

TOWN OF SEBAGO

SUBDIVISION ORDINANCE

AS ADOPTED
AMENDED

NOVEMBER 1977
SEPTEMBER 1978
MARCH 1987
MARCH 1990

TABLE OF CONTENTS

<u>ITEM</u>	<u>PAGE</u>
Application for Subdivision	3
Article I-Purpose	5
Article II- Authority & Administration	7
Article III-Definitions	8
Article IV-General Requirements	11
Article V-Sketch Plan	14
Article VI-Preliminary Plan	17
Article VII-Final Plan	21
Article VIII-Performance Guarantees	25
Article IX-Design Standards & Specifications	27
Design & Construction Standards for Streets	30
Road Design Standards	32
Article X-Enforcement	33

APPLICATION FOR SUB-DIVISION APPROVAL

TOWN OF SEBAGO, ME

To be completed by the developer or his representative and submitted to the Board at the time the Sketch Plan is submitted to the Board.

1. Name and mailing address of owner of land to be developed.
2. Telephone number of owner.
3. Attach copy of deed showing book and page where recorded.
4. Name, mailing address, and telephone number if applicant is other than owner.
5. If applicant is a corporation, state whether the corporation is licensed to do business in Maine, and attach copy of Secretary of State's registration.
6. Name of applicant's authorized representative.
7. Name, address, telephone number and number of registered professional engineer, land surveyor or planner.
8. Address to which all correspondence from the Planning Board should be sent.

9. What interest does the applicant have in the parcel to be subdivided (record owner, option, purchase contract, or otherwise)?

10. What interest, if any, does applicant have in property abutting parcel to be subdivided?

11. Lot number and page from tax map in Selectmen's Office of the Town Of Sebago. Attach tracing.

12. State whether the subdivision covers the entire or contiguous holding of applicant.

13. Names, map/lot numbers, mailing addresses of property owners including lots across the road or right of way.

Upon receiving an application, the Board will issue to the applicant a dated receipt. Within thirty (30) days from receipt of an application, the Board will notify the applicant in writing either that the application is a completed application, or if the application is incomplete, the specific additional material needed to make a complete application.

The undersigned hereby understands that in the event the undersigned is notified by the Board that the application is complete, that such notification does not constitute approval of the subdivision.

ARTICLE I

PURPOSE

SECTION 1. GUIDELINES

The purpose of these Standards shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Sebago, Maine, the Planning Board shall evaluate the proposed subdivision. When promulgating any subdivision regulations and when reviewing a subdivision for approval the Planning Board shall consider the following guidelines as set forth in M.R.S.A. Title 30-A, Section 4404, or as amended by State law.

- (A) Will not result in undue water or air pollution. In making this determination it shall at least consider: The elevation of land above sea level and its relation to the flood plains, the nature of soils and sub soils and their ability to adequately support waste disposal; the slope of the land and its effect of effluents; the availability of streams for disposal of effluent and the applicable state and local health and water resources regulations.
- (B) Has sufficient water available for the reasonably foreseeable needs of the subdivision:
- (C) Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;
- (D) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
- (E) Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;
- (F) Will provide for adequate sewage waste disposal;
- (G) Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;
- (H) Repealed. 1973, c. 465, 3.

- (I) Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas;
- (J) Is in conformance with a duly adopted subdivision regulation or Ordinance, comprehensive plan, development plan, or land use plan, if any; and
- (K) The subdivider has adequate financial and technical capacity to meet the above stated Standards.
- (L) Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water.

ARTICLE II

AUTHORITY AND ADMINISTRATION

SECTION 1 AUTHORITY

1. These Standards have been prepared in accordance with the provision of the Maine Revised Statutes, Title 30, Section 4956, as Amended.
2. These Standards shall be known and may be cited as “Subdivision Standards of the Town of Sebago, Maine.”

SECTION 2 ADMINISTRATION

1. The Planning Board of the Town of Sebago, hereinafter called the Board, shall administer these Standards.
2. The provisions of these Standards shall pertain to all land within the boundaries of the Town of Sebago, Maine.

ARTICLE III

DEFINITIONS

SECTION 1

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

COMPREHENSIVE PLAN

Any part or element of the overall plan and policy for development of the Town of Sebago, Maine, as defined in the Maine Revised Statutes, Title 30, Section 4961.

CONSTRUCTION DRAWINGS

Drawings showing the location, profile grades, size and type of drains, sewer and water mains, underground power and telephone ducts, pavements, cross-section of streets, miscellaneous structures.

EASEMENTS

The authorization of a property owner for the use by another for a specific purpose of any designated part of his property.

ENGINEER

Consulting engineer licensed by the State of Maine.

FINAL SUBDIVISION PLAN

The final drawing on which the subdivider's plan of the subdivision is presented to the Board for approval of which, if approved, shall be filed for record with the Town Clerk and Cumberland County Registry of Deeds.

LEGISLATIVE BODY

Town Meeting

MUNICIPALITY

Town of Sebago, Maine.

