

CHAPTER 33. SUBDIVISION REVIEW

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Article 33.1 Purpose

The purpose of this Chapter shall be to assure the comfort, health, safety, and general welfare of the people, to protect the environment, maintain character, and to provide for the orderly development of a sound and stable community in a manner consistent with the Comprehensive Plan. The Chapter also has the purpose of providing uniform procedures and standards for observance by the Planning Board, other officers of the Town, and developers in regulating subdivisions of the Town of Rangeley.

Article 33.2 Authority and Administration

Section 33.2.1 Authority

- .1 This chapter is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30-A, M.R.S.A., Section 3001.
- .2 This Chapter shall be known and cited as the “Subdivision Ordinance for the Municipality of Rangeley, Maine”.
- .3 Upon adoption of this Chapter, all previous subdivision regulations or ordinances shall be repealed.

Section 33.2.2 Administration

- .1 This Chapter shall be administered by the Planning Board for the Town of Rangeley, Maine, hereafter referred to as the “Board”.
- .2 The provisions of this Chapter shall apply to all of the land area of all proposed subdivisions, as defined, located in the Town of Rangeley, Maine.
- .3 No person, firm, corporation or other legal entity may sell, lease, develop, build upon or convey for consideration, offer or agree to sell, lease, develop, build upon, or convey for consideration any land in a subdivision, which has not received Board approval and recorded in the Registry of Deeds and with the Town Clerk of Rangeley. No public utility, water district, sanitary district or any utility company of any kind shall install

services to any lot in a subdivision, which has not received Board approval and recorded in the Registry of Deeds and with the Town Clerk of Rangeley. A Subdivision Plan recorded without Board approval shall be void. Any person who violates any provision of this Ordinance shall be fined a minimum of \$100 and a maximum of \$2,500 for each violation. The Municipality may institute proceedings to enjoin the violation and may collect attorney's fees and court costs if it is the prevailing party.

Article 33.3 Application Procedure

Section 33.3.1 Preliminary Plan

The applicant shall submit four (4) copies of the Preliminary Plan and four (4) copies of the application for the proposed subdivision as detailed in Section 33.3.3 Application to the Planning Board. In addition, one copy of the plan(s) which may be reduced to a size of 8¹/₂ by 11 inches, and all accompanying information shall be mailed by the applicant to each Board member, Code Enforcement Officer, Fire Department, Rescue Chief, Road Commissioner, and Superintendent of Schools no less than seven (7) days prior to the meeting. The Planning Board shall issue a dated receipt to the applicant at the Board meeting where the application is first presented. Within thirty (30) days from the date of the receipt, the Board shall notify the applicant in writing either that the Preliminary Plan and Application are completed, or if incomplete, the specific additional material needed to make them complete. Determination by the Board that the Preliminary Plan and Application are complete in no way commits or binds the Board as to the adequacy of the Plan to meet the criteria of Title 30-A, M.R.S.A., Section 4404 and the requirements of this Chapter. Upon receipt of an application for subdivision approval, the Planning Board shall notify in writing all owners of land within 500' of the proposed subdivision.

- .1 Application Fee: The following fee(s), in amounts, which shall be according to a table to be set from time to time by the Selectmen, shall be paid prior to the submission of any preliminary plan:
 - .1 Publishing and notice fee;
 - .2 Review fee; per lot (or living unit for multiplex development)
 - .3 Review escrow account; per lot (or living unit for multiplex development) deposited in an escrow account established by the Town, which monies may be used by the Board to pay for professional reviews and advice related to the developer's application as it deems necessary. The Board shall provide the applicant and the Selectmen with notice of its intent to spend any portion of this account which notice shall specify the purpose for the proposed expenditures. If the Review Escrow Account is drawn by 75%, the Planning Board shall require that an additional \$50.00 per lot of living unit be deposited by the applicant. The Planning Board

shall continue to notify the applicant and require an additional \$50.00 per lot or living unit be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Those monies deposited by the developer and not spent by the Planning Board in the course of its review shall be returned to the developer within thirty days after the Board renders its final decision on the application.

