

## Chapter 103

### SUBDIVISION ORDINANCE DAMARISCOTTA, MAINE

#### *(Notes and Explanations)*

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Amended February 15, 2023  
Revised & replaced June 12, 2019  
Amended June 11, 2014  
Effective Date: May 27, 1989

### §103.1 AUTHORITY

- A. This Ordinance has been prepared in accordance with the provisions of the Maine Revised Statutes Amended, Title 30-A, §§ 4401-4407 and all amendments thereto.
- B. This Ordinance shall be known and may be cited as "**Subdivision Ordinance of the Town of Damariscotta, Maine.**"

### §103.2 PURPOSE

The purpose of this Ordinance 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 Damariscotta, Maine, the Planning Board shall evaluate the proposed subdivision, using the following criteria:

*(Note – the following are the subdivision review criteria mandated by state statute. The submission requirements and review standards presented in this ordinance are designed to provide the necessary information for the Board to make findings that these criteria have, or have not, been met).*

- A. Will not result in undue water or air pollution. In making this determination, the Planning Board shall at least consider:
  - 1. The elevation of the land and its relation to flood plains;
  - 2. The nature of soils and subsoils and their ability to adequately support waste disposal;
  - 3. The slope of the land and its effects on effluents;
  - 4. The availability of streams for disposal of effluents; and
  - 5. 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 the use of highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section
- F. Will provide for adequate solid and sewage waste disposal;
- G. Will not cause an unreasonable burden on the ability of the Town of Damariscotta to dispose of solid waste and sewage with respect to the use of municipal facilities existing or proposed;

- H. Will not place an unreasonable burden on the ability of the Town of Damariscotta to provide municipal or governmental services;
- I. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the Town of Damariscotta or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;
- J. Is in conformance with the subdivision ordinance, comprehensive plan, zoning ordinance, floodplain management ordinance or other duly adopted town ordinance or regulation. In making this determination, the municipal review authority may interpret these ordinances and plans;
- K. The subdivider has adequate financial and technical capacity to meet the required standards;
- L. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in the Mandatory Shoreland Zoning, Act Title 38, chapter 3, subchapter 1, article 2-B, the proposed subdivision will not adversely affect the quality of water or unreasonably affect the shoreline of that body of water.
  - 1. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.
    - i. To avoid circumventing the intent of this provision, if a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extend to the shore.
    - ii. The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 38, chapter 3, subchapter I, article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of section 440 I, subsection 1, on September 23, 1983;
- M. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater and aquifers;
- N. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;
- O. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands;

- P. Any river, stream, or brook, as defined in the Natural Resources Protection Act, Title 38, Section 480-B, within or abutting the subdivision has been identified on any maps submitted as part of the application;
- Q. The subdivision will provide for adequate storm water management;
- R. If any lots in the proposed subdivision have shore frontage on a river, stream, brook or great pond as defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;
- S. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorous concentration during the construction phase and life of the proposed subdivision;
- T. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or be unsafe with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
- U. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority's request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a licensed forester.

For the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12, section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership. This subsection takes effect on the effective date of rules adopted pursuant to Title 12, section 8869, subsection 14.



### §103.3 APPLICABILITY

This ordinance shall apply to all subdivisions as defined in MRSA Title 30-A §4401.4 as amended.

### §103.4 DEFINITIONS

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:

Antenna - A device for radiating or receiving radio waves and which is situated on a permanent foundation.

Affordable Housing - Housing is affordable when the percentage of income a household is charged in rent and other housing expenses or must pay in monthly mortgage payments (including condominium/HOA fees, mortgage insurance, other insurance and real estate taxes), does not exceed 30% of the median household income in Lincoln County as presented in the latest publications of the American Community Survey or the U.S. Census Bureau.

Buildable Land - That land in a parcel which is left over after all deductions made under the Net Residential area or acreage calculations have been made.

*(Buildable land and net residential area, below, are common in Maine. They could have the effect in some cases of reducing the number of lots from a given parcel because they require that land within lots be actually developable rather than mostly wetlands, floodplains, steep slopes, etc., with a small area for a house.)*

Central Sewage System - A wastewater disposal system that receives wastewater from two or more structures. A "centralized" system may have a private sewer collection system flowing into a larger septic tank or it may have building drains flowing into individual smaller septic tanks. The wastewater, after receiving primary treatment in the septic tank or tanks may be pumped or gravity fed to a single subsurface disposal field or several fields on a common land area.

Common Open Space - Land within or related to a subdivision, not individually owned or within an individual lot, which is designed and intended for the common use or enjoyment of the residents of the development or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the open space, such as for outdoor recreation, or individual or common wells or septic systems if approved by the Planning Board.

Complete Application - An application shall be considered complete upon submission of the required fee and all information required by these regulations unless waived, after the applicant's written request, by a vote by the Board. The Board shall issue a written statement to the applicant upon its determination that an application is complete.

Comprehensive Plan - Any part or element of the overall plan and policy for development of the Town of Damariscotta, Maine, as defined in the Maine Revised Statutes Amended, Title 30-A, § 4314 and all amendments and revisions thereto.

Conservation Easement - A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

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

Driveway - Access route or right-of-way to any single-family dwelling or to a duplex, triplex or fourplex building except where such buildings are developed as part of a larger subdivision.

Easement - The authorization of a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Engineer - Consulting engineer licensed by the State of Maine.

Final Subdivision Plan -The final drawings, on which the subdivider's plan of the subdivision is presented to the Board for approval and which, if approved, shall be filed for record with the Town and the Lincoln County Registry of Deeds.

Legislative Body - Town Meeting, Municipality, Town of Damariscotta, Maine.

Level of Service - A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the Highway Capacity Manual, most recent edition, published by the National Academy of Sciences, Transportation Research Board. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

Net Residential Area or Acreage - The area of a parcel, which is suitable for development as determined by the Planning Board, shall be calculated by subtracting the following from the total or gross acreage of a parcel:

1. Total acreage that is used for street and sidewalk rights-of-way.
2. Portions of the parcel containing slopes over thirty-five (35) percent.
3. Portions of the parcel shown to be within the 100-year flood plain and floodway as designated on Federal Emergency Management Agency (FEMA) maps.
4. Portions of the parcel located in the Resource Protection District.
5. Portions of the parcel which are unsuitable for development in their natural state due to drainage or subsoil conditions, including, but not limited to:
  - 5.1 Water table at or near the surface for all or part of the year.
  - 5.2 Unstable soils such as Searsport Mucky Peat.
6. Portions of the parcel covered by surface waterbodies. Where the extent of unsuitability in a specific case requires interpretation, the Planning Board shall be guided by whether or not the potentially

unsuitable area could be incorporated and used in parcel if the entire tract were developed as a traditional minimum size subdivision.

Net Residential Density - Net Residential Density shall mean the number of units per net residential acre.

Open Space - Land set aside for passive and/or active use, including recreation purposes, preservation of environmentally sensitive areas, undevelopable land and buffers.

Official Submittal Date - The time of submission of a Pre-application Plan, Preliminary Plan or Final Plan shall be considered the submission date of the application for such plan approval to the Board, complete and accompanied by any required fee and all data required by these Standards.

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

Planning Board - The Planning Board of the Town of Damariscotta, Maine created under Title 30-A § 3001 of the Maine Revised Statutes, as amended.

Preliminary Subdivision Plan - The preliminary drawing indicating the proposed layout of the subdivisions to be submitted to the Board for its consideration.

Resubdivision - The division of an existing subdivision.

Sand and Gravel Aquifer - Areas identified on sand and gravel aquifer maps published by the Maine Geological Survey which are favorable for the development of ground water supplies from sand and gravel deposits.

Sidewalk - A paved way for pedestrian traffic, which is, constructed parallel to a road.

Sight Distance - The length of unobstructed sight line of motor vehicle drivers in normal daylight conditions. Sight distance is measured from the perspective of a hypothetical person seated in a vehicle from three vantage points: (1) sitting in the access viewing vehicles traveling on the highway (both left and right), (2) traveling on the highway viewing a vehicle sitting in an access and (3) traveling on the highway viewing a vehicle turning into the access (both ahead and behind). In case of discrepancy between these measurements, the lesser measurement will be used to determine whether the sight distance standard is met. Sight distance is measured to and from the point on the centerline of the proposed access that is located 10 feet from the edge of traveled way. The height of the hypothetical person's view is considered to be 3½ feet above the pavement and the height of the object being viewed is considered to be 4¼ feet above the pavement.

Significant Tree – Trees having a diameter at breast height (DBH) of 30 inches or greater, or any trees which are located in shoreland areas (those areas within 250 feet of the normal high-water line of any great pond, river or saltwater body, within 250 of the upland edge of a coastal wetland, within 250 feet of the upland edge of a freshwater wetland, or within 75 feet of the high-water line of a

stream).

Street - The word "street" means and includes such ways as alleys, avenues, boulevards, highways, roads, streets and other rights-of-way. The term "street" shall also apply to areas on subdivision plans designated as "streets", etc.

Street Classification -

Arterial Street: A major thoroughfare which serves as a major traffic way for travel between and through the municipality.

Collector Street: A street with average daily traffic of 200 vehicles per day or greater, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.

Cul-de-sac: A street with only one outlet and having the other end for the reversal of traffic movement.

Minor Residential Street: A street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.

Private Right-of-Way: A minor residential street servicing no more than eight dwelling units, which is not intended to be dedicated as a public way.

Structure - Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind. For the purposes of this Ordinance, fences and structures such as doghouses, treehouses designed for children's use and bus shelters shall not be considered structures. Antennas shall be considered structures.

Subdivision - The division of a tract or parcel of land as defined in Title 30-A § 4401 et. seq., as amended.

Subdivision, Major -A subdivision containing more than four (4) lots or dwelling units, or units in a commercial development or any subdivision containing a proposed street.

Subdivision, Minor – A subdivision containing not more than four (4) lots or dwelling units, or units in a commercial development.

*(The threshold for major/minor subdivisions of 4 lots is common. Also, note that any subdivision with a proposed street or street extension is a major subdivision.)*



## §103.5 PREAPPLICATION AND APPLICATION PROCEDURES

*(This ordinance envisions a three-step process – preapplication, or sketch plan, preliminary plan and final plan. Most of the work is done in the preliminary plan phase with the final plan being little more than a final review and signature)*

### A. Preapplication Procedure for Major and Minor Subdivisions

1. The subdivider shall submit for informal discussion a Sketch Plan (as further described in subsection B1 below) and any other data relative to the proposed subdivision, which may be of assistance to the Board in making its determination.
2. The Sketch Plan shall be submitted to the Town Planner at least fifteen (15) days prior to the Planning Board meeting during which the subdivider wishes to be heard. If the agenda for said meeting is full, the Sketch Plan will be placed on the agenda for the next regularly scheduled meeting.
2. At said meeting, the Planning Board and the subdivider shall arrange for a joint inspection of the site. Said joint inspection shall be posted on an agenda and made available in the same way that regular Planning Board meetings are.

*(This is important for any size subdivision and it needs to be attended by all Board members if possible. The site visit cannot be delegated to a subcommittee of the Board).*

4. Within fifteen (15) days after the site inspection, the Town Planner shall communicate in writing minutes of the Preapplication meeting and site walk, which shall be intended to guide the applicant through their subsequent submissions. Feedback provided by the Board at this time is non-binding.
5. Rights not vested. The sketch plan meeting, the submittal or review of the sketch plan or the on-site inspection shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title I M.R.S.A., §302.

### B. Preapplication Submissions

1. The Sketch Plan shall show, in simple sketch form, neatly done and to scale the proposed layout of streets, lots and other features in relation to existing conditions. The Sketch Plan shall include the information listed below unless the Planning Board determines that one or more submissions are not applicable.

*(The sketch plan does not necessarily have to be prepared by a professional by if it is prepared by a layman, it needs to be reasonably accurate and representative of actual conditions. Upon written request of the applicant, the Board may vote to waive one or more of the following submissions that are determined to be inapplicable or may not be reasonably available at the preapplication stage of the proposed subdivision.)*

1.1 Boundary lines

1.2 Easements - location, width and purpose.

1.3 Streets on and adjacent to the tract-name and right-of-way width and location.



- 1.4 Walks, curbs, gutters, culverts and other known and located underground structures within the tract and immediately adjacent thereto.
- 1.5 Existing utilities on and adjacent to the tract.
  - i. Location and size of all proposed and existing sewers and water mains.
  - ii. Location of fire hydrants, electric and telephone poles.
  - iii. Street lights.
  - iv. If proposed, and/or existing water mains or sewers are not on or adjacent to the tract, indicate the distance to and size of nearest ones.
- 1.6 Soil test data adequate to show that the subsurface soil conditions on the tract will accommodate the proposed development.
1. Type of land use on and adjacent to the tract.
- 1.8 Proposed name of the subdivision or identifying title. This name shall not duplicate or closely resemble the name of a subdivision already existing or proposed in the Town.
- 1.9 The date, north point, graphic map scale, name and address of record owner and subdivider, and the names of adjoining property owners.
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 A medium intensity standard soil survey.
  - 2.3 Available community facilities and utilities.
  - 2.4 Information describing the subdivision proposal such as:
    - i. Number of residential lots;
    - ii. Typical lot width and depth;
    - iii. Playgrounds, park areas and other public areas;
    - iv. Proposed protective covenant; and
    - v. Proposed utilities and street improvements.

**C. Minor Subdivision Procedure**

1. Within six (6 months) after Sketch Plan acceptance by the Board, the subdivider shall submit an application for the consideration of a Final Plan for a Minor Subdivision. Failure to do so shall require re-submission of the Sketch Plan to the Board for review. The Final Plan shall conform to the general layout shown on the Sketch Plan plus any recommendations made by the Board.
2. The application for the Final Plan for a Minor Subdivision shall be accompanied by a

fee as established in a Town Fee Schedule as may be revised from time to time by the Board of Selectmen and payable by check to the Town of Damariscotta, Maine with a note indicating the specific purpose of the fee.

3. In addition, if the Board determines there are conditions unique to the proposed minor subdivision or its location that warrant professional review, the Board may require the applicant to deposit in escrow an amount of money sufficient to cover the costs of any professional review of the subdivision application, which the board may feel, is reasonably necessary to protect the general welfare of the Town. The amount for this escrow payment is established in the Town Fee Schedule. This escrow payment shall be made before the Board engages any outside party to undertake this review and to make recommendations to the Board. When 75% of the escrow has been disbursed, review of the application shall cease until the applicant replenishes the escrow in an amount to be determined by the Board. Any part of this escrow payment in excess of the final costs for review shall be returned to the applicant upon conclusion of review.
4. The subdivider, or the subdivider's duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan.
5. Within 30 days of the date of submission, the Town Planner and any additional staff or peer reviewers will provide comments on the application and determine whether it is complete or, if the application is incomplete, the specific additional material needed to complete the application. This determination will be provided in writing to the applicant or their authorized representative.
6. Within thirty (30) days of an application being deemed complete (or within a timeframe mutually agreed upon by the applicant and the Planning Board), the Board shall take action to give final approval, with or without modifications, or disapproval of such Final Plan. The reason for any modification required or the ground for disapproval shall be stated upon the records of the Board with a copy provided to the subdivider.
7. If the proposed subdivision requires a permit under the Site Location of Development Act, the Stormwater Management Law or the Natural Resources Protection Act or is otherwise under the jurisdiction of the Maine Departments of Environmental Protection or Transportation, the final plan shall not be approved by the Board until all such approvals are obtained.
8. No Final Plan shall be acted on by the Board until the Board has scheduled and conducted a public hearing thereon. Notice of the time, place and date of such hearing shall be sent not less than seven (7) days before the hearing to the subdivider and to owners of property within 250 feet of the properties involved. Property owners shall be those listed in the most recent tax records of the Town of Damariscotta. Notice shall also be published in a newspaper of general circulation in the Town of Damariscotta at least two times, and the first date of the publication shall be at least seven (7) days prior to the public hearing. Failure to receive notice shall not invalidate the public hearing held.
9. Upon completion of the requirements of § 103.5 C & D and approval by the Board of the Minor Subdivision a copy of the final plan, including any conditions of approval and any waivers granted, shall be properly signed by a majority of the members of the Board, using black ink. After the Final Plans have been signed, a copy of the plans shall be

returned to the subdivider. One (1) signed copy shall be retained by the Town to be maintained in the file. The Final Plan shall be filed by the applicant with the Lincoln County Registry of Deeds. Any Subdivision Plan not filed or recorded within sixty (60) days of the date upon which such Plan is approved, shall become null and void, unless the particular circumstances of said applicant warrant the Board to grant an extension which shall not exceed two additional periods of sixty (60) days. This 60-day period shall begin the day the plan is signed by the Planning Board.