OFFICIAL SUBMISSION DATE

The time of submission of a Sketch Plan, Preliminary Plan or Final Plan complete and accompanied by any required fee and all data required by these Standards shall be considered the submission date.

PRELIMINARY PLAN

A Drawing submitted subsequent to the Sketch Plan indicating the layout of the subdivision and additional information as required under Article V of these Standards to be submitted to the Board for its consideration.

RESIDENTIAL DWELLING UNIT

A room or group of rooms designed and equipped exclusively for use as a permanent, seasonal or temporary living quarters for only one family. The term shall include mobile homes.

RESUBDIVISION

The division of an existing subdivision or any change of lot size therein or the relocation of any street or lot in the subdivision.

SKETCH PLAN

The drawings indicating the proposed layout of the subdivision and additional information as required under Article V or these Standards to be submitted to the Board for its consideration.

STREET

A publicly dedicated way accepted by the town or approved by the Planning Board.

SUBDIVISION

A subdivision shall mean a division of a tract or parcel of land as defined in Title 30-A M.R.S.A., Section 4401, or as amended by State Law. The term subdivision shall also include mobile home parks, condominiums, and a lot of 4a0 or more acres shall be counted as a lot.

SUBDIVIDER

Assessed owner or owners of land to be subdivided.

SUBDIVIDERS AGENT

That person who has written authorization to act for the assessed owner or owners of land to be subdivided.

UNUSABLE LAND

An environmentally sensitive area which if disturbed or destroyed, can adversely affect unique ecological balances in the environment. Although specific areas required a case by case analysis, the following factors may be included in the determination of unusable land.

- A. Areas of slope in excess of 25%.
- B. Areas of very poorly drained soils, experiencing year round water within 15 inches of the surface as identified by the most current version of the “Soil Survey; Cumberland County, Maine, Soil Conservation Service”.
- C. Any area identified as a wetland area as identified by the State of Maine in accordance with Title 38 M.R.S.A. § 480.
- D. Any area within the 100 year flood boundary as delineated on the Flood Insurance Rate Map of the National Flood Insurance Program.
- E. Unique wildlife areas as identified in the review process.

ARTICLE IV

GENERAL REQUIREMENTS

SECTION 1

In reviewing applications for the subdivision of land, the Board shall consider the following general requirements. In all instances, the burden of proof shall be upon the person proposing the subdivision.

SECTION 2

Any proposed subdivision shall be reviewed by the Board with respect to its effect upon existing services and facilities. The Final Plan shall include a list of the construction items that will be completed by the developer prior to the sale of lots and the list of construction and maintenance items that must be borne by the Town of Sebago, which shall include, but not be limited to:

- Schools, including busing
- Road maintenance and snow removal
- Police and Fire protection
- Recreation facilities
- Solid waste disposal

The Board shall further require the developer to provide reasonable cost estimates to the town for the above services, and the expected tax revenue of the subdivision.

SECTION 3 RETENTION OF PROPOSED PUBLIC SITES AND OPEN SPACES

1. Depending on the size and location of the subdivision, the Board may required the developed to provide up to ten percent (10%) of his total area for recreation or other town purposes. It is desirable that areas reserved for recreation be a least one acre in size and easily accessible from all lots within the subdivision.
2. Land reserved for park and/or recreational purposes shall be of a character, configuration and location suitable for the particular use intended. A site to be used for active recreation purposes, such as a playground or a playfield, should be relatively level and dry, have a total frontage on one or more streets of at least 200 feet, and have no major dimensions of less then 200 feet. Sites selected primarily for scenic or

passive recreation purposes shall have such access as the Board may deem suitable and shall have no less than twenty-five (25) feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.

3. Where the proposed subdivision is located on a lake, pond, river, or stream, a portion of the waterfront area, when feasible, shall be included in the reserved land.

SECTION 4

The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible.

SECTION 5

Where a subdivision is traversed by a natural water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of such water course and such further width or construction, of both, as will assure that no flooding occurs and all storm water can be disposed of properly, such easement or right of way shall be wide enough to accommodate the situation.

SECTION 6 RESIDENTIAL LOT STANDARDS

1. Lots shall meet or exceed the minimum requirement of 60,000 square feet per residential dwelling unit.
2. If more than one residential dwelling unit is constructed on a single parcel, the minimum lot size requirement shall be met for each dwelling unit.
3. A lot abutting a lake, pond, river or stream shall have a minimum shore frontage of 150 feet, measured in a straight line between the two points of intersection of the side lot lines with the shorelines at normal high water elevation. A lot abutting a street or highway shall have a minimum frontage on said street or highway of 150 feet, measured in a straight line between the two points of intersection of the side lot lines with the sideline of said street or highway.

