

# Subdivision Regulations of the Town of Hollis, Maine

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## Article 1. PURPOSES

The purposes of these regulations are to assure the comfort, convenience, safety, health and welfare of the people of the Town of Hollis, 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 Hollis, Maine, the Planning Board shall consider the following criteria, and before granting approval, shall make findings of fact that the provisions of these regulations have been met and that the proposed subdivision will meet the guidelines of Title 30-A M.R.S.A., §4404 (see Appendix A). The subdivision:

- 1.1 Will not result in undue water or air pollution. In making this determination, the Board shall at least consider the elevation of the land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal, the slope of the land and its effect on effluents, as well as any applicable State and local health and water resource rules and regulations;
  - 1.2 Has sufficient water available for the reasonably foreseeable needs of the subdivision;
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- 1.3 Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;
  - 1.4 Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;
  - 1.5 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;
  - 1.6 Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways and existing or proposed public roads in Hollis, and in an adjacent town where a proposed subdivision crosses municipal boundaries;
  - 1.7 Will provide for adequate solid and sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;
  - 1.8 Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline, as identified in the Comprehensive Plan;
  - 1.9 Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan;
  - 1.10 Will be developed by a subdivider with adequate financial and technical capacity to meet the standards and requirements in the Subdivision Regulations;
  - 1.11 Is in conformance with the Town of Hollis Shoreland Zoning Ordinance;



- 1.12 Will be developed so that all principal structures within the subdivision shall be constructed with their lowest floor, including the basement, at least *one foot* above the 100-year flood elevation in accordance with Hollis Ordinances;
- 1.13 Will provide for adequate storm water management.

## **Article 2. AUTHORITY AND ADMINISTRATION**

### **2.1 Authority**

- A. These standards have been prepared in accordance with the provisions of Title 30-A M.R.S.A., §4403.
- B. These standards shall be known and may be cited as "Subdivision Regulations of the Town of Hollis, Maine"

### **2.2 Administration**

- A. The Planning Board of the Town of Hollis, hereinafter called the Board, shall administer these standards.
- B. The provisions of these standards shall pertain to all property proposed for subdivision, as defined in Title 30-A M.R.S.A., §4401, within the boundaries of the Town of Hollis.

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### **2.3 Approval of Regulations**

- A. These Regulations are written to be adopted as Regulations by the Hollis Planning Board under the provisions of Title 30-A M.R.S.A., §4403

### **Article 3. DELETED**

This section is intentionally blank

## Article 4. ADMINISTRATIVE PROCESS

- 4.1 Purpose. The purpose of this Article is to establish an orderly, equitable, and expeditious procedure for reviewing subdivision applications.
- 4.2 Agenda. In order to avoid unnecessary delays in processing applications for subdivision review, the Board shall prepare an agenda for each regularly scheduled meeting. Applicants shall request to be placed on the Board's agenda by contacting an agent of the Board. Applicants who attend a meeting but who are not on the Board's agenda may be heard but only after all agenda items have been completed, and then only if a majority of the Board so votes. New applicants' requests shall be considered on a first-come basis as they are received as New Business, and as the agenda allows. Old Business takes priority over New Business.
- 4.3 Complete Application. The responsibility for submitting a complete application is with the applicant. The responsibility for finding the application complete is with the Planning Board. If the Board finds an application incomplete, it may, at its own discretion, decide to either remand the application back to the applicant, or accept it as meaningfully complete, with the condition that any incomplete items be remedied prior to any future hearings on that application.
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- 4.4 Site Walk, Site Visit, or On-Site Inspection, these are considered public meetings requiring public notice. These are for observation and informational fact-finding. Because these are not regularly scheduled meeting: public notice shall include posting in three conspicuous locations around town and one publication in a local newspaper at least 7 days prior to the inspection. During such visits, the Board Secretary shall make notes of comments of fact or observations by the Board Members or others attending, to be entered into record and copied to the applicant. During a site visit, no deliberations on the status of the application shall be entered into the record, and such conversation should be avoided.
- The site visit is intended to acquaint the Board with site conditions. Once the ground is covered with snow, site walks will not be performed.
- 4.5 Input solicited from the various boards and departments (e.g., the Board of Selectmen, Fire Department, Road Commissioner, etc.) is important to the meaningful processing of applications. If the Board determines that such information is critical to making a well-reasoned decision, inaction by another board or department is not cause to make a decision without the information. It is the responsibility of the applicant to procure the response, whether through direct contact with the board or department, or through a complaint to the Selectmen, or, as a last resort, through a mutually agreed upon independent consultant. The Board shall not unreasonably deny approval if this situation cannot be resolved.
- 4.6 The responsibility for proving that an application conforms to the requirements of these regulations and all other town ordinances and regulations rests with the applicant. If the Board determines that there is a preponderance of evidence either in favor of or against an application, it shall rule in such direction.

- 4.7 Goals of the procedure for minor subdivisions. Below are the goals of each level of application, and are presented as an overview of the application and review process. They are not intended to be binding requirements on the Board.

A. Sketch Plan for Minor Subdivisions

1. Confirm that the application is complete , and that the fee has been paid, and that the Treasurer has established an escrow account .
2. Notify the abutters that an application for subdivision had been received.
3. Present the Board with a sketch plan showing the geometry of the development.
4. Establish whether the development will be a cluster, PUD, or standard subdivision, or a combination thereof.
5. Confirm the status as a minor subdivision.
6. Identify any major impacts that affect the planning, layout, and development of the land.
7. Identify special submittals that will be required for the next level of application.
8. Identify the level of review that will be required for the next level of application.
9. Advise the applicant whether to prepare alternative development scenarios before proceeding to the next level of review, or to prepare an application.
10. Schedule an on-site inspection, and forward the comments from Board members to the file and to the applicant.

B. Optional Plan Review Meeting for Minor Subdivisions

1. Review the applicant's plans for the final submission, and discuss implementation of comments from the Sketch Plan review.
2. This meeting is informational and for coordination only.
3. If the Board advises the applicant that the plans do not meet the intent of the comments made at the Sketch Plan meeting, they may schedule an additional Final Plan Review Meeting prior to accepting an application for Final Plan.

C. Final Plan for Minor Subdivisions

1. Confirm that the application and submittals are complete and timely.
2. Schedule a public hearing. Notify the public, that an application is under review and that a public hearing is scheduled.
3. Notify the officers and committees of the Town that the application is under review and that their comments are invited.
4. Engage third party reviewers commissioned by the Board, including but not limited to planners, attorneys, engineers, and State agencies.
5. Receive and review comments from a public hearing.
6. Receive and review comments on the application by individual members of the Board.
7. Receive and review comments from the officers and committees of the Town.
8. Receive and review comments from third party reviewers commissioned by the Board, including but not limited to planners, attorneys, engineers, and State agencies.

9. Receive and review requests for waivers from the applicant, and approve, deny, or table any such requests.
10. Receive, review, and comment on a plan for performance guarantees from the applicant.
11. Confirm that the applicant is not in violation of a previously approved plan.
12. Review and confirm that the information the applicant has provided is accurate, complete, and conforms to the Town ordinances and regulations, and any other laws applicable to the application and the review process.
13. Present the applicant with conditions required upon approval.
14. Approve or deny the plan, with a finding of fact supporting the Board's decision.

4.8 Goals of the procedure for major subdivisions. Below are the goals of each level of application, and are presented as an overview of the application and review process. They are not intended to be binding requirements on the Board.

#### A. Sketch Plan for Major Subdivisions

1. Confirm that the application is complete, and that the fee has been paid, and that the Treasurer has established an escrow account.
2. Notify abutters that an application for a subdivision has been received.
3. Present the Board with a sketch plan showing the geometry of the development.
4. Establish whether the development will be a cluster, PUD, or standard subdivision, or a combination thereof.
5. Confirm the status as a major subdivision.
6. Identify any major impacts that affect the planning, layout, and development of the land.
7. Identify special submittals that will be required for the next level of application.
8. Identify the level of review that will be required for the next level of application.
9. Advise the applicant whether to prepare alternative development scenarios before proceeding to the next level of review, or to prepare an application.
10. Schedule an on-site inspection, and forward the comments from Board members to the file and to the applicant.

#### B. Preliminary Plan for Major Subdivisions

1. Confirm that the application and submittals are complete and timely.
2. Schedule a public hearing. Notify the public, including abutters, that an application is under review and that a public hearing is scheduled.
3. Notify the officers and committees of the Town that the application is under review and that their comments are invited.
4. Engage third party reviewers commissioned by the Board, including but not limited to planners, attorneys, engineers, and State agencies.
5. Receive and review comments from a public hearing.
6. Receive and review comments from the individual members of the Board.

