

SECTION 14 SUBDIVISION STANDARDS

14.1 Authority

This Section has been prepared in accordance with the provisions of 30-A M.R.S.A. Section 4403.

14.2 Purpose

The purposes of this Section are:

14.2.1 To provide for an expeditious and efficient process for the review of proposed subdivisions.

14.2.2 To clarify the approval criteria of the State Subdivision Law, found in 30-A M.R.S.A. Section 4404.

14.2.3 To preserve and enhance the character of the community.

14.2.4 To assure the safety, health, and welfare of the people of the City of Gardiner.

14.2.5 To protect the natural resources of the City of Gardiner.

14.2.6 To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that those lots in subdivisions can support the proposed uses and structures.

14.2.7 To promote the development of an economically sound and stable community.

14.3 Applicability

The provisions of this Section shall apply to all development considered a subdivision as defined by 30-A M.R.S.A Section 4401 and this Ordinance. All campgrounds and all multi-family housing projects consisting of more than one principal building shall conform to this Section.

14.4 Review Criteria

The Planning Board shall consider the following criteria and before granting approval shall determine that:

14.4.1 The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider: the elevation of the land above sea level and its relation to the floodplain, nature of the soils and subsoils and their ability to adequately support waste disposal, slope of the land and its effect upon effluents, and the applicable state and local health and water resource rules and regulations.

14.4.2 The proposed subdivision has sufficient water available for the reasonable needs of the subdivision.

14.4.3 The proposed subdivision will not cause an unreasonable burden on an existing municipal or private water supply, if one is to be used.

14.4.4 The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

14.4.5 The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.

14.4.6 The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are used.

14.4.7 The proposed subdivision will not cause an unreasonable burden on the city's ability to dispose of solid waste, if municipal services are used.

14.4.8 The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, archeological sites, significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the city, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

14.4.9 The proposed subdivision conforms to all the applicable standards and requirements of this Ordinance, the Comprehensive Plan, and other local ordinances. In making this determination, the Planning Board may interpret these ordinances and plans.

14.4.10 The subdivider has adequate financial and technical capacity to meet all the review criteria, standards, and requirements contained in this Ordinance.

14.4.11 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 38 M.R.S.A. Chapter 3, Subchapter 1, Article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

14.4.12 The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

14.4.13 Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area, if the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundary within the subdivision. The proposed subdivision plan shall require that 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.

14.4.14 All wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands.

14.4.15 Any river, stream, or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. All rivers, streams, or brooks shall be protected from any adverse development impacts.

14.4.16 The proposed subdivision provides for adequate storm water management.

14.4.17 The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.

14.4.18 For any subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

14.4.19 If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or wetland, as these features are defined in 38 M.R.S.A. Section 480-B, none of the lots created within the subdivision shall have a lot depth-to-shore frontage ratio greater than 5 to 1.

14.5 Administration and General Procedures

14.5.1 Administration

The Planning Board shall review all subdivision applications according to the applicable review criteria and standards.

14.5.2 Decisions

14.5.2.1 After review of a complete application the Planning Board shall determine whether the application meets the review criteria. The Planning Board shall make written findings of fact to support its decision and vote to approve the application, deny the application, or approve the application with conditions.

14.5.2.2 If in its findings, the Planning Board determines that the application does not meet the review criteria, and that additional actions by the applicant will be sufficient to meet them, it may require such actions, as conditions of approval. The conditions may set forth requirements in addition to those set forth in the Ordinance only when the Planning Board finds it necessary to further the purposes of this Ordinance. All conditions approved by the Planning Board shall be listed along with the reasons for these conditions in the Planning Board's decision and on the final subdivision plan.

14.5.2.3 The Planning Board shall list any waivers approved by the Board in its decision and on the final subdivision plan, and the reasons for such approval.

14.5.3 Burden of Proof

The applicant shall have the burden of proof to show the proposed subdivision application meets the applicable review criteria and standards contained in this Ordinance.

