required of a development to be in  
5 compliance with Planning Board approval and Town Standards.

6 **“Spaghetti lot”** - Any lot in a proposed subdivision with shore frontage on a river,  
7 stream, brook, great pond, or coastal wetland, as these features are defined in Title 38,  
8 section 480-B, with a lot depth to shore frontage ratio greater than 5 (five) to 1 (one).

9 **“Structure”** - Anything constructed or erected with a fixed location on or in the ground,  
10 or attached to something having a fixed location on or in the ground, including, but not  
11 limited to, buildings, mobile homes, retaining walls, billboards, signs, piers and floats. It  
12 does not include a wharf, fish weir or trap that may be licensed under Title 38, chapter 9.  
13 A new structure or structures includes any structures for which construction begins on or  
14 after September 23, 1988. The area included in the expansion of an existing structure is  
15 deemed to be a new structure for the purposes of the Subdivision Ordinance.

16 **“Subdivision”** - the division of a tract or parcel of land into 3 or more lots within any 5  
17 year period, which period begins after September 22, 1971, whether accomplished by  
18 sale, lease, development, buildings or otherwise. The term “subdivision” also includes the  
19 division of a new structure or structures on a tract or parcel of land into 3 or more  
20 dwelling units within a 5-year period, the construction or placement of 3 or more  
21 dwelling units on a single tract or parcel of and the division of an existing structure or  
22 structures previously used for commercial or industrial use into 3 or more dwelling units  
23 within a 5-year period.

24 A. In determining whether a tract or parcel of land is divided into 3 or more lots, the  
25 first dividing of such tract or parcel is considered to create the first 2 lots and the  
26 next dividing of either of said first two lots, by whomever accomplished, is  
27 considered to create a 3<sup>rd</sup> lot, unless:

28 (1) Both dividings are accomplished by a subdivider who has retained one of the  
29 lots for the subdivider’s own use as a single family residence for a period of  
30 at least 5 years immediately preceding the 2<sup>nd</sup> division: or

31 (2) The division of the tract or parcel is otherwise exempt under subsection D  
32 below.

33 B. The dividing of a tract or parcel of land and the lot or lots so made, which  
34 dividing or lots when made are not subject to the Subdivision Ordinance, do not  
35 become subject to the Subdivision Ordinance by the subsequent dividing of that  
36 tract or parcel of land or any portion of that tract or parcel of land. The municipal  
37 reviewing authority shall consider the existence of the previously created lot or  
38 lots in reviewing a proposed subdivision created by a subsequent dividing.

39 C. A lot of 40 or more acres shall not be counted as lots when the lot is located  
40 entirely outside of the Shoreland Performance Overlay District.

41 D. Exceptions.

- 1 (1) A division accomplished by devise does not create a lot or lots for the  
2 purposes of this definition, unless the intent of the transferor is to avoid the  
3 objectives of the Subdivision Ordinance.
- 4 (2) A division accomplished by condemnation does not create a lot or lots for the  
5 purposes of this definition, unless the intent of the transferor is to avoid the  
6 objectives of the Subdivision Ordinance.
- 7 (3) A division accomplished by order of court does not create a lot or lots for the  
8 purposes of this definition, unless the intent of the transferor is to avoid the  
9 objectives of the Subdivision Ordinance.
- 10 (4) A division accomplished by gift to a person related to the donor of an interest  
11 in property held by the donor for a continuous period of 5 years prior to the  
12 division by gift does not create a lot or lots for the purposes of this definition,  
13 unless the intent of the transferor is to avoid the objectives of the Subdivision  
14 Ordinance. If the real estate exempt under this definition is transferred within  
15 5 years to another person not related to the donor of the exempt real estate as  
16 provided in this paragraph, then the previously exempt division creates a lot or  
17 lots for the purposes of the Subdivision Ordinance. "Person related to the  
18 donor" means a spouse, parent, grandparent, brother, sister, child or  
19 grandchild related by blood, marriage or adoption. A gift under this definition  
20 can not be given for consideration that is more than 1/2 the assessed value of  
21 the real estate.
- 22 (5) A division accomplished by a gift to a municipality if that municipality  
23 accepts the gift does not create a lot or lots for the purposes of this definition,  
24 unless the intent of the transferor is to avoid the objectives of the Subdivision  
25 Ordinance.
- 26 (6) A division accomplished by the transfer of any interest in land to the owners  
27 of land abutting that land does not create a separate lot does not create a lot or  
28 lots for the purposes of this definition, unless the intent of the transferor is to  
29 avoid the objectives of the Subdivision Ordinance. If the real estate exempt  
30 under this paragraph is transferred within 5 years to another person without all  
31 of the merged land, then the previously exempt division creates a lot or lots  
32 for the purposes of the Subdivision Ordinance.
- 33 (7) The grant of a bona fide security interest in an entire lot that has been  
34 exempted from the definition of subdivision under subsection D above, or  
35 subsequent transfer of that entire lot by the original holder of the security  
36 interest or that person's successor in interest, does not create a lot for the  
37 purposes of this definition, unless the intent of the transferor is to avoid the  
38 objectives of the Subdivision Ordinance.
- 39 E. The division of a tract or parcel of land into 3 or more lots and upon each of  
40 which lots permanent dwelling structures legally existed before September 23,  
41 1971 is not a subdivision.

1 F. In determining the number of dwelling units in a structure, the provisions of the  
2 Subdivision Ordinance regarding the determination of the number of lots apply,  
3 including exemptions from the definition of a subdivision of land.

4 G. Notwithstanding the provisions of the Subdivision Ordinance, leased dwelling  
5 units are not subject to subdivision review if the municipal reviewing authority has  
6 determined that the units are otherwise subject to Site Plan Review under the Zoning  
7 Ordinance. “**Major Subdivision**” - A subdivision containing more than five lots, or  
8 requiring substantial extension of municipal facilities or any new public road, or falling  
9 under the cluster provisions of the Zoning Ordinance, or multiplex housing as defined in  
10 the Zoning Ordinance or a manufactured housing park herein.

11 “**Minor Subdivision**” - A subdivision containing not more than five lots and is not  
12 otherwise defined as a major subdivision.

13 “**Through road**” - a road with more than one means of ingress or egress. Both means of  
14 ingress and egress must, at a minimum, meet the standards of an access road. [Rev. eff.  
15 7/13/94]

16 “**Tract or parcel of land**”- Tract or parcel of land means all contiguous land in the same  
17 ownership, except that lands located on opposite sides of a public or private road are  
18 considered each a separate tract or parcel of land unless the road was established by the  
19 owner of land on both sides of the road after September 22, 1971.

20 “**Town Engineer**”- that person designated by the Town to provide engineering advice to  
21 the Planning Board in its subdivision and site plan review.

22 “**Traveled Way**” - that portion of a right-of-way which is regularly used for vehicular  
23 traffic.

24 **Article II. Review Procedures**

25 **Sec. 16-2-1. General Procedures.** In all stages of the subdivision review process, the  
26 burden of proof shall be upon the applicant proposing the subdivision.

27 **(a) Public Record.** The Planning Board shall maintain a permanent record of all its  
28 meetings, proceedings and correspondence. The Planning Board shall specify in writing  
29 its decisions and findings of fact.

30 **(b) Public Notice.** When notice to abutters is required, the Planner shall cause notice  
31 to be given by mail to the owners, as currently listed by the Town Tax Assessor, of all  
32 properties within 500’ of the proposed project property line boundary. If the project abuts  
33 an adjacent municipality, the Planner shall notify the adjacent municipality’s planning  
34 staff and request that all pertinent property owners be notified of the project proposal.

35 If a public hearing is scheduled, mailed notice shall be provided as described above. In  
36 addition, the Planner shall cause notice of the date, time and place of the hearing to be  
37 published at least two (2) times in a newspaper having general circulation in the Town of  
38 Cape Elizabeth. The date of the first publication must be at least seven (7) days before the  
39 public hearing.

40 **(c) Review Escrow Account.** In addition to the application fees set by the Town  
41 Council, a Review Escrow Fee to defray the Town’s costs for application review by the

1 Town Engineer and/or other independent consulting services shall be provided. The fee  
2 shall be recommended by the Town Engineer or consultant and approved by the Town  
3 Manager upon initial review of the application and paid to the Town by the applicant  
4 prior to the next meeting with the Planning Board. The fee shall be deposited in a Review  
5 Escrow Account designated for that application. If the costs of application review by the  
6 Town Engineer and/or other consulting services exceed the amount of the Review  
7 Escrow Account, the applicant shall pay an additional fee to the Town which shall be  
8 recommended by the Town Engineer or consultant and approved by the Town Manager  
9 based upon the status of the application. Any balance in the account remaining after a  
10 final decision on the application by the Planning Board and satisfaction of any approval  
11 conditions shall be returned to the applicant unless there is an appeal or other legal action  
12 pending with respect to the Planning Board's approval. All interest from the Review  
13 Escrow Account shall accrue to the account and shall be applied toward the Town's cost  
14 in reviewing the application.

15  
16 **(d) Duration of Time.** Unless otherwise specified, number of days shall be  
17 calculated as calendar days.  
18

19 **Sec. 16-2-2. Pre-Application Process.** Prior to submitting an application for subdivision  
20 review, the applicant shall meet with the Planning Board at a workshop at least once to  
21 discuss the proposal generally, acquaint the Planning Board with the nature of the  
22 proposal and the location, topography and other attributes of its site, review potential  
23 submission waivers and obtain preliminary classification of the proposal as either a minor  
24 or major subdivision. The Planner shall arrange for public notice of the meeting in  
25 accordance with Sec. 16-2-1(b). Such notice shall include the location and general  
26 description of the proposed subdivision. **Sec. 16-2-3. Review and Approval of Minor**  
27 **Subdivisions**

28 **(a) Procedures.**

29 1. **Formal Submission.** The subdivision applicant or an agent duly authorized in writing,  
30 shall submit to the Planner a subdivision application for consideration by the  
31 Planning Board together with the fee therefore as prescribed by the Town Council,  
32 and fourteen (14) complete copies of the proposed subdivision plans and materials.  
33 All plans and materials shall be submitted at least eighteen (18) days prior to the  
34 Planning Board's next scheduled meeting. Prior to the first meeting with the Planning  
35 Board, the applicant shall also establish a Review Escrow Account under the terms in  
36 Sec. 16-2-1(c).  
37

38 2. **Preliminary Completeness.** Within thirty (30) days of the receipt of a subdivision  
39 application and accompanying materials, the Planner, in consultation with the  
40 Planning Board Chair, shall make a preliminary determination as to completeness. If  
41 the application is preliminarily determined to be incomplete, the Planner shall so  
42 notify the applicant in writing and shall list in the written determination the materials  
43 that must be submitted in order to make the application complete. If an applicant fails  
44 to submit a complete application within four (4) months of the date of the Planner's  
45 preliminary written determination, the application shall be deemed withdrawn. When



1 the Planner makes the preliminary determination that an application is complete, the  
2 application shall be scheduled for consideration at the next available Planning Board  
3 meeting. Once scheduled, the Planner shall promptly notify the applicant of the time  
4 and place of such meeting. No action taken by the Planner, either alone or in  
5 consultation with the Planning Board Chair, with respect to reviewing a subdivision  
6 application, shall result in an application being deemed pending for the purposes of  
7 Title 1, M.R.S.A. Sec. 302. The Planner, either alone or in consultation with the  
8 Planning Board Chair, shall have no authority to review the substance of a  
9 subdivision application to determine whether it complies with the subdivision review  
10 criteria.

11  
12 3. Public Notice. The Planner shall arrange for public notice of the meeting in  
13 accordance with Sec. 16-2-1 (b).

14 4. Planning Board Completeness. At its first meeting for consideration of an  
15 application for approval of a subdivision, the Planning Board shall determine whether  
16 the application is complete or incomplete. Within seven (7) days of the first regular  
17 meeting, the Planning Board shall provide to the applicant a dated letter  
18 acknowledging receipt of the application and the Planning Board's determination as  
19 to completeness. If the application is determined to be incomplete, the Planning Board  
20 shall list in its written determination the materials that must be submitted in order to  
21 make the application complete. If an applicant fails to submit a complete application  
22 within four (4) months of the Planning Board letter or within four months of the  
23 written determination of the Planner, the application shall be deemed withdrawn,  
24 unless said time limitation is otherwise extended by the Planning Board for good  
25 cause. When the application is deemed complete, the Planning Board shall begin  
26 review of the proposed subdivision.

27 5. Site Walk. One or more site walks may be scheduled by the Planning Board..

28  
29 6. Public Hearing. The Planning Board, shall hold a public hearing on a minor  
30 subdivision application within thirty (30) days of the date that the application is  
31 determined to be complete. Public notice shall be provided in accordance with  
32 Section 16-2-1(b) of this Chapter.

33  
34 The Planning Board shall conduct the hearing as to assure full, but not repetitive,  
35 public participation. The applicant shall be prepared to respond fully to questioning  
36 by the public and the Planning Board. The Planning Board may, upon its own motion,  
37 extend the hearing once for a period not exceeding thirty (30) days and to a date  
38 which shall be announced.

39 8. Planning Board Decision. The Planning Board shall approve, or approve with  
40 conditions, or disapprove the Subdivision Plan: (i) within sixty (60) days from the  
41 date of the date that the application is determined to be complete, or (ii) within such  
42 other time that may be mutually agreed upon by both the Planning Board and the  
43 applicant.

1 **b) Submission Requirements .** Minor Subdivision Plan submissions shall conform  
2 to the standards and requirements contained in Appendix A of this Ordinance.

