

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 4401 et. seq.

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, the availability of streams for disposal of 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 reasonably foreseeable 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 and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside of an urban compact area of an urban compact municipality as defined by Title 23, Section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, Section 704 and any rules adopted under that section.

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.

14.4.11.1. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.

14.4.11.1.1 To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.

14.4.11.1.2 The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 38, chapter 3, subchapter I, article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of Section 4401, subsection 1, on September 23, 1983;

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. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, Section 480-B, subsection 9.

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.

14.4.20 Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, Section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred

acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Agriculture, Conservation and Forestry, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority's request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a licensed forester.

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

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 and/or Peer Review

The Planning Board may require the applicant to perform additional studies if needed to demonstrate compliance with the standards of **14.4**. The cost of any such studies shall be paid by the applicant. The City may hire a consultant to review the entire, or portions of, the subdivision application. The cost to hire a consultant for a peer review shall be borne by the applicant. The Planning Board may require the applicant to deposit with the city the estimated cost of any consultant services for peer review, 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 peer review services rendered and reimburse the applicant, if funds remain after payments are completed. If the initial amount deposited is not adequate to cover the entire costs of the peer review, the applicant shall place additional funds into the escrow account to meet expenses.

14.5.5 Rights Not Vested

The submittal of a site inventory and analysis 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 submittal of a final plan for a minor subdivision or a preliminary plan for a major subdivision 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 or other conditions of the property 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 only when it finds that the scale of the subdivision or the particular circumstances of the proposed development makes the particular criterion not applicable to the subdivision proposal.

14.5.7.2.1 The Planning Board may vote to waive one or more of the ordinance performance standards if it finds that the standard(s) is/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.

14.5.7.2.2 The Planning Board may also vote to waive one or more of the ordinance performance standards if it finds that the applicant has proposed an alternative design that meets or exceeds the requirements set forth in the performance standards.

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

14.5.7.4 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

14.5.8.1 The following sections set out the process for reviewing applications for subdivision approval. All applicants planning to submit an application must complete the preapplication phase as set out in **14.5.8.2**. Based on the preapplication phase, the Code Enforcement Officer will tentatively classify the project as a minor subdivision or a major subdivision. Minor subdivisions are subject to a simplified review process set out in **14.5.8.3**. The review procedures for major subdivisions are set out in **14.5.8.4**.

14.5.8.2 Preapplication Procedures

Any applicant proposing a subdivision must comply with the preapplication procedures set out in this section. No application for subdivision review will be placed on an agenda for Planning Board consideration until the preapplication procedures have been completed.

14.5.8.2.1 Preapplication Conference

Prior to submitting a formal application for subdivision review, the applicant or his/her representative must attend a preapplication conference with the Code Enforcement Officer (CEO). A preapplication conference is mandatory and an application will not be accepted for processing until a preapplication conference has been held. The preapplication conference shall be informal and informational in nature. There is no fee for a preapplication review, and such review shall not cause the plan to be a pending application or proceeding under Title 1 M.R.S.A. §302. No decision on the substance of the plan shall be made by the CEO at the preapplication conference.

14.5.8.2.2 Purposes of the Preapplication Conference

The purposes of the preapplication conference are to:

14.5.8.2.2.1 Allow the staff to understand the nature of the proposed subdivision and the issues involved in the proposal,

14.5.8.2.2.2 Allow the applicant to understand the subdivision review process and required submissions,

14.5.8.2.2.3 Identify issues that need to be addressed in future submissions,

14.5.8.2.2.4 Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities, and

14.5.8.2.2.5 Allow the CEO to provisionally classify the project as a minor subdivision or major subdivision.

14.5.8.2.3 Site Inspection and Waivers

The CEO may schedule a site inspection in conjunction with the preapplication conference if deemed necessary and discuss any potential requests for waivers from the submission requirements.

14.5.8.2.4 Preparation for the Preapplication Conference

There are no formal submission requirements for a preapplication conference. However, the applicant should be prepared to discuss the following with the CEO:

14.5.8.2.4.1. The proposed site, including its location, size, and general characteristics. The applicant should have a map of the area proposed to be subdivided as well as any information about site conditions such as wetlands, utilities, and natural resources that will allow the CEO to understand the proposal.

14.5.8.2.4.2. The nature of the proposed subdivision,

14.5.8.2.4.3. Any issues or questions about existing municipal regulations and their applicability to the project including the requirements for the use of Open Space Design provisions, and the requirements of Chapter 5 of Title 27 of the Code of Ordinances dealing with the use of the public sewer system.

14.5.8.2.4.4. Any potential requests for waivers from the submission requirements and the basis for the request

The applicant's presentation and written materials about the nature and scope of the project must allow the CEO to be able to provisionally classify the project as a minor subdivision or major subdivision in accordance with **14.5.8.2.5**.

14.5.8.2.5 Classification of a Proposed Subdivision

Projects and activities subject to subdivision review are classified as minor subdivisions or major subdivisions based upon the criteria of this section. Projects that are classified as minor subdivisions are subject to a simplified application and review process while major projects are required to provide more information about the activity and its impacts and are subject to a more extensive review process. The CEO shall be responsible for provisionally classifying a project as a minor subdivision or a major subdivision. This process will occur in conjunction with the preapplication conference. Within ten (10) days of the completion of the preapplication conference and site inspection (if any), the CEO shall classify the subdivision as a minor subdivision or a major subdivision. When the CEO provisionally classifies a project as a minor or major subdivision, he/she shall notify both the applicant and the Chair of the Planning Board in writing of the classification and the basis for determination. At the first meeting of the Planning Board at which the application is discussed, the Planning Board shall review the CEO's determination as to the classification of the subdivision and may either confirm or revise the classification based upon the information contained in the formal submission and advise the applicant of this determination. If the Planning Board revises the classification of a project, the processing of the application shall proceed under the revised classification at that meeting and any subsequent meetings of the board. If the Planning Board reclassifies a project as a major subdivision, processing of the application shall be suspended until the applicant has provided all of the information required for a major subdivision.

The following criteria shall be used by the CEO and Planning Board in determining the classification of a proposed subdivision as a minor or major subdivision:

14.5.8.2.5.1 Any activity that meets the threshold requirements for Subdivision Review that will result in the creation of four (4) or fewer lots or dwelling units shall be classified as a Minor Subdivision and shall be subject to the procedures and standards for minor subdivisions except as provided for in 3 and 4 below.

14.5.8.2.5.2 Any activity that meets the threshold requirements for Subdivision Review that will result in the creation of five (5) or more lots or dwelling units shall be classified as a Major Subdivision and shall be subject to the procedures and standards for major subdivisions:

14.5.8.2.5.3 If a subdivision has been approved in the preceding five (5) years, any amendment to the approved subdivision or any re-subdivision of land that was part of the approved subdivision shall be classified as a major subdivision if the total number of lots created in any five (5) year period will be five (5) or more.

14.5.8.2.5.4 Any subdivision that will result in the creation of four (4) or fewer lots or dwelling units that will involve the construction of a public or private road or a public water main or public sewer that will serve more than one lot or will have two (2) or more lots that will be served by a common water supply or sewage disposal system shall be classified as a major subdivision.

14.5.8.2.5.5 An amendment to a previously approved and recorded subdivision shall be classified as a Minor Subdivision unless the revised subdivision will result in the creation of five (5) or more lots or is classified as a major subdivision based on 3. above.

14.5.8.3 Minor Subdivision Review Procedures

The review process for a minor subdivision is a two-step process. Step one is the submission and review of a Site Inventory and Analysis. Upon the completion of the review of the Site Inventory and Analysis, the Planning Board will authorize the applicant to proceed to step two, the submission of a formal application and supporting documentation. The City will not accept or process an application for review of a minor subdivision until a review of the Site Inventory and Analysis has been completed.

14.5.8.3.1 General Provisions

The Planning Board may require that a minor subdivision comply with some or all of the submission requirements for a major subdivision. The additional information may be required when the Board finds it necessary to decide if the criteria for approval from 30-A M.R.S.A. § 4404 or the standards from **14.4** have been met.

