Town of Rockport

Subdivision Ordinance

A True Copy – Attested by

Elizabeth Lowe
Rockport Town Clerk

Adopted	June	11, 2002
Amended	June	10, 2003
Amended	June	14, 2005
Amended	June	13, 2006
Amended	June	12, 2007
Amended	June	10, 2008
Amended	June	8, 2010
Amended	November	8, 2022
Amended	November	4, 2025
Amended	June	9, 2026

TABLE OF CONTENTS

Article 1 Purposes 1-1

Article 2 Authority and Administration 2-1
2.1 Authority 2-1
2.2 Administration 2-1
2.3 Amendments 2-1

Article 3 Definitions 3-1

Article 4 Administrative Procedure 4-1
4.1 Procedure 4-1
4.2 Ineligible Appeal 4-1

Article 5 Pre-application Meeting 5-1
5.1 Purpose 5-1
5.2 Procedure 5-1
5.3 Submission 5-1
5.4 On-Site Inspection 5-2
5.5 Rights Not Vested 5-2
5.6 Establishment of File 5-2
5.7 Caution 5-2

Article 6 Reserved 6-1
Article 7 Reserved 7-1

Article 8 Subdivision Review 8-1
8.1 Procedure 8-1
8.2 Submissions 8-3
8.3 Final Approval and Filing 8-7

Article 9 Revisions to Approved Plans 9-1
9.1 Procedure 9-1
9.2 Submissions 9-1
9.3 Scope of Review 9-1

Article 10 Inspections and Enforcement 10-1
10.1 Inspection of Required Improvements 10-1
10.2 Violations and Enforcement 10-2

Article 11 Performance Standards 11-1
11.1 Pollution 11-1
11.2 Sufficient Water 11-1
11.3 Municipal Water Supply 11-3
11.4 Erosion 11-3
11.5 Traffic 11-3
11.6 Sewage Disposal 11-4
11.7 Municipal Solid Waste Disposal 11-5
11.8 Aesthetic, Cultural and Natural Values 11-5
11.9 Conformity with Local Ordinances and Plans 11-6
11.10 Financial and Technical Capacity 11-7
11.11 Surface Waters 11-7
11.12 Ground Water 11-7
11.13 Flood Areas 11-9
11.14 Freshwater Wetlands 11-9
11.15 River, Stream or Brook 11-9
11.16 Stormwater 11-10
11.17 Spaghetti Lots Prohibited 11-10
11.18 Lake Phosphorus Concentration 11-10
11.19 Impact on Adjoining Municipality 11-10

Article 12 Design Guidelines 12-1
12.1 Sufficient Water 12-1
A. Well Construction 12-1
B. Fire Protection 12-1

12.2 Traffic Conditions 12-2
A. Access Control 12-2
B. Street Design and Construction Standards 12-6
12.3 Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas or Public Access to the Shorelines 12-14
A. Preservation of Natural Beauty and Aesthetics 12-14
B. Retention of Open Spaces and Natural or Historic Features 12-14
C. Retention of Significant Wildlife Habitat and Important Habitat Areas 12-15
12.4 Storm Water Management Design Guidelines 12-16
12.5 Lots 12-17
12.6 Utilities 12-18
12.7 Monuments 12-18
12.8 Cluster Developments 12-18
12.9 Phosphorus Export 12-19

Article 13 Performance Guarantees 13-1
13.1 Types of Guarantees 13-1
13.2 Contents of Guarantee 13-1
13.3 Escrow Account 13-1
13.4 Performance Bond 13-2
13.5 Letter of Credit 13-2
13.6 Phasing of Development 13-2
13.7 Release of Guarantee 13-2
13.8 Default 13-2
13.9 Improvements Guaranteed 13-2

Article 14 Waivers 14-1
14.1 Waivers Authorized 14-1
14.2 Findings of Fact Required 14-1
14.3 Conditions 14-1
14.4 Waivers to be Shown on Final Plan 14-1

Article 15 Appeals 15-1
15.1 Appeals to Superior Court 15-1

ARTICLE 1 – PURPOSES

The purposes of this Ordinance are:

1.1 To provide for an expeditious and efficient process for the review of proposed subdivisions;

1.2 To clarify the approval criteria of the Subdivision Law, found in 30-A M.R.S.A., § 4404;

1.3 To assure new development in the Town of Rockport meets the goals and conforms to the policies of the Comprehensive Plan;

1.4 To assure the comfort, convenience, safety, health and welfare of the people of the Town of Rockport;

1.5 To protect the environment and conserve the natural and cultural resources identified in the Rockport Comprehensive Plan as important to the community;

1.6 To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures;

1.7 To minimize the potential impacts from new subdivisions on neighboring properties and on the municipality;

1.8 To promote the orderly development of an economically sound and stable community; and

1.9 To assure that within the watersheds of all lakes and ponds development shall not degrade the water quality of the lake or pond, thereby retaining its suitability for water supply and for recreational purposes.

To these ends, in approving subdivisions within the Town of Rockport, the Planning Board shall consider the following criteria, the burden of proof of the satisfaction for which rests solely with the subdivider.

ARTICLE 2 – AUTHORITY AND ADMINISTRATION

2.1 Authority.

A. This Subdivision Ordinance has been prepared in accordance with the provisions of 30-A M.R.S.A., § 4403.

B. This Subdivision Ordinance shall be known and may be cited as "Subdivision Ordinance of the Town of Rockport, Maine."

C. Adoption of this Subdivision Ordinance hereby repeals the 1983 Town of Rockport Subdivision Ordinance.

2.2 Administration.

A. The Planning Board of the Town of Rockport, shall administer this Ordinance.

B. The provisions of this Ordinance shall pertain to all land and buildings proposed for subdivision within the boundaries of the Town of Rockport.

2.3 Amendments.

A. This Ordinance may be amended by the Legislative Body of the Town of Rockport.

B. A public hearing shall be held prior to the adoption of any amendment. Notice of the hearing shall be provided at least seven days in advance of the hearing.

ARTICLE 3 – DEFINITIONS

In general, words and terms used in this ordinance shall have their customary dictionary meanings. More specifically, any word or term defined in the Land Use Ordinance of the Town of Rockport shall have the definition contained in that ordinance, unless defined differently below; other words and terms used herein are defined as follows:

Applicant: The person applying for subdivision approval under this ordinance.

Average Daily Traffic (ADT): The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

Buffer Area: A part of a property or an entire property, which is not built upon and is specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources.

Capital Improvements Program (CIP): The municipality's proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

Capital Investment Plan: The portion of the comprehensive plan that identifies the projects for consideration for inclusion within the capital improvements program, together with an estimate of the order of magnitude for the cost of each project.

Clustered Residential Development with Planning Board Approval in Accordance with the Cluster Provisions of the Land Use Ordinance of the Town of Rockport: A subdivision or development in which the lot sizes are reduced below those normally required in return for the provision of permanent open space owned in common by lot and/or unit owners, the Town or a land conservation organization.

Clustered Non-Residential Development with Planning Board Approval in Accordance with the Cluster Provision of the Land Use Ordinance of the Town of Rockport: To encourage development more in keeping with the existing patterns of development in historic New England (see also Land Use Ordinance District #910, Traditional Neighborhood Development), industrial or business parks, to reduce strip development, the number of curb cuts, traffic problems, and proliferation of parking areas caused when each lot has its own separate entrance onto a major road.