3  
4 **Sec. 16-2-4. Review and Approval of Major Subdivision Plans.**

5  
6 **(a) Preliminary Plan Procedures.**

- 7 1. Formal Submission. The subdivision applicant, or an agent duly authorized in writing,  
8 shall submit to the Planner a subdivision application for consideration by the  
9 Planning Board together with the fee therefore as prescribed by the Town Council,  
10 and fourteen (14) complete copies of the proposed preliminary subdivision plans and  
11 materials. All plans and materials shall be submitted at least eighteen (18) calendar  
12 days prior to the Planning Board’s next scheduled meeting. Prior to the first meeting  
13 with the Planning Board, the applicant shall also establish a Review Escrow Account  
14 under the terms in Sec. 16-2-1(c).  
15
- 16 2 Preliminary Completeness. Within thirty (30) days of the receipt of a preliminary  
17 subdivision application and accompanying materials, the Planner, in consultation with  
18 the Planning Board Chair, shall make a preliminary determination as to completeness.  
19 If the application is preliminarily determined to be incomplete, the Planner shall so  
20 notify the applicant in writing and shall list in the written determination the materials  
21 that must be submitted in order to make the application complete. If an applicant fails  
22 to submit a complete application within four (4) months of the date of the Planner’s  
23 preliminary determination, the application shall be deemed withdrawn. When the  
24 Planner makes the preliminary determination that an application is complete, the  
25 application shall be scheduled for consideration at the next available Planning Board  
26 Meeting. Once scheduled, the Planner shall promptly notify the applicant of the time  
27 and place of such meeting. No action taken by the Planner, either alone or in  
28 consultation with the Planning Board Chair , with respect to reviewing a subdivision  
29 application, shall result in an application being deemed pending for the purposes of  
30 Title 1, M.R.S.A. Section 302. The Planner, either alone or in consultation with the  
31 Planning Board Chair , shall have no authority to review the substance of a  
32 subdivision application to determine whether it complies with the subdivision review  
33 criteria.  
34
- 35 3. Public Notice. The Planner shall arrange for public notice of the meeting in  
36 accordance with Sec. 16-2-1(b).  
37
- 38 4. Planning Board Completeness. At its first meeting for consideration of an application  
39 for preliminary approval of a subdivision, the Planning Board shall determine whether  
40 the application is complete or incomplete. Within seven (7) days of the first regular  
41 meeting, the Planning Board shall provide to the applicant a dated letter  
42 acknowledging receipt of the application and the Planning Board’s determination of  
43 completeness. If the application is determined to be incomplete, the Planning Board  
44 shall list in its written determination the materials that must be submitted in order to  
45 make the application complete. If an applicant fails to submit a complete application  
46 within four (4) months of the Planning Board letter or within four (4) months of the

1 written determination of the Planner, the application shall be deemed withdrawn  
2 unless said time limitation is otherwise extended by the Planning Board for good  
3 cause. When the application is deemed complete, the Planning Board shall begin  
4 review of the proposed subdivision.

5  
6 6. Site Walk. One or more site walks may be scheduled by the Planning Board.

7  
8  
9 7. Public Hearing. The Planning Board shall hold a public hearing on a major  
10 subdivision application within thirty (30) days of the date that the  
11 preliminary subdivision application is determined to be complete. Public notice shall  
12 be provided in accordance with Sec. 16-2-1(b) of this Chapter.  
13 The Planning Board shall conduct the hearing as to assure full, but not repetitive,  
14 public participation. The applicant shall be prepared to respond fully to questioning  
15 by the public and the Planning Board. The Planning Board may, upon its own motion,  
16 extend the hearing once for a period not exceeding thirty (30) days and to a date  
17 which shall be announced.

18 8. Planning Board Decision. The Planning Board shall approve, or approve with  
19 conditions, or disapprove the Preliminary Plan: (i) within thirty (30) days after the  
20 date of the public hearing, or (ii) within such other time that may be mutually agreed  
21 upon by both the Planning Board and the applicant. Preliminary Plan approval shall  
22 not constitute approval of the Final Plan, but rather shall be deemed an expression of  
23 approval of the approach submitted on the Preliminary Plan as a guide to preparation  
24 of the Final Plan.

25  
26 **(b) Preliminary Plan Submission Requirements.**

27 Preliminary Plan submissions shall conform to the standards and requirements contained  
28 in Appendix B of this Ordinance.

29 **(c) Final Plan Procedures .**

30 1. Formal Submission. Within six (6) months following the Planning Board's approval  
31 or approval with conditions of an applicant's Preliminary Plan, the applicant shall file  
32 with the Town Planner for Planning Board consideration, a Final Plan application for  
33 the subdivision with fourteen (14) copies of the materials herein prescribed. If such  
34 application is not filed within such period, the application shall be deemed withdrawn  
35 and shall no longer be considered a pending subdivision application, unless said time  
36 limitation is otherwise extended by the Planning Board for good cause.

37  
38  
39 2. Final Subdivision Plan Preliminary Completeness. Within thirty (30) days of the  
40 receipt of a final subdivision application and accompanying materials, the Planner in  
41 consultation with the Planning Board Chair, shall make a preliminary determination  
42 of completeness. If the application is preliminarily determined to be incomplete, the  
43 Planner shall so notify the applicant in writing and shall in the written determination  
44 the materials that must be submitted in order to make the application complete. If an  
45 applicant fails to submit a complete application within four (4) month of the date of

1 the Planner's preliminary written determination, the application shall be deemed  
2 withdrawn. When the Planner makes the preliminary determination that an  
3 application is complete, the application shall be scheduled for consideration at the  
4 next available Planning Board meeting. Once scheduled, the Planner shall promptly  
5 notify the applicant of the time and place of such meeting. No action taken by the  
6 Planner, either alone or in consultation with the Planning Board Chair, with respect to  
7 reviewing a subdivision application, shall result in an application being deemed  
8 pending for the purposes of Title 1, M.R.S.A. Sec. 302. The Planner, either alone or  
9 in consultation with the Planning Board Chair, shall have no authority to review the  
10 substance of a subdivision application to determine whether it complies with the  
11 subdivision review criteria.

- 12
- 13 3. Public Notice. Once a Planning Board meeting is scheduled, the Planner shall also  
14 cause notice to be given per Sec. 16-2-1(b).
- 15
- 16 4. Planning Board Final Subdivision Plan Completeness. At its first meeting for  
17 consideration of an application for final approval of a subdivision, the Planning Board  
18 shall determine whether the application is complete or incomplete. Within seven (7)  
19 days of the first regular meeting, the Planning Board shall provide to the applicant a  
20 dated letter acknowledging receipt of the application and the Planning Board's  
21 determination of completeness. If the application is determined to be incomplete, the  
22 Planning Board shall list in its written determination the materials that must be  
23 submitted in order to make the application complete. If an applicant fails to submit a  
24 complete application within four (4) months of the Planning Board letter or within  
25 four (4) months of the written determination of the Planner, the application shall be  
26 deemed withdrawn and shall no longer be considered a pending subdivision  
27 application, unless said time limitations is otherwise extended by the Planning Board  
28 for good cause. When the application is deemed complete, the Planning Board shall  
29 begin review of the proposed subdivision.
- 30
- 31 5. Site walk. One or more site walks may be scheduled by the Planning Board.
- 32
- 33 6. Public Hearing. The Planning Board may schedule a public hearing on the final  
34 Subdivision plan if it considers any changes in the plan sufficient to warrant further  
35 public comment. Public notice shall be given in accordance with Section 16-2-1 (b) of  
36 this Ordinance.

37  
38 If a public hearing is held, the Planning Board shall conduct the hearing as to assure  
39 full, but not repetitive, public participation. The applicant shall be prepared to  
40 respond fully to questioning by the public and the Planning Board. The Planning  
41 Board may, upon its own motion, extend the hearing once for a period not exceeding  
42 thirty (30) days and to a date which shall be announced.

- 43 7.
- 44
- 45 8. Planning Board Decision. The Planning Board shall approve, or approve with  
46 conditions or disapprove the Final Subdivision Plan: (i) within thirty (30) days of the

1 date of the public hearing; (ii) within sixty (60) days of the date that the application  
2 was determined to be complete if no public hearing is held; or (iii) within such other  
3 time that may be mutually agreed upon by both the Planning Board and the applicant.  
4

5 **(d) Final Plan Submission Requirements.** Final Subdivision Plan submissions shall  
6 conform to the standards and requirements contained in Appendix B of this Ordinance.  
7

8 .  
9 **Sec. 16-2-5. Amendments to Previously Approved Subdivision Plans**

10 **(a) Scope.** Any change in an approved final subdivision plan including but not limited to  
11 lot lines, road layout, and location of structures and improvements must be reviewed  
12 and approved by the Planning Board. De minimis changes to an approved subdivision  
13 plan may be placed on the Planning Board Consent Agenda at the discretion of the  
14 Planner.

15 **(b) De minimis Changes .** De minimis changes shall not include (1) an increase in the  
16 number of lots or units, (2) a change to a public or private right-of way or easement,  
17 (3) a decrease in proposed buffering or landscaping, or (4) any issue involving a  
18 condition placed on the Subdivision approval. Prior to placement on the Consent  
19 Agenda, the applicant shall meet with the Planner to review the proposed changes  
20 and shall provide eight (8) copies of the revised recording plat to the Town Planner at  
21 least eighteen (18) days prior to the next regular Planning Board meeting. The  
22 decision of the Planner to not place an item on the Consent Agenda may be appealed  
23 to the Planning Board upon submission of fourteen (14) copies of the proposed  
24 change to the Planner eighteen (18) days prior to the next Planning Board meeting.

25 **(c) Procedure .** A public hearing may be held concerning a subdivision amendment as  
26 prescribed in Sec. 16-2-1(b). The Planning Board may request the submission of  
27 information included in Appendix A or B and shall review the subdivision  
28 amendment for compliance with the standards in Sec. 16-3-1. All amended plans  
29 must make specific reference to the original plan and its recording information. The  
30 Planning Board Decision shall be to approve, approve with conditions or deny the  
31 subdivision amendment.  
32

33 **Sec. 16-2-6. Post Approval Requirements.**

34 **(a) Satisfaction of Planning Board Conditions of Approval.** Following the Planning  
35 Board Decision, the subdivision plans and materials shall be revised by the applicant to  
36 comply with any conditions placed on the approval by the Planning Board, Two sets of  
37 revised plans shall be submitted to the Planner. The Planner, and other town staff as  
38 necessary, shall review all plans for compliance with the Planning Board approval  
39 conditions. The Planner shall determine whether the plans have been revised to comply  
40 with the Planning Board approval. If the applicant fails to obtain confirmation from the  
41 Planner that the plans are in compliance with the conditions placed on the approval, the  
42 applicant may submit the revised subdivision plans to the Planning Board in accordance  
43 with Sec. 16-2-3(a)(1) for minor subdivisions or Sec. 16-2-4(c)(1) for major subdivisions.

44 **(b) Plan Recording.** Once the plans are determined to be in compliance with the  
Planning Board approval, the recording plan shall be properly signed by a majority of the

1 Planning Board, and shall be recorded by the subdivider in the Cumberland County  
2 Registry of Deeds. If the subdivision approval includes phasing of the subdivision, the  
3 recording plan shall depict all phases of the subdivision. Any final plans not so recorded  
4 within ninety (90) days following the date of Planning Board Decision shall become null  
5 and void. The applicant may request, prior to the expiration date, that the Planning Board  
6 grant an extension due to particular circumstances of the applicant which extension shall  
7 not exceed an additional period of ninety (90) days. Once recorded, the subdivider shall  
8 provide the Planner with three paper copies of the subdivision plat with the Planning  
9 Board signatures and the book and page recording information from the Registry or  
10 Deeds.

11  
12 **(c) Performance Guarantee.** There shall be no sale of lots, nor building permits issued,  
13 nor site work commenced until a performance guarantee has been approved and posted  
14 with the Town of Cape Elizabeth Town Manager.

- 15  
16 1. Form. The performance guarantee shall be in the form of an irrevocable letter  
17 of credit or escrow account in favor of the Town. Such performance guarantee  
18 shall be satisfactory to the Town Manager and to the Town Attorney as to the  
19 issuer, form sufficiency, surety and manner of execution. All performance  
20 guarantees shall contain a provision requiring the issuer to notify the Town  
21 Manager in writing of the scheduled expiration date at least thirty (30) days  
22 and not more than ninety (90) days in advance of its scheduled expiration  
23 date. Extensions of the performance guarantee may be granted by the Town  
24 Manager for up to three (3) years from the initial expiration date at the request  
25 of the subdivider for good cause.
- 26  
27 2. Amount. The Performance Guarantee amount shall be based on a detailed  
28 estimate prepared by the subdivider, broken down by unit cost and quantity,  
29 and reviewed by the Town Engineer. Costs included in the estimate shall  
30 include, but not be limited to completion of all roads, sewer, water, drainage,  
31 open space, landscaping, lighting and other required improvements shown on  
32 the approved plans. The cost estimate shall also include a contingency amount  
33 based on 10% of the performance guarantee estimate.
- 34  
35 3. Phasing. When the Planning Board has approved phasing of a subdivision, a  
36 performance guarantee may be posted for one (1) or more phases. The  
37 amount, terms and conditions of the performance guarantee shall correspond  
38 with the phase or phases scheduled to be constructed. Subdivision  
39 construction activity shall only be located in phases for which a performance  
40 guarantee has been posted.
- 41  
42 4. Reductions and Release. All requests for reduction or release of the  
43 performance guarantee shall be submitted to the Town Manager. Reduction  
44 requests should only be submitted after significant construction has been  
45 accomplished. Prior to approving a reduction or release of a performance  
46 guarantee, the Town Manager shall request a report from the Town Engineer

1 confirming the quality and value of the construction completed. Any  
2 reduction or release shall preserve the Town's ability to require construction  
3 that is consistent with the approved plans and the town's construction  
4 standards and/or restore and stabilize the site if construction will not be  
5 continued. There shall be no final release of any performance guarantee until  
6 the record drawings have been received and approved by the Town Engineer.  
7

8 **(d) Inspection Fee.** In addition to the Performance Guarantee, the subdivider shall pay  
9 an inspection fee. When the performance guarantee equals five hundred thousand dollars  
10 (\$500,000) or less, the inspection fee amount shall be five percent (5%) of the cost of the  
11 total performance guarantee. When the performance guarantee exceeds five hundred  
12 thousand dollars (\$500,000), the inspection fee amount shall be two and one-half percent  
13 (2.5%) of the cost of the total performance guarantee. The fee shall be payable by  
14 certified check to the Town of Cape Elizabeth. The inspection fee shall be held by the  
15 Town to defray the Town's cost for inspection by the Town Engineer and Town staff.  
16 Any funds not disbursed for this purpose shall be returned to the subdivider upon release  
17 of the performance guarantee. If the costs for inspection exceed the amount of the  
18 Inspection Fee, the subdivider shall pay an additional fee to the Town which shall be  
19 recommended by the Town Engineer and approved by the Town Manager based on the  
20 status of the development.

