

**TOWN OF HAMPDEN, MAINE
SUBDIVISION ORDINANCE
TABLE OF CONTENTS**

ARTICLE 100 - DECLARATION OF PURPOSE	4
ARTICLE 200 - AUTHORITY AND ADMINISTRATION	4
210. Authority.....	4
220. Administration and Enforcement.....	4
ARTICLE 300 - PROCEDURES FOR SUBDIVISION REVIEW	5
310. Introduction.....	5
320. Pre-application Meeting and Submission of a Sketch Plan.....	5
330. Review of Major Subdivision.....	6
331. Preliminary Plan.....	6
332. Final Plan.....	11
340. Review of Minor Subdivision.....	15
345. <u>Additional Requirements for Subdivisions with Private Roads/Streets</u>	19
350. Performance Standards for Subdivisions.....	19
360. Design Guidelines.....	30
ARTICLE 400 - IMPROVEMENT GUARANTEES	34
410. Improvement Guarantees Required.....	34
420. Procedure.....	34
430. Time Limit.....	34
440. Inspection and Certification.....	35
450. Release of Guarantee.....	35
460. Reduction of Guarantee.....	35
470. Incomplete or Unsatisfactory Work.....	36
480. Improvement Guarantee Option.....	36
ARTICLE 500 - GENERAL REQUIREMENTS AND DESIGN	37
STANDARDS	
510. General Requirements.....	38
520. Lots.....	38
530. Drainage Requirements.....	39
540. Open Space and Recreation Land.....	41
550. <u>Public Street Standards</u>	43
552. <u>Private Street Standards</u>	43
560. Utilities.....	46
570. Buffer Strip.....	47
ARTICLE 600 - WAIVER AND MODIFICATIONS OF THESE REGULATIONS	47
ARTICLE 700 - VALIDITY, EFFECTIVE DATE, CONFLICT OF ORDINANCES, AND FILING	46
ARTICLE 800 - AMENDMENTS	48
ARTICLE 900 - APPEALS	48

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ARTICLE 300
PROCEDURES FOR SUBDIVISION REVIEW

310. Introduction – At the subdivider’s option, an application for subdivision approval may propose one or more Public Streets, one or more Private Streets, or a combination thereof. Proposed subdivisions that include one or more Public Streets shall be reviewed under the procedures set forth in section 320 and section 330, inclusive. Proposed Subdivisions containing Private Streets shall be reviewed under sections 320, 330, 345, and 347 as applicable.

The subdivider’s application for subdivision approval will not be considered complete until a Final Plan, including all required information, has been submitted to the Planning Board. While the subdivider may submit the Final Plan and all related materials to the Planning Board without any prior contact with the board, the subdivider is encouraged to follow the procedures outlined in this Ordinance. The procedures herein outlined are designed to prevent problems related to the statutory time limits for reviewing complete applications and to provide opportunity for a dialogue between the Planning Board and the subdivider so that the approved subdivision will be designed and built in a manner that fulfills the purpose of this ordinance.

320. Pre-application Meeting and Submission of a Sketch Plan

321. The subdivider shall submit at least twelve (12) copies of a sketch plan and application to the code enforcement officer at least fifteen (15) days in advance of the regularly scheduled meeting at which she/he wishes it to be considered. The subdivider or his/her authorized agent shall be present at the meeting to discuss the proposal with the Planning Board.

322. The purposes of this pre-application conference between the subdivider and the Planning Board are:

1. To classify the subdivision as a major or a minor subdivision.
2. To provide an opportunity for the subdivider and the Planning Board to informally review the subdivider’s ideas for use of the land;
3. To discuss procedures for subdivision review and approval;
4. If road construction is involved in the proposal, to classify the road as either minor or collector; **and public or private.**
5. To discuss any apparent potential problems associated with the subdivision; and
6. To arrange for on-site inspection of the subdivision site.

323. The sketch plan shall consist of an outline of the proposed subdivision, drawn on a map drawn to scale, showing the proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plan may be a freehand pencil sketch. Accompanying the sketch plan shall be a written application which includes a description of existing covenants and easements and zoning; medium intensity soils survey information(obtainable from the Penobscot County Soil Conservation Service); information about available community facilities and utilities on or near the site; information describing the subdivision proposal including the number of residential lots, typical lot width, and depth, plans regarding sewer and water service and road construction; and any

- map 7. Soils report. A soils report, identifying soil types and location of soil test areas. If subsurface sewage disposal is to be used, evidence of soil suitability for subsurface sewage disposal as determined by the Maine Plumbing Code shall be presented. There shall be at least one soils test per lot.
- map 8. Location and name of existing public streets and way.