14.5.4 Additional Studies

The Planning Board may require the applicant to perform additional studies or hire a consultant to review the entire, or portions of, the subdivision application. The cost to perform additional studies or hire a consultant shall be borne by the applicant. The Planning Board may require the applicant to deposit with the city the estimated cost of any consultant or additional study, which deposit shall be placed in a non-interest bearing account. The application shall be considered incomplete until evidence of payment of this fee is submitted. The city shall pay for the services rendered and reimburse the applicant, if funds remain after payments are completed. The applicant shall place additional funds into the escrow account to meet expenses.

14.5.5 Rights Not Vested

The submittal of a preliminary plan to the Code Enforcement Officer to review for a complete application shall not be considered the initiation of the review process for the purposes of bringing the application under the protection of 1 M.R.S.A. Section 302. The formal review process shall begin upon written notification to the applicant that a complete application has been received.

14.5.6 Site Inspection

14.5.6.1 The Planning Board may vote to schedule an on-site inspection of the proposed project. The Planning Board shall schedule the date and time of the site inspection during the review process. The Planning Board shall post the date, time and place of the site inspection at City Hall.

14.5.6.2 The Planning Board may vote to reschedule the site visit and delay its review of the subdivision application whenever it finds that snow cover prohibits viewing land features of the proposed site.

14.5.6.3 The purpose of the site inspection is for the Planning Board to obtain knowledge about the site and surrounding area. The Planning Board shall not discuss the merits of the application or render any decision concerning the application during the site inspection.

14.5.7 Waivers

14.5.7.1 The Planning Board may vote to waive any of the review criteria and/or ordinance performance standards when it finds one of the following:

14.5.7.1.1 One or more of the review criteria and/or ordinance performance standards are not applicable to the proposal due to the size of the project, circumstances of the site, design of the project, or unique features of the proposal.

14.5.7.1.2 The applicant has proposed an alternative design that meets or exceeds the requirements set forth in the performance standards.

14.5.7.2 The applicant shall submit information and materials that support the waiver request with the application.

14.5.7.3 The Planning Board shall only consider a waiver request when the applicant has submitted a written waiver request in the application. The first item of the application review shall be a consideration of any waiver request. The Planning Board shall review the request and if it meets the criteria for a waiver, shall approve the request. If the Planning Board finds that the request does not meet the waiver criteria, the Board shall deny the request. The applicant shall amend the application as required if the waiver is not approved by the Board. The Planning Board may vote to suspend review of the application until the applicant provides any information necessary as a result of not obtaining the waiver. In no case shall the Planning Board make a final decision upon the application until the applicant supplies any additional information to the satisfaction of the Board.

14.5.8 Subdivision Review Process

All subdivision applicants shall be required to submit a preliminary plan and final plan application.

14.5.9 Revisions to Approved Plans

14.5.9.1 An application for a revision to a previously approved plan which involves a modification to a condition imposed by the Planning Board; the addition of new units; the addition of new lots; or an expansion of the subdivision, shall follow the procedures for a new application.

14.5.9.2 For any other revision, the applicant shall submit a complete application at least 14 days prior to a regularly scheduled meeting of the Planning Board. The applicant shall also notify all property abutters including all property owners in the subdivision according to the requirements for abutter notification contained in the public hearing requirements. The Planning Board may vote to hold a public hearing on the proposed revision.

14.5.9.3 The Planning Board's scope of review shall be limited to those portions of the plan which are proposed to be revised or that are adversely impacted by the proposed revision.

14.5.9.4 The applicant shall submit a copy of the approved plans and 12 copies of the proposed revised portions of the plans. The application shall include enough supporting data to allow the Planning Board to make a decision that the proposed revision meets the review criteria.

14.5.9.5 The Planning Board shall vote to approve the revision, deny the revision or approve the revision with conditions. The Planning Board may vote to require that additional information be submitted to ensure that the review criteria are met.

14.5.10 As-Built Plans

Upon completion of all the public improvements contained in the subdivision, the applicant shall submit a copy of as-built plans to the Planning Board.

14.5.11 Performance Guarantee

A performance guarantee meeting the requirements of this Ordinance shall be required for all public improvements.