21 **Sec. 16-2-7. Construction Administration**

22 **(a) Commencement of Construction.** At least ten (10) days prior to commencing  
23 construction of required improvements, the subdivider shall request a pre-construction  
24 meeting with the Town Manager. At the meeting, the subdivider shall submit plans for  
25 construction of the subdivision and .. t notify the Town Manager when construction of  
26 such improvements will commence. The subdivider is also responsible for communicating  
27 ongoing progress of construction so that the Town can cause inspections and so that  
28 requirements shall be met during construction and to assure satisfactory completion of all  
29 improvements and utilities required by the Planning Board. [Revised eff. 11/11/83;  
30 Revised eff. 6/13/90]  
31

32 **(b) Notice of Inspection.** To assure proper inspection of roads and other required  
33 improvements, the Town Engineer should be given not less than 24-hour notice by the  
34 subdivider for inspections required at the following construction stages: (1) before  
35 backfilling of any surface water, sanitary sewer, domestic water or other underground  
36 lines or improvements, (2) at completion of road subgrades and after installation of gravel  
37 surface, (3) at the commencement of paving, loaming, or other final surface preparation,  
38 and (4) upon final completion.  
39

40 **(c) Inspection of Required Improvements.** All required subdivision improvements for  
41 which a performance guarantee shall have been required shall be constructed under the  
42 observation of a qualified construction monitor. The qualifications of the construction  
43 monitor shall be subject to the review and approval of the Town.. Construction  
44 monitoring costs shall be borne by the subdivider. . The construction monitor shall be on  
45 the site during all periods of time when significant construction is taking place.  
46 Significant construction shall include (1) embankments, (2) bedding and backfilling of all

1 underground utilities including water lines, unless the installation is supervised by the  
2 utility company, (3) installation of storm drainage and associated structures, (4)  
3 installation of sanitary sewers and associated structures, (5) roadway subbase material,  
4 (6) roadway base material, (7) paving, (8) compaction testing, and (9) sewer and manhole  
5 testing. The duties of the construction monitor shall also include (1) knowledge of  
6 product reports and material submittals, (2) maintenance of a diary of construction  
7 progress, and (3) implementation of remedial measures.

8 **(d) Authority of Town Engineer.** The Town Engineer shall have access to the site  
9 at all times to review the progress of the work and shall have the authority to review the  
10 field logs maintained by the construction monitor. Any deficiencies noted by the Town  
11 Engineer shall be brought to the attention of the construction monitor who shall see that  
12 remedial measures are taken.

13  
14 If the Town Engineer shall find upon inspection of required improvements, including an  
15 inspection to be done by the engineer before expiration of the performance guarantee,  
16 that any of such improvements are not constructed in accordance with plans and  
17 specifications filed by the subdivider, or that in the engineer's judgment the applicant  
18 will be unable to complete the required improvement within the period specified in the  
19 performance guarantee, the Town Engineer shall then so notify the subdivider and the  
20 Town Manager, who shall take all necessary steps to preserve the rights of the Town  
21 under the performance guarantee, including authorization to the Town Engineer to stop  
22 the construction of said improvements.

23  
24 **(e) Field Changes.** If at any time before or during the construction of the required  
25 improvements the subdivider demonstrates to the satisfaction of the Town Engineer  
26 that unforeseen conditions make it desirable to modify the design of such  
27 improvements, the Town =Engineer may, in consultation with the Public Works  
28 Director and Planner, authorize modifications provided that they are within the spirit  
29 and intent of the Planning Board approval and do not constitute waiver or substantial  
30 alteration of the function of any improvements required by the Planning Board. The  
31 Town Engineer shall issue any authorization under this section in writing, and shall  
32 transmit a copy of such authorization to the Town Planner and Planning Board .

33  
34 **(f) Record drawings.** Upon completion of construction, the subdivider shall present to  
35 the Town one (1) set of reproducible mylar, one (1) hard copy, and one (1) electronic file  
36 of record drawings indicating facilities as constructed. The record drawings shall be  
37 based on the field logs of the construction monitor and of a quality acceptable to the  
38 Town. The record drawings shall include an engineer's seal, distances, angles and  
39 bearings for complete and accurate determinations of locations on the ground, right-of-  
40 way monuments and as set, as-built profiles of the centerlines of traveled ways, ledge  
41 elevations encountered during construction and information on the locations, size,  
42 materials and elevations of storm drains, sanitary sewers and other underground utility  
43 lines, including but not limited to water, electric, telephone, natural gas, cable television.

44



1 **(g) Completion and Acceptance.** Upon completion of the subdivision infrastructure, the  
2 subdivider may request that the Town Council accept proposed public improvements.  
3 The request shall include confirmation from the Town Manager that the improvements  
4 have been constructed consistent with the approved plans and town construction  
5 standards and that any applicable deeds have been submitted in a form acceptable to the  
6 Town Attorney and signed by the subdivider. The applicant shall be required to maintain  
7 all improvements and to provide for snow removal on roads and sidewalks, until their  
8 acceptance by the Town or the assumption of those responsibilities under such other  
9 approved arrangements. (Revised eff 12/10/03)

10  
11 **Article III. Standards**

12  
13 **Sec. 16-3-1. Subdivision Review Standards**

14 A subdivision shall meet all of the following standards of review, as determined by the  
15 Planning Board.

16 (a) Pollution

17 The proposed subdivision will not result in undue water or air pollution. Factors to  
18 consider include:

- 19 1. The elevation of the land above sea level and its relation to the floodplains.
- 20 2. The nature of soils and subsoils and their ability to adequately support waste  
21 disposal.
- 22 3. The slope of the land and its effect on effluents.
- 23 4. The availability of streams for disposal of effluents.
- 24 5. The applicable state and local health and water resource rules and regulations.

25 (b) Sufficient Potable Water

26 The proposed subdivision has sufficient water available for the reasonably  
27 foreseeable needs of the subdivision. If a public water supply will be used, the  
28 proposed subdivision will not cause an unreasonable burden on the existing public  
29 water supply.

30 (c) Erosion

31 The proposed subdivision will not cause unreasonable soil erosion or a reduction in  
32 the land's capacity to hold water so that a dangerous or unhealthy condition results.

33 (d) Traffic

34 1. Existing road congestion and safety. The proposed subdivision will not cause  
35 unreasonable highway or public road congestion or unsafe conditions with respect to  
36 the use of the highways or public roads existing or proposed, and if the proposed  
37 subdivision requires driveways or entrances onto a state or state aid highway located  
38 outside the urban compact area of an urban compact municipality as defined by Title  
39 23, section 745, the Department of Transportation has provided documentation

1        indicating that the driveways or entrances conform to Title 23, section 704 and any  
2        rules adopted under that section.

3        2. Comprehensive Plan. The proposed subdivision road(s) shall conform to the  
4        Comprehensive Plan as adopted in whole or in part by the Town Council.

5  
6        3. Connectivity. The Planning Board may require provision for the projection of roads  
7        or for access to adjoining property, whether subdivided or not. The Board shall  
8        require that access from the subdivision to previously existing or proposed public  
9        ways include two means of such vehicular access, as described in Sec. 16-3-2(5),  
10       Dead End Roads.

11  
12       4. Safety. All roads within a subdivision and roads providing access to a subdivision shall  
13       be designed so that they will provide safe vehicular and pedestrian travel and traffic  
14       patterns.

15  
16       5. Through traffic. The Planning Board may require that local roads be laid out so that  
17       their use by through traffic will be discouraged.

18  
19  
20  
21       6. Topography. Roads in the proposed subdivision shall be laid out in an attractive  
22       manner, in order to enhance the livability and amenity of the subdivision. Insofar as  
23       possible, roads shall conform to existing topography, and high cuts and fills shall be  
24       avoided.

25  
26       7. Block Length. Block lengths shall not exceed 1,000 feet except where a greater  
27       length suits the topography or character of the subdivision and does not result in an  
28       awkward road pattern or detrimental effect to adjacent property.

29  
30       8. Lot Access. Each property shall be provided with vehicular access to each lot by  
31       an abutting public or private road. A private road shall be protected by a permanent  
32       easement which shall conform to the Road Classification Standards Table and which  
33       shall be shown on the plan.

34  
35       9. Sidewalks/pedestrian connections. The Planning Board may require sidewalks  
36       and/or curbing on either or both sides of any road, where they are or may be  
37       necessary for maintenance and/or public safety, as determined by the Planning  
38       Board. Provision of pedestrian easements or other types of pedestrian accessways not  
39       less than 10 feet wide may be recommended to the applicant, where a pedestrian  
40       accessway would add to the Town's Greenbelt System or where the Planning Board  
41       deems it important for pedestrian enjoyment or to provide access to but not limited to  
42       schools, playgrounds, shopping centers, recreation areas, open space, trails, shore  
43       frontage, and other facilities. Where feasible, the easements shall connect to existing  
44       and proposed recreation trails.

45

1        10. Road Name. Road names shall not be used which will duplicate or may be  
2        confused with the names of existing roads. Road names shall be subject to the  
3        approval of the Planning Board and be in compliance with the Addressing Ordinance,  
4        Chapter 21, as determined by the Police Chief.

5  
6        11. Road Construction Standards. Proposed roads are designed in compliance with  
7        the Road Construction and Design Standards, Sec. 16-xxx.

8  
9        (e) Sewage Disposal

10  
11        The proposed subdivision will provide for adequate sewage disposal and will not  
12        cause an unreasonable burden on municipal services if they are utilized. All systems  
13        proposed for the disposal of sewage for developments regulated by this Ordinance  
14        shall be in compliance with the provisions of Chapter 15, Sewer Ordinance.

15  
16        (f) Solid Waste Disposal

17  
18        The proposed subdivision will provide for adequate disposal of solid waste. The  
19        proposed subdivision will not cause an unreasonable burden on the municipality's  
20        ability to dispose of solid waste, if municipal services are to be utilized.

21  
22        (g) Aesthetic, cultural and natural values

23  
24        The proposed subdivision will not have an undue adverse effect on the scenic or  
25        natural beauty of the area, aesthetics, historic sites, significant wildlife habitat  
26        identified by the Department of Inland Fisheries and Wildlife or the municipality, or  
27        rare and irreplaceable natural areas or any public rights for physical or visual access  
28        to the shoreline.

29  
30        1. Scenic. Consideration shall be given by the applicant and the Planning Board to  
31        the impact of the proposed development on scenic vistas and view corridors to and  
32        from significant natural features, historic sites, and important topographic features as  
33        identified in the Town's Comprehensive Plan.. The Planning Board may consider the  
34        impact of other design features such as building bulk, architectural style, building  
35        placement and landscaping to encourage visual harmony

36  
37        2. Wildlife. The applicant shall make adequate provision for the protection of  
38        wildlife habitat and fisheries areas, which may include but are not limited to  
39        maintenance of wildlife travel lanes, and the preservation and buffering of wildlife  
40        habitat areas from proposed development activities.

41  
42        3. Natural features. The applicant, whenever practical, shall be required to preserve  
43        natural features such as water courses or bodies, existing trees of 10 inches or more in  
44        diameter (base height), open space, scenic points, historic spots, and unusual or  
45        striking topographic features which, if preserved, would add to the attractiveness of  
46        the subdivision.

1  
2 4. Farmland. All farmland within the proposed subdivision has been identified on  
3 maps submitted as part of the application.  
4

5 (h) Conformity with local ordinances  
6

7 1. Comprehensive Plan. The proposed subdivision is consistent with applicable  
8 provisions of the Comprehensive Plan.  
9

10 2. Zoning Ordinance. The area and width of lots shall conform to the requirements of  
11 the Zoning Ordinance. Side lot lines shall be substantially at right angles or radial to  
12 road lines.  
13

14 3. Multiplex Housing. Multiplex housing and cluster developments shall be so  
15 designed, sited and laid out as to minimize disturbance of existing topography and  
16 ground cover, provide maximum usable natural or improved open space, reflect  
17 imaginative use of the site, and be compatible with any surrounding land uses and  
18 their character. The minimum lot size and density requirements for any proposed  
19 multiplex housing or cluster development shall comply with the Zoning Ordinance.  
20

21 4. Addressing Ordinance. The street numbering of the individual residential dwelling  
22 units and/or lots must be clearly visible on the plans and shall be done in compliance  
23 with the Addressing Ordinance, Chapter 21, . For any development with more than  
24 one set of attached or multiplex dwelling units, signs clearly identifying the house  
25 numbers in each set of dwelling units shall be required to be placed along the road  
26 leading to each set of units and shall be subject to approval of the fire chief and police  
27 chief.  
28

29 (i) Financial and Technical Capability  
30

31 The applicant shall demonstrate adequate technical and financial capability to  
32 complete the project as proposed. In the case where the applicant asserts that public  
33 disclosure of confidential financial information may prove detrimental to the  
34 applicant or to the success of the subdivision, the Town Manager may review the  
35 financial records of the applicant and recommend to the Planning Board that financial  
36 capability is adequate.  
37

38 (j) Surface Waters  
39

40 Whenever situated entirely or partially within the watershed of any pond or lake or  
41 within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3,  
42 subchapter I, article 2-B, the proposed subdivision will not adversely affect the  
43 quality of that body of water or unreasonably affect the shoreline of that body of  
44 water. The Planning Board may determine that the proposed subdivision will not  
45 adversely affect surface water quality if the subdivision has been designed to comply  
46 with the Shoreland Performance Overlay District.

