

documents shall specifically reference the subdivision for which approval is sought.

- C. Letter of Credit: An irrevocable letter of credit reviewed and approved (see Appendix B for sample) from a financial, or other reputable lending institution establishing funding for the construction of the subdivision improvements, from which the Town may draw if construction is inadequate. The letter of credit shall indicate that funds have been set aside for the construction of the subdivision under consideration and may not be used for any other project or loan.
- D. Phasing of Subdivision Improvements; Conditional Approval: The Board may approve plans to develop a major subdivision in separate and distinct phases. A Conditional Approval, if acceptable in lieu of another Improvement Guarantee, shall be endorsed by the Planning board on the Final Plan. The conditional approval will take into consideration the form and substance of the proposing phasing plan. This may be accomplished by a number of methods of which the following are a few:
 - 1. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.
 - 2. Limiting final approval to those lots abutting that section of the proposed subdivision street, which is covered by a performance guarantee.
 - 3. Limiting building permits and occupancy permits.
 - 4. No permit may be issued by the town for any building or structure of any portion of the development until the completion of all improvements are completed as stipulated.

Each separate phase shall be designed and constructed in such a way that, at the end of construction of each phase, the development will be complete and in conformance with the requirements of these regulations.

In all cases when a development is phased, road construction shall commence from an existing public way, safety improvements shall be installed and fire tanks etc. will be operational prior to any occupancy permit being issued.

- 13.5 Release of Guarantee. Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

Upon substantial completion of all required improvements, the developer shall notify the Planning Board of the completion or substantial completion of improvements, and shall send a copy of such notice to the appropriate Town Officials: Fire Chief, CEO, Town Engineer, Road Commissioner, Selectman, etc. The respective Town Officials shall inspect all improvements of which such notice has been given and shall file a report with the Planning Board indicating approval, partial approval, or rejection. The cost of the Improvements as approved or rejected shall be set forth.

The Planning Board shall approve, partially approve, or reject the improvements on the basis of the report of the Town Officials and/or their designees.

Where partial approval is granted, the developer shall be partially released for that portion of the improvements not yet approved.

- 13.6 Default. If, upon inspection by Town Officials and/or their designees, it is found that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, they shall so report in writing to the Planning Board, Code Enforcement Officer, the Town Officers, and the developer, subdivider and/or builder. The Town Officers shall take the steps necessary to preserve the Town's rights.

Article 14. WAIVERS

- 14.1 Where the Board makes written findings of fact that there are special circumstances of a particular lot proposed to be subdivided, it may waive portions of the submission requirements or the standards unless otherwise indicated in the regulations, to permit a more practical and economical development provided the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, the Zoning Ordinance, or these regulations and provided the criteria of the State Subdivision Law are met.
- 14.2 Where the Board makes written findings of fact, that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirement for such improvements, subject to appropriate conditions.
- 14.3 In granting waivers to any of these regulations in accordance with Sections 14.1 and 14.2, the Board shall require such conditions as will assure the objectives of these regulations are met.
- 14.4 Waivers shall be shown on Final Plan. When the Board grants a waiver to any of the standards of these regulations, the Final Plan shall indicate the waivers granted and the date on which they were granted.

Article 15. APPEALS

- 15.1 Within thirty days, an aggrieved party may appeal any decision of the Board under these regulations to York County Superior Court.
-

Appendix A

Title 30, M.R.S.A. Chapter II Subchapter IV
Subdivisions

deleted: Inserted by Reference; see current State Law

Appendix B
(SAMPLE LETTER OF CREDIT)

Date

Jane Planner, Chairman
Hollis Planning Board
Hollis, ME 04042

Re: *Letter of Credit for:*
Developer, Inc.
Sunshine Estates
Your Town, Maine

Dear Ms. Planner:

This letter will confirm to the Town of Hollis that the Big Town Savings Bank has issued a loan commitment to Developer, Inc. for the purpose of constructing all required improvements in the Sunshine Estates subdivision.

Below is a cost estimate prepared by Accurate Engineers. It includes a complete estimate of all elements of hard construction costs anticipated with this project. Prices are based on known costs from recent, similar projects in the area. The 125% premium is based on the requirements of the *Hollis Subdivision Regulations* Article 13 Section 3 Subsection A.