10. Any extension of this 60-day period must be requested of the Planning Board before the first 60-day period expires. The applicant shall provide the Town Planner with a receipt from the Lincoln County Registry of Deeds within that time limit stating that the Plan has been filed and giving the Book and Page numbers. No building permits for an approved plan will be issued until the plan has been registered with the Lincoln County Registry of Deeds and a letter from the subdivider has been submitted to the Town stating that all permanent monuments as required by §103.7.A of this Ordinance have been placed.

#### **D. Minor Subdivision Submissions**

1. Location Map. The Preliminary Plan shall be accompanied by a Location Map drawn at a scale of not over four hundred feet (400') to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The Location Map shall show:
  - 1.1 All the area within 2,500 feet of any property line of the proposed subdivision showing:
    - i. All existing subdivisions and approximate tractlines of acreage parcels.
    - ii. Location, widths and names of existing, filed or proposed streets, easements, building lines and alleys pertaining to the proposed subdivision and to the properties as designated in Section D.1 above.
    - iii. The boundaries and designations of parks and other public spaces.
    - iv. 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. Final Plan. The Final Subdivision Plan shall be submitted, together with any attachments or additional information required for approval. All dimensions shall be shown in feet or decimals of a foot and drawn to a scale of not more than 100 feet to the inch (preferably forty (40) feet to the inch). Unless a waiver of one or more submission requirements is approved by majority vote of the Board pursuant to § 103.9, the Final Plan and accompanying materials shall show:
  - 2.1 All existing information provided as part of the Sketch Plan.
  - 2.2 The name, registration number and seal of the land surveyor or engineer who prepared the plan.
  - 2.3 Number of acres within the proposed subdivision and zone boundaries.

- 2.4 Proposed lot lines with dimensions, lot numbers, areas in square feet and suggested locations of buildings.
- 2.5 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.
- 2.6 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.
- 2.7 Proposed easements, forested areas, perennial and intermittent watercourses, and wetlands. The boundaries of any wetlands depicted on the plans shall be delineated by a wetlands scientist.
- 2.8 Contour lines at intervals of not more than two (2) feet for all portions of the property proposed to be developed.
- 2.9 Connection with existing or proposed water supply or alternative means of providing water supply to the proposed subdivision.
- 2.10 Connection with existing or proposed sanitary sewerage system or alternative means of treatment and disposal proposed.
- 2.11 If a private sewage disposal system is proposed, location and results of tests to ascertain subsurface soil ground water conditions and depths to maximum ground water level.
- 2.12 Typical erosion control procedures to be applied to each lot. As an alternative, the Board may impose a condition of approval that all site work on each lot must be completed by a contractor certified by the State of Maine in erosion and sedimentation control whether such work is authorized by the applicant or by a subsequent lot purchaser.
- 2.13 Preliminary designs of any bridges or culverts, which may be required along with State approval if required.
- 2.14 A standard boundary survey plan of the property to be developed prepared by a licensed land surveyor and the location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field.
- 2.15 All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- 2.16 The location of all natural features or site elements to be preserved.
- 2.17 Certification by a registered professional engineer or a registered land surveyor that all survey, deed and supporting information accurately reflects the true conditions existing on the proposed subdivision.
- 2.18 Base Flood Elevation Data.

- 2.19 The location of significant resources including important deer wintering areas, other important plant or wildlife habitat and areas with visual significance.
- 2.20 The location of any trail, trail system or greenbelt that crosses the property.
- 2.21 An owner or his authorized agent shall submit information on the location of the development to the following address:

State Historic Preservation Officer  
Maine Historic Preservation Commission  
55 Capitol Street - State House Station 55  
Augusta, Maine 04333

Include a request that the Damariscotta Planning Board be notified of any comments. The applicant shall submit to the Planning Board proof of such notification, including a copy of the letter to the State Historic Preservation Officer.

- 2.22 A phosphorous control plan for any portion of the subdivision within the watershed of a great pond prepared in conformance with the provisions of § 103.6.0. If the subdivision requires a Stormwater Permit from the Department of Environmental Protection (DEP), the Board may accept the Stormwater Permit issued by DEP as evidence that § 103.2.S has been satisfied.
- 2.23 Right, title or interest of the applicant in the property to be subdivided
- 2.24 Any conditions of approval required by the Board
- 2.25 A statement indicating that any change or modification to any aspect of the approved plan shall be considered an amendment to the plan and shall require approval of the Board.

#### **E. Preliminary Plan for Major Subdivisions Procedure**

- 1. Within six (6 months) after Sketch Plan acceptance by the Board, the subdivider shall submit an application for the consideration of a Preliminary Plan for the Subdivision. Failure to do so shall require re-submission of the Sketch Plan to the Board for review. The application and all required preliminary plan documentation shall be submitted to the Town and must be deemed complete by the Town Planner at least fifteen (15) days prior to the first Planning Board meeting of the month during which the subdivider wishes to be heard. The Preliminary Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Board.
- 2. The application for conditional approval of the Preliminary Plan shall be accompanied by a fee as established in a Town Fee Schedule as may be revised from time to time by the Board of Selectmen and payable by check to the Town of Damariscotta, Maine with a note indicating the specific purpose of the fee.
- 3. In addition, the Board shall require the applicant to deposit in escrow an amount of money sufficient to cover the costs of any professional review of the subdivision



application, which the board may feel, is reasonably necessary to protect the general welfare of the Town. The amount for this escrow payment is established on the Town Fee Schedule. This escrow payment shall be made before the Board engages any outside party to undertake this review and to make recommendations to the Board. When 75% of the escrow has been disbursed, review of the application shall cease until the applicant replenishes the escrow in an amount to be determined by the Board. Any part of this escrow payment in excess of the final costs for review shall be returned to the owner or the owner's agent.

*(These provisions are common in Maine and permit the board to retain a consultant to assist in the review of the application. The assistance could consist of an engineer, planner, attorney or similar professional.)*

4. The subdivider, or the subdivider's duly authorized representative, shall attend the meeting of the Board to discuss the Preliminary Plan.
5. The Town Planner shall review the application and determine whether it is complete or, if the application is incomplete, the specific additional material needed to complete the application.
6. Within thirty (30) days of receipt of a completed Preliminary Plan Application, the Board shall take action to give preliminary approval, with or without modifications, or disapproval of such Preliminary Plan. The reason for any modification required or the grounds for disapproval shall be stated upon the records of the Board with a copy provided to the subdivider.
7. No Preliminary Plan shall be acted on by the Board until the Board has scheduled and conducted a public hearing thereon. Notice of the time, place and date of such hearing shall be sent not less than seven (7) days before the hearing to the subdivider and to owners of property within 250 feet of the properties involved. Property owners shall be those listed in the most recent tax records of the Town of Damariscotta. Notice shall also be published in a newspaper of general circulation in the Town of Damariscotta at least two times, and the first date of the publication shall be at least seven (7) days prior to the public hearing. Failure to receive notice shall not invalidate the public hearing held.
8. Preliminary 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 this Ordinance 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 but it is expected that if the Board gives preliminary approval, it will not revisit issues during final plan review that were satisfactorily addressed during preliminary review except for those contained in any conditions included with preliminary approval.

## F. Preliminary Plan for Major Subdivisions Submissions

The following submissions shall be provided for all subdivisions unless the Board determines by majority vote that, pursuant to §103.9 and based on evidence provided by the applicant, one or more submissions is not applicable due to the size, location, type or other physical feature of the proposed subdivision. It is the intent of this section that waivers of submission requirements be the minimum necessary to reasonably accommodate specific and unique conditions of the proposed subdivision. If the applicant desires additional waivers of submission requirements, they should only be considered as part of an application for an Open Space Subdivision (see §103 Appendix A).

*(This section gives the Board the authority to waive some submission requirements. Any such waivers must be for good reason and should be stated in the vote and recorded in the minutes. Most potential waivers would be related to project size but size alone should not justify a lot of waivers.)*

1. Location Map. The Preliminary Plan shall be accompanied by a Location Map drawn at a scale of not over four hundred feet (400') to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The Location Map shall show:
  - 1.1 All the area within 2,500 feet of any property line of the proposed subdivision including:
    - i. All existing subdivisions and approximate tractlines of acreage parcels.
    - ii. Location, widths and names of existing, filed or proposed streets, easements, building lines and alleys pertaining to the proposed subdivision and to the properties as designated above.
    - iii. The boundaries and designations of parks and other public spaces.
    - iv. 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 together with any attachments required in order to demonstrate compliance with Sec. 103.2 and Sec. 103.6. All dimensions shall be shown in feet or decimals of a foot and drawn to a scale of not more than 100 feet to the inch (preferably forty (40) feet to the inch). The Preliminary Plan and accompanying materials shall show:
  - 2.1 All existing information provided as part of the Sketch Plan.
  - 2.2 Number of acres within the proposed subdivision and zone boundaries.
  - 2.3 Proposed lot lines with approximate dimensions, lot numbers, areas in square feet and suggested locations of buildings.
  - 2.4 Proposed easements, forested areas, perennial and intermittent watercourses, and wetlands. The boundaries of any wetlands depicted on the plans shall be delineated by a wetlands



scientist.

- 2.5 Contour lines at intervals of not more than two (2) feet for all portions of the property proposed to be developed. For any area that requires improvements such as roads, sidewalks, stormwater facilities and utilities, or if the site is especially flat, a one (1) foot contour interval is required.
- 2.6 Typical cross-sections of the proposed grading for roadways, sidewalks, etc. including width, type of pavement, elevations and grades. All such plans shall be based on an on-ground topographic survey at one (1) foot contour interval or less and shall be prepared by a registered professional engineer.

*(Note that all civil improvements must be designed by an engineer who must stamp all design plans.)*

- 2.7 Connection 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 A medium-intensity soils map that encompasses the area to be subdivided. The Planning Board may require submission of a high-intensity soils map in certain instances.
- 2.10 If a private sewage disposal system is proposed, location and results of tests to ascertain subsurface soil ground water conditions and depths to maximum ground water level. A completed HHE 200 form must be submitted with the preliminary application for multi-family subdivisions. If public sewer is proposed, a letter from the Great Salt Bay Sanitary District attesting to the district's ability to accommodate sewage flows from the proposed subdivision must be submitted.
- 2.11 For subdivisions of greater than 4 (four) lots that are not served by public sewer, a hydrogeologic assessment prepared in accordance with §103.6.N by a certified geologist or registered professional engineer experienced in hydrogeology.

*(The state requires a 100-foot setback of septic systems from wells. Depending on slopes and soils conditions, greater setbacks may be recommended to assure long-term well water quality. A hydrogeologic assessment will recommend well and septic system locations that will provide greater assurance of long-term water quality.)*

#### 2.12 Stormwater Management

- i. A storm water management plan, prepared by a registered professional engineer, shall be prepared in accordance with *Maine Stormwater Best Management Practices Manual*, latest edition, prepared by the Maine Department of Environmental Protection, which is incorporated herein by reference and made a part thereof. The storm water plan shall include the following information for the pre- and post-development conditions: drainage

area boundaries, hydrologic soils groups, ground cover type, time of concentration flow paths, modeling methodology, calculations, and background data. The Board may require review and endorsement of the stormwater plan and calculations by the Knox-Lincoln Soil and Water Conservation District.

*(A stormwater management plan may not be necessary for small subdivisions with no new roads or common driveways. All others will generate sufficient stormwater to require a plan. These provisions are very common and are familiar to any Maine civil engineer. In lieu of retaining an engineer to review the plan, the Board can ask it to be endorsed by the Knox-Lincoln SWCD with the understanding that the cost of the review will be paid by the applicant. Also, if the project is large enough to require a State Stormwater or Site Location of Development permit, the SWCD review may substitute for a portion of the state review, reducing the overall approval time frame for the applicant.)*

- ii. If the subdivision does not require a Stormwater Permit from DEP, the Planning Board may allow the applicant to comply with the Low-Impact Development (LID) Standards of Appendix B as an alternative to submitting a Stormwater Management Plan. In approving use of the LID standards, the Board must find that the LIDs have been designed by a certified professional engineer and provisions have been made to maintain such LIDs in perpetuity.
- iii. If the subdivision requires a Stormwater Permit from the Department of Environmental Protection (DEP), the Board may accept the Stormwater Permit issued by DEP as evidence that §103.2.Q has been satisfied and that an additional submission required under §103.5.F.2.12 is not required.

*(The State Stormwater Permit standards conflict in some ways with the standards provision cited above. This paragraph allows the Board to waive the standard provisions as long as the project receives a state stormwater permit, thereby eliminating the need to prepare separate stormwater studies to the Town or the state.)*

- 2.13 Preliminary designs of any bridges or culverts, which may be required along with State approval if, required.
- 2.14 A standard boundary survey plan of the property to be developed prepared by a licensed land surveyor and the location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field.
- 2.15 All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- 2.16 The location of all-natural features or site elements to be preserved.
- 2.17 An erosion and sediment control plan shall be prepared in accordance with the *Maine Erosion and Sediment Control Best Management Practices* latest revision, prepared by the Maine Department of Environmental Protection, which is incorporated herein by reference and made a part thereof. The plan shall be prepared either by a



professional civil engineer or by a Certified Professional in Erosion and Sediment Control (CPESC). At a minimum, the following items shall be discussed and provided:

- i. The name, address, and telephone number of the person responsible for implementation of the plan.
- ii. A vicinity map showing the location of waterbodies that may be affected by erosion and sedimentation from the project.
- iii. Existing and proposed drainage patterns, including drainage channels that drain to surrounding waterbodies.
- iv. A sequence of work that outlines how the project will be constructed and specifically addressing how soil disturbance will be minimized during the construction process.
- v. Clear definition of the limits of work and any buffer areas that will remain undisturbed and an indication of how these areas will be protected during construction.
- vi. Description of temporary and permanent erosion control practices that will be used.
- vii. Identification of the locations of the temporary and permanent erosion control practices.
- viii. Identification of how and where collected sediment will be disposed.
- ix. Dust control measures.
- x. Inspection and maintenance procedures, including schedule and frequency.