345. Additional Requirements for Subdivisions with Private Roads/Streets~~Review of Private Street Subdivision~~

346. Procedure

1. Upon receipt of an Subdivision application in which private street(s) is proposed, the Town Planner may refer the application to _____ the Public Works Director for review and comment, prior to scheduling the application before the Planning Board.

~~The application for approval of a Private Subdivision Plan shall be accompanied by a fee paid to defray costs of inspection, plan review, administration and enforcement of this Ordinance, in accordance with the Town of Hampden Fees Ordinance, payable by check to the Town of Hampden, Maine.~~

2. The Public Works Director shall report in writing to the Planning Board as to whether or not the proposed private street conforms to the standards and specifications of this Ordinance. Said report may include any suggested conditions, for Planning Board consideration, -to be attached to the approval, that, /Permit that, in the Public Works Director's judgment, are necessary to achieve the intent of this Ordinance.

3. The Planning Board shall consider the application, the Public Works Director's report, and all other relevant information in determining whether the proposed private street(s) conform to the Ordinance, to _____ grant the approval of the application. If the information submitted by the applicant does not establish that the proposed private street will conform to the standards and specification of the Ordinance, the Planning Board shall not grant the approval. The Planning Board shall impose such conditions on the approval of the application as it deems necessary to achieve the intent and objectives of this Ordinance, which may include, but need not to be limited to, conditions suggested by the Public Works Director. The breach of any such condition proposed by the Planning Board shall automatically invalidate the approval.

~~As a condition to the granting of any approval under this Ordinance, the Planning Board shall require that the applicant deposit with the Public Works Director a sum of money, bank letter or credit or certified check, in an amount sufficient to guarantee that the applicant shall perform the terms and conditions of the permit, including the payment of required fees. Upon completion of all improvements required by this Ordinance, any unused portion of the deposit shall be refunded to the applicant.~~

~~Upon receipt of the required deposit and predetermined fees and approval, the Code Enforcement Officer shall issue the Permit/Approval pursuant to the terms established by the either the Planning Board approving the application.~~

4. Only the Planning Board shall have the authority to approve or deny applications for Subdivisions that propose private street(s).

347. Submissions — Applications for Subdivisions proposing private street(s) Each application for a Private Street Subdivision shall be accompanied by the following: completed plans labeled “plan of a private way” prepared and sealed by civil engineer or land surveyor registered in the State of Maine, which include information contained herein. Where the required information is incorporated in the overall site plan of a development, separate road plans shall not be required.

The application and plans for a Private Street shall include all of the following information:

1. An approval block for the signatures of the board members. A copy of the signed standard boundary survey of the roadway shall be included in the documentation.

2. The names and addresses of the lot or parcel owners to be served by the Private Street.

~~A vicinity map of a minimum scale of one inch equals two thousand feet (1”= 2,000’), showing the location of the Private Street, any access roads and cross streets, road names, scale, and a north arrow.~~

3. Existing topography at two (2) foot contour intervals for the portions of the site sufficient to determine drainage from the Private Street easement to a suitable storm water outlet.

4. Proposed improvements (including but not limited to, roads, sewers, and ditches) shown on plan and profile indicating all materials, grades, dimensions, and bearings in compliance with the standards set forth in this Ordinance relative to Private Streets. The plans shall also show all existing and proposed grades, the location of all existing and proposed drainage facilities, the location of existing and/or proposed utilities and structures, other structures, physical or natural conditions existing adjacent to such improvements, and any connections to existing public and Private Streets.

5. The plan shall delineate the proposed way(s) and each of the lots to be served by the private way(s), the location of existing buildings on the lots or parcels being served or intended to be served by the private way(s), as well as, any existing buildings or structures in or adjacent to any proposed road right-of-way. Lots shall conform to zoning requirements for size, frontage, and setbacks for the area in which they are located. The land within the right-of-way of an approved Private Street shall not be used to meet the area requirements of any lot obtaining frontage from the Private Street.