1  
2 (k) Ground Water  
3

4 \_\_\_ The proposed subdivision will not, alone or in conjunction with existing activities,  
5 adversely affect the quality or quantity of ground water.  
6

7 (l) Flood Areas  
8  
9

10 The Planning Board shall review all subdivision proposals to assure that: (1) they are  
11 designed to minimize flood damage; (2) all public utilities and facilities, such as  
12 sewer, gas, electrical, and water systems are located, elevated, and constructed to  
13 minimize or eliminate flood damage; (3) adequate drainage is provided so as to  
14 reduce exposure to flood hazards; and (4) the proposed subdivision otherwise meets  
15 the standards of the Town's Floodplain Ordinance, Sec. 6-6..  
16

17 (m) Wetlands  
18

19 Any proposed alteration of wetlands shall adhere to the requirements and standards of  
20 Section 19-6-9 and Section 19-8-3 of the Zoning Ordinance.  
21

22 (n) Stormwater  
23

24 The proposed subdivision will provide for adequate stormwater management.  
25

26 For any subdivision involving more than 10,000 square feet of impervious surface,  
27 paving, clearing or vegetative alteration, the provisions and improvements for the  
28 control of storm water runoff shall be governed by the provisions of Chapter 18,  
29 Article II, Storm Water Control Ordinance. In the case of any subdivision involving  
30 less than 10,000 square feet of such impervious surfaces, where a subdivision is  
31 traversed by a stream, drainage way or other watercourse, or where the Planning  
32 Board with the advice of the engineer feels that surface water drainage to be created  
33 by the subdivision should be controlled for the protection of the subdivision and  
34 owners of property abutting it, there shall be provided an easement or drainage right-  
35 of way conforming substantially with the lines of such watercourse, and culverts,  
36 catch basins or other means of channeling surface water within such subdivision and  
37 over the property of owner abutting upon it of such nature, width and location as the  
38 Planning Board with the advice of the engineer, deems adequate.  
39

40 (o) Lake Phosphorus concentration  
41

42 \_\_\_ The long term cumulative effects of the proposed subdivision will not unreasonably  
43 increase a great pond's phosphorus concentration during the construction phase and  
44 life of the proposed subdivision. The Planning Board may consider compliance with  
45 the Great Pond Watershed Overlay District, Sec. 19-6-12, as demonstration of no  
46 unreasonable increase.

1  
2 (p) Impact on adjoining municipality.  
3

4 For any proposed subdivision that crosses municipal boundaries, the proposed  
5 subdivision will not cause unreasonable traffic congestion or unsafe conditions with  
6 respect to the use of existing public ways in an adjoining municipality in which part  
7 of the subdivision is located.  
8

9 (q) Land subject to Liquidation Harvesting  
10

11 \_\_\_ The proposed subdivision is not located on land where timber has been harvested in  
12 violation of rules adopted pursuant to Title 12, section 8869, subsection 14 or the  
13 violation occurred at least 5 years before the subdivision application has been  
14 submitted.  
15

16 (r) Access to Direct Sunlight  
17

18 \_\_\_ Consideration shall be given by the applicant and the Planning Board to the  
19 sensitivity of the proposed subdivision design for the purpose of protecting and  
20 assuring access to direct sunlight. The Planning Board may, to protect and ensure  
21 access to direct sunlight for solar energy systems, prohibit, restrict, or control  
22 development through methods such as but limited to restrictive covenants, height  
23 restrictions, and side yard and setback requirements.  
24  
25  
26

27 (s) Buffering

28 Plants or other types of vegetative cover shall be preserved or placed throughout and  
29 around the perimeter of any proposed subdivision to provide for an adequate buffer,  
30 reduction of noise and lights, separation between the subdivision abutting properties,  
31 and enhancement of its appearance.  
32

33 Off-road parking lots, storage areas, rubbish disposal areas, or similar improvements  
34 exposed to public roads or to residential areas shall be screened by walls, earth berms,  
35 fences, or vegetation, and shall be properly landscaped.  
36

37 (t) **Open Space Impact Fee**  
38

39 **i. Purpose.** In order to accommodate the expected needs of the subdivision for open  
40 space and recreational areas without diminishing the community standard of  
41 public open space, the applicant shall be required to donate land with legal public  
42 access or a cash contribution in lieu of actual land dedication, or a combination of  
43 both, at the option of the Planning Board and with the advice of the Conservation  
44 Commission.  
45

- 1        **ii. Community Standard.** Public open space shall include the inventory of open  
2        space for which there is legal public access, including:  
3        (1) Open space owned by the Town;  
4        (2) Open space encumbered by an easement owned by the Town which allows  
5        public access;  
6        (3) Open space owned by the Cape Elizabeth Land Trust; and  
7        (4) Open space encumbered by an easement owned by the Cape Elizabeth Land  
8        Trust which allows public access. The Community Standard of public open  
9        space shall be defined as the total acreage of open space divided by the  
10        Town's population, as of the most recent U.S. Census.
- 11       **iii. Land donation .** The required land donation of open space shall be calculated by  
12       multiplying the number of lots/units in the proposed subdivision by the average  
13       number of persons per household as published in the most recent U.S. Census,  
14       and then multiplying the resulting number by the Community Standard of public  
15       open space. At least twenty percent (20%) of the land donated shall be land which  
16       is not a Resource Protection Zone or buffer and has a slope not to exceed fifteen  
17       percent (15%).
- 18       **iv. Fee .** If the resulting land dedication would be too small to be useful, or  
19       inappropriately located, the Planning Board may require the applicant to pay a fee  
20       in lieu of all or part of the required land dedication. The fee shall be calculated by  
21       multiplying the amount of acreage which otherwise would have been required to  
22       be donated with the proposed subdivision (rounded to the nearest one-hundredth  
23       of an acre) by the average fair market value of one acre of vacant land (rounded to  
24       the nearest dollar) determined by the Town Assessor using accepted professional  
25       valuation methods.
- 26       **v. Administration.** The type of land donated and land conveyance by fee ownership  
27       deed or easement shall be consistent with the land included in the town inventory.  
28       Open space impact fees shall be segregated from the Town's general revenues and  
29       expended only for the acquisition or improvement of public open space. The  
30       Town shall refund to the applicant that portion of the collected open space impact  
31       fee that is not expended within ten (10) years from the date of receipt. The  
32       Community Standard of public open space, average fair market value of one acre  
33       of vacant land, and open space impact fee therein derived shall be published in the  
34       Fee Schedule approved and periodically updated by the Town Council. The Fee  
35       Schedule shall be available for inspection at the office of the Town Clerk. Any  
36       required fee shall be paid prior to the commencement of construction of the  
37       subdivision and/or issuance of a building permit.

- 38  
39  
40  
41       (u) Utility Access. All lots shall have access to water, electrical, and telephone and other  
42       utilities.
- 43       (v) Phasing. If a subdivision is proposed for development in phases, no portion of the  
44       subdivision may be left out of the phasing plan. Sequence of construction of  
45       subdivision phases shall be determined. Each phase or, as applicable, sequence of  
46       phases shall preserve the standards of review of Sec. 16-3-1, with emphasis on

1 emergency vehicle access. The Planning Board may impose such conditions as it  
2 deems necessary to assure the orderly development of the subdivision to assure that  
3 all necessary improvements are made for each separate phase.  
4

5 **Sec. 16-3-2. Road Design and Construction Standards** The purposes of the subdivision  
6 road standards are to minimize traffic safety hazards and the cost of municipal  
7 maintenance and reconstruction, to ensure that roads are consistent with the Town's rural  
8 character, to promote a sense of community, and to be consistent with the Comprehensive  
9 Plan. The standards shall be flexible where an applicant can demonstrate that alternative  
10 approaches will meet the above stated purposes. Roads within a subdivision shall be  
11 classified by the Planning Board in accordance with their location and their present and  
12 contemplated usage. A road which is likely to be upgraded in classification in the  
13 foreseeable future shall be laid out to the standards of the potential future classification.  
14 The widths and grades for all subdivision roads shall be determined in accordance with  
15 the **Road Classification Standards Table**, subject to the following qualifications:  
16

- 17 1. Where an existing road with right-of-way of less than fifty (50) feet is being  
18 extended, the new right-of-way may be the same width as the existing road upon  
19 approval by the Planning Board and Public Works Director.  
20
- 21 2. Width of right-of-way may be forty (40) feet for a road shorter than three-hundred  
22 (300) feet which ends in a cul-de-sac, upon approval by the Planning Board and  
23 engineer.  
24
- 25 3. Notwithstanding the **Road Classification Standards Table**, dead-end roads in excess  
26 of one thousand (1,000) feet in length must comply with Sec. 16-3-2 (a)(9).  
27  
28

29 **(a) Road Design**  
30

31 **1. Sight Distance**  
32

33 **a. New Subdivision Road sight distance.**  
34

- 35 1. Measurement. Sight distance shall be measured from a height 3.5 (three and  
36 one half) feet above the traveled way, in each direction of the road to a height.5  
37 (one-half) foot above the pavement.
- 38 2. Standard. The road shall be designed to achieve a sight distance in the range  
39 indicated on the **Road Classification Standards Table**. The maximum sight  
40 distance range shall not be exceeded without reasonable justification which shall  
41 be presented by the applicant.  
42

43 **b. Road Intersections.**  
44



- 1           1. Measurement. The sight distance for a road entering onto a second road shall be  
2 measured from a location fifteen (15) feet behind the edge of traveled way of the  
3 side road or drive at an elevation of three and one half (3.5) feet above the finished  
4 grade surface to a point four and one quarter (4.25) feet above the pavement in  
5 the centerline of the travel lane approaching the intersection. Where unavoidable  
6 obstructions are encountered at the fifteen (15) foot setback, the location may be  
7 moved to a point no closer than ten (10) feet from the traveled way. Isolated  
8 interruptions of minimal time duration in sight distance due to obstructions, such  
9 as a single tree, shall not be included in the measurement of sight distance.  
10
- 11           2. Standard. The road intersection shall be designed to achieve a sight distance in  
12 the range indicated on the **Road Classification Standards Table**.  
13 Check reference in Site Plan Ordinance for site distance measurements in Subd  
14 Ord
- 15       c. **Single Family driveways.** When the Planning Board requires that an individual  
16 driveway be shown on the subdivision plan, the sight distance measurement and  
17 standard shall meet the requirements in the **Road Classification Standards**  
18 **Table**.  
19
- 20       2. **Road Geometry.** New subdivision roads shall be designed to comply with the **Road**  
21 **Classification Standards Table** and the following standards:  
22
- 23       a. **Horizontal Alignment.** At all changes in alignment, road sidelines shall be  
24 connected by horizontal curves. All changes in slope shall be connected with vertical  
25 curves whose length shall be consistent with the **Road Classification Standards**  
26 **Table**. When the degree of curvature exceeds 2 degrees on rural connector, collector,  
27 or arterial roads, the curves shall be super-elevated to meet the criteria established by  
28 AASHTO, most current edition.  
29
- 30       b. **Intersection Design**
- 31           1. Roadway grades approaching an intersection shall not exceed 3% for a  
32 distance of 50 feet from the edge of paving of the road being entered.  
33  
34  
35
- 36           2. Road intersections shall be separated at least 125 feet whenever possible.. A  
37 separation of less than 125' may be acceptable when a low volume of traffic allows  
38 for safe traffic circulation.  
39
- 40           3. At intersections and common boundaries of subdivisions, roads shall be  
41 continuous and in alignment with existing roads if possible. Roads shall be laid out so  
42 as to intersect as nearly as possible at right angles, and no road shall intersect any  
43 other road at less than a 60-degree angle.  
44
- 45       c. **Traveled Way.** The traveled way shall be designed consistent with the

1 **Road Classification Standards Table.** Every traveled way shall maintain a  
2 constant width and shall be centered in its right-of-way. The Planning Board may  
3 also shift the traveled way up to 5' from the center to preserve existing mature trees  
4 or minimize wetland alterations.  
5

6 **d. Radii.** Radii of curves and lengths of tangents between curves shall be consistent  
7 with the **Road Classification Standards Table**. At a minimum, road radii shall  
8 provide adequate turning radius for a B-40 vehicle as defined by AASHTO. To  
9 measure turning radius, the full width of pavement of both lanes of traffic shall be  
10 included, exclusive of shoulder areas. Minimum turning radius shall be required from  
11 both directions of the intersecting road.