The Board may require the review and endorsement of this plan by the Knox-Lincoln Soil and Water Conservation District.

*(Note – these are standard components of an erosion control plan. Any project that involves construction of civil improvements will require a plan in conformance with these provisions and any such plan must be prepared and stamped by a civil engineer. Even if there are no roads, the application should include more simple erosion control plans for individual lots.)*

- 2.18 Certification by a registered professional engineer or a registered land surveyor that all survey, deed and supporting information accurately reflects the true conditions existing on the proposed subdivision.
- 2.19 Base Flood Elevation Data.
- 2.20 A landscaping plan.
- 2.21 The location of significant resources including important deer wintering areas, other important plant or wildlife habitat and areas with visual significance.
- 2.22 The location of any trail, trail system or greenbelt that crosses the property.
- 2.23 An owner or his authorized agent shall submit information on the location of the development to the following address:

State Historic Preservation Officer



Maine Historic Preservation  
Commission  
55 Capitol Street  
State House Station 55  
August, Maine 04333

Include a request that the Damariscotta Planning Board be notified of any comments. The applicant shall submit to the Planning Board proof of such notification, including a copy of the letter to the State Historic Preservation Officer.

- 2.24 If public water is available at the project parcel, the plan shall include hydrants in locations approved by the Fire Chief.
- 2.25 An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours and the sight distances for each driveway that intersects an existing or proposed public or private road.

For subdivisions that will generate more than 200 vehicle trips per day, a traffic impact analysis prepared by a registered professional engineer with experience in traffic engineering. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service on the road giving access to the subdivision and neighboring roads that may be affected, and recommended improvements to maintain the desired level of service on the affected roads. Trip generation rates shall be obtained from the latest edition of "Trip Generation", published by the Institute of Transportation Engineers.

*(200 vehicle trips per day is equivalent to about 20 single-family lots or about 33 apartments or condos.)*

- 2.26 A phosphorous control plan for any portion of the subdivision within the watershed of a great pond prepared in conformance with the provisions of § 103.6.0. If the subdivision requires a Stormwater Permit from the Department of Environmental Protection (DEP), the Board may accept the Stormwater Permit issued by DEP as evidence that § 103.2.S has been satisfied and that an additional submission required under this section is not required.
- 2.27 Right, title or interest of the applicant in the property to be subdivided
- 2.28 A description of the subdivision's affordable housing component in compliance with § 103.6.P.
- 2.29 A groundwater impact assessment as described in § 103.6.Q

*(This relates to groundwater supply whereas § W3.5.F.1 I relates to groundwater quality.)*

- 2.30 A plan for summer and winter maintenance of all proposed private roads. If lots are to be sold prior to acceptance of proposed public roads, a plan for summer and winter maintenance of such roads shall be submitted. Such plan shall include

provisions for establishing, approving and annually funding a road maintenance budget by lot owners sufficient to keep all roads in good repair. All lot owners shall be required to participate in such plan. The plan shall provide for preparation of an annual budget for maintenance, repair and improvements to such roads and all lot owners shall participate equally in such cost obligations regardless of location within the subdivision.

*(This should be required even if the applicant is proposing a public road. It may take some time for a road to be accepted at town meeting and, in the interim, lots may be sold and houses constructed. The road will need to be maintained during this period.)*

#### **G. Final Plan for Major Subdivisions Procedure**

1. The subdivider shall, within six (6) months after the preliminary approval of the Preliminary Plan, file with the Board an application for approval of the Final Subdivision Plan in the form described herein. The subdivider may be granted an extension of this time requirement by the Planning Board if a letter is submitted explaining the need for additional time. If the Final Plan is not submitted to the Board within six (6) months after approval of the Preliminary Plan, the Board may refuse without prejudice to act on the Final Plan and require resubmission of the Preliminary Plan. All applications for Final Plan approval for subdivisions shall be accompanied by a fee payable by check to the Town of Damariscotta, Maine. (See Town Fee Schedule.) The application and all required final plans shall be submitted to the Town Planner.

If the proposed subdivision requires a permit under the Site Location of Development Act, the Stormwater Management Law or the Natural Resources Protection Act, or a Traffic Movement Permit or Highway Entrance Permit or is otherwise under the jurisdiction of the Maine Departments of Environmental Protection or Transportation, the final plan shall not be approved by the Board until all such approvals are obtained.

*(The Board cannot condition final approval upon receipt of state or federal permits unless they are specifically listed in this section.)*

2. Water Supply system proposals contained in the Subdivision Plan shall be approved in writing by a civil engineer registered in the State of Maine unless individual wells serving each building site are to be used. The Board may also require the subdivider to submit the results of water quality tests as performed by the State of Maine Department of Human Services.
3. Sewage disposal system proposals contained in the Subdivision Plan shall be properly endorsed and approved in writing by the State of Maine Department of Human Services, if a separate central sewage collection and treatment system is to be utilized, or the local Plumbing Inspector if individual septic tanks are to be installed by the builder. Such approval shall be secured before official submission of the Final Plan.
4. A public hearing may be held concerning the Final Plans as prescribed in §103.5.E.7.

#### **G. Final Plan for Major Subdivisions Submissions**

1. The Final Plan shall be submitted together with any attachments required to demonstrate compliance with Sec. 103.2 and Sec. 103.6. 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 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.
  - 1.1 The name, registration number and seal of the land surveyor or engineer or planning consultant who prepared the plan.
  - 1.3 Street names and lines, pedestrian ways, lots, easements and areas to be reserved for or dedicated to public use.
  - 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 indicate the proposed landscaping program of the subdivider.
  - 1.10 Any conditions of approval required by the Board
  - 1.11 A statement indicating that any change or modification to any aspect of the approved plan shall be considered an amendment to the plan and shall require approval of the Board.
2. There shall be submitted to the Board with the Final Plan:
  - 2.1 Written offers of cession to the Town of Damariscotta of all public open space shown on the Plan that is to be transferred to the Town, and copies of agreements or other documents are to be submitted showing the manner in which spaces will be reserved in title by the subdivider.

#### **H. Final Plan for Major Subdivisions Approval and Filing**

1. Upon completion of the requirements in Article VI and VII above, it shall be deemed to have final approval and the Final Plan shall be properly signed by a majority of the members of the Board, using black ink.

2. The Board shall act on a Final Plan within thirty (30) days of an application being deemed complete by the Town Planner, unless the subdivider agrees to an extension of this time period.
3. At the time the Board grants Final Plan approval, it may permit the Plan to be divided into two or more phased sections subject to any conditions of the Plan. The applicant may request that only a section of the approved Plan be filed with the Board and the Lincoln County Registry of Deeds if said section constitutes at least twenty-five (25) percent of the total number of lots contained in the approved Plan. In these circumstances, Plan approval on the remaining sections of the Plan shall remain in effect for two (2) years or a period ohime mutually agreed to by the Board and the Subdivider.
4. After the Final Plans have been signed by the Planning Board, a copy of the plan shall be returned to the subdivider. One (1) signed copy shall be retained by the Town to be maintained in the Subdivision Plan File. The Plan shall be filed by the applicant with the Lincoln County Registry of Deeds. Any Subdivision Plan not filed or recorded within sixty (60) days of the date upon which such Plan is approved, shall become null and void, unless the patiiicular circumstances of said applicant warrant the Board to grant an extension which shall not exceed two additional periods of sixty (60) days. This 60-day period shall begin the day the plan is signed by the Planning Board.

Any extension of this 60-day period must be requested of the Planning Board before the first 60-day period expires. The applicant shall provide the Town Planner with a receipt from the Lincoln County Registry of Deeds within that time frame stating that the Plan has been filed and giving the Book and Page numbers. No building permits for an approved plan will be issued until the plan has been registered with the Lincoln County Registry of Deeds and a letter from the subdivider has been submitted to the Town stating that all permanent monuments as required by §103.7.A of this Ordinance have been placed.

#### **I. Amendments to Previously Approved Subdivision Plan**

Prior to making any change, erasure, modification or revision to a final Subdivision Plan which has been approved by the Board and endorsed in writing on the plan, the plan must be resubmitted to the Board for their review and approval of the proposed modifications. A public hearing may be held concerning a subdivision amendment as prescribed in§ 103.5.E.6 of this Ordinance. All amended plans must be signed by the Board and recorded in the Lincoln County Registry of Deeds within sixty (60) days of the date of approval. Any amended plan not so filed or recorded within sixty (60) days of the date upon which such plan is approved shall become null and void, unless the particular circumstances of said applicant warrant the Board to grant an extension which shall not exceed two additional periods of sixty (60) days. The applicant shall provide the Town Planner with a receipt from the Lincoln County Registry of Deeds within that time frame stating that the plan has been filed and giving the book and page numbers.

#### **J. Plan Revisions After Approval**



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 resubmitted and the Board approves any modification. In the event that a Final Plan is recorded without complying with this requirement, the Board shall file an affidavit with the Lincoln County Registry of Deeds stating that the plan is null and void.

**K. Public Acceptance of Streets, Recreation Areas**

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

**L. Performance Guarantees**

1. The subdivider shall, in an amount set by the Planning Board, file with the Town, prior to the issuance of a building permit, a performance guarantee in the form of a certified check payable to the Town of Damariscotta, a performance bond running to the Town of Damariscotta, an irrevocable letter of credit to cover the full cost of required improvements or some other form of surety that is acceptable to the Planning Board. For the purposes of this section, required improvement shall mean all public and private roads, all drainage structures and ditches, all erosion control measures, all utilities, all landscaping and all recreation facilities. Any such bond shall be satisfactory to the Planning Board and the municipal attorney as to form, sufficiency, manner of execution and surety.  
  
*(The guarantee ensures that the overall project will be constructed in accordance with the approved plans, including both public and private roads, prior to the sale or development of any lots.)*
2. At the discretion of the Planning Board, the subdivider may be allowed to submit individual bonds for each phase of a project's development. If this option is chosen, prior to submission of each individual bond, the developer shall submit to the Town a written statement detailing completion dates for all roads and other public improvements planned for that phase.
3. A period of one-year (or such period as the Board of Selectmen may determine appropriate, not to exceed three (3) years) shall be set forth in the bond time within which required improvements must be completed.
4. Inspection of Required Improvements
  - 4.1. At least fifteen (15) days prior to commencing construction of required improvements, the subdivider shall hold a pre-construction meeting with the Town Planner, Code Enforcement Officer, or their designee(s) to assure that all



specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board. Inspection shall be made of all required public improvements as defined above.

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

*(This inspection fee covers the cost of inspecting improvements as they are constructed.)*

- 4.3 If the inspector shall find, upon inspection of the improvement 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, the inspector shall so report to the Town Planner and Code Enforcement Officer. The Code Enforcement Officer shall then notify the subdivider and, if necessary, the bonding company or bank, and take all necessary steps to preserve the municipality's rights under the bond or letter of credit. No plan shall be approved by the Board as long as the subdivider is in default on a previously approved Plan.

- 4.4 If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the inspector that unforeseen conditions make it necessary or preferable to modify the location or design of any required improvement, the inspector may, upon approval of the Town Planner, 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.

*(Unexpected conditions sometimes require changes to plans during construction. Rather than stop the project until the plans are revised and approved by the Board, the CEO and the Board of Selectmen, with the advice of the inspector, can allow reasonable changes.)*

- 4.5. Upon completion and final inspection of all required improvements, any funds remaining in a project's inspection fee account, after all inspection fees have been paid, shall be returned to the subdivider.
- 4.6. The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the legislative body.
5. The performance guarantee shall not be released by the Planning Board until:
- 5.1. The inspecting engineer has completed his final inspection of the project and has submitted a written report stating that all required public improvements as defined above have been completed in accordance with approved plans and specifications.

- 5.2. The Code Enforcement Officer has examined the site, has reviewed the inspecting engineer's report and concur with his findings.
- 5.3 Performance guarantees collected on phased work segments shall be released in the same manner as outlined above, upon the completion of each phase.

## **§103.6 GENERAL REQUIREMENTS**

- A. In reviewing applications for the subdivision of land, the Board shall consider the following general requirements unless the Board grants a waiver pursuant to § 103.9. It is the intent of this section that waivers of any general requirements be the minimum necessary to reasonably accommodate specific and unique conditions of the proposed subdivision. If the applicant desires additional waivers of general requirements, they should only be considered as part of an application for an Open Space Subdivision (see §103 Appendix A). In all instances, the burden of proof shall be upon the person proposing the subdivision to prove that a waiver is needed.

*(These requirements should be applicable to all subdivisions and reflect many of the legislative review criteria. They also provide guidance to the applicant in preparing some of the submissions listed in §103.5.)*

- B. Conformity with Comprehensive Plan

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

- C. Retention of Proposed Public Sites and Open Spaces

1. For residential subdivisions, the subdivider shall reserve a minimum of ten (10) percent of the gross area of the subdivision as open space. Depending on the size and location of the subdivision, the Board may require the developer to provide up to ten (10) percent of his total area for recreation. It is desirable that areas reserved for recreation be at least one acre in size and easily accessible from all lots within the subdivision.
2. Developers shall be encouraged to retain any existing trail system, which crosses the property, or to re-route the trail system to a suitable portion of the property such that the integrity and continuity of the trail is retained.
3. Developers shall be encouraged to retain the integrity and continuity of any greenbelt, which crosses the property.
4. The Planning Board shall consider the comments of the State Historic Preservation Officer, if any, and may require that significant archaeological or historical sites be preserved to the maximum extent possible both during construction and following completion of the development.
5. 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 than 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.

6. Where the proposed subdivision is located on a lake, pond, river, saltwater body or stream, a portion of the waterfront area shall be included in reserved land, which shall be a minimum of 200 feet plus ten (10) additional feet for each unit/lot.
7. Ownership shall be clearly indicated for all reservations of park and playground purposes on the Final Plan and shall be clearly established in a manner satisfactory to the town attorney so as to ensure the continuation of responsibility for ownership maintenance. The land or a part of it may be deeded to the Town of Damariscotta subject to the approval of the Town.
8. The Board may further require that the developer provide space for future municipal uses, in accordance with a Comprehensive Plan or policy statement, giving the Town first option on the property.

D. Preservation of Natural and Historic Features

The Board shall require that a proposed subdivision design include a landscape plan that will show the preservation of existing Significant 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. A fifty (50) foot buffer strip shall be provided where the proposed subdivision abuts an existing road.

E. Traffic Sight Distance

All points of access from the subdivision onto existing or proposed public or private roads shall be so designed in profile and grading and so located as to provide a minimum sight distance consistent with the requirements of § 103.7.H.6.3.

*(The Board should not entertain waiving or modifying this provision.)*

F. Conformance to Shoreland Zoning

Wherever situated, in whole or in part, within 250 feet of the normal high water mark of any pond, river or other salt or fresh water body, or otherwise as shown on the Official Shoreland Map, the proposed subdivision shall conform to the Shoreland Zoning Provisions for the Town of Damariscotta, Maine.

G. Easements for Natural Drainage Ways

Where a subdivision is traversed by a natural watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse of such width as will assure that no flooding occurs and all storm water can be disposed of properly. Such easement or right-of-way shall be not less than thirty (30) feet in width.

I. Net Residential Density

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

J. Lots

1. §103.6.J.1 (p26) In a new subdivision, each lot shall contain buildable land equivalent to at least 50% of the minimum lot size.