4. Structures shall not cover more than 20% of any lot.
5. This section shall not apply to any lot which prior to March 15, 1975 was specifically described as an identifiable and separate lot either in the instrument conveying such lot to the then owner or in a valid and enforceable agreement for purchase and sale or was shown on a plan recorded in accordance with the law, prior to March 15, 1975; provided that on and after March 15, 1975 if two or more lots or combination of lots and portions of lots with continuous frontage are in single ownership at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the land involved shall be considered to be an individual parcel for the purpose of this Ordinance and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of parcel be made which leaves remaining and lot width or area below the requirements stated in this Ordinance.
6. This Ordinance shall not apply to any structure in existence and in place on or before November 28, 1977, which then or therefore disposed or wastes by means of subsurface waste disposal, except that no person shall reduce the size of the lot upon which said structure is located to a size or frontage less than allowed by M.R.S.A. Title 12, § 4807-B. No lot shall be comprised or more than 15% unusable land.

SECTION 7 PROCEDURES FOR SUBDIVISION REVIEW

1. An application for subdivision approval shall be submitted on a form prepared by the Board, to the Board at the same time that the Sketch Plan is submitted to the Board.

SECTION 8 RESUBDIVISION

1. There shall be no re-subdivision of any lot for a period for five (5) years from the date of approval of the Final Plan. The developer shall note this restriction on all deeds.

ARTICLE V

SKETCH PLAN

SECTION 1 PROCEDURE

1. In order that the Board may be fully informed about the site and in a knowledgeable position to prescribe the contour interval to be employed on the topographic maps and grading plans for the subdivision, the subdivider shall arrange for a joint inspection of the site with the Board or a committee member, or individual appointed by the Chairman of the Board to act as the Board's representative for such inspection.
2. Prior to the inspection, the subdivider shall submit to the Board for informal discussion, a Sketch Plan together with an Application for Subdivision Approval and other data relative to the proposed subdivision which may be of assistance to the Board in making its determination.
3. The Sketch Plan and application shall be accompanied by a fee of fifteen (\$15.00) dollars payable by check to the Town of Sebago.
4. Upon receiving an application, the Board will issue to the applicant a dated receipt. Within thirty (30) days from receipt of an application, the Board will notify the applicant in writing either that the application is a complete application, or if the application is incomplete the specific additional material needed to make a complete application. After the municipal reviewing authority has determined that a complete application has been filed, it shall notify the applicant and begin its full evaluation of the proposed subdivision.

- (A) The Board will within thirty (30) days of a public hearing or within sixty (60) days of receiving a completed application, if no hearing is held, or within such other time limit as may be otherwise mutually agreed to, issue an order denying or granting approval upon such terms and conditions as it may deem advisable to satisfy the “Guidelines” listed in the Ordinance and to satisfy any other regulations adopted by the Board, and to protect and preserve the public’s health, safety and general welfare. In all instances the burden of proof shall be upon the person proposing the subdivisions. In issuing its decision, the Board will make findings of fact establishing that the proposed subdivision does or does not meet the foregoing criteria.
5. Within thirty (30) days from the receipt of the Sketch Plan, the Board will notify the applicant in writing either that the Sketch Plan is complete or if the Sketch Plan is incomplete, the specific additional material needed to make a complete Sketch Plan.

SECTION 2 SUBMISSIONS

1. The Sketch Plan shall show, in simple sketch form, neatly done, on a topographic map, the proposed layout of streets and lots. The Sketch Plan shall include the existing topographic data listed below, and all other data as the Board determines is necessary for its consideration of the proposed Sketch Plan.
- 1.1 If the proposed subdivision is a portion of a larger tract then the boundary lines of the larger tract must be shown.
 - 1.2 Easements- location, width and purpose.
 - 1.3 Streets adjacent to the proposed subdivision showing right of way width, location and name.
 - 1.4 Gutters, culverts and other underground structures within the tract and immediately adjoining thereto.
 - 1.5 Existing utilities on and adjacent to the tract.
 - (a) Electric and telephone poles
 - (b) Location and size of any proposed community Sewage disposal system
 - (c) Location of any proposed community water system and location of water main.
 - (d) Type of land use on and adjacent to the tract.
 - 1.6 Proposed name of the subdivision or identifying title.
 - 1.7 The date, north point, map scale, name and address of record owner and subdivider, and the names of adjoining property owners.

1.8 The Sketch Plan shall be drawn to a scale of not less than one inch equals 100 feet nor greater than one inch equals 400 feet. AT least three copies shall be provided: one for the subdivider, and two for the Planning Board.

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

2.1 Data on existing covenants.

2.2 Information describing the subdivision proposal such as:

(a) Price range

(b) Business areas

(c) Proposed restrictions and conditions to be incorporated in the deed or otherwise recorded.

