

**TOWN OF  
SUMNER, MAINE**

**SUBDIVISION  
ORDINANCE**

**Adopted  
August 1, 1988  
Amended  
March 23, 1993  
Amended  
August 11, 2015**

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# Town of Sumner, Maine

## Subdivision Ordinance

### SECTION I. Purpose

The purpose of this Ordinance is to assure the comfort, convenience, safety, health and welfare of the people of the Town of Sumner, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Sumner, Maine, the Planning Board shall consider the following criteria and before granting approval shall make findings of fact that the provisions of this Ordinance have been met and that the proposed subdivision will meet the criteria of Title 30-A, M.R.S.A., Section 4404.

### SECTION II. Authority and Administration

#### A. Authority

1. This Ordinance has been prepared and adopted in accordance with the provisions of Title 30-A MRSA Section 4403.
2. This Ordinance shall be known and cited as the Town of Sumner, Maine Subdivision Ordinance.

#### B. Administration

1. This Ordinance shall be administered by the Planning Board for the Town of Sumner, Maine, hereafter referred to as the Board.
2. The provisions of this Ordinance shall apply to all of the land area of all proposed subdivisions, as defined, located in the Town of Sumner, Maine.
3. No person, firm, corporation or other legal entity may sell, lease, develop, build upon or convey for consideration, offer or agree to sell, lease, develop, build upon or convey for consideration any land or dwelling in a subdivision which has not received Board approval and recorded in the Registry of Deeds. No public utility, water district, sanitary district or any utility company of any kind shall install services to any lot or dwelling in a subdivision which has not received Board approval and recorded in the Registry of Deeds. A Subdivision Plan recorded without Board approval shall be void.

Any person violating any provision of this Ordinance shall be fined a minimum of \$100 and a maximum of \$2,500 for each violation as determined by the Code Enforcement Officer. Each day a violation exists shall be considered as a separate violation.

4. **Construction Prohibited**

Utility installations, ditching, grading or construction of roads, grading of land or lots, or construction of buildings shall not be started on any part of the proposed subdivision until the Final Plan has been approved and recorded in the Oxford County Registry of Deeds.

**SECTION III. Pre-application Meeting**

Applicants shall request to be placed on Board's agenda at least seven (7) days in advance of a regularly scheduled meeting by contacting the Planning Board assistant. The purpose of the pre-application meeting is to meet with the Board prior to formal submission, to present a sketch plan and make a verbal presentation regarding the site and the proposed subdivision.

**A. Submissions**

The Pre-application Sketch Plan shall show, in simple sketch form, the proposed development area, and other features in relation to existing conditions. The Sketch Plan, which may be a freehand penciled sketch, will be supplemented with general information to describe or outline the existing conditions of the site and the proposed development.

**B. Contour Interval and On-Site Inspection**

Within thirty (30) days of the pre-application meeting, the Board shall determine and inform the applicant, in writing, of the required contour interval on the development plan and conduct an on-site inspection of the property.

**C. Ownership Interest**

The applicant will furnish written evidence showing right, title or interest (option, contract for sale, etc.) in the property to be developed to the Planning Board.

**SECTION IV. Preliminary Plan**

- A.** The applicant shall submit twelve (12) copies of the Preliminary Plan and twelve (12) copies of the application for the proposed subdivision as detailed in Section VI. A and B to the Town Office fourteen (14) days prior to the Planning Board meeting. The Planning Board assistant shall forward copies to the Board of Selectmen, Fire Chief, and Road Commissioner for review and comment. The Planning Board assistant shall issue a dated receipt to the applicant. Within thirty (30) days from the date of receipt, the Planning Board assistant shall notify the applicant in writing either that the Preliminary Plan and application are complete, or if incomplete, the specific additional material needed to make them complete. Determination by the Board that the Preliminary Plan and Application are complete in no way commits or binds the Board as to the adequacy of the Plan to meet the criteria of Title 30-A, M.R.S.A., Section 4404, and the provisions of this Ordinance are met.

**B. Informational Sign**

1. Upon submission of the preliminary plan the applicant shall install in a conspicuous location a 4' X 4' a sign that is legible and has professional quality on the parcel to be subdivided. The sign shall have a white background with contrasting lettering. The minimum lettering size shall be four (4) inches in height. The sign shall contain the following information.

Land Proposed to be Subdivided  
Number of Lots  
Name and Address of Subdivider  
For Application Information Contact:  
Town of Sumner  
388-2866

- C.** Upon receipt of the Preliminary Plan, the Board shall notify in writing all owners of property within 500 feet to the proposed subdivision by U.S. mail. In addition the Board shall cause notice of the date, time and place of the meeting to discuss the subdivision to be published in a newspaper of general circulation in Sumner at least two (2) times; the date of the first publication shall be at least seven (7) days prior to the meeting.

**D. Application Fee**

The following fee(s) shall be paid at the time of submission of any preliminary plan:

1. Review fee, \$100.00 per lot or dwelling unit.
2. Review escrow account, \$150.00 per lot (or dwelling unit for multiplex development(s)) deposited in an escrow account established by the Town, which monies may be used by the Board to pay for professional reviews and advice related to the developer's application as it deems necessary. The Board shall provide the applicant with notice of its intent to spend any portion of this account which notice shall specify the purpose for the proposed expenditures. If the balance in the applicant's portion of the Board Review Escrow Account shall be drawn down by 75%, the Board shall require that an additional \$50.00 per lot or dwelling unit be deposited by the applicant. The Board shall continue to notify the applicant and require an additional \$50.00 per lot or dwelling unit be deposited as necessary whenever the balance of the account is drawn down to 75% of the original deposit.

Those monies deposited by the developer and not spent by the Board in the course of its review shall be returned to the developer within thirty (30) days after the Board renders its final decision on the application.

- E.** The Board may hold a public hearing on the Preliminary Plan. Regulations for such a hearing shall be according to State Law as provided in Section VII.
- F.** The Board shall, within thirty (30) days of a public hearing, or within sixty (60) days of having received the complete Preliminary Plan and application, if no hearing is held, or within such other time limit as may be mutually agreed to, deny or grant approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in this Ordinance and in Title 30-A, M.R.S.A., Section 4404, and to preserve the public health, safety, and general welfare. In all instances, the burden of proof shall be upon the subdivider. In issuing its decision, the Board shall make a written finding of fact establishing that the Preliminary Plan does or does not meet the provisions of this

Ordinance and Title 30-A, M.R.S.A., Section 4404. Approval of the Preliminary Plan in no way commits or binds the Board to approve the Final Plan.