7. Receive and review comments from the officers and committees of the Town.
8. Receive and review comments from third party reviewers commissioned by the Board, including but not limited to planners, attorneys, engineers, and State agencies.
9. Review and confirm that the information the applicant has provided is accurate, complete, and conforms to the Town ordinances and regulations, and any other laws applicable to the application and the review process.
10. Receive and review requests for waivers from the applicant, and approve, deny, any such requests.
11. Receive review, and comment on a plan for performance guarantees from the applicant.
12. Discuss conditions that may be required upon approval of a final plan.
13. Approve or deny the plan, with a finding of fact supporting the Board's decision.
14. If approved, the board shall present the applicant with a list of comments, suggested changes and submittals required for the final plan. Such a list does not preclude the board from later revisiting any material item already considered in this level of application.

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C. Final Plan for Major Subdivisions

1. Confirm that the application and submittals are complete and timely.
2. Confirm and review approvals from higher reviewing departments, and agencies at County, State and Federal levels.
3. Receive and review the applicant's responses to the Board's comments, and suggested changes and submittals from the Preliminary Plan review.
4. Determine whether an additional public hearing is warranted, if so, hold a public hearing.
5. Notify adjacent towns of the public hearing, and meet with adjacent towns, if warranted.
6. Confirm that the applicant has met performance guarantee requirements.
7. Confirm that the applicant is not in violation of a previously approved plan.
8. Review and confirm that the information the applicant has provided is accurate, complete, and conforms to the Town ordinances and regulations, and any other laws applicable to the application and the review process.
9. Approve or deny the plan, with a finding of fact supporting the Board's decision.

#### 4.9 Departures

- A. If there are any meaningful departures from these goals resulting from changes desired by the applicant or as a result of necessary information not made available to the Board at any level of application, the Board may return the application to the previous level approved by the Board, or delay the final decision date by the Board. This determination is at the discretion of the Board in conformance with these regulations.

- B. The guidelines established above are goals to be achieved through cooperation of the applicant, and are set out as a guide to both the applicant and the Board through the review process. They are not necessarily binding or complete, and the Board may depart from them in conformance with these regulations.



## Article 5. SKETCH PLAN FOR ALL SUBDIVISIONS

The Sketch Plan stage is prior to the application. This is an informal presentation of the subdivision, and is intended to allow the applicant to present general information regarding the proposed subdivision layout and concepts to the Board and receive the Board's comments prior to the expenditure of substantial sums of time and money on surveying, soils identification, and engineering by the applicant. This is a time for casual discussion, to test the possibility of creative ideas being accepted, and for feedback from the Board on suggestions about alternative designs and interpretation of the Regulations and Ordinances.

It is suggested that the applicant bring alternative designs, and be prepared to alter the layout on the basis of these conversations.

### 5.1 Procedure

- A. An Applicant's request to be on the agenda must be accompanied by a complete Application and payment of all fees. Upon request of an application, the Board shall issue an dated receipt to the applicant and notify all owners of abutting property that an application for a subdivision has been received.

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- B. The fees shall be deposited into an escrow account, as established by the Treasurer. Expenses will deducted from this account as they are incurred. If the account drops below the threshold, as established by the Selectmen, the project will be tabled until the escrow account is replenished. The Selectmen shall set the initial payment, minimum account balance, and replenishment rate.
- C. Applicant presentation and submission of a Sketch plan expressing the applicant's concept of the subdivision. Question and answer period. Board makes specific suggestions to be incorporated by the applicant into subsequent submissions.
- D. Scheduling of on-site inspection by the Board, if desired.

### 5.2 Submission.

- A. The applicant shall demonstrate proof of ownership or interest in the property. If an agent or representative of the owner or subdivider is presenting the application, that representative shall present to the Board authorization signed by the applicant.
- B. The Sketch Plan shall show, in simple sketch form, the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The Sketch Plan may be a freehand penciled sketch. It should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. The sketch plan must be clearly labeled "Sketch Plan" and "dated".
- C. The sketch plan shall be accompanied by a copy of the Assessor's Map(s) on which the land is located.

- D. The Sketch Plan shall be accompanied by a copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision.
- E. A copy of the soil map from the USDA Soil Conservation Service survey.
- F. All subsequent submissions shall contain annotations listing the revisions made.
- G. Ten (10) copies of the sketch plan and all supporting materials must be submitted ten (10) days prior to a regularly scheduled Planning Board meeting, in order to be placed on the Board's agenda.
- H. The sketch plan shall show, as a minimum, in simple sketch form, the proposed layout of the streets, lots, buildings and other features in relation to existing conditions. The sketch plan, which does not have to be engineered and may be a free hand penciled sketch, shall show site conditions such as steep slopes, wet areas and vegetative cover in a general manner. The sketch plan shall be supplemented with a written project narrative, with general information to describe or outline the existing conditions of the site and a full description of the proposed development. The narrative should include general proposals for how any common areas and infrastructures will be managed and maintained. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located. The sketch plan shall be accompanied by:

### 5.3 Contour Interval and On-Site Inspection.

- A. Within thirty days of the approved sketch plan meeting, the Board shall schedule a site walk and determine and inform the applicant of the required contour interval to be included on the preliminary Plan Submittal.
- B. The Board may hold an on-site inspection of the property. Prior to the on-site inspection, the applicant shall place 'flagging' at the centerline of any proposed streets, and at the approximate intersections of the street centerlines and lot corners, prior to the on-site inspection. If the proposed project includes buildings, the approximate corners of the building footprints shall be "flagged." The Board may choose not to conduct on-site inspections when there is inclement weather or snow on the ground. On-site inspection notices shall be posted with regular Board meeting agenda. A summary of the site-walk and attendees will be placed in the applicants file as noted.
- C. Test pits, site features and items listed in item 5.3B above shall be clearly flagged to coincide with the information submitted.

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~~5.4 Rights not Vested. The submittal or review of the Sketch Plan shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1 M.R.S.A., §302.~~

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5.5 Following the sketch plan meeting the Board shall establish a file for the proposed subdivision. All correspondence and submissions regarding the sketch plan meeting(s) and application shall be maintained in the file.

## Article 6. FINAL PLAN FOR MINOR SUBDIVISIONS

- 6.1 General. The Board may require, where it deems it necessary for the protection of public health, safety, and welfare, that a Minor Subdivision comply with all or any of the submission requirements for a Major Subdivision.
- 6.2 Procedure.
- A. Within six months after the submission of the Sketch Plan to the Board, the subdivider shall submit an application for approval of a Final Plan at least fourteen days prior to a scheduled meeting of the Board. Failure to do so shall require resubmission of the Sketch Plan to the Board. The Final Plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.
  - B. Prior to the submission and presentation of the Final Plan to the Board for final approval, the subdivider, or his duly authorized representative, shall attend a Final Plan Review meeting of the Board to present implementation of ~~comments from the Sketch Plan review, findings of fact and conditions.~~ The Board may waive this step at the request of the applicant.
  - C. Within thirty days of receipt of the Final Plan submittal, the Board shall notify the applicant in writing whether or not the application is complete and what, if any, additional submissions are required for a complete application.
  - D. Upon determination that a complete application has been submitted for review, the Board shall hold a public hearing on the application submittal. The Board shall hold the public hearing within thirty days of this determination. The Board shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times. The date of the first publication shall be at least seven days prior to the hearing.
  - E. Within thirty days of a public hearing, or within sixty days of receipt of a complete application, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, the Board shall make findings of fact on the application, and approve, approve with conditions, or deny the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

### 6.3 Submissions.

- A. For review, paper "blue line" or photocopies of the plan are acceptable. If approved, the final plan for a Minor Subdivision shall consist of a reproducible, stable based transparent original to be recorded at the Registry of Deeds and three copies to be filed at the Municipal Office. The Plan shall be drawn to a scale of not more than one hundred feet to the inch. The Board may allow plans for subdivisions containing more than one hundred acres to be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. Ten copies, of the plan and all information accompanying the plan, shall be submitted.
- B. The application for approval of a Minor Subdivision shall include the following information:
1. A location map adequate to show the relationship of the proposed subdivision to the adjacent properties and to allow the Board to locate the ~~subdivision within the municipality. The Location Map shall show:~~
    - a. Existing subdivisions in the proximity of the proposed subdivision.
    - b. Locations and names of existing and proposed streets.
    - c. Boundaries and designations of zoning districts.
    - d. An outline of the proposed subdivision and any remaining portion of the owner's property if the plan submitted covers only a portion of the owner's entire contiguous holding.
  2. Proposed name of the subdivision, or identifying title, and the name of the Town of Hollis, plus the Assessor's Map and Lot numbers.
  3. Verification of right, title, or interest in the property.
  4. A field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument to be set or found at each lot corner.
  5. A copy of the deed from which the survey was based. A copy of all covenants, easements, rights-of-way, or other encumbrances currently affecting the property. Deed restrictions shall not be added to the plan.
  6. A copy of all covenants and deed restrictions intended to cover all or part of the lots in the subdivision. The plan shall reference these covenants and deed restrictions, and include the statement, "The Town of Hollis is not responsible for enforcing covenants and deed restrictions."
  7. Indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses, prepared by a Licensed Site Evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted. Test pits must be marked with semi permanent markers i.e., pipes, stakes, etc.