12 **e. Shoulders** . The width of shoulders and surfacing shall be determined by reference to  
13 the **Road Classification Standards Table**. The road lanes shall be striped to provide  
14 a traveled way in compliance with the **Road Classification Standards Table**.  
15

16 **f. Sidewalks** . Sidewalks shall be 5 feet wide and shall be separated from the traveled  
17 way by a grassed esplanade in accordance with the **Road Classification Standards**  
18 **Table**. When locating the sidewalk, a one (1) foot wide buffer strip shall be  
19 preserved along the right-of-way between the back edge of the sidewalk and the right-  
20 of-way. Sidewalks shall be required on one side of the road and notwithstanding Sec.  
21 16-3-5, shall not be waived by the Planning Board. The design of a Rural Connector  
22 shall include a sidewalk path within ten feet of the outside edge of the right-of-way.  
23 The sidewalk path shall be field located to avoid significant vegetation. (Revised eff  
24 12/10/03)  
25

26 **g. Curbing.**  
27

28 1. Curbing shall be installed at road intersections and have a radius of at least twenty-  
29 five (25) feet, unless otherwise approved by the Town Engineer. Curbing may be  
30 required to aid in slope stabilization . (Revised eff 12/10/03)  
31

32 2. Curbing shall consist of granite, extruded concrete or bituminous concrete; design  
33 and choice of materials for curbing shall be based upon the anticipated use of the  
34 road involved and shall be subject to the approval of the Town Engineer and the  
35 Public Works Director. Granite curbing specifications shall be five inch by  
36 seventeen (5 x 17) inch vertical plus or minus one (1) inch vertical as required by  
37 the Director of Public Works. Granite curbing installed at intersection shall be set  
38 in concrete.  
39

40 **h. Drainage** . All roads shall have an underground enclosed drainage system, and no  
41 surface drainage shall be conveyed or diverted across a traveled way. (Revised  
42 effective 12/10/03)  
43

44 **3.Road Signs** . Road signs shall be approved by the Public Works Director and installed  
45 in compliance with MUTCD (Manual on Uniform Traffic Control Device) standards .  
46

**4.Road Trees** .

1 i. Each road shall be designed to include, within the right-of-way, at least one tree  
2 for every forty (40) feet of road frontage but not less than 2 trees per lot. All trees  
3 shall comply with tree species and size standards approved by the Town Tree  
4 Warden. Existing trees within the right-of-way which have been preserved may be  
5 counted toward this requirement if the species, size, preservation measures, and  
6 post-construction condition of the trees are approved by the Tree Warden. Where  
7 an esplanade is included in the road design, road trees required on that side of the  
8 street shall be planted in the esplanade. The esplanade shall be filled with soil,  
9 such as common borrow, suitable for growing trees.

10  
11 ii. Landscaping including trees and other plant materials shall be required in the  
12 center island of a cul-de-sac. (Revised eff. 12/10/03)

13 **5. Dead-End Roads . [Revised Effective 6/12/91 i.-iv]**

14 i. Dead-end roads shall not be longer than 2,000 feet in length and shall not  
15 serve more than 20 dwelling units. The maximum length, the maximum  
16 number of dwelling units and the mandatory requirements of dead-end roads  
17 shall not be waived by the Planning Board, notwithstanding the waiver  
18 provision in Sec. 16-3-5. [Rev. eff. 7/13/94]

19  
20 ii. Any dead-end road in excess of 1,000 feet in length shall meet mandatory  
21 requirements for the entire length of the dead-end road. Mandatory  
22 requirements shall include (1) the placement of all utilities underground, (2)  
23 the dedication to the town of a fifty foot wide right-of-way, and (3) a  
24 minimum pavement width of 22 feet. (revised effective 12/10/03)

25  
26 iii. The Planning Board may require improvements such as (1) the placement of  
27 sidewalks to town specifications, (2) limited clearing of the right of-way with  
28 the advice of the tree warden on the stability of adjacent tree growth, (3) the  
29 provision of an emergency access lane with a minimum width of 18 feet and  
30 (4) a minimum esplanade width of 6 feet for divided entrances.

31  
32  
33 iv. A dead-end road shall be measured from the end of the existing or proposed  
34 dead-end road to the closest intersecting through road. The measurement shall  
35 include proposed road(s) and existing road(s), public or private, whether  
36 within or beyond the limits of the proposed subdivision. The length of the  
37 road shall be measured from the center line of the closest through road, along  
38 the center line of the dead-end road to the end of pavement or traveled way.  
39 Divided entrances shall be allowed only if they provide direct access to  
40 arterial roads as classified by the town. [Rev. eff. 7/13/94]

41  
42 v. All dead-end roads shall end in a cul-de-sac or a T-shaped turnaround and be  
43 designed according to the dimensions shown on the attached diagrams. All  
44 cul-de-sacs shall be so designed that water will drain from all portions into a  
45 storm water drainage system. The interior of all cul-de-sacs shall be neat and  
46 orderly, and shall either be left in its natural condition or be graded, loamed

1 and seeded. Granite monuments shall be installed by the developer at the  
2 intersection of each side of the road with the cul-de-sac and at the radius point  
3 of the cul-de-sac, as shown in the cul-de-sac diagrams.  
4

5 A T or L-shaped turnaround may be used and placed on the right side of the road.,,All T-  
6 shaped turnarounds, whether temporary or permanent, shall be paved. No parking is  
7 allowed in a turnaround.

8 **6.Private Road.** The first fifty (50) feet of a private road from the edge of the road shall  
9 be paved. A private road shall be constructed in accordance with the right-of-way  
10 width, gravel base, traveled way width and monumentation of a local road. The  
11 Planning Board may require that a road be constructed to public road standards;  
12 further the Planning Board shall require dedication of the roads as public rights-of-  
13 way if there is potential for future development that could be accessed through the  
14 proposed subdivision.  
15

16 **7.Monuments.** A four (4) inch square granite monument shall be set at each point of  
17 curvature and angle point on both sides of every road and at every property line  
18 intersection. A surveyor’s pin shall be set at each property line corner. Except with  
19 the permission of Public Works Director, all monumentation shall set flush with  
20 existing grade. At road intersections and at locations where monuments on one road  
21 line would fall within 200 feet of each other, the Public Works Director may reduce  
22 this requirement provided that the reduced monumentation is adequate for road line  
23 surveys. (Revised eff. 12/10/03)  
24

25 **(b) Road Construction**

26 **1. Clearing**

- 27
- 28 i. Prior to site alteration, a land surveyor registered in the State of Maine shall mark  
29 the layout of the road and verify for the Town Engineer that the layout is in  
30 conformance with the approved plans.
- 31
- 32 ii. The construction area shall be selectively cleared of all trees, brush and vegetation  
33 only as necessary for construction of the roadway, shoulder, utilities and any  
34 drainage ways as approved by the Planning Board. Clearing provisions shall be  
35 accomplished in accordance with the most recent revision of the Standard  
36 Specifications of the Maine Department of Transportation, Section 201. [what are  
37 these?]  
38
- 39 iii. Limits of clearing shall be marked in the field and may be inspected by the Town  
40 Engineer prior to furthersite preparation. In a Rural Connector, a ten (10)  
41 footwide strip shall be preserved at the edge of the right-of-way, where a sidewalk  
42 path may be placed. The ten foot wide strip shall be retained in a natural state and  
43 serve as a buffer, although trimming may be allowed to preserve scenic views.  
44

45 **2. Grading to Subgrade**

1 i. The roadway shall be brought to subgrade through the process of excavation  
2 and/or placement of fill. Such earthwork shall be accomplished in compliance  
3 with the technical provisions of Section 203 of said MDOT Specifications.  
4 Blasted ledge, which is, less than fourteen (14) inches in any dimension, may be  
5 used as fill up to a level one foot six inches below subgrade, and shall be mixed  
6 with sufficient finer material to make a firm, stable embankment. Revised eff.  
7 12/10/03)

### 9 **3. Base Gravel for Roadways & Sidewalks**

- 10
- 11 i. The gravel base course shall be a minimum of one and one-half (1.5) footin depth.  
12 When subgrade materials are marginal, the Town Engineer may require additional  
13 base gravel. The lower one (1) foot of material shall conform to the requirement  
14 of Section 703.06 (b). Types D or E of the said MDOT Specifications, except that  
15 no particle of rock shall exceed three (3) inches as determined by a three (3) inch  
16 square mesh sieve.
- 17
- 18 ii. The upper six (6) inches of material shall conform to the requirements of  
19 Section 703.06 (a). Types A and B of the said MDOT Specifications except  
20 that Maximum particle size for Type B shall be 3 inches.
- 21
- 22 iii. The base gravel shall be placed and compacted in accordance with technical  
23 requirements of Section 304 of said MDOT Specifications. Initial compaction  
24 tests shall be taken at a minimum interval of every fifty (50) linear feet along  
25 the roadway for each lift of material placed, and then compaction tests at a  
26 greater separation if initial tests pass. Retesting of any failed areas must be  
27 conducted after remedial action has been accomplished. Additional  
28 compaction tests may be required by the Public Works Director.
- 29
- 30 iv. Gravel for sidewalk base shall be eight (8) inches in depth and shall meet the  
31 requirements of Section 703.06 (a), Types A,B, or D ,placed in one lift  
32 compacted to ninety-five (95) percent of optimum density.
- 33
- 34 v. The base of the esplanade located between the road and the sidewalk shall not  
35 be filled with gravel. The underlying material under the loam layer shall be  
36 common borrow or a similar material conducive to tree growth. The  
37 maximum grade of the esplanade cross-slope shall be two (2) percent.

### 40 **4. Paving.**

- 41 i. Paving shall be of Hot Mix Asphalt (HMA) meeting the requirements of Section  
42 401 and 403 of said MDOT Specifications. Placement of HMA shall conform to  
43 MDOT Specifications (Section 401). Sidewalk HMA shall be placed in two 1.25”  
44 lifts using 9.5 mm mix. HMA thickness shall be as follows:
- 45

	<b>Base Course 19 mm Mix unless otherwise noted</b>	<b>Surface Course 12.5mm Mix, except local roads which shall be 9.5mm</b>	<b>Surface Course 9.5 mm fine Mix</b>	<b>Total</b>
Arterial	2.5inches	1.5inches"	--	4 inches
Collector	2.5 inches	1.5inches	--	4 inches
Rural Connector	2.5 inches	1.5inches	--	4 inches
Feeder	2.5 inches	1.5 inches	--	4 inches
Local Roads	2 .5" of 19 mm	1.5 inches	--	4 inches
Sidewalks	--	--	2 .5 inches	2.5 inches

(Table revised 12/10/03)

- ii. The HMA base course shall be 19 mm mix for all classes of roads, except local roads and sidewalks which shall be 9.5 mm mix as defined in Section 703.09 of said MDOT Specifications. Sidewalk paving shall be 9.5 mm (fine) mix.
  - iii. Placement of all HMA shall be in compliance with the technical requirements of Section 401 of said MDOT Specifications.
  - iv. Driveway entrances shall include a paved apron starting at the edge of road pavement and extending four (4) feet toward the property being served. In locations where driveways are coincident with sidewalks, the paved apron shall extend from the edge of the road pavement to four (4) feet beyond the back of the sidewalk. Driveway aprons shall meet the criteria for local road paving.
  - v. Where bituminous or extruded concrete curbing is to be placed, the paving shall extend one (1) foot beyond the back of curb to serve as a curb platform.
- 5. Curbing.** Curbing shall be placed in accordance with Section 609 of the said MDOT Specifications. Bituminous concrete curbing shall meet the requirements of Section 712.36 of said MDOT Specifications. Extruded concrete curbing shall meet the requirements of Section 712.03 of said MDOT specifications. The curb cross section shall be of the low profile berm curb type and shall be placed on top of the HMA base course.(Revised eff. 12/10/03)
- 6. Stone Fill, Riprap, Stone Ditch Protection.** When required for erosion control, stone fill, riprap and stone ditch protection shall be placed in accordance with Section 610 of the said MDOT Specifications.
- 7. Sodding - Erosion Control Mesh**
- i. Where required to prevent erosion and when indicated on the plans, sod shall be placed in accordance with the technical requirements of Section 616 of said MDOT Specifications.

- 1 ii. When required to prevent erosion and where indicated on the plans, erosion  
2 control mesh shall be placed in accordance with the technical requirements of  
3 Section 613 of said MDOT Specifications.  
4

5 **8. Seeding**

- 6 i. All exposed slopes and areas not to be paved shall be seeded in accordance with  
7 the technical requirements of Section 618 of said MDOT Specifications. Seeding  
8 Method 1 shall be used.
- 9 ii. Mulch shall be applied to all seeded surfaces in accordance with the technical  
10 requirements of Section 619 of said MDOT Specifications.  
11

1  
2

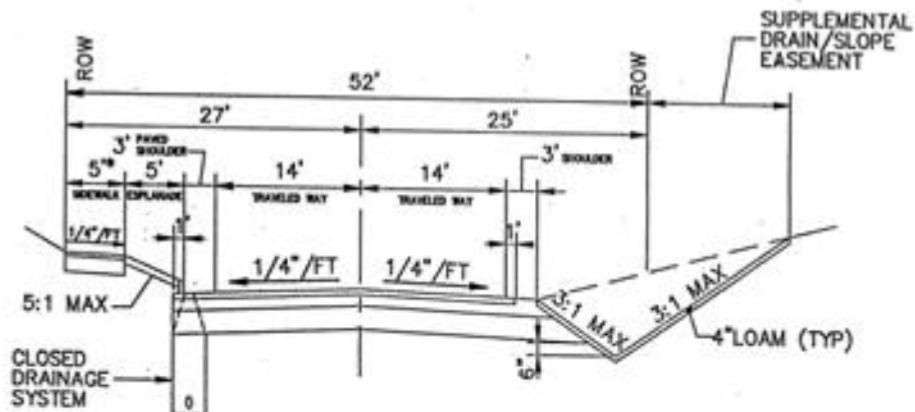
**Road Classification Standards Table**

	Right of Way	Traveled Way	Minimum Intersection Sight Distance	Width Shoulder	Horizontal Sight Distance	Design Speed	Sidewalk	Esplanade	Center Line Radius
ARTERIAL	52'	28'	200'	5'	200-400	30-45	5' (1)	5'	300-800
COLLECTOR	50'	24'	200'	1'	200-250	30-35	5' (1)	6'	300-400
RURAL CONNECTOR	66'	24'	' 200'	4'	200-250	30-35	5'	7'	300-400
FEEDER	50'	24'	' 150'	3'	150-200	25-30	5'	5'	150-300
LOCAL	50'	22'	125'	4'	125-150	20-25	5'	6'	125-150
(1) Either sidewalk or bikeway. Width should increase for dual purpose									