ARTICLE VI

PRELIMINARY PLAN

SECTION 1 PROCEDURE

1. Within six (6) months after receipt of a completed Sketch Plan by the Board, the subdivider shall submit a preliminary plan for the subdivision. Failure to do so shall require re-submission of the Sketch Plan to the Board of Review. The preliminary plan shall conform to the layout shown on the Sketch Plan plus any recommendation made by the Board.
2. The preliminary plan shall be accompanied by a fee of fifteen (\$15.00) dollars plus five (\$5.00) per lot for five (\$5.00) dollars per acre, whichever results in the larger fee, payable by check to the Town of Sebago, stating the specific purpose of the fee. In addition, the applicant shall pay a fee of one hundred (\$100.00) per lot or dwelling unit to be deposited in an account by the Town. The review account funds shall be used by the Board to pay for profession reviews and advice relating to the developer's application. Whenever the balance in this special account shall be depleted by 75%, the Board shall notify the applicant of the expenditures and require an additional \$10.00 per lot or dwelling unit to be deposited as necessary. Until this balance is replenished, the Board shall take no further action on the subdivision. Any balance in the account remaining after the Planning Board renders its final decision on the application shall be returned to the applicant.
3. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the preliminary plan.
4. Within sixty (60) days after formal submission of a preliminary plan, the Board shall take action to give preliminary approval with or without modifications, or disapprove such preliminary plan. The reasons of any modification required or the grounds for any disapproval shall be stated upon the records of the Board and copy will be provided to the subdivider.

5. The Board shall hold a public hearing with thirty (30) days of receipt of the preliminary plan, and shall cause notice of the date, time and place of such hearing to be given to the subdivider or his agent, and to be published in a newspaper of general circulation in the municipality in which the subdivision is a proposed to be located, at least two times, the date of the first publication to be at least seven (7) days before the hearing, the Town Clerk shall give notice by mail of the public hearing to all owners of land abutting the proposed subdivision. Failure to receive this notice shall not invalidate the proceedings herein prescribed. The owners of the properties to be notified shall be considered to be the parties listed by the Board of Assessors as those against whom taxes are assessed. The notification shall describe the subject matter of the public hearing.

6. When granting approval to a preliminary plan the Board shall state the conditions of such approval, if any with respect to:
 - 6.1 The specific changes which it will require in the Final Plan.
 - 6.2 The character and extent of the required improvements for which waivers may have been requested and which, in its opinion, may be waived without jeopardy to the public health, safety and general welfare.
 - 6.3 The amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the final subdivision plan. The decision of the Board, plus any conditions imposed shall be noted on three (3) copies of the preliminary plan by the Chairman of the Board in black ink. One copy shall be returned to the subdivider and the remaining two copies retained by the Board.

7. Approval of a preliminary plan shall not constitute approval of the Final Plan, but rather it shall be deemed as an expression of approval of the design submitted on the preliminary plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Board upon fulfillment of the requirements of these Standards and the conditions of the preliminary approval, if any. Prior to approval of the final subdivision plan, the Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at a public hearing.

SECTION 2 SUBMISSIONS

1. Location Map.

The preliminary plan shall be accompanied by a location map drawn at a scale of not over four hundred (400) feet to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The location map shall show:

- 1.1 All the area within one hundred (100) feet of any property line of the proposed subdivision showing:
 - a. All existing subdivision and approximate tract lines of acreage parcels together with names of the record owners of all parcels of land within such area.
 - b. The boundaries and designations of parks and other public spaces
 - c. An outline of the proposed subdivision together with its street system and an indication of the future probable street system of the remaining portion of the tract, if the preliminary plan submitted covers only part of the subdivider's entire holding.

2. Preliminary Plan

The preliminary subdivision plan shall be submitted four (4) copies of each map or drawing, which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to a scale of not more than one hundred (100) feet to the inch (preferably forty (40) to the inch), showing or accompanied by the following information:

- 2.1 All existing information provided as part of the Sketch Plan.
- 2.2 Number of acres within the proposed subdivision.
- 2.3 Proposed lot lines with approximate dimensions, lot numbers, areas in square feet and suggested locations of buildings.
- 2.4 Proposed easements and existing watercourses and proposed watercourses.
- 2.5 Contour lines at intervals of not more than five (5) feet or at such other intervals as the Board may require.
- 2.6 Typical cross sections of the proposed grading for roadway including width, type of pavement, elevations and grades.
- 2.7 Connections with existing or proposed water supply or alternative means of providing water supply to the proposed subdivision.

- 2.8 Connection with existing or proposed sanitary sewerage system or alternative means of treatment and disposal proposed.
- 2.9 If a private sewage disposal system is proposed, location and results of tests to ascertain sub-surface soil and ground water conditions, depth to maximum ground water level, location and results of soil test. Location of test pits for subsurface wastewater disposal systems shall be dug in the area where this system would most likely be placed. At the option of the Board, and alternate test pit may be required.
- 2.10 Provisions for a drainage plan and certification by a professional engineer that the change in hydrologic conditions will not cause site flood damage to public or private property.
- 2.11 Preliminary designs of any bridges or culverts which may be required.
- 2.12 The location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field.
- 2.13 All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- 2.14 The location of all natural features or site elements to be preserved.
- 2.15 A soils report identifying the soils boundaries and name in proposed subdivision with the soils information superimposed upon the plot plan in accordance with the USDA Soil Conservation Service National Cooperative Soil Classification. A lot by lot soils suitability determination for house building with septic sewage disposal or, of appropriate, house building with public sewage disposal, shall be made in accord with the Soil suitability Guide for Land Use Planning in Maine and will accompany the plot plan soils study.
- 2.16 A soil erosion and sediment control plan shall be prepared containing the endorsement of the Cumberland County Soil and Water Conservation Commission.
- 2.17 Certification by a registered professional engineer that all survey, deed and supporting information accurately reflects the true conditions existing on the proposed subdivision.

