



HAMPDEN SUBDIVISION ORDINANCE

TOWN OF HAMPDEN, MAINE

EFFECTIVE DATE: 11-16-2023

Town of Hampden, Maine
Subdivision Ordinance

CERTIFIED BY:

Gayle C. Decker, Town Clerk

11-16-2023
Date:

Town Clerk
Affix Seal

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ARTICLE 1: GENERAL PROVISIONS

- 1.1 Purpose. The purpose of this Ordinance is to assure the comfort, convenience, safety, health, and welfare of the people, to protect the environment, to promote the development of an economically sound and stable community, to ensure new subdivisions have adequate infrastructure and do not place an undue burden on municipal facilities, to ensure lots in new subdivisions are capable of supporting the proposed uses and structures, and to minimize potential negative impacts of proposed subdivisions on neighboring properties.
- 1.2 Authority. This Ordinance has been prepared in accordance with the provisions of Title 30-A, M.R.S.A., Section 4403, as amended.
- 1.3 Title. This Ordinance is known and may be cited as the Subdivision Ordinance of the Town of Hampden, Maine.
- 1.4 Administration. The Town of Hampden Planning Board, hereinafter called the Board, shall administer this Ordinance with assistance from Town staff.
- 1.5 Applicability. The provisions of this Ordinance apply to all land and buildings proposed for subdivision as herein defined. Subdivisions which existed, that were approved by the Planning Board, or that were legally recorded at the Penobscot County Registry of Deeds prior to September 23, 1971, are not subject to this Ordinance, but any new divisions as herein defined within such subdivisions are subject to this Ordinance.
- 1.6 Effective Date. The effective date of this Ordinance is **November 16, 2023**.
- 1.7 Repeal of Prior Ordinance. Upon the effective date of this Ordinance following adoption of this Ordinance, any prior Subdivision Ordinance, including all amendments, thereto is repealed.
- 1.8 Severability. Should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such section or provision does not invalidate any other section or provision of this Ordinance, and to this end, the provisions of this Ordinance are hereby declared to be severable.
- 1.9 Relationship to Other Ordinances or Laws. This Ordinance in no way impairs or removes the necessity of compliance with any other ordinance, rule, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a higher standard for the protection and promotion of health and safety, the provisions of this Ordinance prevail.
- 1.10 Scope.
 - 1.10.1 Any person, firm, corporation, or other legal entity proposing to sell, lease, or convey, or to offer or agree to sell, lease, or convey, any land in a subdivision any portion of which is within the limits of the Town of Hampden, must first submit such subdivision for approval by the Planning Board in accordance with this Ordinance and must record in the Penobscot County Registry of Deeds a plan thereof bearing the approval of the Planning Board.
 - 1.10.2 No utility installations; no ditching, grading or construction of roads; no grading of land or lots; and no construction of buildings is to be done on any part of the proposed subdivision until a subdivision application has been submitted, reviewed, approved, and recorded as provided by this Ordinance.

1.10.3 No person, firm, corporation, or other legal entity may sell or convey any land in a subdivision until the street upon which it fronts is completed in accordance with this Ordinance, and at least one permanent boundary marker is set at one corner of the lot being sold or conveyed. See also §2.1.4 Monuments.

1.11 Amendments.

1.11.1 Initiation of Amendment. An amendment to this Ordinance may be initiated by:

1.11.1.1 The Planning Board, provided a majority of the Board has so voted;

1.11.1.2 Request of the Town Council, provided a majority of the Council has so voted; or

1.11.1.3 Written petition of ten percent (10%) of the registered voters of the Town.

1.11.2 Public Hearing. The Planning Board must hold a public hearing prior to the adoption of any amendment to this Ordinance. Notice shall be provided in accordance with §1.12 Notice Requirements.

1.11.3 Recommendation of Amendment. The Planning Board must submit a recommendation on any proposed amendment to this Ordinance to the Town Council within fourteen (14) days of the completion of the public hearing and, when the proposed amendment was referred to the Planning Board from Town Council, within ninety (90) days of the date of said referral unless Council agrees to an extension for good cause. The Planning Board's recommendation may be for approval, approval with modification, or denial of the proposed amendment. To constitute Planning Board approval, the proposed amendment and any proposed modifications thereto must receive at least four affirmative votes from the Board. Failure of the Board to make a recommendation within the allotted time constitutes a recommendation of denial for the purposes of this Ordinance.

1.11.4 Adoption of Amendment. A majority vote of the Town Council is necessary for the adoption of a proposed amendment, provided the amendment was recommended by the Planning Board. If the Planning Board recommended denial of the proposed amendment, a two-thirds vote of the Town Council is necessary for the adoption of the proposed amendment.

1.12 Notice Requirements.

1.12.1 Publishing. Public hearing notice shall be published twice in a newspaper of general circulation in the Town of Hampden. The first notice shall be published at least twelve (12) days and the second at least seven (7) days prior to said hearing.

1.12.2 Posting. Public hearing notice shall be posted in the Town Office at least thirteen (13) days prior to said hearing.

1.12.3 Language. Public hearing notice must include the date, time, and place of the hearing, the location of the proposed subdivision, and a general description of the project or amendment, as applicable.

1.12.4 Abutter Notification. A notification letter providing the location and description of a proposed subdivision will be mailed to the following parties via first class mail:

- A. All abutters within 300 feet of the parent parcel;
- B. Any municipality abutting the parent parcel; or
- C. Any public drinking water supplier if the subdivision is within their source water protection area.

ARTICLE 2: DESIGN STANDARDS

2.1 Subdivision Layout.

2.1.1 Buffer. The Planning Board may require a buffer of no less than 25 feet deep when a proposed major subdivision is located adjacent to a use where separation is desirable, or in a rural area where a wooded buffer between an existing road and the proposed house lots would maintain the rural character of the area. Buffers must not be part of any individual house lot. Driveways and new roads may cross through the buffer strip.

2.1.2 Road Length. The maximum length of any road segment where there is only a single point of entry from a connecting road is 2,000 feet, measured from the centerline of the connecting road to the furthest point of that road – a cul-de-sac or other turn-around, or on a loop road.

2.1.3 Lots.

2.1.3.1 Relation to Zoning. Lots for building purposes must be in compliance with the dimensional requirements of the Hampden Zoning Ordinance.

2.1.3.2 Buildable Area. All new lots created in the town after **March 9, 2022** must contain a minimum net useable area, which is to be contiguous land (not divided by a stream, waterbody, or road), of:

1. 20,000 square feet if the lot relies on an individual on-site sewage disposal system, or 10,000 square feet if the lot has access to the public sewer system.
2. This provision does not apply to lots created for open space provided the lot has a permanent restriction prohibiting development.
3. This provision is not to be interpreted as an increase or decrease in the minimum lot size required by the Zoning Ordinance, nor a decrease in the number of dwelling units that can be developed on a given tract of land.

2.1.3.3 Non-buildable Lots. Lots reserved for and permanently protected as open space or recreational lands are not required to meet the dimensional requirements of the Zoning Ordinance but must be clearly marked on the final subdivision plan as “non-buildable parcels”. The deed for such lots must also include restrictions prohibiting development.

2.1.3.4 Reserved Areas. Land areas reserved for future development (e.g. “remaining land”) must comply with the dimensional requirements of the Zoning Ordinance, even if the intent is to construct new roads to service future development.

2.1.3.5 Layout.

1. The proposed subdivision and street layout must conform as closely as practical to the adopted Comprehensive Plan or policy statement of the Town of Hampden.
2. Sidelines. Wherever possible, side lot lines should be perpendicular to the street. The Planning Board may approve other lot layouts when the alternative design will protect natural physical features such as wetlands or drainage ways.
3. Corner Lots. Corner lots should generally be larger than other lots to accommodate building setbacks on each street side.
4. Shape. Flag lots or other oddly shaped lots with narrow portions connecting a wider frontage to a wider portion in the rear are only permitted if they meet the requirements of §4.3 Rural Alternate Frontage Lots of the Zoning Ordinance. Lots within a defined shoreland zone district are subject to additional provisions under the Shoreland Zoning Ordinance.
5. Re-subdivision. The subdivision of tracts into lots with more than twice the required minimum lot size and frontage, thus creating the potential for future re-subdivision of lots, is discouraged. When such re-subdivision occurs, then regardless of the amount of time that has passed since the lot was created, a revised subdivision plan must be approved by the Planning Board and recorded in the Registry of Deeds.
6. Frontage. Every lot designated for development must have the frontage required by the Zoning Ordinance, as defined in the Zoning Ordinance.
7. Driveways must be located a minimum of ten (10) feet from the side property line unless a shared driveway is used, and a minimum of forty (40) feet from any street intersection.

2.1.4 Monuments.

- 2.1.4.1 Monuments must be installed at all street intersections, at all points of change in direction or curvature of streets, at all lot corners, and at such other points where, in the opinion of the Board, permanent monuments are necessary.
- 2.1.4.2 Monuments at all street lines must be at least 4" x 4" reinforced concrete or granite posts three (3) feet in length with a drill hole in the center at the top, and must be set flush with the finished grade. Where exposed ledge prevents the installation of such monuments, the Board may approve use of a drill hole and iron pipe for those specific locations only.
- 2.1.4.3 Monuments at all other locations (e.g. rear lot corners) may be iron pipe or drill hole.
- 2.1.4.4 No permanent monuments are to be installed until all construction which could destroy or disturb the monuments is completed.

2.2 Relation to Natural Features.

2.2.1 Prevention of Erosion and Sedimentation.

- 2.2.1.1 The proposed subdivision must prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties.
- 2.2.1.2 The procedures outlined in the erosion and sedimentation control plan are to be implemented during the site preparation, construction, and clean-up stages.
- 2.2.1.3 Cutting or removal of vegetation along waterbodies must not increase water temperature or result in shoreline erosion or sedimentation.
- 2.2.1.4 Topsoil is considered part of the subdivision and must not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations, unless the removal has received approval from the Planning Board under the applicable provisions of the Zoning Ordinance.

2.2.2 Natural Beauty and Aesthetics.

- 2.2.2.1 The Planning Board may require that a proposed subdivision protect existing individual trees of 12-inch diameter or greater, or wooded areas along public roads, to minimize the impact of the new development on the landscape.
- 2.2.2.2 If any area of a proposed subdivision is designated as a high value plant or animal habitat by the State of Maine (refer to the Maine Natural Areas Program), the proposal must indicate appropriate measures for the preservation of the values that qualify the site for such designation (e.g. the habitat will be protected within permanent open space).

2.2.3 Historic or Archeological Resources. If any portion of the subdivision is designated as a site of historic or archeological importance by the Comprehensive Plan, the National Register of Historic Places, or the Maine Historic Preservation Commission, appropriate measures for the protection of the resource must be included in the plan in accordance with state or federal laws as applicable, and §3.8.3.2 or §3.8.4.2 of this Ordinance, as applicable.

2.2.4 Significant Wildlife Habitat. If any portion of a proposed subdivision lies within areas identified and mapped by the Department of Inland Fisheries and Wildlife (*Beginning with Habitat* – September 2018, or as amended), as being important wildlife habitat for species appearing on the official state or federal lists of endangered or threatened species, high or moderate value waterfowl habitats, including nesting and feeding areas, or high or moderate value deer wintering areas, the applicant must demonstrate that there will be minimal impact on the habitat and species it supports. The plan must provide for protection of the identified resource in a manner acceptable to the Maine Department of Inland Fisheries and Wildlife or in accordance with the recommendations of a wildlife biologist with demonstrated experience with the wildlife resource being impacted. In the latter situation, the report prepared by the wildlife biologist must assess the potential impact of the subdivision on the significant habitat and adjacent areas that are important to the maintenance of the affected species and must describe appropriate mitigation measures to ensure that the subdivision will have minimal impacts on the habitat and the species it supports.