~~A street plan and an erosion control plan is required for a single lot Private Street. A street plan, cross section, erosion control, utility plan, and drainage plan shall be submitted for each private way serving two or more lots. The utility plan should contain the following information: locations and size of existing and proposed utility connections, including sewer, water, power, telephone, stormwater drainage systems, power poles, light poles, and nearest hydrant(s). Plans shall show the existing or proposed location of private utilities and easements, such as gas, telephone, and electric etc.~~

6. A complete statement of all the terms and conditions of the proposed road easement, including copies of all agreements or intended agreements regarding the maintenance and improvements of the right-of-way and roadway. Furthermore, said maintenance agreements shall be in such form to be recordable with the Penobscot Registry of Deeds and shall specifically address the liability and responsibility of the parties to said agreement to maintain the Private Street pursuant to the

specifications of this Article, including, but not limited to, the responsibility of removing snow from said roads. The recorded statement which runs with the land, shall also inform subsequent purchasers that the road is private and may never be maintained or accepted by the Town of Hampden.

7. The plan shall bear notes that the Town of Hampden will not be responsible for the maintenance, repair, or plowing of the private way and that further lot divisions utilizing the private way are prohibited without prior approval of the Planning Board.
8. Appropriate deed restrictions and/or master deed provisions shall provide for free and clear vehicular access for emergency service vehicles on all private roads. All Private Streets shall comply with the Town of Hampden E911 Addressing Ordinance.

350. Performance Standards for Subdivision The performance standards in this section are intended to clarify and expand upon the criteria for approval found within the subdivision statute (Title 30-A M.R.S.A., §4404, Review Criteria). In reviewing a proposed subdivision, the Board shall review the application for conformance with the following performance standards and make findings that each has been met prior to the approval of a subdivision plan. Compliance with the design guidelines of Sections 350 and 360 and Article 500 shall be considered to be evidence of meeting the appropriate performance standards. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance standards and statutory criteria for approval have been or will be met. All proposed subdivisions shall be in conformity with the Comprehensive Plan and subsequent amendments or revisions or policy statement of Hampden and with the provisions of all pertinent state and local codes and ordinances.

(Note: the boldface text that follows is directly from the statute).

When adopting any subdivision regulations and when reviewing any subdivision for approval, the municipal reviewing authority shall consider the following criteria and, before granting approval, must determine that

350.1. Pollution. The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:

1. The elevation of the land above sea level and its relation to the flood plains;
2. The nature of soils and subsoils and their ability to adequately support waste disposal;
3. The slope of the land and its effect on effluents;
4. The availability of streams for disposal of effluents;
5. The applicable state and local health and water resource rules and regulations
6. The proposed subdivision shall not discharge wastewater to a water body without a license from the Maine Department of Environmental Protection,
7. When the subdivision is within the watershed of a great pond, the storm water shall be treated in order to remove excess nutrients.

8. The homeowner association covenants, if the subdivision utilizes a homeowner association, will include a requirement to follow the guidelines in the most current edition of "Best Management Practices for the Application of Turf Pesticides and Herbicides" as published by the State of Maine Pesticide Control Board.

350.2. Sufficient Water. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision:

1. The statutory criterion is that the proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision. This means an adequate supply of good quality water. Water supplies shall meet the primary drinking water standards contained in the Maine Rules Relating to Drinking Water. If existing water quality contains contaminants in excess of the secondary drinking water standards in the Maine Rules Relating to Drinking Water, that fact shall be disclosed in a note on the plan or a separate document to be recorded in the Registry of Deeds.
2. Any subdivision that includes one or more Public Streets within 1,000 (one thousand) feet of an existing public water supply will be connected to and source its water supply from that public system unless the relevant water authority indicates in writing that it does not have the capacity to serve the subdivision or it can be demonstrated that the water extension costs are greater than the full cost of establishing private wells for all of the lots in the subdivision.
3. When a subdivision is to be served by a public water system, the complete supply system within the subdivision, including fire hydrants, shall be installed at the expense of the applicant. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the Hampden Water District and the Hampden Public Safety.
4. When a proposed subdivision is not within the area designated for public water supply service in the Comprehensive Plan and subsequent amendments or revisions, or within 1000 feet of the existing water service, water supply shall be from individual wells or a private community water system with a map provided showing where the water supply is located.
 - A. Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of potential contamination.
 - B. Lot design shall permit placement of wells, subsurface waste water disposal areas, and reserve sites for subsurface waste water disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules. Unless otherwise permitted by the Board, the subdivider shall prohibit dug wells by deed restrictions and a note on the plan.
 - C. When a central water supply system is provided by the applicant the location and protection of the source, the design, construction and operation of the system will conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231).
 - D. Hampden Public Safety Department must approve in writing the adequacy and accessibility of water supply for the proposed subdivision, whether the water is from public or private sources.