**SECTION V. Final Plan**

- A.** The applicant shall submit the original and twelve (12) copies of the Final Plan to the Town Office fourteen (14) days prior to the Board meeting within one (1) year from the date of approval of the Preliminary Plan. The Board shall issue a dated receipt to the applicant. The Final Plan shall include all the information requested in Section VI.B. and will also include all changes recommended by the Board in their approval of the Preliminary Plan. There shall be no other substantial changes between the Preliminary Plan and the Final Plan.
- B.** The Final Plan shall be drawn in ink on polyester film suitable for permanent recording in the Oxford County Registry of Deeds.
- C.** The Board has the option of holding a public hearing on the Final Plan. Regulations for such a hearing shall be according to State Law as provided in Section VII.
- D.** The Board shall, within thirty (30) days of a public hearing or within sixty (60) days of having received the complete Final Plan, if no hearing is held, or within such other time limit as may be mutually agreed to, deny or grant approval of the Final Plan or grant approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in this Ordinance and in Title 30-A, M.R.S.A., Section 4404, and to preserve the public's health, safety, and general welfare. In issuing its decision, the Board shall make a written finding of fact establishing that the Final Plan does or does not meet the provisions of this Ordinance and Title 30-A, M.R.S.A., Section 4404.

## SECTION VI. Submission Requirements

### A. Application

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

- 1. Name and address of owner.
- 2. Name and address of applicant (if other than owner).
- 3. If the applicant is a corporation, state whether the corporation is licensed to do business in Maine, and attach a copy of Secretary of State's Registration.
- 4. Name of applicant's authorized representative.
- 5. Name, address and number of the Licensed Professional Engineer, Professional Land Surveyor or Planner who prepared the plan.
- 6. Address to which all correspondence from the Board should be sent.
- 7. What interest does the applicant have in the parcel to be subdivided (option, land purchase contract, recorded ownership, etc.)?
- 8. What interest does the applicant have in any property abutting the parcel to the subdivided?
- 9. Statement whether the subdivision covers the entire or contiguous holdings of applicant.
- 10. Location of property: book and page (from Registry of Deeds).
- 11. Location of property: map and lot (from Town Office).
- 12. Current zoning of property if located in the Shoreland Zone.
- 13. Acreage of parcel to be subdivided.
- 14. Proposed method of sewage disposal and the results of an on-site soil investigation for each lot.
- 15. Soils report for entire area.
- 16. Indication of type of water supply to be used. Evidence of adequate ground water supply and quantity shall be submitted by a well driller or a hydrogeologist familiar with the area.
- 17. Names and mailing address of all property owners within 500 feet of the proposed subdivision including those across any road or street.
- 18. Proposed restrictive covenants to be placed on the deeds.
- 19. A statement of financial and technical capability.

20. A written statement from the Fire Chief and Road Commissioner as to the departments capacity to serve the proposed subdivision along with their recommendations as to any improvements necessary to provide for fire protection.
21. A phosphorus impact analysis and control plan when located in the direct water shed of a great pond.
22. A ground water impact analysis.
23. The applicant shall provide a municipal service impact analysis that includes a list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the Town of Sumner or quasi-municipal districts. This list shall include but not be limited to: schools including busing; street reconstruction, maintenance, and snow removal; solid waste disposal; and fire protection. The applicant shall provide an estimate of the net increase in taxable assessed valuation upon build out of the subdivision.
24. Stormwater control plan designed to accommodate the 25-year storm.
25. Maine Department of Transportation Driveway/Entrance Permits if the subdivision will have access to Routes 219 or 140.
26. List of other local, state or Federal permits required.
27. A statement concerning timber harvesting resulting in any violation of the Liquidation Harvesting Rule.
28. Waivers requested accompanied by reasons and justification.
29. A detailed estimate of the cost of road construction and stormwater control system prepared by a person qualified, as determined by the Board, to prepare such estimate.

## B. Subdivision Plan

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

	<b>Preliminary Plan</b>	<b>Final Plan</b>	
1.	<u>X</u>	<u>X</u>	Name of proposed subdivision; location of subdivision; name of subdivider; and signature and seal of Professional Land Surveyor.
2.	<u>X</u>	<u>X</u>	Lot numbers.
3.	<u>X</u>	<u>X</u>	Date, true north, magnetic north point, and graphic map scale.
4.	<u>X</u>	—	Proposed lot lines with approximate dimension and lots areas and total area of land to be subdivided.
5.	—	<u>X</u>	Proposed lot lines with dimensions, bearings, deflection angles, radii and central angles sufficient to reproduce any line on the ground and lot areas and total area of land to be subdivided.
6.	<u>X</u>	—	Location of temporary markers to enable the Board to locate each lot readily and appraise the basic lot layout in the field.
7.	—	<u>X</u>	Location of permanent markers, both natural and man-made.
8.	<u>X</u>	<u>X</u>	Location of all parcels to be dedicated to public use and the conditions of such dedication.
9.	<u>X</u>	<u>X</u>	Names of abutting property owners and subdivisions. Reference to recorded subdivision plans of adjoining lands by book and page number.
10.	<u>X</u>	<u>X</u>	Location of wetlands and if any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazards areas and the 100-year flood elevation shall be delineated on the plan.
11.	<u>X</u>	—	Location of all required soils investigation test pits. (Test pits for subsurface sewage disposal systems shall be in the area where such a system would likely be placed.
12.	<u>X</u>	<u>X</u>	Location and size of existing buildings.

- |     |          |          |   |
|-----|----------|----------|---|
| 13. | —        | —        | Suggested location of buildings, subsurface sewage disposal systems and wells.  |
| 14. | —        | —        | Location of all natural features or site elements to be preserved.  |
| 15. | <u>X</u> | <u>X</u> | Location of any existing watercourses and other essential existing physical features.   |
| 16. | —        | —        | Location and size of any existing sewers and water mains and other utilities; location and size of culverts and drains.                           |
| 17. | <u>X</u> | <u>X</u> | Location, names and widths of existing and proposed streets, highways, easements and rights-of-way.   |
| 18. | —        | <u>X</u> | Plan profiles and cross-sections for roadways, sidewalks and storm drainage facilities.   |
| 19. | <u>X</u> | <u>X</u> | A soil erosion and sediment control plan for construction and for permanent control.  |
| 20. | <u>X</u> | <u>X</u> | Contour lines at five foot intervals (or other interval as specified by the Board).   |
| 21. | —        | —        | Other information not indicated above as required by the Board.   |
| 22. | —        | —        | The location and nature of significant wildlife habitats identified by the Maine Department of Inland Fisheries and Wildlife.                     |
| 23. | <u>X</u> | <u>X</u> | Any portion of the subdivision which is located in the direct watershed of a great pond shall be identified.                                      |
| 24. | <u>X</u> | —        | The location of archaeological and historic sites, scenic areas and rare and natural areas.   |
| 25. | <u>X</u> | —        | Location of farmland.   |
| 26. | <u>X</u> | <u>X</u> | Suitable space to record on the approved plan, the date and conditions of approval, if any. This space shall be similar to the following example: |

**Approved by the Town of Sumner Planning Board:**

**Signed:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Date:** \_\_\_\_\_

**Conditions:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SECTION VII. Public Hearing**

The decision to hold a public hearing is discretionary, and in making its decision, the Board may consider the size and type of subdivision, the community impact and whether any written requests for such a hearing have been received. In the event that the Board determines to hold a public hearing on either the Preliminary Plan or the Final Plan of the proposed subdivision, it shall hold such public hearing within thirty (30) days of having notified the applicant in writing that a complete Subdivision Plan has been received and shall cause notice of the date, time and place of such hearing to be given to the subdivider, and published in a newspaper of general circulation in Sumner at least two (2) times; the date of the first publication shall be at least seven (7) days prior to the hearing. Public hearings shall be conducted in accordance with the procedures in Title 30-A M.R.S.A., Section 2691, Subsection 3 a, b, c, d, and e. The Board shall notify all property owners within five-hundred (500) feet of the boundaries of the Public Hearing.

