

manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted, including an executed warranty deed transferring such property upon acceptance by the town. If proposed streets and/or open spaces or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer to convey title shall be included.

Streets proposed to be offered to the municipality must meet the requirements of paragraph 1.4.2 of the Street Design & Construction Ordinance. (amended June 14, 2001) (amended June 27, 2002)

8.2.O. The boundaries of any flood hazard areas as depicted on the municipality's Flood Insurance Rate Map and the 100-year flood elevation, shall be delineated on the plan. (amended June 14, 2001)

8.2.P. If any portion of the proposed subdivision is in the watershed of Brimstone Pond, and does not qualify for the simplified review procedure for phosphorus control, the following shall be submitted or indicated on the plan.

8.2.P.1 A Phosphorus Impact Analysis and Control Plan conducted using the procedures set forth in Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, published by the Maine Department of Environmental Protection, revised September, 1992. The Analysis and Control Plan shall include all worksheets, engineering calculations, and construction specifications and diagrams for control measures, as required by the Technical Guide. (amended June 27, 2002)

8.2.P.2 A long-term maintenance plan for all phosphorus control measures.

8.2.P.3 The contour lines shown on the plan shall be at an interval of no less than five feet.

8.2.P.4 Areas with sustained slopes greater than 25% covering more than one acre shall be delineated.

8.2.Q. A list of construction items, with cost estimates, that will be completed by the developer prior to the sale of lots, and evidence that the subdivider has financial commitments or resources to cover these costs.

8.2.R. A list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the municipality, or quasi-municipal districts. These lists shall include but not be limited to:

Schools, including busing;	Recreation Facilities;
Street maintenance/snow removal;	Storm Water Drainage;
Police and Fire Protection;	Wastewater treatment;
Solid Waste Disposal; Water supply.	

The developer shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.

8.3 Final Approval and Filing

8.3.A. No plan shall be approved by the Board as long as the subdivider is in violation of the provisions of a previously approved Plan within the municipality.

8.3.B. Upon findings of fact and determination that all standards in Title 30-A M.R.S.A., §4404, and these regulations have been met, and upon voting to approve the subdivision, the Board shall sign the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Board as part of its permanent records. One copy of the signed plan shall be forwarded to

the Tax Assessor. One copy of the signed plan shall be forwarded to the Code Enforcement Officer. Any subdivision not recorded in the Registry of Deeds within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void.

- 8.3.C. At the time the Board grants Final Plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to ensure the orderly development of the Plan. If any municipal or quasi-municipal department head notified of the proposed subdivision informs the Board that their department or district does not have adequate capital facilities to service the subdivision, the Board shall require the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to allow the orderly planning, financing, and provision of public services to the subdivision. If the superintendent of schools indicates that there is less than 20% excess classroom capacity existing in the school(s) which will serve the subdivision, considering previously approved but not built subdivisions, the Board shall require the Plan to be divided into sections to prevent classroom overcrowding.
- If the expansion, addition, or purchase of the needed facilities is included in the municipality's capital improvements program, the time period of the phasing shall be no longer than the time period contained in the capital improvements program for the expansion, addition, or purchase.
- 8.3.D. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted and the Board approves any modifications, except in accordance with Article X. The Board shall make findings that the revised plan meets the criteria of Title 30-A M.R.S.A., §4404, and the standards of these regulations. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the records of the Registry of Deeds.
- 8.3.E. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. **Streets proposed to be offered to the municipality must meet the requirements of paragraph 1.4.2 of the Street Design & Construction Ordinance.** When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the Plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the Plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Municipal Officers covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.
- 8.3.F. Except in the case of a phased unit development plan, failure to complete substantial construction of the subdivision within two (2) years of the date of approval of the Plan shall render the Plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect. (Amended Sept. 27, 1998)
- 8.3.G. Except in the case of a phased development, all required improvements shall be completed prior to the issuance of Building Permit(s). In a phased development, Building Permit(s) may be issued upon completion of all required improvements within the phased portion of the development in which the Building Permit(s) is sought.