8. Indication of the type of water supply system(s) to be used in the subdivision.
  - a. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.
  - b. If a common water supply is used, the Board will require additional information from the applicant.
9. The date the Plan was prepared, true and magnetic north points, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan, and the names of adjoining property owners. If the subdivider is not the owner of the property, evidence of the subdivider's right, title or interest to the property.
10. A copy of the portion of the York County Soil Survey covering the subdivision. When the medium intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Board may require the submittal of a high intensity soil survey or a report by a Registered Soil Scientist or Registered Professional Engineer experienced in geotechnics, indicating the suitability of soil conditions for those uses.
11. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, vegetative cover type, wetlands and other essential existing physical features shall be delineated on plan.
12. Contour lines at a five-foot interval showing elevations in relation to Mean Sea Level, unless otherwise specified by the Board.
13. The boundaries of any flood hazard areas and the 100-year flood elevation, all wetlands regardless of size, all slopes in excess of 20%, and all land in a Resource Protection Zone shall be delineated on the plan.
14. A hydrogeologic assessment prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, when the subdivision is not served by public sewer; and
  - a. Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers," by the Maine Geological Survey, 1985, Map No.4; or
  - b. The subdivision has an average density of less than 80,000 square feet per dwelling unit.
15. A soil erosion and sedimentation control plan shall be submitted.
16. If required by the Board, a storm water management plan shall be prepared by a Professional Engineer. (See Article 12).
17. Road construction and storm drainage design shall be in accordance with Article 12.
18. At the discretion of the Board, but in all cases where road construction is proposed (other than driveways), the applicant shall submit a proposal to provide performance guarantees to meet the requirements of Article 13 of these regulations.



#### 6.4 Final Approval and Filing.

- A. No plan shall be approved by the Board as long as the subdivider is in violation of the provisions on a previously approved Plan.
- B. Upon findings of fact and determination that all standards in Title 30-A, M.R.S.A. §4404, and these regulations have been met, and upon voting to approve the subdivision, the Board members voting to approve the subdivision shall sign the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. The Board, as part of its permanent records, shall retain one copy of the signed plan. One copy of the signed plan shall be forwarded to the Tax Assessor. One copy of the signed plan shall be forwarded to the Code Enforcement Officer. Any subdivision not recorded in the Registry of Deeds within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void.
- C. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted and the Board approves any modifications, except in accordance with Article X10. The Board shall make findings that the revised plan meets the standards of Title 30-A M.R.S.A., §4404, and these regulations. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the records of the Registry of Deeds.
- D. The approval, by the Board, of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the Plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the Plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Municipal Officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.
- E. All copies of the Final Plans for Approval and signature must contain the following note:
  - 1. *The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by the applicant concerning the development and use of the property which appear in the record of the Planning Board proceedings are conditions of the approval. No change from the conditions of approvals is permitted unless an amended plan is first submitted to and approved by the Planning Board.*

## **Article 7. SKETCH PLAN FOR MAJOR SUBDIVISIONS**

### **7.1 Procedure.**

- A. The subdivider shall all necessary materials and request to be on the agenda at least 7 days to a scheduled meeting of the Board.
- B. Within thirty days of receipt of a Preliminary Plan application form and fee, the Board shall notify the applicant in writing whether or not the application is complete and what, if any, additional submissions are required for a complete application.
- C. . The Board shall determine whether to hold a public hearing on the Sketch Plan application. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of determining a complete application has been submitted. Notice of the Public Hearing date, time, and place shall appear in a newspaper of general circulation in the municipality at least two times. The date of the first publication to be at least seven days prior to the hearing. When a subdivision is located within 500 feet of a municipal boundary and a public hearing is to be held, the Board shall notify the Clerk and the Planning Board of the adjacent municipality involved at least ten days prior to the hearing.
- D. The Board shall, within thirty days of a public hearing, or within sixty days of determining a complete application has been submitted, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, make findings of fact on the application, and approve, approve with conditions, or deny the Preliminary Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.
- E. When granting approval to a Preliminary Plan, the Board shall state the conditions of such approval, if any, with respect to:



1. The specific changes which it will require in the Final Plan;
  2. The character and extent of the required improvements for which waivers may have been requested and which, in the Board's, opinion may be waived without jeopardy to the public health, safety, and general welfare; and
  3. The amount of all performance guarantees which it will require as a prerequisite to the approval of the Final Plan;
- H. Approval of a Preliminary Plan shall not constitute approval of the Final Plan, but rather it shall be deemed an expression of approval of the design of the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the approval of the Final Plan, the Board may require additional changes as a result of the further study of the subdivision or as a result of new information received.

## 7.2 Submissions.

- A. Location Map. The Preliminary Plan shall be accompanied by ten copies of a Location Map adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The Location Map shall show:
1. Existing subdivisions in the proximity of the proposed subdivision.
  2. Locations and names of existing and proposed streets.
  3. Boundaries and designations of zoning districts.
  4. An outline of the proposed subdivision and any remaining portion of the owner's property if the Preliminary Plan submitted covers only a portion of the owner's entire contiguous holding.
- B. Preliminary Plan. The Preliminary Plan shall be submitted in ten copies of one or more maps or drawings, which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The Preliminary Plan shall be drawn to a scale of not more than one hundred feet to the inch. The Board may allow plans for subdivisions containing more than one hundred acres to be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. . The following information shall either be shown on the Preliminary Plan or accompany the application for preliminary approval:
1. Proposed name of the subdivision and the Town of Hollis, plus the Tax Assessor's Map and Lot numbers.
  2. Verification of right, title, or interest in the property.
  3. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments.
  4. A copy of the deed from which the survey was based. A copy of all covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
  5. A copy of any covenants or deed restrictions intended to cover all or part of the lots in the subdivision. This includes plans for open space maintenance and proposed homeowners' association bylaws.

6. Contour lines at five-foot intervals, showing elevations in relation to Mean Sea Level.
7. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, vegetative cover type, and other essential existing physical features.
8. When sewage disposal is to be accomplished by subsurface sewage disposal systems, test pit analyses, prepared by a Licensed Site Evaluator shall be provided. A map showing the location of a minimum of two test pits per lot dug on the site shall be submitted.
9. Indication of the type of water supply system(s) to be used in the subdivision.
  - a. When water is to be supplied by public water supply, a letter from the servicing water district shall be submitted indicating there is adequate supply and pressure for the subdivision.
  - b. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.
  - c. If a common water supply is used, the Board shall require additional information from the applicant.
10. The date the Plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan. If the subdivider is not the owner of the property, evidence of the subdivider's right, title or interest to the property.
11. The names and addresses of owners of record of adjacent property, including any property directly across an existing public street from the subdivision.
12. The location of any zoning boundaries affecting the subdivision.
13. The location and size of existing and proposed water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
14. The location, names, and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.
15. The width and location of any streets or public improvements shown upon the Official Map and the Comprehensive Plan, if any, within the subdivision.
16. The proposed lot lines with dimensions and lot areas shall be numbered.
17. All parcels of land proposed to be dedicated to public use and the conditions of such dedication in accordance with an approved landscape plan.
18. The location of any open space to be preserved and a description of proposed improvements and its management.
19. A copy of that portion of the county Soil Survey covering the subdivision. When the medium intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Board may require the submittal of a high intensity soil survey or a report by a Registered Soil Scientist or Registered Professional Engineer experienced in geotechnics, indicating the suitability of soil conditions for those uses.
20. The boundaries of any flood hazard areas and the 100-year flood elevation, all wetlands regardless of size, all slopes in excess of 20%, and all land in a Resource Protection Zone shall be delineated on the plan.
21. A hydrogeologic assessment, prepared in accordance with Section 11.10.A by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, when the subdivision is not served by public sewer; and

- a. Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers," by the Maine Geological Survey, Map No.4; or
  - b. The subdivision has an average density of less than 80,000 square feet per dwelling unit.
22. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours.
23. For subdivisions involving 40 or more parking spaces or projected to generate more than 400 vehicle trips per day, a traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic engineering, shall be submitted. 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 of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.
24. The Planning Board shall notify the Road Commissioner, School Superintendent, and Fire Chief, and the Conservation Committee of the proposed subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multi-family commercial or industrial buildings. The Planning Board shall request that these officials comment within thirty days, or at the public hearing, upon the adequacy of their department's existing capital facilities to service the proposed subdivision.
25. At the discretion of the Board, but in all cases where road construction is proposed, the applicant shall submit a proposal to provide performance guarantees to meet the requirements of Article 13 of these regulations.