3  
4

Table Revised eff. (12/10/03)

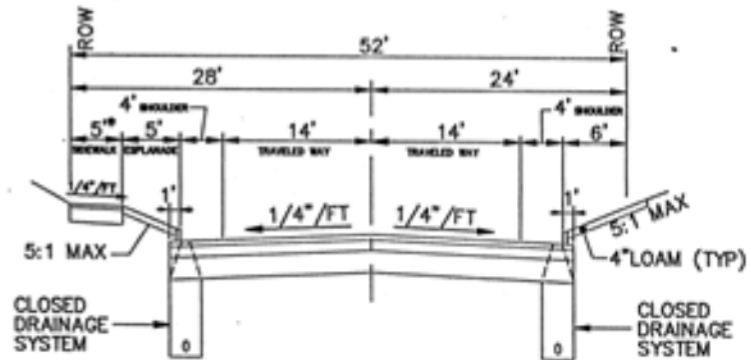




• SEE ROAD CLASSIFICATION STANDARDS TABLE

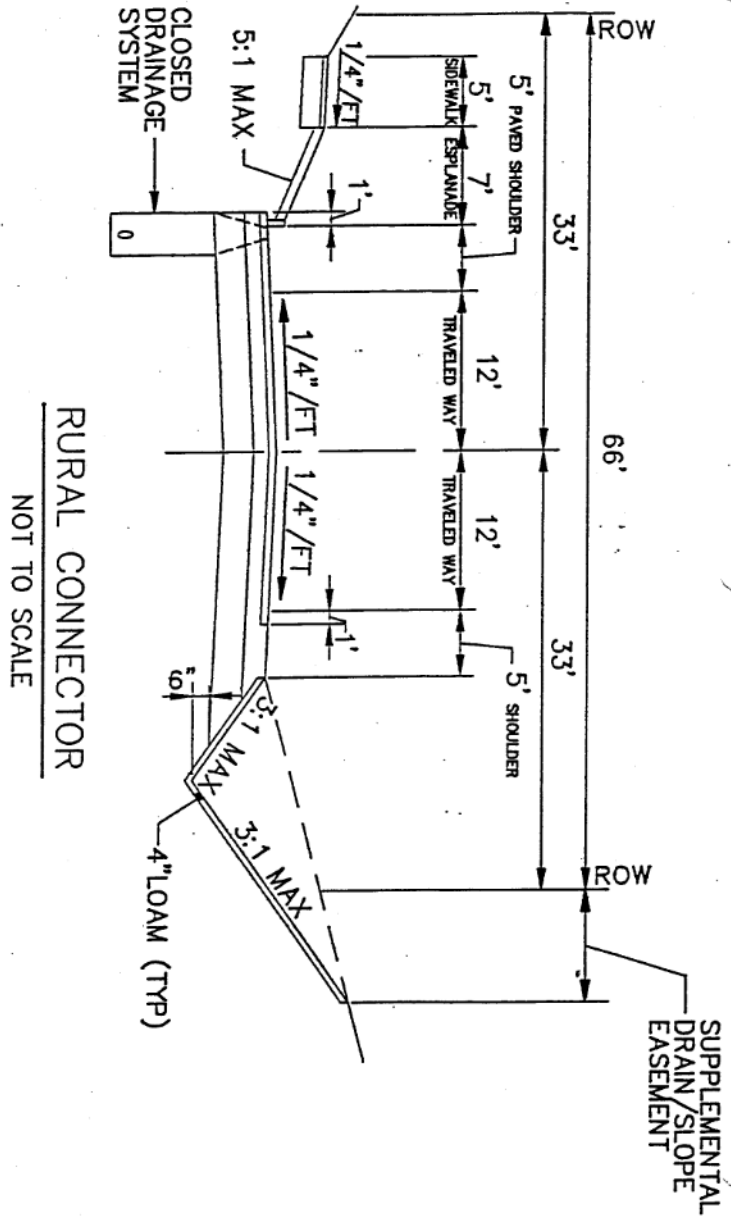
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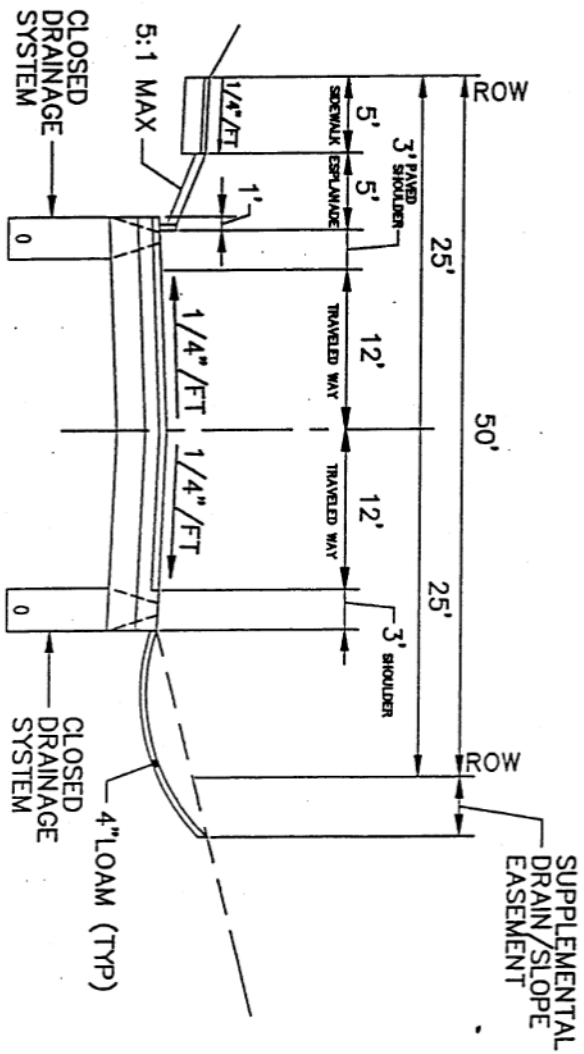
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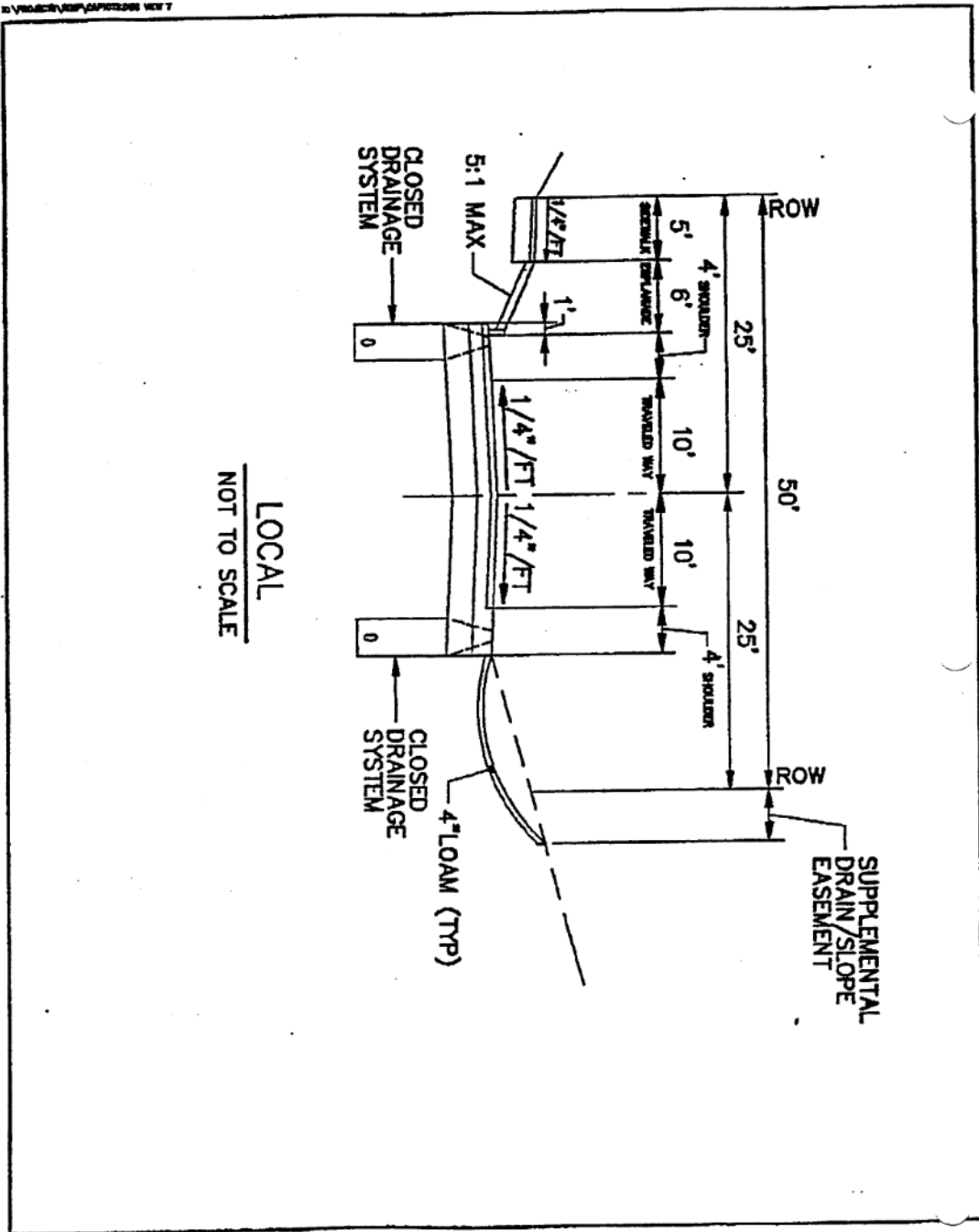
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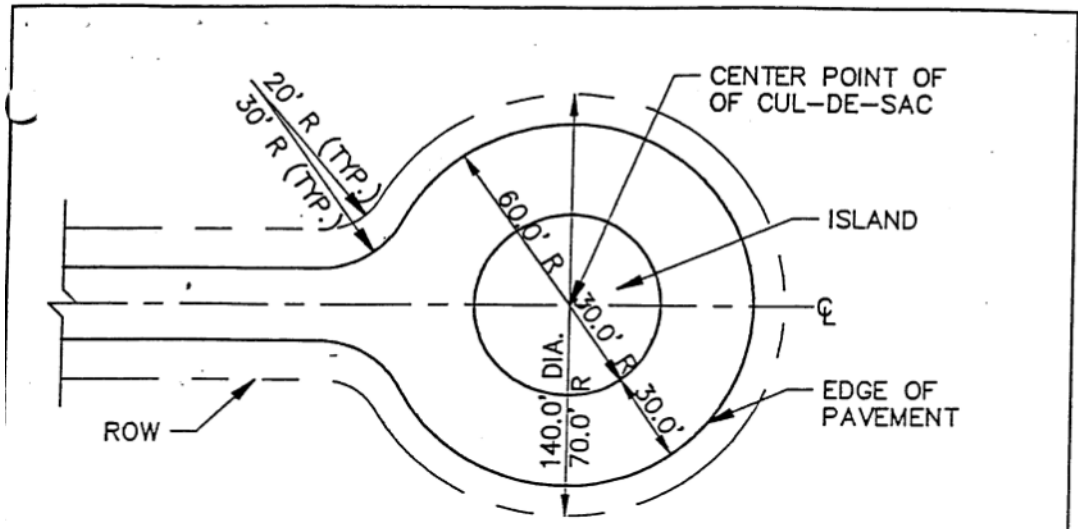
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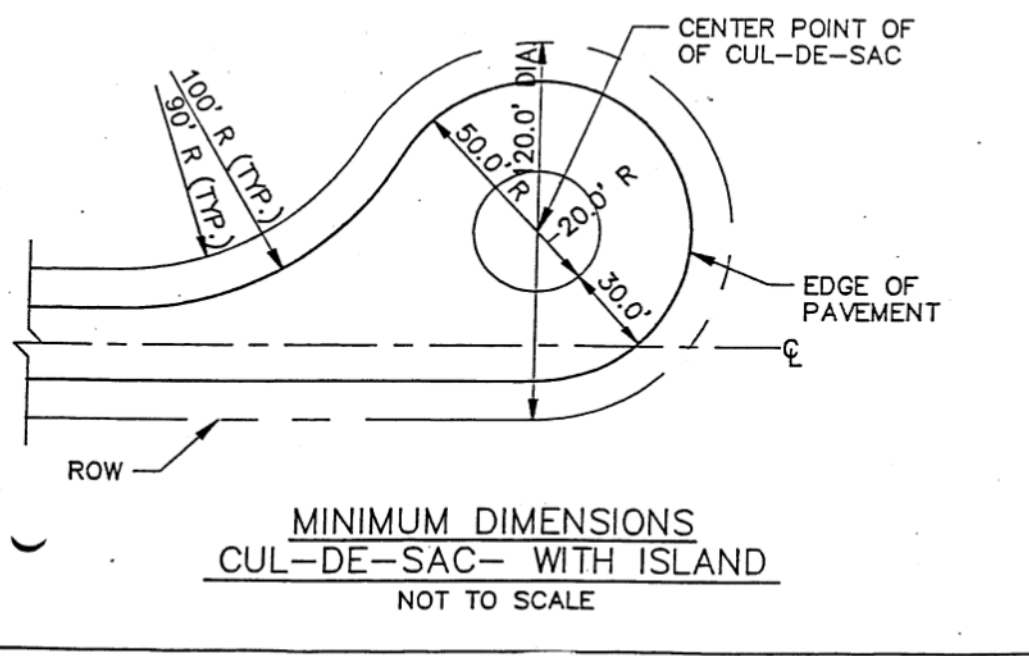