ARTICLE 400
IMPROVEMENT GUARANTEES

410. Improvement Guarantees Required

Before the submission of a Final Plan, the subdivider in all major subdivisions as defined in Section 1024 shall provide the town with improvement guarantees, in the form of one or more of the guarantee options listed below in an amount that will cover at least one hundred (100) percent of the cost of completing the improvements, including sewer, water, storm drainage, or street work, should the subdivider fail to complete the required improvements or fail to complete them satisfactorily in accordance with the approved final subdivision plan. Furthermore, the subdivider shall guarantee the improvements against all defects from materials and/or workmanship for a period of one year from the date of acceptance thereof by the Town. *(Amended 02-12-02)*

420. Procedure

The subdivider shall file with the Town Manager a proposed improvement guarantee (including a written guarantee agreement) and the Town Manager shall determine whether the form, amount, and the duration of the improvement guarantee are sufficient. In the event the Town Manager refuses to approve the proposed improvement guarantee as filed by the subdivider, he/she shall so inform the subdivider and shall inform the subdivider of his/her reasons for rejecting the guarantee. This shall be done in writing. In the event the Town Manager approves the proposed improvement guarantee as filed by the subdivider, he/she shall notify the Planning Board. The Planning Board shall not grant final approval until it has received such notification from the Town Manager. The burden of submitting improvement guarantees in compliance with this Ordinance shall at all times remain with the subdivider. *(Amended 02-12-02)*

430. Time Limit

431. *Completion Deadline.* All required improvements within a major subdivision shall be completed within two (2) years of final subdivision approval. The improvement guarantee must provide performance protection to the town during said two-year period plus at least eighteen (18) months following the expiration of the two-year period. The additional eighteen-month period is required as protection to the town in the event the subdivider fails to complete the required improvements and for the one year guarantee period. *(Amended 02-12-02)*

432. *Extension.* The Town Manager may extend the completion deadline for two (2) additional years at one-year increments only where the subdivider presents substantial reason for doing so. No request for extension shall be considered until at least six (6) months prior to the original or extended completion deadline. Before extending the initial deadline or the initial extension, the Town Manager shall require that the improvement guarantee be extended in duration to cover the extended period of time, plus an additional eighteen month period. Before extending the initial deadlines, or the initial extension, the Town Manager shall review the form and amount of the improvement guarantee to make certain it remains adequate. *(Amended 02-12-02)*

440. Inspection and Certification

441. Prior to the initiation of construction, a pre-construction conference will be held with the subdivider, Public Works Director, Hampden Water District (if applicable), Community and Economic Development Director and Code Enforcement Officer. Evidence of issuance of required state and local permits shall be provided by the subdivider at the time of the meeting.

442. The Town Manager or his/her duly appointed representative shall regularly inspect the construction of the required improvements for defects. The subdivider shall cooperate with the Town Manager or his/her representative who is carrying out these inspections. Upon completion of the improvements the Town Manager shall notify the subdivider and the Planning Board, in writing, that the improvements have or have not been satisfactorily completed according to the approved final subdivision plan. If the improvements have not been satisfactorily completed, the Town Manager shall provide a written list of the defects.

442443. Upon completion of the improvements, the subdivider shall file the following with the Town Manager:

1. A statement from the subdivider's engineer that all required improvements are completed in strict compliance with all applicable construction standards and the approved subdivision plan; and that the engineer knows of no defects from any cause, in the improvements;
2. All site improvements with the exception of final paving are completed to the satisfaction of the Town Manager or his/her representative.

443444. No final inspection will be conducted by the Town Mmanager between November 15th and April 15th. This does not prohibit council acceptance of improvements inspected between April 15th and November 15th. *(Amended: 06-19-89)*

445. The costs of inspections, including the costs of review by a third party engineer if needed, shall be paid by the subdivider prior to the issuance of the certification of completion. The Public Works Director shall establish and determine the costs of inspection. If the subdivider does not directly pay the costs of inspection, the same shall be paid from the deposit established by the Public Works Director and held by the Town, and the balance, if any, shall be returned to the subdivider.

446. Private Streets need to be inspected by the Town's staff or designee during the construction process. If the owner did not include the Town's staff in the construction process and wished to have the Private Street serve as frontage for one or more newly created lots at a later date, the owner would need to hire at the owner's expense a professional engineer licensed in Maine to inspect the roadway and to certify that the road has been constructed according to the Private Street standards in this Ordinance.