Section 33.3.2 Final Plan

- .1 The applicant shall submit the original and four copies of the Final Plan to the Board at a regularly scheduled meeting, within one (1) year from the date of approval of the Preliminary Plan. In addition, one copy of the Final Plan which may be reduced to a size of 8¹/₂ by 11 inches, and all accompanying information shall be mailed by the applicant to each Board member no less than seven (7) days before the meeting. The Board shall issue a dated receipt to the applicant. The Final Plan shall include all the information requested in Section 33.3.4 Subdivision Plan. There shall be no other substantial changes between the approved Preliminary Plan and the Final Plan. The Final Plan shall be drawn on a stable based transparent material and embossed with the seal of the professional who prepared the plan.
- .2 Public Hearing. The Board shall hold a public hearing on the Final Plan. Regulations for such a hearing shall be according to State Law as provided in Section IV.
- .3 Final Plan Review. The Board shall, within thirty (30) days of a public hearing or within sixty (60) days of having received a complete application, if no hearing is held, or within such other time limit as may be mutually agreed to, deny or grant approval of the Final Plan or grant approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in this Ordinance and Title 30-A, M.R.S.A., Section 4404, and to preserve the public's health, safety, and general welfare. In issuing its decision, the Board shall make a written finding of fact establishing that the Final Plan does or does not meet the provisions of this Ordinance and Title 30-A, M.R.S.A., Section 4404.

Section 33.3.3 Application

The application form shall be furnished by the Town Clerk, filled out by the applicant and shall include the following information: (items marked with an "X" shall be required in all instances; items without an "X" may be required at the discretion of the Board.)

- | | | |
|----|----|---|
| X | 1. | Name and address of owner. |
| X | 2. | Name and address of applicant (if other than owner). |
| X. | 3. | If applicant is a corporation, state whether the corporation is licensed to do business in Maine, and attach a copy of the Secretary of State's Registration. |
| X. | 4. | Name of applicant's authorized representative. |
| X | 5. | Name, address, and number of the Registered Professional Engineer, Land Surveyor or Planner who prepared the plan. |
| X | 6. | Indication of the type of water supply to be used by the Subdivision. |
| X | 7. | Statements from the Sewer Department, Water District, Superintendent of Schools, Fire Department, Police Department, Solid Waste Coordinator, and Highway Department of their capacity to serve the proposed subdivision. |

Section 33.3.4 Subdivision Plan

The Subdivision Plan shall be a map of the tract to be subdivided, certified by a Registered Land Surveyor and tied to established reference points. The plan shall not be less than 18" by 24" and shall be drawn to a scale of 1" equals not more than 100'. The Subdivision Plan shall include the following information; (items marked with an "X" shall be required in all instances; items without an "X" may be required at the discretion of the Board.)

	Pre-Plan	Final Plan	
.1	X	X	Name of proposed subdivision; location of subdivision; name of subdivider; and signature and embossed seal of Registered Land Surveyor.
.2	X	X	Lot Numbers.
.3	X	X	Date, north point, and graphic map scale.
.4	X	X	Proposed lot lines with approximate dimensions and lot areas and total area of land to be subdivided with the building lot/setbacks, including driveways, and building envelopes to be outlined with GPS coordinates.
.5	_____	X	Proposed lot lines with dimensions, bearing, deflection angles, radii, and central angles sufficient to reproduce any line