ARTICLE VII

FINAL PLAN

SECTION 1 PROCEDURE

1. The subdivider shall, within six (6) months after the approval of the preliminary plan, file with the Board an application for approval of the final subdivision plan in the form described herein. If the Final Plan is not submitted to the Board within six (6) months after the approval of the preliminary plan, the Board may refuse without prejudice to act on the Final Plan and require re submission of the preliminary plan. All applications for Final Plan approval for subdivisions shall be accompanied by a fee of fifteen (\$15.00) dollars plus five (\$5.00) dollars per lot or five (\$5.00) dollars per acre, whichever results in the larger fee, payable by check to the Town of Sebago.
2. If the proposed subdivision:
 - 2.1 Occupies a land area in excess of ten (10) acres;
 - 2.2 Involves a structure or structures, having in excess of sixty thousand (60,000) square feet of ground area coverage;
 - 2.3 Requires a license from the Environmental Protection Agency under some other regulation such as waste discharge or air quality; or
 - 2.4 In any other way falls within the jurisdiction of and is subject to review by the State of Maine Environmental Protection Agency;

The approval of the State of Maine Environmental Protection Agency shall be secured in writing before official submission of the Final Plan.

3. Water supply system proposals contained in the subdivision plan shall be approved in writing by:
 - 3.1 The servicing water department if existing or proposed public water service is to be used, or
 - 3.2 The State of Maine Department of Health and Welfare if the subdivider proposes to provide central water supply system, or
 - 3.3 A civil engineer registered in the State of Maine if individual wells serving each building site are to be used. The Board may also require the subdivider to submit the results of water quality tests as performed by the State of Maine Department of Health and Welfare.

Such approval shall be secured before official submission of the Final Plan.

4. Sewage disposal system proposals contained in the subdivision plan shall be properly endorsed and approval in writing by:
 - 4.1 The servicing Sanitary Sewer District if existing or proposed public disposal systems are to be used, or
 - 4.2 The State of Maine Department of Health and welfare if a separate central sewage collection and treatment system is to be utilized.
 - 4.3 The local plumbing inspector if individual septic tanks are to be installed by the builder.

Such approval shall be secured before official submission of the Final Plan.

5. The Board shall, within forty-five (45) days from the date of submission, approve, modify and approve, or disapprove the Final Plan. The reasons for any modification required or the grounds for disapproval shall be stated upon the records of the Board.

SECTION 2-SUBMISSION

1. The Final Plan shall be submitted with the cloth original and four (4) copies (including one sepia print), of each map or drawing, together with two (2) copies of any attachments required for approval. All maps and drawings shall be printed or reproduced in the same manner as the preliminary plan. Space shall be reserved thereon for endorsement by all appropriate agencies. The Chairman of the Board shall be notified by letter at least fifteen (15) days before submission of the Final Plan. The Final Plan shall show:
 - 1.1 All of the information presented on the preliminary plan, location map and any amendments thereto suggested or required by the Board.
 - 1.2 The name, registration number and seal of the land surveyor or engineer or planning consultant who prepared the plan.
 - 1.3 Street names and pedestrian ways.
 - 1.4 Sufficient data to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Parting lines of all lands adjoining the subdivision shall be shown.
 - 1.5 The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearing for each street.
 - 1.6 Lots within the subdivision numbered as prescribed by the Board.

- 1.7 By proper designation, all public open space for which offers of cession are made by the subdivider and those spaces to which title is reserved by him.
 - 1.8 Permanent reference monuments shown thus: "X". They shall be constructed and placed in accordance with specifications herein, and their location noted and referenced upon the Final Plan.
 - 1.9 The plan shall indicated the proposed landscaping program of the subdivider.
2. There shall be submitted to the Board with the Final Plan:
 - 2.1 Written offers of cession to the Town of Sebago of all public open space shown on the plan, and copies of agreements or other documents showing the manner in which spaces, title to which is reserved by the subdivider, are to maintained.
 - 2.2 Written offer to convey to the Town of Sebago the right title and interest of the subdivider in all streets and ways as delineated on said Final Plan.
 - 2.3 Written statement of covenants, restrictions and conditions to be incorporated in any deed or separate instrument to be recorded in the Cumberland County Registry of Deeds, having reference to any conveyance of land as delineated on said Final Plan by the subdivider.
 - 2.4 Required recordings in the Registry shall be made by the Secretary of the Board at the expense of the subdivider.

SECTION 3 FINAL APPROVAL AND FILING

1. Upon completion of the requirements as set forth in Articles V and VI the Board shall have the option under the guidelines of the Ordinance, of approving the Final Plan in its entirety or a portion of the Final Plan. The cloth original of the Final Plan approved shall be properly signed by a majority of the members of the Board, using black ink.
2. In the event the Board exercises its option to approve only a portion of lots, the Board may permit the plan to be divided into one or more sections subject to any conditions of the plan. In this event, each section shall be considered an individual Final Plan. In these circumstances, application for Final Plan approval on the remaining sections of the plan must be made with two (2) years of approval of the first section or a period of time mutually agreed to by the Board and the subdivider.