Common Open Space: Land within or related to a subdivision, not individually owned or within an individual lot, which is designed and intended for the common use or enjoyment of the residents of the development or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the open space, such as for outdoor recreation.

Complete Application: A submission that includes all requested forms and information outlined in the ordinance as well as all applicable fees outlined in the Fee Schedule.

Comprehensive Plan: A document or interrelated documents adopted by the Legislative Body, containing an inventory and analysis of existing conditions, a compilation of goals for the development of the community, an expression of policies for achieving these goals, and a strategy for implementation of the policies.

Conservation Easement: A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

Density: The number of dwelling units per acre of land.

Developed Area: Any area on which site improvements are made, including buildings, landscaping, parking areas, and streets.

Direct Watershed of a Great Pond: That portion of the watershed that drains directly to the great pond without first passing through an upstream great pond. For the purposes of these regulations, the watershed boundaries shall be as delineated in the comprehensive plan. Due to the scale of the map in the comprehensive plan there may be small inaccuracies in the delineation of the watershed boundary. Where there is a dispute as to exact location of a watershed boundary, the Planning Board or its designee and the applicant shall conduct an on-site investigation to determine where the drainage divide lies. If the Planning Board and the applicant can not agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the applicant to provide the Planning Board with information from a professional land surveyor showing where the drainage divide lies.

Driveway: A vehicular access way serving two dwelling units or less.

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for only one family, including provisions for living, sleeping, cooking, bathing and eating. The term shall include mobile homes but not travel trailers or motor homes. Guest quarters that meet this definition shall be considered a separate dwelling unit and must meet all applicable requirements.

Engineered Subsurface Waste Water Disposal System: A subsurface wastewater disposal system designed, installed, and operated as a single unit to treat 2,000 gallons per day or more; or any system designed to treat wastewater with characteristics significantly different from domestic wastewater.

Final Plan: The final drawings on which the applicant's plan of subdivision is presented to the Planning Board for approval and which, if approved, may be recorded at the Knox County Registry of Deeds.

Freshwater Wetland: Areas which 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 part of a great pond, coastal wetland, river, stream or brook. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the above criteria.

Great Pond: Any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has surface area in excess of thirty acres, except for the purposes of these regulations, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

High Intensity Soil Survey: A map prepared by a Soil Scientist certified in the State of Maine identifying the soil types down to one-eighth acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to seasonal high water table or bedrock at that location. Single soil test pits and their evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys.

100-Year Flood: The highest level of flood that, on the average, has a one percent chance of occurring in any given year.

High Water Mark:

Coastal Waters: The elevation at which vegetation changes from predominantly salt tolerant to predominantly non-salt tolerant. By way of illustration, salt tolerant vegetation includes, but is not limited to: salt marsh grass, salt meadow hay, black arrowgrass, seaside lavender, silverweed, salt marsh bullrush, seaside plantain, orach, salt marsh sedge, salt marsh aster. In places where vegetation is not present, the high water mark shall be the identifiable debris line left by non-storm tidal action. On a sand dune, the high water mark shall be the mean seaward limit of salt tolerant vegetation.

Inland Waters: That line, apparent from visible markings, at which changes in the character of soils due to prolonged action of the water or changes in vegetation take place, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers, streams, brooks, or ponds, the normal high-water mark is the upland edge of the wetland, and not the edge of the open water.

Level of Service: A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the *Highway Capacity Manual*, current edition, published by the National Academy of Sciences, Transportation Research Board. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

Multifamily Development: A subdivision that contains three or more dwelling units on land in common ownership, such as apartment buildings, condominiums or mobile home parks.

Municipal Engineer: Any registered professional engineer hired or retained by the Town of Rockport, either as staff or on a consulting basis.

Net Residential Acreage: The total acreage available for the subdivision, as shown on the proposed subdivision plan, minus the area for streets or access and the areas that are unsuitable for development due to, but not limited to, slopes greater than 25% and wetland soils.

Net Residential Density: The average number of dwelling units per net residential acre.

New Structure or Structures: Includes any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this Ordinance.

Person: An individual, corporation, governmental agency, town, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Planning Board: The Planning Board of the Town of Rockport.

Preliminary Plan: The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

Principal Structure: Any building or structure in which the main use of the premises takes place.

Public Water System: A water supply system that provides water to at least 15 service connections or services water to at least 25 individuals daily for at least 30 days a year.

Recording Plan: An original of the Final Plan, suitable for recording at the Registry of Deeds and which need show only information relevant to the transfer of an interest in the property, and which does not show other information presented on the plan such as sewer and water line locations and sizes, culverts, and building lines.

Sight Distance: The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway: used in this Ordinance as a reference for unobstructed road visibility according to D.O.T. Standards.

Sketch Plan: Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision approval.

Spring: A natural point of noticeable ground water discharge.

Street: A public or private way which affords the principal means of access to abutting properties and which has been duly recorded as such in the Registry of Deeds.

Street Classification:

Arterial Street: A major thoroughfare that serves as a major traffic way for travel between and through the municipality. The following roadways shall be considered arterial streets: U.S. Route 1, Route 90 and Route 17.

Collector Street: A street with average daily traffic of 200 vehicles per day or greater, or streets that serve as feeders to arterial streets, and collectors of traffic from minor streets.

Cul-de-sac: A street with only one outlet and having the other end for the reversal of traffic movement.

Industrial or Commercial Street: Streets servicing industrial or commercial uses.

Minor Residential Street: A street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.

Private Way: A privately owned road, driveway for vehicle access to structures or uses on lots.

Subdivision: The definition of "subdivision" contained in the Maine Revised Statutes at 30-A M.R.S.A.§ 4401 (4), as it may be amended from time to time.

Substantial Start: The completion of a portion of the improvements that represents no less than thirty percent of the costs of the proposed infrastructure improvements within a subdivision.

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 such road was established by the owner of land on both sides thereof.

Usable Open Space: That portion of the common open space that due to its slope, drainage characteristics and soil conditions can be used for active recreation, horticulture or agriculture. In order to be considered usable open space, the land must not be poorly drained or very poorly drained, have ledge outcroppings, or areas with slopes exceeding 10%.

ARTICLE 4 – ADMINISTRATIVE PROCEDURE

4.1 Procedure

In order to establish an orderly, equitable and expeditious procedure for reviewing subdivisions and to avoid unnecessary delays in processing applications for subdivision review, the Planning Board shall prepare a written agenda for each regularly scheduled meeting. The agenda shall be prepared no less than one week in advance of the meeting, distributed to the Planning Board members and any applicants appearing on the agenda, and posted at the municipal offices. Applicants shall request to be placed on the Planning Board's agenda at least fifteen days in advance of a regularly scheduled meeting by contacting the Planning & Development Office and complying with its submission requirements.

4.2 Ineligible Applicant

No plan may be considered by the Planning Board as long as the applicant subdivider or principals of any such applicant or subdivider shall be in default or shall have failed to complete improvements on any previously approved subdivision plan in the Town, in accordance with the terms of the approval. Such default or failure to complete shall constitute conclusive evidence of the inability of such applicant to comply with the terms of this Ordinance or to complete work required by a Final Plan.

ARTICLE 5 – PRE-APPLICATION MEETING

5.1 Purpose.

The purpose of the preapplication meeting is for the applicant to present general information regarding the proposed subdivision to the Planning Board and receive the Planning Board's comments prior to the expenditure of substantial sums of money on surveying, soils identification, and engineering by the applicant.