## Article 8. FINAL PLAN FOR MAJOR SUBDIVISION

### 8.1 Procedure.

- A. The subdivider shall, within six months after the approval of the Preliminary Plan, file with the Board an application for approval of the Final Plan at least fourteen days prior to a scheduled meeting of the Board. Extensions in six-month increments may be allowed to the subdivider if he can prove he requires the time for other approvals required by these regulations, i.e. DEP approval. If the application for the Final Plan is not submitted within six months after Preliminary Plan approval, the Board may refuse without prejudice to act on the Final Plan and require resubmission of the Preliminary Plan. The Final Plan shall approximate the layout shown on the Preliminary Plan, plus any recommendations made by the Board. If the Board deems a public hearing necessary, an additional fee shall be required to cover the costs of advertising and postal notification.
- B. Prior to submittal of the Final Plan application, the following approvals shall be obtained in writing, where appropriate:
  - 1. ~~Maine Department of Environmental Protection, under the Site Location of~~ Development Act, Natural Resources Protection Act, or if a Waste Water Discharge License is needed.
  - 2. Maine Department of Human Services, if the subdivider proposes to provide a central water supply system.
  - 3. Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.
  - 4. Saco River Corridor Commission.
- C. Prior to the submission and presentation of the Final Plan, to the Board for final approval, the subdivider or his duly authorized representative shall attend a meeting of the Board to discuss implementation of comments from the Preliminary Plan Review, findings of fact and conditions.
- D. Upon receipt of the Final Plan submittal, the Board shall issue a dated receipt to the applicant.
- E. Within thirty days of receipt of a Final Plan submittal form and fee, the Board shall notify the applicant in writing whether or not the application is complete and what, if any, additional submissions are required for a complete application.
- F. Upon determination that a complete submittal for a Final Plan has been submitted for review, the Board shall hold a public hearing. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of this determination. The Board shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times. The date of the first publication to be at least seven days prior to the hearing.

- G. When a subdivision is located within 500 feet of a municipal boundary and a public hearing is to be held, the Board shall notify the Clerk and the Planning Board of the adjacent municipality involved at least ten days prior to the hearing.
- H. Before the Board grants approval of the Final Plan, the subdivider shall meet the performance guarantee requirements contained in Article 13.
- I. If the subdivision is located in more than one municipality, the Board shall have a joint meeting with the Planning Board of the adjacent municipality to discuss the Plan.
- J. The Board shall, within thirty days of a public hearing, or within sixty days of determining a complete application has been submitted, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, make findings of fact, and conclusions relative to the standards contained in Title 30-A, M.R.S.A. §4404 and in these regulations. If the Board finds that all standards of the Statute and these regulations have been met, they shall approve the Final Plan. If the Board finds that any of the standards of the Statute or these regulations have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Board.

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

The application for approval of the Final Plan shall include the following information in addition to that required for the preliminary plan:

- A. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.
- B. The location, names, and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily



determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The length of all-straight lines, the deflection angles radii, length of curves and central angles of curves, tangent distances and tangent bearings for each street shall be included.

- C. A soil erosion and sedimentation control plan and soil suitability plan will be prepared and reviewed by a qualified Engineer or the Soil and Water Conservation District at the expense of the developer.
  - D. A stormwater management plan prepared by a Registered Professional Engineer may be required.
  - E. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers of cession to the municipality of all public open spaces shown on the Plan and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If open space or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer of cession shall be included.
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- F. If requested by the Board, a list of construction items, with cost estimates, will be completed by the developer prior to the sale of lots. The Board may request a separate list of construction and maintenance items, with both capital and annual operating cost estimates, which must be financed by the municipality, or quasi-municipal districts. These lists may include but not be limited to:
    - 1. Schools, including busing
    - 2. Street maintenance and snow removal
    - 3. Police and fire protection
    - 4. Solid waste disposal
    - 5. Recreation facilities
    - 6. Storm water drainage
    - 7. Waste Water treatment Water supply
  - G. If requested by the Board, the developer shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.
  - H. At the time the Board grants Final Plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to ensure the orderly development of the Plan. If any municipal or quasi-municipal department head notified of the proposed subdivision informs the Board that their department or district does not have adequate capital facilities to service the subdivision, the Board may require the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to allow the orderly planning, financing and provision of public services to the subdivision.

### 8.3 Final Approval and Filing.

- A. No plan shall be approved by the Board as long as the subdivider is in violation of the provisions on a previously approved Plan.
- B. Upon findings of fact and determination that all standards in Title 30-A, M.R.S.A. §4404, and these regulations have been met, and upon voting to approve the subdivision, the Board members voting to approve the subdivision shall sign the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. The Board as part of its permanent records shall retain one copy of the signed plan. One copy of the signed plan shall be forwarded to the Tax Assessor. One copy of the signed plan shall be forwarded to the Code Enforcement Officer. Any subdivision not recorded in the Registry of Deeds within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void.
- C. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted and the Board approves any modifications, except in accordance with Article 10. The Board shall make findings that the revised plan meets the standards of Title 30-A M.R.S.A., §4404, and these regulations. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the records of the Registry of Deeds.
- D. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the Plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the Plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Municipal Officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

*E. All Copies of the Final Plans for approval and signature must contain the following note:*

*1. The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by this applicant concerning the development and use of the property which appear in the record of the Planning Board proceedings are conditions of the approval. No change from the conditions of approvals is permitted unless an amended plan is first submitted to and approved by the Planning Board.*





## Article 9. REVISIONS TO APPROVED PLANS

### 9.1 Procedure.

- A. An applicant for a revision to a previously approved plan shall, at least fourteen days prior to a scheduled meeting of the Board, submit supporting materials and request to be placed on the Board's agenda.
  - B. If the revision involves very minor modifications, the Code Enforcement Officer may authorize them under the authority of Article 10.
  - B. If the revision involves only modifications of the approved plan without the creation of new lots or dwelling units, the procedures for final plan approval may be followed.
  - C. If the revision involves the creation of additional lots, dwelling units, or rights of way, the procedures for preliminary plan or final plan approval shall be followed, as determined by the Board.
  - D. Where a proposed revision is not similar to the above, the Board will determine the level of application and review required, based on the above guidelines.
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### 9.2 Submissions.

The applicant shall submit a copy of the approved plan, as well as ten copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of these regulations.

### 9.3 Scope of Review.

The Board's scope of review shall be limited to those portions of the plan that are proposed to be changed.

## Article 10. ENFORCEMENT

### 10.1 Inspection of Required Improvements.

- A. At least five days prior to commencing each major phase of construction of required improvements, as determined by the Planning Board, the subdivider or builder shall:
  - 1. Notify the Code Enforcement Officer in writing of the time when construction is proposed to begin so the Municipal Officers may inspect the project. Inspections assure that all municipal specifications and requirements are met during the construction, and assure the Board that improvements and utilities have been satisfactory completed
  - 2. A major phase may include, but is not limited to, road and drainage, foundations, plumbing, septic, wells, electrical and landscaping.
- B. If the inspecting official finds that any of the required improvements have not been constructed in accordance with the plans and specifications, the inspecting official shall so report in writing to the Municipal Officers, Planning Board, and the subdivider or builder. The Municipal Officers shall take any steps necessary to preserve the municipality's rights.
- C. If at any time before or during the construction of the required improvements, it appears to be necessary or desirable to modify the required improvements, the Code Enforcement Officer is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The Code Enforcement Officer shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Town. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the subdivider shall obtain permission to modify the plans from the Board.
- D. At any time during the construction of the infrastructure improvements, the Planning Board may request the subdivider or developer to meet with the Board for informational questions and answers. This may be either scheduled as a condition of approval, or, as needed, through written notice to the developer at least 20 days prior to the scheduled meeting.

The purpose of such a meeting is to assist the Board in understanding the impacts of its planning decisions, and to guide deliberations in future applications. This in no way conveys any enforcement authority on the Board. Although violations may be discussed, this is not intended to suggest the Board interrogate or criticize the developer about violations. Inspection and enforcement are the duties of the Code Enforcement Officer.

- E. At the close of each construction season, the site shall be inspected by the Code Enforcement Officer. By December 1 of each year during which construction was done on the site. The Code Enforcement Officer shall submit a report to the Board based on that inspection, addressing whether storm water and erosion

control measures appear adequate, and recommendations on any problems encountered.

- F. Upon completion of street construction and prior to a vote by the Municipal Officers to submit acceptance of a proposed town way to a town meeting, a written certification signed by the Road Commissioner shall be submitted to the Municipal Officers certifying that the proposed town way meets or exceeds the design and construction requirements of these regulations. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility.
- G. The subdivider, builder, or homeowner's association shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the municipality.