14.5.12 Public Hearing Requirements

14.5.12.1 The Planning Board shall hold a public hearing on all preliminary applications to receive public comment and information concerning the application. The Planning Board may also decide to hold a public hearing on the final plan application.

14.5.12.2 The Planning Board shall hold a public hearing within 60 days after the determination that the application is complete.

14.5.12.3 The applicant shall be responsible for providing all the public hearing notices.

14.5.12.4 A notice of the public hearing shall be published in a newspaper having general circulation in the municipality. The notice shall be published 2 times, not more than 14 days before and not less than 7 days before the public hearing. The notice shall state the purpose of the hearing and give the date, time and place of the hearing. The applicant shall give a copy of the two notices to the Planning Board at the public hearing.

14.5.12.5 The applicant shall notify, by certified mail, the owners of all property within 200 feet of the proposed subdivision at least 14 days and no more than 30 days in advance of the public hearing. The notice shall state the purpose of the hearing and give the date, time and place of the hearing. The applicant shall give copies of the letter and certified receipts to the Planning Board at the public hearing.

14.5.12.6 The owners of property shall be considered those against whom taxes are assessed. Failure of an abutter to receive a notice shall not invalidate the public hearing, nor shall it require the Board to schedule a new public hearing.

14.5.12.7 The Planning Board may vote to continue the public hearing to receive additional public comment or information concerning the application. Additional public notice shall not be required for a continued public hearing.

14.5.13 Joint Meetings

If any portion of a proposed subdivision crosses municipal boundaries, the Planning Board shall follow the notice, meeting, and review requirements specified in 30-A M.R.S.A. Sections 4401-4407.

14.5.14 Inspection Requirements

14.5.14.1 The Code Enforcement Officer shall be responsible for conducting and/or coordinating all inspections with other municipal officials. The following municipal officials shall perform the following inspections:

14.5.14.1.1 The Public Works Director or designee shall inspect all roads according to the road standards contained in this Ordinance.

14.5.14.1.2 The Local Plumbing Inspector shall inspect the installation of all subsurface wastewater treatment systems.

14.5.14.1.3 The Code Enforcement Officer or designee shall inspect all erosion control measures, stormwater management features, and all other site features.

14.5.14.2 The applicant shall be responsible for scheduling all inspections with the Code Enforcement Officer. The Code Enforcement Officer and all other inspection officials shall keep a record of all inspections and all deficiencies. It shall be the responsibility of the Code Enforcement Officer to notify the applicant in writing that a deficiency exists and the steps necessary to remedy the situation. The Code Enforcement Officer shall notify the City Manager whenever the applicant fails to remedy a deficiency. The City shall take the appropriate enforcement action as authorized by this Ordinance.

14.6 Preliminary Plan Review

14.6.1 The applicant shall submit a complete preliminary plan application to the Code Enforcement Officer. The applicant shall be issued a dated receipt.

14.6.2 The Code Enforcement Officer shall within 14 days review the application to determine if it is complete. If the application is not complete, the Code Enforcement Officer shall in writing list all the items missing. The applicant shall re-submit the application with all the missing items which shall be reviewed within 14 days by the Code Enforcement Officer.

If the application is complete, the Code Enforcement Officer shall notify the applicant in writing and schedule a public hearing on the preliminary plan within 60 days of notifying the applicant of a complete application.

14.6.3 As soon as possible after the receipt of a complete preliminary plan the city shall notify by first-class mail all abutters to the proposed subdivision that an application for a subdivision has been submitted to the Planning Board, specifying the location of the proposed subdivision and including a general description of the project. The notice shall also indicate that a copy of the application is available for public review at City Hall. The Planning Board shall maintain a list of all abutters notified by first-class mail, specifying the date the notice was mailed.

14.6.4 The applicant shall at least 20 days before the public hearing submit 12 copies of the preliminary plan application including all maps and attachments. The maps may be reduced; however, at least two full-size map copies shall be submitted.