14.5.8.3.2 Step One – Submission and Review of the Site Inventory and Analysis

14.5.8.3.2.1 Submission of the Site Inventory and Analysis to the Code Enforcement Officer. The applicant shall prepare and submit a Site Inventory and Analysis and supporting documentation to the CEO. The materials must meet the submission requirements set forth in **14.5.8.3.4.1**. The CEO shall provide the applicant with a dated, written receipt for the submission.

14.5.8.3.2.2 Provisional Review of the Site Inventory and Analysis by the Code Enforcement Officer. The CEO shall review the submission for completeness within fourteen (14) days of receipt. The CEO shall provisionally determine that the submission is complete only if all of the required information set forth in **14.5.8.3.4.1** has been submitted or the applicant has requested waivers for any required information not provided and provided information documenting the basis for the waiver request(s). Upon the completion of the review, the CEO shall notify the applicant in writing as to whether or not the submission is deemed to be provisionally complete. If the submission is provisionally complete, the CEO shall forward the Site Inventory and Analysis to the Planning Board and shall schedule it for the next available Planning Board meeting for consideration by the Board. The CEO shall also hand deliver or mail written notice of the site inventory and analysis submission to the City Manager, Fire Chief, Police Chief,

Public Works Director, Wastewater Director, Superintendent of the Gardiner Water District, and other interested parties.

If the CEO finds that the submission is not complete, he/she shall notify the applicant in writing of the additional material that needs to be submitted by the applicant for the Site Inventory and Analysis to be provisionally complete and to be considered by the Planning Board. Upon the receipt of additional information, the CEO shall conduct another completeness review. This process shall be repeated, if necessary, until the CEO finds that the submission is provisionally complete.

14.5.8.3.2.3 Notification of Abutters. The applicant shall notify, by mail with proof of mailing, the owners of all property within two hundred (200) feet of the proposed subdivision at least fourteen (14) days, and no more than thirty (30) days, in advance of the Planning Board meeting at which the Site Inventory and Analysis will be considered. The notice shall state the purpose of the meeting and give the date, time and place of the meeting. The owners of property shall be considered those against whom taxes are assessed. The applicant shall give copies of the letter and proof of mailing receipts to the Planning Board prior to the meeting.

In addition to the mailed notices, the applicant shall post the notice of the Planning Board meeting on the subject property at least fourteen (14) days prior to the Planning Board meeting at which the Site Inventory and Analysis will first be discussed,. The posting shall conform to the following requirements:

14.5.8.3.2.3.1 The notice shall be a minimum of eleven (11) inches by seventeen (17) inches, shall be readable from a distance of five (5) feet, and shall contain the information required in the notice to abutters.

14.5.8.3.2.3.2 The notice shall be printed or painted on the display board or laminated in clear plastic or enclosed in a clear weatherproof envelop or folio such that it can be read without having to be removed from the envelop or folio.

14.5.8.3.2.3.3 The notice shall be mounted on a ridged four (4) foot by four (4) foot display board.

14.5.8.3.2.3.4 The face of the display board shall be white or yellow and shall contain the following in black letters at least six (6) inches high:

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14.5.8.3.2.3.5 The display board shall be installed in the front yard of the property within five (5) feet of the front property line in a location that is clearly visible from the adjacent street or sidewalk. If the front wall of a building is located within five (5) feet of the front property line, the display board may be attached to the building as long as it is clearly visible from the adjacent street or sidewalk.

14.5.8.3.2.3.6 The display board shall remain in place until the Planning Board acts on the application or the application is withdrawn.

14.5.8.3.2.4 Consideration of the Site Inventory and Analysis by the Planning Board. At the first meeting at which the site inventory and analysis is considered, the Planning Board shall review the material and formally determine whether or not the submission is

complete. The Board shall also consider and act on any requests for waivers of the submission requirements. If the submission is determined to be incomplete or requested waivers are not granted, the Board shall notify the applicant and CEO in writing of this finding, shall specify the additional materials required to make the Site Inventory and Analysis submission complete and shall advise the applicant that the project will not be considered by the Board until the additional information is submitted to the CEO. These steps shall be repeated until the application is found to be complete by the Planning Board. The timeframes for the processing of the site inventory and analysis shall begin when the board finds that the submission is complete.

14.5.8.3.2.5 Review of the Site Inventory and Analysis. The Planning Board review of the Site Inventory and Analysis shall be informational and shall not result in any formal approval or disapproval of the project by the Planning Board. The Board shall review the submission to determine if the information provides a clear understanding of the parcel's characteristics and its potential for subdivision and development. The outcome of the review process shall be a determination by the Board of the issues and constraints that must be addressed in the formal subdivision application. The Board shall also act on any requests for waivers from the application submission requirements. As part of the review of the Site Inventory and Analysis, the Planning Board may hold an on-site inspection of the site to review the existing conditions, field-verify the information submitted and investigate the development proposal. The Board may conduct this visit either before or after the first meeting at which the application is considered. The Board may postpone the on-site inspection when the site is snow covered or other conditions of the property prohibits viewing land features of the proposed site and the Board determines that it makes a reasonable assessment of site conditions impossible. If an application is pending during a period when a site walk is delayed, the processing of the application may be suspended until the Board is able to conduct an on-site inspection. Written notice of the on-site inspection shall be provided. Within forty-five (45) days of the finding that the site inventory and analysis submission is complete, the Board shall complete its review of the submission, notify the applicant in writing of the outcome of its review, and, if appropriate, authorize the submission of the formal application.

14.5.8.3.3 Step Two – Submission and Review of the Formal Application for a Minor Subdivision

14.5.8.3.3.1 Submission to Code Enforcement Officer. The applicant for approval of a minor subdivision shall prepare and submit a subdivision application, including the subdivision plan and supporting documentation to the CEO. The application must meet the submission requirements for minor subdivisions set forth in **14.5.8.3.4.2**. The CEO shall provide the applicant with a dated, written receipt for the application submission.

14.5.8.3.3.2 Provisional Review by the Code Enforcement Officer. The CEO shall review the application for completeness within fourteen (14) days of receipt. The CEO shall provisionally determine that the application is complete only if all of the required information set forth in **14.5.8.3.4.2** has been submitted or the applicant has requested waivers for any required information not provided and provided information

documenting the basis for the waiver request(s). Upon the completion of the application review, the CEO shall notify the applicant in writing as to whether or not the application is deemed to be provisionally complete. If the application is provisionally complete, the CEO shall forward the application to the Planning Board and shall schedule it for the next available Planning Board meeting for consideration by the Board. The CEO shall also hand deliver or mail written notice of the pending application to the City Manager, Fire Chief, Police Chief, Public Works Director, Wastewater Director, Superintendent of the Gardiner Water District, and other interested parties.

If the CEO finds that the application is not complete, he/she shall notify the applicant in writing of the additional material that needs to be submitted by the applicant for the application to be provisionally complete and to be considered by the Planning Board. Upon the receipt of additional information, the CEO shall conduct another completeness review. This process shall be repeated, if necessary, until the CEO finds that the application is provisionally complete.

14.5.8.3.3.3 Initial Consideration by the Planning Board. At the first meeting at which the application is considered, the Planning Board shall review the application material and formally determine whether or not the submission is complete. The Board shall also consider and act on any requests for waivers of the submission requirements. If the application is determined to be incomplete or requested waivers are not granted, the Board shall notify the applicant and CEO in writing of this finding, shall specify the additional materials required to make the application complete and shall advise the applicant that the application will not be considered by the Board until the additional information is submitted to the CEO. These steps shall be repeated until the application is found to be complete by the Planning Board. The timeframes for the processing of the application shall begin when the board finds that the application is complete.

14.5.8.3.3.4 Public Hearing. The Planning Board shall hold a public hearing on an application for approval of a minor subdivision. The Chair of the Planning Board may schedule the public hearing on an application for the meeting at which the Board first considers the application. The applicant shall be responsible for making all of the public hearing notices as set forth below.

14.5.8.3.3.4.1 A notice of the public hearing shall be published in a newspaper having general circulation in the municipality by the applicant. The notice shall be published two (2) times, not more than fourteen (14) days before and not less than seven (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 notice to the Planning Board prior to the public hearing.

14.5.8.3.3.4.2 The applicant shall notify, by certified mail, the owners of all property within two hundred (200) feet of the proposed subdivision at least fourteen (14) days, and no more than thirty (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 prior to the public hearing.