#### 10.2 Violations and Enforcement.

- A. No plan of a division of land within the municipality which would constitute a subdivision shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Board in accordance with these regulations.
- 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 Registry of Deeds.
- C. No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in an approved subdivision which is not shown on the Final Plan as a separate lot.
- D. 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 these regulations shall be fined not less than \$100 and not more than \$2,500 for each such conveyance, offering or agreement. The Municipality may institute proceedings to enjoin the violation of this section and may collect attorneys' fees and court costs if it is the prevailing party.
- E. No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Board.
- F. Development of a subdivision without Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings that require a Final Plan approved as provided in these regulations and recorded in the Registry of Deeds.
- G. No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with these regulations, up to and including the contents of the approved Final Plan and/or the phased construction sequence plan. No unit in a multi-family development shall be occupied before the street upon which the unit is accessed is completed in accordance with the approved Final Plan.

## Article 11. GENERAL STANDARDS

In reviewing applications for subdivision, the Board shall consider the following general standards and make findings that each has been met prior to the approval of a Final Plan. In all instances the burden of proof shall be upon the applicant.

11.1 Conformance with Comprehensive Plan. All proposed subdivisions shall be in conformity with the Comprehensive Plan or policy statement of the municipality and with the provisions of all-pertinent state and local codes and ordinances.

11.2 Retention of Open Spaces and Natural or Historic Features.

- A. The plan shall, by notes on the final plan and deed restrictions, prohibit the clearing of trees from those areas designated on the plan.
- B. The Board may require the reservation of up to ten percent of the area of the subdivision as open space in order to provide for the recreational needs of the occupants of the subdivision or to maintain the scenic or natural beauty of the area. In determining the need for open space the Board shall consider the ~~proximity of the subdivision to neighboring dedicated open space or recreation~~ facilities; the needs identified in the municipal comprehensive plan or recreation plan for open space or recreation facilities in the neighborhood surrounding the subdivision; the type of development and the demographic characteristics of potential residents in the subdivision; and the density or lot sizes of the development. The developer may instead make a payment in-lieu-of dedication into a municipal open space or recreation land acquisition fund.
- C. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended.
- D. Reserved land acceptable to the Board and subdivider may be dedicated to the municipality as a condition of approval.
- E. Where land within the subdivision is not suitable or is insufficient in amount or where the applicant prefers a payment-in-lieu of dedication, payment shall be calculated at the market value of the developed land at the time of the subdivision, as determined by a state licensed real estate appraiser, and deposited into a municipal land acquisition or improvement fund.
- F. If the proposed subdivision contains any identified historical or archeological sites, or any areas identified in the Comprehensive Plan or by the Maine Critical Areas Program as rare and irreplaceable natural areas, these areas shall be included in the open space and suitably protected by appropriate covenants and management plans.
- G. Any public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way, or should be included in the open space, with provisions made for continued public access.

### 11.3 Lots.

- A. All lots shall meet the minimum requirements of the Zoning Ordinance for the zoning district in which they are located. The proposed road right-of-ways shall not be included in calculating lot sizes. The lot configuration should be designed to maximize access to solar energy on building sites with suitable orientation.
- B. Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development contemplated. Wherever possible, parking areas shall be laid out to coincide with building locations to maximize solar energy gain.
- C. 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 vehicular access shall be located only on the less traveled way.
- D. Wherever possible, side lot lines shall be perpendicular to the street.
- E. The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future re-subdivision. Where public utilities could be extended to the subdivision in the foreseeable future, the subdivision shall be designed to accommodate the extensions of utilities.
- F. If a lot on one side of a road or other similar barrier fails to meet the minimum requirements for lot size; it may not be combined with a lot on the other side of the road or similar barrier to meet the minimum lot size.
- G. The ratio of lot length to width shall not be more than three to one to meet the minimum requirements for space and bulk. 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.
- H. Where a major subdivision abuts or contains an existing or proposed arterial street, no residential lot may have vehicular access directly onto the arterial street. This requirement shall be noted on the Plan and in the deed of any lot with frontage on the arterial street.

### 11.4 Utilities.

- A. The size, type and location of public utilities such as streetlights, electricity, telephones, gas lines, fire hydrants, etc., shall be approved by the Board and installed in accordance with local practice.
- B. Underground utilities shall be installed prior to the installation of the final gravel base of the road.

### 11.5 Required Improvements. The following improvements are required for all subdivisions unless waived by the Board in accordance with provisions of these regulations.

A. Monuments.

1. The Board may require stone monuments to be set for the corners and angle points.
2. Stone monuments shall be a minimum of four inches square at the top and four feet in length, and set in the ground at 4" above final grade level. After they are set, drilled holes, 1/2 inch deep, shall locate the point or points described above.
3. All other subdivision boundary corners and angle points, as well as all lot boundary corners, street corners and angle points shall be marked by suitable monumentation.

B. Water Supply.

1. When a subdivision is to be served by a public or private water system, the complete supply system, including fire hydrants, shall be installed at the expense of the subdivider. The size and location of mains, gate valves, hydrants and service connections shall be reviewed and approved in writing by the servicing Water Company or district and the Fire Chief.
2. The Board shall allow the use of individual wells or a private community water system.
  - a. Dug wells shall be permitted only if it is demonstrated not to be economically feasible to develop other ground water sources, and shall be constructed so as to prevent infiltration of surface water into the well. Unless otherwise permitted by the Board, the subdivider shall prohibit dug wells by deed restrictions and a note on the plan.
  - b. If a central water supply system is provided by the subdivider, the location and protection of the source and the design, construction, and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water.
  - c. The subdivider may be required to construct ponds and dry hydrants to provide for adequate water storage for fire-fighting purposes. An easement shall be granted to the municipality granting access to and maintenance of the dry hydrants where necessary. The Board may waive the requirement for fire ponds only upon submittal of evidence that the soil types in the subdivision will not permit their construction.

C. Sewage Disposal.

1. In addition to test pit analyses, the applicant may be required to submit plans for sewage disposal designed by a Maine-licensed site evaluator, in full compliance with the requirements of the State of Maine Subsurface Waste Water Disposal Rules, i.e. if providing homes on the lots, design shall be required.
2. In addition, on lots in which the limiting factor (i.e. water table level) has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.
3. In no instance shall a disposal area be permitted on soils or on a lot, which requires a New System Variance from the Subsurface Wastewater Disposal Rules.



D. Surface Drainage.

The storm water management plan submitted in accordance with applicable portions of Article 12 shall be installed.

11.6 Land Features.

- A. Topsoil shall be considered part of the subdivision, and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations, except those activities permitted by zoning ordinances.
- B. Except for normal thinning, landscaping, and cutting trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion and to minimize storm water runoff.
- C. To prevent soil erosion in shoreline areas, tree cutting in the strip extending one hundred feet inland from the normal high water mark of any water body shall be limited in accordance with the following:
  - 1. No more than 30% of the total length of the strip on each lot shall be cleared.
  - 2. The removal of trees shall not create any single, clear-cut opening greater than thirty feet wide. A distance of at least 70 feet shall separate adjacent openings.
  - 3. In the remaining 70% length of the strip, no trees larger than four inches diameter at breast height shall be cut, and sufficient cover to preserve natural beauty and control erosion shall remain.
  - 4. If any part of the subdivision falls within a shoreland zone, the shoreland zoning standards shall be adhered to.

11.7 Cluster Developments.

A. Purpose.

The purpose of these provisions is to allow for innovative concepts of housing development where maximum variations of design may be allowed, provided that the net residential density shall be no greater than is permitted in the Zoning District in which the development is proposed. To this end, the layout and dimensional requirements of the Zoning Ordinance apply.

11.8 Dedication and Maintenance of Common Open Space and Services.

- A. All common land, facilities and property shall be owned jointly or in common by the owners of the dwelling units by means of a homeowners association, by an association which has as its principal purpose the conservation or preservation of land in essentially its natural condition, or by the municipality.

- B. Further subdivision of the common land or its use for other than non-commercial recreation or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land.
- C. The common open space shall be shown on the Final Plan with appropriate notation on the plan to indicate that:
  - 1. It shall not be used for future building lots; and
  - 2. A part or all of the common open space may be dedicated for acceptance by the municipality.
- D. The by-laws of the proposed homeowners association shall specify maintenance responsibilities and shall be submitted to the Board prior to Final Plan approval. Changes to the by-laws do not require re-approval of the Final Plan. Changes shall be submitted to the Board for approval.
- E. Covenants for mandatory membership in the homeowners association setting forth the owners' rights, interests, and privileges in the association and the common property, shall be reviewed by the Board and included in the deed for each lot or dwelling.
- F. The homeowners association shall have the management and financial responsibilities of maintaining the common property or facilities.
- G. The developer or subdivider shall maintain control of the common property and be responsible for its maintenance until development sufficient to support the association has taken place.