450. Release of Guarantee

As soon as the Town Manager or his/her authorized representative has inspected the improvements and certified that they are satisfactorily completed, the subdivider has filed the letter required in Section 442 of this Ordinance with the Town Manager, and the one year guarantee period has expired, the Town Manager shall release the previously required improvement guarantee to the subdivider. *(Amended 02-12-02)*

460. Reduction of Guarantee

1. When all required improvements have been substantially and satisfactorily completed, the Town Manager may release up to fifty (50) percent of the improvement guarantee. The improvement guarantee shall be reduced in value by no more than fifty (50) percent until all required improvements are satisfactorily completed.

Notwithstanding this subsection, variations to the right angle/radial of the street line are encouraged where the Planning Board determines that variations of no more than 20 degrees will improve the layout of the lots by meeting one or more of the following objectives: Simplification of lot layouts by elimination of unnecessary property corners, foster creation of parallel side lot lines, foster improved solar access, accommodation of pre-existing features such as perimeter property lines or natural physical features such as wetlands and drainage ways. It is not the intent of the side lines rule to promote the placement of additional pins and monuments located in close proximity to the front property line. *(Amended 10-03-05)*

523. *Corner Lots* - In general, corner lots should be larger than interior lots to provide for proper building setback from each street and to provide a desirable building site.

524. *Lot Frontage* - Lot frontage shall be deemed acceptable only if it is on a road or street as defined in the Hampden Zoning Ordinance, **or on a Private Street approved and constructed pursuant to the standards in this Ordinance.** Tie lines must be shown at the front setback line to demonstrate that the lot meets the frontage requirement of the zoning district at the setback unless the lot frontage exceeds the minimum frontage requirement by at least five feet. *(Amended 10-03-05)*

530. *Drainage Requirements*

531. *General* - The subdivider will be required to provide surface water and storm drainage management facilities appropriate to the finished subdivision. The following requirements must be met for both minor and major subdivisions. Minor subdivisions of single family dwellings in the Rural District **and Private Street Subdivisions** are exempt from the following requirements.

1. A storm water management system will be designed to infiltrate, detain or retain water falling on the site during a design storm, such that the post-development peak discharge and runoff shall not exceed the peak discharge and runoff from the site prior to the development.
2. Pipe systems shall be designed to pass the peak discharge of a ten-year frequency, twenty-four-hour duration storm. Open channel systems shall be designed to contain a design storm. In addition, areas expected to be flooded by the design storm will be indicated on the plans, and be considered part of the drainage and storm water management system.
3. The storm water management system will take into consideration the upstream discharge and runoff which must pass over or through the development site. The system will be designed to pass upstream discharge and runoff, generated by the design storm, through the proposed development without overloading the system or flooding areas not specifically planned for such flooding.
 - A. The surface water and stormwater management system shall be designed so that no water shall be stored in any ditches or drainage ways located along streets or roads during a 10 year, 24 hour storm event. *(Amended 02-12-02)*
4. Urban development which provides public sewer and water service shall be designed to handle storm water drainage by means of an enclosed system with catch basins. Where necessary to control storm water, asphalt curbing may be required.
5. *Materials and Installation*

Pipe Culverts and Storm Drains - Shall conform to Section 603 of the Maine Department of Transportation (MDOT) Standard Specifications for Bridges and Highways, 1990 or current version.

- A. Manholes and Catch Basins - Shall conform to Section 604 of the MDOT Standard Specifications for Bridges and Highways, 1990 or current version.
6. Drain inlet alignment shall be straight in both horizontal and vertical alignment, unless specific approval of a curvilinear drain is obtained in writing from the Public Works Director ~~after consultation with the Municipality's Engineer.~~
7. Manholes/catch basins shall be provided at all changes in vertical and horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of 400 foot intervals.
8. Upon completion, each catch basin or manhole shall be cleaned of all accumulated silt, debris, or foreign matter until public acceptance. *(Amended: 10-04-93)*

532. *Approvals* - Applications for approval of all proposed subdivisions shall include documentation that demonstrates that there will be no unreasonable effects on runoff/infiltration relationships. This documentation shall include the following, as appropriate:

1. The proposed storm water management system shall be designed by a professional engineer experienced in the design of storm water systems. The designer of the system will evaluate the effectiveness of various storm water methods and develop and make available for review the hydraulic calculations. These calculations will be based on accepted engineering practices and must demonstrate that the requirements of section 531 will be met.
2. Where permanent embankment-type storage or retention basins are planned, the basins shall be designed in accordance with good engineering practices, such as outlined in the current Soil Conservation Service Engineering Field Manual or other appropriate references.
3. Rights-of-way or easements will be designated for all components of the drainage and storm water management system lying outside the established street lines. Stormwater detention facilities shall not be located on lots but on separate parcels to be conveyed to the town or provided for by easement to include provisions for suitable annual maintenance by the town, if for a Public Street, or by a private party, if for a Private Street. All rights-of-way and easements for drainage and storm water management facilities for Public Streets will be turned over to the town upon town acceptance of the road(s). Notwithstanding the provisions of this subsection, commercial and industrial subdivisions, and Private Street Subdivisions, are exempted from the provision requiring that stormwater detention facilities be separated from lots and conveyed to the Town. *(Amended 02-12-02)*
4. The developer shall certify in writing that all components of the storm water management system will be maintained until the system is formally accepted by the municipality or a quasi-municipal district, or is placed under the jurisdiction of a legally created association that will be responsible for the maintenance of the system.
5. The storm water management system will be fully coordinated with the project site plans, including consideration of street patterns, pedestrian ways, open space, building siting, parking areas, recreational facilities, and other utilities. Stormwater drainage channels shall be directed to run along property lines to avoid driveway and other utility crossings. *(Amended 02-12-02)*

546. Provisions for Ownership and Maintenance of Private Streets – In a Private Street Subdivision, the subdivider shall make provisions for the permanent ownership, protection and maintenance of such Private Street(s). The means for insuring the Private Street(s) will be maintained in perpetuity shall be:

1. Subdivider may retain ownership and responsibility for maintenance of such Private Street(s);
or
2. Subdivider shall provide for and establish one or more organizations for ownership and maintenance of such Private Street(s). Such organization may be a nonprofit homeowners' corporation or other organization as approved by the Planning Board. If such organization is formed, it shall be formed and operated in accordance with the following rules:
 - A. The organization shall be formed by the subdivider and be operating, with financial subsidization by the subdivider if necessary, before the sales or lease of any lots or units within the development.
 - B. Membership in the organization is mandatory for all purchasers of units therein and their successors.
 - C. The organization shall be responsible for maintenance of Private Street(s) in the subdivision. It shall also be responsible for insurance, as needed, for Private Street(s) in the subdivision.
 - D. The members of the organization shall share equitably the cost of maintaining Private Street(s) in the subdivision in accordance with written procedures established by them.

550. Public Street Standards

551. *Layout of Streets* - All streets in a subdivision shall be planned so as to meet the following standards:

1. The proposed streets shall conform, as far as practical, to the adopted Comprehensive Plan or policy statement of the Town of Hampden.
2. All streets in the subdivision shall be designed so as to provide safe vehicular travel and, in minor streets and Private Streets, shall be designed so as to discourage movement of through traffic.
3. The arrangement of streets in ~~the~~ a major subdivision shall provide for the continuation of arterial and collector streets into adjoining unsubdivided land unless topographic or other factors make continuance impracticable or undesirable. Where a subdivision is served by a minor street, the Planning Board may require that a right-of-way or the minor street be projected to adjacent unsubdivided land when the board finds that such a projected street would be in keeping with the land use goals for the area and with sound planning practice.
4. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed with the town under conditions approved by the Town Council.

5. Intersections of streets shall be at angles as close to ninety (90) degrees as possible. In no case shall two (2) streets intersect at an angle of less than sixty (60) degrees.
6. A distance of at least two hundred (200') feet shall be maintained between centerlines of offset intersecting streets.
7. Whenever possible, subdivisions containing fifteen (15) lots or more shall have at least two (2) street connections with existing public streets or streets shown on the official road map, if such exists, or streets on an approved Subdivision Plan.
8. Where a subdivision borders an existing narrow road (below standards set herein) or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require land in the subdivision, the subdivider shall be required to show areas for widening or realigning such roads on the preliminary and the final plan, marked "Reserved for road realignment (or widening) purposes". Land reserved for such purposes may not be counted in satisfying setback or yard or area requirements of the Zoning Ordinance.