.6	X	_____	on the ground and lot areas and total area of land to be subdivided. Location of temporary markers to enable to Board to locate each lot readily and appraise the basic lot layout in the field.
.7	X	X	Location of permanent markers, both natural and man-made.
.8	X	X	Location of all parcels to be dedicated to public use and the conditions of such dedication.
.9	X	X	If a condominium, the location of contemplated improvements shall be labeled, must be built and need not be built.
.10	X	X	Names of abutting property owners and subdivisions. Reference to recorded subdivision plans of adjoining lands by book and page number.
.11	X	X	Location of freshwater wetlands.
.12	X	X	That two soil analyses/test pits be obtained from separate locations to ascertain that the soil adjacent to the building envelope will support the installation of a septic system and to provide a second site in the event that the first site should fail.
.13	X	X	Location and size of existing buildings.
.14	_____	_____	Suggested location of buildings, subsurface sewage disposal systems and wells.
.15	X	X	Location of all natural features or site elements to be preserved.
.16	X	X	Location of any existing watercourses and other essential existing physical features.
.17	X	X	Location and size of any existing sewers and water mains and other utilities; location and size of culverts and drains.
.18	X	X	Location, names, and widths of existing and proposed streets, highways, easements, and rights-of-way.
.19	X	X	Plan profiles and cross-sections for roadways, sidewalks, and storm drainage facilities.
.20	X	X	A soil erosion and sediment control plan for construction and for permanent control.
.21	X	X	Contour lines at 20 foot intervals (or other interval as specified by the Planning Board).

- | | | | |
|-----|-------|-------|---|
| .22 | X | X | Proposed uses of property. |
| .23 | X | X | Suitable space to record on the approved plan the date and conditions of approval, if any. This space shall be similar to the following example: |
| .24 | X | X | That a sample deed be provided to the Town with terms, covenants, and restrictions attached. |
| .25 | X | X | That the location of sewer, water, telephone, and power be provided to the lots and any necessary infrastructure provided. |
| .26 | X | X | Other information not indicated above as required by the Board, such as the suggested location of buildings, subsurface sewage disposal systems, and wells, and any other information that the Board deems pertinent. |
| .27 | _____ | X | If any portion of the subdivision is located in a flood-prone area, the boundaries of any flood hazard areas and the 100 year flood elevation shall be delineated on the plan. The Final Plan shall contain a condition of approval requiring that all principal structures in the subdivision will be constructed with the lowest floor, including the basement, at least one foot above the 100 year flood elevation. |
| .28 | X | X | The location and nature of significant wildlife habitat identified by the Maine Department of Inland Fisheries and Wildlife. |
| .29 | X | X | Any portion of the subdivision, which is located within the direct watershed of a Great Pond shall be identified. |
| .30 | X | X | A phosphorus impact analysis and control plan. |
| .31 | X | X | The location of archaeological or historic resources. |
| .32 | _____ | _____ | Traffic impact analysis. |

Approved by the Town of Rangeley Planning Board:

Signed: _____

Date: _____

Conditions: _____

Section 33.3.5 Submission Waivers

Where the Planning Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, it may waive portions of the submission requirements, unless otherwise indicated in the Chapter, provided the applicant has demonstrated that the performance standards of this Chapter and the criteria of the Subdivision Statute have been or will be met, and 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 Comprehensive Plan, the Zoning Ordinance, or this Chapter.

Article 33.4 Public Hearing

Should the Planning Board determine to hold a public hearing, it should hold such public hearing within thirty (30) days of having notified the applicant in writing that a complete Subdivision Plan has been received and shall cause notice of the date, time, and place of such hearing to be given to the subdivider, all property owners within five hundred (500) feet of the boundaries of the subdivision and published in a newspaper of general circulation in Rangeley at least two (2) times; the date of the first publication shall be at least seven (7) days prior to the hearing. Public hearings will be conducted in accordance with the procedures in Title 30-A, M.R.S.A., Section 2691, Subsection 3A, B, C, D and E.