Approximate Length of road 2,350 feet:

A. Grub roadways full width of 50 feet @ \$4/ft.	\$9,400
B. Shape sub-base and grade it @ \$4/ft.	9,400
C. Install underdrain culverts @ \$16/ft.	37,600
D. Apply and shape 18" gravel base @ \$8.30/ft x 2,350 feet	19,500
E. Apply and shape 3" of crushed gravel; apply 1 3/4" of base course bituminous concrete to width of 24 feet, apply bituminous curb and 2" of bituminous concrete to a width of 5 feet @ \$10/ft. x 2,350 feet	23,500
F. Apply 3/4" of surface bituminous concrete to width of 24 feet @ \$5/ft	<u>11,800</u>
Total All Construction Costs	\$111,200
Premium for Improvements Guarantee	<u>x 125%</u>
Total Amount of Improvements Guarantee	\$139,000

Big Town Savings Bank will set aside \$139,000 in a Construction Escrow Account for completion of the required improvements. This account can be drawn upon by the Town of Hollis in the event that Developer, Inc. fails to complete steps A through F listed below for Windy Road on or before [required completion date from date of Final Plan approval].

Big Town Savings Bank understands that Developer, Inc., or the contractor, will notify the Town Engineer or Code Enforcement Officer before any of the above work has begun and obtain his approval in writing as he completes each phase of the road construction.

This Account will expire when the Town of Hollis acknowledges in writing to Developer, Inc. that the work outlined in Steps A through F has been completed in accordance with the Hollis Subdivision Regulations and street acceptance ordinance, and the approved plans of Sunshine Estates. Any funds remaining in the account on *[date specified above]* for work outlined in Steps A through F which has not been completed and approved by the Town on that date will be released to the Town to complete such work. As the Town Engineer or Code Enforcement Officer issues his written approvals for each step above to Developer, Inc. the funds in this Account will be released based upon the schedule above.

Drafts drawn upon this account must be for this particular subdivision and to complete any work which is outlined above. Furthermore, drafts must be accompanied by itemized statements showing costs of work to be completed and must be submitted prior to *[six to nine months following date specified above]*. The Town of Hollis will not be responsible for repayment or interest cost for any funds released to the Town for work not completed on or before *[date specified above]*.

Very Truly Yours,

Bob Banker
Loan Officer

SEEN AND AGREED TO:

Developer, Inc.

Your Town hereby accepts this original letter as evidence of Developer, Inc.'s obligation to be performed.

Chair of the Board of Selectmen

Appendix C

Sample storm drainage easement: **DELETED**



Town of Hollis Subdivision Application

Subdivision Name: _____

File Number: _____ (note: the file number will be the agenda item for sketch plan review)

APPLICANT INFORMATION:

1. Name of Property Owner:
Address:

2. Name of Applicant:
Address:

Telephone:

3. If applicant is a corporation, check if licensed in Maine: ☐ sole proprietorship
☐ partnership
☐ EIN # _____

4. Name of applicant's authorized agent:
Address:

Telephone:

5. Name of Land Surveyor, Engineer,
Architect or other preparing plan:
Address:

Telephone:

6. Person and Address to whom all correspondence should be sent:

7. What legal interest does the applicant have in the property to be developed
(ownership, option, Purchase & Sales contract, etc.)?

8. What interest, if any, does the applicant have in the abutting property?

LAND INFORMATION:

9. Location of Property: (County Registry of Deeds) Book: _____ Page _____

(from tax maps) Map _____ Lot _____ Sub _____

10. Current zoning of property:

11. Is any portion of the property within the watershed of a pond or within 250 feet of the high water mark of a pond, river or stream? ☐ Yes ☐ No

12. Is any portion of the property within the Resource Protection District?

☐ Yes ☐ No

13. Acreage to be developed:

14. Indicate the nature of any restrictive covenants to be placed in the deeds:

15. Has this land been part of a prior approved subdivision? ☐ Yes ☐ No

16. Identify existing use(s) of land (farmland, wood lot, etc.)

17. Does the parcel include any water bodies? ☐ Yes ☐ No

18. Is any portion of the property within a special flood hazard area as identified by the Federal Emergency Management Agency? ☐ Yes ☐ No

19. Is any portion of the property within a resource protection area? ☐ Yes ☐ No

20. List below the names and mailing addresses of abutting property owners and owners across the road:

NAME

ADDRESS

GENERAL INFORMATION:

21. Proposed name of development:

22. Number of lots or units:

23. Anticipated date of construction:

24. Anticipated date of completion:

25. Does this development require extension of public infrastructure? ☐ Yes ☐ No

<input type="checkbox"/> Roads	<input type="checkbox"/> Storm Drainage
<input type="checkbox"/> Sidewalks	<input type="checkbox"/> Water Lines
<input type="checkbox"/> Sewer Lines	<input type="checkbox"/> Fire Protection Equipment