552. Private Street Standards.

All streets in a private subdivision shall be planned so as to meet the following standards:

1. The design and construction of all Private Streets shall comply with this Ordinance relative to Private Streets, subject to the approval of the Planning Board.
2. Notwithstanding any other provisions of the Ordinance to the contrary, Private Streets in subdivisions platted prior to the enactment of this Ordinance and Private Streets that are contained in land divisions approved by the Town of Hampden prior to the enactment of this Ordinance, shall continue to meet the specifications approved at the time of application. Upon expansion, reconstruction, or major alteration of an existing Private Street, new construction shall comply with then-current requirements of Private Streets.
3. Intersections of streets shall be at angles as close to ninety (90) degrees as possible. In no case shall two (2) streets intersect at an angle of less than sixty (60) degrees.
4. A distance of at least two hundred (200') feet shall be maintained between centerlines of offset intersecting streets.
5. The applicant will provide a stop sign and street name sign meeting Town specification at the intersection with the public street.

25. Where a green space is planned in the interior of a cul-de-sac, existing vegetation should be preserved where possible. Any proposed landscaping shall be of a type which requires limited maintenance. *(Amended: 12-04-95)*
26. Where a proposed street may be extended, the Planning Board may authorize a temporary cul-de-sac. Temporary cul-de-sacs shall provide an escrow account for a period of five (5) years to cover the cost of paving, which is renewable in five (5) year increments. Access shall be prohibited from a temporary cul-de-sac. *(Amended: 12-04-95)*

554. Design and Construction Standards for Private Streets - All private streets within a Subdivision streets in a Private Street Subdivision shall be designed and constructed to meet the following standards.

Design and Construction Standards for Private Streets

<u>Item</u>	<u>Private</u>
<u>1. Minimum right-of-way width</u>	<u>66 ft.</u>
<u>2. Minimum roadway travel width</u>	<u>20 ft.</u>
<u>3. Minimum pavement width</u>	<u>Not Required</u>
<u>4. Maximum grade</u>	<u>8%</u>
<u>5. Maximum grade at intersection Within 75 feet from intersection</u>	<u>3%</u>
<u>7. Minimum centerline radii on curves</u>	<u>150 feet</u>
<u>8. Minimum tangent length between reverse curves</u>	<u>100 ft.</u>
<u>9. Subbase course (heavy gravel) MDOT Type D (May be waived if pre-existing street)</u>	<u>18 inches</u>
<u>10. Base course (crushed gravel MDOT Type A) (May be waived if pre-existing street)</u>	<u>4 inches</u>
<u>11. Pavement</u>	<u>Not Required</u>
<u>12. Minimum road crown-centerline to edge of pavement.</u>	<u>N/A</u>
<u>13. Minimum shoulder width on each side of road (if paved)</u>	<u>2 feet</u>
<u>14. Sidewalks Required</u>	<u>Not</u>
<u>15. Turnaround at dead-end</u>	<u>Hammerhead or T</u>

~~§§3555.~~ *Utilities in Streets* - ~~The~~ In a major subdivision, the Planning Board shall, wherever possible, require that underground utilities be placed in the street right-of-way between the paved roadway and the street right-of-way line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved. In Subdivisions with private streets, a Private Street Subdivision, the owner or owners shall convey, where applicable, an easement to the Town, described by metes and bounds, for sewer purposes over the entire right-of-way, and shall convey, where applicable, an easement to the Hampden Water District, described by metes and bounds, for water purposes over the entire right-of-way, and shall record both easements, as applicable, in the Penobscot County Registry of Deeds.

~~§§4556.~~ *Street Names*

1. Proposed street names shall be substantially different from existing street names so as not to be confused in sound or spelling.
2. If proposed streets are extensions of existing streets they shall carry the same name.
3. Generally no street should change direction by more than ninety (90) degrees without a change in street name.
4. In general, streets shall have names, not numbers or letters. *(Amended: 09-21-87, 06-19-89)*

560. Utilities

561. If public water and/or sewer is proposed, the system shall be designed so as to accommodate any development which can reasonably be expected to tie into the system. In determining the amount of reasonably expected development, the Planning Board shall consider existing land use, existing zoning, the character of the land, topography, and existing constraints to development (such as boggy areas), the carrying capacity of the land and of existing municipal services, and the town's Comprehensive Plan or sewer and water plan. If the system has to be built so that it is larger than would normally be required under conditions of the maximum utilization of the subdivider's contiguous land (including land on opposite sides of streets), the town will pay the difference in cost for the larger pipes. The subdivider must cover all other expenses.

562. The subdivider shall install any new public utility system according to the approved Subdivision Plan. If either the public sewer or water system follows a course which is not collinear with the road network, the Planning Board shall require that the subdivider provide the Town of Hampden or the Hampden Water District with a utility easement.