12.2.A.3.h.1 No low volume traffic generator shall have more than one two-way access onto a single roadway.

12.2.A.3.h.2 No medium or high volume traffic generator shall have more than two two-way accesses or three accesses in total onto a single roadway.

12.2.A.3.i ***Construction Materials/Paving***

12.2.A.3.i.1 All accesses entering a curbed street shall be curbed with materials matching the street curbing. Sloped curbing is required around all raised channelization islands or medians.

12.2.A.3.i.2 All accesses shall be paved with bituminous concrete pavement within the street right-of-way. All commercial accesses regardless of access volume shall be paved with bituminous concrete pavement within 30 feet of the street right-of-way.

12.2.B Street Design and Construction Standards

12.2.B.1 General Requirements

12.2.B.1.a The Board shall not approve any subdivision plan unless proposed streets are designed in accordance with Street Design and Construction Ordinance. Approval of the Final Plan by the Board shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement. (amended June 14, 2001)

12.2.B.1.b Subdividers shall submit to the Board, as part of the Final Plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed streets and existing streets within 300 feet of any proposed intersections. The construction drawings shall meet the requirements of Section 1.6.1 of the Street Design and Construction Ordinance. (amended June 14, 2001)

12.2.B.1.c Upon receipt of plans for a proposed public street the Board shall forward one copy to the Municipal Officers, the Road Commissioner, and the Municipal Engineer for review and comment. Plans for streets which are not proposed to be accepted by the municipality shall be sent to the Municipal Engineer for review and comment.

12.2.B.1.d Where the subdivider proposes improvements within existing public streets, the proposed design and construction details shall be approved in writing by the Road Commissioner or the Maine Department of Transportation, as appropriate.

12.2.B.1.e Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan:

“All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town, until they meet the municipal street design and construction standards **and are accepted by the town by meeting the requirements of paragraph 1.4.2 of the Street Design & Construction Ordinance.**”

ARTICLE XII - DESIGN GUIDELINES

This article is intended to provide an example of design guidelines, which if followed will result in meeting the appropriate performance standards of Article XI. Compliance with these guidelines shall be considered evidence of meeting those standards. Proposed subdivisions not in compliance with the design guidelines of this article may be considered, but the applicant shall provide clear and convincing evidence that the proposed design will meet the performance standard(s) and the statutory criteria. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance standards and statutory criteria for approval have been or will be met.

12.1 Sufficient Water

12.1.A Well Construction

- 12.1.A.1 Due to the increased chance of contamination from surface water, dug wells shall be prohibited on lots of smaller than one acre. On lots of one acre or smaller, the subdivider shall prohibit dug wells by deed restrictions and a note on the plan.
- 12.1.A.2 Wells shall not be constructed within 100 feet of the traveled way of any street, if located downhill from the street, or within 50 feet of the traveled way of any street, if located uphill of the street. This restriction shall be included as a note on the plan and deed restriction to the effected lots.

12.1.B Fire Protection (Amended September 20, 2022) (amended June 11, 2025)

See section 5.7 of the Arundel Land Use Ordinance

~~12.1.B.1 Fire hydrants connected to a public water supply system shall be located no further than 500 feet from any building or an alternative fire protection method will be required.~~

~~12.1.B.2 Alternative Water Supply Required:~~

~~All new residential subdivisions shall be required to provide one of the following:~~

- ~~1) Install a residential fire sprinkler system in all residential units in conformance with the standards of NFPA 13D;—~~
- ~~2) Where HUD certified homes are proposed in a development, the developer shall install a polycarbonate cistern with a minimum 15,000 gallon capacity on site and provide Fire Department vehicular access to the cistern. Cisterns shall be maintained by the development and shall provide the fire department yearly record of maintenance and water capacity for the cistern.~~

12.2 Traffic Conditions

12.2.A Access Control

- 12.2.A.1 Where a subdivision abuts or contains an existing or proposed arterial street, no residential lot may have vehicular access directly onto the arterial street. This requirement shall be noted on the Plan and in the deed of any lot with frontage on the arterial street.
- 12.2.A.2 Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.