- 2.2.5 Public Access to the Shoreline. Any existing public rights of access to the shoreline of a water body must be maintained by means of easements or rights-of-way, or be included in the required open space with provisions made for continued public access.
 - 2.2.6 Topography. Existing topography is to be preserved in the development of the land. Alterations to the existing topography that will have a detrimental impact on abutting properties or will alter topography on abutting properties shall not be permitted without the express written consent of the abutting land owner.
- 2.3 Infrastructure.
- 2.3.1 Electric and Communication Utilities. Wherever possible, electric and communication utilities are to be placed underground and designed and installed within the street right-of-way but not under the pavement, in accordance with the regulations and standards of the applicable utility company. When underground placement is unsuitable, the applicant is required to provide a letter as part of the application with proof that underground placement is impractical.
 - 2.3.2 Water Supply.
 - 2.3.2.1 Public Water Supply.
 1. All tracts proposed to be subdivided that are within 500 feet of the public water system must be connected to that system unless the Hampden Water District determines it has insufficient capacity to serve the population of the development. In such cases, the Planning Board may approve private wells in accordance with §3.2.1.2, or a separate public water system to be owned and maintained by the developer or homeowners' association is to be installed to serve the development.
 2. The water supply infrastructure including mains, gate valves, hydrants, and service connection stubs (to the lot line) must be designed to the specifications of, and approved by, the Hampden Water District and the Hampden Public Safety Department. All costs associated with the design and construction are the responsibility of the applicant.
 3. When the public water system infrastructure proposed to be connected to is inadequate to serve the needs of the proposed development, the applicant must pay the cost of upgrades to the existing system as necessary to serve the potable and fire suppression needs of the subdivision. Alternatively, a private water supply system can be constructed to meet the needs of potable and fire suppression needs in accordance with §2.3.2.2 and §2.3.3.2 respectively.
 4. Water supply infrastructure should be located within the road right-of-way under the pavement to the greatest extent possible, and where it deviates, an easement must be provided to the Hampden Water District in accordance with their requirements.
 5. When a proposed subdivision is located in an area not currently served by the Hampden Water District but where infrastructure extension is planned as identified by the Comprehensive Plan, a "capped system" must be

installed to allow future connection when service becomes available without the need to excavate the right-of-way to install the system.

6. For subdivisions where there is a high probability that additional development will occur (by the applicant or any other person or entity) that would only have access to the public water system through the proposed system, the water infrastructure should be designed and built to provide for the needs of said future development. In such cases, the Planning Board may consult with the Hampden Water District and the Public Works Department to determine whether there is any possibility for cost sharing for the larger pipes and fittings made necessary by such planning for the future. Construction of the infrastructure that does not provide for such future extension may preclude future development on affected lands.

2.3.2.2 Private Water Supply.

1. Wherever a proposed subdivision is located in an area without access to the public water supply, or when the Hampden Water District determines there is insufficient capacity to serve the population of the proposed subdivision, either individual private wells or a private community system (which may be deemed a public water supply based on the number of dwelling units served) must be used to provide potable water to each dwelling.
2. Individual wells are to be sited and constructed to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of potential contamination.
3. The Planning Board may require certification that sufficient water is available for the foreseeable needs of the subdivision.
4. Lot design must 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 (10-144 CMR 241) and the Well Drillers and Pump Installers Rules (144 CMR 232).
5. Dug wells are prohibited. This restriction must be included as a note on the final subdivision plan and as a deed restriction in each deed for the lots within the subdivision.
6. If a private community system is provided that meets the definition of a public water supply, the location and protection of the source, and the design, construction and operation of the system must conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231).

2.3.3 Fire Protection.

2.3.3.1 Administration.

1. The Reviewing Authority is responsible for the administration of this section and is consistent of the Planning Board, Hampden Fire Department, Public Works Director, or Code Enforcement Officer, as appropriate.
2. The Reviewing Authority may modify or waive any of the application requirements or performance standards upon submittal of evidence that such application requirements or standards would not be applicable or would be an unnecessary burden upon the applicant and not adversely affect the abutting landowners and the general health, safety, and welfare of the Town.

2.3.3.2 Public Water Supply.

1. When a proposed subdivision is to be served by a public water system, the complete supply system within the subdivision, including the 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 Fire Department. Fire hydrants connected to a public water supply system shall be located no further than 500 feet from any building.
2. If the proposed public water system does not provide sufficient static water pressure to support fire protection within the subdivision, an acceptable private water supply system must be constructed.

2.3.3.3 Private Water Supply.

1. When a proposed multi-family or cluster subdivision is not to be served by a public water system, an adequate fire protection system shall be installed at the expense of the applicant in accordance with NFPA 221 standards and State of Maine Code 16-635 Chapter 5, Section 302.2. Lot split subdivisions in the Rural District are exempt from this requirement provided each lot meets the dimensional requirements as defined in §3.4 Dimensional Requirements of the Hampden Zoning Ordinance.

- 2.3.4 Sewage Disposal. Whenever a proposed subdivision is located within 500 feet from a public sewer line measured from any point of the tract being subdivided, the subdivision must be connected to the sewer system. The only exceptions to this requirement are when there are physical barriers (e.g. excessive ledge) between the tract and the sewer line that cause the cost of extension to the tract to be more than twice the cost if such barriers are absent, or when the Hampden Sewer Utility makes a determination that the existing sewer system in the area of the proposed subdivision has insufficient capacity to serve the subdivision and there is no potential for increasing the capacity of the system within five (5) years of the date of the subdivision application submittal (initial submittal). The developer may either on their own, or through a public/private partnership, pay the cost of necessary improvements to accelerate the construction of such improvements to allow the subdivision to be approved and constructed sooner.

2.3.4.1 Public Sewer.

1. The complete sanitary sewage system within the subdivision, including mains, manholes, pump stations, and laterals to the property line of each lot created must be installed and inspected at the expense of the applicant.
2. All components of the sanitary sewage system must be designed and bearing the stamp of a registered Professional Engineer in the State of Maine and must comply with the requirements of the Hampden Sewer Ordinance. The Hampden Sewer Utility or its designee is to review and approve the construction drawings for the sewer system, including the size and location of laterals, collectors, manholes, and pump stations.
3. Sewer infrastructure that is designed within the street right-of-way should be installed under the pavement; in the center of the road is the preferred location but under the edge is acceptable provided the sewer line complies with required separation distances from other underground utilities.
4. When the road and utility infrastructure is proposed to be accepted by the Town and any portion of the sewer system is located outside of the road right-of-way, the developer must provide the Town of Hampden with utility easements. Such easements must be reviewed and approved by the Hampden Sewer Utility.

2.3.4.2 Private Sewage Disposal.

1. Proposed subdivisions that are to be connected to the public system but that will not have any publicly-owned infrastructure within the subdivision must submit legal documents showing evidence of the perpetual maintenance of all components of the private sewage system. Said documents must be reviewed by the Public Works Director, Town Manager, Town Attorney and Town engineering consultant, and a written recommendation to the Town Council for final approval of said documents must be submitted to the Planning Board prior to approval of the subdivision.
2. Individual private wastewater disposal systems or a private treatment facility with subsurface discharge designed to serve multiple dwelling units must be provided for subdivisions that are not connected to the public sewer system.
3. The developer must submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules. The site evaluator must certify in writing that all test pits that meet the requirements for a new system represent an area large enough for a disposal area on soils that meet the Disposal Rules.
4. A second site with suitable soils must be shown as a reserve area for future replacement of the disposal area if the limiting factor has been identified as being within eighteen (18) inches of the surface, and if one or more of the

following conditions exist. The reserve area must be shown on the plan and restricted by a notation on the plan and within the deed to the lot so as not to be built upon.

- A. If the lot is less than one acre in size
 - B. If the lot is located in a subdivision that has a net residential density of more than one unit per acre
 - C. If the lot is located outside of the existing and likely future service area of the public water system
 - D. If the lot includes a natural resource such as, but not limited to, being located over a mapped sand and gravel aquifer, or being in a shoreland area, or being within one hundred (100) horizontal feet of a high value wetland.
5. No lot can be created that would require a New System Variance from the Subsurface Wastewater Disposal Rules for the disposal area.

2.3.5 Stormwater Management.

- 2.3.5.1 For subdivisions that require a DEP review under the Site Location of Development Act (SLODA), the stormwater management for the subdivision must comply with the Act and DEP's rules.
- 2.3.5.2 For subdivisions that do not require a SLODA permit, but require a DEP permit under the Stormwater Law, the stormwater management for the subdivision must comply with the requirements of DEP Chapter 500 Stormwater Management Rules.
- 2.3.5.3 For all subdivisions that disturb more than 20,000 square feet of land at full buildout, adequate provision must be made for the management of the quantity and quality of all stormwater generated within the subdivision through a management system using practices equivalent to those described in the current version of the Maine Stormwater Management Design Manual, published by the Maine Department of Environmental Protection. "Adequate provision" for stormwater quantity means the post-development peak discharge rate does not exceed the pre-development peak discharge rate for the design storm (see definition).
- 2.3.5.4 The design of stormwater systems must be fully cognizant of off-site run-on that passes over or through the proposed subdivision. The system must be designed to pass off-site run-on and runoff from the subdivision generated by the design storm at full buildout, without surcharging the system.
- 2.3.5.5 Subdivisions within the watershed of a lake most at risk from new development (Hermon Pond or Patten Pond) or within the watershed of an urban impaired stream (Shaw Brook or Sucker Brook) that include one acre or more of disturbed area must submit proof of compliance with DEP Chapter 502 *Direct Watersheds of Lakes Most At Risk From New Development, and Urban Impaired Streams Rules*.

- 2.3.5.6 The plans and specifications for any stormwater system serving a proposed subdivision must bear the stamp of a registered Professional Engineer in the State of Maine, and shall be installed according to the approved plans.
- 2.3.5.7 The applicant must maintain all components of the stormwater management system until one of the following occurs:
 - 2.3.5.7.1 The system is formally accepted by the Town through a majority vote of the Town Council. Any stormwater component that is not part of a roadway proposed for public acceptance must be covered by an easement to the Town.
 - 2.3.5.7.2 The system is placed under the jurisdiction of a legally created homeowners' association. The association is responsible for maintenance of the system and must have adequate financing to carry out this responsibility. For subdivisions outside of the MS4 area, a stormwater maintenance agreement must be executed between the Town and the developer/future property owners. This agreement must be recorded at the Penobscot County Registry of Deeds and referenced on the Recording Plan and in the deeds to each lot within the subdivision. This agreement must include provisions for annual inspection of all components of the stormwater system by a qualified stormwater inspector, and provisions for correcting deficiencies identified. The agreement included in the Hampden Post-Construction Stormwater Management Ordinance may be used as a template.
- 2.3.5.8 For subdivisions where the infrastructure is proposed to be accepted by the Town, if any portion of the stormwater management system is located outside the road right-of-way, the developer must provide the Town with stormwater utility easements. Such easements must be reviewed and approved by the Hampden Department of Public Works prior to Planning Board approval. These easements must be a minimum of thirty (30) feet wide, centered on the stormwater component, or in the case of a non-linear component must fully enclose the area of the facility plus thirty (30) feet from the perimeter of the component (e.g. detention pond).
- 2.3.5.9 Where necessary as part of the stormwater management system, driveway culverts must be installed during road construction to ensure the system functions as designed. The driveway apron must be constructed over the culvert to provide access to the lot, however it is not necessary to pave the apron until the lot is developed.
- 2.3.5.10 All culverts must be sized based on the watershed upgradient of the culvert and in no case be smaller than twelve (12) inches in diameter.
- 2.3.5.11 All components of the stormwater management system must comply with the most recent edition of the Maine DOT Standard Specifications and good engineering practices.

2.3.6 Solid Waste.

2.3.6.1 Solid waste generated by occupants within the proposed subdivision must be handled in compliance with the Hampden Solid Waste Flow Control and Licensing Ordinance. If the additional solid waste from the proposed subdivision exceeds the capacity of the Town's solid waste facility, or causes the Town's facility to no longer be in compliance with its license from the Department of Environmental Protection, or causes the Town to exceed its contract with a non-municipal facility, the applicant must make alternate arrangements for the disposal of solid waste for a period not exceeding five (5) years. The alternate arrangements must be at a disposal facility that is in compliance with its license.