3. As each Final Plan has the approval entered upon it, one (1) copy of the plan shall be returned to the subdivider. The original and three (3) signed copies including the sepia copy shall be retained by the Board, two (2) copies of which shall be maintained in the subdivision plan file and the third copy given to the Town Clerk. The original plan shall then be filed by the Secretary of the Board with the Cumberland County Registry of Deeds.

SECTION 4 PLAN REVISIONS AFTER APPROVAL

1. 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 plan is first re-submitted and the Board approves any modification. In the event that a Final Plan is recorded without complying with requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the plan stricken from the records of Selectmen and the Cumberland County Registry of Deeds.

SECTION 5 PUBLIC ACCEPTANCE OF STREETS, RECREATION AREAS.

1. The approval of the Board of the subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the Town of Sebago, Maine, of any street, easement, park, playground or other open space shown of said plan.

ARTICE VIII

PERFORMANCE GUARANTEES

SECTION 1

The subdivider shall, in any amount set by the Board, file with the Town Clerk prior to the approval of the Final Plan, a performance guarantee in the form of a certified check payable to the Town of Sebago or a irrevocable letter of credit running to the Town of Sebago to cover the full costs of required improvements. Any such letter shall be satisfactory to the Board as to form, sufficiency, manner of execution and surety. The certified check or bond shall include an amount required for recreation land or improvements as specified.

SECTION 2

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

SECTION 3 INSPECTION OF REQUIRED IMPROVMENTS

1. At least fourteen (14) days prior to commencing construction of required improvements, the subdivider shall notify in writing the Board of time when he proposes to commence construction of such improvements so that the Board can cause inspection to be made to assure that all specifications and requirements shall be met during the construction of the required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.
2. At least five (5) days prior to commencing construction of required improvements the subdivider shall:
 - (A) Pay an inspection fee equal to the estimated cost of inspection by an engineer appointed by the Board payable by check to the Town of Sebago stating the purpose of the fee. If actually cost exceeds estimated costs, subdivider sill pay this difference at completion of project. If actual cost is less than the fee deposited by the subdivider, this difference will be returned to the subdivider at the completion of the project.
3. If the inspector shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with

- plans and specifications filed by the subdivider, he shall so report to the Board. The Board shall then notify the subdivider and if necessary, the bonding company and take all necessary steps to preserve the municipality's rights under the bond. No plan shall be approved by the Board as long as the subdivider is in default on a previously approved plan.
4. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the inspector that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the inspector may, upon written approval of the Board, authorize modifications, provided these modifications are within the spirit and intent of the Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The inspector shall issue an authorization under this section in writing and shall transmit a copy of such authorization to the Board at its next regular meeting.
 5. If substantial construction of at least 10% of the estimated cost has not begun within town years from the approval date, the approval shall lapse and the applicant shall re apply to the Board for a new approval. Re-application for approval shall state the reasons why construction was not begun and the reasons why the applicant will be able to begin the activity within two years from the granting of a new approval, if granted. Re application for approval may include information submitted in the initial application by reference.

SECTION 4

Before the Board votes to release any guarantee of the subdivider there under, the Board shall determine that the subdivision requirements have been fulfilled. Such determination shall be a written certification presented to the Board from the following:

1. Registered land surveyor-acceptable to the Board and the subdivider, and paid for by the subdivider, that all permanent bounds or monuments on street lines and on lot lines (if such monuments are required) have been installed and are accurately in place in the location designated on the Final Plan.
2. Engineer representing the Board that the work has been completed in conformance with the Final Plan specifications and requirements.

ARTICLE IX

DESIGN STANDARDS AND SPECIFICATIONS

SECTION 1 MONUMENTS

1. Concrete monuments 4" in diameter or square, 3' long with a flat top shall be set at all street corners, at all points where the street line intersects the exterior of the subdivision, at angle points and points of curves in each street and at all corners and angle points of the subdivision boundaries. The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade.
2. All other lot corners shall be marked with an iron pipe not less than 3/4" in diameter and 24" long and driven so as to be flush with the finished grade.

SECTION 2 STREET SIGNS

1. Streets which join or are alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality and shall be subject to the approval of the Board.
2. Street name signs shall be furnished and installed by the subdivider. The type, size and location shall be to the approval of the Board.

SECTION 3 STREETS

1. Classification. In accordance with the Comprehensive Development Plan for the Town of Sebago and for the purposes of these Standards, streets are classified by function, as follows:
 - (1) Major Streets
 - (a) Arterial Streets-serve primarily as major traffic ways for travel between and through town
 - (b) Collector Streets-serve as feeder streets to arterial streets, as collectors of traffic from minor streets, and for circulation and access in commercial and industrial areas.
 - (2) Minor Streets

(a) Local streets which are used primarily for access to abutting residential, commercial or industrial properties.