**SECTION VIII. General Requirements**

**A. Buffer Strips**

The Board shall require buffer strips, to protect water bodies and streams from sedimentation, to provide space for movement of wildlife between important habitats and to shield adjacent users from unsightly development, noise and lighting. The Board will consider the following in establishing audio/visual buffer strips.

1. Plant materials shall be a least four feet in height and be of such evergreen species that will produce ultimately a dense audio/visual screen at least eight feet in height. Alternatively, a six-foot high wooden fence, without openings wider than 1", may be substituted.
2. The buffer will be maintained permanently, and any plant material which does not live shall be replaced within one year.

3. The plantings of the buffer shall be so placed that at maturity it will be no closer than three feet from any street or property line.
4. The buffer will be broken only at points of vehicular/ pedestrian access. When the buffer is broken by pedestrian access it shall be designed to not allow direct visual access to the adjacent property.

**B. Conformance with Other Laws, Regulations**

The proposed subdivision shall be in conformance with all pertinent local, state, and federal ordinances, statutes, laws, and regulations. If any proposed subdivision meets the definition of a subdivision as defined in the Site Location of Development Act, Title 38, M.R.S.A., Section 482, the subdivider must secure the approval of the Board of Environmental Protection and the Board before any construction activity may begin in the subdivision.

**C. Lots**

Lot sizes shall be in conformance with the following dimensional requirements:

1. A minimum lot size of two (2) acres shall be required per dwelling unit. Each dwelling unit shall require a minimum of 175 feet of frontage on a town or state road which is maintained on a year-round basis or a road constructed in accordance with the Road Ordinance for the Town of Sumner. A lot abutting a lake, pond, river, stream or freshwater wetland as defined in the Shoreland Zoning Ordinance for the Municipality of Sumner shall have a minimum shore frontage of 200 feet or as otherwise required by the above-mentioned Ordinance.
2. If more than one dwelling unit is constructed on a single lot, all dimensional requirements shall be met for each dwelling unit, except as provided for in this section.
3. Lots for Planned Developments and multi-family structures shall contain a minimum of two (2) acres of land area per dwelling unit. Each ten (10) dwelling units within a Planned Development shall be located on their own twenty (20) acre parcel of land. Where there are fewer than 10 units, the required parcel size shall be determined by multiplying the number of units by two (2) acres.
4. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited. The ratio of lot length to width shall not be more than three to one.
5. All structures shall be back at least 35 feet from all property lines and at least 75 feet from the center line of streets, roads and rights-of-way.

**D. Lot Access**

Any proposed subdivision shall be so designed that each lot has access to a town or state road which is maintained on a year-round basis or a road constructed in accordance with the Road Ordinance for the Town of Sumner.

**E. Planned Development**

1. A planned development is a residential or mixed-use land development which is developed under unified management; is planned as a whole according to detailed plans, including streets, utilities, lots or building sites, open space and preserved natural

features, recreational facilities, and design principles for proposed buildings, is reviewed and approved as a subdivision by the Board and in addition is subject to the requirements of this section; may be developed in clearly identified stages; and provides for the operation and maintenance of common facilities. A planned development includes developments such as multi-family, condominium type ownership and mobile home parks.

2. Purpose: The purpose of this section is to allow for large-scale, well planned developments that:
  - a. are reasonably self-sufficient in the provision of necessary services such as sewerage, water supply, off-street parking, recreational amenities, and long-term management of common facilities;
  - b. integrate a variety of residential, commercial, and recreational uses;
  - c. preserve open space;
  - d. incorporate a pattern of development that is in harmony with the natural features of the land; and
  - e. provide for efficient use of the land, minimizing the required networks of streets and utilities.
3. Proposed planned developments shall be reviewed as subdivisions under this Ordinance and shall be reviewed by, and final decisions shall be made by, the Board. The tract or parcel of land proposed for planned unit development must be in single ownership or the subject of an application filed jointly by the owners of all the property included. The applicant must demonstrate right, title, or interest in the land that is the subject of the application.
4. Standards:
  - a. A planned development shall contain the required buildable land area in single ownership and may be a mix of residential and nonresidential uses. The acreage shall be contiguous unless the Board finds that noncontiguous acres are part of a common, overall scheme of development.
  - b. The planned development shall be served by centralized sewerage and water supply facilities.
  - c. Lots which may be created for nonresidential uses shall include sufficient land area to support any proposed structures, the required off-street parking for the uses, whether or not the parking actually is located on the lots, and safe pedestrian circulation.
  - d. The maximum height of any residential structure shall not exceed 35 feet at the highest point measured from the average grade.
  - e. Where possible, buildings shall be oriented with consideration for scenic vistas, natural landscape features, topography, and potential solar access.
  - f. Unless waived by the Planning Board, all utilities in a planned development shall be installed underground.

- g. Adequate provision shall be made for erosion control and management of stormwater runoff with particular concern for the effects of effluent draining from the site. Drainage facilities shall be designed to accommodate the 25-year storm.
- h. Planned developments shall conform to the standards of subdivision approval.

**F. Open Space Provisions**

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

**G. Storm Drainage**

Adequate provision shall be made for disposal of all storm water generated within the subdivision through a management system of ditches, swales, culverts, underdrains, and/or storm drains. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains.

- 1. All components of the storm water management system shall be designed to meet the criteria of a 25-year storm.
- 2. Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials to reduce storm water velocity.
- 3. The storm water management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of 25% for potential increases in upstream runoff.

4. Downstream drainage requirements shall be studied to determine the effect of the proposed subdivision. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the subdivision. The subdivider shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.

## **H. Erosion and Sedimentation Control**

Erosion soil and sedimentation of watercourse and water bodies shall be minimized. The following measures shall be included, where applicable, as part of subdivision review and approval.

1. Stripping of vegetation, regrading or other development shall be done in such a way as to minimize erosion.
2. Development shall keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and so as to adequately handle surface water runoff.
3. The disturbed area and the duration of exposure of the disturbed area shall be kept to a practical minimum.
4. Disturbed soils shall be stabilized as quickly as practical. Temporary mulch will be placed on all disturbed areas where seeding or other construction or stabilization activities will not take place for over 14 consecutive days.
5. Temporary vegetation or mulching shall be used to protect exposed critical areas during development.
6. The permanent (final) vegetation and structural erosion control measure shall be installed in the time periods contained in the erosion and sediment control plan.
7. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods.
8. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his or her expense.
9. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.
10. The standards set forth in the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices (March 1991 and as amended) shall be employed.