2.3.7 Streets and Sidewalks.

2.3.7.1 Street Layout.

1. The street system of the proposed subdivision is to be designed to coordinate with existing, proposed, and planned streets. Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs and rights-of-way are to be provided as deemed necessary by the Planning Board to provide access to abutting properties or to logically extend the street system. All streets, lands and non-residential streets stubs must be provided with temporary turn around or cul-de-sacs unless specifically exempted by the Planning Board with the recommendation of the Public Works Director, and the restoration and expansion of the street will be the responsibility of any future developer of the abutting land. Lanes and streets should connect with surrounding streets to permit convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation, but such connections may not be permitted where the effect would be to encourage the use of such streets by substantial through-traffic.
2. Where necessary as determined by the Planning Board to safeguard against hazards to vehicle drivers, bicyclists and pedestrians, or to avoid traffic congestion, provision must be made for turning lanes, traffic directional islands, frontage roads, sidewalks, bicycle ways, transportation demand management techniques, and traffic controls within existing public streets.
3. Where a subdivision abuts or contains an arterial street, no lot may have vehicular access directly to the arterial street. This restriction must be noted on the subdivision plan and in the deed of any lot that abuts the arterial street.
4. Where a lot abuts two or more streets, the driveway access to the lot must be to the street with the lowest potential for creating hazards to traffic or pedestrians. This restriction must be noted on the subdivision plan and in the deed of any lot so affected.
5. Street intersections must be as close to 90 degrees as possible, and in no case less than 60 degrees, unless approved by the Planning Board with the recommendation of the Public Works Director or Town Engineer.

6. Reserve strips of land controlling access to streets are prohibited except where the control of the strip is definitely placed with the Town under conditions approved by the Town Council.
7. Where a subdivision borders an existing narrow street (below the standards set herein), or when the Comprehensive Plan or Capital Improvement Plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the preliminary and final plans must indicate reserved areas for the road improvements marked “Reserved for Road Realignment (Widening) Purposes.” Land reserved for such purposes may not be included in computing lot area or setback requirements of the Zoning Ordinance.
8. Private Roads/Ways must connect to a public lane or street and cannot connect to another private road or way.
9. Private Roads are to be built to the standards listed in the table under Section 2.3.7.3 and shall remain a private way in perpetuity. Such private road shall be maintained by a homeowner’s association or road association and recorded on the land records at the Penobscot County Registry of Deeds.

2.3.7.2 State Permits.

1. Accesses into the subdivision connecting to any state or state-aid highway must be granted a permit by the Maine Department of Transportation (DOT) under their *Highway Driveway and Entrance Rules*. This permit must be issued prior to final subdivision approval and included in the final subdivision plan.
2. Accesses that are expected to carry more than 100 passenger vehicle equivalent trips in the peak hour must meet the minimum access permitting requirements of the Maine Department of Transportation *Rules and Regulations Pertaining to Traffic Movement Permits*.

Posted Speed (MPH) of existing road that proposed road will intersect with:	Sight Distance (feet)	
	Private Road, Lane or Street	Non-Residential Street
20	155	230
25	200	300
30	250	375
35	305	455
40	360	540
45	425	635

50 ¹	495	740
Footnotes:		
1. The section of Main Road South (Route 1A) where the speed limit is 50 MPH is designated as a ME DOT “Mobility Arterial.” All new subdivision streets accessing in this section are required to have a minimum sight distance of 840 feet.		

2.3.7.3 Roadway Design Standards.

1. Minimum sight distance requirements for all subdivision accesses connecting to external streets are contingent on the posted speed of the external street connecting to the subdivision access and must comply with the distances in the following table, as defined by Maine DOT Chapter 299 *Highway Driveway and Entrance Rules*.
2. Street design and construction standards for all new streets in the Town of Hampden must comply with the standards in the following table. For streets with design speeds greater than 30 mph, the Planning Board has the authority to increase these minimum standards.

<i>Item</i>	<i>Private Road/Way</i>	<i>Lane</i>	<i>Street</i>	<i>Non-Residential Street</i>
ADT Volume	0-150	0-250	>250	Any
Number of lots/dwelling units	1-15	1-25	26+	Any
Minimum right-of-way width	50'	66 ft	66 ft	100 ft
Minimum distance to street intersection	100'	125 ft	200 ft	200 ft
Minimum centerline radii on curves	90'	90 ft	165 ft	260 ft
Minimum tangent length between reverse curves	50'	100 ft	200 ft	200 ft
Minimum K-factor, crest vertical curve (hill)	3	12	7	29
Minimum K-factor, sag vertical curve (dip)	10	17	26	49
Minimum radius at intersections	15' to Street	15 ft to lane 15 ft to street	20 ft to street	25 ft to street 25 ft to non-residential street
Minimum sight triangle easement (length along primary or existing street/length along secondary or new street)	75 ft/ 30 ft	75 ft/30 ft	150 ft/40 ft	200 ft/40 ft

<i>Item</i>	<i>Private Road/Way</i>	<i>Lane</i>	<i>Street</i>	<i>Non-Residential Street</i>
Minimum pavement or travel way width	18 ft	20 ft	24 ft	24 ft
Minimum shoulder width	2'	2 ft	2 ft	3 ft
Minimum grade	0.5%	0.5%	0.5%	0.5%
Maximum grade	8%	8%	8%	8%
Distance from intersection where maximum grade is 3%	50 ft	50 ft	75 ft	75 ft
Minimum road crown, centerline to edge of pavement	2.5 in Paved 4 in Unpaved	3 in	3 in	3 in
Dead end streets:				
Solid cul-de-sac *	*			
Minimum right-of-way radius	50 ft *	50 ft	55 ft	60 ft
Minimum pavement radius	35 ft	35 ft	40 ft	40 ft
Maximum pavement radius	40 ft	40 ft	45 ft	45 ft
Open center cul-de-sac *	*			
Minimum right-of-way radius	80 ft	80 ft	80 ft	84 ft
Minimum inside pavement radius	50 ft	50 ft	50 ft	50 ft
Minimum outside pavement radius	70 ft	70 ft	70 ft	74 ft
Minimum pavement width	20 ft	20 ft	20 ft	24 ft
T or Y End	Permitted for Private Road/Ways	Permitted for lanes serving up to 10 units	Not Permitted	Not Permitted
Minimum pavement width	20 ft	20 ft	NA	NA
Minimum length of T or Y	60 ft	60 ft	NA	NA
Minimum depth of subgrade grading from top of pavement	18 in unpaved 21.5 in paved	26 in	28 in	34.5 in
Minimum depth of sub-base gravel	<u>12"</u>	18 in	18 in	24 in
Minimum depth of upper base gravel	<u>6"</u>	4 in	6 in	6 in

<i>Item</i>	<i>Private Road/Way</i>	<i>Lane</i>	<i>Street</i>	<i>Non-Residential Street</i>
Minimum thickness of pavement – base course	2 in if paved	2.5 in	2.5 in	3 in
Minimum thickness of pavement – surface course	1.5 in if paved	1.5 in	1.5 in	1.5 in

* Optional turn around designs will be considered. Must meet public safety standards and must be maintained.

3. All streets must comply with the following standards:
 - a. The grades of streets should follow the existing topography to the greatest extent practicable.
 - b. The steepest side slope permitted is three feet horizontal to one foot vertical (3:1) and all side slopes must have a minimum of six inches of loam and be seeded. The only exception to this standard is where there is a cut into ledge, where the exposed ledge may be up to one foot horizontal to four feet vertical (1:4). Where a side slope extends outside the required right-of-way, the boundary of the right-of-way must be adjusted to contain the entire side slope area.
 - c. All underground utilities must be installed prior to paving to avoid cuts in the pavement. All utilities to serve structures (e.g. dwelling units) must be installed to the edge of the right-of-way prior to paving.
 - d. The roadway area must be brought to the grade shown on the approved plan, profile, and cross-section using suitable gravel. The sub-base and base materials must meet the standards for aggregate courses as contained in the current edition of the Maine DOT Standard Specifications.
 - e. For paved streets, after the sub-base has been compacted to the appropriate degree, pavement meeting the requirements of the current edition of the Maine DOT Standard Specifications is to be applied. Where new pavement abuts existing pavement, the existing pavement must be ground a minimum of twelve (12) inches back from the joint and a butt joint used.
 - f. The Planning Board may require curbing of streets.
 - g. Existing trees within the center of an open center cul-de-sac or loop road must be preserved to the greatest extent practicable, taking into consideration the need for space for snow storage. Where the location and the type of root system of a specific tree would have a negative impact on the pavement, it may be removed. Any other vegetation to remain or to be planted should be of a type that requires minimal maintenance. The use of low impact development best management practices within the open center is encouraged.

4. Preparation of the right-of-way.
 - a. Before starting any clearing of the right-of-way, the center line and side lines of the new street must be staked or flagged at fifty (50) foot intervals.
 - b. The entire right-of-way is not to be cleared. Only the area required for construction of the street, sidewalk, shoulders, stormwater management facilities, and underground utilities is to be cleared. Within that area, all vegetation including stumps, roots, and brush, and all shallow ledge and large boulders must be removed.
 - c. All organic materials or other deleterious material shall be removed to a depth of two feet below the sub grade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the sub grade of the roadway. On soils that have been identified by the developer's engineer as not suitable for roadways, either the subsoil shall be removed to a depth of two feet below the sub grade and replaced with material meeting the specifications for gravel aggregate sub-base below, or a Maine DOT approved stabilization geotextile may be used.

2.3.7.4 Sidewalks.

1. The Planning Board may require a sidewalk on one or both sides of the street for any street within a subdivision.
2. All sidewalks must be a minimum of five (5) feet wide, separated from the edge of the street pavement with an esplanade of at least six (6) feet in width.
3. All sidewalks must have a minimum of nine (9) inches of gravel base, and be paved with a minimum of two inches of pavement laid down in two lifts of one inch each.
4. All sidewalks must comply with the Americans with Disabilities Act.

2.3.7.5 Street Names and Signage.

1. Each street must be named in accordance with the Hampden E911 Addressing Ordinance.
2. Proposed street names must be shown on the sketch plan and must be approved by the Addressing Officer prior to Planning Board approval of the recording plan.
3. To assist in assigning addresses to the structures to be built within the subdivision, the final street layout plan must include markings every fifty (50) feet along each edge of the street (pavement or gravel travel way) specifically for future address assignments.
4. All street signage including but not limited to stop signs and street name signs must be provided by and installed by the developer, must meet town specifications, and must be approved by the Public Works Director.

- 2.3.7.6 Street Lighting. All street lights shown on the subdivision plan are to be installed by the developer and must conform to the requirements of the Town and the utility company.
- 2.3.7.7 Street Trees. Street trees are required along roadways. Where no trees exist, such as open fields or lands where forest harvesting has eliminated the majority of trees worthy of preservation, trees must be planted approximately fifty (50) feet apart, with flexibility to account for driveway locations, utility poles, and other infrastructure facilities that would preclude the planting of a tree, including underground utilities and private service connections. Appropriate species must be chosen to minimize maintenance, negative impacts on stormwater management systems or underground utilities, and impacts from overhead utility lines. Where necessary, the Planning Board may waive the requirement for street trees on one side of the street to avoid overhead or underground utility conflicts. Where existing trees are present, the final plans must show that are to be retained to fulfil the intent of the above, and appropriate measures must be taken to protect such trees from damage during construction. Any trees noted to be retained that are either cut or die as a result of construction must be replaced with new trees per the guidance above prior to the issuance of a Certificate of Compliance for the subdivision.
- 2.3.7.8 Postal Delivery.
1. All new subdivisions must comply with the United States Postal Service (USPS) requirements for mail delivery. In most cases for major subdivisions, this will require the placement of a centralized delivery structure. This structure must be shown on the preliminary subdivision plan and must be designed with a pull-off area large enough for at least two cars to pull off the traveled way.
 2. Where individual mailboxes are permitted by the USPS, they must be mounted on “gooseneck” type posts that must be installed in the ground a minimum of four (4) feet from the edge of pavement and the bottom of the mail receptacle must be 45 inches from the ground to allow for clearance space for plows.

ARTICLE 3: PROCEDURES

3.1 General Procedure.

3.1.1 Sketch Plan.¹ The applicant must submit two copies of a sketch plan to the Town Planner for all subdivision applications. The Town Planner will make a determination of the following:

3.1.1.1 Type of Subdivision: Minor or Major²

3.1.1.2 Style of Subdivision: Standard or Cluster³

3.1.1.3 Type of Road: Private, Lane, Street, or Non-Residential⁴

3.1.2 Determination. The Town Planner will notify the applicant of the determination in writing within 14 calendar days of the submission of the sketch plan. In the event the applicant disagrees with the decision, the Planning Board will make the final determination at their next regular meeting.