14.5.8.3.3.4.3 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.

14.5.8.3.3.4.4 The Planning Board may vote to continue the public hearing to receive additional public comment or information concerning the application. The Board shall be required to provide notice of the continued public hearing at least fourteen (14) days in advance of the date of the continuation in accordance with City policy.

14.5.8.3.3.5 On-Site Inspection. The Planning Board may hold an on-site inspection of the site to review the existing conditions, field-verify the information submitted, and investigate the development proposal. The Board may conduct this visit either before or after the first meeting at which the application is considered. The Planning Board may vote to reschedule the site visit and delay its review of the subdivision application whenever it finds that snow cover or other conditions of the property prohibits viewing land features of the proposed site. If an application is pending during a period when a site walk is delayed, the processing of the application may be suspended until the Board is able to conduct an on-site inspection. Written notice of the on-site inspection shall be provided by the applicant in accordance with **14.5.8.3.2.4.2**. The notice of the public hearing and the notice of the site walk may be combined into a single notice as long as all requirements are met.

14.5.8.3.3.6 Planning Board Action. The Planning Board shall take final action on the application within thirty (30) days of the public hearing. The Board shall act to deny, to approve, or to approve the application with conditions. The Board may impose such conditions as are deemed advisable to assure compliance with the standards of approval. All time limits provided for in this section may be extended by mutual agreement of the applicant and Planning Board.

If any portion of subdivision is within a Special Flood Hazard Area, the Board shall impose a condition of approval that structures on any lot having a portion of its land within a Special Flood Hazard Area must be constructed in accordance with the floodplain management provisions of Section 15.

In issuing its decision, the Planning Board shall make detailed written findings of fact establishing how the activities set forth in the application do or do not meet each of the standards of approval of **14.4** or that a standard does not apply to the application and that the application meets all other requirements of the City. The Planning Board shall also identify any conditions of approval necessary to comply with the standards. The Board shall notify the applicant in writing of the action of the Board, including the findings of fact, and any conditions of approval.

14.5.8.3.3.7. Final Approval and Filing. Upon completion of the requirements of this section and a vote of approval or approval with one or more conditions by the majority of the Planning Board, the application is approved. Subsequent to the approval by the Board, the applicant shall submit two reproducible, stable-based transparencies of the subdivision plan to the CEO, one to be recorded at the Registry of Deeds, the other to be filed at the municipal office. The plan shall contain any conditions of approval imposed by the Planning Board. The reproducible transparencies shall be embossed and printed with the seal of the individual responsible for preparation of the plan. The approved subdivision plan shall be signed by a majority of the members of the Board and filed with the CEO. The applicant shall also provide the CEO with an electronic version of the approved plan in a format acceptable to the City. The signed subdivision plan and decisions document setting forth the findings of fact including any conditions of approval shall be recorded by the applicant in the Kennebec County Registry of Deeds within sixty (60) days of the vote to approve the plan and evidence of such filing provided to the CEO. Any plan for which a plan and decision document is not filed within sixty (60) days of the date upon which such plan is approved and signed by the Board shall become null and void. Prior to the expiration of the sixty (60) day period, the Planning Board, by vote, may extend the filing period for good cause.

No changes, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the Board and endorsed in writing on the plan, unless the revised final plan is first submitted and the Board approves any modifications,. The Board shall make findings that the revised plan meets the criteria of 30-A M.R.S.A. § 4404 and the standards of this section. In the event that a plan is recorded without complying with this requirement, it shall be considered null and void and the Board shall institute proceedings to have the plan stricken from the records of the Registry of Deeds.

14.5.8.3.3.8 Initiation of Construction. Failure to initiate construction of the subdivision within five years of the date of approval and signing of the plan shall render the plan null and void unless the applicant has requested in writing and received an extension and has provided for the continuation of any performance guarantees for the period of the extension prior to the expiration of the five-year period. Upon determining that a subdivision's approval has expired under this subsection, the Board shall have a notice placed in the Registry of Deeds to that effect.

14.5.8.3.4 Minor Subdivision Submission Requirements

14.5.8.3.4.1 Site Inventory and Analysis Submission Requirements

14.5.8.3.4.1.1 Purpose of the Site Inventory and Analysis. The site inventory and analysis is intended to provide both the applicant and the Planning Board and staff with a better understanding of the site and the opportunities and constraints imposed on its use by both the natural and built environment. It is anticipated that this analysis will result in a development plan that reflects the conditions of the lot and that the areas most suitable for the proposed use will be utilized while those that are not suitable or present significant constraints will be avoided to the maximum extent possible.

Therefore, the submission requirements provide that the applicant submit basic information about the lot and an analysis of that information.

14.5.8.3.4.1.2 Contents of the Site Inventory and Analysis Submission. The site inventory and analysis submission must contain, at a minimum, the following information:

14.5.8.3.4.1.2.1 The names, addresses, and phone numbers of the record owner and the applicant.

14.5.8.3.4.1.2.2 The names and addresses of all consultants working on the project.

14.5.8.3.4.1.2.3 Evidence of right, title, or interest in the property.

14.5.8.3.4.1.2.4 Evidence of payment of the site inventory and analysis fee.

14.5.8.3.4.1.2.5 Twelve (12) copies of an accurate scale inventory plan of the lot or the portion of the lot proposed for subdivision at a scale of not more than one hundred (100) feet to the inch showing as a minimum:

14.5.8.3.4.1.2.5.1 The name of the development, north arrow, date and scale.

14.5.8.3.4.1.2.5.2 The boundaries of the lot.

14.5.8.3.4.1.2.5.3 The relationship of the lot to the surrounding area.

14.5.8.3.4.1.2.5.4 The topography of the lot at an appropriate contour interval depending on the nature of the use and character of the lot (in many instances, submittal of the U.S.G.S. 10' contours will be adequate);

14.5.8.3.4.1.2.5.5 The major natural features of the lot and within [one thousand (1,000)] feet of the lot, including coastal and freshwater wetlands, streams, ponds, floodplains, groundwater aquifers, significant wildlife habitats and fisheries or other important natural features (if none, so state). This information may be based on available, published sources unless the Planning Board determines that field determination is needed to allow review of the opportunities and constraints of the lot.

14.5.8.3.4.1.2.5.6 Existing buildings, structures, or other improvements on the lot (if none, so state).

14.5.8.3.4.1.2.5.7 Existing restrictions or easements on the lot (if none, so state).

14.5.8.3.4.1.2.5.8 The location and size of existing utilities or improvements servicing the lot (if none, so state).

14.5.8.3.4.1.2.5.9 A Class D medium intensity soil survey.

14.5.8.3.4.1.2.6 Twelve (12) copies of a site analysis plan at the same scale as the inventory plan (see above) highlighting the opportunities and constraints of the site.

This plan should enable the Planning Board to determine: which portions of the lot are unsuitable for development or use; which portions of the lot are unsuitable for on-site sewage disposal if public sewerage is not available; which areas of the lot have development limitations (steep slopes, flat, soil constraints, wetlands, aquifers, wildlife habitat, fisheries, scenic vistas, floodplains, drainage, etc.) which must be addressed in the development plan; which areas may be subject to off-site conflicts or concerns (i.e., noise, lighting, traffic, etc.); and which areas are well suited to the proposed use.

14.5.8.3.4.1.2.7 Twelve (12) copies of a narrative describing the existing conditions of the lot, the proposed use and the constraints or opportunities created by the site. This submission should include any traffic studies, utility studies, market studies or other preliminary work that will assist the Planning Board in understanding the site and the proposed use.

14.5.8.3.4.1.2.8 Any requests for waivers from the submission requirements for the preliminary plan review application.

14.5.8.3.4.2 Minor Subdivision Formal Application Submission Requirements

14.5.8.3.4.2.1 The applicant shall submit twelve (12) copies of the application to the CEO. The final plan application for approval of a minor subdivision shall consist of the following items:

14.5.8.3.4.2.1.1 A fully executed and signed copy of the application for minor subdivision review (on forms provided by the City).

14.5.8.3.4.2.1.2 A location map drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties and to allow the Board to locate the subdivision within the municipality. The location map shall show:

- (1) Existing subdivisions in the proximity of the proposed subdivision.
- (2) Locations and names of existing streets.
- (3) Boundaries and designations of zoning districts.
- (4) An outline of the proposed subdivision and any remaining portion of the owner's property if the final plan submitted covers only a portion of the owner's entire contiguous holding.