Article 33.5 Approval Conditions**Section 33.5.1 Filing of Approved Final Plan:**

Upon approval of the Final Plan by a majority of the Board and the posting of a \$200 Bond, the Board shall sign the mylar original of the Final Plan. Upon the approval, the mylar and five (5) copies with attached conditions shall be filed by the subdivider with the Franklin County Registry of Deeds. Four (4) copies and attached conditions shall be stamped and dated by the Registry of Deeds and returned by the subdivider to the Town Clerk for recording within 30 days of approval. Upon receipt of recording with the Registry of Deeds and the Town Clerk and with the approval of the Planning Board, the \$200 bond shall be refunded by the Town Clerk. One (1) copy shall be retained by the subdivider, one (1) copy shall be filed with the Town Clerk's office, one (1) filed with the Assessor's office, and one (1) copy to the Planning Board. The Board shall maintain a permanent record of their action on the Final Plan.

Any plan not so filed or recorded and returned to the Town Clerk within thirty (30) days of the date of approval shall become null and void and the \$200 bond forfeited, unless the particular circumstances of said applicant warrant the Planning Board to grant an extension, which shall not exceed two additional periods of thirty (30) days. Such extension shall be requested before the thirty (30) day period expires.

Section 33.5.2 Plan Revisions After Approval:

No changes, erasures, modifications, or revisions shall be made in any Subdivision Plan after Final Plan approval has been given by the Board and endorsed in writing on the plan, unless the plan is first resubmitted and the Board approves any modifications. In the event that the Subdivision Plan is recorded without complying with this requirement, the plan shall be considered null and void, and the Board shall institute proceedings to have the plan stricken from the records of the Selectmen and the Registry of Deeds.

Section 33.5.3 Two-Year Limitation on Development Permits

Building lots cannot be sold until all utilities, roads, and the first 20 feet of driveways and culverts are constructed and accepted by an as-built review. There is a two-year limit on construction completion with an option for two one-year extensions with Planning Board approval for each one-year extension. Any additional review must contain independent separate field work and calculations with no interaction with the applicant or the applicant's engineer.

Section 33.5.4 Transfer in Ownership:

If the transfer in ownership of an approved subdivision involving public improvements or private road construction is anticipated prior to the successful completion of such improvements, the owner shall notify the Planning Board. The new owner shall submit a subdivision plan amendment for Board review and action.

Section 33.5.5 Off-Site Improvements:

The Board, with the input from the appropriate municipal official(s), may, when it finds that a proposed subdivision will place unreasonable demands upon public facilities, require as a condition of approval the applicant to participate in upgrading the public facilities impacted.

Section 33.5.6 Acceptance of Public Improvements:

The approval by the Board of the Final Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the Town of Rangeley or any street, easement or other open space shown on such plan.

Section 33.5.7 Evidence of Tax Paid

The approval by the Board of the final Subdivision Plan shall be given only upon receipt of evidence that all property tax payments are currently paid on the subject.

Section 33.5.8 Transfer of Subdivision Roads

The subdivider is required to maintain all improvements and provide for snow removal on all subdivision streets and sidewalks until acceptance of the improvements by the municipality or until control is duly placed with a lot owners' association. The builder must retain responsibility for subdivision roads until they are formally transferred to lot purchasers with a copy to the Municipality.

Section 33.5.9 Subdivision Lots

Lots within approved subdivisions cannot be further divided without Planning Board review.

Article 33.6 Performance Guarantee

Section 33.6.1 Performance Guarantee Required

With submittal of the application for final plan approval, the applicant shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs. The conditions and amount of such performance guarantee may be determined by the Board with

advice from outside sources. The amount of the performance bond shall be at least equal to the total cost of furnishing, installing, connecting, and completing all of the street grading, paving, storm drainage, erosion, and sediment control and utilities or other improvements specified on the plan within two years of the date of the certified check or performance bond. The applicant may be required to pay for additional comprehensive review(s) of the proposed subdivision, which may include a review of the phosphorus control plan, and any other aspects of the proposed subdivision, as determined by the Planning Board.