5.2 Procedure.

A. The applicant may present the Preapplication Sketch Plan and make a verbal presentation regarding the site and the proposed subdivision.

B. Following the applicant's presentation, the Planning Board may ask questions and make suggestions to be incorporated by the applicant into the application.

C. The date of the on-site inspection is selected.

D. The applicant shall inform the Planning Board if it is the applicant's intention to develop a Traditional Village as defined in the Rockport Land Use Ordinance.

5.3 Submission.

If the applicant submits a Preapplication, the plan shall show in simple sketch form the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The Sketch Plan, which does not have to be engineered and may be a free-hand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It will be most helpful to both the applicant and the Planning Board for site conditions such as steep slopes, wet areas and vegetative cover to be identified in a general manner. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the assessor's map(s) on which the land is located. The Sketch Plan shall be accompanied by:

A. A copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision unless the proposed subdivision is less than ten acres in size.

B. A copy of that portion of the county soil survey covering the proposed subdivision, showing the outline of the proposed subdivision.

5.4 On-Site Inspection.

In preparation for Subdivision Review, the Planning Board shall hold an on-site inspection of the property. The applicant shall place "flagging" at the centerline of any proposed streets, and at the approximate intersections of the street centerlines and lot corners, prior to the on-site inspection. The Planning Board shall not conduct on-site inspections when there is more than one foot of snow on the ground.

5.5 Rights Not Vested.

The preapplication meeting, the submittal or review of the sketch plan or the on-site inspection shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of 1 M.R.S.A. § 302.

5.6 Establishment of File.

Following the preapplication meeting the Planning & Development Office shall establish a file for the proposed subdivision. All correspondence and submissions regarding the preapplication meeting and application shall be maintained in the file.

5.7 Caution.

Developers are cautioned that the following activities are prohibited until a proposed subdivision has been reviewed and approved by the Planning Board: Construction of streets; cutting of trees (other than thinning); grading of land or lots; offering or advertising lots for sale.

ARTICLE 6 – RESERVED

ARTICLE 7 – RESERVED

ARTICLE 8 – SUBDIVISION REVIEW

8.1 Procedure.

A. Within six months after the on-site inspection, the applicant shall submit a complete subdivision application at least three weeks prior to a scheduled meeting of the Planning Board. Applications shall be submitted to the Planning Board in care of the Planning & Development Office. If the subdivision application is not submitted within six months after the on-site inspection, the Planning Board shall require rescheduling the on-site inspection, except as stipulated below.

If an applicant cannot submit the subdivision application within six months of their on-site inspection, due to delays caused by other regulatory bodies, or other reasons, the applicant may request an extension. Such a request for an extension to the filing deadline shall be filed, in writing, with the Planning Board prior to the expiration of the filing period. In considering the request for an extension the Planning Board shall make findings that the applicant has made due progress in preparation of the subdivision application and in pursuing approval of the plans before other agencies, and that municipal ordinances or regulations which may impact on the proposed development have not been amended.

B. All applications for subdivision approval shall be accompanied by non-refundable application fee per lot or dwelling unit or, in the case of a Traditional Village, by a base fee per acre of land, as described in the Fee Schedule..

C. Prior to approval of the subdivision application, the applicant shall provide a list of State and/or Federal approvals to be obtained, such as, but not limited to:

1. Maine Department of Environmental Protection, under the Site Location of Development Act, Natural Resources Protection Act, or if a wastewater discharge license is needed.

2. Maine Department of Human Services, if the applicant proposes to provide a public water system.

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

4. U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.

D. The applicant, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the subdivision application. Failure to attend the meeting to present the subdivision application shall result in a delay of the Planning Board's review of the plan until the next meeting which the applicant attends.

E. Within fourteen (14) days of the receipt of the subdivision application, the Planning &Development Office shall review the application for completeness. If the application is not complete, the Planning & Development Office shall notify the applicant of the specific additional material needed to complete the application. Once the application has been determined complete, the subdivision application will be added to the Planning Board's agenda for review and:

1. Issue a dated receipt to the applicant.
2. Notify all abutting landowners in writing that a subdivision application has been submitted, specifying the location of the proposed subdivision and including a general description of the project.
3. Notify the Town Clerk and the reviewing authority of neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary.

F. A public hearing shall be held within thirty (30) days of the Planning & Development Office's determination that a completed subdivision application has been received. The Planning & Development Office shall cause notice of the date, time and place of such hearing to be given to the applicant and be published in a newspaper of general circulation in Rockport, at least two (2) times, the date of the first publication at least seven (7) days prior to the hearing. For any proposed subdivision lying wholly or partly within the watershed of a public water supply, the Maine Water Company or its successors shall be notified of the date, time and place of the hearing.

G. The Planning & Development Office shall notify the public works department, police chief, fire chief, and school superintendent of the proposed subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multi-family, commercial or industrial buildings. The Planning & Development Office shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed subdivision.

H. Within thirty days from the public hearing or within another time limit as may be otherwise mutually agreed to by the Planning Board and the applicant, the Planning Board shall make findings of fact, and conclusions relative to the criteria for approval contained in 30-A M.R.S.A. § 4404 and the standards of this ordinance. If the Planning Board finds that all the criteria of the statute and the standards of this ordinance have been met, it shall approve the subdivision application. If the Planning Board finds that any of the criteria of the statute or the standards of this ordinance has not been met, the Planning Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Planning Board.

8.2 Submissions.

The final plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size. A signature block shall be reserved on the plan for endorsement by the Planning Board with typed names of the Planning Board members as placeholders for corresponding signatures. Two reproducible plans, one to be recorded at the Registry of Deeds, the other to be filed at the municipal office, shall be submitted in addition to a digital copy of the application.. A digital copy of the Plan and all accompanying information shall be submitted to the Planning & Development Office for distribution to the Planning Board.

The Subdivision application shall include or be accompanied by the following information.

A. Application Form found on the Town's website.

B. Location Map. The location map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Planning Board to locate the subdivision within the municipality. The location map shall show:

   a. Existing subdivisions in the proximity of the subdivision.

   b. Locations and names of existing and proposed streets.

   c. Boundaries and designations of zoning districts.

   d. An outline of the proposed subdivision and any remaining portion of the owner's property if the subdivision application covers only a portion of the owner's entire contiguous holding.

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

D. Verification of right, title, or interest in the property.

E. A boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a professional land surveyor. The corners of the parcel shall be located on the ground and marked by monuments.

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

G. A copy of any proposed deed restrictions for any or all of the lots or dwellings in the subdivision.

H. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, watercourses, and other essential existing physical features. The location of any trees larger than 24 inches in diameter at breast height within areas the developer proposes to clear shall be shown on the plan.

I. An indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the sewer district indicating the district has reviewed and approved the sewerage design shall be submitted.

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

   a. When water is to be supplied by an existing public water supply, a written statement from the servicing water district shall be submitted indicating the district has reviewed and approved the water system design. A written statement shall be submitted from the fire chief approving all hydrant locations or other fire protection measures deemed necessary. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a hydrogeologist familiar with the area and/or evidence from wells on a minimum of three adjacent properties.

   b. For rural locations, the Fire Chief shall provide a statement relative to the availability of water sources such as lakes, ponds, rivers, and brooks for fire fighting purposes. In areas where no water supplies are available, the fire department's ability to transport water via tank trucks shall be considered relative to the size, construction type, and built-in fire suppression systems of the structures proposed.