3.2 Minor Subdivision.

3.2.1 Sketch Plan. Upon determination by the Town Planner that the proposed subdivision is a minor subdivision, the Town Planner will complete the following:

3.2.1.1 Distribute the sketch plan to the Staff Review Committee and Planning Board.

3.2.1.2 Place the sketch plan on the next available Planning Board meeting agenda in compliance with the published application deadline schedule.

3.2.1.3 Prepare a report for the purpose of aiding the discussion at the Planning Board meeting. Note: Any comments provided at the sketch plan stage are non-binding and are to be presented verbally to the applicant at the meeting.

3.2.2 Final Plan.

3.2.2.1 Application. The applicant will provide ten (10) hard copies and one electronic copy of the minor subdivision application, subdivision plan, and recording plan to the Town Planner. The Town Planner will:

1. Provide a written, dated receipt to the applicant;
2. Review the application and make a determination whether it is complete; if it is not complete then notify the applicant in writing that it is not complete, noting missing items;
3. Place the application on the next available Planning Board meeting agenda in compliance with the published application deadline schedule; and

¹ The purpose of the sketch plan is to provide an opportunity for the applicant to solicit comments from town staff and the Planning Board which may be helpful prior to the expenditure of substantial sums of money for surveying and engineering work.

² See [Article 7: Definitions](#)

³ See [Article 7: Definitions](#)

⁴ See §2.3.7.3 Roadway Design Standards; See [Article 7: Definitions](#)

4. Schedule a public hearing for the proposed subdivision. Notice shall be provided in accordance with §1.12 Notice Requirements.

3.2.2.2 If any amendments to the Zoning Ordinance or Subdivision Ordinance have become effective since the submission of the sketch plan, the final plan must comply with those amendments.

3.2.3 Planning Board Action.

3.2.3.1 The Planning Board will hold a public hearing in accordance with the Planning Board Bylaws, and upon completion of the hearing, the Planning Board, within 30 calendar days of the conclusion of the public hearing, must take action on the application. The Board and the applicant may agree to a longer timeframe when circumstances warrant. The Board action may be any of the following, to be noted as appropriate in a written Board Order, which must include findings of fact regarding the approval criteria:

1. Approval of the final plan as submitted.
2. Approval of the final plan with conditions that the Board considers advisable to satisfy the approval criteria or any other local regulation, or to protect the public's health, safety, and general welfare. The Board Order should include a listing of modifications necessary to be made to the recording plan, and any waiver requests that the Board agrees to.
3. Denial of the final plan, in which case the Board Order must include formal findings of fact that support the denial.
4. Failure of the Planning Board to take action within 30 calendar days will result in an automatic approval with no conditions.

3.3 Major Subdivision.

3.3.1 Sketch Plan. Upon determination by the Town Planner that the proposed subdivision is a major subdivision, the Town Planner will complete the following:

3.3.1.1 Distribute the sketch plan to the Staff Review Committee and Planning Board.

3.3.1.2 Place the sketch plan on the next available Planning Board meeting agenda in compliance with the published application deadline schedule.

3.3.1.3 Prepare a report for the purpose of aiding the discussion at the Planning Board meeting. Note: Any comments provided at the sketch plan stage are non-binding and are to be presented verbally to the applicant at the meeting.

3.3.2 Preliminary Plan.

3.3.2.1 Application. The applicant will provide one hard copy and one electronic copy of the preliminary subdivision plan with all required documentation, fees, and escrow account deposit within six (6) months of the Planning Board meeting on the sketch plan.⁵ Upon receipt of the application, the Town Planner will:

⁵ If more than six (6) months have passed since the sketch plan meeting, the applicant is required to resubmit the sketch plan for Planning Board review.

1. Provide a written, dated receipt to the applicant;
 2. Review the application and make a determination whether it is complete; if it is not complete then notify the applicant in writing that it is not complete, noting missing items;
 3. Place the application on the next available Planning Board meeting agenda in compliance with the published application deadline schedule; and
 4. Schedule a public hearing for the proposed subdivision. Notice shall be provided in accordance with §1.12 Notice Requirements.
- 3.3.2.2 The Town Planner will distribute the application for review to the Staff Review Committee and reviewing engineer. The due date for comments to the Town Planner shall be no later than 21 calendar days from receipt of the completed application.
- 3.3.2.3 The Town Planner shall submit a written preliminary report including all comments received from the Staff Review Committee and reviewing engineer to the applicant no later than 26 days of receipt of the completed application.
- 3.3.2.4 If any amendments to the Zoning Ordinance or Subdivision Ordinance have become effective since the submission of the sketch plan, the preliminary plan must comply with those amendments.
- 3.3.2.4 If modifications are required, the applicant must submit ten (10) hard copies and one electronic copy of the revised preliminary plan with all required documentation no later than nine (9) days prior to the scheduled Planning Board meeting. If no modifications are necessary, the applicant must submit the remaining nine (9) hard copies of the preliminary plan and all required documentation.
- 3.3.2.5 The Town Planner will provide the Planning Board the following documents for review ahead of the Planning Board meeting:
1. The preliminary plan application (as revised, if applicable) and all supplemental documentation.
 2. Any reports from the Staff Review Committee or reviewing engineer.
 3. A report from the Town Planner including staff comments.
- 3.3.2.6 The Planning Board will hold a public hearing in accordance with the Planning Board Bylaws, and upon completion of the hearing, the Planning Board, within 30 calendar days of the conclusion of the public hearing, must take action on the application. The Board and the applicant may agree to a longer timeframe when circumstances warrant. The Board action may be any of the following, to be noted as appropriate in a written Board Order, which must include findings of fact regarding the approval criteria:
1. Approval of the preliminary plan as submitted.
 2. Approval of the preliminary plan with conditions that the Board considers advisable to satisfy the approval criteria or any other local regulation, or to

protect the public’s health, safety, and general welfare. The Board Order should include a listing of modifications necessary to be made to the recording plan, and any waiver requests that the Board agrees to.

3. Denial of the preliminary plan, in which case the Board Order must include formal findings of fact that support the denial.
4. Failure of the Planning Board to take action within 30 calendar days will result in an automatic approval with no conditions.

3.3.3 Final Plan.

3.3.3.1 Application. The applicant must submit ten (10) hard copies and one electronic copy of the final subdivision application with all required documentation, fees, recording plan, and improvement guarantee within six (6) months of the Board Order on the preliminary plan.⁶ Upon receipt of the application, the Town Planner will:

1. Provide a written, dated receipt to the applicant;
2. Review the application and make a determination whether it is complete; if it is not complete then notify the applicant in writing that it is not complete, noting missing items;
3. Place the application on the next available Planning Board meeting agenda in compliance with the published application deadline schedule; and
4. Schedule a public hearing for the proposed subdivision. Notice shall be provided in accordance with §1.12 Notice Requirements.

3.3.3.2 The Town Planner will distribute the application for review to the Staff Review Committee. The due date for comments to the Town Planner shall be no later than 14 calendar days from receipt of the completed application.

3.3.3.3 If the Town Planner and Staff Review Committee deem there are significant site changes made between the preliminary plan and final plan submittal, the application will be submitted to the reviewing engineer. The application review process will then follow the following schedule:

1. The Town Planner will distribute the application for review to the reviewing engineer. The due date for comments to the Town Planner shall be no later than 21 calendar days from submittal to the reviewing engineer.
2. The Town Planner shall submit a written preliminary report including all comments received from the Staff Review Committee and reviewing engineer to the applicant no later than 26 days of receipt of submittal to the reviewing engineer.

⁶ If more than six (6) months have passed since the Board Order on the preliminary plan, the applicant is required to resubmit the preliminary plan for Planning Board review. The applicant can, prior to the deadline, request a written extension in cases where delays have been caused by other regulatory bodies, or other reasons why the deadline cannot be met. The Planning Board must consider the request at its next regular meeting, and may grant or deny it. The Planning Board should consider whether the applicant has made a “good faith” effort in progressing the application and pursuing regulatory approval from other agencies when deliberating on the request.

3. If modifications are required, the applicant must submit ten (10) hard copies and one electronic copy of the revised preliminary plan with all required documentation no later than nine (9) days prior to the scheduled Planning Board meeting. If no modifications are necessary, the applicant must submit the remaining nine (9) hard copies of the preliminary plan and all required documentation.
- 3.3.3.4 If any amendments to the Zoning Ordinance or Subdivision Ordinance have become effective since the submission of the preliminary plan, the final plan must comply with those amendments.
- 3.3.3.5 The Town Planner will provide the Planning Board the following documents for review ahead of the Planning Board meeting:
 1. The final plan application (as revised, if applicable) and all supplemental documentation.
 2. Any reports from the Staff Review Committee or reviewing engineer.
 3. A report from the Town Planner including staff comments.
- 3.3.3.6 The Planning Board will hold a public hearing in accordance with the Planning Board Bylaws, and upon completion of the hearing, the Planning Board, within 60 calendar days of the conclusion of the public hearing, must take action on the application. The Board and the applicant may agree to a longer timeframe when circumstances warrant. The Board action may be any of the following, to be noted as appropriate in a written Board Order, which must include findings of fact regarding the approval criteria:
 1. Approval of the final plan as submitted.
 2. Approval of the final plan with conditions that the Board considers advisable to satisfy the approval criteria or any other local regulation, or to protect the public's health, safety, and general welfare. The Board Order should include a listing of modifications necessary to be made to the recording plan, and any waiver requests that the Board agrees to.
 3. Denial of the final plan, in which case the Board Order must include formal findings of fact that support the denial.
- 3.4 Amendments to an Approved Subdivision Plan.
 - 3.4.1 Any modification to an approved subdivision plan must be approved by the Planning Board prior to recording said modified plan at the Registry of Deeds, regardless of when the subdivision approval was granted in relation to when the modification is requested. This is to ensure compliance with Title 30-A M.R.S.A. §4406 Paragraph 1(E).
 - 3.4.2 A modification that does not create any new lots or dwelling units and that maintains the general design of the approved subdivision should follow the procedures under §3.2 Minor Subdivision. This includes the combining of two or more lots into a single lot.
 - 3.4.3 Any other modification (e.g. creating new lots or dwelling units, or is a substantial deviation from the approved subdivision plan such as changes to overall layout) must

follow the procedures for Major Subdivision, §3.3.2 Preliminary Plan and §3.3.3 Final Plan.

- 3.4.4 The submission requirements of §3.7 Construction should be adhered to only to the extent necessary to provide the Planning Board with sufficient information for them to determine that the proposed modifications are in compliance with the approval criteria. The Board reserves the right to require additional information than what is submitted when they believe such information is needed for them to make a decision on the application.
- 3.4.5 In all cases, the revised final subdivision plan must include the title of the subdivision and the recording information from the Registry of Deeds of the original and any subsequent approved plans (e.g. book and page or cabinet and sheet).
- 3.4.6 The Planning Board's review is limited to those portions of the subdivision plan that are proposed to be modified, and the impacts and effects of such modifications.
- 3.5 Appeals. An appeal may be taken by any party, within 30 days from the Planning Board's decision on the Recording Plan, to the Superior Court in accordance with Rule 80B of the Rules of Civil Procedure.
- 3.6 Improvement Guarantee. All subdivisions that involve the construction of any improvements necessary for access to, or utilities for, the lots within the subdivision, including but not limited to roads, sidewalks, stormwater management facilities, sewer lines, water lines, water sources for firefighting purposes, but excluding power or communication infrastructure, must provide an improvement guarantee in accordance with this section.
 - 3.6.1 Types of Guarantees. Any one or a combination of the following are acceptable:
 - 3.6.1.1 An escrow account funded by cash or a certified check payable to the Town of Hampden and governed by an escrow agreement in a form reviewed by the Town Attorney and accepted by the Town Manager. Any interest earned on the escrow account shall be returned to the developer.
 - 3.6.1.2 An escrow account funded by a savings account or certificate of deposit naming the Town of Hampden as escrow agent.
 - 3.6.1.3 An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the Town may draw if construction is inadequate, reviewed by the Town Attorney and accepted by the Town Manager. The letter of credit must indicate that the funds are solely for the use of the specific subdivision, and must include the procedures for the release of funds to the developer, and if necessary, the Town.
 - 3.6.1.4 A performance bond running to the Town of Hampden issued by a surety company licensed to do business in the State of Maine, reviewed by the Town Attorney and accepted by the Town Manager. The performance bond must indicate that the bond covers only the specific subdivision, set forth the conditions of the bond, the method for release of all or a portion of the bond to the developer, and the procedures for collection by the Town.