14.5.8.3.4.2.1.3 The required application and development review fees.

14.5.8.3.4.2.1.4 A list of abutters together with their mailing addresses.

14.5.8.3.4.2.1.5 The final subdivision plan and supporting documentation consisting of one or more maps or drawings drawn to a scale of not more than 50 feet to the inch

and supporting documentation bound in a single report. Plans for subdivisions containing more than 100 acres may be drawn at a scale of not more than 100 feet to the inch provided that all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size and shall have a margin of two inches outside of the border lines on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. In addition, one copy of the plan(s) reduced to a size of 11 by 17 inches shall be provided.

14.5.8.3.4.2.2 The subdivision plan and supporting documentation shall include at least the following information:

14.5.8.3.4.2.2.1 Proposed name of the subdivision or identifying title, the name of the municipality, and the Assessor's map and lot numbers.

14.5.8.3.4.2.2.2 The names and addresses of the record owner, applicant, and individual or company who or which prepared the plan and adjoining property owners.

14.5.8.3.4.2.2.3 The date the plan was prepared, north point, and graphic map scale.

14.5.8.3.4.2.2.4 The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.

14.5.8.3.4.2.2.5 Evidence of right, title, or interest in the property.

14.5.8.3.4.2.2.6 A copy of the most recently recorded deed for the parcel and a copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

14.5.8.3.4.2.2.7 A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.

14.5.8.3.4.2.2.8 A standard boundary survey of the parcel meeting the standards of Chapter 90 Standards of Practice of the rules of the Maine Board of Licensure for Professional Land Surveyors, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel shall be located on the ground and marked by monuments. The plan shall indicate the type of monument found or to be set at each lot corner.

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

14.5.8.3.4.2.2.10 The location of all rivers, streams and brooks, and coastal and freshwater wetlands within or adjacent to the proposed subdivision.

14.5.8.3.4.2.2.11 If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the one-hundred-year flood elevation, as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.

14.5.8.3.4.2.2.12 Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the Comprehensive Plan. If any portion of the subdivision is located within an area designated as a critical natural area by the Comprehensive Plan or the Maine Natural Areas Program, the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.

14.5.8.3.4.2.2.13 The topography of the site. This can be taken from the U.S.G.S maps unless the CEO determines that due to the nature of the site more detailed topographic information is required. In this case, the topography of the site shall be shown using contour lines at the interval specified by the Code Enforcement Officer.

14.5.8.3.4.2.2.14 The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.

14.5.8.3.4.2.2.15 The location, names, and present widths of existing streets and highways and existing and proposed easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. In order to facilitate the addition of the subdivision into the municipal property records, this information shall also be submitted on a computer disc in a format compatible with the Assessor's records.

14.5.8.3.4.2.2.16 An indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses, prepared by a licensed site evaluator, shall be provided. A test pit log and a map at the same scale as the subdivision plan showing the location of all test pits dug on the site shall be submitted.

14.5.8.3.4.2.2.17 An indication of the type of water supply system(s) to be used in the subdivision. When water is to be supplied by private wells, evidence of adequate groundwater supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.

14.5.8.3.4.2.2.18 The location of any open space to be preserved and a description of proposed improvements and its management.

14.5.8.3.4.2.2.19 All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all

public open spaces shown on the plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the applicant or lot owners are to be maintained, shall be submitted. If open space or other land is to be offered to the municipality, written evidence that the City Council is satisfied with the legal sufficiency of the written offer to convey title shall be included.

14.5.8.3.4.2.2.20 The location and method of disposal for land clearing and construction debris.

14.5.8.3.4.3 The Board may require additional information, including but not limited to the following, to be submitted where it finds it necessary in order to determine whether the criteria of 30-A M.R.S.A. § 4404 are met:

14.5.8.3.4.3.1 A hydrogeologic assessment prepared by a certified geologist or registered professional engineer experienced in hydrogeology.

(1) The Board may require a hydrogeologic assessment when the subdivision is not served by public sewer and:

[a] Any part of the subdivision is located over a mapped sand and gravel aquifer;

[b] The subdivision has an average density of more than one dwelling unit per 100,000 square feet; or

[c] In other cases where site considerations or development design indicates greater potential of adverse impacts on groundwater quality, such as extensive areas of shallow to bedrock soils, cluster developments in which the average density is less than one dwelling unit per 100,000 square feet but the density of the developed portion is in excess of one dwelling unit per 80,000 square feet, or the use of shared or common subsurface wastewater disposal systems.

14.5.8.3.4.3.2 An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.

14.5.8.3.4.3.3 A stormwater management plan prepared by a registered professional engineer in accordance with the most recent edition of the "Maine Stormwater Management Design Manual: Technical Design Manual, Volume III" published by the Maine Department of Environmental Protection.

14.5.8.3.4.3.4 An erosion and sedimentation control plan prepared in accordance with the most recent edition of "Maine Erosion and Sedimentation Control Best Management Practices (BMPs)" published by the Maine Department of Environmental Protection.

14.5.8.3.4.4. The Planning Board may waive any of the submission requirements including the additional submission requirements based upon a written request of the applicant in accordance with **14.5.7**. Such request must be made at the time of the initial review of the application for minor developments. A waiver of any submission requirement may be granted only if the Board finds that the information is not required to determine compliance with the approval standards and criteria.

14.5.8.4 Major Subdivision Review Procedures

Prior to the submission of any application materials for a major subdivision, the Planning Board shall host a neighborhood meeting on the potential application prior to any other consideration of the project by the Planning Board. The neighborhood meeting shall be an informal session to allow the potential applicant to discuss the concept for the project and for neighbors to provide feedback on the development concept. The City on behalf of the Planning Board shall provide written notice by first class mail to all property owners within two hundred (200) feet of the development parcel as shown on the City's property tax records. The neighborhood meeting shall be convened by the Chair of the Planning Board but shall be directed by the potential applicant or their representative(s). There are no requirements for what information the potential applicant must provide at the meeting. Members of the Planning Board may attend the meeting as observers but shall not participate in the discussion. The potential applicant shall provide for the audio or video taping of the neighborhood meeting and shall provide a copy or transcript of the recording to the Planning Department within ten (10) days of the meeting. Once the neighborhood meeting has been held, the applicant may proceed to step one of the formal review process.

The formal review process for a major subdivision is a three step process. Step one is the submission and review of a Site Inventory and Analysis. Upon the completion of the review of the Site Inventory and Analysis, the Planning Board will authorize the applicant to proceed to step two, the submission of a formal preliminary application and supporting documentation. The City will not accept or process an application for preliminary plan review of a major subdivision until a review of the Site Inventory and Analysis has been completed. Following the approval of the preliminary plan, the Planning Board will authorize the applicant to submit the final plan, step 3 in the process.

14.5.8.4.1. Step One – Submission and Review of the Site Inventory and Analysis

14.5.8.4.1.1 Submission of the Site Inventory and Analysis to the Code Enforcement Officer. The applicant shall prepare and submit a Site Inventory and Analysis and supporting documentation to the CEO. The materials must meet the submission requirements set forth in **14.5.8.5**. The CEO shall provide the applicant with a dated, written receipt for the submission.

14.5.8.4.1.2 Provisional Review of the Site Inventory and Analysis by the Code Enforcement Officer. The CEO shall review the submission for completeness within fourteen (14) days of receipt. The CEO shall provisionally determine that the submission is complete only if all of the required information set forth in **14.5.8.5** has been submitted

or the applicant has requested waivers for any required information not provided and provided information documenting the basis for the waiver request(s). Upon the completion of the review, the CEO shall notify the applicant in writing as to whether or not the submission is deemed to be provisionally complete. If the submission is provisionally complete, the CEO shall forward the Site Inventory and Analysis to the Planning Board and shall schedule it for the next available Planning Board meeting for consideration by the Board. The CEO shall also hand deliver or mail written notice of the site inventory and analysis submission to the City Manager, Fire Chief, Police Chief, Public Works Director, Wastewater Director, Superintendent of the Gardiner Water District, and other interested parties.