26. Estimated cost for infrastructure improvements: \$

27. Identify method of water supply to the proposed development?

☐ individual wells
☐ central well with distribution lines
☐ connection to public water system
☐ other, please state alternative

28. Identify method of sewage disposal to the proposed development?

☐ individual septic tanks
☐ central on site disposal with distribution lines
☐ connection to public water system
☐ other, please state alternative

29. Identify method of fire protection for the proposed development?

☐ hydrants connected to the public water system
☐ dry hydrants located on an existing pond or water body
☐ existing fire pond
☐ other, please state alternative

30. Does the applicant propose to dedicate to the public any streets, recreation or
Common lands? Street(s) ☐ Yes ☐ No Estimated Length _____
 Recreation Area(s) ☐ Yes ☐ No Estimated Acreage _____
 Common Land(s) ☐ Yes ☐ No Estimated Acreage _____

31. Does the applicant intend to request waivers of any of the subdivision submission
requirements? If yes, list them and state reasons for the request.

32. An application fee of \$_____ is attached.

To the best of my knowledge, all the above stated information submitted in this application is true and correct.

(signature of applicant)

(date)

Application and Fee Receipt

(signature)

(date)

Appendix E
(RECEIPT OF SUBDIVISION APPLICATION)



Town of Hollis
Planning Board
34 Town Farm Road
Hollis, ME 04042
(207) 929-8552 Fax: (207) 929-3686

Date: _____

Name _____
Address _____

Dear: _____

The Planning Board of the Town of Hollis has received your application for a _____
lot/unit subdivision at _____.

In accordance with Title 30-A M.R.S.A., §4403, sub-§3, the Board will, within 30 days, notify you in writing either that the application is a complete application, or if the application is incomplete, the specific additional material needed to make a complete application.

After the Board has determined that a complete application has been filed, it will notify you and begin its full evaluation of the proposed subdivision.

Sincerely,

Chairman
Hollis Planning Board

Appendix F
(MODEL NOTICE TO ABUTTERS OF RECEIPT OF APPLICATION)



Town of Hollis
Planning Board

34 Town Farm Road
Hollis, ME 04042
(207) 929-8552 Fax: (207) 929-3686

Date: _____

Name _____

Address _____

Dear: _____

The Hollis Planning Board has received an application for a ____ lot/unit subdivision at _____.

Our records indicate that you own property abutting the parcel proposed to be subdivided. In accordance with Title 30-A.M.R.S.A., §4403, sub§3, the Planning Board is required to notify you it has received this application. We have not yet determined that the application is complete and have not reviewed the application.

The application is available for your review at the Town Hall. The next scheduled meeting to discuss the application is _____.

Sincerely,

Hollis Planning Board



Town of Hollis
Planning Board
34 Town Farm Road
Hollis, ME 04042
(207) 929-8552 Fax: (207) 929-3686

Date: _____

Name _____
Address _____

Dear: _____

The Hollis Planning Board has received an application for a _____ lot/unit subdivision at _____.

In accordance with Title 30-A M.R.S.A., §4403, sub§3, the Planning Board is required to notify you it has received this application, because it abuts or crosses the municipal boundary (*if the proposed subdivision crosses municipal boundaries*). Title 30-A M.R.S.A., §4403, sub§3 requires a joint meeting between the two Planning Boards. Please contact me at (*phone number*) to set up such a meeting.

The application is available for your review at the Town Hall. The next scheduled meeting of the Hollis Planning Board to discuss the application is _____.

Sincerely,

Chairman
Hollis Planning Board

Appendix H
(NOTICE OF INCOMPLETE APPLICATION)



Town of Hollis
Planning Board
34 Town Farm Road
Hollis, ME 04042
(207) 929-8552 Fax: (207) 929-3686

Date _____

Name _____

Address _____

Dear _____:

The Planning Board of the Town of Hollis has reviewed your application for a _____ lot/unit subdivision at _____ and found it to be incomplete.

In order to be considered a complete application the following materials must be submitted:

- a.
- b.
- c.

Sincerely,

Chairman
Hollis Planning Board

Appendix I
(NOTICE OF COMPLETE APPLICATION)



Town of Hollis

Planning Board

34 Town Farm Road

Hollis, ME 04042

(207) 929-8552 Fax: (207) 929-3686

Date _____

Name _____

Address _____

Dear _____:

The Planning Board of the Town of Hollis has reviewed your application for a _____ lot/unit subdivision at _____ and found it to be complete.

The Board has scheduled a meeting for *(date)* at *(time)* at which time your application will be reviewed for conformance with criteria of Title 30-A M.R.S.A., §4404 and the standards of the Hollis Subdivision Regulations. You or your authorized representative are encouraged to attend the meeting.