- .1 Types of Guarantees: With submittal of the application for Final Plan approval, the subdivider shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs.
 - .1 Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account.
 - .2 A performance bond payable to the Town issued by a surety company, approved by the Municipal Officers, or Town Manager;
 - .3 An irrevocable letter of credit from a bank or other lending financial institution approved by the Selectmen or Town Manager indicating that sufficient funds have been set aside for the construction of the subdivision, which funds may not be used for any other project, and from which the Town may draw if construction does not comply with the terms and conditions of approval.
 - .4 An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed;
- .2 Contents of Guarantee: The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the developer will be in default, and the Town shall have access to the funds to finish construction.
- .3 Escrow Account: A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the Municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the subdivider, the

Municipality shall be named as owner or co-owner, and the consent of the Municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the subdivider unless the municipality 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.

- .4 Performance Bond: A performance 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 municipality. The bond documents shall specifically reference the subdivision for which approval is sought.
- .5 Letter of Credit: An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.
- .6 Conditional Agreement: The Board, at its discretion may provide for the subdivider to enter into a binding agreement with the municipality in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the Final Plan on the condition that up to four lots may be sold or built upon until either:
 - .1 It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with these regulations and the regulations of the appropriate utilities; or
 - .2 A performance guarantee, acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.
3. Notice of the agreement and any conditions shall be on the Final Plan, which is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Section .5.
- .4 Phasing of Development. The Board may approve plans to develop a subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street, which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phase shall be given only upon

satisfactory completion of all requirements pertaining to previous phases.

- .5 Release of Guarantee. Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvement for which the release is requested.
- .6 Default. If, upon inspection, 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, it shall be reported in writing to the Code Enforcement Officer, the Municipal Officers, the Board, and the subdivider or builder. The Municipal Officers shall take any steps necessary to preserve the Town's rights.
- .7 Private Roads. Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan.

"All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town."

Section 33.6.2 Performance Bond Extension:

The Board may recommend a maximum extension of twelve (12) months to the guaranteed performance period when the subdivider can demonstrate, to the satisfaction of the Board and the Municipal Officers, good cause for such extension. Such recommendation shall be referred to the Board of Selectmen for official action.

Section 33.6.3 Review of Improvements

Before a subdivider may be released from any obligation requiring his guarantee of performance, the Board of Selectmen will require certification from the various Municipal Officers to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards (state, federal, and local codes, ordinances, laws, and regulations).

Article 33.7 Inspection of Required Improvements**Section 33.7.1 Notification of Construction**

At least ten (10) days prior to commencing construction of improvements or alteration of roads and utilities, the subdivider shall notify the Town Manager in writing of the time when he proposes to commence construction of such improvements so that the Municipal Officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

Section 33.7.2 Noncompliance with Plan

If it is found, upon inspection of the improvements performed before the expiration date of the guarantee or security arrangement or performance bond required by Section 33.6.1, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Municipal Officers and Planning Board. The Municipal Officers shall then notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Municipality's rights under the guarantee, security or bond. No plan shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plan within Rangeley.

Section 33.7.3 Modification During Construction

If, at any time, before or during the construction of the required improvements it is demonstrated to the satisfaction of the appointed inspector that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the appointed inspector may, upon approval of the Planning Board, authorize modifications provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The appointed inspector shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.

Article 33.8 General Requirements**Section 33.8.1 Construction Prohibited**

Utility installations, ditching, grading or construction of roads, grading of land or lots, or construction of buildings shall not be started on any part of the proposed subdivision until the Final Plan has been approved and recorded as provided for by this Ordinance.