K. The date the plan was prepared, north arrow, graphic map scale.

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

M. Preexisting conditions including the location of any mines, gravel pits and wetland areas, regardless of size, shall be identified on the survey.

N. The location of all rivers, streams, brooks and springs within or adjacent to the proposed subdivision. If any portion of the proposed subdivision is located in the direct watershed of a great pond, the application shall indicate which great pond.

O. Contour lines at two (2) foot intervals unless directed otherwise in this ordinance or by the Planning Board.

P. The proposed lot lines with approximate dimensions and lot areas. Newly created lots shall be numbered in accordance with the Rockport E-911 Addressing Ordinance.

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

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

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

T. Street plans, meeting the requirements of Section 12.2.B.2. For a Traditional Village, the plan for all streets along which on-street parking is proposed to be permitted shall include the location of street trees as required by Section 910 of the Rockport Land Use Ordinance.

U. A storm water management plan, prepared by a registered professional engineer in accordance with the *Maine Stormwater Best Management Practices Manual*, published by the Maine Department of Environmental Protection (current edition). The Planning Board may not waive submission of the storm water management plan unless the subdivision is not in the watershed of a great pond, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

V. An erosion and sedimentation control plan prepared in accordance with the *Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices*, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection (current edition). The Planning Board may not waive submission of the erosion and sedimentation control plan unless the subdivision is not in the watershed of a great pond, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the

area of the subdivision. For subdivisions lying wholly or partly within the Consumers Maine Water Company watershed, one copy of the plan must be submitted to Consumers Maine Water Company for approval.

W. The width and location of any streets or public improvements or open space shown upon the official map and the comprehensive plan, if any, within the subdivision.

X. An indication of all parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all public ways and open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If proposed streets and/or open spaces or other land is to be offered to the Town of Rockport with this application, it will require the appropriate approvals outlined in the Town Charter.

Y. The area on each lot where existing forest cover will be permitted to be removed and converted to lawn, structures or other cover and any proposed restrictions to be placed on clearing existing vegetation.

Z. The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan. In areas where the Base Flood Elevation (BFE) has been determined, the applicant shall show through field survey the flood boundary based upon an NGVD benchmark.

AA. The Planning Board may require a hydrogeologic assessment in cases where site considerations or development design indicate greater potential of adverse impacts on ground water quality. These cases include extensive areas of shallow bedrock soils.

BB. Provide an estimate of the amount and type of vehicular traffic to be generated on a daily basis and a peak hours. Trip generation rates used shall be taken from the Trip Generation Manual, current edition, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant or the Planning Board demonstrates that these sources better reflect local conditions.

CC. For subdivision involving forty (40) or more parking spaces or projected to generate more than one hundred (100) vehicle trips in the peak hour, a traffic impact analysis, prepared by a professional engineer registered in the State of Main with experience in traffic engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.

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

EE. If any portion of the proposed subdivision is in the direct watershed of a great pond, and does not qualify for the simplified review procedure for phosphorus control, the following shall be submitted or indicated on the plan:

a. A phosphorus impact analysis and control plan conducted using the procedures set forth in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection (current edition). The analysis and control plan shall include all worksheets, engineering calculations, and construction specifications and diagrams for control measures, as required by the *Technical Guide*.

b. A long-term maintenance plan for all phosphorus control measures.

c. The contour lines shown on the plan shall be at an interval of no less than five feet.

d. Areas with sustained slopes greater than 25% covering more than one acre shall be delineated.

FF. A list of construction items, with cost estimates, that will be completed by the applicant prior to the sale of lots, and evidence that the applicant has financial commitments or resources to cover these costs.

GG. The location and method of disposal for land clearing and construction debris and/or the quantity and type of fill to be brought in.

HH. Written approval from the Zoning Board of Appeals regarding appeals for variances or special exceptions, if required, and any conditions imposed.

8.3 Final Approval and Filing.

A. No subdivision application shall be considered by the Planning Board as long as the applicant is in violation of the provisions of a previously approved application within the municipality.

B. Upon findings of fact and determination that all standards in Title 30-A M.R.S.A. §4404, and this Ordinance have been met, and upon voting to approve the subdivision, the Planning Board shall sign the subdivision plan. The Planning Board shall specify in writing its findings of facts and reasons for any conditions or denial. This shall be the final action by the Planning Board for purposes of appeal.

C. A required performance guarantee shall be delivered to the Planning & Development Office no more than two years after final approval of the subdivision. Failure to deliver the performance guarantee within the required time period shall cause the subdivision approval to become null and void.

D. Every plan presented to the Planning Board for signature shall contain a statement that the plan must be recorded at the Knox County Registry of Deeds within two years of the date of signing by the Planning Board to remain valid. Failure to record the plan at the Knox County Registry of Deeds within two years of Planning Board signing shall render the plan null and void.

E. No changes, erasures, modifications, or revisions shall be made in any subdivision plan after approval has been given by the Planning Board and endorsed in writing on the plan, unless the revised subdivision plan is first submitted and the Planning Board approves any modifications, except in accordance with Article 10. The Planning Board shall make findings that the revised subdivision plan meets the criteria of 30-A M.R.S.A. §4404, and the standards of this Ordinance. In the event that a subdivision plan is recorded without complying with this requirement, it shall be considered null and void, and the Planning Board shall institute proceedings to have the subdivision plan stricken from the records of the Registry of Deeds.

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

G. Except in the case of a phased development plan, failure to complete substantial start of the subdivision infrastructure within five years of the date of approval of the plan shall render the plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Planning Board shall have a notice placed in the Registry of Deeds to that effect.

ARTICLE 9 – REVISIONS TO APPROVED PLANS

9.1 Procedure.

An applicant for a revision to a previously approved plan shall, at least three weeks prior to a regularly scheduled meeting of the Planning Board, request to be placed on the Planning Board's agenda.

9.2 Submissions.

The applicant shall submit a copy of the approved plan as well as sufficient copies of the proposed revisions for distribution to the Board. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of these regulations and the criteria of the statute. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the title of the subdivision and the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds.

9.3 Scope of Review.

The Board's scope of review shall be limited to those portions of the plan that are proposed to be changed and to any consequent impacts of these changes.

ARTICLE 10 – INSPECTIONS AND ENFORCEMENT

10.1 Inspection of Required Improvements.

A. At least five days prior to commencing construction of required improvements, the subdivider or builder shall:

1. Notify the Code Officer in writing of the time when (s)he proposes to commence construction of such improvements, so that the municipal officers, or their duly appointed representative, can arrange for inspections to assure that all municipal specifications, requirements, and conditions of approval are met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

2. Pay the required fee for infrastructure improvements.

B. If the inspecting official finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, (s)he shall so report in writing to the Planning & Development Office, the subdivider and builder. The Planning & Development Office shall take any steps necessary to assure compliance with the approved plans.

C. If at any time it appears necessary or desirable to modify the required improvements before or during the 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 Planning & Development Office. Revised plans shall be filed with the Planning & Development Office..

D. The subdivider shall provide the Planning & Development Office with a letter from a professional land surveyor, stating that all monumentation shown on the plan has been installed.

E. For streets to be given to the Town in accordance with the Municipal Road Acceptance Ordinance, a written certification signed by a professional engineer shall be submitted to the municipal officers at the expense of the applicant, certifying that the proposed public way meets or exceeds the design and construction requirements of this Ordinance. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. “As built” plans shall be submitted to the municipal officers.

F. The subdivider shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the municipality or control is placed with a lot owners’ association.