14.6.5 Within 35 days of the public hearing or meeting, or within another time as may be mutually agreed to by the Board and the applicant, the Planning Board shall make a decision on the application.

14.6.6 Upon approval of the preliminary plan, the applicant is eligible to submit a final plan to the Planning Board for consideration. The approval of the preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an

expression of approval of the design of the preliminary plan as a guide to preparation of the final plan. The final plan shall be submitted for consideration upon fulfillment of the requirements of this Ordinance and conditions of preliminary approval, if any.

14.6.7 Upon approval of the preliminary plan the Planning Board shall inform the applicant if it intends to hold a public hearing on the final plan.

14.6.8 Preliminary Plan Submissions

14.6.8.1 The applicant shall be responsible for supplying all the necessary information to show that the proposed subdivision is in compliance with the review criteria and requirements and performance standards contained in this Ordinance. The preliminary plan submissions shall consist of the following:

14.6.8.1.1 A receipt from the city indicating that the application fee has been paid.

13.6.8.1.2 A preliminary plan application form and all required attachments and maps.

14.6.8.1.3 Waiver request form, if applicable.

14.6.8.1.4 A location map, drawn at an appropriate scale to show the relationship of the proposed subdivision to adjacent properties. The map shall show the following:

14.6.8.1.4.1 Existing subdivisions in the proximity of the proposed subdivision.

14.6.8.1.4.2 Locations and names of existing and proposed roads.

14.6.8.1.4.3 Boundaries and designations of all shoreland zoning and other land use districts.

14.6.8.1.4.4 An outline of the proposed subdivision and any remaining portion of the Owner's property if not included in the subdivision proposal.

14.6.8.1.5 Name and address of the applicant and applicant's agent.

14.6.8.1.6 Proof of right, title or interest in the property.

14.6.8.1.7 A copy of all existing and proposed deed restrictions, rights-of-way, or other encumbrances affecting the property.

14.6.8.1.8 The book, page, and tax map and lot information of the property.

14.6.8.1.9 The names of all property owners abutting the property.

14.6.8.1.10 Acreage of the proposed subdivision, acreage of roads, and acreage of any land not included in the subdivision.

14.6.8.1.11 A copy of that portion of the county soil survey covering the subdivision.

14.6.8.1.12 A subdivision plan consisting of one or more maps drawn to a scale of not more than 100 feet to the inch. The plan shall show the following:

14.6.8.1.12.1 Name of the subdivision.

14.6.8.1.12.2 Number of lots.

14.6.8.1.12.3 Date, north point, graphic scale.

14.6.8.1.12.4 Proposed lot lines with dimensions.

14.6.8.1.12.5 A survey of the perimeter of the tract, giving complete descriptive data by bearing and distances, made and certified by a Registered Land Surveyor. The corner of the tract shall be located on the ground and marked by permanent markers. The plan shall indicate the type of permanent marker proposed to be set or found at each lot corner.

14.6.8.1.12.6 Contour intervals of 10 feet when any land in the proposed subdivision falls outside of 10% grade.

14.6.8.1.12.7 The location of all wetlands regardless of size.

14.6.8.1.12.8 The location of all rivers, streams, brooks and ponds within or adjacent to the subdivision.

14.6.8.1.12.9 The location of all slopes in excess of 10% slope.

14.6.8.1.12.10 The number of acres within the subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing features.

14.6.8.1.12.11 The location of any significant sand and gravel aquifers.

14.6.8.1.12.12 The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the most recent FIRM Map.

14.6.8.1.12.13 The location and boundaries of any significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife.

14.6.8.1.12.14 The location of any site or structure listed on the National Register of Historic Places or any archeological site identified by the State Historic Preservation Commission.

14.6.8.1.12.15 The location of all scenic areas and rare and endangered plants as identified by the City of Gardiner.

14.6.8.1.12.16 The location of all subsurface wastewater disposal system test pits or borings and test data and appropriate documentation.