If the CEO finds that the submission is not complete, he/she shall notify the applicant in writing of the additional material that needs to be submitted by the applicant for the Site Inventory and Analysis to be provisionally complete and to be considered by the Planning Board. Upon the receipt of additional information, the CEO shall conduct another completeness review. This process shall be repeated, if necessary, until the CEO finds that the submission is provisionally complete.

14.5.8.4.1.3 Notification of Abutters. The applicant shall notify, by mail with proof of mailing, the owners of all property within two hundred (200) feet of the proposed subdivision at least fourteen (14) days, and no more than thirty (30) days, in advance of the Planning Board meeting at which the Site Inventory and Analysis will be considered. The notice shall state the purpose of the meeting and give the date, time and place of the meeting. The owners of property shall be considered those against whom taxes are assessed. The applicant shall give copies of the letter and proof of mailing receipts to the Planning Board prior to the meeting.

14.5.8.4.1.4 Posting of Notice on the Property. At least fourteen (14) days prior to the Planning Board meeting at which the Site Inventory and Analysis will first be discussed, the applicant shall post the notice of the Planning Board meeting on the subject property. The posting shall conform to the following requirements:

14.5.8.4.1.4.1 The notice shall be a minimum of eleven (11) inches by seventeen (17) inches, shall be readable from a distance of five (5) feet, and shall contain the information required in the notice to abutters in **14.5.8.4.1.3**.

14.5.8.4.1.4.2 The notice shall be printed or painted on the display board or laminated in clear plastic or enclosed in a clear weatherproof envelop or folio such that it can be read without having to be removed from the envelop or folio.

14.5.8.4.1.4.3 The notice shall be mounted on a ridged four (4) foot by four (4) foot display board.

14.5.8.4.1.4.4 The face of the display board shall be white or yellow and shall contain the following in black letters at least six (6) inches high:

SUBDIVISION REVIEW PENDING

14.5.8.4.1.4.5 The display board shall be installed in the front yard of the property within five (5) feet of the front property line in a location that is clearly visible from the adjacent street or sidewalk. If the front wall of a building is located within five (5) feet

of the front property line, the display board may be attached to the building as long as it is clearly visible from the adjacent street or sidewalk.

14.5.8.4.1.4.6 The display board shall remain in place until the Planning Board acts on the application or the application is withdrawn.

14.5.8.4.1.5 Consideration of the Site Inventory and Analysis by the Planning Board. At the first meeting at which the site inventory and analysis is considered, the Planning Board shall review the material and formally determine whether or not the submission is complete. The Board shall also consider and act on any requests for waivers of the submission requirements. If the submission is determined to be incomplete or requested waivers are not granted, the Board shall notify the applicant and CEO in writing of this finding, shall specify the additional materials required to make the Site Inventory and Analysis submission complete and shall advise the applicant that the project will not be considered by the Board until the additional information is submitted to the CEO. These steps shall be repeated until the application is found to be complete by the Planning Board. The timeframes for the processing of the site inventory and analysis shall begin when the board finds that the submission is complete.

14.5.8.4.1.6 Review of the Site Inventory and Analysis. The Planning Board review of the Site Inventory and Analysis shall be informational and shall not result in any formal approval or disapproval of the project by the Planning Board. The Board shall review the submission to determine if the information provides a clear understanding of the parcel's characteristics and its potential for subdivision and development. The outcome of the review process shall be a determination by the Board of the issues and constraints that must be addressed in the formal subdivision application. The Board shall also act on any requests for waivers from the application submission requirements. As part of the review of the Site Inventory and Analysis, the Planning Board may hold an on-site inspection of the site to review the existing conditions, field-verify the information submitted and investigate the development proposal. The Board may conduct this visit either before or after the first meeting at which the application is considered. The Board may postpone the on-site inspection when the site is snow covered or other conditions of the property prohibits viewing land features of the proposed site and the Board determines that it makes a reasonable assessment of site conditions impossible. If an application is pending during a period when a site walk is delayed, the processing of the application may be suspended until the Board is able to conduct an on-site inspection. Written notice of the on-site inspection shall be provided. Within forty-five (45) days of the finding that the site inventory and analysis submission is complete, the Board shall complete its review of the submission, notify the applicant in writing of the outcome of its review, and, if appropriate, authorize the submission of the formal application.

14.5.8.4.2 Step Two –Submission and Review of the Preliminary Plan

14.5.8.4.2.1 Submission of Preliminary Plan Application to the Code Enforcement Officer. Upon completion of the review of the Site Inventory and Analysis, the applicant

shall prepare and submit a preliminary plan application for a major subdivision to the CEO. The application must include the subdivision plan and supporting documentation that meets the submission requirements for a preliminary plan for major subdivision as set forth in **14.5.8.6**. The CEO shall provide the applicant with a dated, written receipt for the application submission.

14.5.8.4.2.2 Provisional Review of Application by the Code Enforcement Officer. The CEO shall review the application for completeness within fourteen (14) days of receipt. The CEO shall provisionally determine that the application is complete only if all of the required information for preliminary plans for a major subdivision set forth in **14.5.8.6** has been submitted or the Planning Board has approved waivers for any required information not provided as part of the Site Inventory and Analysis review. Upon the completion of the application review, the CEO shall notify the applicant in writing as to whether or not the application is deemed to be provisionally complete. If the application is provisionally complete, the CEO shall forward the application to the Planning Board and shall schedule it for the next available Planning Board meeting for consideration by the Board. The CEO shall also hand deliver or mail written notice of the site inventory and analysis submission to the City Manager, Fire Chief, Police Chief, Public Works Director, Wastewater Director, Superintendent of the Gardiner Water District, and other interested parties.

If the CEO finds that the application is not complete, he/she shall notify the applicant in writing of the additional material that needs to be submitted by the applicant for the application to be provisionally complete and to be considered by the Planning Board. Upon the receipt of additional information, the CEO shall conduct another completeness review. This process shall be repeated, if necessary, until the CEO finds that the application is provisionally complete.

14.5.8.4.2.3 Initial Consideration of the Application by the Planning Board. At the first meeting at which the preliminary plan application is considered, the Planning Board shall review the application material and formally determine whether or not the submission is complete. If the application is determined to be incomplete, the Board shall notify the applicant and CEO in writing of this finding, shall specify the additional materials required to make the application complete and shall advise the applicant that the application will not be considered by the Board until the additional information is submitted to the CEO. These steps shall be repeated until the application is found to be complete by the Planning Board.

14.5.8.4.2.4 On-Site Inspection. The Planning Board may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted, and investigate the development proposal. The Board may conduct this visit either before or after the first meeting at which the application is considered. The Board may postpone the on-site inspection when the site is snow covered or other conditions of the property prohibits viewing land features of the proposed site and the Board determines that it makes a reasonable assessment of site conditions impossible. If an application is pending during a period when a site walk is delayed, the processing of the application may be

suspended until the Board is able to conduct an on-site inspection. Written notice of the on-site inspection shall be provided.

14.5.8.4.2.5 Public Hearing. The Planning Board shall hold a public hearing on a preliminary application for approval of a major subdivision. The Chair of the Planning Board may schedule the public hearing on an application for the meeting at which the Board first considers the application. The applicant shall be responsible for making all of the public hearing notices as set forth below.

14.5.8.4.2.5.1 A notice of the public hearing shall be published in a newspaper having general circulation in the municipality by the applicant. The notice shall be published two (2) times, not more than fourteen (14) days before and not less than seven (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 notice to the Planning Board prior to the public hearing.

14.5.8.4.2.5.2 The applicant shall notify, by certified mail, the owners of all property within two hundred (200) feet of the proposed subdivision at least fourteen (14) days, and no more than thirty (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 prior to the public hearing.

14.5.8.4.2.5.3 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.

14.5.8.4.2.5.4 The Planning Board may vote to continue the public hearing to receive additional public comment or information concerning the application. The Board shall be required to provide notice of the continued public hearing at least fourteen (14) days in advance of the date of the continuation in accordance with City policy.

14.5.8.4.2.6 Planning Board Action. The Planning Board shall take action on the preliminary plan application within thirty (30) days of the public hearing. The Board shall indicate any changes to the preliminary plan that will need to be incorporated into the final plan to meet the approval criteria or questions that will need to be addressed in the final plan submission. All time limits provided for in this section may be extended by mutual agreement of the applicant and Planning Board. The Board shall notify in writing the applicant and all parties who requested to be notified of the action of the Board with respect to the preliminary plan. This notice shall contain the findings of fact and decision of the Board.