- 3.6.2 Amount and Content. The amount of the guarantee shall be 125 percent of the cost of furnishing, installing, connecting and completing in good working condition all of the roads, storm drainage system, sewer and water systems, water supplies for fire suppression, recreational amenities, and other similar improvements, as specified in the final approval. The improvement guarantee must be based on a construction schedule, including cost estimates for each major phase of construction taking into account inflation and provisions for inspections of each phase of construction. The improvement guarantee instrument must specify a date after which the developer will be in default and the Town will have access to the funds to finish construction. The improvement guarantee may, at the discretion of the Town, provide for partial releases of the improvement guarantee amount as specific portions of the required improvements are completed, but any requested release can only be made after approval by the Town Manager with a positive recommendation by the Director of Public Works.
- 3.6.3 Duration. The improvement guarantee must remain in force for the entire period during which development of the subdivision occurs, or in the case of default, while the Town pursues its remedies for default, until the guarantee is released by the Town in accordance with §3.6.6. If the time frame for constructing the improvements covered by the guarantee is extended, the improvement guarantee shall also be extended. If an improvement guarantee expires and is not renewed, the Town will deny any request for public acceptance of any infrastructure within the subdivision.
- 3.6.4 Building Permits. Per §5.3.1.2 of the Hampden Zoning Ordinance, a building permit may be issued for a new structure on a lot within a new subdivision prior to completion of the road and other infrastructure, but no Certificate of Occupancy will be issued until compliance with §5.3.2.1.4 of the Zoning Ordinance is proven.
- 3.6.5 Phased Construction. The Planning Board may approve plans to develop a Major Subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street that is covered by an improvement guarantee. When development is phased, road construction must commence from an existing public way. Final approval of lots in subsequent phases must not be granted until all requirements pertaining to previous phases have been completed to the satisfaction of the Town.
- 3.6.6 Release of Guarantee. Prior to the release of any part of the improvement guarantee, the Town Manager shall determine to his/her satisfaction that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the subdivision for which the release is requested. The decision of the Town Manager is to be based upon a report from the inspecting engineer, the Director of Public Works, and any other town departments or outside agencies who may be involved.
- 3.6.7 Default. The improvement guarantee instrument must specify a date after that the developer will be in default and the Town will have access to the funds to finish construction. The improvement guarantee may, at the discretion of the Town, provide for partial releases of the performance guarantee amount as specific portions of the required improvements are completed.

3.7 Construction.

- 3.7.1 Pre-Construction Meeting. Prior to the initiation of construction (including clearing and grubbing of the site), a pre-construction meeting must be held with the developer, Director of Public Works, Hampden Water District (if applicable), Town Planner, and Code Enforcement Officer. Evidence of issuance of required state and local permits that were obtained after final approval of the plans by the Planning Board must be submitted by the developer at this meeting. The purpose of this meeting is to ensure that the town staff can arrange for inspections to assure that all specifications, requirements, and conditions of the subdivision approval are met during the construction of required improvements, and to assure the satisfactory completion of those improvements.
- 3.7.2 Requirements Prior to Construction.
 - 3.7.2.1 Deposit with the Town an inspection fee in accordance with the Fees Ordinance. This money is to be deposited in a separate Construction Inspection Draw Account specific to the subdivision.
 - 3.7.2.2 Construction entrance/exit. A pad of coarse aggregate must be installed at each construction entrance/exit for the purpose of removing soil from the tires of vehicles exiting the site. This pad must be a minimum of 75 feet in length and 24 feet in width, constructed with angular aggregate of 2-3 inch diameter, a minimum of 6 inches deep, placed over a geotextile filter fabric to prevent stones from being pushed into the underlying soil. As needed, diversion ridges or berms should be used to divert runoff to a sediment trap. An alternative design may be approved by the Director of Public Works. If the pad becomes clogged with sediment it should be replaced. If sediment is tracked onto any public road, the developer is responsible for cleaning it off in an appropriate manner (e.g. use of a street sweeper) within 24 hours of being notified by the Town that cleaning is required, or for paying the cost if the Town sweeps it up.
 - 3.7.2.3 Development sign. The developer must post a 24" x 36" weather resistant sign at the entrance of the subdivision that states the name of the project, the hours of operation, the phone number of the developer, and the phone number of the Hampden Public Safety Department.
- 3.7.3 Permitted Construction Times. No construction activity which may cause noise, vibrations, glare, dust, debris, or other detrimental impact to abutting property owners shall be permitted earlier than 7:00 am or later than 7:00 pm Monday through Saturday or earlier than 9:00 am or later than 5:00 pm on Sunday. The Planning Board reserves the right to set different construction times as a condition of approval on the Final Subdivision Plan.
- 3.7.4 Debris and Trash. The site shall be kept reasonably clear of construction debris and trash, and said debris and trash shall be removed periodically from the site. Debris or trash which becomes a nuisance to abutters shall be removed by the developer immediately upon notification by the Town or its representative.
- 3.7.5 Dust Control Measures. Measures must be in place while sweeping and during construction, using proper dust control methods.

- 3.7.6 Stockpiling. Materials shall only be stockpiled in the locations as shown on the plans and shall be screened from the view of existing homes on any abutting property to the extent practicable. All stockpiles shall be removed by the developer upon completion of the infrastructure and prior to release of any portion of the improvement guarantee.
- 3.7.7 Inspections.
- 3.7.7.1 Inspections Required. The Town must designate a professional engineer qualified to conduct field inspections to serve as the inspecting engineer for the subdivision. The inspecting engineer will serve under the guidance of the Director of Public Works. The developer is responsible for paying all costs associated with the inspections by the inspecting engineer, via the Construction Inspection Draw Account.
- 3.7.7.2 Inspection Schedule. The following inspections are required, and additional inspections may be required at the direction of the Director of Public Works:
1. Construction stakeout of roads and lots
 2. Installation of erosion control measures
 3. After land clearing and grubbing
 4. Sewer installation (this does not replace any inspections required by the sewer ordinance, although if arranged in advance a single inspection may satisfy both needs)
 5. Water installation (this does not replace any inspections required by the Hampden Water District, although if arranged in advance a single inspection may satisfy both needs)
 6. Utility installations (electric, cable, telephone, gas, street lights; this inspection will be made at the discretion of the inspecting engineer)
 7. Stormwater management system installation (may require more than one inspection depending on construction sequence)
 8. Roadway:
 - A. Subgrade excavation and compaction
 - B. Gravel base and compaction
 - C. Curbing installation
 - D. Sidewalks
 - E. Proof rolling for pavement
 - F. Base course installation
 - G. Top course installation
 - H. Guardrail, wall installation (if applicable)
 9. Loam, seed, and fertilizer installation, or other stabilization methods where appropriate or where required by the dep

10. Street tree planting
 11. Street sign installation
 12. Monumentation for streets and lots
 13. Final clean-up of the site
- 3.7.7.3 Requests for Inspections. The developer is responsible for contacting the inspecting engineer a minimum of two working days prior to requested inspections, and for maintaining communication with the engineer to ensure an efficient construction process.
- 3.7.7.4 Failed Inspections. If any deficiencies in construction are found by the inspecting engineer, the developer shall be notified in writing of the deficiencies and the required corrective measures within two working days, as well as verbally in person or by phone as soon after the inspection as possible. A copy of the written notice shall be submitted to the Director of Public Works, the Town Planner, and any other applicable Town department.
- 3.7.7.5 Failure to Receive Inspection. If any required inspection is not performed due to negligence of any kind on the part of the developer (including but not limited to failure to notify the inspecting engineer in a timely fashion or continuation of work prior to a scheduled inspection), the Director of Public Works, with the advice of the inspecting engineer, reserves the right to require that the un-inspected work be uncovered and inspected, or if feasible, that a third party testing company perform appropriate tests to determine the adequacy of the work prior to continuation of construction. Subdivision roadways and related infrastructure that do not pass all required inspections will not be recommended for acceptance until all deficiencies are corrected.
- 3.7.8 Field Changes. If at any time before or during the construction of the required improvements the subdivider demonstrates to the satisfaction of the Director of Public Works that unforeseen conditions make it desirable to modify the design of such improvements, the Director of Public Works may, in consultation with the inspecting engineer and Town Planner, authorize modifications provided that they are within the spirit and intent of the Planning Board approval and do not constitute waiver or substantial alteration of the function of any improvements required by the Planning Board. The Director of Public Works shall issue any authorization under this section in writing, and shall transmit a copy of such authorization to the Town Planner and Planning Board.
- 3.7.9 Damage. Any damage to existing public or private streets caused by the construction of the subdivision shall be repaired and paid for by the developer. The developer is responsible for documenting before and after conditions of these roads as proof for determining damage caused by their construction. Final release of any sureties shall not be made until any damage to local streets caused by the construction of the subdivision are repaired and pass inspection by the inspecting engineer and/or the Director of Public Works.

- 3.7.10 Maintenance Responsibility. The developer is required to maintain all improvements, provide for snow removal on streets and sidewalks, and pay for any street lighting until acceptance of the improvements by the Town or control is placed with a homeowners' association.
- 3.7.11 Time for Completion of Improvements. All improvements must be completed within two years from the date of the approval of the Recording Plan, as recorded on the subdivision plat, with extensions to this deadline only as follows: the developer can, prior to the deadline, request in writing an extension which states the reasons for the request and a proposed extension timeframe. At its next available meeting, the Planning Board must consider the request and may grant it or deny it. In deliberating on the request, the Board should consider whether they believe the developer has been making progress in construction of the subdivision improvements. Failure to complete the improvements within the two year period, or as extended by the Board, will result in the Town declaring default and pursuing remedies through the improvement guarantee.
- 3.7.12 End of Construction Season. In the event construction of the infrastructure is not completed before the end of the construction season, then the inspecting engineer must inspect the site for the adequacy of the stormwater and erosion control measures to adequately handle stormwater and prevent erosion and sedimentation through the non-construction season. The inspecting engineer must submit a written report on his/her findings and any recommended actions to address problems or potential problems to the Director of Public Works and the developer within 14 days of the inspection. If remedial actions are needed, the developer must implement them within 14 days of the date of the inspecting engineers report. The inspecting engineer must then re-inspect the site; this process is to continue until the site is in satisfactory condition to sit until the next construction season.
- 3.7.13 As-Built Survey. Upon completion of construction, the subdivider must present to the Town two copies of an as-built survey and digital files in a format suitable for import into the Town Geographic Information System (GIS). The as-built survey must include the stamp and seal of a registered engineer and professional land surveyor in the State of Maine, distances, angles, bearings, and elevations for complete and accurate determinations of locations on the ground of right-of-way monuments as set, as-built profiles of the centerlines of traveled ways, ledge elevations encountered during construction, and information on the locations, size, materials and elevations of all stormwater management components, sanitary sewer components (including all capped service locations), fire suppression infrastructure, and other underground utility lines, including but not limited to water, electric, and communication. Failure to submit the as-built survey will result in the Town denying any request for public acceptance of any infrastructure in the subdivision.
- 3.7.14 Final Disposition. For roads designed with the intention of them becoming public ways, the process for acceptance by the Town is provided in the Town Ways Ordinance.
- 3.7.15 Certificate of Compliance. A Certificate of Compliance for the project will be issued by the Code Enforcement Officer upon completion of an As-Built Survey as defined in §3.7.13. No lots of the subdivision may be sold, and a Certificate of Occupancy may not be issued, until the Code Enforcement Officer has provided a Certificate of Compliance.