14.6.8.1.12.17 The location of any open space, trails, and recreation features.

14.6.8.1.12.18 The location, type, size and design of all proposed essential services and utilities.

14.6.8.1.12.19 All erosion control features proposed for the site.

14.6.8.1.12.20 All stormwater control features proposed for the site.

14.6.8.1.12.21 All parcels of land proposed to be owned or held in common or joint ownership by the subdivision or individual lot owners. All land proposed to be offered for public acceptance to the city.

14.6.8.1.12.22 The type and location of any proposed fire control features, and appropriate documentation.

14.6.8.1.13 When connection to the public sewer is proposed, a letter from the City Manager indicating that there is adequate capacity.

14.6.8.1.14 The location of all existing and proposed wells and appropriate documentation. If public water is proposed, a letter from the water district indicating that there is adequate supply and pressure.

14.6.8.1.15 A written statement from the Police Chief approving all street traffic patterns, parking, curb cuts and traffic impacts.

14.6.8.1.16 A written statement from the Fire Chief approving all hydrant locations and any other fire suppression measures proposed.

14.6.8.1.17 Phosphorus control measures, if the subdivision is located within the direct watershed of a great pond.

14.6.8.1.18 Road plans, specifications, and appropriate documentation.

14.6.8.1.19 Traffic access data for the site including an estimate of the amount of vehicular traffic to be generated on a daily basis.

14.6.8.1.20 A statement indicating how the solid waste from the subdivision will be handled.

14.6.8.1.21 Documentation indicating that the applicant has the financial and technical capacity to meet the requirements of this Ordinance.

14.6.8.1.22 Any other data necessary in order to meet the requirements of this Ordinance.

14.6.8.1.23 A description of the anticipated types of land use that will be developed within the proposed subdivision.

14.6.8.1.24 A description of how all roads and other public improvements will be maintained until the improvements are dedicated to the city or for private roads and improvements, how they will be maintained over their life span.

14.7 Final Plan Review

14.7.1 The applicant shall submit a complete final plan application to the Code Enforcement Officer. The applicant shall be issued a dated receipt.

14.7.2 The Code Enforcement Officer shall within 14 days review the application to determine if it is complete. If the application is not complete, the Code Enforcement Officer shall in writing list all the items missing. The applicant shall re-submit the application with all the missing items which shall be reviewed within 14 days by the Code Enforcement Officer.

If the application is complete, the Code Enforcement Officer shall notify the applicant in writing and schedule a meeting or public hearing on the final plan within 60 days of notifying the applicant of a complete application.

14.7.3 The applicant shall at least 20 days before the meeting or public hearing submit 12 copies of the final plan including all maps and attachments. The application shall also include an original and 3 Mylar copies.

14.7.4 Within 60 days of the public hearing or meeting, or within another time as may be mutually agreed to by the Board and the applicant, the Planning Board shall make a decision on the application.

14.7.5 Upon voting to approve the final plan, the Planning Board shall sign the original and 3 Mylar copies. The Planning Board shall retain one copy. The applicant shall file the approved final subdivision plan with the Register of Deeds, within 90 days of the date upon which the plan is approved. Failure to file the plan with the Register of Deeds, within 90 days, shall make the plan null and void. Final plans not filed within the required time shall be re-submitted to the Planning Board according to the requirements for a final plan.

14.7.6 The Applicant shall provide the city proof that the subdivision plan was filed with the Register of Deeds, and shall submit to the Tax Assessor an electronic copy of the subdivision plan shown in a format acceptable to the Tax Assessor.

14.7.7 No changes, erasures, modifications or revisions shall be made to a final plan after approval unless they have been approved according to the requirements of this Ordinance.

14.7.8 The approval of the final plan shall not be deemed to constitute or be evidence of any acceptance by the city of any road, easement, recreation area or facility, trail, or other feature.

14.7.9 Final Plan Submissions

14.7.9.1 The applicant shall be responsible for supplying all the necessary information to show that the proposed subdivision is in compliance with the review criteria and requirements and performance standards contained in this Ordinance.