10.2 Violations and Enforcement.

A. No plan of a division of land within the municipality that would constitute a subdivision shall be recorded in the Registry of Deeds until a Subdivision Review has been approved by the Planning Board in accordance with this ordinance.

B. A person shall not convey, offer or agree to convey any land in a subdivision that has not been approved by the Planning Board and recorded in the Registry of Deeds.

C. A person shall not sell, lease or otherwise convey any land in an approved subdivision that is not shown on the plan as a separate lot.

D. No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a Subdivision Review has not been approved by the Planning Board.

E. Development of a subdivision without Planning Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings that require a plan approved as provided in this Ordinance and recorded in the Registry of Deeds.

F. No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with this Ordinance up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the street upon which the unit is accessed is completed in accordance with this Ordinance.

G. Violations of the above provisions of this section shall be punished in accordance with the provisions of 30-A M.R.S.A. §4452.

ARTICLE 11 – PERFORMANCE STANDARDS

The performance standards in this article are intended to clarify and expand upon the criteria for approval found within the subdivision statute - 30-A M.R.S.A., §4404. In reviewing a proposed subdivision, the Planning Board shall review the application for conformance with the following performance standards and make findings that each has been met prior to the approval of a Subdivision Review. Compliance with the design guidelines of Article 12 shall be considered to be evidence of meeting the appropriate performance standards. Proposed subdivisions not in compliance with the design guidelines of Article 12 may be considered, but the applicant shall provide clear and convincing evidence that the proposed design will meet the performance standard(s) and the statutory criteria. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance standards and statutory criteria for approval have been or will be met.

11.1 The Proposed Subdivision will not result in undue Air or Water Pollution.

A. The proposed subdivision shall not discharge wastewater to a water body without a license from the Maine Department of Environmental Protection.

B. Discharges of storm water shall be treated to remove oil, grease, and sediment prior to discharge into surface waterbodies. When the subdivision is within the watershed of a great pond, the storm water shall be treated in order to remove excess nutrients.

C. Applicable State and local health and water resource rules and regulations shall be adhered to.

11.2 The Proposed Subdivision has Sufficient Water Available for the Reasonably Foreseeable needs of the Subdivision.

A. **Water Supply.**

1. Any subdivision within the area designated in the comprehensive plan for future public water supply service shall make provisions for connection to the public system. When public water supply service will not be available at the time of construction of the subdivision, a “capped system” shall be installed within the subdivision to allow future connection when service becomes available without excavation within the right-of-way of any street within the subdivision.

2. When a subdivision is to be served by a public water system, the complete supply system within the subdivision, including fire hydrants, shall be installed at the expense of the applicant. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by Consumers Maine Water Company or its successors and the fire chief.

3. When a proposed subdivision is not within the area designated for public water supply service in the comprehensive plan, water supply shall be from individual wells or Maine Water Company or its successors.

   a. Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of potential contamination.

   b. Lot design shall permit placement of wells, subsurface waste water disposal areas, and reserve sites for subsurface waste water disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.

   c. If a central water supply system is provided by the applicant, the location and protection of the source, the design, construction and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231).

   d. In areas where the comprehensive plan has identified the need for additional water storage capacity for fire fighting purposes, the applicant shall provide adequate water storage facilities. Facilities may be ponds with dry hydrants, underground storage reservoirs or other methods acceptable to the fire chief. An easement shall be granted to the municipality granting access to and maintenance of dry hydrants or reservoirs where necessary. The Planning Board may waive the requirement for water storage only upon submittal of evidence that the soil types in the subdivision will not permit their construction or installation and that the fire chief has indicated in writing that alternate methods of fire protection are available.

B. **Water Quality.**

Water supplies shall meet the primary drinking water standards contained in the Maine Rules Relating to Drinking Water. If existing water quality contains contaminants in excess of the secondary drinking water standards in the Maine Rules Relating to Drinking Water, that fact shall be disclosed in a note on the plan to be recorded in the Registry of Deeds.

11.3 The Proposed Subdivision will not cause an unreasonable Burden on an Existing Water Supply, if One is to be Used.

In meeting the standards of Section 11.2.A, a proposed subdivision shall not generate a demand on the source, treatment facilities or distribution system of the servicing water company or district beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the subdivision. The applicant shall be responsible for paying the costs of system improvements to the district's or company's system as necessary to alleviate existing deficiencies.

11.4 The Proposed Subdivision will not Cause Unreasonable Soil Erosion or a Reduction in the Land's Capacity to Hold Water so that a Dangerous or Unhealthy Condition Results.

A. The proposed subdivision shall prevent soil erosion from entering waterbodies, wetlands, and adjacent properties.

B. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.

C. Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.

11.5 The Proposed Subdivision will not Cause Unreasonable Highway or Public Road Congestion or Unsafe Conditions with Respect to the Use of the Highways or Public Roads Existing or Proposed.

In general, provision shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to:

A. Safeguard against hazards to traffic and pedestrians in existing streets and within the subdivision;

B. Avoid traffic congestion on any street; and

C. Provide safe and convenient circulation on public streets and within the subdivision.

11.6 The Proposed Subdivision will Provide for Adequate Sewage Waste Disposal and will not Cause an Unreasonable Burden on Municipal Services if they are utilized.

A. **Public System.**

1. Any proposed subdivision shall conform with applicable provisions of the Rockport Wastewater Ordinance.

2. When a subdivision is proposed to be served by the public sewage system, the complete collection system within the subdivision, including manholes and pump stations, shall be installed at the expense of the applicant.

3. The sewer district shall certify that providing service to the proposed subdivision is within the capacity of the system's existing collection and treatment system or improvements planned to be complete prior to the construction of the subdivision.

4. The sewer district shall review and approve the construction drawings for the sewerage system.

B. **Private Systems.**

1. Where public sewage disposal service is not available, a private subsurface wastewater disposal system or a private treatment facility with surface discharge shall be used for sewage disposal.

2. The applicant shall 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.

   a. The site evaluator shall certify in writing that all test pits that meet the requirements for a new system represent an area large enough to install a disposal area on soils that meet the Disposal Rules.

   b. In no instance shall a disposal area be on a site, which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

11.7 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.

If the additional solid waste from the proposed subdivision exceeds the capacity of the municipal solid waste facility, causes the municipal facility to no longer be in compliance with its license from the Department of Environmental Protection, or causes the municipality to exceed its contract with a non-municipal facility, the applicant shall make alternate arrangements for the disposal of solid waste. The alternate arrangements shall be at a disposal facility that is in compliance with its license. The Planning Board may not require the alternate arrangement to exceed a period of five years.

11.8 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.

A. **Preservation of Natural Beauty and Aesthetics.**

1. The plan shall, by notes on the final plan and deed restrictions, limit the clearing of trees to those areas designated on the plan.

2. Except in areas of the municipality designated by the comprehensive plan as growth areas, the subdivision shall be designed to minimize the visibility of buildings from existing public roads.

3. The Planning Board may require the application to include a landscape plan that will show the preservation of any existing trees larger than 24 inches diameter at breast height, the replacement of trees and vegetation, and graded contours.

4. When a proposed subdivision street traverses open fields the plans may include the planting of street trees.

B. **Retention of Open Spaces and Natural or Historic Features.**

1. If any portion of the subdivision is located within an area designated by the comprehensive plan as open space, that portion shall be reserved for open space preservation.

2. If any portion of the subdivision is located within an area designated as a unique natural area by the comprehensive plan or the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values that qualify the site for such designation.