2. Layout

- 2.1 Proposed streets shall conform, as far as practical to the requirements of these Standards.
- 2.2 All streets in the subdivision shall be so designed that, in the opinion of the Board, they shall provide safe vehicular travel while discouraging movement of through traffic.
- 2.3 The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing or planned streets, to topographical conditions, to public convenience and safety, and their appropriate relation to the proposed use of the land to be served by such streets. Grades of streets shall conform as closely as possible to the original topography within the limits of these Standards.
- 2.4 Adequate off-street parking, suitable surfaced, shall be provided in connection with lots designed for commercial use.
- 2.5 Subdivisions containing twenty (20) lots or more or having area in excess of thirty-five (35) acres shall have at least two (2) street connections with existing public streets for streets on an approved subdivision plan for which a bond has been filed.
- 2.6 Street and driveway entrances onto existing or proposed collector streets shall not exceed a frequency of one per four hundred (400) feet of street frontage. Driveway and street entrances onto existing or proposed arterial streets shall not exceed a frequency of one per one thousand (1000) feet of street frontage.
- 2.7 Minor streets in the subdivision shall be so laid out that their use by through traffic shall be discouraged.

3. Design and Construction Standards.

- 3.1 All streets in a subdivision shall be designed and constructed to meet the following Standards for streets according to their classification as determined by the Board.
- 3.2 Grades of all streets shall conform in general to the terrain, and shall not be less than one-half (1/2) of one

- percent nor more than 6% for collector streets, or 8% for minor streets in residential subdivisions, but in no case more than 3% within fifty (50) feet of any intersection.
- 3.3 All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Board so that clear visibility shall be provided for a distance of two hundred (200) feet.
 - 3.4 Intersections of streets shall be at angles as close to ninety (90) degrees as possible and in no case shall two (2) streets intersect as an angle smaller than sixty (60) degrees. To this end where one street approaches another between 60-90 degrees, the former street should be curved approaching the intersection.
 - 3.5 Cross street intersections (four-cornered) shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A distance of at least two hundred (200) feet shall be maintained between center lines of offset intersecting streets.
 - 3.6 Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrian and vehicular traffic. If directed, ground shall be excavated to achieve visibility.
 - 3.7 A dead-end street or cul-de-sac shall not exceed 600 feet in length and shall be provided with a suitable turn-around at the closed end having a minimum outside curb radius of sixty-five (65) feet.
 - 3.8 All streets shall be provided with adequate drainage facilities to provide for the removal of storm water to prevent flooding of the pavement and erosion of adjacent surfaces.
 - 3.9 Side slopes in cuts or fills shall not be steeper than three (3) feet horizontal and one (1) foot vertical, graded, loamed (2" to 4" compacted) as directed by the engineer appointed by the Board and seeded as required.
 - 3.10 Streets shall be rough graded to the full width of the right-of-way.
 - 3.11 All roadways within the subdivision shall be constructed according to road specifications herein contained overseen by the engineer appointed by the Board.

DESIGN AND CONSTRUCTION STANDARDS FOR STREETS

ITEM	COLLECTOR STREET	MINOR STREET
Minimum Width Right of Way	60'	60'
Minimum Width of Pavement	22'	20'
Minimum Grade	.5%	.5%
Maximum Grade	6%	6%
Maximum Grade at Intersections	3% within 50' of intersection	
Width of Shoulders	6'	4'
Minimum Center-Line Radii on Curves	200'	200'
Road Base (minimum)	20"	20"
Upper Base (minimum)	4"	2"
Bituminous Paving (by MDOT specifications)	2 1/2"	2"
Road Crown (Minimum)	4'	4'
Sidewalks		
Width (minimum)	4'	4'
Base Course-gravel	8"	8"
Surface-Bituminous hot top	2"	2"
Dead-End or Cul-De-Sac streets	Width	60'
	Length	600'
Radii of turn-around	65'	

SECTION 4 SIDEWALKS

1. The Board may require the subdivider to install sidewalks at such locations as the Board may deem necessary. In the event the subdivider is required to install sidewalks, the installation shall be done at the subdivider's expense.