14.7.9.2 The final plan submissions shall consist of the following:

14.7.9.2.1 A receipt from the city indicating that the application fee has been paid.

14.7.9.2.2 A final plan application form and all required attachments and maps.

14.7.9.2.3 All the submission materials required for a preliminary plan.

14.7.9.2.4 All conditions and modifications approved by the Planning Board for the preliminary plan, contained on the final plan.

14.7.9.2.5 Any conditions placed on the final plan by the Planning Board shall be clearly listed on the plan. Planning Board-imposed conditions shall be listed separately from any conditions or restrictions placed on the subdivision by the applicant.

14.7.9.2.6 All waivers approved by the Planning Board, shown on the final plan.

14.7.9.2.7 All additional studies and/or materials required by the Planning Board, as applicable.

14.7.9.2.8 A signature block, on the final plan.

14.7.9.2.9 A performance guarantee, if applicable.

14.7.9.2.10 The location and type of all permanent markers set at all lot corners.

14.7.9.2.11 If the subdivision contains any private roads, a statement as follows: the subdivision roads are designed as private roads and are not eligible for acceptance by the City of Gardiner, unless the road is improved to meet the appropriate standards for road acceptance.

14.7.9.2.12 Written copies of any documents of land dedication, and written evidence that the City Manager is satisfied with the legal sufficiency of any documents accomplishing such land dedication.

14.7.9.2.13 Proof that all other applicable state and federal permits have been obtained.

14.7.9.2.14 Any variances granted by the Board of Appeals, listed on the final plan.

14.8 Performance Standards

14.8.1 All proposed subdivisions shall conform to the applicable standards contained in this Ordinance and the following performance standards.

14.8.2 General Lot Requirements

14.8.2.1 Subdivisions shall conform to the city's minimum lot requirements. Subdivisions designed according to the Open Space Design Option may contain modified minimum lot requirements according to the standards contained in this Ordinance.

14.8.2.2 Land in the following areas shall not be used to calculate the required minimum lot size: wetlands; rivers; streams; brooks; stormwater drainage features; resource protection areas as defined in the city's Shoreland Zoning Ordinance; areas within the floodway as defined in the city's Floodplain Management Ordinance; and areas within public and private rights-of-way.

14.8.3 Monuments

14.8.3.1 Monumentation as required by the Maine Board of Registration of Land Surveyors shall be installed at the following:

14.8.3.1.1 At all road intersections and points of curvature, but no farther than 750 feet apart along road lines without intersections or curves.

14.8.3.1.2 At all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135 degrees or less.

14.8.3.1.3 At all other subdivision boundary corners and angle points plus lot boundary corners and angle points.

14.8.3.1.4 At a point 100 feet from the road at each side lot line if lot lines are not 90 degrees to the road.

14.8.4 Water Supply

14.8.4.1 The water supply for the subdivision and each lot shall be adequate to supply all the potable and other water requirements of the development. The applicant shall submit documentation from a hydrologist or a well driller familiar with the area, stating that adequate water is available to supply the subdivision.

14.8.4.2 Municipal Water

The applicant shall obtain documentation from the Gardiner Water District approving all proposed water lines and a statement indicating that an adequate supply of water is available to serve the requirements of the proposed development.

14.8.4.3 Private or Community Wells

The applicant shall locate and construct individual wells to prevent infiltration of surface water and contamination from subsurface wastewater disposal systems and other sources of pollution. The lot design shall permit the placement of wells, subsurface wastewater disposal systems and reserve areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.

14.8.5 Fire Protection

14.8.5.1 The applicant shall design the subdivision so that the City of Gardiner Fire Department shall have unrestricted access to all developed areas within the subdivision. The applicant shall review the proposed subdivision with the Fire Chief and shall obtain a written statement from the Fire Chief approving any fire protection measures. This statement shall be submitted with the preliminary plan application.

14.8.5.2 The Fire Chief in making his/her determination that adequate provisions are made for fire protection shall ensure the following:

The road is adequate for the passage of fire equipment.

An adequate water supply is available near or within the subdivision to serve the density of the development.