#### 11.9 Construction in Flood Hazard Areas.

When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency, the plan shall indicate that all principal structures on lots in the subdivision shall be constructed in accordance with current Hollis Zoning Ordinances. Any restrictions shall be included in the deed to any lot, which is included or partially included in the flood hazard area.



#### 11.10 Impact on Ground Water.

- A. When a hydrogeologic assessment is submitted, the assessment, if required by the Board, may contain any of the following information:
  - 1. A map showing the basic soils types.
  - 2. The depth to the water table at representative points throughout the subdivision.
  - 3. Drainage conditions throughout the subdivision.
  - 4. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
  - 5. 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, at the subdivision boundaries, and at a distance of 1000 feet from potential contamination sources, whichever is a shorter distance. For subdivisions within the watershed of a lake, projections of the subdivision's impact on ground water phosphate concentrations shall also be provided.
  - 6. 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.
- B. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
- C. No subdivision shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.
- D. 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.
- E. 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.
- F. Subsurface wastewater 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.

### 11.11 Access Control and Traffic Impacts.

A. **General.** Provisions shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to safeguard against hazards to traffic, bicycles, and pedestrians in existing streets and within the subdivision to avoid traffic congestion on any street and to provide safe and convenient circulation on public streets and within the subdivision. More specifically, access and circulation shall also conform to the following standards and the design criteria below.

1. The vehicular access to the subdivision shall be arranged to connect to existing local residential streets to permit convenient movement of traffic between residential neighborhoods, but such connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.
2. Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is less potential for traffic congestion and for hazards to traffic and pedestrians.
3. The street giving access to the subdivision and neighboring streets, which can be expected to carry traffic to and from the subdivision, shall have traffic carrying capacity and be suitably improved to accommodate the amount and types of traffic generated by the proposed subdivision.
4. Where necessary to safeguard against hazards to traffic, bicycles and pedestrians and/or to avoid traffic congestion, provisions shall be made for turning lanes, traffic directional islands, frontage roads, sidewalks, pedestrian paths, bicycleways and traffic controls within public streets.
5. Access ways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street.
6. Where topographic and other conditions allow, provision shall be made for circulation access connections to adjoining lots of similar existing or potential use:
  - a. when such access connection will facilitate fire protection services as approved by the Fire Chief; or
  - b. when such access will enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a street.
7. Traffic volume estimates shall be defined by the latest edition of the *Trip Generation Manual* published by the Institute of Transportation Engineers.
8. Street Names, Signs and Lighting. Streets which join and 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. No street name shall be the common given name of a person. The developer shall install street name, traffic safety and control signs meeting municipal specifications. Street lighting shall be installed as approved by the Board.
9. During street construction, the entire right of way shall not be cleared unless clearing is necessary for utilities, drainage or other infrastructure necessities beyond the clear zone. Following street construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire right of way created during the street construction process. If on-site disposal of the stumps and organic debris is proposed, the site shall be indicated on the plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.

### B. Subdivision Access Design.

Accesses connecting to any state or state aid highway shall first acquire a Driveway or Entrance Permit from the Maine Department of Transportation prior to the Planning Board's review. When the access to a subdivision is a street, the street design and construction standards of Article 12 shall be met. Where there is a conflict between the standards in this section and the standards of Article 12, the stricter or more stringent shall apply.

1. **General.** Access design shall be based on the estimated volume using the access classification defined below.
  - a. Low Volume Access: Less than 40 vehicle trips per day.
  - b. Medium Volume Access: Any access with greater than 40 trips per day and less than 100 trips during the peak hour.
  - c. High Volume Access: Peak hour volume of 100 vehicle trips during the peak hour or greater.
2. **Sight Distances.** Minimum sight distance requirements for all subdivision accesses connecting to external streets shall be contingent on the posted speed of the external street connecting to the subdivision access. Accesses shall be designed in profile and grading and located to provide the required sight distance. 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 curb line or edge of shoulder, with the height of the eye 3-1/2 feet, to the top of an object 4-1/2 feet above the pavement. For accesses that are expected to carry primarily passenger vehicles, the standards in the second column in the table below shall apply. On roads that are designated by the Maine Department of Transportation as Mobility or Retrograde Arterials, the second column in table below shall apply. The required sight distances are listed below for various posted speed limits.

Table 11.11.B.1 Minimum Sight Distance Standards for Subdivision Access

| Posted Speed (MPH) | Sight Distance Standard Vehicles (Feet) | Sight Distance Mobility Corridors (Feet) |
|--------------------|---|--|
| 20                 | 155                                     | Not applicable                           |
| 25                 | 200                                     | Not applicable                           |
| 30                 | 250                                     | Not applicable                           |
| 35                 | 305                                     | Not applicable                           |
| 40                 | 360                                     | 580                                      |
| 45                 | 425                                     | 710                                      |
| 50                 | 495                                     | 840                                      |
| 55                 | 570                                     | 990                                      |
| 60                 | 645                                     | 1,150                                    |

3. **Vertical Alignment.** Accesses shall be flat enough to prevent the dragging of any vehicle undercarriage. Low volume accesses shall slope upward or downward from the gutter line on a straight slope of 2 percent or less for at least 25 feet followed by a slope of no greater than 10 percent for the next 50 feet. The maximum grade over the entire length shall not exceed 15 percent. Medium and high volume accesses should slope upward or downward from the gutter line on a

straight slope of 2 percent or less for at least 25 feet. Following this landing area, the steepest grade on the access shall not exceed 8 percent.

4. **Basic Access Design Standards for Low and Medium Volume Accesses**

The following minimum access design standards shall apply to all low and medium volume accesses connecting to external streets:

Table 11.11.B.2 Access Design Standards for Low and Median Volume Accesses

| <i>Basic Standards</i>           | <i>Low Volume</i> | <i>Medium Volume</i> |
|----------------------------------|-------------------|----------------------|
|                                  | (feet)            | (feet)               |
| Minimum Access Width:*           | 18                | 18                   |
| Minimum Curb Radius:             | 10                | 15                   |
| Minimum Corner Clearance to:**   |                   |                      |
| <i>Unsignalized Intersection</i> | 75                | 100                  |
| <i>Signalized Intersection</i>   | 125               | 125                  |
| Minimum Access Spacing***:       |                   |                      |
| <i>MPH of External Road</i>      |                   |                      |
| 35 or less                       | No Requirement    | No Requirement       |
| 40                               | 175               | 175                  |
| 45                               | 265               | 265                  |
| 50                               | 350               | 350                  |
| 55 or more                       | 525               | 525                  |

\*Minimum widths for low or medium volume accesses shall be either the minimum cross section width of the internal subdivision street or the minimum access width in Table 12.2.-2, whichever width is greater.

\*\*Minimum corner clearance shall be the distance measured from the edge of an internal subdivision access excluding radii to the edge of an external street excluding radii.

\*\*\*Minimum access spacing shall be the distance measured from the edge of an internal subdivision access excluding radii to the edge of a neighboring access excluding radii.

5. **High Volume Accesses:**

All high volume accesses shall meet the requirements of the Maine Department of Transportation's "Rules and Regulations Pertaining to Traffic Movement Permits." If required, a copy of the Maine Department of Transportation's required traffic study shall be submitted to the Board. An approved MaineDOT Traffic Movement Permit shall be a required submittal for the Preliminary Plan for Major Subdivisions.

The Board shall develop design standards for the proposed subdivision access based on the findings of the traffic study submitted to the Maine Department of Transportation. The design standards shall be compatible with the performance standards cited in Article 12 of the Subdivision Regulations.

6. **Special Case Accesses:**

Special Case Accesses are one-way or two-way drives serving medium or high volume uses with partial access (right turn only) permitted. These accesses are appropriate on roadway segments where there is a raised median and no median breaks are provided opposite the proposed access. These accesses are usually located along the approaches to major signalized intersections where a raised

median may be provided to protect left turning vehicles and separate opposing traffic flows.

- a. The Board shall determine if one two-way or two one-way access(es) will be required for the proposed subdivision. If a one-way system is required and the predominant traffic volume is truck traffic, the entrance will be configured on the minimum angle that permits the truck to enter or leave the highway safely and conveniently. Otherwise all one way accesses will be configured perpendicular to the highway for at least the length of the design vehicle.
- b. For one-way access systems, the Board shall determine if a physical separation of curbing, ditching, grass or other landscaping must be used between the two one-way accesses. Both portions of a one-way access must be separated from another one-way access by at least 12 feet.

**7. Number of Accesses.**

- a. No low volume traffic generator shall have more than one, two-way access onto a single roadway.
- b. No medium volume traffic generator shall have more than two, two-way accesses onto a single roadway.

**8. Paving.**

All accesses shall be paved within 30 feet of the street right of way, unless the external street is not paved. All accesses entering a curbed street shall be curbed with materials matching the street curbing. Sloped curbing is required around all raised channelization islands or medians.