## **I. Streets and Roads**

1. Off-site streets serving a proposed subdivision shall be in such condition and have the capacity to safely carry the traffic associated with the proposed subdivision. In making a determination that off-site streets serving a proposed subdivision are in such condition

and have the capacity to safely carry the traffic associated with the proposed subdivision the Board shall consider the following.

- a. Subdivisions that will gain access via public streets or public easements closed to winter maintenance shall be prohibited unless the subdivider states in their deed that the cost of the maintenance shall be shared by the Road Association created by the subdivision and not by the town. Such improvements must meet the same specifications as the subdivision roads. The Board shall base the needed improvements upon the recommendation of the Inspecting Official.
  - b. Subdivisions that will gain access via public roads or private roads that are deemed by the Inspecting Official not to have adequate capacity to carry traffic associated with the proposed subdivision shall be prohibited unless the subdivider undertakes the necessary improvements to make the street suitable for the anticipated traffic. In determining adequate capacity the Inspecting Official shall consider provisions for two-way traffic, safe access by emergency vehicles and all season use. The Board shall base needed improvements to provide adequate capacity upon the recommendation of the Inspecting Official. This Section shall not be interpreted to require improvements to comply with Section VIII.J.4.
2. The design of proposed streets shall be in harmony and conformance with existing and proposed streets. Street patterns shall give due consideration to contours and natural features. Every proposed street whether to be offered for town acceptance or to remain private shall be laid out and constructed as required by the following.
- a. **Existing Street Extended:** Existing streets shall be extended at the same or greater width and in no case shall they be extended at less than the original width.
  - b. **Street Names:** Street names require the approval of the Board of Selectmen. Streets that are obviously in alignment with streets already existing and named, shall be given the name of the existing street. Names of new streets shall not duplicate or closely approximate those of existing streets.
  - c. **Intersections:** All street intersections shall be at angles as close to ninety (90°) degrees as possible. In no instances shall street intersections be at an angle less than sixty (60°) degrees.
  - d. **Curb Line Radius:** The curb line radius at street intersections shall be at least 25 feet. Where the angle of the street intersects is less than ninety (90°) degrees, a longer radius may be required.
  - e. **Dead-end or Cul-de-sac Streets:** Dead-end or cul-de-sac streets shall be provided at the closed end with a turn-around having a property line radius of at least 60 feet with an outside pavement radius of at least 40 feet.
  - f. **Drainage:** Adequate provision shall be made for disposal of all surface water and underground water through ditches, culverts, underdrains, and/or storm water drainage systems. Provisions must be made for natural watercourses.
  - g. **Catch Basins:** Catch basins (of standard design) shall be built where necessary and culverts of proper size and capacity will be installed at all watercourses with necessary headers.

- h. **Culverts:** Culverts will be tarred, galvanized, corrugated street, concrete, aluminum, ABS, or corrugated plastic. Culverts shall be sized to accommodate anticipated flows.
- i. **Slopes and Ditches:** Slopes and ditches shall slope away from the shoulders of the road at a ratio of at least three (3) horizontal feet to one (1) vertical foot and never steeper than 2 to 1. In cases where this is not possible or practical as where the roadway cuts through the side of a hill, all cuts shall be made so that adjacent slopes will not slide. The tops and sides of all cuts shall be cleared of all trees, stumps and boulders for an adequate distance to as to prevent such material from sliding into the ditches. Banks will be loamed, seeded, and mulched.
- j. **Driveway Entrances:** Subdivisions with lots fronting on existing arterial and collection streets shall minimize the number of driveways entering such streets. The Planning Board shall require shared driveways, marginal access streets or other acceptable technique to minimize the number of driveway entrances upon such streets.
- k. **Sidewalks:** The Board shall have the authority to designate whether sidewalks shall be required. Where the Planning Board requires the installation of sidewalks they shall meet these minimum requirements.
  - 1) Bituminous Sidewalks
    - a) The gravel aggregate sub-base course shall be no less than 10 inches thick.
    - b) The crushed aggregate base course shall be no less than 2 inches thick.
    - c) The hot bituminous pavement surface course shall be no less than 2 inches after compaction.
  - 2) Portland Cement Concrete Sidewalks
    - a) The sand base shall be not less than 6 inches thick.
    - b) The Portland Cement concrete shall be reinforced with 6 inch square, number 10 wire mesh and shall be no less than 4 inches thick. [5/26/05]
- l. **Utilities:** Longitudinal runs of water and/or sewer mains shall be laid outside of the travel lanes and clear of any present or designated sidewalks. Utility poles shall be so placed that any present or designated sidewalks may be contained within the boundaries of the street or way without obstructions by poles or appurtenances.
- m. **Intersections:** Where new road intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below. Sight distances shall be measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye 3 2 feet above the pavement and the height of object 4 1/4 feet.

Posted/Legal Speed Limit (MPH)	25	30	35	40	45	50
Sight Distance (Feet)	155	200	305	360	425	495

- 3. **Classification of Streets:** In all new subdivisions, streets shall be classified as provided in Subsection d. below.

- a. The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day.
- b. The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive.
- c. Whenever a subdivision street continues on an existing street that formerly terminated outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.
- d. The classification of streets shall be as follows.
  - 1) **Local.** A street whose function is to provide access to abutting properties and which may also collect traffic from minor streets that intersect it. A local street shall not be allowed when the Average Daily Traffic (ADT) volume will exceed 500. Local streets shall be designed or designated to exclude external through traffic which has neither origin nor destination on the local street or on its tributary minor streets.
  - 2) **Collector.** A street whose principle function is to carry traffic for residential streets to higher order streets. Average Daily Traffic (ADT) shall not exceed 3,000. If the street exceeds 3,000 ADT, the municipality upon recommendation from an engineer shall determine the required design standards.
  - 3) **Other Streets.** Streets proposed to service uses such as retail, office or industrial shall be designed by a Licensed Professional Engineer based upon detailed traffic analysis.

4. **Construction Standards**

	<b>Item</b>	<b>Collector</b>	<b>Local</b>
a.	Minimum width of right-of-way	66 ft.	60 ft.
b.	Minimum width of pavement	24 ft.	20 ft.
c.	Minimum grade	.5%	.5%
d.	Maximum grade	6%	8%
e.	Maximum grade at intersections	3% within 50 ft. of intersection	
f.	Minimum angle of intersections	60°	60°
g.	Width of shoulders (per shoulder)	4 ft.	4 ft.
h.	Minimum center line radii on curves	500 ft.	200 ft.
I.	Minimum tangent length between reverse curves	200 ft.	100 ft.

	<b>Item</b>	<b>Collector</b>	<b>Local</b>
j.	Minimum thickness of street materials Subbase-maximum size stone DOT Type D Upper base-maximum stone DOT Type A	18in. 6 in.	18 in. 6 in.
k.	Road crown (minimum)	1/4"/1'	1/4"/1'
l.	Sidewalk width (where required)	4'	4'
m.	Property line radii (intersections)	10 ft.	10 ft.
n.	All roads or streets designated for acceptance as Town roads shall comply with the standards contained in the Road Ordinance for the Town of Sumner.		
o.	Proposed roads in subdivisions of five or more lots shall be paved.		
p.	Curb radii at intersection (90° or more) Less than 90° intersections	25 ft. 30 ft.	25 ft. 30 ft.
q.	Minimum distance between intersections	300 ft.	200 ft.