3.8 Submission Requirements.

3.8.1 Sketch Plan.

3.8.1.1 The sketch plan does not have to be drawn to scale, and does not need to be more involved than a pencil sketch.

3.8.1.2 The sketch plan must include the following information as applicable:

1. Applicant's name and subdivision name
2. Date, north arrow, and (if used) the scale
3. Tax map and parcel number(s) of the tract being subdivided
4. Tract boundaries per the tax map or a survey
5. The general layout of the proposed subdivision including streets, lots for development, and open spaces
6. Topography per USGS data, including rivers, streams, and ponds
7. General location of various landcover types – wooded, field, wetland, rock outcrop, etc.
8. General location of floodplain
9. General location of any historic or archeological sites
10. General location of existing structures
11. Existing easements or restrictions
12. The location and size of water or sewer utilities to which connection is planned
13. Any potential sources of fire protection water supply within one-half mile of the site (public water system, existing fire ponds, other water sources).

3.8.2 Recording Plan. This plan is to contain only that information which is relevant to the transfer of an interest in the property, including:

3.8.2.1 The proposed name of the subdivision or identifying title.

3.8.2.2 A vicinity map showing the location of the subdivision in relation to the surrounding area, at a scale sufficient to include recognizable intersections or landmarks (e.g. 1:1000 or 1:2000).

3.8.2.3 The assessor's map and lot number(s) for the tract.

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

3.8.2.5 The names of abutting property owners including those across a street or stream, as indicated in the town's tax assessment data and no older than six months from the date of the initial submission of the minor subdivision plan or major preliminary subdivision plan.

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

- 3.8.2.7 Space for recording plan revision dates with notations on what the revisions were.
 - 3.8.2.8 The name, registration number, seal, and signature of the registered land surveyor who prepared the plan, and the date signed by the surveyor.
 - 3.8.2.9 The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.
 - 3.8.2.10 A standard boundary survey of the tract, giving complete descriptive data by bearings and distances.
 - 3.8.2.11 The subdivision layout, with sufficient data to determine the location, bearing and length of every line on the ground, including:
 - 1. Lots for development, with notation of the lot size in acres or square feet, and the lot number enclosed in a circle
 - 2. Any existing or new easements, including notation on the purpose of the easement
 - 3. Any stormwater buffers
 - 4. Any new streets
 - 5. Any lots for open space
 - 6. These lines shall be tied to previously established reference points.
 - 7. The type of monument found or to be set at each lot corner and change in direction of right-of-way lines must be indicated (e.g. Granite or concrete post, iron pin, or drill hole in rock).
 - 3.8.2.12 The location of wetlands and vernal pools.
 - 3.8.2.13 Where connection to the public sewer system is not possible, the location of all soil test pits including an indication of which pits are suitable for the installation of a subsurface wastewater disposal system.
 - 3.8.2.14 Suitable space for the Planning Board to record their approval which must include a signature block, space for the dates approved by and signed by the Board, and space for recording any conditions or other pertinent notations.
- 3.8.3 Minor Subdivision Plan.
- 3.8.3.1 Application.
 - 1. The application form, filled out completely and signed by both the applicant and owner of the tract being subdivided.
 - 2. A copy of the most recently recorded deed(s) for the tract.
 - 3. Existing and any proposed deed restrictions, easements, rights-of-way or other encumbrances.
 - 4. Wastewater Treatment:

- a. If public sewer is available to serve the proposed lots, a written statement from the Director of Public Works that the Sewer District has the capacity to collect and treat the wastewater, or
 - b. If public sewer is not available, subsurface wastewater test pit analyses for each lot, prepared by a Licensed Site Evaluator.
5. Potable Water Supply:
- a. If public water is available, a written statement from the Hampden Water District that there is adequate supply and pressure for the new lots, or
 - b. If public water is not available, evidence of adequate ground water supply and quality for individual private wells for each lot by a well driller or a hydro-geologist familiar with the area.
6. A written statement from the applicant stating the means and method to provide the required water supply needs for fire protection showing compliance with §2.3.3 Fire Protection.
7. Agreements or other documents showing the manner in which any proposed open spaces are to be retained by the developer or lot owners.
8. If open space or other land is to be offered to the municipality, written evidence that the municipal officers are satisfied with the legal sufficiency of the written offer to convey title.
9. Cost of the proposed subdivision and evidence of financial capacity to complete the project.
10. Written verification of right, title, or interest in the property.
11. Example of proposed building elevations as applicable.
- 3.8.3.2 State and Federal Permits. Copies of the following applications and permits or approvals when applicable:
- 1. Army Corps of Engineers if a permit under Section 404 of the Clean Water Act is required.
 - 2. Maine DEP, e.g. NRPA, MEPDES, Stormwater.
 - 3. Maine DOT Highway Entrance/Driveway Access Permits.
 - 4. Confirmation that the Maine Historic Preservation Office received a copy of the proposed plan and proof that any mitigation measures required have been met.
- 3.8.3.3 Location Map. The location map is to be drawn at a scale of not more than 1-inch equals 400-feet to show the proposed subdivision in relation to the surrounding area. The map is to show all areas within 1,000 feet of any property line of the proposed subdivision, including:
- 1. Existing subdivisions in the proximity of the proposed subdivision.

2. Locations and names of existing streets.
3. Zoning boundaries and designations.
4. Outline of the proposed subdivision and any contiguous land in common ownership with the owner of the proposed subdivision.

3.8.3.4 Subdivision Plan.

1. The plan is to be drawn at a scale of 1-inch equals no more than 100-feet.
2. The plan is to be an appropriate size to legibly show all information, no smaller than 11” by 17” and no larger than 36” by 48”. Multiple sheets are acceptable when necessary; an index sheet should be included when four or more sheets are used.
3. The plan must show the entire tract being subdivided, including any “remaining” land. Tract boundaries that are not near the proposed new lots do not need to be surveyed, but need to be shown based on the most accurate information available (e.g. from the deed description).
4. The proposed name of the subdivision or identifying title.
5. The names and addresses of the record owner, applicant, and individual or company who prepared the plan.
6. The date the plan was prepared, north point, and graphic map scale.
7. Space for recording plan revision dates with notations on what the revisions were.
8. Location and names of any existing public or private streets abutting the tract.
9. Location of any existing buildings on the tract with a notation whether they are to remain or be removed.
10. The subdivision layout, with sufficient data to determine the location, bearing and length of every line on the ground, including:
 - a. Lots for development, with notation of the lot size in acres or square feet, and the lot number enclosed in a circle
 - b. Any existing or proposed easements, including notation on the purpose of the easement
 - c. Any lots for proposed open spaces
11. An indication of land cover, such as a tree line, a note stating the site is wooded or open field, etc.
12. Boundaries of any flood hazard areas on the tract as depicted on the municipality’s Flood Insurance Rate Map.
13. Location of any watercourses, wetlands, or other natural features on or adjacent to the tract.

14. When public sewer is not available, the location of soil test pits (minimum one per lot) including an indication of which areas are suitable for the installation of a subsurface wastewater disposal system.

3.8.4 Major Subdivision Plan.

3.8.4.1 Application.

1. The application form, filled out completely and signed by both the applicant and owner of the tract being subdivided.
2. A copy of the most recently recorded deed(s) for the tract.
3. Existing and any proposed deed restrictions, easements, rights-of-way or other encumbrances.
4. Wastewater Treatment:
 - a. If public sewer is available to serve the proposed lots, a written statement from the Director of Public Works that the Sewer District has the capacity to collect and treat the wastewater, or
 - b. If public sewer is not available, subsurface wastewater test pit analyses for each lot, prepared by a Licensed Site Evaluator.
5. Potable Water Supply:
 - a. If public water is available, a written statement from the Hampden Water District that there is adequate supply and pressure for the new lots, or
 - b. If public water is not available, evidence of adequate ground water supply and quality for individual private wells for each lot by a well driller or a hydro-geologist familiar with the area.
6. A written statement from the applicant stating the means and method to provide the required water supply needs for fire protection showing compliance with §2.3.3 Fire Protection.
7. A written statement from the Public Works Director that the proposed subdivision will not cause an unreasonable burden on the town's ability to dispose of solid waste.
8. Agreements or other documents showing the manner in which any proposed open spaces are to be retained by the developer or lot owners.
9. If open space or other land is to be offered to the municipality, written evidence that the municipal officers are satisfied with the legal sufficiency of the written offer to convey title.
10. Cost of the proposed subdivision and evidence of financial capacity to complete the project.
11. Written verification of right, title, or interest in the property.

12. The estimated trip generation of the subdivision, provided in average daily total volume, am peak hour volume, and pm peak hour volume.
 13. Homeowners' Association (or similar type of organization responsible for any commonly held land or facilities) documents where applicable.
 14. Copy of any new easements to the Town or the Hampden Water District.
 15. Example of proposed building elevations as applicable.
- 3.8.4.2 State and Federal Permits or Approvals. Copies of the following applications and permits or approvals when applicable:
1. Army Corps of Engineers if a permit under Section 404 of the Clean Water Act is required.
 2. Maine DEP, e.g. SLODA, NRPA, MEPDES, Stormwater.
 3. Maine DOT, e.g. Highway Entrance/Driveway Access or Traffic Movement.
 4. Maine DHS for public water system and/or engineered subsurface wastewater disposal system.
 5. Confirmation that the Maine Historic Preservation Office received a copy of the proposed plan and proof that any mitigation measures required have been met.
- 3.8.4.3 Location Map. The location map is to be drawn at a scale of not more than 1-inch equals 500-feet to show the proposed subdivision in relation to the surrounding area. The map is to show all areas within 2,000 feet of any property line of the proposed subdivision, including:
1. Existing subdivisions in the proximity of the proposed subdivision.
 2. Locations and names of existing streets.
 3. Zoning boundaries and designations.
 4. Outline of the proposed subdivision and any contiguous land in common ownership with the owner of the proposed subdivision.
- 3.8.4.4 Subdivision Plan.
1. The plan is to be drawn at a scale of 1-inch equals no more than 100-feet.
 2. The plan is to be an appropriate size to legibly show all information, no smaller than 11" by 17" and no larger than 36" by 48". Multiple sheets are acceptable when necessary; an index sheet should be included when four or more sheets are used.
 3. The plan must show the entire tract being subdivided, including any "remaining" land and including any abutting land in common ownership.
 4. The proposed name of the subdivision or identifying title.
 5. The names and addresses of the record owner, applicant, and individual or company who prepared the plan.

6. The date the plan was prepared, north point, and graphic map scale.
7. Space for recording plan revision dates with notations on what the revisions were.
8. Acreage of the tract and (based on number of lots or units) the density of the proposed development.
9. Dimensional requirements for the lots per the Zoning Ordinance in effect at the time of application, plus the acreage of the tract within road rights-of-way, other infrastructure or utility easements, open space, and the total acreage of the lots for development.
10. Acreage of wetlands within the tract, plus the acreage of wetland impacts due to road or other infrastructure construction.
11. Location and names of any existing public or private streets abutting the tract.
12. Location and size of existing sewer, water, and stormwater management facilities on or adjacent to the tract, or to which connection is planned.
13. Location of any existing buildings on the tract with a notation whether they are to remain or be removed.
14. The subdivision layout, with sufficient data to determine the location, bearing and length of every line on the ground, including:
 - a. Lots for development, with notation of the lot size in acres or square feet, and the lot number enclosed in a circle
 - b. Any existing or proposed easements, including notation on the purpose of the easement
 - c. Any lots for proposed open spaces
 - d. All rights-of-way
15. The location, type, and size of trees over 12" DBH, an indication of land cover on the tract (such as a tree line, a note stating the site is wooded or open field, etc.), natural vegetation to be left in place, and any proposed landscaping.
16. Boundaries of any flood hazard areas on the tract as depicted on the municipality's Flood Insurance Rate Map.
17. Location of any watercourses, wetlands, rock outcrops, or other natural features on or adjacent to the tract.
18. When public sewer is not available, the location of soil test pits (minimum one per lot) including an indication of which areas are suitable for the installation of a subsurface wastewater disposal system.
19. The topography of the tract shown by contour lines at an interval of not more than 2' in elevation, referenced to USGS datum.