14.8.5.3 The Fire Chief shall approve the fire protection measures proposed for the subdivision or shall make specific recommendations to improve the fire protection measures. In making recommendations, the Fire Chief may recommend the installation of fire ponds or other similar features.

14.8.6 Sewer and Subsurface Wastewater Disposal Systems

14.8.6.1 When subsurface wastewater is proposed, the applicant shall submit evidence of site suitability for the subsurface wastewater disposal system prepared by a licensed site evaluator in compliance with the Subsurface Wastewater Disposal Rules of the State of Maine. All test pit or test boring locations shall be shown on the subdivision plan and be accompanied by a HHE-200 Form or other format which shows the appropriate soils data. In no instance shall a disposal area for a lot or structures require a new system variance from the Subsurface Wastewater Disposal Rules. Holding tank systems shall not be allowed to serve new lots or structures.

14.8.6.2 When municipal sewer is proposed the applicant shall conform to the requirements for municipal systems contain in this Ordinance.

14.8.7 Financial and Technical Capacity

14.8.7.1 The applicant shall submit evidence that he/she has adequate financial and technical capacity to design and construct the development in accordance with all applicable local, state and federal laws and regulations. Evidence of adequate financial and technical capacity shall consist of the following:

14.8.7.1.1 A list of all technical and professional staff involved with the proposal and preparation of the application including their qualifications and past experience with projects of similar size and scale.

14.8.7.1.2 A list of all persons with inspection and oversight responsibilities for the development and if available, the persons selected to construct the project, including their qualifications and past experience with projects of similar size and scale.

14.8.7.1.3 A letter from a financial institution such as a bank or other lending institution that states that the applicant has the necessary funds available or a loan commitment from this institution to complete the proposed development within the time period specified by the applicant.

14.8.8 Conformity With All Other Applicable Local Ordinances

The applicant shall show that the subdivision meets all other applicable local ordinances.

14.8.9 Recreational Access Standards

14.8.9.1 Outdoor recreational access is an important feature of the city and all subdivision proposals consisting of more than 4 lots shall provide for the continued enhancement and development of a variety of recreational opportunities. Since new subdivisions and the associated housing and other development they foster can compete with existing open space, scenic and other attributes of a rural community, it shall be the responsibility of each new subdivision to provide for outdoor recreation. A recreation plan designed to serve the subdivision shall be developed according to the requirements listed below.

14.8.9.2 Since subdivision proposals vary in size, density, design, and location, a variety of options shall be offered for the development of the recreation plan. The subdivision shall be deemed to meet the recreation requirement if it conforms to one of the following:

14.8.9.2.1 A minimum of 10% of the land within the subdivision is dedicated for open space. Suitable easements and/or deed restrictions shall be included to preserve the land dedicated from development. The land shall not include areas deemed unsuitable for development.

14.8.9.2.2 A parcel of land consisting of at least 2 acres and having a minimum of 200 feet of shore frontage on a great pond is dedicated for recreation. At a minimum the parcel shall be suitable for boat access or swimming. Trails, easements or other instruments shall be provided so that residents can access the parcel.

14.8.9.2.3 A multi-purpose trail system which can reasonably be accessed by each lot is constructed. The trail shall be designed to accommodate walkers, cross-country skiing and snowmobiles. The trail shall provide a link to existing trails or snowmobile routes.

14.8.9.2.4 An active recreation area is provided consisting of at least two of the following: playground for children, baseball field, tennis court (minimum of 2 courts), full-size basketball court or a multi-purpose field.

14.8.9.2.5 A combination of recreation options is provided. The applicant may propose to offer a combination of recreational sites consisting of a portion of some of the options listed above. The Planning Board shall review this proposal to ensure that the intent of this Subsection is met.

14.8.9.3 Land for recreational sites may be offered to the city for public acceptance or may be owned in common by lot owners. The applicant may also propose to dedicate the recreation areas to a third party that is incorporated for maintaining land for conservation and preservation.

14.8.9.4 All land proposed for recreation shall be protected by a suitable deed restriction that prohibits development and preserves the land for future inhabitants.