3. If any portion of the subdivision is designated a site of historic or prehistoric importance by the comprehensive plan or the Maine Historic Preservation Commission, appropriate measures for the protection of the historic or prehistoric resources shall be included in the plan.

4. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended.

5. Reserved open space land may be dedicated to the municipality.

C. **Protection of Significant Wildlife Habitat.**

If any portion of a proposed subdivision lies within:

1. 250 feet of the following areas identified and mapped by the Department of Inland Fisheries and Wildlife or the comprehensive plan as:

   a. Habitat for species appearing on the official state or federal lists of endangered or threatened species;

   b. High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;

   c. Shorebird nesting, feeding and staging areas and seabird nesting islands; or

2. An area identified and mapped by the Department of Inland Fisheries and Wildlife as a high or moderate value deer wintering area or travel corridor; or

3. Other important habitat areas identified in the comprehensive plan including coastal wildlife concentration areas, the applicant shall demonstrate that there shall be no adverse impacts on the habitat and species it supports.

D. Any existing public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way, or should be included in the open space with provisions made for continued public access.

11.9 The Proposed Subdivision Conforms with the Duly Adopted Subdivision Ordinance, Comprehensive Plan and Land Use Ordinance of the Town of Rockport.

All lots shall meet the minimum dimensional requirements of the Land Use Ordinance for the zoning district in which they are located. The proposed subdivision shall meet all applicable performance standards or design criteria from the Land Use Ordinance. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.

11.10 The Subdivider has Adequate Financial and Technical Capacity to Meet the Standards.

A. **Financial Capacity.**

The applicant shall have adequate financial resources to construct the proposed improvements and meet the criteria of the statute and the standards of this ordinance. When the applicant proposes to construct the buildings as well as the subdivision improvements, the applicant shall have adequate financial resources to construct the total development. In making the above determinations the Planning Board shall consider the proposed time frame for construction and the effects of inflation.

B. **Technical Ability.**

1. The applicant shall retain qualified contractors and consultants to supervise, construct and inspect the required improvements in the proposed subdivision.

2. In determining the applicant's technical ability the Planning Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations of previous approvals granted to the applicant.

11.11 Whenever Situated Entirely or Partially within the Watershed of any Pond or Lake or within 250 feet of any Wetland, Great Pond or River, the Proposed Subdivision will not adversely Affect the Quality of that Body of Water or Unreasonably Affect the Shoreline of that Body of Water.

11.12 The Proposed Subdivision will not, alone or in conjunction with Existing Activities, Adversely Affect the Quality or Quantity of Ground Water.

A. **Ground Water Quality.**

1. When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:

   a. A map showing the basic soils types.

   b. The depth to the water table at representative points throughout the subdivision.

   c. Drainage conditions throughout the subdivision.

   d. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.

   e. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision; or at the subdivision boundaries; or at a distance of 1,000 feet from potential contamination sources, whichever is a shortest distance.

   f. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.

2. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).

3. No subdivision shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.

4. If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.

5. If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

6. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the Subdivision plan, and as restrictions in the deeds to the affected lots.

B. **Ground Water Quantity.**

1. Ground water withdrawals by a proposed subdivision shall not lower the water table beyond the boundaries of the subdivision.

2. A proposed subdivision shall not result in a lowering of the water table at the subdivision boundary by increasing runoff with a corresponding decrease in infiltration of precipitation.

11.13 If the Subdivision, or any Part of it, is in a Flood Prone Area, the Subdivider shall Determine the 100-year Flood Elevation and Flood Hazard Boundaries within the Subdivision. The Proposed Subdivision Plan must include a Condition of Plan Approval Requiring that Principal Structures in the Subdivision will be Constructed with their Lowest Floor, Including the Basement, at Least One foot Above the 100-year Flood Elevation.

When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency:

A. All public utilities and facilities, such as sewer, gas, electrical and water systems, shall be located and constructed to minimize or eliminate flood damages.

B. Adequate drainage shall be provided so as to reduce exposure to flood hazards.

C. The plan shall include a statement that structures in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. Such a restriction shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The statement shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on the plan.

11.14 All Freshwater Wetlands within the Proposed Subdivision Shall be Identified on any Maps Submitted at Part of the Application, Regardless of the Size of these Wetlands.

Freshwater wetlands shall be identified in accordance with the *Corps of Engineers Wetland Delineation Manual*, current edition, published by the United States Army Corps of Engineers.

11.15 Any River, Stream or Brook within or Abutting the Proposed Subdivision shall be Identified on any Maps Submitted as Part of the Application.

11.16 The Proposed Subdivision will Provide for Adequate Stormwater Management.

A. Adequate provision shall be made for the management of the quantity and quality of all storm water generated within the subdivision, and any drained ground water through a management system of best management practices such as swales, culverts, under drains, storm drains, buffers, turnouts and level spreaders conforming to *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection, current edition. The stormwater management system shall be designed to meet the standards outlined for projects based upon their disturbed and impervious areas. All projects shall meet the Basic Standards Criteria.

B. Where necessary to achieve the above standards, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the municipality allowing maintenance and improvement of the system.

11.17 If any Lots in the Proposed Subdivision have Shore Frontage on a River, Stream, Brook, Great Pond or Coastal Wetland, None of the Lots created Within the Subdivision Shall have a Lot Depth to Shore Frontage Ratio Greater than 4:1.

11.18 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.
Phosphorus control measures shall meet the design criteria in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development,* Published by the Maine Department of Environmental Protection, current edition.

11.19 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.

ARTICLE 12 – DESIGN GUIDELINES

This article is intended to provide an example of design guidelines, which if followed will result in meeting the appropriate performance standards of Article 11. Compliance with these guidelines shall be considered evidence of meeting those standards. Proposed subdivisions not in compliance with the design guidelines of this article may be approved if, and only if, the applicant has provided clear and convincing evidence, in the sole determination of the Planning Board, that the proposed design will meet the performance standard(s) and the statutory criteria of Article 11. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance standards and statutory criteria for approval have been or will be met.

12.1 Sufficient Water.

A. Well Construction.

1. Due to the increased chance of contamination from surface water, dug wells shall be prohibited on lots of smaller than one acre. On lots of one acre or smaller, the applicant shall prohibit dug wells by deed restrictions and a note on the plan.

2. Wells shall not be constructed within 100 feet of the traveled way of any street, if located downhill from the street, or within 50 feet of the traveled way of any street, if located uphill of the street. This restriction shall be included as a note on the plan and deed restriction to the effected lots.

B. Fire Protection.

1. Spacing and location of fire hydrants connected to a public water supply system shall be approved by the Fire Chief.

2. In areas where there is no public water supply, fire ponds are encouraged and subject to review and approval by the Fire Chief. Upon a recommendation by the Fire Chief, the Planning Board may require an independent engineering feasibility study.

3. Hydrants or other provisions for drafting water shall be provided to the specifications of the fire department. Minimum pipe size connecting dry hydrants to ponds shall be six inches.

4. Where the dry hydrant or other water source is not within the right-of-way of a proposed or existing street, an easement to the municipality shall be provided to allow access. A suitable accessway to the hydrant or other water source shall be constructed.

12.2 Traffic Conditions.

A. Access Control.

1. Where a subdivision abuts or contains an existing or proposed arterial street, no residential lot may have vehicular access directly onto the arterial street. This requirement shall be noted on the plan and in the deed of any lot with frontage on the arterial street.

2. Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians. This restriction shall appear as a note on the plan and as a deed restriction to the affected lots.

3. **Subdivision Access Design for Subdivisions Entering onto Arterial Streets.**

When the access to a subdivision is a street, the street design and construction standards of Section 12.2.B below shall be met. Where there is a conflict between the standards in this section and the standards of Section 12.2.B, the stricter or more stringent shall apply.

a. **General.** Access design shall be based on the estimated volume using the access classification defined below. Traffic volume estimates shall be as defined in the *Trip Generation Manual*, current edition, published by the Institute of Transportation Engineers.

(1) **Low Volume Access:** An access with 50 vehicle trips per day or less.

(2) **Medium Volume Access:** Any access with more than 50 vehicle trips per day but less than 200 peak hour vehicle trips per day.

(3) **High Volume Access:** Peak hour volume of 200 vehicle trips or greater.

b. **Sight Distances.** Accesses shall be located and designed in profile and grading to provide the required sight distance measured in each direction. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curbline or edge of shoulder, with the height of the eye 3-1/2 feet, to the top of an object 4-1/4 feet above the pavement. The required sight distances are listed by road width and for various posted speed limits. For two lane roads, a minimum sight distance of ten feet for each mile per hour of posted speed limit shall be maintained or provided.

c. **Vertical Alignment.** Accesses shall be flat enough to prevent the dragging of any vehicle undercarriage. Accesses shall slope upward or downward from the gutter line on a straight slope of 3 percent or less for at least 75 feet.

d. **Low Volume Accesses.**

(1) **Skew Angle.** Low volume accesses shall be two-way operation and shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 60 degrees.

(2) **Curb Radius.** The curb radius shall be 15 feet minimum.

e. **Medium Volume Accesses.**

(1) **Skew Angle.** Medium Volume Accesses shall be either one-way or two-way operation and shall intersect the road at an angle as nearly 90° as site conditions permit, but in no case less than 60°.

(2) **Curb Radius.** Curb radii will vary depending if the access has one-way or two-way operation. On a two-way access the curb radii shall be between 25 feet and 40 feet, with a preferred radius of 30 feet. On one-way accesses, the curb radii shall be 30 feet for right turns into and out of the site, with a 5-foot radius on the opposite curb.

(3) **Width.** On a two-way access the width shall be between 24 and 26 feet, with a preferred width of 26 feet, however where truck traffic is anticipated, the width may be no more than 30 feet. On a one-way access the width shall be between 16 feet and 20, with a preferred width of 16 feet.

(4) **Curb-Cut Width.** On a two-way access the curb-cut width shall be between 74 feet and 110 feet with a preferred width of 86 feet. On a one-way access the curb-cut width shall be between 46 feet and 70 feet with a preferred width of 51 feet.

f. **High Volume Accesses.**

(1) **Skew Angle.** High Volume Accesses shall intersect the road at an angle as nearly to 90° as site conditions permit, but in no case less than 60°.

(2) **Curb Radius.** Without channelization islands for right-turn movements into and out of the site, the curb radii shall be between 30 feet and 50 feet. With channelization islands, the curb radii shall be between 75 feet and 100 feet.

(3) **Curb Cut Width.** Without channelization, curb-cut width shall be between 106 feet and 162 feet with a preferred width of 154 feet. With channelization, the curb-cut width shall be between 196 feet and 262 feet with a preferred width of 254 feet.

(4) **Entering and exiting accesses** shall be separated by a raised median which shall be between 6 feet and 10 feet in width. Medians separating traffic flows shall be no less than 25 feet in length, with a preferred length of 100 feet.

(5) **Width.** Access widths shall be between 20 feet and 26 feet on each side of the median, with a preferred width of 24 feet. Right turn only lanes established by a channelization island shall be between 16 feet and 20 feet, with a preferred width of 20 feet.

(6) **Appropriate traffic control signage** shall be erected at the intersection of the access and the street and on medians and channelization islands.

g. **Access Location and Spacing.**

(1) **Minimum Corner Clearance.** Corner clearance shall be measured from the point of tangency for the corner to the point of tangency for the access. In general the maximum corner clearance should be provided as practical based on site constraints. Minimum corner clearances are listed in Table 12.2-1, based upon access volume and intersection type.

Table 12.2-1. Minimum Standards for Corner Clearance

	Minimum Corner Clearance (feet)	
Access Type	Intersection Signalized	Intersection Unsignalized
Low Volume	150	50
Medium Volume	150	50
High Volume	500	250

(2) **Access Spacing.** Accesses and street intersections shall be separated from adjacent accesses, streets and property lines as indicated in Table 12.2-2, in order to allow major through routes to effectively serve their primary function of conducting through traffic. This distance shall be measured from the access point of tangency to the access point of tangency for spacing between accesses and from the access point of tangency to a projection of the property line at the edge of the roadway for access spacing to the property line.

Table 12.2-2. Minimum Access Spacing

	Minimum Spacing to Property Line (Dpl)[1]	Minimum Spacing to Adjacent Access by Access Type[2] (Dsp)[3]		
Access Type	(feet)	Medium (feet	High w/o RT* (feet)	High w/RT** (feet)
Low Volume	5			
Medium Volume	10	75		
High Volume (w/o RT)*	75	75	150	
High Volume (w/ RT)**	75	75	250	500

[1] Measured from point of tangency of access to projection of property line on roadway edge.

[2] For two more accesses serving a single parcel, or from a proposed access from an existing access.

[3] Dsp measured from point of tangency of access to point of tangency of adjacent access.

* High volume access without right turn channelization

** High Volume access with right turn channelization

h. **Number of Accesses.** The maximum number of accesses on to a single street is controlled by the available site frontage and the table above. In addition, the following criteria shall limit the number of accesses independent of frontage length.

(1) No low volume traffic generator shall have more than one two-way access onto a single roadway.

(2) No medium or high volume traffic generator shall have more than two two-way onto a single roadway.

i. **Construction Materials/Paving.**

(1) All accesses entering a curbed street shall be curbed with materials matching the street curbing. Sloped curbing is required around all raised channelization islands or medians.

(2) All accesses shall be paved with bituminous concrete pavement within the street right-of-way. All commercial accesses, regardless of access volume, shall be paved with bituminous concrete pavement within 30 feet of the street right-of-way.

B. **Street Design and Construction Standards.**

1. **General Requirements.**

a. The Planning Board shall not approve any subdivision plan unless proposed streets are designed in accordance with any local ordinance or the specifications contained in these regulations. Approval of the Subdivision plan by the Planning Board shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement.

b. Applicants shall submit to the Planning Board, as part of the Subdivision plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed streets and existing streets within 300 feet of any proposed intersections. The plan view shall be at a scale of one inch equals no more than fifty feet. The vertical scale of the profile shall be one inch equals no more than five feet. The plans shall include the following information:

(1) Date, scale, and north arrow, indicating magnetic or true.

(2) Intersections of the proposed street with existing streets.

(3) Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, and curbs.

(4) Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways. All weather exposed pipes shall be aluminized Type II.

(5) Complete curve data shall be indicated for all horizontal and vertical curves.

(6) Turning radii at all intersections.

(7) Centerline gradients.

(8) Size, type and locations of all existing and proposed overhead and underground utilities, to include but not be limited to water, sewer, electricity, telephone, lighting, and cable television.

c. Where the applicant proposes improvements within existing public streets, the proposed design and construction details shall be approved in writing by the road commissioner or the Maine Department of Transportation, as appropriate.

d. Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan: "All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town, until they meet the current municipal street design and construction standards at the time of the request to become public streets."