*(For example, if the minimum lot size is 80,000 sf, the lot would need at least 40,000 sf buildable land whether its actual size were 80,000 sf or 10 acres.)*

2. Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development proposed.
3. Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan and deed restrictions shall indicate that vehicular access shall be located only on the less traveled way.
4. Wherever possible, side lot lines shall be perpendicular to the street.
5. The ratio of lot length to width shall not be more than three to one. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited.

*(Subdivision review criterion R in §103.2, which is mandated by state statute, states that if any lot in a proposed subdivision has frontage on a river, stream, brook or great pond, none of the lots in the subdivision (even if they themselves do not front on a water body) cannot exceed a depth to width ratio of 5:1. The standard contained in the subsection is stricter, mandating a maximum 3:1 depth to width ratio for any lot in a subdivision regardless any lots front on a water body. Its purpose is to ensure that lots are reasonably dimensioned and, therefore, more developable.)*

6. All lots shall meet the minimum lot size unless modified in accordance with the provision for Open Space Subdivision in Appendix A.

K. Utilities

1. The size, type and location of public utilities, such as street lights, electricity, telephones, fire hydrants, etc. shall be approved by the Board and installed in accordance with the requirements of the Board and this Ordinance.
2. Utilities shall be installed underground except as otherwise approved by the Board.

*(This requires that electrical be installed underground although the Board has flexibility in granting a waiver. In reality, if the Board grants a waiver without good cause (obvious presence of ledge, high water table, etc.), it will create a precedent, making it difficult to enforce this requirement for subsequent subdivisions.)*



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

L. Additional Requirements

- I. Street trees, esplanades, and open green spaces may be required at the discretion of the Planning Board. Where such improvements are required, they shall be located outside of the road right-of-way and shall be incorporated in the Final Plan and executed by the subdivider as construction of the subdivision progresses. If required, street trees with a minimum 2.5" caliper shall be planted every 50 feet along each side of a proposed public road or extension of an existing public road. Maintenance and, if necessary, replacement of such trees shall be the responsibility of the property owners. Tree planting shall be as recommended in "American Standards for Nursery Stock (ANSI Z60.1-2014).

([https://cdn.ymaws.com/americanhort.site-ym.com/resource/collection/38ED7535-9C88-45E5-AF44-01C26838AD0C/ANSI Nursery Stock Standards AmericanHort 2014.pdf](https://cdn.ymaws.com/americanhort.site-ym.com/resource/collection/38ED7535-9C88-45E5-AF44-01C26838AD0C/ANSI_Nursery_Stock_Standards_AmericanHort_2014.pdf))

See Appendix C for a list of approved tree species.

2. The subdivision design shall minimize the possibility of noise pollution either from within or without the development (from highway or industrial sources) by providing and maintaining a planting screen easement at least twenty (20) feet wide, except as may otherwise be required by the Zoning Ordinance, between abutting properties that are so endangered.
3. Where a tract is subdivided into lots substantially larger than the minimum size, the Board may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in this Ordinance.

M. Required Improvements

The following are required improvements: monuments, street signs, streets, landscaping, water supply, sewage disposal and storm drainage, except where the Board may waive or vary such improvements in accordance with the provisions of this Ordinance.

N. Impact on Ground Water Quality.

*(A hydrogeologic assessment uses soils, groundwater and topographic information to project how the effluent from leachfields will disseminate throughout the site. The computer model will generate determine the direction of underground flow and the concentration of nitrates (a cause of "blue baby syndrome") at various distances from the leachfields and take into consideration the cumulative impact of multiple leachfields in close proximity to each other. The goal is to identify safe areas within the subdivision where wells can be installed with reasonable certainty of long-term protection from contamination. This higher level of protection is recommended because a failed leachfield, (which only has a 20 year or so design life expectancy) can greatly increase release of nitrates. This, by itself or in combination with a failure of the well seal, can result in wellwater contamination.)*

1. When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:
  - 1.1. A map showing the basic soils types.
  - 1.1 The depth to the water table at representative points throughout the subdivision.
  - 1.3. Drainage conditions throughout the subdivision.
  - 1.6 Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
  - 1.7 An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision and at the subdivision boundaries. For subdivisions within the watershed of a lake, projections of the subdivision's impact on ground water phosphate concentrations shall also be provided.
  - 1.8 A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.
3. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
3. No subdivision shall increase any contaminant concentration in the ground water, at any on-site well, at any lot line or at the subdivision boundary to more than the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water at any on-site well, at any lot line, or at the subdivision boundary to more than the Secondary Drinking Water Standards.

*(The primary drinking water standards are health-related and include nitrates, which is the generally accepted indicator of septic system contamination. The secondary drinking water standards are aesthetic-related and include color, odor, taste, etc. The nitrate standard is 10mg/l. That is, safe drinking water cannot contain more than 10mg/l of nitrates. Therefore, the study must demonstrate that the groundwater at existing and proposed wells and at project boundaries will not exceed 10mg/l of nitrates. If this standard is exceeded, the locations of septic systems and wells must be changed until the standard can be met. Note – some communities require that the groundwater at existing and proposed wells and property boundaries contain no more than 5mg/l of nitrates to ensure even greater long-term protection of well water.)*
4. If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
5. If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed

150% of the ambient concentration.

6. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Final Plan, and as restrictions in the deeds to the affected lots.

O. Phosphorous Control

For subdivisions located within the watershed of a great pond, phosphorous export from construction and long term operation shall be equal to or less than that which is calculated using the methodology established by the Maine Department of Environmental Protection and described in "Phosphorous Control in Lake Watersheds: A Technical Guide to Evaluating New Development (September, 1992)".

P. Affordable Housing Component

All subdivisions that consist of at least ten (10) housing units shall include an affordable housing component. At a minimum, the applicant shall provide one unit of affordable housing for each ten (10) units of market rate housing. Where the calculation of affordable housing units results in a fraction of a housing unit, the required affordable housing units shall be rounded up to the next highest number. Said affordable housing units may be located within the project parcel or elsewhere on Damariscotta. For the purposes of this section, a unit of affordable housing shall mean one affordable single family detached home on an individual lot.

Q. Impact on Groundwater Quantity

The removal of more than 1000 gallons per day of groundwater or spring water as part of a residential or commercial subdivision shall require the following information:

1. Statement of the quantity of groundwater to be extracted, expressed as the annual total, the maximum monthly rate by month, and the maximum daily rate;
2. A letter from the Maine Department of Human Services with review comments on the facility as proposed where the Department has jurisdiction over the proposal.
4. Applicants shall present a written report of a hydrogeologic investigation conducted by a certified professional geologist with demonstrated groundwater hydrology impact assessment experience and training. This report shall include the following information:
  - 3.1. Aquifer map. A map of the aquifer tributary to the spring(s), well(s) or excavation(s) from which water is to be extracted, in sufficient detail to support a calculation of sustained yield during a drought with a probability of one (1) in ten (10) years, as well as an estimate of any potential interaction between this aquifer and adjacent aquifers.
  - 3.2. Aquifer characteristics. The results of the investigation shall establish the aquifer characteristics, the rates of draw-down and rebound, the sustainable yearly, monthly (by month) and daily extraction rates, the cone of depression which may develop about the proposed facility, and impacts on the water table in the tributary aquifer and all private or public wells within the tributary aquifer or within 1,000 feet of the proposed



extraction facilities whichever is greater shall be assessed.

4. Performance standards

- 4.1. Water table. The quantity of water to be taken from groundwater sources will not substantially lower the groundwater table beyond the property lines, cause salt water intrusion to any existing well, cause undesirable changes in groundwater flow patterns, or cause unacceptable ground subsidence, based on the conditions of a drought with a probability of occurrence of once in ten (10) years.
- 4.2. Water quality. The proposed facility shall not cause water pollution or other diminution of the quality of the aquifer from which the water is to be extracted.
- 4.3 Recharge area. The proposed facility is not within the defined aquifer recharge area of a public water supply, unless notice is given to the operator thereof and the Board has considered any information supplied by the operator and finds that no adverse affect on a public water supply will result.
- 4.4 Records. The operator shall make monthly operating records of the quantity of water extracted, stored and removed from the site available to the Code Enforcement Officer or a designee.
- 4.5. Groundwater rights. Nothing in this procedure, and no decision by the Planning Board, shall be deemed to create groundwater rights other than those rights which the applicant may have under Maine law

### §103.7 DESIGN STANDARDS

Subdivisions shall comply with all applicable design standards and any waivers of design standards be the minimum necessary to reasonably accommodate specific and unique conditions of the proposed subdivision. If the applicant desires additional waivers of design standards, they should only be considered as part of an application for an Open Space Subdivision (see §103 Appendix A

A. Monuments

1. Permanent monuments shall be set at all corners and angle points of the subdivision lots and boundaries; and at all intersections and points of curvature.

*(Either the performance guarantee in §103.5.L should include funds for monumentation or building permits should be withheld until monumentation is completed.)*

- 2 All road angle monuments shall be constructed of stone and shall be a minimum of four (4) inches by four (4) inches and four (4) feet long. All other monuments shall be constructed of a reasonably permanent material solidly embedded in the ground and capable of being detected by commonly used magnetic or electronic equipment The monument shall clearly show the registration number or temporary certificate number of the registered land surveyor responsible for survey. Where the placement of a required monument at its proper location is impractical, it shall be permissible to set a reference



monument close to that point.

B. Street Signs

Streets, which join or are in 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.

C. Streets

1. Classification. For the purposes of this Ordinance, streets are classified by function, as follows:

- 1.1 Major Streets. Streets that serve primarily as major traffic-ways for travel between and through towns.
- 1.2 Minor Streets. Local streets that are used primarily for access to abutting residential, commercial or industrial propetiies, including interior roads within single and multi- family subdivisions.

2. Layout

- 2.1 Proposed streets shall conform, as far as practical, to the requirements of§ 103.7.H.
- 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, suitably surfaced, shall be provided in connection with lots designed for commercial and industrial uses.
- 2.5 Single-family subdivisions containing a maximum of fourteen (14) lots may have one dead-end street, up to 1,000 feet in length, with turnaround connecting with existing public streets or streets on an approved subdivision plan for which a bond has been filed.

Multi-family subdivisions containing more than four (4) units but less than twenty-five (25) dwelling units may have one dead-end street, up to 1,000 feet in length, with turnaround connecting with existing public streets or streets on an approved subdivision plan for which a bond has been filed. If two entrances into a multi-family subdivision with twenty-four (24) units or less is planned, such entrances shall meet the spacing requirements set forth in §103.7.H.6.4 of this Ordinance.

- 2.6 Single-family subdivisions containing fifteen (15) lots or more and multi-family subdivisions containing more than twenty-five (25) dwelling units shall have at least two street connections with existing public streets or streets on an approved subdivision plan for which a bond has been filed. The above referenced street connections shall connect within the subdivision. Entrances onto existing or proposed collector streets shall be a minimum distance apart of 400 feet. Entrances onto existing or proposed arterial streets shall be a minimum distance apart of 1,000 feet.
- 2.7 Commercial subdivisions may have one dead-end street up to 1,000 feet in length. Such street shall be constructed with a turnaround at its terminal end. If two entrances to a commercial subdivision are proposed, such entrances shall meet the spacing requirements set forth in §103.7.H.6.4.
- 2.8 The Board may require right-of-way widths be provided if it determines that future extension of the street may occur. Such additional widths shall be consistent with the right-of-way width of the dead-end street.
- 2.9 All subdivisions shall be designed to provide access to individual lots only by interior subdivision roads. Direct access from any public road to any lot in a proposed subdivision shall be prohibited unless the Planning Board determines that physical conditions unique to the parcel justify the granting of a waiver from this requirement. A waiver shall be granted only if one of the following conditions is met:
- i. There is too little road frontage to reasonably allow creation of a new way; or
  - ii. The shape or physical condition of the parcel does not permit access to or creation of a street other than the existing public way;

If the Board grants a waiver under this section, common access shall be utilized which will allow all proposed lots to be serviced by common curb cuts.

*(It is important to understand the intent and implications of this section. It effectively prohibits “piano key” subdivisions along public roads, instead requiring development to extend perpendicularly from the road. This is especially important in rural areas where piano key lots create a suburban appearance even though overall densities may be low and they effectively preclude most future development to the rear. It also minimizes the number of curb cuts, thereby reducing potential traffic conflicts and improving traffic flow. If there are physical impediments or if the project parcel is shallow, the Board could allow piano key lots but adjoining lots would need to share common points of access (not common driveways) onto the public road.)*

Street entrances onto existing state-aid or state highways in the above-described areas, and driveway or street entrances onto existing state-aid or state highways in all other areas must be approved by the Maine Department of Transportation. Copies of such approval shall be submitted to the Board at the time of final review.

- 2.10 Where subdivision streets are to remain private roads, the following statement shall appear on the plan to be recorded:

"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 all municipal street design and construction standards and are approved as such by the Town Meeting."

### 3 Design and Construction Standards

See §103.7.

#### D. Driveway Construction

A new driveway shall be constructed and maintained to prevent water or runoff from reaching the paved or traveled portion of the street. This standard shall not be subject to a waiver by the Planning Board or a variance by the Board of Appeals.

#### E. Sidewalks

Sidewalks or pedestrians paths shall be installed at the expense of the subdivider. If a public sidewalk is located within 200' of where the subdivision abuts or fronts onto a public major street, the subdivider shall install a sidewalk extension within the public road right-of-way between the subdivision and the public sidewalk.

#### F. Water Supply

1. Storage shall be provided as necessary to meet fire protection needs as determined by the Fire Department at the subdivider's expense.
2. The minimum water main permitted shall be six (6) inches and shall be installed at the expense of the subdivider.
3. The water supply system shall be designed, approved and installed in accordance with requirements of the Maine Department of Human Services.
4. Because they are difficult to maintain in a sanitary condition, dug wells shall be permitted only if it is not economically or technically feasible to develop other groundwater sources.
5. When fire fighting water supply or hydrants are required but not located within a proposed or existing right of way of a public street, perpetual easements shall be provided to the Town allowing for maintenance, improvements, testing and use.

#### F. Sewage Disposal

1. In no instance shall a septic disposal system be allowed in soil rated poor or very poor for such purpose by the Maine Plumbing Code.
2. An application for an individual septic system shall be completed by a licensed soil scientist or site evaluator in full compliance with the requirements of the State of Maine

Plumbing Code.

3. Plans for Engineered Systems as defined in the Maine State Plumbing Code shall be designed by a professional civil engineer and approved by the Department of Human Services.
4. Regardless of the type of subsurface disposal system proposed, each building lot in a new subdivision shall pass a soils test for an individual subsurface disposal system.

G. Surface Drainage

- I. All improvements recommended in the drainage plan submitted pursuant to § 103.5.F.2.12 shall be shown on the approved plan.
2. Topsoil shall be considered part of the subdivision. Except for "surplus" topsoil for 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 shall require a developer to take measures to correct and prevent soil erosion in the proposed subdivision as detailed in the sedimentation and erosion plan submitted pursuant to § 103.5.F.2.17.
4. To prevent soil erosion of shoreline areas, tree cutting on the shoreline shall conform to the Shoreland Zoning Provisions of the Town of Damariscotta, Maine.

H. Roads

These design standards shall be met by all proposed roads and alterations to existing roads.

1. Through Traffic

Roads shall be designed to discourage through traffic on minor roads within a subdivision.