Section 33.8.2 Comprehensive Plan

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

Section 33.8.3 Impact of Community Services and Facilities

Proposed subdivisions shall be reviewed by the Board with respect to its effect upon existing community services and facilities:

Section 33.8.4 Open Space Provisions

- .1 The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas.
- .2 The Board may require that the subdivider reserve an area of land as an open space and/or recreational area for use by property owners in the subdivision.
 - .1 If such an area is reserved, the Final Plan shall provide how title to the reserved land shall be held and how costs of development, maintenance, and taxes shall be met.
 - .2 Included in the instrument of conveyance to each property owner of the subdivision shall be a statement of:
 - .1 The manner of providing for the cost of development and maintenance and for property taxes of the reserved land.
 - .2 If appropriate, the individual property owner's pro rata share of developmental costs, maintenance cost, and property taxes of the reserved land.
 - .3 Land designed for public use shall not be subdivided for any other purpose. This prohibition does not apply to land areas designated for later development if the Subdivision Plan includes provision for development in discrete stages.
 - .4 Any area designated for common use shall be so arranged that each property owner has access to it.

Section 33.8.5 Lots

- .1 The lot size, width, depth, shape, and orientation, and the minimum

building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

- .2 Lot dimensions shall conform, at a minimum, to the requirements of the Town Zoning Ordinance.
- .3 Whenever possible, side lot lines shall be perpendicular to the street.
- .4 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. The ratio of lot length to width shall not be more than three to one.

Section 33.8.6 Lot Access

Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely in need or desire access to the property in its intended use.

Section 33.8.7 Buffer Strip

The Board may require a buffer strip, such as natural vegetation, where separation is desirable.

Section 33.8.8 Preservation of Natural and Historic Features and Wildlife Habitat

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

With respect to preservation of wildlife habitat, the Board may require that the applicant submit a report from the Maine Department of Inland Fisheries and Wildlife. The Board may also require implementation of the recommendations of the report.

Section 33.8.9 Storm Drainage

Adequate drainage shall be provided so as to reduce the danger of flooding and erosion. The developer shall provide a statement from a civil engineer, registered in the State of Maine, that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivisions, or in adjacent properties. The developer shall submit a surface drainage plan to control the ten-year storm event showing ditching, culverts, easements, and other proposed improvements.

Section 33.8.10 Easements

- .1 Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least twenty (20) feet wide.
- .2 Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and further width or construction or both, as will be adequate for the purpose.
- .3 Any easement required for ditches or storm sewers shall be dedicated to the Town, including any necessary easements outside the subdivision. No watercourse may be obstructed and no pond or swamp may be filled in such a manner as to alter the stormwater run-off without the approval of the Board.

Section 33.8.11 Conversion of Seasonal Cottage Complexes

- .1 In addition to the information required in Sections 33.3.3 and 33.3.4, a subdivision application for the conversion of seasonal cottage complex to individual ownership shall include:
 - .1 A report prepared by an independent architect or engineer, describing the present condition of all structural components and mechanical and electrical installations materials to the use and enjoyment of the condominium;
 - .2 A report prepared by the applicants as to the nature of the existing sewage disposal system.
 - .3 A statement of the expected useful life of each item reported on in paragraph (a) or a statement that no representations are made in that regard; and
 - .4 A list of any outstanding notices of uncured violations of building code or other municipal regulations, together with the estimated cost of curing those violations.
- .2 The Board in reviewing a seasonal cottage complex shall assure that the facilities are of adequate design and condition to accommodate additional demands brought about by individual ownership.

Section 33.8.12 Construction in Flood Hazard Areas

When any part of the subdivision is located in a special flood hazard area as defined by the Federal Emergency Management Agency, the plan shall indicate that all principal structures on lots in the subdivision, which are located in a special flood hazard area shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. Such restriction shall be included in the deed to any lot, which is included in the flood hazard area.

Section 33.8.13 Phosphorus

The introduction of excessive amounts of phosphorus into lakes and ponds has been identified as a significant threat to water quality. Phosphorus stimulates algae growth. Large amounts of phosphorus entering a lake or pond cause degradation of water quality at unusually fast rates. No off-site credit mitigation is allowed.

Section 33.8.13.1

The following provision shall apply to new residential development within the Town of Rangeley:

- Phosphorus control obligations may be met by general restrictions on disturbance of the land, buffers, and impervious area, or the incorporation of Low Impact Development Techniques (LID). The placement and size of the building envelope(s) shall take into account the amount of phosphorus export. The CEO shall determine if the standards have been met. Please refer to Chapter 6 of the Stormwater BMP Manual, Volume II, for more detailed information. Copies are available in the Town Office.