At that time the Board will determine whether to hold a public hearing.

Sincerely,

Chairman
Hollis Planning Board

Appendix J
(MODEL NOTICE OF PUBLIC HEARING)



**Town of Hollis
Planning Board**

34 Town Farm Road
Hollis, ME 04042
(207) 929-8552 Fax: (207) 929-3686

The Hollis Planning Board will hold a Public Hearing on an application for the proposed _____ lot/unit subdivision at *(location)*, as requested by

The Public Hearing will take place on *(date)* at *(time)* in the *(place)*.

(for newspaper use only)

Publish the above notice on the following dates: _____

Charge to: _____



Appendix K
(AGREEMENT TO EXTEND SUBDIVISION REVIEW PERIOD)

**Town of Hollis
Planning Board**

34 Town Farm Road
Hollis, ME 04042
(207) 929-8552 Fax: (207) 929-3686

WHEREAS The State Subdivision Law, Title 30-A M.R.S.A., §4403, requires that the municipal reviewing authority approve, approve with conditions, or deny an application for subdivision review within 60 days of having determined a complete application had been submitted, or within 30 days of a public hearing if one is held; and

WHEREAS The complete subdivision application submitted by the undersigned applicant can not be adequately reviewed in the specified time period because of the complexity of the application, and would therefore have to be denied and resubmitted; and

WHEREAS It would be mutually advantageous to the undersigned parties to extend the review period; and

WHEREAS Title 30-A M.R.S.A., §4403 stipulates that the time period within which a subdivision application must be reviewed may be extended by mutual agreement;

NOW THEREFORE the undersigned parties mutually agree that:

1. The subdivision review period shall be extended to _____
2. The decision on the subdivision shall be rendered by that date, unless the review period is again extended by mutual agreement.

Chairman, Hollis Planning Board

Date

Applicant's Signature

Date

Appendix L
(MODEL NOTICE OF APPROVAL OF PRELIMINARY PLAN APPLICATION)



Town of Hollis
Planning Board
34 Town Farm Road
Hollis, ME 04042
(207) 929-8552 Fax: (207) 929-3686

Date: _____

Name _____
Address _____

Dear _____:

This letter is to inform you that on *(date)*, the Hollis Planning Board approved your preliminary plan application for the proposed _____ subdivision.

In accordance with Section ____ of the Hollis Subdivision Regulations, the Planning Board has granted approval with the following conditions:

- 1.
- 2.
- 3.

The Final Plan application must include cost estimates and proposed performance guarantees for the following improvements:

- 1.
- 2.
- 3.

In addition, you should be aware that Section ____ of the Subdivision Regulations requires that the Final Plan application is submitted within six months of this decision.

Sincerely,

Chairman
Hollis Planning Board

Cc: Code Enforcement Officer
Municipal Officers



Town of Hollis Planning Board

34 Town Farm Road
Hollis, ME 04042
(207) 929-8552 Fax: (207) 929-3686

DATE

APPLICANT
ADDRESS
ADDRESS

RE: NAME OF SUBDIVISION

Dear APPLICANT:

This letter is to inform you that the Hollis Planning Board has acted on your application for a subdivision. The Findings of Fact, Conclusions, Board Decision and Conditions of Approval are contained within.

Findings of Fact:

1. The owner of the property is _____.
2. The property is located on _____ Road in the _____ Zone. It is identified as Map _____ Lot _____ and contains a total of _____ acres.
3. The applicant is _____, and the applicant has demonstrated a legal interest in the property by providing a copy of a deed. (Book _____, Page _____)
4. The applicant is represented by _____.
5. The applicant proposes to subdivide the property in to _____ lots ranging in size from _____ square feet to _____ square feet.
6. The Application was determined to be complete on _____.
7. A public hearing was held on _____. The minutes of the hearing are available with the records of the Hollis Planning Board.
8. A preliminary Plan was approved with conditions on _____. This approval is available with the records of the Hollis Planning Board.
9. A Final Plan was submitted on _____. The Planning Board determined the plan to be complete and notified the applicant that a meeting to review and consider the plan would be held on _____.
10. Water is to be supplied by _____.
11. Sewage is to be disposed of by _____. Test pits for each lot, meeting the requirement of the Maine Subsurface Sewage Disposal Rules, were completed by _____ on _____.
12. A storm water drainage plan that includes adequate provision for storm water management has been prepared by _____.