2. Existing Narrow Roads

Where a subdivision borders an existing narrow road not meeting the width standards of this Ordinance or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land of a subdivision, the plan shall indicate reserve areas for widening or realigning the road marked "Reserved for Road Realignment (Widening) Purposes". Land reserved for such purposes may not be included in computing lot area or setback requirements of the Subdivision Ordinance or Land Use Standards Ordinance.

3. Two Road Connections

Any proposed road or lengthening or alteration to an existing road which, on the basis of a specific development proposal or on the basis of available road frontage, could generate more than 200 vehicle trips per day shall have at least two road connections with existing public roads or roads on an approved subdivision plan for which performance guarantees have been filed and accepted. The applicant may agree in writing, subject to



Board approval, to limit development to less than 200 vehicle trips per day until such time as a second road connection is developed. For purposes of computing vehicle trips per day, the applicant shall use the latest edition of Trip Generation published by the Institute of Transportation Engineers. Road Design Standards for new public and private roads.

4. Road Design Standards for new public and private roads

Description	Type of Road			
	Arterial	Major Road	Minor Road	Private Road <sup>(1)</sup>
Minimum Right-of way Width	80'	60'	50'	50'
Minimum Travel Way Width	44'	22'	20'	18'
Sidewalk Width	N/A	N/A	N/A	N/A
Minimum Grade	.5%	.5%	.5%	.5%
Maximum Grade	5%	6%	8%	10%
Minimum Centerline Radius	500'	230'	150'	150'
Minimum Tangent between Curves of reverse alignment	200'	100'	50'	N/A
Roadway Crown	¼"/ft	¼"/ft	¼"/ft	¼"/ft
Minimum Angle of Road Intersections(2)	90°	90°	75°	75°
Maximum Grade within 75 ft. of Intersection	2%	2%	2%	N/A
Minimum Curb Radii at Intersections	30'	20'	15'	15'
Minimum ROW Radii at Intersections	20'	10'	10'	10'
Minimum Width of Shoulders (each side)	5'	5'	5'	3'
(1)	A private road which will serve fewer than 4 residences shall have a minimum travel way of 12 feet with two 2 foot shoulders and a maximum grade of 12%. A private road which will serve 4-10 residences will have a minimum travel way of 16 feet with two 3-foot shoulders and a maximum road grade of 12%.			
(2)	Road intersection angles shall be as close to 90° as feasible but no less than the listed angle.			

5. Dead End Roads

In addition to the design standards above, the design of the turn-around for dead end roads proposed as public ways shall be approved by the Road Commissioner. The Board may require the reservation of a 20-foot easement in line with the road to provide continuation of pedestrian traffic or utilities to the next road. The Board may also require the reservation of a 50-foot easement in line with the road to provide continuation of the road where future subdivision is possible.

6. Grades, Intersections and Sight Distances

- Grades of all roads shall conform in general to the terrain so that cut and fill are minimized while maintaining the grade standards above.

6.2 All changes in grade shall be connected by vertical curves in order to provide the following minimum stopping sight distances based on the road design speed.

Design Speed (mph)	20	25	30	35
Stopping Sight Distance	125	150	200	250

(ft)

Stopping sight distance shall be calculated with a height of eye at 3½ feet and the height of object at 4½ foot.

- 6.3 Where new road intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curblineline or edge of pavement, with the height of the eye 3½ feet, to the top of an object 4½ feet above the pavement. Required sight distances may be reduced upon recommendation of the Road Commissioner if he determines that the reduction will not significantly impact public safety, the sight distance is maximized to the greatest extent possible, and there is no feasible alternative location. In making this determination, the Road Commissioner may consult the Maine Department of Transportation.

Posted Speed Limit (mph)	25	30	35	40	45
Sight Distance (ft)	200	250	305	360	425

Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

- 6.4 Cross (four-cornered) road intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important intersections. A minimum distance of 200 feet shall be maintained between centerlines of side roads.

## 7. Sidewalks

If sidewalks exist on the project site or adjacent properties or if significant pedestrian traffic is present or anticipated in the future, the Planning Board may require the installation of sidewalks which meet the following minimum requirements:

- 7.1. Bituminous Sidewalks. The crushed aggregate base course shall be no less than 8 inches thick. The hot bituminous pavement surface course shall be no less than 2 inches after compaction.
- 7.2. Portland Cement Concrete Sidewalks. The sand base shall be at least 6 inches thick. The Portland cement concrete shall be 4 inches thick and be reinforced with 6-inch square, no. 10 wire mesh.

## 8. Road Construction Standards

- 8.1 The following are minimum thicknesses after compaction.

Road Materials	Minimum Requirements			
	Arterial	Major Road	Minor Road	Private Road
<b>Aggregate Sub-base Course</b> (maximum sized stone 4")	18"	18"	18"	12"
Crushed Aggregate Base Course	4"	3"	3"	3"
Hot Bituminous Pavement				
Total Thickness	3¼"	2½"	2½"	
Surface Course	1½"	1"	1"	
Base Course	1¾"	1½"	1½"	

## 8.2. Bases and Pavements

1. Bases. The aggregate sub-base course shall be sand or gravel of hard durable particles free from vegetative matter, lumps, balls of clay and other deleterious substances. The gradation of the part that passes a 4 inch square sieve shall meet the following grading requirements:

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
¼inch	25-70%
No. 40	0-30%
No.200	0-7%

Aggregate for the sub-base shall contain no particles of rock exceeding 6 inches in any dimension. The aggregate base course shall be sand or gravel of hard durable particles free from vegetative matter, lumps, balls of clay and other deleterious substances. The gradation of the part that passes a 3-inch square mesh sieve shall meet the following grading requirements:

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
½ inch	45-70%
¼ inch	30-55%
No. 40	0-20%
No.200	0-5%

Aggregate for the base shall contain no particles of rock exceeding 2 inches in any dimension.

- ii. Pavement Joints. Where pavement joins an existing pavement, the

existing pavement shall be cut along a smooth line and form a neat, even vertical joint.

- u1. Pavements. Minimum standards for the base layer of pavement shall be the MDOT specification for plant mix grade B. Minimum standards for the surface layer of pavement shall meet the MOOT specifications for plant mix grade C.

## 9 Additional Improvements and Requirements

### 9.1 Erosion Control

The procedures outlined in the erosion and sedimentation control plan shall be implemented during site preparation, construction and cleanup stages.

### 9.2 Cleanup

Following road construction, the developer or contractor shall conduct a thorough cleanup of stumps and other debris from the entire road right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the plans and be suitably covered with fill and topsoil, limed, fertilized and seeded.

### 9.3 Road Names, Signs and Lighting

All new roads and extensions of existing roads shall be named in accordance with the requirements of the Road Naming and Property Numbering Ordinance of the Town of Damariscotta. The developer shall reimburse the town for the costs of installing road name, traffic safety and control signs. Road lighting shall be installed as approved by the Board.

## 10 Certification of Construction

As-built plans shall be submitted to the Board of Selectmen. Upon completion of road construction and prior to a vote by the Board of Selectmen to submit a proposed public way to the legislative body, a written certification signed by a registered professional engineer shall be submitted to the municipal officers at the expense of the applicant, certifying that the proposed town way meets or exceeds the design and construction requirements of this ordinance.

## 11 Performance Guarantees

Performance guarantees shall be as described in §103.5.L of the Subdivision Ordinance.

## 12 Inspection

- 12.1 Notification of Construction: At least 5 days prior to commencing construction or alteration of a road, the applicant shall notify the Code Enforcement Officer in writing of the proposed commencement date of construction. The Town shall cause inspection to be made either by a professional retained by the Town or, at the Town's discretion, by the applicant's engineer, in order to ensure that all



municipal specifications and requirements shall be met during construction. If the Town retains a professional to inspect road construction, the applicant shall be assessed a fee to cover the costs of such inspection.

- 12.2 Noncompliance with Plan: If it is found upon inspection of the improvements that they are not being or have not been constructed in accordance with approved plans and specifications, the inspector shall so report to the Board of Selectmen and the Planning Board. The Board of Selectmen shall then notify the applicant and, if necessary, the bonding company, and take all necessary steps to preserve the municipality's rights under the guarantee, security or bond.
- 12.3. Modification during Construction: If at any time before or during construction of the road it is demonstrated to the satisfaction of the appointed inspector that unforeseen conditions make it necessary or preferable to modify the location or design of the road, the appointed inspector may authorize modifications provided such modifications are within the spirit and intent of the Board's approval. The appointed inspector shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Board as its next regular meeting.

## **§103.8. ADMINISTRATION**

The Planning Board (Board) is authorized to review and act on all subdivisions as defined in § 103.3. In considering subdivisions under this provision, the Board may act to approve, disapprove, or approve with conditions as authorized by these provisions. No municipal permits shall be issued, nor construction work begun on any use or development covered by this Ordinance until the subdivision has been approved by the Board. All work shall be carried out in accord with the documentation submitted and approved by the Board.

## **§103.9 WAIVERS AND APPEALS**

### **A. Waivers**

1. Where the Board makes written findings of fact that there are special circumstances, it may waive portions of the submission requirements, the standards, or other requirements, to permit a more practical and economical development provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Zoning Ordinance, or this ordinance.
2. Where the Board makes written findings of fact that, due to special circumstances, the provision of certain required improvements is inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed road, it may waive or modify the requirement for such improvements, subject to appropriate conditions.
3. In granting waivers to any of these standards, the Board shall require such conditions as will assure the objectives of this ordinance are met
4. When the Board grants a waiver to any of the standards of this ordinance, the Final Plan shall indicate the waivers granted and the date on which they were granted.
5. In granting waivers, the Board shall utilize the following criteria in determining whether or not there is sufficient evidence to establish that the practical difficulties and unusual hardships are caused by special conditions peculiar to the particular property and not common to other property in the general area, and that such waivers can be granted without detriment to the general area.
  - 5.1 Location, character, and natural features. What effect does the proposed subdivision have on the prevailing character of the area?
  - 5.2 Landscaping, topography, and natural drainage. Will the proposed subdivision necessitate any changes in the natural environmental aspect of the area?
  - 5.3 Vehicular access, circulation and parking. Will the proposed subdivision generate unusual traffic conditions affecting the general area?
  - 5.4 Pedestrian circulation. Will the proposed subdivision have any effect on the pedestrian traffic as regards to convenience and safety?

- 5.5 Signs and lighting. Will the proposed subdivision distribute or generate any degree of nuisances to abutting property owners?
  - 5.6 Public safety. The Board shall state its findings in writing in detail; such shall be made a part of the record of each appeal.
  - 5.7 Does the proposed subdivision violate any of the basic criteria established in § 103.1?
- I. An aggrieved party may appeal any decision of the Board under these regulations to the Lincoln County Superior Court, within 30 thirty days of the date the Board issues a written order of its decision.

#### **§103.10 SEVERABILITY**

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

#### **§103.11 CONFLICTS WITH OTHER ORDINANCES**

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

#### **§103.12 AMENDMENTS**

This Ordinance may be amended by majority vote at any regular or special town meeting of Damariscotta.

#### **§103.13 EFFECTIVE DATE AND AVAILABILITY**

- A. The effective date of this ordinance is June 12, 2019
- B. A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

#### **§103.14 ENFORCEMENT**

- A. No person may sell, lease, develop, build upon or convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration any land or dwelling unit in a subdivision that has not been approved by the Planning Board. No plan of a subdivision of land within the boundaries of the Town of Damariscotta which would constitute a subdivision as defined herein shall hereafter be filed or recorded in the Lincoln County Registry of Deeds until a Final Plan thereof shall have been approved by the Board in accordance with all of the requirements, design standards and construction specifications set forth elsewhere in this Ordinance, nor until such approval shall have been entered on such Final Plan by the Board.



- B. No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Lincoln County Registry of Deeds.
- C. Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this section shall be punished by a fine as set by the Selectmen for each such conveyance, offering or agreement. The Town of Damariscotta may institute proceedings to enjoin the violation of this section.
- D. No public utility of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Board.
- E. Not only is making a subdivision without Board approval a violation of law, but so also within such a subdivision is grading or construction of roads, grading of 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 this Ordinance, and until the original copy of the Final Plan so approved and endorsed has been duly recorded in the Lincoln County Registry of Deeds.
- F. The invalidity of any section or provision of this Ordinance shall not be held to invalidate any other section or provision of this Ordinance.

## Appendix A

### OPEN SPACE SUBDIVISIONS

*(An Open Space Subdivision (OSS) allows a developer to significantly reduce the cost of developing lots. In exchange for preserving open space or creating another benefit for the public or the environment, the Planning Board can reduce lot sizes and especially road frontage below that required by the Land Use Ordinance. These provisions are most effective when applied to subdivisions proposed in the Rural District, which requires 80,000 sf lot size and 200' of frontage.)*

#### A. POLICY

It is the policy of the Town of Damariscotta to encourage the use of open space subdivisions in order to preserve a sense of space, provide for sustainable agriculture and forestry as well as recreational land, preserve other resources identified in the Town of Damariscotta Comprehensive Plan, and harmonize new development with the traditional open, wooded, agricultural, rural and village landscapes of the Town.

Open Space Subdivisions (OSS) implement this policy by providing incentives that offer flexibility to landowners and developers in road and lot layout and lot size and frontage requirements. OSS provisions also allow the Planning Board to expedite the review process and to waive or reduce certain otherwise applicable standards and provisions. To benefit from these incentives, landowners and developers must commit to the permanent preservation of important open space resources in the community. These incentives are designed to encourage greater flexibility and more innovative approaches to housing and environmental design, resulting in the most appropriate use of land and the permanent preservation of important open space, agricultural or forestry land, important natural features, wildlife habitat, water resources, ecological systems, and historic and scenic areas for the benefit of present and future residents.

*(In the example below, a 16.9 acre parcel could be developed in two different ways. A standard subdivision would yield eight lots and require 800 feet of road frontage at about \$240,000 or \$30,000 a lot. The developer could negotiate with the PB for an OSS. For example, if the back land is part of a deer yard, an active farm field, important bird habitat, etc., the PB could allow the developer to reduce lot size to 1 acre, reduce frontage for 6 lots to 100 feet and allow zero frontage for two lots with access by driveways only. This could reduce road costs to about \$90,000 or \$11,250 per lot while preserving important open space.)*

*(An OSS is strictly optional for a landowner or developer. They are in no way prohibited from pursuing a traditional subdivision but if they want flexibility in development standards or any kind of waivers, they would need to do so through the OSS provisions.)*

#### B. PURPOSES

To qualify as an open space subdivision, that Planning Board must find that the subdivision will achieve all of the following purposes that are applicable to its specific circumstances:

1. Long term protection and conservation of existing natural and other resources and landscapes

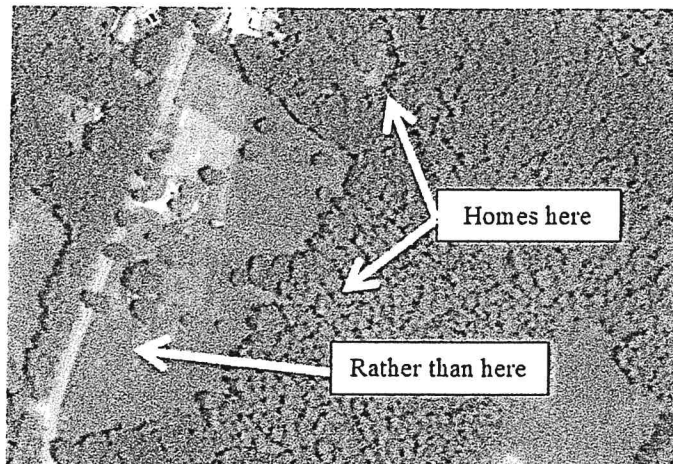
identified in the Comprehensive Plan including but not limited to:

- 1.1 State-defined critical areas, and unique natural features located on the parcel to be subdivided;
- 1.2 Historic land use patterns and historic structures;
- 1.3 Points of visual access to or from water bodies, scenic vistas, and points of access to water bodies;
- 1.4 Contiguous stands of mature trees;
- 2 Maintenance or establishment of compatibility with surrounding land uses and the overall rural character of the Town as defined by the Comprehensive Plan;
3. Provision of adequate buffers for adjoining properties where needed;
- 4 Contribution to Town-wide open space planning by creating a system of permanently preserved open space, both within large parcels of land and among such parcels throughout the Town, and by encouraging linkages between open space areas;
- 5 Conservation of land suitable or actively used for agriculture and forestry uses, particularly where the open space subdivision borders active agricultural or forestry land or land suitable for the same;
- 6 Conservation of traditional land uses;
- 7 Creation of choices in the type of environment (business or residential) and type of housing available that will be a long-term asset to Damariscotta;
- 8 Construction of affordable housing;
- 9 Provision of recreation facilities, including active and passive recreational space, in the most suitable locations for use consistent with the other purposes of this performance standard; and
- 10 Attainment of planned variety and coordination in the location of structures, architectural styles, and building forms and relationships.