Section 33.8.13.2

The following provisions shall apply to all lots of proposed subdivisions within the Town of Rangeley.

- In addition to the Franklin County Soil Survey to determine the predominant soil type in the portion of the parcel to be cleared for septic determination, the Planning Board will require at least one soil test per lot to determine phosphorus calculations.
- Proposed subdivisions located within the direct watershed of a lake or pond shall not exceed the phosphorus export limit shown in the Per Acre Phosphorus Allocations for Selected Maine Lakes Table in Appendix C of the Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development (Maine Department of Environmental Protection et al., latest revision, and as may be further revised). The technical guide can be downloaded from the DEP website: www.maine.gov/dep/blwg/docstand/stormwater/stormwaterbmps/index.htm.com. A

copy of the technical guide is also available for review at the Rangeley Town Office.

- Phosphorus export calculations shall be completed using the methodology described in Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development (Maine Department of Environmental Protection et al., latest revision, and as may be further revised).
- Phosphorus control measures shall meet the design criteria contained in Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development (Maine Department of Environmental Protection et al., latest revision, and as may be further revised). The Planning Board shall require the reasonable use of vegetative buffers, limits on clearing, minimizing road lengths, and shall encourage the use of nonstructural measures prior to allowing the use of high-maintenance structural measures, such as infiltration systems and wet ponds.
- Phosphorus export calculations, methodology, and worksheets shall be provided by the developer to the Planning Board for approval.

Section 33.8.14 Access Control and Traffic Impacts

- .1 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 and pedestrians on existing streets and within the subdivision. More specifically, access and circulation shall also conform to the following standards and design criteria below.
 - .1 The vehicle access to the subdivision shall be arranged to avoid traffic use of existing local residential streets.
 - .2 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 sufficient capacity and, if traffic studies indicate improvements are necessary, the applicant shall pay a proportional share to accommodate the amount and types of traffic to be generated by the proposed subdivision.
 - .3 Any subdivision that expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with an existing public or private street or streets on an approved subdivision plan. A minimum of 125 feet shall be maintained between centerlines of such street and to any other street.

Article 33.9 Required Improvements

Section 33.9.1 Monuments

Monuments shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as shall be required by the Board. The monuments shall be of such material, size, and length as may be approved by the Board.

Section 33.9.2 Storm Water Damage:

The subdivider shall construct storm water drainage facilities. All such facilities are to be of adequate design to hydraulically accommodate the ten year storm event using techniques as stated in the Soil Conservation Service Engineering Field Manual. Storm drainage facilities shall be so designed as to present no hazard to life or property; and the size, type, and installation of all storm water drainage systems shall be constructed in accordance with the plans and standard specifications approved by the Planning Board.

Section 33.9.3 Public Sanitary Sewerage:

The subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision unless it has been agreed with the Planning Board that such lots will be served with private disposal systems. The size, type, and installation of all sanitary sewers shall be in accordance with plan and standard specifications approved by the appropriate municipal official.

Section 33.9.4 Public Water Supply Facilities:

The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision unless it has been agreed with the Planning Board that such lots will be served by privately owned supply systems. The size, type, and installation of all public water mains shall be in accordance with plans and standard specifications as approved and shall include fire hydrants.

Section 33.9.5 Other Utilities:

The subdivider shall cause electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision.

Article 33.10 Waiver and Modification

Section 33.10.1 Where the Planning Board makes written findings of fact that the applicant will suffer an undue economic or other hardship if the requirements of this Ordinance are strictly applied, it may waive the necessity for strict compliance with the requirements of this Ordinance in order to provide relief from the hardship in question and to permit a more practical and economical development provided, however, that the public health, safety, and welfare will not be compromised and further provided that the waivers in question will not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Zoning Ordinance, or this Ordinance.