20. A phasing plan when the proposed subdivision is to be constructed in more than one phase.
- 3.8.4.5 Infrastructure Design Plans. Detailed construction drawings showing a plan view, profile, and typical cross section of proposed street (see Appendix A). The plan view shall be at a scale of 1-inch equals no more than 40-inches. The vertical scale of the profile shall be 1-inch equals no more than 4-feet. The plans shall include the following information:
1. Width and location of all streets proposed by the developer, including edge of right of way, edge of pavement or traveled way, edge of shoulder, clear zone, sidewalks, and curbs. All applicable dimensions must be shown, such as lengths, deflection of angles, radii, central angles of all curves, tangent distances, and bearings.
 2. Typical street cross-sections specifying materials, thickness and crowning.
 3. Complete curve data shall be indicated for all horizontal and vertical curves.
 4. Turning radii at all intersections.
 5. Centerline gradients.
 6. Traffic safety measures including sight distance lines from intersections and crosswalks, and traffic control devices, such as stop signs and crosswalks.
 7. Location, size, type, and depth of all existing and proposed underground utilities, including but not limited to water, sewer, electric, and communication utilities, including appurtenant structures (e.g. valves, pumps, transformers).
 8. Location, size, and type of all proposed above ground utilities, including location of utility poles and street lights.
 9. Detailed design plans of fire protection systems showing compliance with §2.3.3 Fire Protection.
 10. Proposed locations of driveways.
- 3.8.4.6 Stormwater Management Plan and Erosion & Sedimentation Control Plan.
1. Location, size, material, profile and cross-section of all existing and proposed drainage components and their location with respect to the existing natural waterways and proposed drainage ways.
 2. The direction of runoff flow through the use of arrows indicating the downgradient direction.
 3. Data, including grading and invert and rim elevations, and calculations prepared by a professional engineer licensed in the State of Maine showing compliance with §2.3.4 Stormwater Management.

4. Low Impact Design. Each applicant is required to submit a statement to the Planning Board documenting proposed Low Impact Design (LID) for the site, which will help to reduce storm water volumes and help to enhance storm water quality. LID includes, but is not limited to green roofs, rain gardens, tree wells, infiltration basins, and permeable pavement. Technical documentation about the proposed LID features must also be submitted. For subdivisions where LID techniques will not improve the quality or reduce volumes, a statement explaining why that is the case must be submitted.
5. For subdivisions that discharge stormwater into the town's MS4 area, documentation to show compliance with Hampden's Post-Construction Stormwater Management Ordinance, including the required Agreement.
6. An Erosion and Sedimentation Control Plan prepared in accordance with the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices, published by the Maine DEP (2016 or as amended).

3.8.4.7 Additional Information. The Planning Board may require additional information when it is determined necessary to meet the criteria of the State Subdivision Statute Title 30-A, M.R.S.A., Section 4401, including:

1. High Intensity Soil Survey by a Registered Soil Scientist.
2. Hydrogeological assessment for a subdivision not served by sewer and if any part of the subdivision is over a sand and gravel aquifer.
3. Hydrogeological assessment if the average density is more than one dwelling unit per 100,000 sf.
4. Hydrogeological assessment if the Board determines potential adverse impacts on ground water quality.

ARTICLE 4: APPROVAL CRITERIA

Prior to granting approval for any subdivision, the Planning Board must make findings that each of the following criteria have been met. The burden of proof of compliance with each of these criteria rests with the applicant. These criteria are as required in Title 30-A M.R.S.A §4404.

- 4.1 Pollution. The proposed subdivision will not result in undue water or air pollution, considering at minimum the elevation of the land above sea level and its relation to the floodplain, the nature of the soils and subsoils and their ability to adequately support waste disposal, the slope of the land and its effect on effluents, the availability of streams for the disposal of effluents, and the applicable local and state health and water resources rules and regulations.
- 4.2 Sufficient Water. The proposed subdivision has sufficient water available as determined by the Hampden Water District and the Hampden Public Safety Department for the reasonably foreseeable needs of the subdivision.
- 4.3 Municipal Water Supply. The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used.
- 4.4 Erosion. 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.
- 4.5 Traffic. The proposed subdivision will not cause unreasonable congestion or unsafe conditions with respect to the use of existing or proposed highways or public roads and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality, 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.
- 4.6 Sewage Disposal. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.
- 4.7 Municipal Solid Waste Disposal. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste if municipal services are to be utilized.
- 4.8 Aesthetic, Cultural, and Natural Values. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
- 4.9 Conformity With Local Ordinances and Plans. The proposed subdivision is in conformance with the Hampden Subdivision Ordinance, the Hampden Comprehensive Plan, the Hampden Zoning Ordinance, and where applicable the Hampden Shoreland Zoning Ordinance and the Hampden Floodplain Management Ordinance. In making this determination, the Planning Board may interpret these Ordinances and plans.
- 4.10 Financial and Technical Capacity. The applicant/developer has adequate financial and technical capacity to meet the standards of this Ordinance.
- 4.11 Surface Waters and Outstanding River Segments. The proposed subdivision, if situated entirely or partially within the watershed of any pond or lake or within the Shoreland Zone (i.e. within 250 feet of any wetland, great pond, or river as defined in Title 38, Chapter 3, Subchapter I, 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. When lots in a subdivision have frontage on the Penobscot River (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. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not included in the lots, the proposed subdivision will be reviewed as if lot lines extended to the shore. The frontage and setback provisions of this paragraph do not apply either within areas zoned as General Development under Hampden's Shoreland Zoning Ordinance, 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 predated September 23, 1971.

- 4.12 Ground Water. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
- 4.13 Flood Areas. The proposed subdivision, if all or a portion of it is located within a flood hazard area based on the Federal Emergency Management Agency's (FEMA) Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, supplemented with information presented by the applicant where necessary, must include a notation on the recording plan stating that the principal structures on any lot so affected must be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. Where FEMA maps and data are insufficient for making an accurate determination of the flood elevation, the applicant must determine the 100-year flood elevation and flood hazard boundaries within the subdivision.
- 4.14 Freshwater Wetlands. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.
- 4.15 Farmland. All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district.
- 4.16 River, Stream, or Brook. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, Section 480-B, Subsection 9.
- 4.17 Stormwater Management. The application demonstrates that the proposed site improvements are designed to minimize the amount of stormwater leaving the site and the stormwater management system is designed to accommodate the design storm without impairing the upgradient or downgradient conditions.
- 4.18 Spaghetti Lots Prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1.
- 4.19 Lake Phosphorus Concentration. 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.

- 4.20 Impact on Adjoining Municipality. For any proposed 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.
- 4.21 Lands Subject to Liquidation Harvesting. Any timber harvested on the proposed subdivision tract has been done in compliance with 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 Planning Board must determine prior to granting approval for the subdivision that five (5) years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. "Liquidation harvesting" means the purchase of timberland followed by a harvest that removes most or all commercial value in standing timber, without regard for long-term forest management principles, and the subsequent sale or attempted resale of the harvested land within five (5) years, and "parcel" means a contiguous area within the town owned by one person or a group of persons in common or joint ownership.

ARTICLE 5: WAIVERS

- 5.1 Waiver Request. Any waiver request must be submitted in a letter signed by the applicant or his representative and included with the application. The Planning Board should consider the impact on public policy for each waiver request it considers.
- 5.2 Waiver from Design Standards. The Planning Board may, by two-thirds of Board members eligible to act on the subdivision application, vote to grant a waiver to any of the design standards of this Ordinance when it finds that the need for the requested waiver is due to the unique circumstances of the property, provided:
 - 5.2.1 The applicant has submitted clear and convincing documentation explaining:
 - 5.2.1.1 That the waiver requested is necessary and appropriate for the proposed subdivision;
 - 5.2.1.2 That a modification in the design of the subdivision would not alleviate the need for the requested waiver;
 - 5.2.1.3 Not obtaining the waiver would unreasonably impact the design and functionality of the subdivision; and
 - 5.2.1.4 The waiver is not contrary to public policy, including but not limited to, the purposes or objectives of the requirement of this Ordinance that the applicant seeks to have waived.
 - 5.2.2 The Planning Board has received written statements from the appropriate Town departments that address the possible effects or impacts of the requested waiver on the public health, safety, and welfare; and
 - 5.2.3 Such waiver will not have the effect of nullifying the intent and purpose of the Subdivision Ordinance, Zoning Ordinance, Comprehensive Plan, or other applicable Ordinances of the Town of Hampden.
- 5.3 Waiver from Submission Requirements. The Planning Board may, by a vote of a simple majority, waive submission requirements of this Ordinance for major subdivisions that they determine are not necessary for making a decision on the proposed subdivision. Such waivers must be requested by the applicant in writing at the sketch plan phase. In cases where a submission requirement is not applicable to the subdivision, a formal waiver request is not required. None of the submission requirements for a minor subdivision are eligible for a waiver.
- 5.4 Waivers Recorded. When the Planning Board grants a waiver to any of the design standards required by this Ordinance, the Board Order and the recording plan must indicate the waivers granted and the date on which they were granted.

ARTICLE 6: ENFORCEMENT

- 6.1 The Code Enforcement Officer and the Town Manager will enforce this Ordinance.
- 6.2 The Town Council or Code Enforcement Officer may institute proceedings to enjoin any violations of this Ordinance, and if a violation is found in court, the Town of Hampden shall be awarded its reasonable attorney's fees and costs.
- 6.3 Any person, firm, corporation, or other legal entity who conveys, offers or agrees to convey any land in a subdivision that has not been approved as required by this Ordinance or who violates any term or condition of approval or any provision of this Ordinance shall be punished in accordance with the provisions of Title 30-A M.R.S.A., §4452, as the same may be amended. A fine or penalty may be imposed for each violation. Each day of violation shall constitute a separate offense with respect to each violation. In addition to the requirements set out in this Ordinance, it shall be a violation of this Ordinance to engage in any of the prohibited activities identified in Title 30-A M.R.S.A., §4406 or to fail to adhere to the requirements therein.
 - 6.3.1 Additional Violations of this Ordinance include, but are not limited to the following:
 - 6.3.1.1 Presenting incomplete or false information to obtain an approval or permit;
 - 6.3.1.2 Continuing land use activity that would result in the violation of federal or state law or local ordinances; and
 - 6.3.1.3 Exceeding the scope of the work for which a permit was issued.
 - 6.3.2 Any contractor involved in any activity regulated by the provisions of this Ordinance may be held liable for fines for violating this Ordinance if the necessary permits for said activity have not been obtained.
 - 6.3.3 Any other person, including, but not limited to, a landowner, the landowner's agent, or tenant, who violated any provision of this Ordinance shall be liable for the penalties set forth herein.

ARTICLE 7: DEFINITIONS

Words and terms used in this Ordinance shall have the meanings set forth below. Words and terms, that are not defined herein but are defined in the Zoning Ordinance, have the meanings set forth in the Zoning Ordinance. Words and terms, that are not defined herein or in the Zoning Ordinance, have their customary dictionary meanings in the Merriam-Webster print or online dictionary.

Applicant – The person or entity that has filed an application for subdivision approval, up until the time the recording plan is approved by the Planning Board. After that date, the person or entity is known as the developer.

Arterial Street – A street designed to carry large volumes of traffic. Per Maine Department of Transportation the following streets in Hampden are classified as arterials: Route 1A from the Winterport line to the Bangor line, Route 202 from Western Ave to the Bangor line, and Western Ave from Main Road South to the intersection with Route 202 and the Hampden Academy entrance.

Average Daily Traffic (ADT) – The average number of vehicles passing a given point on a roadway during a 24-hour period. Normally calculated using a multi-day count.

Code Enforcement Officer – The person employed by the Town of Hampden holding the title of Code Enforcement Officer, or any qualified person or company designated by the Town Manager to serve in that capacity.

Cluster Subdivision – A subdivision that is designed according to the provisions of §4.6 Cluster Housing of the Zoning Ordinance.

Design Storm – A storm with a prescribed duration and frequency or recurrence interval based on DEP requirements for the permitting level required (Stormwater Law or SLODA).

Developer – The person or entity that is constructing the subdivision infrastructure or selling the lots within the approved subdivision. Prior to the date of approval of the recording plan by the Planning Board, the person or entity is known as the applicant.

DPW Director – The person employed by the Town of Hampden holding the title of Department of Public Works Director, or any qualified person or company designated by the Town Manager to serve in that capacity.

Fire Protection – A primary means of fire safety efforts to protect building occupants from injury and to prevent loss of life.

Freshwater Wetland – "Freshwater wetland" means freshwater swamps, marshes, bogs and similar areas that are: 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 are not considered part of a great pond, coastal wetland, river, stream or brook. These areas may contain small stream channels or inclusions of land that do not conform to these criteria.