5. **Gravel Surface Streets:** To meet the above specifications the Code Enforcement Officer and Board shall review requests for gravel surfaced roads.

6. **Privately-Owned Roads:** Where subdivision roads are to remain private roads, the following will be met in addition to the design standards above.

a. **Maintenance.** The subdivider shall demonstrate to the satisfaction of the Board that the private road will be properly maintained. The subdivider shall provide the proposed Road Owners Association Bylaws that defines the minimum requirements for road maintenance and how cost will be shared among the lot owners.

b. **Deed Restriction.** The subdivider shall cause each property deed to clearly state that the road is a private road, and the Town of Sumner will not be responsible for maintaining or plowing.

c. **Plan Condition.** The recorded subdivision plan shall clearly state that such road is private and shall not be accepted as a public street.

## J. Mobile Home Parks

1. Except as stipulated below, mobile home parks shall meet all the requirements for a residential subdivision, and shall conform to all applicable State laws and local ordinances or regulations. Where provisions of this section conflict with specific provisions of this Ordinance, the provisions of this section shall prevail.
2. Lot Area and Lot Width Requirements: Notwithstanding the dimensional requirements located in Section VIII.C of this Ordinance, lots in a mobile home park shall meet the following lot area and lot width requirements.
  - a. Lots served by individual subsurface waste water disposal systems:

Minimum lot area:	20,000 sq. ft.
Minimum lot width:	100 ft.
Minimum front setback:	50 ft.
Minimum side and rear setback:	25 ft.
  - b. Lots served by a central subsurface waste water disposal system approved by the Maine Department of Human Services:

Minimum lot area:	12,000 sq. ft.
Minimum lot width:	75 ft.
Minimum front setback:	50 ft.
Minimum side and rear setback:	15 ft.
  - c. The overall density of any park served by any subsurface waste water disposal system shall not exceed one dwelling unit per 20,000 sq. ft. of total park area.
  - d. Lots located within any shoreland zoning district shall meet the lot area, lot width and shore frontage requirements for that district.
  - e. No lot in a mobile home park shall have vehicular access directly onto an existing public street.
3. Street Design, Circulation and Traffic Impacts: Streets within a park shall be designed by a Licensed Professional Engineer, registered in the State of Maine.
  - a. Streets which the applicant proposes to be dedicated as private ways shall be designed and constructed in accordance with the standards for streets in Section VIII.J. of this Ordinance.
  - b. Streets which the applicant proposes to remain private ways shall meet the following minimum geometric design standards.
    - 1) Minimum right-of-way width: 23 feet
    - 2) Minimum width of traveled way: 20 feet
  - c. Any mobile home park expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with existing public streets. Any street within a park with an average daily traffic of 200 trips per day or more shall have at least two street connections leading to existing public streets, other streets within the park or other streets shown on an approved subdivision plan.

- d. The intersection of any street within a park and existing public street shall meet the following standards.
  - 1) Angle of Intersection. The desired angle of intersection shall be 90°. The minimum angle of intersection shall be 85°.
  - 2) Maximum grade within 50 feet of intersection. The maximum permissible grade within 50 feet of the intersection shall be 3%.
  - 3) Minimum Sight Distance. The minimum sight distance shall comply with Section VIII.J.2.m.
  - 4) Distance from Other Intersections. The center line of any street within a park intersecting an existing public street shall be no less than 125 feet from the center line of any other street intersecting that public street.
4. No development or subdivision which is approved under this section as a mobile home park may be converted to another use without the approval of the Planning Board, and meeting the appropriate lot size, lot width, setback and other requirements. The plan to be recorded at the Registry of Deeds and filed with the municipality shall include the following restrictions as well as any other notes or conditions of approval.
  - a. The land within the park shall remain in a unified ownership and the interest to individual lots or portions of lots shall not be transferred.
  - b. No dwelling unit other than a manufactured housing unit shall be located within the park.

#### **K. Archaeological Sites**

Any proposed subdivision activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least 20 days prior to action being taken by the Board. The Board shall consider comments received from the Commission prior to rendering a decision on the application.

#### **L. Historic Locations**

When a proposed subdivision will include a historic building or site the applicant will design the subdivision to minimize the impacts on the historic building or site.

#### **M. Scenic Locations**

The Board shall consider the existence of a scenic site or view location and the impact of the proposed subdivision on such a site or view. The Board may require the placement or visual qualities of structures on lots in such locations so to minimize the negative impacts of the subdivision on such sites and views.

**N. Phosphorous Export**

Phosphorus, a natural nutrient, stimulates algal growth that causes a significant decline in water quality. The primary source of new and increasing phosphorus loads in Maine lakes is development-residential, commercial, and industrial. Its impact on water quality is extremely long term. The following phosphorus control measures were created and designed to address this concern.

1. Subdivisions proposed within the direct watershed of a lake or pond listed below shall be designed to limit phosphorus runoff to the levels defined below.

**Post Development Phosphorous Export by Watershed**

Lake Name	Lake Protection Level	Lake Load Allocation (lbs/yr)	Lake Load Allocation (lb/ac/yr) <sup>1</sup>
Abbott Pond	High	1.67	0.056
Cushman Pond	High	0.85	0.064
Labrador Pond	Medium	15.76	0.041
Little Labrador Pond	Medium	5.95	0.036
North Pond	High	10.98	0.060
Pleasant Pond	Medium	19.31	0.104
Washburn Pond	High	0.59	0.055

<sup>1</sup> Lake Watershed Load Allocation represents pounds (lbs) phosphorus per acre per year allocated to Sumner's share of watershed per parts per billion (ppb).

2. Phosphorus export from a proposed subdivision shall be calculated according to the procedures defined in Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development (Maine DEP et.al., September 1989 with revision in 1992 and as may be amended). Copies of all worksheets and calculations shall be submitted to the Board.
3. Phosphorus control measures shall meet the design criteria contained in Phosphorus Control in Lake Watersheds: A Technical Guide for Reviewing Development (Maine DEP et al., September 1989 with revisions in 1992 or as may be amended). The Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimizing street lengths, and shall encourage the use of other nonstructural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.

**O. Protection of Significant Wildlife Habitat**

Applicants proposing to subdivide land in or within seventy-five (75) feet of significant wildlife resources or fisheries habitats identified by the Maine Department of Inland Fisheries and Wildlife shall consult with a recognized wildlife or fisheries consultant or the Maine Department of Inland Fisheries and Wildlife and provide their written comments to the Planning Board. The Board shall consider any recommended measures provided to minimize impacts on such habitats. Any conditions to the approval to wildlife or fisheries habitat preservation shall appear on the plan and as deed restrictions to the affected lots.

The Board shall consider the existence of endangered or threatened plants as may be identified by the Maine Natural Areas Program. As a condition of approval the Board may require the applicant to undertake protective measures as recommended by the Maine Natural Areas Program.