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 NOT TO SCALE



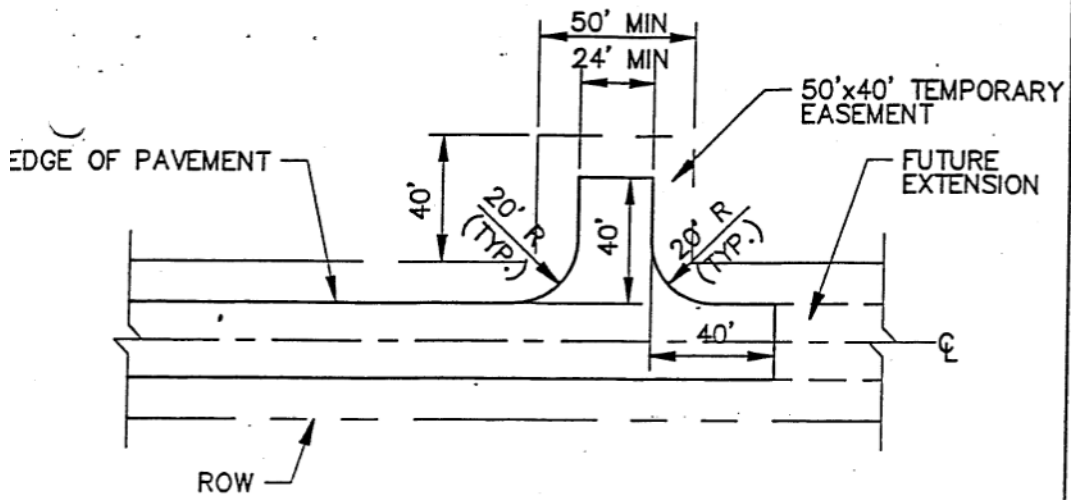


MINIMUM DIMENSIONS  
CUL-DE-SAC- WITH ISLAND  
 NOT TO SCALE

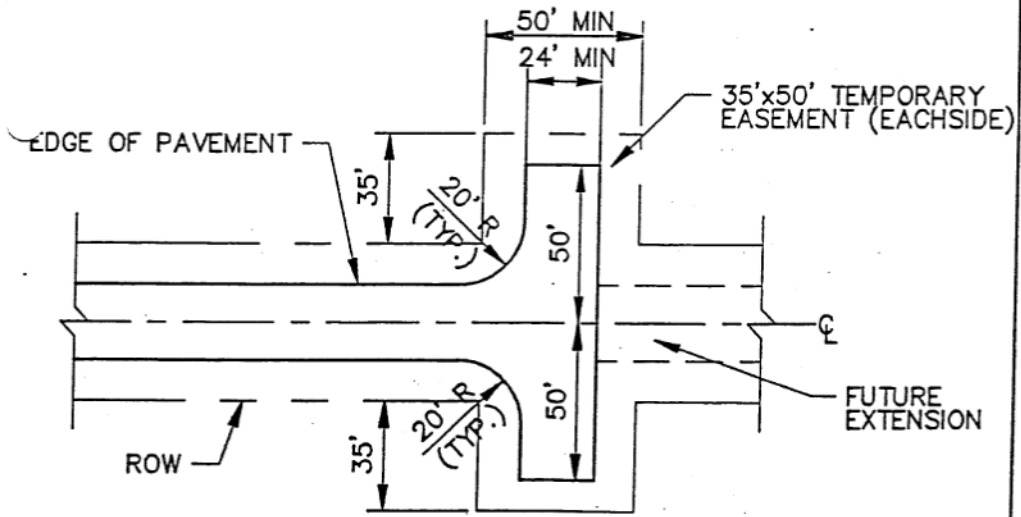


MINIMUM DIMENSIONS  
CUL-DE-SAC- WITH ISLAND  
 NOT TO SCALE

1  
2



ALTERNATE 1



ALTERNATE 2

MINIMUM DIMENSIONS FOR TURN-AROUNDS  
NOT TO SCALE

1  
2

1  
2 **Sec. 16-3-3. Design of Other Improvements**  
3

4 **(a) Storm and Surface Water Drainage**

- 5 1. Storm water collection and transport systems shall be designed to carry a twenty-five  
6 (25) year return frequency flow without surcharge.  
7  
8 2. Ditches, where permitted, on the approved plans shall have a slope of at least two (2)  
9 percent and side slopes not exceeding 3:1. Where required to prevent erosion, ditches  
10 shall be riprapped, sodded, or otherwise protected.  
11  
12 3. Storm drain pipelines and culverts shall be installed in accordance with the technical  
13 requirements of Section 603 of said MDOT Specifications. All pipes shall be  
14 designed to withstand earth backfill plus H-20 wheel loadings. Trench backfill over  
15 drain lines within the paved way shall be compacted to ninety-five (95) percent of  
16 optimum density. Outside of paved areas backfill shall be compacted to ninety (90)  
17 percent of optimum density.  
18  
19 4. When required to assure a stable subbase, rigid perforated underdrain pipe shall be  
20 installed in accordance with the technical requirements of Section 605 of said MDOT  
21 Specifications. Coiled underdrain pipe will not be permitted. (Revised eff. 12/10/03)  
22  
23 5. Manholes and catch basins on storm drain lines shall met the technical requirements  
24 of Section 6045 of said MDOT Specifications. Shop drawings for the units desired for  
25 use shall be submitted to the Town Engineer for approval prior to placement.  
26  
27 6. It is specifically noted that all drainage facilities must also comply with the  
28 requirements of the Town Storm Water Management Ordinance.  
29

30 **(b) Underground Utility Lines**

- 31 1. All sanitary sewer lines and appurtenances shall be constructed in accordance with  
32 the requirements of the Sewage Ordinance, particularly Sec. 15-1-6 and 15-1-7.  
33  
34 2. Any road to be accepted shall be served by a water main if said road joins a road  
35 containing a water main. No water main shall be less than eight (8) inches in diameter  
36 unless the fire department and the Planning Board certify in writing that a water main  
37 less than eight (8) inches in diameter will furnish adequate water service for the road  
38 to be accepted and for any future extension of said road.  
39  
40 3. All underground utility mains shall be installed before the gravel surface is placed;  
41 and, if possible utility service lines to individual lots shall be installed before gravel  
42 surface is placed.  
43

1 4. Backfill materials for all underground utilities shall be compacted to ninety-five (95)  
2 percent of optimum density under paved areas and to ninety (90) percent of optimum  
3 density under non-paved areas.  
4

5 **Sec. 16-3-4. Additional Standards**

6 **(a) Right-of-Way.** The Planning Board with the advice of the engineer may require  
7 rights-of-way wider than those set forth in the **Road Classification Standards Table**,  
8 in order to satisfy the purposes of this Ordinance.  
9

10 **(b) Reserved**

11  
12 **(c) Sewers .** Upon the advice of the engineer, the Town Council may require a applicant  
13 to construct storm or sanitary sewers at a greater depth or of larger diameter than is  
14 required to serve the area being subdivided, when  
15 said greater depth or larger diameter is deemed necessary to provide proper service  
16 for adjacent areas.

17 **Sec. 16-3-5. Waivers** Where the Planning Board finds that undue hardship, practical  
18 difficulties or restriction upon imaginative and otherwise desirable design may result  
19 from strict compliance with this Ordinance, it may waive one or more of the requirements  
20 of this Ordinance, in favor of a proposed alternative upon a showing that, as compared  
21 with strict compliance, such alternative (1) will not create more hazardous traffic  
22 conditions or less sanitary sewage disposal conditions than strict compliance, (2) will  
23 provide more varied and imaginative subdivision layout and design, (3) will secure  
24 substantially the standards of road design and construction required by this Chapter and  
25 the Zoning Ordinance, and (4) will not have the effect of nullifying the intent and  
26 objectives of the Comprehensive Plan or this Chapter; provided that in granting such  
27 waiver the Planning Board may impose such conditions as they deem necessary to secure  
28 the foregoing objectives.  
29

30 **Sec. 16-3-6. Legal Provisions**

31 **(a) Appeals .** All appeals from decisions of the Planning Board under the subdivision  
32 regulations and the Zoning Ordinance shall be taken within thirty (30) days following  
33 the date of any such decision in accordance with the provisions of Rule 80B of the  
34 Maine Rules of Civil Procedure. This procedure shall apply whether or not the appeal  
35 involves issues requiring an interpretation of the Zoning Ordinance.  
36

37 **(b) Applicability of Road Requirements.** The provisions of the subdivision regulations  
38 shall serve as a guide to, but shall not be binding upon, any state, county or municipal  
39 body or authority, which may lay out, alter, widen or improve any public way in  
40 accordance with the applicable statutes. These subdivision regulations shall not apply  
41 to any roads within the Town for which road profiles had been approved by the  
42 engineer prior to March 13, 1968, which were under actual construction as of March  
43 12, 1968 and which had been completed not later than October 14, 1968.



1 (c) **Amendments to the Subdivision Ordinance** . This ordinance may be amended by  
2 the Town Council following the procedure outlined in Sec. 19-4-9 of the Zoning  
3 Ordinance.  
4

1  
2 **Appendix A**

3 **Minor Subdivision Submission Requirements**

4 A. General submission parameters. The subdivision plan for a Minor Subdivision shall  
5 consist of fourteen(14) copies of one or more maps or drawings drawn to a scale of not  
6 more than forty (40) feet to the inch and accompanying materials. The size of plan sheets  
7 submitted to the Planning Board shall be no larger than 24 x 36 inches but may be  
8 smaller at the discretion of the developer. (Revised eff. 12/10/03)

9 Location Map, showing the relative location of the proposed project in relation to  
10 surrounding neighborhoods or areas of the Town; An actual field survey of the boundary  
11 lines of the tract, giving complete descriptive data by bearings and distances, made and  
12 certified by a licensed land surveyor. The corners of the tract shall be located on the  
13 ground and marked by monuments as herein required, and shall be referenced as shown  
14 on the Plan. The survey plan shall show dimensions of area and building envelope of  
15 each proposed lot; Sufficient data to determine readily the location, bearing and length of  
16 every lot line, and boundary line and to reproduce such lines upon the ground. Where  
17 practical these should be tied to reference points previously established. The survey shall  
18 depict all existing easements, and building lines pertaining to the proposed subdivision  
19 and to the adjacent properties.

20 The application for approval of a Minor Subdivision shall include all the following  
21 information:

- 22 1. Right, Title or Interest. Evidence of right, title or interest in the site of the proposed  
23 subdivision  
24
- 25 2. Name of Subdivision/Applicant. Proposed name of the subdivision, name and address  
26 of record owner and applicant, names of adjoining property owners, date of  
27 submission, north point, graphic map scale.
- 28 3. Pollution evaluation. The elevation of the land above sea level, the location of  
29 floodplains, the nature of soils and subsoils and their ability to adequately support  
30 waste disposal if subsurface disposal is included in the project;  
31 A soils report identifying the soils boundaries and names in the proposed development  
32 with the soils information superimposed upon the plot plan in accord with the USDA  
33 Soil Conservation Service National Cooperative Soil Classification. The Planning  
34 Board may require a high intensity soil survey prepared by a soil scientist certified by  
35 the State of Maine which will identify changes in soils conditions down to one-eighth  
36 of an acre, along with detailed map unit descriptions. A lot-by-lot soils suitability  
37 determination for housebuilding with septic sewage disposal may also be required by  
38 the Planning Board.
- 39 the slope of the land and its effect on effluents, ; Contour lines at intervals of two (2) feet  
40 or at such intervals as the Planning Board may require, based on United States  
41 Geological Survey datum, referenced to mean sea level. Surface drainage patterns  
42 including drainage channels and watershed areas shall be shown.  
43 the availability and condition of streams used for disposal of effluents; an evaluation of  
44 applicable state and local health and water resource rules and regulations.

- 1
- 2 4. Potable Water. Confirmation of a clean and adequate supply of water to serve the
- 3 subdivision, the location and size of any existing and proposed water mains on the
- 4 property and adjacent water lines that will provide water supply for the property to be
- 5 subdivided, as well as details showing connections to water systems. Where public
- 6 water is not to be provided, an alternative means of water supply shall be shown.
- 7
- 8 5. Erosion. A soil erosion and sediment control plan shall be prepared and certified by a
- 9 professional geologist or professional engineer.
- 10
- 11 6. Traffic. Locations, widths and names of existing, filed or proposed roads, cross-
- 12 sections of the proposed grading for roadways, sidewalks, etc. including width, type
- 13 of pavement, elevations and grades, preliminary designs of any bridges or culverts
- 14 which may be required, designed to comply with the Road Design and Construction
- 15 Standards, Sec. 16-xxx; a traffic study evaluating the capacity of adjacent roads to
- 16 safely accommodate the anticipated traffic generated by the proposed subdivision,
- 17 including an assessment of the likelihood of cut-through traffic, efforts to provide for
- 18 road connectivity, and applicability of the Maine Department of Transportation
- 19 regulations;
- 20
- 21 7. Sanitary waste. All on site public or shared sewage facilities shall be shown and
- 22 designed to meet the minimum specifications of these standards and all pertinent state
- 23 and local ordinances. Compliance shall be stated on the Plan and signed by a licensed
- 24 site evaluator. If a private sewage disposal system is proposed, location and results of
- 25 tests to ascertain subsurface soil and ground water conditions and depths to maximum
- 26 ground water level. A completed HHE 200 form must be submitted with the
- 27 application for approval as well as designs and location of any culverts which may be
- 28 required.
- 29
- 30 8. Solid waste. Demonstration of adequate capacity for disposal of construction and
- 31 solid waste to be generated by the subdivision.
- 32
- 33 9. Aesthetic, cultural and natural information. Location of scenic, unique natural,
- 34 farmland, parkland, historic, and significant wildlife habitat areas located on or
- 35 adjacent to the proposed subdivision.
- 36
- 37 10. Local regulations. The boundaries and designations of zoning districts, plus
- 38 applicable space standard and setback provisions, and evaluation of the proposed
- 39 subdivision's compliance with applicable provisions such as Open Space Zoning
- 40 (Sec. 19-7-2).
- 41
- 42 11. Financial and Technical Capability. Statement of Technical and Financial Capability,
- 43 including a list of the applicant's development consultants, a description of all prior
- 44 development projects, and a letter of firm financial commitment from a bank or other
- 45 source of financing. In the case where the applicant asserts that public disclosure of
- 46 confidential financial information may prove detrimental to the applicant or the

1 project, the applicant may substitute a recommendation from the Town Manager that  
2 the applicant has adequate financial capability to complete the project.