**Article 12. STREET AND STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS**

**12.1 General Requirements.**

- A. The Board shall not approve any subdivision plan unless proposed streets and storm water management systems are designed in accordance with any local ordinance or the specifications contained in these regulations. Approval of the Final Plan by the Board, shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement.
- B. Applicants shall submit to the Board, as part of the Final Plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed streets and existing streets within 300 feet of any proposed intersections. The plans shall include the following information:
  1. Date, scale, and magnetic or true north point.
  2. Intersections of the proposed street with existing streets.
  3. Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, and curbs.
  4. Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
  5. Complete curve data shall be indicated for all horizontal and vertical curves.
  6. Turning radii at all intersections.
  7. Centerline gradients.
  8. Locations of all existing and proposed overhead and underground utilities, to include but not be limited to water, sewer, electricity, telephone, lighting, and cable television.



- C. Upon receipt of plans for a proposed public street the Board shall forward one copy to the Municipal Officers, the Road Commissioner, and the Municipal Engineer for review and comment. Plans for streets which are not proposed to be accepted by the municipality shall also be sent from the Board to the Municipal Engineer for review and comment.
- D. Where the applicant proposes improvements within existing public streets, the proposed design and construction details shall be approved in writing by the Road Commissioner or the Maine Department of Transportation, as appropriate.
- E. Where a subdivision has access on to an existing substandard road (below the standards set in Table 12.12.G) the developer shall, at no cost to the Town, improve the existing roadway or intersection at least 50 feet beyond the access. The Board may require further improvement of the existing roadway to provide for public health, safety, and welfare.

F. Private Roads.

The following standards shall apply to all proposed private roads:

1. All private roads shall be designated as such and will be required to have adequate signage indicating the road is a private road and not publicly maintained.
  2. Except for sidewalk, bicycle provisions and minimum grade requirements stipulated in this Section, all private roads shall adhere to the road design standards of this Section.
  3. All properties served by the private road shall provide adequate access for emergency vehicles and shall conform to the approved local street numbering system.
  4. All private roads shall have adequate provisions for drainage and stormwater runoff as provided in Article 12.4.
  5. Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan and as a covenant on the deed of each property in the subdivision:  
"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."
- G. Blocks. Where street lengths exceed 1,000 feet between intersections with other streets, the Board may require an utility/pedestrian easement, at least 20 feet in width, to provide for underground utility crossings and/or a pedestrian pathway.

**12.2 Street Design Standards.**

- A. These design standards shall be met by all streets within subdivisions and shall control the roadway, shoulders, clear zones, curbs, sidewalks, drainage systems, culverts, and other appurtenances associated with the street.
- B. Streets shall be designed to discourage substantial through traffic on minor streets within a residential subdivision.
- C. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed with the municipality.
- D. Adjacent to areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial uses is contemplated by the municipality, the street right-of-way and/or pavement width shall be increased on each side by half of the amount necessary to bring the road into conformance with the standards for commercial streets in these regulations.

- E. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in these regulations), or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the plan shall indicate reserved 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 Zoning Ordinance. When such widening or realignment is indicated on the Official Map, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the municipality or State.
- F. Any subdivision expected to generate average daily traffic of 200 trips per day or more, shall have at least two street connections with existing public streets, streets shown on an Official Map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted. Any street with an average daily traffic of 200 trips per day or more, shall have at least two street connections leading to existing public streets, streets shown on an Official Map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted.
- G. The following street class definitions and design standards apply according to expected traffic generated by the subdivision as defined in Section 11.11.B (1).

Table 12.2.G Hollis Street Design Standards

| Description   | TYPE OF STREET                          |               |             |                         |
|---|---|---------------|-------------|-------------------------|
|   | Low Volume*<br>(up to 8 dwelling units) | Medium Volume | High Volume | Industrial / Commercial |
| Minimum Right-of-Way Width                          | 50'                                     | 50'           | 50'         | 60'                     |
| Minimum Width of Traveled Way                       | 18'                                     | 20'           | 24'         | 30'                     |
| Sidewalk Width (if required)                        | 5'                                      | 5'            | 5'          | 8'                      |
| Minimum Grade                                       | 0.50%                                   | 0.50%         | 0.50%       | 0.50%                   |
| Maximum Grade**                                     | 8%                                      | 6%            | 5%          | 5%                      |
| Minimum Centerline Radius                           | 100'                                    | 140'          | 350'        | 350'                    |
| Minimum Tangent between curves of reverse alignment | 50'                                     | 100'          | 200'        | 200'                    |
| Roadway Crown                                       | ¼"/ft                                   | ¼"/ft         | ¼"/ft       | ¼"/ft                   |
| Minimum angle of street intersections***            | 75°                                     | 90°           | 90°         | 90                      |



|   |     |       |       |         |
|---|-----|-------|-------|---------|
| Maximum grade w/in 75 ft. of intersection                 | 2%  | 2%    | 2%    | 2%      |
| Minimum curb radii at intersections                       | 15' | 20'   | 30'   | 30'**** |
| Minimum r.o.w radii at intersections                      | 10' | 10'   | 20'   | 20'     |
| Clear Zone Width (each side)                              | 7'  | 7'    | 7'    | 7'      |
| Minimum width of shoulders (each side)                    | 1'  | 2'    | 3'    | 5'      |
| Minimum Aggregate Subbase***** Course without base gravel | 18" | 18"   | 18"   | 18"     |
| with base gravel  | 15" | 15"   | 15"   | 15"     |
| Minimum Crushed Aggregate***** Base Course (if necessary) | 3"  | 3"    | 3"    | 3"      |
| Hot Bituminous Pavement Total Thickness                   |     | 3"    | 3"    | 3"      |
| Surface course  |     | 1.25" | 1.25" | 1.25"   |
| Base course   |     | 1.75" | 1.75" | 1.75"   |

\* Refer to minimum standards for acceptance as a Town Way

\*\* Maximum grade may be exceeded for a length of 100 feet or less.

\*\*\* Street intersection angles shall be as close to 90° as feasible but no less than the listed angle.

\*\*\*\* Should be based on turning radii of expected commercial vehicles, but no less than 30 feet.

\*\*\*\*\* MaineDOT spec 703.06 (a) Type A and MaineDOT spec 703.06 (b), Type D.

H. The centerline of the roadway shall be the centerline of the right-of-way.

I. Dead End Streets. In addition to the design standards above, dead-end streets shall be constructed to provide a cul-de-sac **or**, at the discretion of the Board, a hammerhead turn-around. A cul-de-sac shall have the following requirements for radii: all residential cul-de-sacs the minimum radius shall be 40 feet and all commercial/industrial cul-de-sacs the minimum radius shall be 50 feet. Where the cul-de-sac is in a wooded area prior to development, a stand of trees shall be maintained within the center of the cul-de-sac. The Board may require the reservation of a twenty-foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street. The Board may also require the reservation of a fifty-foot easement in line with the street to provide continuation of the road where future subdivision is possible.

J. Grades, Intersections, and Sight Distances.

1. Grades of all streets shall conform in general to the terrain so that cut and fill are minimized while maintaining the grade standards listed in Table 12.2.G.

2. Where new street 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 curb line or edge of shoulder, with the height of the eye 3-1/2 feet, to the top of an object 4-1/2 feet above the pavement. Where necessary, corner lots shall be cleared of sight obstructions, including ground excavation, to achieve the required visibility.

3. Sight Distances:

| Table 12.2.J.2 Minimum Sight Distance Standards |                       |
|---|-----------------------|
| Posted Speed (MPH)                              | Sight Distance (Feet) |
| 20  | 155                   |
| 25  | 200                   |
| 30  | 250                   |
| 35  | 305                   |
| 40  | 360                   |
| 45  | 425                   |
| 50  | 495                   |
| 55  | 570                   |
| 60  | 645                   |

4. Cross (four cornered) street intersections shall be encouraged insofar as possible, particularly as shown on the Comprehensive Plan or at other important traffic intersections. A minimum distance of two hundred feet shall be maintained between centerlines of side streets.

K. Sidewalks shall be installed within all subdivisions within an urban compact area. Where installed, sidewalks shall meet these minimum requirements.

1. Bituminous Sidewalks.

- a. The crushed aggregate base course shall be no less than eight inches thick.
- b. The hot bituminous pavement surface course shall be no less than two inches after compaction.

2 Portland Cement Concrete Sidewalks.

- a. The sand base shall be no less than six inches thick.
- b. The Portland Cement concrete shall be reinforced with six inch square, number 10 wire mesh and shall be no less than four inches thick.