## **SECTION IX. Waiver and Modification of This Ordinance**

- A.** Where the Board finds that extraordinary and unnecessary hardships based on findings and fact may result from strict compliance with this Ordinance, or where there are special circumstances of a particular plan, it may waive any provision of this Ordinance provided that such waiver will not have the effect of nullifying the purpose of this Ordinance or any other ordinance or law.
- B.** In granting any waiver, the Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived. With submittal of the application for final plan approval, the applicant shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs.

## **SECTION X. Performance Guarantee**

- A.** Prior to approval of a Final Plan, the Board shall require that the subdivider file one of the following performance guarantees in an amount sufficient to defray all expenses of the proposed infrastructure improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs:
  - 1. Either a certified check payable to the municipality or a savings account or certificate of deposit naming the municipality as owner, for the establishment of an escrow account;
  - 2. A performance bond payable to the municipality issued by a surety company, approved by the municipal officers, or town manager; or
  - 3. An irrevocable letter of credit (see Appendix A for a sample) from a financial institution establishing funding for the construction of the subdivision, from which the Municipality may draw if construction is inadequate, approved by the municipal officers and CEO.

The conditions and amount of the performance guarantee shall be determined by the Board with the advice of the Road Commissioner, municipal officers, and/or municipal attorney.

- B.** The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the applicant will be in default and the municipality shall have access to the funds to finish construction.
- C.** A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the applicant, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for

a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required infrastructure improvements.

- D.** A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision for which approval is sought.
- E.** An irrevocable letter of credit from a bank or other lending institution with offices in the region, shall indicate that funds have been set aside for the construction of the subdivision for the duration of the project and may not be used for any other project or loan.
- F.** The Board may approve plans to develop a subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.
- G.** Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of the inspecting official or other qualified individual retained by the municipality and any other agencies and departments who may be involved, 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.

## **SECTION XI. Infrastructure Improvements**

### **A. Inspection of Required Infrastructure Improvements**

1. Notification of Construction: At least ten (10) days prior to commencing construction of infrastructure improvements, the applicant shall:
  - a. Notify the Code Enforcement Officer in writing of the time when (s)he proposes to commence construction so that the municipal officers can arrange for inspection to be made. The Inspecting Official shall assure that all municipal specifications, requirements and conditions of approval shall be met during the construction and shall assure the satisfactory completion of infrastructure improvements required by the Planning Board.
  - b. Deposit with the municipal officers a check for the amount of 2% of the estimated costs of infrastructure improvements to pay for the costs of inspection. If upon satisfactory completion of construction and cleanup there are funds remaining, the surplus funds shall be refunded to the applicant within 30 days. If the inspection account shall be drawn down by 90%, the applicant shall deposit an additional 1% of the estimated costs of construction and improvements.
2. The Inspecting Official shall be responsible for observing all on-site and off-site construction of infrastructure improvements. The inspecting official shall prepare periodic reports and provide the same to the Selectmen, Planning Board, and Code Enforcement Officer. The Inspecting Official shall have no enforcement authority but is authorized to request the CEO to take enforcement actions as necessary to ensure compliance including "Stop Work" orders.

3. **Noncompliance With Plan:** Upon finding that the improvements have not been constructed in accordance with the approved plans and specifications, the Inspecting Official shall so report in writing to the Municipal Officers, Planning Board, Code Enforcement Officer, and applicant. The Municipal Officers shall take any steps necessary to assure compliance with approved Plans.
  4. **Modification During Construction:** If at any time it appears necessary or desirable to modify the required improvements before or during construction of the required improvements, the Inspecting Official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The Inspecting Official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Municipal Officers, Planning Board, and Code Enforcement Officer. Revised plans shall be filed with the Planning Board for the record. For major modifications, such as relocation of rights-of-way, changes in grade by more than 1%, etc. the applicant shall submit to the Planning Board an amended application for review and approval.
- B.** Prior to the sale of any lot, the subdivider shall provide the Board with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.
- C.** Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed town way to a town meeting, a written certification signed by a professional engineer registered in the State of Maine shall be required by the Municipal Officers at the expense of the applicant, certifying that the proposed town way meets or exceeds the design and construction requirements. As-built plans shall be submitted to the Municipal Officers.
- D.** The subdivider or builder shall be required to maintain all improvements and provide for snow removal on streets and sidewalks and maintenance until the subdivision is approved by the Planning Board.

## **SECTION XII. Plan Revisions After Approval**

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

## **SECTION XIII. Initiation of Development Within Two Years**

If construction of the public improvements is not begun within two years of the date of approval, the approval shall lapse and applicant shall reapply to the Board for a new approval. Reapplication for approval shall state the reasons why construction was not begun and the reasons why the applicant will be able to begin the activity within two years from the granting of a new approval, if granted. The extension request must be made to the Board at least thirty days prior to the time of expiration. Reapplication for approval shall include information submitted in the initial application by reference.

**SECTION XIV. Validity, Effective Date, Repeal of Existing Subdivision Ordinances and Conflict of Ordinances**

- A. Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance, and to this end, the provisions of this Ordinance are hereby declared to be severable.
- B. This Ordinance shall take effect and be in force from and after the date of its official adoption.
- C. This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, ordinance, bylaw, permit or provision of law. Where this Ordinance imposes a higher standard for the promotion and protection of health and safety, the provisions of this Ordinance shall prevail.

**SECTION XV. Amendments**

This Ordinance may be amended by a majority vote of the Planning Board prior to a Town Meeting vote. Amendments may be initiated by a majority vote of the Board or by request of the Board of Selectmen to the Board. The Board shall conduct a public hearing on any proposed amendment. Notice of the hearing shall be provided at least seven days prior to the hearing.

**SECTION XVI. Appeals**

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

**SECTION XVII. Transfer of Ownership**

In the event that an owner(s) of an approved subdivision transfers that subdivision or portion of that subdivision to a new owner(s) prior to the completion of all required infrastructure improvements the new owner(s) shall comply with the following.

- A. Within 30 days from the date of transfer submit to the Planning Board a statement of financial and technical capacity to complete the subdivision as approved.
- B. Within 30 days from the date of receipt of the statement of financial and technical capacity the Planning Board shall make a written finding that the owner has the financial and technical capacity to complete the subdivision as approved.
- C. The Board shall require the owner to meet the requirements of SECTION X, Performance Guarantee.

## SECTION XVIII. Definitions

In general, words and terms used in this Ordinance shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows:

**Abutting property:** That property which is most proximal to the lot line, whether or not it is contiguous. A road, buffer strip, or watercourse may lie between the lot line and abutting property.

**Arterial Street:** A major thoroughfare which serves as a major traffic way for travel between and through the municipality.

**Board:** The duly constituted Planning Board of the town of Sumner, Maine.

**Buffer strip:** Land that lies between the lot lines of adjacent lots, but is not part of the lots. A strip left fallow or planted with vegetation intended to give a feeling of openness typifies it.

**Common Driveway:** A vehicle access way serving two lots or dwellings.

**Day:** A calendar day which shall be used for deadlines.

**Direct Watershed of Lake or Pond:** Any land area that contributes stormwater runoff either by direct surface water or subsurface flow to a great pond without such runoff traveling through another great pond.