3  
4 12. Surface Waters. Location of any portion of the subdivision in the Shoreland Zone,  
5 identification of the normal high water line; assessment of how water quality will be  
6 impacted by anticipated discharge from the subdivision.

7  
8 13. Ground Water. An assessment of how the proposed subdivision will impact  
9 groundwater resources.

10  
11 14. Floodplain. Location of any portion of the subdivision in the floodplain and  
12 assessment of how construction in the floodplain will comply with the Floodplain  
13 Ordinance, Sec. 6-xxx.

14  
15 15. Wetlands. The boundaries of all wetlands will be mapped based on soils and plants  
16 by a professional with expertise; an assessment of how any alterations of wetlands  
17 will comply with local wetland regulations, Sec. 19-7-9.

18  
19 16. Stormwater/Phosphorus. A surface drainage plan or stormwater management plan,  
20 with profiles and cross sections drawn by a professional engineer, registered in the  
21 State of Maine, showing preliminary design of all facilities and conveyances  
22 necessary to meet the stormwater management standards as set forth in this  
23 ordinance. Where the subdivision includes or abuts Great Pond, an assessment of  
24 phosphorus loading amounts and impacts on Great Pond.

25  
26 17. Liquidation Harvesting. Identification of any portion of the subdivision where timber  
27 has been harvested in violation of Title 12, section 8869, subsection 14.

28  
29 18. Landscaping. An inventory of existing vegetation to be preserved, methods of  
30 preserving vegetation to be used during construction; a landscaping plan including  
31 planting locations, plant types, quantities and size and time of planting; fencing  
32 location, type and material and size.

33  
34 19. Open Space. Designation on the plan of land to be permanently protected as open  
35 space; calculation of open space provided to meet the Open Space Impact Fee (Sec.  
36 16-xxx); easement deeds;

37  
38 20. Utilities. Evidence of the capacity to provide electrical and telephone (internet?)  
39 facilities.

40  
41 21. Phasing. A phasing plan showing the boundaries and name of each phase.

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22.. Related information. Any other data as determined by the Planning Board to ascertain compliance with this Ordinance.

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## Appendix B

### Major Subdivision Submission Requirements

#### A. Preliminary Plan Maps and Information

The Preliminary Plan shall be submitted in fifteen (15) copies of one or more maps or drawings which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to a scale of 1 inch equals forty (40) feet; drawings not to exceed 24" x 36". (Revised eff. 12/10/03) All plans shall be accompanied by the following information:

1. Proposed subdivision name or identifying title, the name of the Town, and evidence of right, title or interest in the site of the proposed subdivision.
2. Name and address of record owner, applicant and designer of Preliminary Plan.
3. Date of plan submission, true north point and graphic scale.
4. Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, watercourses and other essential existing physical features.
5. Location Map, showing the relative location of the proposed project in relation to surrounding neighborhoods or areas of Town.
6. The names of all owners of record of adjacent acreage.
7. The space standard and setback provisions of the Zoning Ordinance applicable to the area to be subdivided and any zoning district boundaries affecting the subdivision.
8. The location and size of any existing or proposed sewers and water mains, culverts, hydrants, and drains on the property to be subdivided. This shall show the connections with existing sewer or water systems. Where public water and/or sewage is not to be provided, alternative means of water supply and sewage treatment and disposal shall be shown.
9. If individual or collective private sewage disposal system(s) is (are) proposed, the location and results of tests to ascertain subsurface soils and ground water conditions, which shall be signed and numbered by a licensed site evaluator. These results shall be submitted on an HHE 200 form.
10. Location, names and present and proposed widths of existing and proposed roads, highways, easements, building lines, alleys, parks and other public open spaces both within and abutting the subdivision. Grades and road profiles of all roads, sidewalks or other public ways proposed by the applicant shall be shown.

- 1 11. Contour lines at intervals of two (2) feet or at such intervals as the Planning Board  
2 may require, based on United States Geological Survey datum and referred to mean  
3 sea level.  
4
- 5 12. A soils report identifying the soils boundaries and names in accordance with the  
6 USDA Soil Conservation Service National Cooperative Soil Classification. The  
7 Planning Board may require a high intensity soil survey which will identify changes  
8 in soils conditions down to one-eighth acre. A lot-by-lot soils suitability  
9 determination for housebuilding with septic sewage disposal may also be required by  
10 the Planning Board.  
11
- 12 13. Deed reference and map of survey of tract boundary made and certified by a  
13 registered land surveyor, tied into established reference points. Deed restrictions, if  
14 any, shall be described.  
15
- 16 14. A surface drainage plan or stormwater management plan, with profiles and cross  
17 sections drawn by a professional engineer, registered in the State of Maine, showing  
18 preliminary design of all facilities and conveyances necessary to meet the stormwater  
19 management standards as set forth in this Ordinance.  
20
- 21 15. The proposed lot lines with dimensions, area and building envelopes.  
22
- 23 16. The location of temporary markers adequate to enable the Planning Board to locate  
24 readily and appraise the basic layout in the field.  
25
- 26 17. All parcels of land proposed to be dedicated to public use and the conditions of such  
27 dedication.  
28
- 29 18. The location of all natural features or site elements to be preserved.  
30
- 31 19. Typical cross-sections of the proposed grading for roadways, sidewalks, etc.  
32 including width, type of pavement, elevations and grades.  
33
- 34 20. Preliminary designs of any bridges or culverts which may be required.  
35
- 36 21. A soil erosion and sediment control plan shall be prepared and certified by a  
37 professional geologist or professional engineer.  
38  
39
- 40 23. Statement of Technical and Financial Capability, including a list of the applicant's  
41 development consultants, a description of all prior development projects, and a letter  
42 of firm financial commitment from a bank or other source of financing. In the case  
43 where the applicant asserts that public disclosure of confidential financial information  
44 may prove detrimental to the applicant or the project, the applicant may substitute a  
45 recommendation from the Town Manager that the applicant has adequate financial  
46 capability to complete the project.

1  
2 24. Community Impact Analysis. The Planning Board may require the applicant to  
3 conduct a community impact analysis which will consist of the following  
4 demographic features.

- 5  
6 a. Demographic Description. The analysis must identify the demographic market the  
7 project intends to serve, including:  
8 (1) type of family;  
9 (2) average family size;  
10 (3) number and ages of children; and  
11 (4) anticipated time period to fill all units or lots.

12  
13 Associated data, such as anticipated income levels, type of employment, and  
14 projected housing costs may also be presented to support projections associated with  
15 the above demographic description.

- 16  
17 b. Community Impact Analysis. Utilizing the above demographic data, the applicant  
18 shall conduct analyses of the following:  
19 (1) Estimated impact of traffic systems, including the impact of projects trips on  
20 flow characteristics and the impact of traffic on the immediate, existing road  
21 structures;  
22 (2) Estimated impact on the school system;  
23 (3) Estimated impact on public safety providers;  
24 (4) Estimated impact on the public works department, including solid waste  
25 disposal;  
26 (5) Estimated impact on existing storm water management systems including  
27 flow and water quality;  
28 (6) Estimated impact on the recreation resources and provision of methods to  
29 meet proposed needs; 41  
30 (7) Estimated impact on wildlife habitat areas;  
31 (8) Impact on the stated goals and objectives of the Comprehensive Plan; and  
32 (9) Any other study deemed appropriate by the Planning Board.

33 Once these analyses have been completed, the applicant shall present this information  
34 and impact assessments to the Planning Board for its review and comment.

35 **B. Final Plan Maps and Information**

36 Application for final approval shall be accompanied by fifteen (15) copies of final  
37 subdivision plans, drawn to scale, reproduced in the size and manner of preliminary  
38 plans, showing:

- 39 1. All information required to be shown on the preliminary plans, with all amendments  
40 required by the Planning Board and other reviewing agencies and those suggested by  
41 the Planning Board and adopted by the applicant, except topography unless changed  
42 from the preliminary plans and except soils data, in accurate final form with distances  
43 to an accuracy of one foot in 5,000 feet;  
44



- 1 2. Field survey of the subdivision perimeter complete with courses and distances made  
2 and certified by a registered land surveyor whose name, number and seal shall be  
3 shown, with all corners marked by monuments set as prescribed herein and with  
4 sufficient data to determine readily the location, bearing and length of every lot and  
5 boundary line and to reproduce such lines on the ground;  
6
- 7 3. Proper designation of all spaces to be reserved for or dedicated to the Town or other  
8 third party or to be reserved by the applicant, and the numbering of all subdivision  
9 lots;  
10
- 11 4. Written evidence of the issuance of all permits, licenses and approvals required for  
12 the subdivision from any federal, state or other local agency;  
13
- 14 5. Written evidence of an adequate supply of domestic water, in the form of (i) approval  
15 by the Portland Water District, (ii) approval by the appropriate state agency of any  
16 proposed central water supply system, or (iii) approval by a registered Maine  
17 engineer if individual wells are to be used for building sites, in which latter case the  
18 Planning Board may also require reports by the appropriate state agency of the results  
19 of all water quality tests;  
20
- 21 6. Written evidence of (i) the availability of public sewage service for some or all of  
22 the lots; or (ii) compliance with the clustered sewer system provisions of Chapter 15,  
23 review by the Town Engineer, receipt of a letter from the Maine Department of  
24 Human Services, and written approval of the local plumbing inspector; or (iii)  
25 municipal approval of the proposed sewage disposal systems, to be designed and  
26 installed in compliance with the Town Sewer Ordinance, and which shall require the  
27 review and approval by the Town Engineer and the building inspector of the subsoils  
28 land of said sewage disposal arrangement; and  
29
- 30 7. Written evidence of (i) the offer and conditional municipal approval by the Town  
31 Council of all roads, sewer lines, drainage easements, proposed public open space,  
32 recreation land, and other such common areas and facilities proposed to be dedicated  
33 to the Town; or (ii) satisfactory agreements or other documents showing the manner  
34 in which private roads, sewer lines and systems, drainage ways, open space,  
35 recreation land, and other such common areas and facilities are to be maintained.  
36 Written agreements of a dedication to a third party other than the Town must also be  
37 submitted and deemed satisfactory by the Planning Board.  
38
- 39 8. A Phasing Plan, if the subdivision will be constructed in phases. The phasing plan  
40 shall show the entire subdivision and every part of the subdivision shall be assigned  
41 to a phase. The plan shall also identify the sequence of construction of phases and  
42 how emergency vehicle access and turnaround space will be accommodated for each  
43 phase.  
44
- 45 9. A Subdivision Plat suitable for recording which includes a prominent notation that  
46 there shall be no sale of lots, nor issuance of building permits, nor site work

1 commenced until the required performance guarantee has been approved in  
2 accordance with Sec. 16-2-4 (c)(7)(A).  
3

## Subdivision Ordinance Appendix C

The following trees are recommended for planting to meet the road tree requirements. Alternative species may also be acceptable upon approval of the Tree Warden, unless specified by the Planning Board. The list includes the scientific and common tree name, minimum required caliper at the time of planting, expected height at maturity and comments. The comments refer to tree characteristics of water and salt tolerance.

<b>Scientific</b>	<b>Common</b>	<b>Size</b>	<b>Height</b>	<b>Comments*</b>
Acer campestre	Hedge Maple	2"	45'	D,M
Acer saccharum	Sugar Maple	2"	80'	WD
Acer pseudoplatanus	Planetree maple	2"	60'	WD,H
Acer rubrum	Red Maple Cultivars	2"	60'	W,M
Betula alleghaniensis	Yellow Birch	2"	50'	W
Betula nigra	Heritage River Birch	2"	60'	W
Carpinus caroliniana	American Hornbeam	2"	30'	W
Cercidiphyllum japonicum	Katsura	2"	60'	W
Chionanthus virginicus	Fringetree	2"	30'	W
Cladrastus kentuckea	Yellowwood	2"	60'	W
Corylus colurna	Turkish Filbert	2"	50'	D
Crateagus spp.	Hawthorne	2"	30'	D
Ginkgo biloba	Maidenhair Tree	2"	60'	D,M
	Cultivars			
Maackia amurensis	Maackia	2"	40'	W
Nyssa sylvatica	Tupelo	2"	60'	W
Platanus acerfolia	London Plane	2"	75'	W
Quercus bicolor	Swamp White oak	2"	55'	W
Quercus rubra	Red Oak	2"	75'	D
Sorbus alnifolia	Korean Mountain Ash	2"	35'	D,M
Syringa reticulate	Japanese Tree Lilac	2"	30'	D,M
Zelkova serrata	Zelkova	2"	50'	W

\* W= Wet, D=Dry, WD=Well Drained, M=Moderate Salt Tolerance and H= High Salt Tolerance

All trees shall be planted in accordance with the Planting Specifications of the Cape Elizabeth Comprehensive Street Tree Plan.