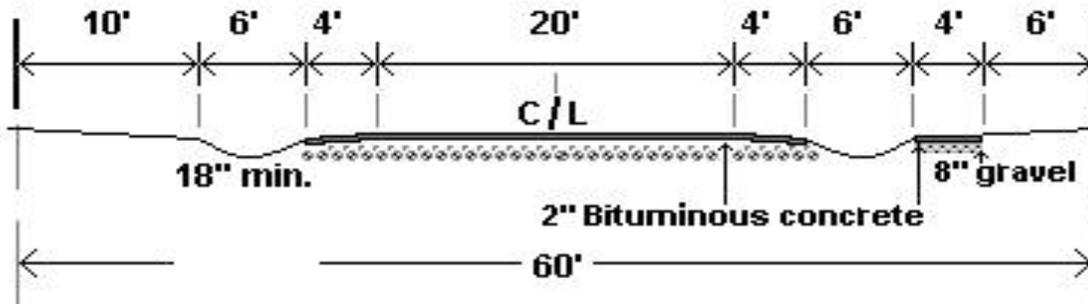
SECTION 5 SURFACE DRAINAGE

1. Where a subdivision is traversed by a watercourse, drainage way or future sewer line or where the Board feels that surface water drainage to be created by the subdivision should be controlled for the protection of the subdivision and owners of property abutting it, there shall be provided an easement or drainage right-of-way and culverts, catch basins or other means of channeling surface water within such subdivision and over the property of owners abutting upon it, of such nature, width and location as the Board deems adequate.
2. Topsoil shall be considered part of the subdivision. Except for surplus topsoil from roads, parking areas and building excavations, it is not to be removed from the site.
3. Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. The Board may require a developer to take measures to correct and prevent soil erosion in the proposed subdivision.

ROAD DESIGN STANDARDS

Minumum Requirements

Minor Streets



WITHOUT SIDEWALKS

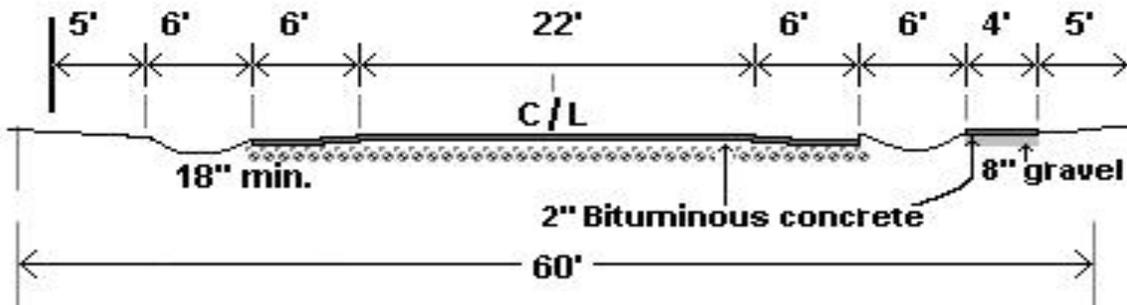
WITH SIDEWALKS

Roads must have a lower base of 20 inches of gravel
with a top base of 2 inches of crushed gravel.

Sidewalks must have a base of 8 inches of gravel.

4 foot road shoulders must slope 1/4" per foot

Collector Streets



WITHOUT SIDEWALKS

WITH SIDEWALKS

Roads must have a lower base of 20 inches of gravel
with a top base of 4 inches of crushed gravel.

Sidewalks must have a base of 8 inches of gravel.

6 foot road shoulders must slope 1/4" per foot

ARTICLE X
ENFORCEMENT

SECTION 1

No person, firm, corporation or other legal entity may convey, offer or agree to convey and land in a subdivision which has not been approved by the Board and recorded in the Cumberland County Registry of Deeds

SECTION 2

Any person, firm, corporation or other legal entity who conveys, advertises for sale, offers or agrees to convey and land in a subdivision which has not been approved as required by this section shall be punished by a fine of not more than one thousand (\$1,000.00) dollars for each such conveyance, advertisement for sale, offering or agreement. The Town of Sebago or the Board of Selectmen may institute proceedings to enjoin the violation of this section, and take corrective action or actions as needed within a specified time agreed to by the Board. Failure constitutes a new violation.

SECTION 3

No public utility, water district sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Board.

SECTION 4

Not only is making a subdivision without Board approval a violation of law, but also within such a subdivision is grading or construction of roads, grading or land or lots, or construction of buildings until such time as a Final Plan of such subdivision shall have been duly prepared, submitted, approved and endorsed as provided in these Standards, and until the original copy of the Final Plan so approved and endorsed has been duly recorded in the Cumberland County Registry of Deeds.

SECTION 5

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

SECTION 6

Whenever the requirements of this Ordinance are inconsistent with the requirements of any other Ordinance, Code or Statute, the more restrictive requirements shall apply.

VARIANCES AND LEGAL PROVISIONS

SECTION 1

Where the Planning Board finds that extraordinary and unnecessary hardships, not self-imposed, may result from strict compliance with these regulations, or where there are special circumstances of a particular Plan, it may waive any of these regulations provided that such waiver will not have the effect of nullifying the purpose of these regulations, the Comprehensive Plan, the Shoreland Zoning Ordinance, or any other ordinance.

SECTION 2

In granting any waiver, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirement so waived.

SECTION 3

An appeal of any order or denial made by the Board may be filed by any party within fifteen (15) days from the date of the order or denial, with the Board of Appeals, setting forth specifically the grounds for said appeal. Further recourse may be obtained by appeal to the Superior Court in accordance with Rule 80B.

SECTION 4

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

SECTION 5

Should any section or provision of these regulations be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of these regulations, and to this end, the provisions of these regulations are hereby declared to be severable.

SECTION 6

These regulations may be amended by the Planning Board after a public hearing.

SECTION 7

These Standards are effective November 28, 1977.