Full Buildout – Includes all construction including the roadway and other infrastructure, community buildings, parking lots, driveways, and houses. Accessory buildings such as sheds do not need to be included provided they are less than 200 square feet in size (e.g. an accessory detached garage that is 12'x20' would be included if it is planned to be constructed when the house is built).

Lane – A roadway designed to serve the local traffic for no more than 25 dwelling units (or lots for single family houses).

Major Subdivision – A major subdivision is:

1. A standard subdivision that involves no new infrastructure but that has more than five (5) dwelling units (or lots, including the parent parcel); or
2. A standard subdivision that involves new infrastructure regardless of intended ownership of the infrastructure (public or private) and that has any number of lots; or
3. Any cluster subdivision; or
4. Any nonresidential subdivision.

Minor Subdivision – A standard subdivision that involves no new infrastructure (road, water, sewer, or stormwater management system), with a maximum of five (5) dwelling units (or lots, including the parent parcel).

MS4 Area – The area of Hampden subject to the Municipal Separate Storm Sewer System General Permit, which is the summation of the Urbanized Areas (UA) as defined in each of the decennial censuses beginning with the 2000 census by the U.S. Bureau of the Census (i.e. the 2000 UA + 2010 UA + 2020 UA).

Multi-Family Development – A development that consists of three or more dwelling units in one or more buildings on a single parcel of land.

Net Useable Area – The total area of a lot minus the area of wetlands, streams (perennial or intermittent), or areas designated as stormwater detention facilities.

Nonresidential Street – A roadway designed to serve the needs of any commercial, industrial, institutional, or other nonresidential use, with any number of such uses or lots being served.

Off-site Run-on – Water or stormwater that enters the proposed subdivision tract from up-gradient.

Parent Parcel – The tract proposed to be subdivided.

Pre-development – The condition of the tract prior to any land clearing or other preparation for development of the subdivision.

Post-development – The condition of the tract after full buildout of the project.

Private Road or Street - Is a private road, owned, established, and maintained by an individual, corporation, or any group such as but not limited to a property owner's association and shown on a plan which has been surveyed and recorded at the Penobscot County Registry of Deeds, provided the road and structures follow the correct zoning dimensional requirements found in table 3.4.1. of the Town of Hampden's Zoning ordinance, and that legal access to the lot(s) exists elsewhere (e.g. in a deeded access easement).

Pump Station – Any device intended and designed for the purpose of transporting, pumping or lifting of sanitary sewage from residences, nonresidential buildings, 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.

Standard Subdivision – A subdivision that is not a cluster housing development and complies with the standard dimensional requirements of Section 3.4 of the Zoning Ordinance.

Stormwater Component – The individual parts of the stormwater system, including but not limited to conveyance pipes, ditches, catch basins, field basins, detention or retention ponds, stormwater buffers, and low impact development practices.

Stormwater System – The entirety of the management system for the entire subdivision.

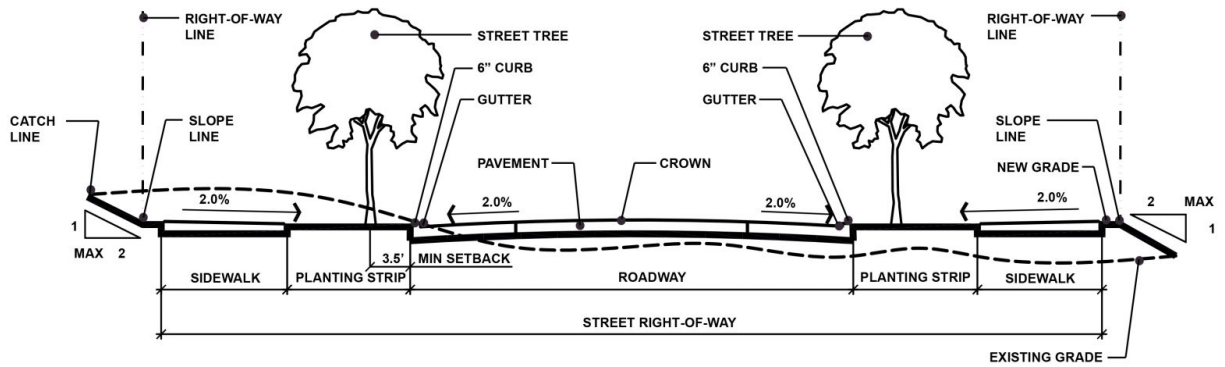
Street – A roadway designed to serve the traffic needs for more than 25 dwelling units (or lots for single family houses).

Subdivision – This term is as defined in Title 30-A M.R.S.A. §4401, Sub-§4, as amended. A lot of 40 acres or more is not counted as a lot provided the parent parcel is located entirely outside of the Shoreland Zone as defined in the Hampden Shoreland Zoning Ordinance. Appendix B includes a description of what constitutes a subdivision and the actual definition is as in Statute.

Tract – All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private street are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road after September 22, 1971.

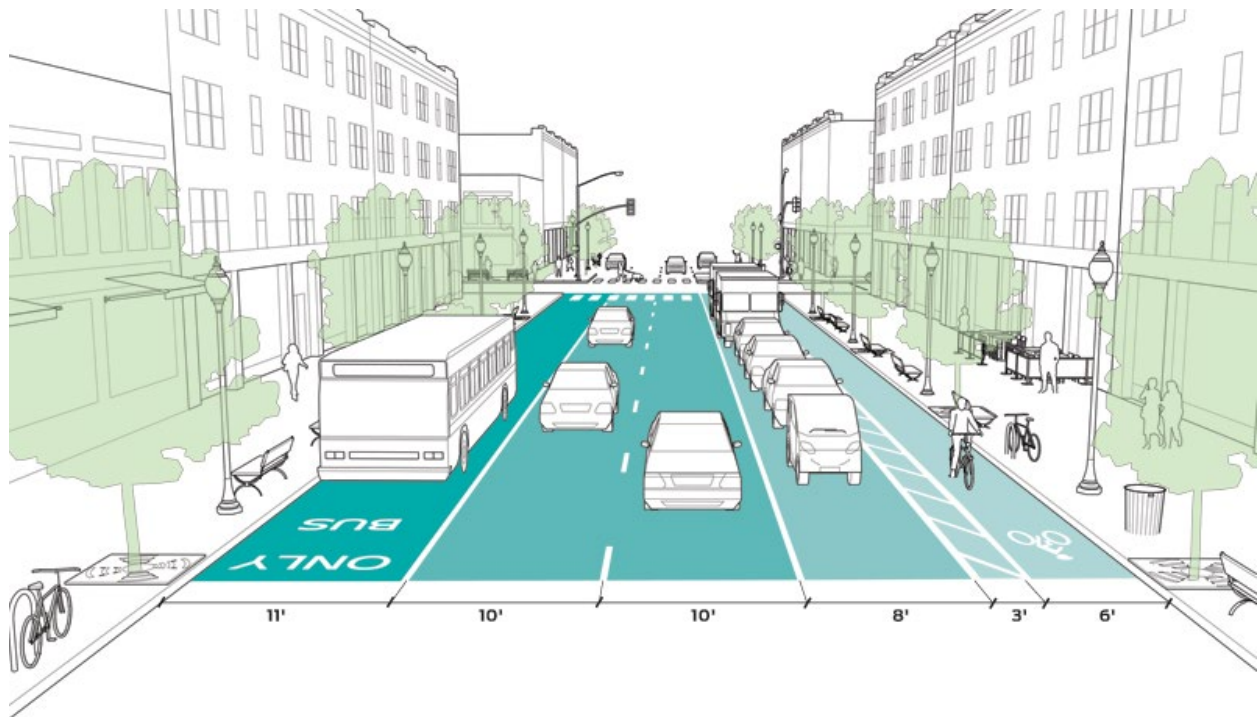
Town Planner – The person employed by the Town of Hampden holding the title of Town Planner, or any qualified person or company designated by the Town Manager to serve in that capacity.

APPENDIX A: TYPICAL CROSS SECTIONS FOR ROADWAYS



STANDARD DESIGN CROSS SECTION
NOT TO SCALE

“Design Cross Section.” Seattle Right-of-Way Improvements Manual. City of Seattle, March 1, 2017. <https://streetsillustrated.seattle.gov/design-standards/roadway-construction/design-cross-section/>.



“Street Design Elements: Lane Width.” Urban Street Design Guide. National Association of City Transportation Officials, July 24, 2015. <https://nacto.org/publication/urban-street-design-guide/street-design-elements/lane-width/>.

APPENDIX B: WHAT CONSTITUTES A SUBDIVISION

The Basics:

- The division of a tract or parcel of land into 3 or more lots within any 5 year period.
- The division of an existing structure (regardless of whether previously used for residential, commercial, or industrial purposes) into 3 or more dwelling units within any 5 year period.
- The construction of a new structure with 3 or more dwelling units.
- The construction of or placement of 3 or more dwelling units on a single tract or parcel of land within a 5 year period.
- The first division creates the first 2 lots, and the second division, regardless of which of the first 2 lots is divided and regardless of who divides it, creates the third lot.

However, the following situations result in the division NOT being considered a subdivision under the law. In each case, the division of a structure into dwelling units also applies.

- When the owner of the tract or parcel has, for the 5 years preceding the division, lived in a single family house (principal residence) on the property being divided and creates 2 new lots but continues to live in the house on the property. The two divisions can occur at separate times; if so, the 5 year period is preceding the second division.
- Any newly created parcel containing a minimum of 40 acres is not counted as a lot. For example, a 100 acre tract divided into one 40 acre lot and two 30 acre lots is not a subdivision under the law, but a 100-acre tract divided into one 40 acre lot and three 20 acre lots is a subdivision under the law.
- A division accomplished by the following, unless the purpose of the subdivider is to avoid the objectives of the Subdivision Ordinance:
 - Devise (Will and Testament)
 - Condemnation
 - Court Order
 - Gift to a person related to the donor (spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption), provided:
 - The donor owned the property for a minimum of 5 years prior to the gifting;
 - The gifted lot is not sold to an unrelated person within 5 years after the gifting (if it is, the lot is no longer exempt); and
 - The assessed value of the real estate of the gifted lot is no more than one-half the assessed value of the parent parcel.
 - Gift to the Town
 - The transfer of land to one or more abutting landowners to be merged with their land, provided the transferred land is not then transferred without the entire merged land within 5 years (if it is, the transferred land is no longer exempt).

- The tract has permanent dwelling structures which legally existed prior to September 23, 1971 and is divided such that each dwelling is on its own lot.
- The grant of a bona fide security interest in an entire lot that has been exempted from subdivision review does not create a lot, unless the intent of the transferor is to avoid the objectives of the Subdivision Ordinance.

The definition in Statute (Title 30-A M.R.S.A. §4401, sub-§4), as of December 2021 (without historical references):

"Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

- A. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:
 - (1) Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence that has been the subdivider's principal residence for a period of at least 5 years immediately preceding the 2nd division; or
 - (2) The division of the tract or parcel is otherwise exempt under this subchapter.
- B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this subchapter, do not become subject to this subchapter by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The municipal reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.
- C. A lot of 40 or more acres must be counted as a lot, except when a municipality has, by Ordinance, or the municipal reviewing authority has, by regulation, elected not to count lots of 40 or more acres as lots for the purposes of this subchapter when the parcel of land being divided is located entirely outside any shoreland area as defined in Title 38, section 435 or a municipality's shoreland zoning ordinance.
- D. [repealed]
 - D-1. A division accomplished by devise 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-2. A division accomplished by condemnation 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-3. A division accomplished by order of court 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-4. A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a continuous period of 5 years prior to the division by 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. If the real estate exempt under this paragraph is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of this subsection. "Person related to the donor" means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption. A gift under this paragraph cannot be given for consideration that is more than 1/2 the assessed value of the real estate.

- 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.
- F. 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. [repealed]

H. [repealed]

H-1. [repealed]

H-2. This subchapter may not be construed to prevent a municipality from enacting an ordinance under its home rule authority that 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, 2021. Such a municipality must file its conflicting definition at the county registry of deeds by June 30, 2020 for the definition to remain valid for the grace period ending January 1, 2021. 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.