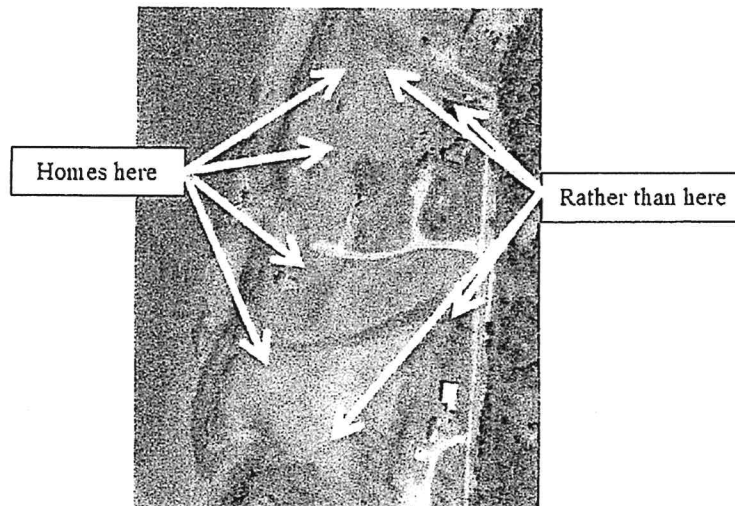
*(The Board should carefully review the "purposes" for an OSS listed above, determine which ones are applicable to a project and then decide whether a proposed OSS satisfies them. That is, a proposed OSS does not need to satisfy all the purposes but it must satisfy those that the Board*



finds are applicable to it. For example, if a developer proposes to create a subdivision in a traditional rural agricultural area, the Planning Board might offer a significant reduction in required road frontage for the lots if homes are sited in wooded areas rather than in the farm field. In this instance, the developer is able to save substantial development costs and a traditional open space view along a town road is preserved, which satisfies purposes 1.2 and 6.)



(Conversely, if the Board finds that a proposed OSS does not satisfy one or more applicable purposes, the Board should not allow the applicant to create an OSS. For example, if a proposed subdivision will in a scenic area (purpose 1.3) but the applicant does not reasonably and satisfactorily take the view to the scenic resource into consideration in the project's design (such as lining homes along the road and blocking longstanding views to the river, the Board should not permit an OSS, instead directing the applicant to propose a standard subdivision plan.)

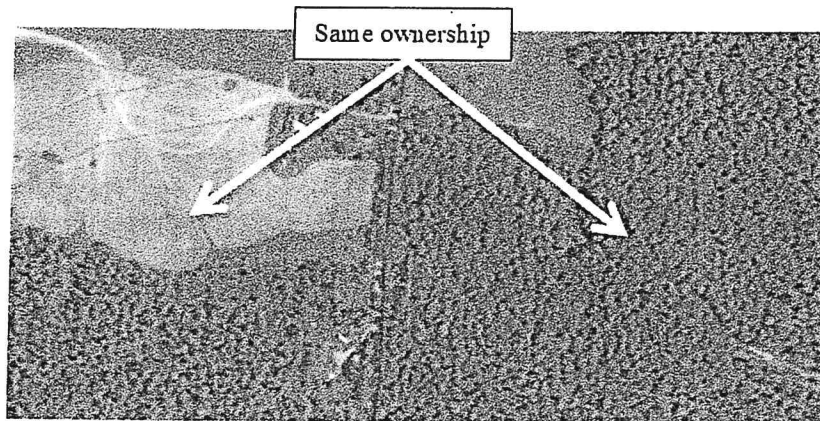


(This may, in fact, become a point for negotiation between the applicant and the Board and can lead to a better project. For example, adjusting some building and driveway locations may be enough to preserve an important portion of the view, ending up as a win for both the property owner and the community. It is important to remember that not allowing an applicant to use these OSS provisions does not mean the property cannot be subdivided. It only means that the applicant must follow the standard subdivision rules.)

### C. GROUPING CONTIGUOUS PARCELS

In order to increase design flexibility, two or more contiguous parcels of land under the same or different ownership, including parcels separated by a public or private road, may be grouped together as one open space subdivision, if the Planning Board finds that such grouping will benefit the Town and that it helps achieve the purposes set forth in Appendix A Section B.

*(A farmer might own a field on one side of the road and a woodlot on the other. An OSS with smaller lots and lesser road frontage could be developed on the wooded with permanently preserved and managed farmland on the other.)*



### C. PLANNING BOARD REVIEW

*(The OSS provisions are designed to be optional, not mandatory. By providing significant incentives in the form of reduced lot size and/or road frontage, the goal is to create a situation where developers want to pursue an OSS. The caveat is that the basic dimensional requirements (lot area, frontage) must be large enough so that the OSS's ability to reduce them is attractive to a developer. In addition, as noted above, the PB needs to have a policy that no waivers will be granted for a standard subdivision; waivers need to be limited to an OSS.)*

#### 1. Preapplication

An individual may apply for approval of an open-space subdivision as part of the preapplication conference described in §103.5.

#### 2. Application Procedure

##### 2.2 Required Plans.

The submissions for an open space subdivision shall include, as appropriate unless any of the same is waived, all plans and materials required for a conventional subdivision.

##### a. Waiver of Submission and Review Requirements.

The Planning Board may grant appropriate waivers of submission requirements for an open space subdivision in order to expedite and make the review process more

efficient.

### 3. General Requirements

#### 3.1 Use and District Requirements

All open space subdivisions shall meet the use standards of the Districts in which they are located.

#### 3.2 Allowable Density

1. Should an applicant propose to develop no more than three lots within any five- year period on a parcel of land under one ownership (or a grouping of contiguous parcels as described in Appendix A Section C), the gross area of the portion of each parcel proposed for development by the minimum lot size of the applicable district without reference to net residential acreage.

*(Net residential acreage is the gross area of a parcel minus land that is not developable such as wetlands, areas for sidewalks and roads, steep slopes, floodplains, etc. In order to encourage small OSS, gross parcel acreage rather than net residential acreage is used.)*

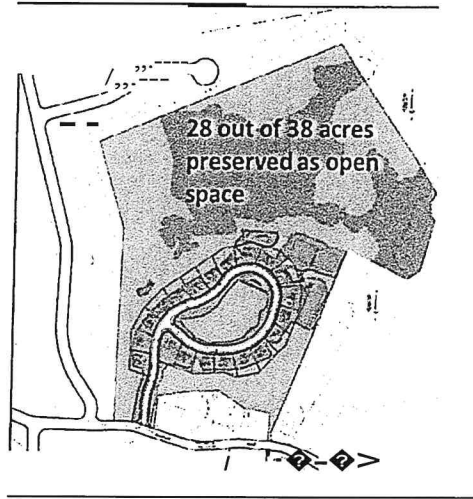
- ii. The allowable density for all other developments shall be based on net residential density, and shall be calculated in the following manner:
  - a. Determine the buildable area of the parcel according to the definition of "net residential area" contained in §103.4; then
  - b. Divide the reduced net residential area by the minimum lot size required in the building Code Ordinance to obtain the net residential density allowable.
- ni. A lot for a dwelling unit created as part of an open space subdivision shall not be further subdivided.
- iv. A lot for a principal structure created as part of an open space subdivision where such lot shall have within its bounds designated open space shall not be further subdivided unless the original approved plan shall have reserved future development of such lot, but any such further subdivision shall only be made in accordance with this performance standard.
- v. Any affordable housing density bonus provision provided for in the Land Use Ordinance shall also apply within clustered residential projects.

#### 3.3 Layout and Siting Standards

In planning the location and siting of residential or business structures in an open space subdivision, lot dimension and frontage should not be the primary considerations.

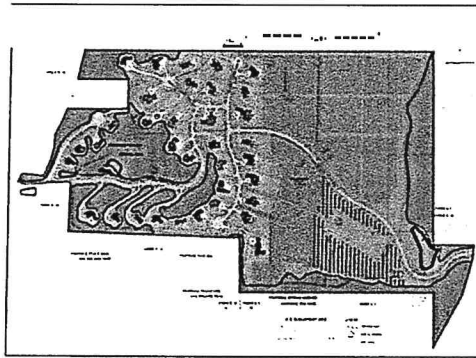
Priority should be given to the preservation of the open space for its natural resource value, with human habitation and business activity located and sited on the lower valued natural resource portion of a parcel, taking into account the contours of the land and the reasonableness of slopes.



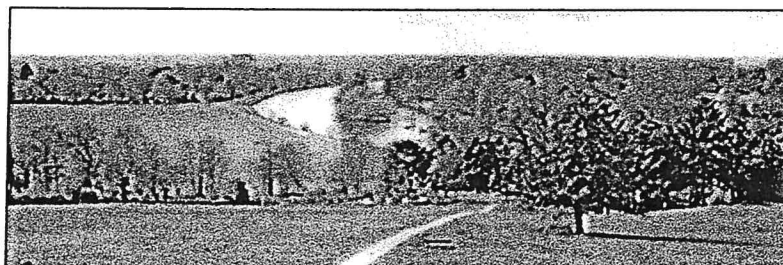


The building lots or building locations on a parcel shall be laid out and the residences and business structures shall be sited so as to maximize the following principles. The Board in its discretion shall resolve conflicts between these principles as applied to a particular site.

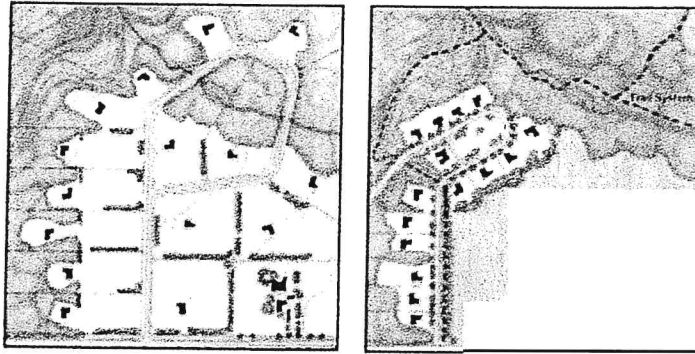
- i. In the least suitable agricultural soils and in a manner which maximizes the useable area remaining for the designated open space use, where agricultural, forestry, or recreational, existing or future uses, are particularly sought to be preserved.



- ii. In locations least likely to block or interrupt scenic, historic, and traditional land use views, as seen from public roadways and great ponds.



- iii. Within woodlands, or along the far edges of open agricultural fields adjacent to any woodland to reduce encroachment upon agricultural soils, to provide shade in the summer, and shelter as well as solar gain in the winter, and to enable new residential development to be visually absorbed by natural landscape features;



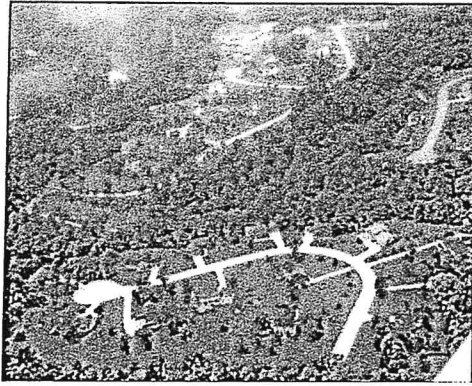
- iv. In such manner that the boundaries between residential or business lots and active agricultural or forestry land are well buffered by vegetation, topography, roads, or other barriers to minimize potential conflict between residential or business and agricultural or forestry uses;



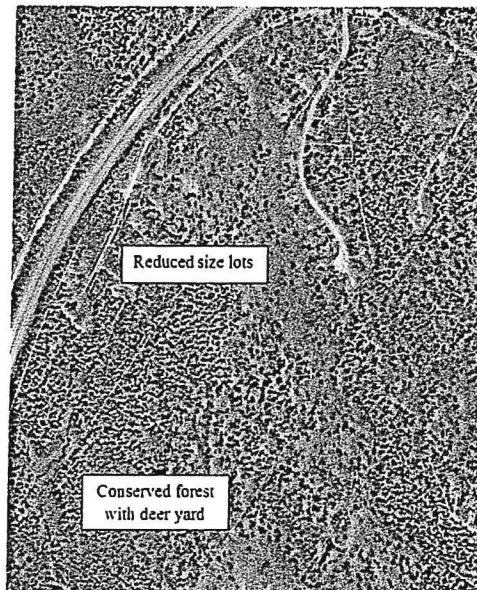
- v. In locations where buildings may be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage areas, in accordance with an overall plan for site development;



- vi. In locations that provide compatibility in terms of physical size, visual impact, intensity of use, proximity to other structures, and density of development with other permitted uses within the land use district;



- vii. In locations such that diversity and originality in lot layout and individual building, street, parking layout is encouraged.
- viii. So that individual lots, buildings, street and parking areas shall be designed and situated to minimize alterations of the natural site, to avoid the adverse effects of shadows, noise and traffic on the residents of the site, to conserve energy and natural resources, and to relate to surrounding properties, to improve the view from and of buildings.



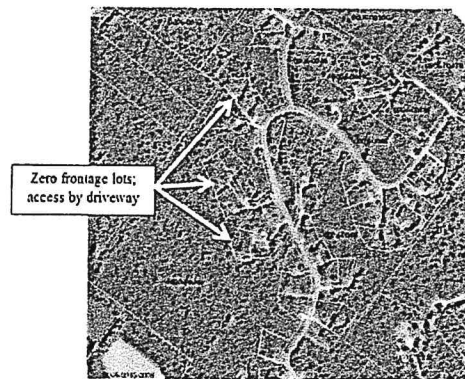
### 3.4 Space Standards

- i. Shore frontage and shore setback requirements shall not be reduced below the minimum shore frontage or shore setback required in the land use district.
- ii. Distances between residential structures in multi-family open space subdivisions shall be a minimum of the height of the tallest structure.
- iii. In areas outside of the shoreland zone, the required minimum lot size or minimum land area per dwelling unit may be reduced in open space subdivisions to no less than one-half acre unless a smaller land area is

permitted within the zoning district. If the lot area is reduced, the total open space in the development shall equal or exceed the sum of the areas by which the building lots are reduced below the minimum lot area normally required in the Land Use Ordinance as modified, if any, by Appendix A Section D.3.2.