**Driveway:** A vehicle access way serving one lot or dwelling.

**Dwelling Unit:** A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.

**Farmland:** A parcel consisting of 5 or more acres of land that is:

- A. Classified as prime farmland, unique farmland or farmland of statewide or local importance by the Natural Resources Conservation Service within the United States Department of Agriculture; or
- B. Used for the production of agricultural products as defined in Title 7, section 152, subsection 2. ("Agricultural products" means those plants and animals and their products that are useful to humans and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, bees and bees' products, livestock and livestock products and fruits, berries, vegetables, flowers, seeds, grasses and other similar products, or any other plant, animal or plant or animal products that supply humans with food, feed, fiber or fur. "Agricultural products" does not include trees grown and harvested for forest products.)

**Flag lot:** A lot that connects to a road or street by a strip of land substantially narrower than the portion of the lot upon which structures may be built.

**Fresh Water Wetland:** Means fresh water swamps, marshes, bogs and similar areas which are:

- A. 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

B. Not considered part of great pond, river, stream or brook.

These areas may contain small stream channels or inclusions of land that do not conform to the criteria.

**Historic Building/Site:** Building and sites on the National Register of Historic Places, identified as of historic importance in the Sumner Comprehensive Plan.

**Infrastructure Improvements:** Roads, drainage and stormwater systems, common water and sewer systems whether public or private.

**Inspecting Official:** An individual or individuals appointed by the selectmen to oversee all aspects of road construction including drainage and stormwater management. The Inspecting Official shall possess an engineering license and be paid for by the subdivider.

**Lot line:** The line on a map or survey that separates a lot from its surroundings and the imaginary line on the ground that is indicated and located at the place represented on the map or survey.

**Manufactured Housing Unit:** Structures, transportable in one or more sections which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein.

**Mobile Home Park:** A parcel of land under unified ownership designed and/or used to accommodate three or more manufactured housing units.

**Multiplex Development:** A residential structure containing three (3) or more dwelling units.

**Open space:** The area of a subdivision upon which no dwelling structures may be built.

**Privately Owned Road/Street:** A street not maintained by the Town of Sumner and/or State of Maine

**Public Road/Street:** A street maintained by the Town of Sumner and/or State of Maine.

**Setback:** The horizontal distance from a lot line or street right-of-way to the nearest part of a building or structure.

**Shoreland Zone:** Refer to the Town of Sumner's Shoreland Zoning Ordinance revised August 9, 2014.

**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 will have a lot depth to shore frontage ratio greater than 5 to 1.

**Storm water:** Water that is temporarily on the ground due to precipitation.

**Stream, River 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.

**Street:** A vehicular way providing access to three or more lots or dwellings. The term does not include driveways, common driveways, farm roads or logging roads.

**Structure:** Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite dishes.

**Subdivision:** A subdivision shall mean the division of a tract or parcel of land as defined in Title 30-A M.R.S.A. Section 4401 and as hereafter amended.

**Substantial Construction:** Completing of at least 30% of the required infrastructure improvements measured as a percentage of total estimated cost of improvements.

**Surface waters:** Whenever situated entirely or partially within the watershed of any pond or lake within 250 feet of 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 the body of water.

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

1. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.
2. The frontage and setback provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under Shoreland Zoning, Title 38, chapter 3, subchapter I, article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of section 4401, subsection 1, on September 23, 1983.

**Tract or parcel of land:** All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road 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.

Adopted August 1, 1988  
Amended March 23, 1993  
Amended August 11, 2015

## Appendix A

<b>SUBDIVISION FEE CHART</b>	
<b>Review Fee</b>	\$100.00 per lot or dwelling unit
<b>Review Escrow Account</b>	\$150.00 per lot (or dwelling unit for multiplex developments)
*Whenever the balance of the Board Review Escrow Account is drawn down by 75%,	
the Board will require that an additional \$50.00 per dwelling unit be deposited by	
the applicant.	

# SAMPLE LETTER OF CREDIT

Andrew Wickson, Chairman  
Town of Sumner Planning Board  
633 Main Street  
Sumner, Maine 04292

Re: *Letter of Credit for:*  
Developer, Inc.  
Sunshine Estates  
Your Town, Maine

Dear Chairperson:

This letter will confirm to Your Town that the Big Town Savings Bank has issued a loan commitment to Developer, Inc. for the purpose of constructing all required improvements in the "Sunshine Estates" subdivision.

Big Town Savings Bank will set aside \$230,000 in a Construction Escrow Account for completion of the required improvements. This account can be drawn upon by Your Town in the event that Developer, Inc. fails to complete steps A through H listed below for Windy Road on or before (two years from date of Final Plan approval).

Approximate Length of road 2,350 feet:

- |    |  |          |
|----|--|----------|
| A. | Grub roadways full width of 50 feet @ \$4/ft.  |          |
|    |  | \$9,400  |
| B. | Shape sub-base and grade it @ \$4/ft.  |          |
|    |  | \$9,400  |
| C. | Install under-drain culverts @ \$16/ft.  |          |
|    |  | \$37,600 |
| D. | Install sewer @ \$22/ft. x 2,050 feet plus pump  | \$16,500 |
|    |  | \$61,600 |
| E. | Install water mains @ \$14/ft. x 2,400 feet  |          |
|    |  | \$33,600 |
| F. | Apply and shape 18" gravel base @ \$8.30/ft. x 2,350 feet  |          |
|    |  | \$19,500 |
| G. | Apply and shape 3" of crushed gravel; apply 1 3/4" of<br>base course bituminous concrete to width of 24 feet, apply<br>bituminous curb and 2" of bituminous concrete to a<br>width of 5 feet @ \$10/ft. x 2,350 feet | \$23,500 |
| H. | Apply 3/4" of surface bituminous concrete to width<br>of 24 feet @ \$5/ft.   | \$11,800 |

Big Town Savings Bank understands that Developer, Inc., or the contractor, will notify the Town Engineer or Code Enforcement Officer before any of the above work has begun and obtain his approval in writing as he completes each phase of the road construction.

This Account will expire when the Town of Sumner acknowledges in writing to Developer, Inc. that the work outlined in Steps A through H has been completed in accordance with Sumner's Subdivision Ordinance and Roads Ordinance, and the approved plans of Sunshine Estates. Any funds remaining in the account on (date specified above) for work outlined in Steps A through H which has not been completed and approved by the Town on that date will be released to the Town to complete such work. As the Town Engineer or Code Enforcement Officer issues his written approvals for each step above to Developer, Inc. the funds in this Account will be released based upon the schedule above.

Drafts drawn upon this account must be for this particular subdivision and to complete any work which is outlined above. Furthermore, drafts must be accompanied by itemized statements showing costs of work to be completed and must be submitted prior to (six to nine months following date specified above). The Town of Sumner will not be responsible for repayment or interest cost for any funds released to the Town for work not completed on or before (date specified above).

Very Truly Yours,

Bob Banker  
Loan Officer

*SEEN AND AGREED TO:* \_\_\_\_\_  
Developer, Inc.