563. If individual wells are proposed for the subdivision, the Planning Board may require that the subdivider's engineer certify that sufficient water is available for the reasonable foreseeable needs of the subdivision.

564. If subsurface sewage disposal is proposed, the Planning Board shall require that the subdivider provide proof that a subsurface sewage disposal system which is in conformance with the Maine State Plumbing Code can be installed on every lot.

565. Pump stations shall not be used in the construction of sewer systems in any proposed development with the Town of Hampden, Maine, except as permitted under the Town's Sewer Ordinance. *(Amended: 03-07-88) (Amended 08-06-07)*

D-5. A division accomplished by a gift to a municipality if that municipality accepts the gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-6. A division accomplished by the transfer of any interest in land to the owners of land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this subsection.

E. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.

E. In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.

G. Notwithstanding the provisions of this subsection, leased dwelling units are not subject to subdivision review if the municipal reviewing authority has determined that the units are otherwise subject to municipal review at least as stringent as that required under this subchapter.]

H-1. This subchapter may not be construed to prevent a municipality from enacting an ordinance under its home rule authority that:

(1) Expands the definition of "subdivision" to include the division of a structure for commercial or industrial use; or

(2) Otherwise regulates land use activities.

A municipality may not enact an ordinance that expands the definition of "subdivision" except as provided in this subchapter. A municipality that has a definition of "subdivision" that conflicts with the requirements of this subsection at the time this paragraph takes effect shall comply with this subsection no later than January 1, 2006. Such a municipality must file its conflicting definition at the county registry of deeds by June 30, 2003 for the definition to remain valid for the grace period ending January 1, 2006. A filing required under this paragraph must be collected and indexed in a separate book in the registry of deeds for the county in which the municipality is located..]

I. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraphs D-1 to D-6, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter..

~~1022. Private Street Subdivision — A subdivision which includes construction of one or more Private Streets, and does not involve the construction or reconstruction of a Public Street.~~

~~1022~~1023. Tract or parcel of land - All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

~~1023~~1024. Minor Subdivision - A subdivision with less than five (5) lots which does not involve the construction or reconstruction of a new street, or the extension of public sewer lines, or the extension of public water lines, or the construction of a storm drainage system.

~~1024~~**1025.** *Major Subdivision* - A subdivision which is not a minor subdivision ~~or a Private Street Subdivision.~~

~~1025~~**1026.** *Street, or Road* - Shall mean a right-of-way, intended for motorized traffic, in the Town of Hampden, which is either:

1. Owned, established, and maintained by the Town of Hampden, the County of Penobscot, or the State of Maine; or
2. Is shown on a plan of a subdivision which has been duly approved by the Hampden Planning Board and recorded in the Penobscot County Registry of Deeds.

~~1026~~**1027.** *Minor Street* - A street which serves primarily as an access to abutting properties.

~~1027~~**1028.** *Collector Street* - A street which connects one or more minor streets with an arterial street.

~~1028~~**1029.** *Arterial Street* - A street which serves heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic-generating areas.

~~1030.~~ *Private Street (or Road)* - ~~A Street An area of land within a dedeed right-of-way that provides access to more than one principal structure and is privately owned, provides vehicular access to approved lots and has not been dedicated to public use other than access by emergency and public safety vehicles, and is maintained by its private owners. A Private Street (or Road) shall be protected by a permanent easement which shall conform to the Road Classification Standards Table and which shall be shown on the plan. The limits of a private way shall begin from the edge of the traveled way of a Public Street and all associated sub roads that spur off from this road. Maintenance of this right-of-way area shall be the responsibility of the homeowner's association.~~

~~1031.~~ *Public Street (or Road)* - ~~A public or dedicated right-of-way, which affords the principal means of vehicular access to abutting property and which is under public ownership or control.~~

~~1029~~**1032.** *Design Storm* - A storm with a frequency or recurrence interval of twenty-five (25) years and a duration of twenty-four (24) hours.

~~1030~~**1033.** *Pump Stations* - For the purpose of this Ordinance, pump stations shall be defined as any device intended and designed for the purpose of transporting, pumping or lifting of sanitary sewage from residences, commercial institutions or central collection points to the municipal sanitary sewer system. This shall not include lift pumps used in self-contained, on-site subsurface disposal systems. *(Amended: 11-18-85, 9-19-88)*

~~1031~~**1034.** *Freshwater Wetland* - Freshwater Swamps, marshes, bogs and similar areas which are:

1. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and
2. Not considered part of a great pond, coastal wetland, river, stream or brook.