- iv. Minimum road frontage requirements of the Land Use Ordinance may be waived or modified by the Planning Board provided that:
  - a. Any applicable provisions regarding roads in §103.7.H are satisfied unless modified by the Board. In approving a reduction in road standards the Board shall consult with the Public Works Director and Fire Chief.
  - b. Adequate access and turnaround to and from all parcels by fire trucks, ambulances, police cars and other emergency vehicles can be ensured by private roads and /or common driveways.
  - c. No common driveway shall provide access to more than three (3) lots.

*(This subsection allows the Board to reduce or eliminate frontage, thereby allowing a lot to be access only by, for example, a driveway easement. This results in more lots per given length of road and a significant cost benefit to the developer.)*



- e. A reduction of required setback distances may be allowed at the discretion of the Board, provided that the front, side and rear setbacks shall be no less than twenty-five feet or that required for the applicable land use district, whichever shall be less. For the perimeter of a multi-family open space subdivision, site setback shall not be reduced below the minimum front, side and rear setbacks required in the land use district unless the Planning Board determines a more effective design of the project can better accomplish the purposes of this performance standard.
- f. The designated open space shall represent at least 50% of the total parcel area.





- iii. If a private central collection system is proposed, the system shall be maintained by an homeowners association or under an agreement of the lot or unit owners in the same fashion required for maintenance of the open space by a Home Owners Association or the lot or unit owners in common and written evidence of said maintenance agreement shall be submitted to the Planning Board.

#### 3.6 Memorialization of Relaxation of §D.3 General Requirements

If the Planning Board modifies any of the applicable design standards or dimensional standards, the rationale for approving for such reductions shall be memorialized in the Findings of Fact and referenced on the recorded plan.

### E. OPEN SPACE REQUIREMENTS

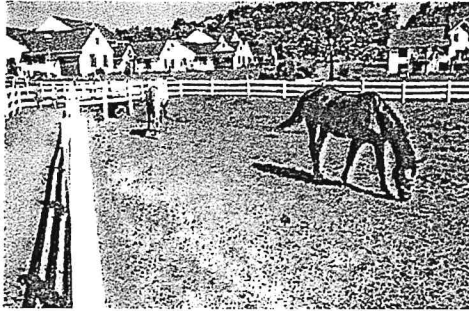
In Planning Board review and approval of an open space subdivision, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of this Subdivision Ordinance or the Building Code ordinance.

Open space set aside in an open space subdivision shall be permanently preserved as required by this performance standard, except as allowed under this provision for flexible open space and the substitution for and/or the addition to the same, or where open space is dedicated by a landowner under contract with the Town for a term of years as set forth below. Land set aside as permanent open space may, but need not be, a separate tax parcel. Such land may be included as a portion of one or more large parcels on which dwellings are permitted, provided that a conservation easement or a declaration of covenants and restrictions is placed on such land pursuant to Appendix A Section 3 and provided that the Planning Board approves such configuration of the open space.

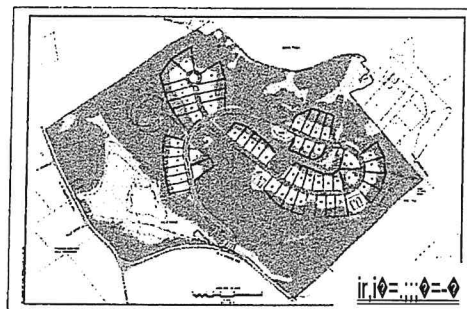
#### 1. Open Space Uses

On all parcels, open space uses shall be appropriate to the site. Open space shall include natural features located on the parcel(s) such as, but not limited to, stream beds, significant stands of trees, individual trees of significant size, agricultural land, forested acreage, wildlife habitat, rock outcroppings and historic features and sites. Open space shall be preserved and maintained subject to the following, as applicable:

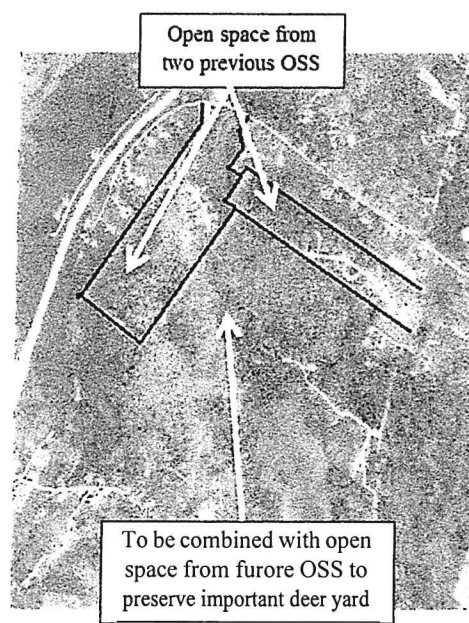
- 1.1. On parcels that contain significant portions of land suited to agricultural production, open space shall be conserved for agriculture or other consistent open space uses such as forestry, recreation (active or passive), and resource conservation.



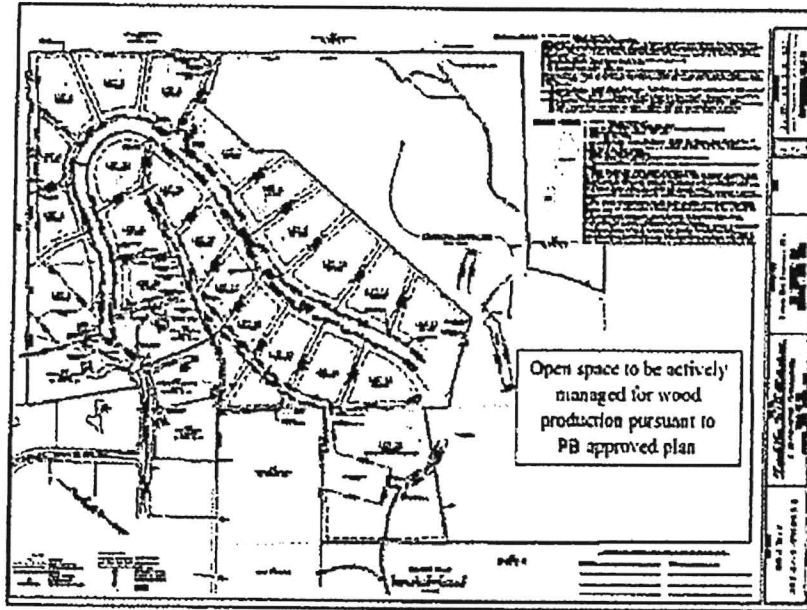
- 1.2 When the principal purposes of conserving portions of the open space is the protection of natural resources such as wetlands, aquifers, steep slopes, wildlife and plant habitats, and stream corridors, open space uses in those portions may be limited to those which are no more intensive than passive recreation.



- 1.3 Open space areas, shall be contiguous, where possible, to allow linking of open space areas throughout the Town.



- 1.4 If the open space is to be devoted, at least in part to a productive land use, such as agriculture or forestry, the developer shall submit to the Planning Board a plan of how such use is to be fostered in the future. Such plan may include, for example, a long-term timber management plan.



1.5 The Planning Board may limit the use of any open space at the time of final plan approval where the Board deems it necessary to protect adjacent properties or uses, or to protect sensitive natural features or resources. A proposed change in use of open space land, other than that specified at the time of plan approval, shall be reviewed by the Planning Board as an amendment to the approved plan.

b. Further subdivision of open space or its use for other than agriculture, forestry, recreation or conservation, except for easements for underground utilities, shall be prohibited and shall be so stated by deed restrictions except as provided in Appendix A Section 3. Structures and buildings accessory to agriculture, recreation or conservation uses may be erected on open space, subject to Planning Board approval these provisions for open space subdivisions.

## 2 Notations on Plan

Open space must be clearly labeled on the Final Plan as to its use or uses with respect to the portions of the open space that such use or uses apply, ownership, management, method of preservation, and the rights, if any, of the owners in the subdivision to such land or portions thereof. The Plan shall clearly show that the open space land is permanently reserved for open space purposes, is subject to a reservation for future development and shall contain a notation indicating the book and page of any conservation easements or deed restrictions required to be recorded to implement such reservations or restrictions.

## 3 Preservation in Perpetuity

An owner of a parcel of land may designate all or a portion of the parcel for open space use in perpetuity if the purposes set forth in Appendix A Section Bare achieved and all other requirements of this performance standard are met subject to the following conditions:



- 3.1 A perpetual conservation easement, or declaration of covenants and restrictions, restricting development of the open space land must be incorporated in the open space plan.
- 3.2 The conservation easement may be granted to or the declarations may be for the benefit of a private party, third party or other entity, the Town, with the approval of the Board of Selectmen, or to a qualified not-for-profit conservation organization acceptable to the Planning Board.
- 3.3 Such conservation easement or declaration of covenants and restrictions shall be reviewed and approved by the Planning Board and be required as a condition of plan approval hereunder.
- 3.4 The Planning Board may require that such conservation easement, or declaration of covenants and restrictions, be enforceable by the Town of Damariscotta if the Town is not the holder of the conservation easement or beneficiary of the declarations.
- 3.5 The conservation easement or declarations shall prohibit residential, industrial, or commercial use of such open space land (except in connection with agriculture, forestry, and recreation), and shall not be amendable to permit such use.
- 3.6 The conservation easement or declarations shall be recorded in the Lincoln County Registry of Deeds prior to or simultaneously with the filing of the Open Space Subdivision final plan in the Lincoln County Registry of Deeds.
- 3.7 Notwithstanding the foregoing, the conservation easement, or the declaration of covenants and restrictions, may allow dwellings to be constructed on portions of parcels that include protected open space land, provided that:
  - i. The total number of dwellings permitted by the conservation easement, or declaration of covenants and restrictions, in the entire subdivision does not exceed the allowable density established in this performance standard above;
  - ii. The Planning Board grants approval for such lots; and,
  - iii. The applicant has reserved the right to apply for approval for such additional lots.

#### 4 Ownership of Open Space Land

Open space land may be held in private ownership (which is to be preferred) including an appropriate third party not the applicant; or owned in common by a homeowner's association (HOA); dedicated to the Town, County or State governments or agencies; transferred to a non-profit organization such as a conservation trust, or association, acceptable to the Planning Board; or held in such other form of ownership as the Planning Board finds adequate to achieve the purposes set forth in Appendix A Section B and under the other requirements of this Ordinance.

*(This is a key feature of the provisions. A farmer could benefit from the development potential of his/her land by creating some small lots and designating remaining farm land as open space. The lot owners would enjoy the benefit of knowing the farmland*

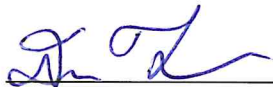
*will never be developed and the farmer can continue to own an farm while reaping some financial benefits. In addition, because the farmland can no longer be developed, it reduces the cost of a young farmer eventually acquiring the land. This concept can be extended to woodlot owners who can continue to own and manage the open space for wood production (subject to a management plan approved by the Board) yet still get some benefit from the sale of the lots.)*

The appropriate form of ownership shall be determined based upon the purpose of the open space reservation as stated pursuant to Appendix A Section B. Unless so determined, or unless deeded to the Town of Damariscotta and accepted by the citizens of the Town at Town Meeting, common open space shall be owned in common by the owners of the lots or units in the development. Covenants for mandatory membership in the association setting forth the owners' rights and interest and privileges in the association and the common land, shall be approved by the Planning Board and included in the deed for each lot.

#### 5 Maintenance Standards

Maintenance standards for open space land, where appropriate, shall be in accordance with other requirements.

#### Board of Selectmen:

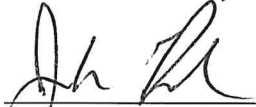


Daryl Fraser, Chair

07.19.2023

Date

Louis F. Abbotoni, Vice Chair



Joshua Pinkham



Tom Anderson

Andrea Keushguerian

Attest: A true copy of an Ordinance entitled: "Subdivision Ordinance, Town of Damariscotta" enacted May 27, 1989, amended June 11, 2014, replaced by new ordinance June 12, 2019 and amended February 15, 2023 as certified to me by the Municipal Officers of Damariscotta, Maine on the 19<sup>th</sup> day of June, 2023.



Rebecca J. Bartolotta, Town Clerk  
Damariscotta, Maine

## **Appendix B**

### **Low-Impact Development (LID) Standards**

#### **A. Applicability.**

Applications for subdivisions subject to § 103.5.F.2.12 of this ordinance that do not satisfy the standards of Department of Environmental Protection Rule Chapter 500 (Stormwater Management Regulations) must satisfy the following General Standards (Section 2) and either the Basic Lot Standards (Section 3) or the Alternative Lot Standards (Section 4). Refer to Definitions (Section 5) for the specific meaning of terms found in this Appendix.

#### **B. General Standards**

1. All LID Practices used to meet these Low Impact Development Standards shall be:
  - 1.2. Designed by a Maine-licensed professional engineer in accordance with the Main LID Guidance Manual;
  - 1.3. Maintained in perpetuity in accordance with an approved Operation and Maintenance Plan; and
  - 1.3. Modified or replaced only if the standards continue to be met, as determined by Codes Enforcement Officer. (The CEO may require the owner to provide documentation from a Maine-licensed professional engineer demonstrating that the standards will continue to be met after the proposed changes.)
2. Roads. The following standards apply to roads within a subdivision:
  - 2.1. Maximum paved width: 22 feet
  - 2.2. Must be drained by roadside swales
3. Inside Great Pond Watersheds. Applications for subdivisions located wholly or partly within the watershed of a Great Pond and which, within that watershed, propose, a) the creation of five or more lots or dwelling units within a five-year period; or, b) 800 or more linear feet of new or upgraded driveways or streets; shall also include a stormwater management plan, prepared by a Maine licensed professional engineer, demonstrating that development within the watershed is in compliance with the standards of the Department of Environmental Protection Phosphorus Design Manual (Maine Stormwater Best Management Practices, vol. II).
4. The capacity of on- and off-site systems and channels must be sufficient to carry post-development flows without adverse effects such as flooding, soil erosion and damage to vegetation, on adjacent and downstream properties, streets and shoreland areas. Design, permitting and installation of any on- and off-site improvements necessary to increase carrying capacities or mitigate adverse effects shall be the responsibility of the applicant.

#### **C. Basic Lot Standards**

1. Outside Sensitive Watersheds The following standards apply to lots and portions of lots located outside a Sensitive Watershed Area:

1.1 Single and Two-Family Residential Lots:

1. Maximum Disturbed Area: 15,000 square feet or 75% of lot area, whichever is less
- ii. Maximum Impervious Surface: 7,500 square feet
- iii. Minimum width of Vegetated Buffer:
  1. Forest vegetation: 35 feet
  2. Meadow vegetation: 50 feet

1.2 Residential Lots with Multi-Family (3 or more) Dwellings:

1. Maximum Disturbed Area: 43,560 square feet
- ii. Maximum Impervious Area: 15,000 square feet
111. Minimum Undisturbed Natural Area: 15 % of lot area
- iv. Natural Vegetated Buffer:
  - a. Minimum width: 60 feet.
  - b. Level spreader required if length of runoff flow path to buffer from:
    1. Impervious Area exceeds 60 feet.
    2. Pervious Area exceeds 100 feet.