14.5.8.4.3 Step Three – Submission and Review of the Final Subdivision Plan

14.5.8.4.3.1 Submission of Final Plan Application to the Code Enforcement Officer. Upon completion of the review of the preliminary plan, the applicant shall prepare and submit a final plan application for a major subdivision to the CEO. The application must include the subdivision plan and supporting documentation that meets the submission requirements for a final plan for major subdivision as set forth in **14.5.8.7**. The CEO shall provide the applicant with a dated, written receipt for the application submission.

14.5.8.4.3.2 Provisional Review of Application by the Code Enforcement Officer. The CEO shall review the application for completeness within fourteen (14) days of receipt. The CEO shall provisionally determine that the application is complete only if all of the required information for final plans for a major subdivision set forth in **14.5.8.7** has been submitted or the Planning Board has approved waivers for any required information not provided. Upon the completion of the application review, the CEO shall notify the applicant in writing as to whether or not the application is deemed to be provisionally complete. If the application is provisionally complete, the CEO shall forward the application to the Planning Board and shall schedule it for the next available Planning Board meeting for consideration by the Board. The CEO shall also hand deliver or mail written notice of the site inventory and analysis submission to the City Manager, Fire Chief, Police Chief, Public Works Director, Wastewater Director, Superintendent of the Gardiner Water District, and other interested parties.

If the CEO finds that the application is not complete, he/she shall notify the applicant in writing of the additional material that needs to be submitted by the applicant for the application to be provisionally complete and to be considered by the Planning Board. Upon the receipt of additional information, the CEO shall conduct another completeness review. This process shall be repeated, if necessary, until the CEO finds that the application is provisionally complete.

14.5.8.4.3.3 Initial Consideration of the Application by the Planning Board. At the first meeting at which the final plan application is considered, the Planning Board shall review the application material and formally determine whether or not the submission is complete. If the application is determined to be incomplete, the Board shall notify the applicant and CEO in writing of this finding, shall specify the additional materials required to make the application complete and shall advise the applicant that the application will not be considered by the Board until the additional information is submitted to the CEO. These steps shall be repeated until the application is found to be complete by the Planning Board.

14.5.8.4.3.4 Planning Board Action. The Planning Board shall take action on the final plan application within sixty (60) days of determining that the application is complete. All time limits provided for in this section may be extended by mutual agreement of the applicant and Planning Board. In issuing its decision, the Planning Board shall make detailed written findings of fact establishing how the activities set forth in the application do or do not meet each of the standards of approval of **14.4** or that a standard does not apply to the application and that the application meets all other

requirements of the City. The Planning Board shall also identify any conditions of approval necessary to comply with the standards. The Board shall notify the applicant in writing of the action of the Board, including the findings of fact, and any conditions of approval.

If any portion of subdivision is within a Special Flood Hazard Area, the Board shall impose a condition of approval that structures on any lot having a portion of its land within a Special Flood Hazard Area must be constructed in accordance with the floodplain management provisions of Section 15.

14.5.8.4.3.5 Final Approval and Filing. Upon completion of the requirements of this section and a vote of approval or approval with one or more conditions by the majority of the Planning Board, the application is approved. Subsequent to the approval by the Board, the applicant shall submit two reproducible, stable-based transparencies of the subdivision plan to the CEO, one to be recorded at the Registry of Deeds, the other to be filed at the municipal office. The plan shall contain any conditions of approval imposed by the Planning Board. The reproducible transparencies shall be embossed and printed with the seal of the individual responsible for preparation of the plan. The approved subdivision plan shall be signed by a majority of the members of the Board and filed with the CEO. The applicant shall also provide the CEO with an electronic version of the approved plan in a format acceptable to the City. In addition, a signed subdivision plan and decisions document setting forth the findings of fact including any conditions of approval shall be recorded by the applicant in the Kennebec County Registry of Deeds within sixty (60) days of the vote to approve the plan and evidence of such filing provided to the CEO. Any plan for which a plan and decision document is not filed within sixty (60) days of the date upon which such plan is approved and signed by the Board shall become null and void. Prior to the expiration of the sixty (60) day period, the Planning Board, by vote, may extend the filing period for good cause.

No changes, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the Board and endorsed in writing on the plan, unless the revised final plan is first submitted and the Board approves any modifications. The Board shall make findings that the revised plan meets the criteria of 30-A M.R.S.A. § 4404 and the standards of these regulations. In the event that a plan is recorded without complying with this requirement, it shall be considered null and void and the Board shall institute proceedings to have the plan stricken from the records of the Registry of Deeds.

14.5.8.4.3.6 Initiation of Construction. Failure to initiate significant construction of the subdivision such as the construction of roads or the installation of utilities within five years of the date of approval and signing of the plan shall render the plan null and void unless the applicant has requested in writing and received an extension and has provided for the continuation of any performance guarantees for the period of the extension prior to the expiration of the five-year period. Upon determining that a

subdivision's approval has expired under this subsection, the Board shall have a notice placed in the Registry of Deeds to that effect.

14.5.8.4.3.7 Municipal Acceptance of Land or Facilities. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the City Council covering future deed and title dedication and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

14.5.8.4.4 Major Subdivision Submission Requirements

14.5.8.4.4.1 Site Inventory and Analysis Submission Requirements

14.5.8.4.4.1.1 Purpose of the Site Inventory and Analysis. The site inventory and analysis is intended to provide both the applicant and the Planning Board and staff with a better understanding of the site and the opportunities and constraints imposed on its use by both the natural and built environment. It is anticipated that this analysis will result in a development plan that reflects the conditions of the lot and that the areas most suitable for the proposed use will be utilized while those that are not suitable or present significant constraints will be avoided to the maximum extent possible. Therefore, the submission requirements provide that the applicant submit basic information about the lot and an analysis of that information.

14.5.8.4.4.1.2 Contents of the Site Inventory and Analysis Submission. The site inventory and analysis submission must contain, at a minimum, the following information:

14.5.8.4.4.1.2.1 The names, addresses, and phone numbers of the record owner and the applicant.

14.5.8.4.4.1.2.2 The names and addresses of all consultants working on the project.

14.5.8.4.4.1.2.3 Evidence of right, title, or interest in the property.

14.5.8.4.4.1.2.4 Evidence of payment of the site inventory and analysis fee.

14.5.8.4.4.1.2.5 Twelve (12) copies of an accurate scale inventory plan of the lot or the portion of the lot proposed for subdivision at a scale of not more than one hundred (100) feet to the inch showing as a minimum:

14.5.8.4.4.1.2.5.1 The name of the development, north arrow, date and scale.

14.5.8.4.4.1.2.5.2 The boundaries of the lot.

14.5.8.4.4.1.2.5.3 The relationship of the lot to the surrounding area.

14.5.8.4.4.1.2.5.4 The topography of the lot at an appropriate contour interval depending on the nature of the use and character of the lot (in many instances, submittal of the U.S.G.S. 10' contours will be adequate);

14.5.8.4.4.1.2.5.5 The major natural features of the lot and within [one thousand (1,000)] feet of the lot, including coastal and freshwater wetlands, streams, ponds, floodplains, groundwater aquifers, significant wildlife habitats and fisheries or other important natural features (if none, so state). This information may be based on available, published sources unless the Planning Board determines that field determination is needed to allow review of the opportunities and constraints of the lot.

14.5.8.4.4.1.2.5.6 Existing buildings, structures, or other improvements on the lot (if none, so state).

14.5.8.4.4.1.2.5.7 Existing restrictions or easements on the lot (if none, so state).

14.5.8.4.4.1.2.5.8 The location and size of existing utilities or improvements servicing the lot (if none, so state).

14.5.8.4.4.1.2.5.9 A Class D medium intensity soil survey.

14.5.8.4.4.1.2.6 Twelve (12) copies of a site analysis plan at the same scale as the inventory plan (see above) highlighting the opportunities and constraints of the site. This plan should enable the Planning Board to determine: which portions of the lot are unsuitable for development or use; which portions of the lot are unsuitable for on-site sewage disposal if public sewerage is not available; which areas of the lot have development limitations (steep slopes, flat, soil constraints, wetlands, aquifers, wildlife habitat, fisheries, scenic vistas, floodplains, drainage, etc.) which must be addressed in the development plan; which areas may be subject to off-site conflicts or concerns (i.e., noise, lighting, traffic, etc.); and which areas are well suited to the proposed use.