- L. The Board may require additional shoulder lengths in any situation where the proximity of the proposed subdivision to future or existing neighborhoods, businesses, schools, community facilities, or other bicycle traffic generators suggest that additional shoulder widths will be needed for bicycle traffic. In situations where additional shoulder lengths are required for bicyclists, the minimum width of a paved shoulder shall be at least 2 feet on either side of the traveled way. Paved

shoulder widths for low and medium volume streets in the Hollis Center Zone, the North Hollis Village Zone, and the West Buxton Village Zone shall be a minimum of 2 feet on either side of the traveled way.

### **12.3 Street Construction Standards.**

#### **A. Preparation.**

1. Before any clearing has started on the right-of-way, the centerline and sidelines of the new road shall be staked or flagged at fifty-foot intervals.
2. Before grading is started, the entire area within the right-of-way necessary for traveled way, shoulders, clear zones, sidewalks, drainage-ways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders, and tree stumps shall be removed from the cleared area.
3. All organic materials shall be removed to a depth of two feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the sub-grade of the roadway. On soils, which have been identified by the Town Engineer as not suitable for roadways, the subsoil shall be removed from the street site to a depth of two feet below the sub-grade and replaced with material meeting the specifications in Table 12.2.G, or a Maine Department of Transportation approved stabilization geotextile may be used.
4. All streets constructed as part of a Major Subdivision shall be improved based on the standards included in Table 12.12.G.
5. Except in a ledge cut, side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical and shall be graded, loamed, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan. Where a cut results in exposed ledge, a side slope no steeper than four feet vertical to one-foot horizontal is permitted.
6. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

#### **B. Bases and Pavement.**

All material utilized in construction of subdivision roads shall conform to the current Maine Department of Transportation Standard Specifications; Section 304 – Aggregate Base and Subbase Course, Section 401 – Hot Mix Asphalt Pavement, and Section 700 – Materials.

### **12.4 Storm Water Management Design Standards.**

- A. Adequate provision shall be made for disposal of all storm water generated within the subdivision and any drained ground water through a management system of swales, culverts, under drains, and storm drains. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains. The storm water management plan shall be reviewed by the Town Engineer at the cost of the developer.

1. Where a subdivision is traversed by a stream, river, or surface water drainage way or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. This storm water management system shall be designed by a Registered Professional Engineer.
  2. Drainage easements for existing water courses or proposed drainage ways shall be provided at least thirty feet wide, conforming substantially with the lines of existing natural drainage.
  3. All components of the storm water management system shall be designed to limit peak discharge to predevelopment levels for every storm between the 2-year and the 25-year, 24-hour duration, frequencies based on rainfall data for Portland, Maine. When the subdivision discharges directly to a major water body, peak discharge may be increased from predevelopment levels provided downstream drainage structures are suitably sized.
  4. The minimum pipe size for any storm drainage pipe shall be twelve inches. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be bedded in a fine granular material containing no stones larger than 3 inches, lumps of clay, or organic matter reaching a minimum of six inches below the bottom of the pipe extending to six inches above the top of the pipe.
- 

- B. The storm water management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built, and shall include a surplus design capacity factor of 25% for potential increases in upstream runoff.
- C. Downstream drainage requirements shall be studied to determine the effect of the proposed subdivision. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the subdivision. The subdivider shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.
- D. Catch basins shall be installed where necessary and located at the curb line.
- E. Outlets shall be stabilized against soil erosion by stone rip-rap or other suitable materials to reduce storm water velocity. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the Town allowing maintenance and improvement of the system.
- F. Where soils require a subsurface drainage system, the drains shall be installed and maintained separately from the storm water drainage system.

## 12.5 Storm Drainage Construction Standards.

### A. Materials.

1. Reinforced Concrete Pipe. Reinforced Concrete Pipe shall meet the requirements of ASTM Designation C-76 (AASHTO M 170). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.2 on the .01 inch crack strength with a Class B bedding. Joints shall be of the rubber gasket type meeting ASTM Designation C 443-70 or of an approved preformed plastic jointing material such as "Ramnek". Perforated Concrete Pipe shall conform to the requirements of AASHTO M 175 for the appropriate diameters.
2. Asbestos Cement Pipe. Asbestos Cement Pipe shall meet the requirements of ASTM Designation C428 (AASHTO M 189). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.5 on the crushing strength. Joints shall be of the rubber gasket type meeting ASTM Designation D-1869-63 or of an approved preformed plastic sleeve type.
3. Corrugated Metal Pipe. Corrugated Metal Pipe shall be bituminous coated meeting the requirements of AASHTO Designation M 190 Type C for iron or steel pipe or AASHTO Designation M 196 for aluminum alloy pipe for sectional dimensions and type of bituminous coating. Pipe gauge shall be as required to meet the soil and traffic loads with a deflection of not more than 5%.
4. ABS Pipe. ABS (Acrylonitrile-butadiene-styrene) composite pipe and fittings shall conform to the requirements of AASHTO M 264 and AASHTO M 265. Perforated pipe shall conform to the requirements of AASHTO M 36, Type III.
5. Corrugated Plastic Pipe. Corrugated Plastic Pipe shall conform to the requirements of AASHTO M-252.
6. Manholes shall be of pre-cast concrete truncated cone section construction meeting the requirements of ASTM Designation C 478 or pre-cast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Bases may be cast in place 3,000 psi 28 day strength concrete or may be of pre-cast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed and with tops shall conform to the requirements of AASHTO M 103 for carbon steel castings, AASHTO M 105, Class 30 for gray iron castings or AASHTO M 183 (ASTM A 283, Grade B or better) for structural steel.
7. Catch Basins. Catch Basins shall be of pre-cast concrete truncated cone section construction meeting the requirements of ASTM Designation C 478 or pre-cast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Castings shall be square cast iron sized for the particular inlet condition with the gratings perpendicular to the curb line. Bases may be cast in place 3,000 psi 28 day strength concrete or may be of precast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed and with tops shall conform to the requirements of AASHTO M 103 for carbon steel castings, AASHTO M 105, Class 30 for gray iron castings or AASHTO M 183 (ASTM A 283, Grade B or better) for structural steel.



- B. Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board, after consultation with the Municipal Engineer.
- C. Manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of 400-foot intervals.
- D. Upon completion each catch basin or manhole shall be cleaned of all accumulation of silt, debris or foreign matter and shall be kept clean until final acceptance.

#### 12.6 Additional Improvements and Requirements.

- A. Erosion Control. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the Site preparation, construction, and cleanup stages. This plan shall be reviewed by Soil and Water Conservation District at the cost of the developer.
- B. Cleanup. Following street construction, the developer or contractor shall conduct a thorough cleanup of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the Plan and be suitably covered with fill and topsoil, limed, fertilized, and seeded.
- C. Street Names, Signs and Lighting. Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate or bear phonetic resemblance to the names of existing streets within the Town of Hollis and shall be subject to the approval of the Board. The developer shall reimburse the Municipality for the costs of installing street name, traffic safety and control signs. Street lighting shall be installed as approved by the Board.

#### 12.7 Certification of Construction.

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

## Article 13. IMPROVEMENT GUARANTEES

- 13.1 Purpose. Improvement guarantees shall be provided to ensure the proper installation and maintenance of required street, utility, and other improvements required by these regulations and approved plans. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the developer.
- 13.2 Application. The Board, with the advice of the Town Engineer, Road Commissioner, Town Officers, professional engineers/consultants and/or Town Attorney, shall determine the conditions, duration and amount of the Improvement Guarantee. Before the Board's Approval of the Final Plan and as a condition of final approval, the Board shall require and accept the Improvement Guarantee in accordance with these regulations.
- 13.3 Contents of Guarantee. The performance guarantee shall contain:
- A. Performance guarantee shall equal one hundred and twenty-five per cent (125%) of the cost of installation for the proposed public or quasi-public improvements,
  - B. Construction schedule,
  - C. Cost estimates for each major phase of construction taking into account inflation,
  - D. Provisions for inspections of each phase of construction,
  - E. Provisions for the release of part or all of the performance guarantee to the developer,
  - F. Date after which the developer will be in default and the Town shall have access to the funds to finish construction.
  - G. Provisions for a maintenance guarantee for a period not to exceed two (2) years after final acceptance of the non-road improvements, i.e. fire tank inspection and maintenance.
- 13.4 Types of Guarantees. Performance and maintenance guarantees shall be provided by a variety of means including, but not limited to, the following, which must be approved as to form and enforceability by the Town Officers and Town Attorney.
- A. Escrow Account: The applicant may deposit cash, certified check, certificate of deposit, or other instruments readily convertible into cash at face value to the establishment of an escrow account. For any account opened by the subdivider, the Town shall be named as owner or co-owner and the consent of the Town shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the subdivider unless the Town has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the subdivider and the amount withdrawn to complete the required improvements.
  - B. Performance Bond: A Performance Bond, payable to the Town, issued by a surety company, and approved by the Town Officers. The Bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the subdivider, and the procedures for collection by the Town. The bond