Section 33.10.2 In granting waivers to any provision of this Ordinance in accordance with Section 33.11.1, the Planning Board shall require such conditions as will assure that the purposes of this Ordinance are met.

Section 33.10.3 When the Planning Board grants a waiver to any of the provisions required by this Ordinance, the Final Plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date on which they were granted.

Article 33.11 Validity, Effective Date and Conflict of Ordinances

Section 33.11.1 Validity

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

Section 33.11.2 Effective Date

This ordinance shall take effect and be in force from and after the date of its official adoption.

Section 33.11.3 Conflict of Ordinances

This Chapter shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law. Where this Ordinance imposes a high standard for the promotion and protection of health and safety, the provisions of this Ordinance shall prevail.

Article 33.12 Enforcement

When the violation of any provision of this Chapter shall be found to exist, the Code Enforcement Officer is hereby authorized and directed to institute in the name of the Town any and all actions and proceedings that may be appropriate or necessary for the enforcement of the provisions of this Chapter.

Article 33.13 Amendment

This Chapter may be amended by a majority vote of the Town Meeting. Amendments may be initiated by a majority vote of the Board or by request of the Board of Selectmen to the Board or on petition of 10% of the votes cast in the last gubernatorial election in the Town. The Board shall conduct a public hearing on any proposed amendment.

Article 33.14 Appeals

An appeal may be filed within thirty (30) days from the Board's final decision on the Preliminary or Final Plan by any party to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

Article 33.15 Definitions**Section 33.15.1 Subdivision**

- .1 A subdivision shall mean the division of a tract or parcel of land as defined in Title 30-A, M.R.S.A., Section 4401 and as hereafter amended.
- .2 The term subdivision shall also include developments where there are three or more units involved, such as mobile home parks, multiple family dwelling(s), condominium conversions, shopping centers, and industrial parks.
- .3 This Ordinance does not apply to an airport with an airport layout plan that has received final approval from the airport sponsor, the Department of Transportation and Federal Aviation Administration.

Section 33.15.2 Direct Watershed

That portion of the watershed which does not first drain through an upstream lake.

Section 33.15.3 Fresh Water Wetland

Means fresh water swamps, marshes, bogs, and similar areas which are:

- .1 Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support a prevalence of wetland vegetation typically adapted for life in saturated soils; and
- .2 Not considered part of great pond, river, stream, or brook. These areas may contain small stream channels or inclusions of land that do not conform to the criteria.

Section 33.15.4 100-Year Flood

The flood having a one percent chance of being equaled or exceeded in any given year.

Section 33.15.5 Industrial Park or Development

A subdivision developed exclusively for industrial uses, or a subdivision planned for industrial uses and developed and managed as a unit, usually with provision for common services for the users.

Section 33.15.6 Mobile Home Park

A parcel of land under unified ownership approved by the Town of Rangeley Planning Board for the placement of three (3) or more mobile homes.

Section 33.15.7 Privately-Owned Street:

A street, which is not intended to be dedicated as a public way.

Section 33.15.8 Stream, River, or Brook

River, stream, or brook means a channel between defined banks including the floodway and associated floodplain wetlands where the channel is created by the action of the surface water and characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material, or bedrock.

Section 33.15.9 Street:

Public and private ways such as alleys, avenues, highways, roads, and other rights-of-way for vehicular access other than driveways or logging roads.

Section 33.15.10 Substantially Started

Completion of a least thirty (30) percent of the public improvements measured as a percent of the total estimated cost of such improvements.

Section 33.15.11 Tract or Parcel of Land

All contiguous land in the same ownership, whether or not the tract is separated by any point by an intermittent or non-navigable stream, provided that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of a road.

Last amended: 8/14/97

Last amended: 7/12/03

Last amended: 9/08/05

Last amended: 9/17/2009 at Special Town Meeting