13. A hydrogeological and nitrate impact assessment was prepared by _____.
14. Test pits for each lot, meeting the requirement of the Maine Subsurface Sewage Disposal Rules, were completed by _____.
15. A professional engineer has designed a road that meets the construction and design standards of the Hollis Subdivision Regulation.
16. The Applicant proposes to construct a street of approximately ____ ft. in length, that is proposed to (be dedicated as a public way, remain as a private way).
17. The subdivision 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.
18. The subdivision will have sufficient water available for the reasonably foreseeable needs of the subdivision.
19. The subdivision 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.
20. The subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed.
21. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
22. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan development plan or land use plan.
23. The subdivider has adequate financial and technical capacity to meet the standards in the Hollis Subdivision Regulations.
24. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38 MRSA 436A, will not adversely affect the quality of the body of water or unreasonably affect the shoreline of that body of water.
25. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

Conclusions:

1. The criteria of 30-A MRSA 4404 have been met.
2. The standards of the Town's Subdivision Regulation have been met, with the exception of the following items that have been waived by the Planning Board:

a) LIST ITEMS

Decision:

Based on the above facts and conclusions, the Hollis Planning Board voted to (approve/deny) the subdivision application on _____.

Conditions of Approval:

In order to promote the purposes of the State Subdivision Statutes, the Town's Subdivision Regulation, Zoning Ordinance and Comprehensive Plan, the Planning Board has imposed the following conditions on the approval of this subdivision.

1. Hours of operation will be from 7AM to 6PM, Monday through Friday, and 7AM to 3PM on Saturday.
2. The premises shall be kept free and clear of debris at all times during construction.
3. All required permits, federal, state and local are to be current.
4. Prior to roadway construction, the subdivider shall provide the following performance guarantee to the town: The applicant shall post the required surety for this project at the time of roadway construction. The applicant shall submit to the Selectmen and engineer's cost estimate or awarded construction contracts as evidence that the surety amount is adequate. If desired, the Selectmen may have the proposal reviewed by an independent engineer and/or attorney for adequacy. The bond proposal submitted to the Selectmen shall comply with all relevant provisions of Article 13 of the Town of Hollis Subdivision Regulations, with specific attention to 13.1B, 13.4 and 13.8 through 13.10. The Hollis Planning Board shall be copied on all correspondence between the applicant and the Selectmen on this matter and shall have the authority to release the guarantee under Section 13.8.
5. Any damage to public road shall be repaired before issuance of final occupancy permit.
6. All principal structures within the 100-year flood plain shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation in accordance with the Hollis Zoning Ordinance.
7. This approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicant and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board.
8. Prior to any occupancy within the subdivision, a structure shall be properly numbered with the number visible from the street year round.
9. The applicant shall be responsible for the cost and installation of all required street signs to be placed in locations approved by the Road Commissioner and/or Fire Chief.
10. The applicant's engineer shall certify that the streets or ways have been constructed in accordance with the specifications of the Town of Hollis' road construction standards and in accordance with the plans and specifications approved by the Planning Board. Furthermore, the applicant's engineer will be responsible for providing record "as built" drawings accurately reflecting these improvements. This shall be done prior to issuance of building permits.
11. These conditions of approval and the Final Plan shall be recorded at the York County Registry of Deeds within ninety (90) days of the date of written notice of approval by the Planning Board. A dated copy of the recorded Decision Document shall be returned to the Code Enforcement Officer prior to issuance of any building permits for any of the lots within the subdivision.
12. Prior to the sale of any lot, the sub-divider shall provide the Board with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.

13. The town roads commissioner shall inspect the roadway construction in accordance with the Article 12.3 of the Subdivision Regulation.
14. At least five days prior to commencing each major phase of construction of required improvements, the subdivider or builder shall notify the Code Enforcement Officer, in writing, of the time when he proposes to commence construction of the improvements, so that inspections can be made.
15. The applicant may be required to update the Planning Board on the progress of the project.

Violations, Fines & Appeals:

1. Violations of any of these conditions shall be a violation of the Ordinance. Any expansion or change requires reapplication to the Hollis Planning Board.
2. FINE – Any person, firm or corporation being the owner of or having control or use of any buildings or premises who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor or on conviction shall be fined not less than \$100 nor more than \$2,500. Each day such a violation is permitted to exist after notification shall constitute a separate offense.
3. The applicant has the right to appeal this decision to the Hollis Zoning Board of Appeals within thirty (30) days of this decision.

Sincerely,

_____, Chairman
Hollis Planning Board

Notary

/jr

cc: Selectmen
Code Enforcement Officer
Fire Chief
Road Commissioner
Applicant's File