The Town of Sumner hereby accepts this original letter as evidence of Developer, Inc.'s obligation to be performed.

\_\_\_\_\_  
Chair of the Select Board

## Town of Sumner Subdivision Application

Subdivision Name \_\_\_\_\_  
Application Number \_\_\_\_\_

### APPLICANT INFORMATION

Name of Property Owner: \_\_\_\_\_  
Address: \_\_\_\_\_

Telephone:(\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Name of Applicant: \_\_\_\_\_  
Address: \_\_\_\_\_

Telephone:(\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

If applicant is a corporation, check if licensed in Maine: \_\_\_\_ Yes \_\_\_\_ No and attach a copy of State's Registration.

Name of applicant's authorized agent: \_\_\_\_\_  
Address: \_\_\_\_\_

Telephone:(\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Name of Land Surveyor, Engineer, Architect or others preparing plan:  
\_\_\_\_\_  
\_\_\_\_\_  
Address: \_\_\_\_\_

Telephone(\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_  
Registration # \_\_\_\_\_

Person and Address to which all correspondence regarding this application should be sent:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What legal interest does the applicant have in the property to be developed (ownership, option, purchase and sales contract, etc.)?  
\_\_\_\_\_

What interest does the applicant have in any abutting property?

**LAND INFORMATION**

Location of Property (Street Location)

\_\_\_\_\_ (from County Registry of Deeds): Book \_\_\_\_\_ Page \_\_\_\_\_  
(from Tax Maps): Map \_\_\_\_\_ Lot(s) \_\_\_\_\_

Current zoning of property: \_\_\_\_\_

Is any portion of the property within 250 feet of the high water mark of a pond, river or salt water body?  Yes  No

Total Acreage of Parcel: \_\_\_\_\_

Acreage to be developed: \_\_\_\_\_

Indicate the nature of any restrictive covenants to be placed in the deeds:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Has this land been part of a prior approved subdivision?  Yes  No  
Or other divisions within the past 5 years?  Yes  No

Identify existing use(s) of land (farmland, woodlot, etc.) \_\_\_\_\_

Does the parcel include any waterbodies?  Yes  No

Does the parcel include any wetlands?  Yes  No

Is any portion of the property within a special flood hazard area as identified by the Federal Emergency Management Agency?  Yes  No

List below the names and mailing addresses of abutting property owners and owners across the road:

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**GENERAL INFORMATION**

Proposed name of development:

\_\_\_\_\_

Number of lots or units: \_\_\_\_\_

Anticipated date for construction:

\_\_\_\_\_

Anticipated date of completion:

\_\_\_\_\_

Does this development require extension of public infrastructure?  Yes  No

roads  storm drainage  other  
 sidewalks  water lines  
 sewer lines  fire protection equipment

Estimated cost for infrastructure improvements \$ \_\_\_\_\_

Identify method of water supply to the proposed development:

individual wells  
 central well with distribution lines  
 connection to public water system  
 other, please state alternative

Identify method of sewage disposal to the proposed development:

individual septic tanks  
 central on site disposal with distribution lines  
 other, please state alternative

Identify method of fire protection for the proposed development:

hydrants connected to the public water system  
 dry hydrants located on an existing pond or water body  
 existing fire pond  
 other, please state alternative.

Does the applicant propose to dedicate to the public any streets, recreation or common lands?

street(s)  Yes  No Estimated Length \_\_\_\_\_  
recreation area(s)  Yes  No Estimated Acreage \_\_\_\_\_  
common land(s)  Yes  No Estimated Acreage \_\_\_\_\_

Does the applicant intend to request waivers of any of the subdivision submission requirements?

If yes, list them and state reasons for the request.

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To the best of my knowledge, all the above stated information submitted in this application is true and correct.

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(signature of applicant)

(date)

**Town of Sumner Planning Board  
633 Main Street  
Sumner, Maine 04292**

**Receipt of Subdivision Application**

Date \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dear \_\_\_\_\_:

The Planning Board of the Town of Sumner has received your application for a \_\_\_\_\_ lot/unit subdivision at \_\_\_\_\_.

In accordance with Title 30-A M.R.S.A., §4403, sub-§3, the Board will, within 30 days, notify you in writing either that the application is a complete application, or if the application is incomplete, the specific additional material needed to make a complete application. After the Board has determined that a complete application has been filed, it will notify you and begin its full evaluation of the proposed subdivision.

Sincerely,

\_\_\_\_\_  
Chairman  
Sumner Planning Board

**Town of Sumner Planning Board  
633 Main Street  
Sumner, Maine 04292**

**Notice to Abutting Property Owners  
of Proposed Subdivision**

To: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

In accordance with the State Subdivision Law and the Town of Sumner Subdivision Ordinance, the Planning Board is notifying you that it has received an application for subdivision approval. A general description of the proposed subdivision is provided below. Additional information concerning the subdivisions is available for inspection at the Town Office.

Applicant: \_\_\_\_\_

Location: Map # \_\_\_\_\_ Lot # \_\_\_\_\_

Street/Road: \_\_\_\_\_

Total Acres to be Subdivided: \_\_\_\_\_

Number of Lots/Units: \_\_\_\_\_

Type of Subdivision: \_\_\_\_\_

\_\_\_\_\_  
Secretary, Sumner Planning Board

**Town of Sumner Planning Board  
633 Main Street  
Sumner, Maine 04292**

**Notice of Complete Subdivision Application**

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear \_\_\_\_\_:

The Sumner Planning Board has reviewed your application for a \_\_\_\_\_ lot/unit subdivision at \_\_\_\_\_ and found it to be complete.

The board has scheduled a meeting for \_\_\_\_\_ at \_\_\_\_\_ pm at which time your application will be reviewed for conformance with criteria of Title 30-A MRSA 4404 and the standards of the Sumner Subdivision Ordinance. You or your authorized representative is encouraged to attend the meeting.

Sincerely,

\_\_\_\_\_  
Chairman  
Sumner Planning Board

**Town of Sumner Planning Board  
633 Main Street  
Sumner, Maine 04292**

**Notice of Incomplete Subdivision**

Date: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear \_\_\_\_\_:

The Sumner Planning Board has reviewed your application for a \_\_\_\_\_ lot/unit subdivision at \_\_\_\_\_ and found it to be incomplete.

In order to be considered a complete application the following materials must be submitted:

- a.
- b.
- c.
- d.

Sincerely,

\_\_\_\_\_  
Chairman  
Sumner Planning Board

**Town of Sumner Planning Board  
633 Main Street  
Sumner, Maine 04292**

**Notice of Public Hearing**

The Sumner Planning Board will hold a public hearing on an application for the proposed \_\_\_\_\_ subdivision, as requested by \_\_\_\_\_.

The Public Hearing will take place on \_\_\_\_\_ (date) at \_\_\_\_\_ p.m. (time), in the \_\_\_\_\_ (place).

The application for a subdivision proposes to establish \_\_\_\_\_ lots/dwellings on \_\_\_\_\_ acres on the \_\_\_\_\_ Road.

\_\_\_\_\_  
Chairman  
Sumner Planning Board