2. Inside Sensitive Watersheds The following standards apply to lots and portions of lots located inside a Sensitive Watershed Area:

2.1. Single and Two-Family Residential Lot standards:

1. Maximum Disturbed Area: 15,000 square feet or 60% of lot area, whichever is less
- ii. Maximum Impervious Surface: 7,500 square feet
- m. Minimum Vegetated Buffer
  - a. Forest vegetation: 50 feet
  - b. Meadow vegetation: 75 feet

2.2. Multi-Family Residential Lot standards:

- i. Maximum Disturbed Area: 43,560 square feet.
- ii. Maximum Impervious Surface: 15,000 square feet
- iii. Minimum Undisturbed Natural Area: 25 % of lot area
- iv. Natural Vegetated Buffer
  - a. Minimum width: 100 feet.
  - b. Level spreader required if length of runoff flow path across:
    1. Impervious Area exceeds 60 feet.
    2. Pervious Area exceeds 100 feet.

**D. Alternative Lot standards**

1. Outside Sensitive Watersheds The following standards apply to lots and portions of lots located outside a Sensitive Watershed Area:

1.1. Each Single or Two-Family Residential Lot shall include LID practices sufficient to treat a minimum of:

1. 0.5 inches of runoff from Impervious Area; and
- iii. 0.2 inches of runoff from Disturbed Pervious Areas.



- 1.2. Each Multi-Family Residential Lot shall include LID practices sufficient to treat a minimum of:
  - i. 0.5 inches of runoff from all Impervious Areas; and
  - ii. 0.2 inches of runoff from all Disturbed Pervious Areas
2. Inside Sensitive Watersheds The following standards apply to lots or portions of lots located inside a Sensitive Watershed Area:
  - 2.1. Each Single or Two-Family Residential Lot shall include LID practices sufficient to treat a minimum of:
    - i. 1.0 inches of runoff from Impervious Areas; and
    - ii. 0.4 inches of runoff from Disturbed Pervious Areas.
  - 2.2. Each Multi-Family Residential Lot shall include LID practices sufficient to treat a minimum of:
    - i. 1.0 inches of runoff from all Impervious Area; and
    - ii. 0.4 inches of runoff from all Disturbed Pervious Areas

#### **E. Definitions**

**Disturbed Area** An area of land that has been subject to stripping, grading, grubbing, filling, excavating, vegetation removal and any other human action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material.

**Disturbed Pervious Area** A Disturbed Area that remains pervious after the completion of a development project. Disturbed Pervious Area is defined to include lawns and other landscaped areas.

**Impervious Area** An area of land that is covered by a material or structure on or above the ground that prevents water from infiltrating through the underlying soil. Impervious Area is defined to include rooftops, paved sidewalks and patios, and paved, gravel and compacted dirt driveways, roads and parking areas.

**LID Practices** Built or naturally-occurring landscape features and systems that serve to store and remove pollutants from stormwater runoff flowing from a development project. LID Practices are described in the Maine LID Guidance Manual, and include: Buffer/filter strips, Underdrain soil filters, Dry wells, Permeable pavers, Rain barrels/cisterns, Stormwater planters, and Green roofs.

**Landscaped area** An area of land that has been disturbed and re-planted or covered with one or more of the following: lawn or other herbaceous plants, shrubs, trees, or mulch; but not including area that has reverted to a natural, vegetated condition. A field or

meadow is considered landscaped if it is mowed more than twice per twelve month period.

Level Spreader A stormwater management and erosion control device designed to prevent the concentrated flow of stormwater runoff by releasing collected water evenly over a broad, level outlet edge onto gently sloping ground.

Natural Vegetated Buffer An LID Practice consisting of a strip of Undisturbed Natural Area located and configured so as to intercept the stormwater runoff from a development project.

Operation and Maintenance Plan A plan that defines the functional, financial and organizational mechanisms for the ongoing operation and maintenance of approved LID practices to ensure that they continue to function as designed.

Impervious Area An area of land that is not an Impervious Area.

Sensitive Watershed The watershed of a "Lake Most at Risk from New Development" or an "Urban Impaired Stream", as identified by the Maine Department of Environmental Protection in accordance with Chapter 502 of its rules.

Undisturbed Area Any area of land that is not a Disturbed Area.

Undisturbed Natural Area An Undisturbed Area with naturally-occurring vegetation. A Disturbed Area may be converted to an Undisturbed Natural Area through the implementation of an approved restoration and re-vegetation plan.

Vegetated Buffer An LID Practice consisting of a strip of non-lawn, vegetated Landscaped Area located and configured so as to intercept the stormwater runoff from a development project.

## APPENDIX C

### NATIVE TREE AND SHUBBERY SPECIES LIST

Recommended Tree & Shrub Species List								
Where a tree is designated as a park tree it is done so because of its size or its intolerance to such things as salt or pollution. If a tree of this type is used as a street tree, make certain it is used on the side of the street opposite the utilities and set back from the road.								
The trees are listed by common and scientific names including cultivars where appropriate. The suggested cultivars noted are recommended over the parent stock. The mature height and spread figures are accurate where the tree is growing on a favorable site.								
DECIDUOUS								
"S" Street "P" Park	Throughfare Type/Crown Shape	Scientific Name	Common Name	Native	Suggested cultivars	Mature Height	Crown Spread	Recommended Root Growth Space WxWxD
S	Oval/Rounded	<i>Acer rubrum</i>	Red Maple	Native	'Red Sunset'	60	60	30x30x3
P	Oval/Rounded	<i>Acer saccharum</i>	Sugar Maple	Native		80	60	38x38x3
P	Spreading	<i>Amelanchier canadensis</i>	Shadblow Serviceberry	Native		20	25	15x15x3
P	Rounded	<i>Betula alleghaniensis</i>	Yellow Birch	Native		50	35	25x25x3
P	Spreading	<i>Betula lenta</i>	Sweet Birch	Native		85	40	25x25x3
P	Rounded	<i>Betula nigra</i>	River Birch	Native		70	40	25x25x3
P/S	Rounded	<i>Carpinus caroliniana</i>	American Hornbeam	Native		35	25	15x15x3
P	Rounded	<i>Cladrastis lutea</i>	American Yellowwood	Native		60	60	30x30x3
P/S	Spreading	<i>Cornus racemosa</i>	Gray Dogwood	Native		15	15	10x10x3
S	Rounded	<i>Crataegus phaenopyrum</i>	Washington Hawthorn	Native	'Fastigiata' CAUTION - THORNS	30	20	10x10x3
P	Rounded	<i>Fagus grandifolia</i>	American Beech	Native		75	75	25x25x3
P	Oval	<i>Gymnocladus dioica</i>	Kentucky Coffeetree	Native		75	55	25x25x3
P	Conical	<i>Larix laricina</i>	American Larch	Native		75	30	15x15x3
P	Oval/Rounded	<i>Liriodendron tulipifera</i>	Tulip Tree	Native		90	50	20x20x3
P/S	Rounded	<i>Magnolia acuminata</i>	Cucumber Magnolia	Native		65	35	25x25x3
P	Conical/Rounded	<i>Nyssa sylvatica</i>	Sour Gum, Tupelo	Native		60	35	15x15x3
P/S	Rounded	<i>Osagea virginiana</i>	American Hophornbeam	Native		40	25	10x10x3
P	Rounded	<i>Platanus occidentalis</i>	American Sycamore	Native		100	75	30x30x3
P/S	Oval/Rounded	<i>Quercus alba</i>	White Oak	Native		55	45	25x25x3
P/S	Oval/Rounded	<i>Quercus bicolor</i>	Swamp White Oak	Native		55	45	23x23x3
P/S	Spreading	<i>Quercus coccinea</i>	Scarlet Oak	Native		70	50	25x25x3
P/S	Rounded	<i>Quercus imbricaria</i>	Shingle Oak	Native		65	65	25x25x3
P/S	Conical	<i>Quercus palustris</i>	Pin Oak	Native		70	40	18x18x3
P/S	Rounded	<i>Quercus rubra</i>	Red Oak	Native		70	75	30x30x3
P/S	Oval/Rounded	<i>Scotsus americana</i>	American Mountain Ash	Native		30	30	5x5x3
EVERGREEN								
Type	Form	Species	Common Name	Native	Remarks	Mature Height	Crown Spread	Recommended Root Growth Space WxWxD
"P" Park	Throughfare	Scientific Name	Common Name	Native				
P	Conical	<i>Abies concolor</i>	Concolor Fir	Native		75	50	15x15x3
P	Conical	<i>Abies fraseri</i>	Fraser Fir	Native		60	30	15x15x3
P	Columnar	<i>Chamaecyparis thyoides</i>	Atlantic Whitecedar	Native		40	20	10x10x3
P	Columnar	<i>Juniperus virginiana</i>	Eastern Redcedar	Native		40	20	10x10x3
P	Oval	<i>Pinus resinosa</i>	Red/Norway Pine	Native		75	40	18x18x3
P	Spreading	<i>Pinus strobus</i>	Eastern White Pine	Native		75	55	20x20x3
P	Columnar	<i>Thuja occidentalis</i>	American Arborvitae	Native		50	20	7.5x7.5x3
P	Conical	<i>Tsuga caroliniana</i>	Carolina Hemlock	Native		60	30	18x18x3
<p><u>References:</u></p> <p><i>Dirr's Woody Trees and Shrubs, An Illustrated Encyclopedia</i>, Michael A. Dirr</p> <p>Lincoln County Co-Operative Extension, University of Maine, Elizabeth Stanley, Horticulturalist</p> <p>Maine Community Forestry Council Recommended Tree Species List for Street and Park Trees, Maine Forest Service, 1998</p> <p><i>Abstract of Woody Landscape Plants</i>, Michael A. Dirr</p> <p><i>Selecting Trees for Urban Landscape Ecosystems: Woody Species for Northern New England Communities</i></p> <p>NH Dept. of Resources and Economic Development, Division of Forests and Lands, 1994</p> <p>List Compiled by Laurie Green, MCLD, April 2011</p>								
<p><b>Definition of Native Species:</b> A plant occurring within local jurisdictional boundaries prior to foreign contact, according to the best scientific and historical documentation. This includes species that are considered indigenous, occurring in natural associations with habitats that existed prior to significant anthropogenic impacts and alteration to the landscape.</p> <p>*Native is defined with parameters of time and geography. A Native species is one that existed, without human involvement, in North America (and specifically in this case to Maine) prior to European settlement, with proven adaptability to Maine climate and soil conditions in the past few thousand years.</p>								

Native\* Shrubs

<i>Aronia melanocarpa</i>	Black Chokeberry
<i>Clethra alnifolia</i>	Summersweet
<i>Cornus sericea</i>	Redoiser Dogwood
<i>Corylus americana</i>	American Filbert
<i>Hamamelis virginiana</i>	Common Witchazel
<i>Ilex verticillata</i>	Winterberry
<i>Juniperus 'Bar Harbor'</i>	Bar Harbor Juniper
<i>Juniperus communis</i>	Common Juniper
<i>Kalmia latifolia</i>	Mountain Laurel
<i>Myrica pennsylvanica</i>	Northern Bayberry
<i>Symphoricarpos alba</i>	Common Snowberry

\*Native is defined with parameters of time and geography. A Native species is one that existed, without human involvement, in North America (and specifically in this case to Maine) prior to European settlement, with proven adaptability to Maine climate and soil conditions in the past few thousand years.

Other Recommended Trees

	Form	Species			Remarks	Physical Characteristics		
"S" Street "P" Park	Throughfare Type/Crown Shape	Scientific Name	Common Name	Native	Suggested cultivars	Mature Height	Crown Spread	Recommended Root Growth Space
		DECIDUOUS						WxWxD
S	Rounded	<i>Acer campestre</i>	Hedge Maple		'Queen Elizabeth'	45	30	12x12x3
S	Rounded	<i>Acer ginnala</i>	Amur Maple			18	18	10x10x3
S	Spreading	<i>Amelanchier x grandiflora</i>	Apple Serviceberry			15	12	7.5x7.5x3
PIS	Oval/Rounded	<i>Cercidiphyllum japonicum</i>	Katsura			60	40	25x25x3
PIS	Oval	<i>Corylus colurna</i>	Turkish Filbert			50	25	18x18x3
P	Rounded	<i>Fagus sylvatica</i>	European Beech			70	50	23x23x3
PIS	Oval	<i>Ginkgo biloba</i>	Maidenhair Tree		'Autumn Gold'	60	30	20x20x3
P	Conical	<i>Larix decidua</i>	European Larch			75	30	20x20x3
P	Oval	<i>Larix kaempferi</i>	Japanese Larch			75	35	20x20x3
S	Rounded	<i>Maackia amurensis</i>	Amur Maackia		'Beurgenii'	45	45	15x15x3
S	Oval/Rounded	<i>Magnolia stellata</i>	Star Magnolia			20	15	7.5x7.5x3
PIS	Varied	<i>Malus</i> spp. <i>Many cultivars</i>	Flowering Crabapple		Select disease resi	10-35	10-35	5x5x3
PIS	Spreading	<i>Malus floribunda</i>	Japanese Crabapple		Select disease resi	45	25	7.5x7.5x3
PIS	Spreading	<i>Phellodendron amurense</i>	Amur Corktree		'Macho'	55	55	15x15x3
PIS	Rounded	<i>Prunus maackii</i>	Amur Chokecherry			40	35	10x10x3
S	Oval/Rounded	<i>Prunus sargentii</i>	Sargent Cherry			25	10	18x18x3
PIS	Oval/Rounded	<i>Sorbus alnifolia</i>	European Mountain Ash			30	30	18x18x3
S	Oval/Rounded	<i>Syringa pekinensis</i>	Pekin Lilac			25	20	23x23x3
S	Oval/Rounded	<i>Syringa reticulata</i>	Japanese Tree Lilac		'Ivory Silk'	30	20	10x10x3
PIS	Vase	<i>Ulmus americana x</i>	American Elm		'Princeton'	75	40	18x18x3
PIS	Oval	<i>Ulmus americana x</i>	American Elm		'Valley Forge'	50	40	18x18x3

Type	Form	Species			Remarks	Physical Characteristics		
P* Park	Throughfare TypeCrown Shape	Scientific Name	Common Name	Native	Suggested cultivars	Mature Height	Crown Spread	Recommended Foot Growth Space
		EVERGREEN						
P	Conical	<i>Picea abies</i>	Norway Spruce			75	55	19x19x3
P	Conical	<i>Picea glauca</i>	White Spruce			50	30	13x13x3
P	Conical	<i>Picea omorika</i>	Serbian Spruce			50	25	7.5x7.5x3
P	Columnar	<i>Pinus contorta</i>	Swiss Stone Pine			50	20	7.5x7.5x3
P	Spreading	<i>Pinus densiflora</i>	Japanese Red Pine			50	50	20x20x3
P	Conical/Spread	<i>Pinus koraiensis</i>	Korean Pine			35	30	7.5x7.5x3

References:

*Dir's Handb. Trees and Shrubs: An Illustrated Encyclopedia* Michael A. Dir  
 Lincoln County Co-Operative Extension, University of Maine, Elizabeth Stanley, Horticulturalist  
 Maine Community Forestry Council Recommended Tree Species List for Street and Park Trees Maine Forest Service, 1998  
*Manual of Wooded Landscape Plants* Michael A. Dir  
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List Compiled by Laurie Green, MCLD. April 2011