14.5.8.4.4.1.2.7 Twelve (12) copies of a narrative describing the existing conditions of the lot, the proposed use and the constraints or opportunities created by the site. This submission should include any traffic studies, utility studies, market studies or other preliminary work that will assist the Planning Board in understanding the site and the proposed use.

14.5.8.4.4.1.2.8 Any requests for waivers from the submission requirements for the preliminary plan review application.

14.5.8.4.4.2 Preliminary Plan Submission Requirements

The preliminary plan application shall consist of the following items:

14.5.8.4.4.2.1 A fully executed and signed copy of the application for preliminary major subdivision review (on forms provided by the City).

14.5.8.4.4.2.2 A location map drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties and to allow the Board to locate the subdivision within the municipality. The location map shall show:

14.5.8.4.4.2.2.1 Existing subdivisions in the proximity of the proposed subdivision.

14.5.8.4.4.2.2.2 Locations and names of existing and proposed streets.

14.5.8.4.4.2.2.3 Boundaries and designations of zoning districts.

14.5.8.4.4.2.2.4 An outline of the proposed subdivision and any remaining portion of the owner's property if the preliminary plan submitted covers only a portion of the owner's entire contiguous holding.

14.5.8.4.4.2.3 The required application and development review fees.

14.5.8.4.4.2.4 A list of abutters and the owners of any other parcel entitled to receive public notice, together with their mailing addresses.

14.5.8.4.4.2.5 The preliminary subdivision plan and supporting documentation consisting of twelve (12) copies of one or more maps or drawings drawn to a scale of not more than 50 feet to the inch and twelve (12) copies of supporting documentation bound in a single report. Plans for subdivisions containing more than 100 acres may be drawn at a scale of not more than 100 feet to the inch provided that all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size and shall have a margin of two inches outside of the border lines on the left side for binding and a one-inch margin outside the border along the remaining sides. In addition, one copy of the plan(s) reduced to a size of 11 by 17 inches shall be provided.

14.5.8.4.4.2.6 The preliminary plan and supporting documentation shall include at least the following information. The Board may require additional information to be submitted where it finds necessary in order to determine whether the criteria of 30-A M.R.S.A. § 4404 are met.

14.5.8.4.4.2.6.1 Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's map and lot numbers.

14.5.8.4.4.2.6.2 The names and addresses of the record owner, applicant, and individual or company who or which prepared the plan and adjoining property owners.

14.5.8.4.4.2.6.3 The date the plan was prepared, north point, and graphic map scale.

14.5.8.4.4.2.6.4 The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.

14.5.8.4.4.2.6.5 Evidence of right, title or interest in the property.

14.5.8.4.4.2.6.6 A copy of the most recently recorded deed for the parcel and a copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

14.5.8.4.4.2.6.7 A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.

14.5.8.4.4.2.6.8 A standard boundary survey of the parcel meeting the standards of Chapter 90 Standards of Practice of the rules of the Maine Board of Licensure for Professional Land Surveyors, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel shall be located on the ground and marked by monuments.

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

14.5.8.4.4.2.6.10 A Class D medium-intensity soil survey unless the Planning Board determines that a Class B high-intensity survey is needed as a result of the Site Inventory and Analysis.

14.5.8.4.4.2.6.11 The location of all rivers, streams and brooks, and coastal and freshwater wetlands within or adjacent to the proposed subdivision.

14.5.8.4.4.2.6.12 If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the one-hundred-year flood elevation, as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.

14.5.8.4.4.2.6.13 Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the Comprehensive Plan. If any portion of the subdivision is located within an area designated as a unique natural area by the Comprehensive Plan or the Maine Natural Areas Program, the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.

14.5.8.4.4.2.6.14 Contour lines at the interval specified by the Planning Board, showing elevations in relation to mean sea level.

14.5.8.4.4.2.6.15 The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.

14.5.8.4.4.2.6.16 The location, names, and present widths of existing streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.

14.5.8.4.4.2.6.17 The location and width of all proposed streets, including a typical cross section of the streets and sidewalks and a preliminary center-line profile.

14.5.8.4.4.2.6.18 The proposed lot lines with approximate dimensions and lot areas.

14.5.8.4.4.2.6.19 An indication of the type of sewage disposal to be used in the subdivision.

14.5.8.4.4.2.6.19.1 When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the Wastewater Director stating that the system has the capacity to collect and treat the wastewater shall be provided.

14.5.8.4.4.2.6.19.2 When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses, prepared by a licensed site evaluator or certified soil scientist, shall be provided. A map showing the location of all test pits dug on the site shall be submitted.

14.5.8.4.4.2.6.20 An indication of the type of water supply system(s) to be used in the subdivision.

14.5.8.4.4.2.6.20.1 When water is to be supplied by public water supply, a written statement from the Gardiner Water District shall be submitted indicating that there is adequate supply and pressure for the subdivision and that the District approves the plans for extensions where necessary. Where the District's supply line is to be extended, a written statement from the Fire Chief stating approval of the location of fire hydrants, if any, and a written statement from the District approving the design of the extension shall be submitted.

14.5.8.4.4.2.6.20.2 When water is to be supplied by private wells, evidence of adequate groundwater supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.

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

14.5.8.4.4.2.6.22 Provisions for the collection and management of stormwater in the form of a preliminary drainage plan.

14.5.8.4.4.2.6.23 The width and location of any streets, public improvements or open space within the subdivision.

14.5.8.4.4.2.6.24 A description of proposed ownership, improvement and management of any proposed streets, public improvements or open spaces.

14.5.8.4.4.2.6.25 All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

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

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

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

14.5.8.4.4.2.6.29 A traffic impact analysis is required for projects involving 40 or more parking spaces or that is projected to generate more than 400 one-way vehicle trips per day based upon the ITE Trip Generation Manual. The traffic impact analysis shall be prepared by a licensed professional engineer with experience in traffic engineering. The analysis shall include, at a minimum, the expected average daily vehicular trips, projected peak hour volumes, an accident review, distribution of site traffic and types of vehicles expected, effect upon the level of service of the street providing access to the site and nearby study area intersections, and recommended improvements to maintain the desired level of service on the affected streets and intersections.

14.5.8.4.4.2.7 The Board may require additional information, including but not limited to the following, to be submitted where it finds it necessary in order to determine whether the preliminary plan is likely to result in a final plan that meets the criteria of 30-A M.R.S.A. § 4404:

14.5.8.4.4.2.7.1 A Class B high-intensity soil survey prepared by a certified soil scientist if the Site Inventory and Analysis identified the need for more detailed soils information. This soils survey may be for only a portion of the site.

14.5.8.4.4.2.7.2 A hydrogeologic assessment prepared by a certified geologist or registered professional engineer experienced in hydrogeology. The Board may require a hydrogeologic assessment when the subdivision is not served by public sewer and:

14.5.8.4.4.2.7.2.1 Any part of the subdivision is located over a mapped sand and gravel aquifer; or

14.5.8.4.4.2.7.2.2 The subdivision has an average density of more than one dwelling unit per 100,000 square feet; or

14.5.8.4.4.2.7.2.3 In other cases where site considerations or development design indicates greater potential of adverse impacts on groundwater quality, such as extensive areas of shallow to bedrock soils, open space developments in which the density of the developed portion is in excess of one dwelling unit per 80,000 square feet, or the use of shared or common subsurface wastewater disposal systems.

14.5.8.4.4.2.7.3 An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.

14.5.8.4.4.2.7.4 A traffic impact analysis may be required by the Board if the project is expected to generate more than 100 one-way trips per day or if there are existing traffic safety or capacity deficiencies in the vicinity of the proposed project (e.g., high crash location, inadequate lane storage or an unsatisfactory level of service). The traffic impact analysis shall be prepared by a licensed professional engineer with experience in traffic engineering. The analysis shall include, at a minimum, the expected average daily vehicular trips, projected peak hour volumes, an accident review, distribution of site traffic and types of vehicles expected, effect upon the level of service of the street providing access to the site and nearby study area intersections, and recommended improvements to maintain the desired level of service on the affected streets and intersections.

14.5.8.4.4.3 Final Plan Submission Requirements

14.5.8.4.4.3.1 Within twelve (12) months after the approval of the preliminary plan, the applicant shall submit an application for approval of the final plan. If the application for the final plan is not submitted within twelve (12) months after preliminary plan approval, the Board shall require resubmission of the preliminary plan, except as stipulated below. The final plan shall approximate the layout shown on the preliminary plan, plus any changes required by the Board. If an applicant cannot submit the final plan within twelve (12) months, the applicant may request an extension. Such a request for an extension to the filing deadline shall be submitted, in writing, to the CEO prior to the expiration of the filing period. In considering the request for an extension, the Board shall make findings that the applicant has made due progress in preparation of the final plan and in pursuing approval of the plans before other agencies and that municipal ordinances or regulations which may impact on the proposed development have not been amended.

14.5.8.4.4.3.2 Prior to submittal of the final plan application, all required state and federal approvals including but not limited to the following shall be obtained in writing and submitted with the application:

14.5.8.4.4.3.2.1 The Maine Department of Environmental Protection, under the Site Location of Development Act

14.5.8.4.4.3.2.2 The Maine Department of Environmental Protection, under the Natural Resources Protection Act or if a stormwater management permit or a wastewater discharge license is needed.

14.5.8.4.4.3.2.3 The Maine Department of Transportation if a traffic movement permit or an entrance permit is required.

14.5.8.4.4.3.2.4 The Maine Department of Human Services, if the applicant proposes to provide a public or community water system.

14.5.8.4.4.3.2.5. The Maine Department of Human Services, if an engineered subsurface wastewater disposal system(s) is to be utilized.

14.5.8.4.4.3.2.6. The United States Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.

14.5.8.4.4.3.3 The final plan application shall consist of the following items:

14.5.8.4.4.3.3.1 A fully executed and signed copy of the application for final major subdivision review (on forms provided by the City).

14.5.8.4.4.3.3.2 The required application and development review fees.

14.5.8.4.4.3.3.3 A performance guarantee in accordance with the provisions of **8.10** assuring the construction of all street, utilities, and other improvements proposed as part of the final subdivision plan.

14.5.8.4.4.3.3.4 The final subdivision plan and supporting documentation consisting of twelve (12) copies of one or more maps or drawings drawn to a scale of not more than 50 feet to the inch and twelve (12) copies of supporting documentation bound in a single report. Plans for subdivisions containing more than 100 acres may be drawn at a scale of not more than 100 feet to the inch provided that all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size and shall have a margin of two inches outside of the border lines on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. In addition, one copy of the plan(s) reduced to a size of 11 by 17 inches shall be provided.

14.5.8.4.4.3.4 The final subdivision plan and supporting documentation shall include at least the following information:

14.5.8.4.4.3.4.1 Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's map and lot numbers.

14.5.8.4.4.3.4.2 The names and addresses of the record owner, applicant, and individual or company who or which prepared the plan.

14.5.8.4.4.3.4.3 The date the plan was prepared, North point, and graphic map scale.

14.5.8.4.4.3.4.4 The location of any zoning boundaries affecting the subdivision.

14.5.8.4.4.3.4.5 A copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.

14.5.8.4.4.3.4.6 The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.

14.5.8.4.4.3.4.7 The boundaries of any flood hazard areas and the one-hundred-year flood elevation as depicted on the municipality's Flood Insurance Rate Map shall be delineated on the plan.

14.5.8.4.4.3.4.8 An indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by connection to the public sewerage system, a written statement from the Wastewater Director shall be submitted indicating that the Department has reviewed and approved the sewerage design.

14.5.8.4.4.3.4.9 An indication of the type of water supply system(s) to be used in the subdivision. When water is to be supplied by the Gardiner Water District, a written statement from the District shall be submitted indicating that the District has reviewed and approved the water system design together with a written statement from the Fire Chief approving all hydrant locations or other fire protection measures.

14.5.8.4.4.3.4.10 The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.

14.5.8.4.4.3.4.11 The location, names, and present widths of existing and proposed streets, highways, easements, buildings, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The location, bearing and length of street lines, lot lines and parcel boundary lines shall be certified by a registered land surveyor. The original

reproducible plan shall be embossed and printed with the seal of the registered land surveyor and be signed by that individual.

14.5.8.4.4.3.4.12 All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all public ways and open spaces shown on the plan and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If proposed streets and/or open spaces or other land is to be offered to the municipality, written evidence that the City Council is satisfied with the legal sufficiency of the written offer to convey title shall be included.

14.5.8.4.4.3.4.13 Street plans meeting the requirements of the City. The street plans shall show the street addressing provisions as provided for in the E-911 standards.

14.5.8.4.4.3.4.14 A stormwater management plan prepared by a registered professional engineer in accordance with the most recent edition of the "Maine Stormwater Management Design Manual: Technical Design Manual, Volume III" published by the Maine Department of Environmental Protection.

14.5.8.4.4.3.4.15 An erosion and sedimentation control plan prepared in accordance with the most recent edition of "Maine Erosion and Sedimentation Control Best Management Practices (BMPs)," published by the Maine Department of Environmental Protection. The Board may not waive submission of the erosion and sedimentation control plan unless the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

14.5.8.4.4.3.4.16 The width and location of any streets or public improvements or open space within the subdivision.

14.5.8.4.4.3.4.17 If the subdivision requires a stormwater permit from the Maine Department of Environmental Protection, a copy of the DEP application with all supporting materials and the permit shall be provided.

14.5.8.4.4.3.4.18 A list of construction items, with cost estimates, that will be completed by the applicant prior to the sale of lots and evidence that the applicant has financial commitments or resources to cover these costs. This may be in the form of verified financial statements, letters from institutions that will provide financing for the project or similar written documentation.

14.5.8.4.4.3.4.19 The location and method of disposal for land clearing and construction debris.

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 be classified as a major or minor subdivision in accordance with **14.5.8.2.5**.

14.5.9.2. Following the classification of the application as a major or minor subdivision, the review of the application and the required submissions shall be based on the respective requirements. The applicant may request a waiver from any of the submission requirements that are not applicable to the revised plan.

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. . In reviewing the revised plan, the Board may find that some of the standards of **14.4** are not applicable due to the nature or geographic scope of the revision.

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 **8.10** shall be required for all public improvements.

14.5.12 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.

14.5.13 Inspection Requirements

14.5.13.1 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:

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

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

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

14.5.13.2 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 Performance Standards

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

14.6.2 General Lot Requirements

14.6.2.1 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.

14.6.2.2 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.

14.6.3 Monuments

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

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

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

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

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

14.6.4 Water Supply

14.6.4.1 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.

14.6.4.2 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.

14.6.4.3 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.

14.6.5 Fire Protection

14.6.5.1 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.

14.6.5.2 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.

14.6.5.3 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.

14.6.6 Sewer and Subsurface Wastewater Disposal Systems

14.6.6.1 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.

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

14.6.7 Financial and Technical Capacity

14.6.7.1 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:

14.6.7.1.1 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.

14.6.7.1.2 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.

14.6.7.1.3 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.

14.6.8 Conformity With All Other Applicable Local Ordinances

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

14.6.9 Recreational Access Standards

14.6.9.1 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.

14.6.9.2 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:

14.6.9.2.1 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.

14.6.9.2.2 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.

14.6.9.2.3 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.

14.6.9.2.4 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.

14.6.9.2.5 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.

14.6.9.3 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.

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

14.6.10 Vehicular Access Adequacy

14.6.10.1 The street and intersections giving access to the subdivision shall have adequate capacity (defined by the most recent Highway Capacity Manual) or be suitably improved to accommodate the amount and type of traffic generated by the proposed subdivision. No subdivision shall decrease the level of service below Level D at study area intersections. However, where the level of service is already below D and where physical improvements cannot be made to improve the level of service to D, the Board may approve the subdivision if it finds that adequate provisions for safety can be attained through imposing conditions of approval such as signal upgrades, one-way drives, prohibition of particular turning movements, Transportation Demand Management measures, or similar measures.