2. **Street Design Standards.**

a. These design guidelines shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances associated with the street, and shall be met by all streets within a subdivision, unless the applicant can provide clear and convincing evidence that an alternate design will meet good engineering practice

and will meet the performance standards of Section 805.3 of the Land Use Ordinance of the Town of Rockport for private ways.

b. Adjacent to areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial uses is contemplated by the municipality, the street right-of-way and/or pavement width shall be increased on each side by half of the amount necessary to bring the road into conformance with the standards for commercial streets in these regulations.

c. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in these regulations), or when the comprehensive plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the plan shall indicate reserved areas for widening or realigning the road 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. When such widening or realignment is included in the municipality's capital investment plan, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the municipality or State.

d. The design standards of Table 12.2-3 shall apply according to street classification.

Table 12.2-3. Street Design Guidelines

	Type of Street				
Description	Arterial	Collector	Minor	Private Rights-of-Way	Industrial/ Commercial
Minimum Right-of-Way Width	80’	50’	50’	50’	60’
Minimum Traveled Way Width	44’	24’	20’	18’	30’
Minimum Width of Shoulders (each side)	5’	3’	3’	1’	9’
Sidewalk Width	8’	5’	5’	N/A	8’
Minimum Grade	.5%	.5%	.5%	N/A	.5%
Maximum Grade	5%	10%	10%	12%	5%
Minimum Centerline Radius					
without superelevation	Radii should meet current AASHTO design standards				
with superelevation	Radii should meet current AASHTO design standards				
Roadway Crown*	1/4”/ft	1/4”/ft	1/4”/ft	**	1/4”/ft
Minimum Angle of Street Intersections***	90°	90°	75°	75°	90°
Maximum Grade within 75 ft. of the Stopped Approach of the Intersection	3%	3%	3%	3%	3%

Description	Type of Street: Arterial	Collector	Minor	Private Rights-of-Way	Industrial/ Commercial
Minimum Curb Radii at Intersections	30’	25’	20’	N/A	30’****
Minimum R/O/W Radii at Intersections	20’	10’	10’	10’	10’

* Roadway crown is per foot of lane width.
** Gravel surfaces shall have a minimum crown of 3/4-inch per foot of lane width.
*** Street intersection angles shall be as close to 90° as feasible but no less than the listed angle.
**** Should be based on turning radii of expected commercial vehicles, but no less than 30 feet.

The streets in a Traditional Village shall be designed in accordance with the Street Design Guidelines except as follows:

Description	Type of Street: Private Way	Local Residential	Collector
Minimum Right of Way			
No Parking	28’	30’	36’
Parking One Side	–	30’	36’
Parking Two Sides	–	35’	40’
Minimum Roadway Width			
No Parking	18’	18’	20’
Parking One Side	–	25’	28’
Parking Two Sides	–	32’	36’
Minimum Shoulder Width (where no curb or parking lane provided)	2’	4’	6’
Minimum Center Line Radius	90’	165’	275’
Minimum Angle of Street Intersections*	60°	60°	60°
Minimum Distance Between Intersections*			
Same Side	125’	150’	200’
Opposite Sides	50’	125’	150’
Curb Radius at Intersection			
90°	10’	10’	15’
60°-90°	15’	15’	20’
Sight Distance	90’	125’	150’
Maximum Design Speed	20 mph	25 mph	30 mph

* No minimum angle between streets separated by a Green or traffic island.
** No minimum distance between intersections separated by a Green or a traffic island.

f. **Dead End Streets.** In addition to the design standards in Table 12.2-3, dead-end streets shall be constructed to provide a cul-de-sac or large vehicle turn-around with the following requirements for radii: Property line: 80 feet; outer edge of pavement: 65 feet; inner edge of pavement: 30 feet. Where the cul-de-sac is in a wooded area prior to development, a stand of trees may be maintained within the center of the cul-de-sac. The Planning Board may also require the reservation of a 50-foot easement in line with the street to provide continuation of the road where future subdivision is possible.

g. **Grades, Intersections and Sight Distances.**

(1) Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.

(2) All changes in grade shall be connected by vertical curves in order to provide the following minimum stopping sight distances based on the street design speed.

Design Speed (mph)	20	25	30	35
Stopping Sight Distance (ft.)	125	150	200	250

Stopping sight distance shall be calculated with a height of eye at 3-1/2 feet and the height of object at 1-1/2 feet.

(3) Where new street 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 standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curbline or edge of shoulder, with the height of the eye 3-1/2 feet, to the top of an object 4-1/4 feet above the pavement.

Posted Speed Limit (mph)	25	30	35	40	45	50	55
Sight Distance (ft.)	250	300	350	400	450	500	550

Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

(4) Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the comprehensive plan or at other important traffic intersections. A minimum distance of 125 feet shall be maintained between centerlines of minor streets and 200 feet between collectors or a collector and minor street.

h. **Sidewalks.** Sidewalks shall be installed within all subdivisions within the 901 Harbor Village District, and connected to existing sidewalks. Sidewalks shall also be installed within any subdivision outside of the 901 Harbor Village District located within 500 feet of an existing public sidewalk. Where installed, sidewalks shall meet the requirements of the Sidewalk Ordinance of the Town of Rockport.

3. **Street Construction Standards.**

a. The minimum thickness of material after compaction shall meet the specifications in Table 12.2-4.

Table 12.2-4. Minimum Pavement Materials Thicknesses

	Type of Street				
Street Materials	Arterial	Collector	Minor	Private Rights-of-Way	Industrial/ Commercial
Aggregate Subbase Course (maximum sized stone 6")					
Base Gravel	24"	18"	18"	15"	24"
Crushed Aggregate Base (necessary)	4"	3"	3"	3"	4"
Hot Bituminous Pavement					
Total Thickness	3"	3"	3"	N/A	4"
Surface Course	1"	1"	1"	N/A	1"
Base Course	2"	2"	2"	N/A	3"
Surface Gravel	N/A	N/A	N/A	3"	N/A

b. **Preparation.**

(1) Before any clearing has started on the right-of-way, the centerline and sidelines of the new road shall be staked or flagged at 50-foot intervals.

(2) Before grading is started, the entire area within the right-of-way necessary for traveled way, shoulders, sidewalks, drainage-ways and utilities shall be cleared of all stumps, roots, brush and other objectionable material. All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.

(3) All organic materials or other deleterious material shall be removed to a depth of two feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the subgrade of the roadway. On soils which have been identified by the municipal engineer as not suitable for roadways, either the subsoil shall be removed from the street site to a depth of two feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below, or a Maine Department of Transportation approved stabilization geotextile may be used.

(4) Except in a ledge cut, side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, loamed, limed, fertilized and seeded according to the specifications of the erosion and sedimentation control plan. Where a cut results in exposed ledge a side slope no steeper than one foot horizontal to four feet vertical is permitted.

(5) All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

c. **Bases and Pavement.**

(1) **Bases/Subbase.**

(a) The Aggregate subbase course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three-inch square mesh sieve shall meet the grading requirements of Table 12.2-5.

Table 12.2-5. Aggregate Subbase Grading Requirements

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
1/4 inch	25-70%
No. 40	0-30%
No. 200	0-7%

Aggregate for the subbase shall contain no particles of rock exceeding six inches in any dimension.

(b) If the Aggregate Subbase Course is found to be not fine-gradable because of larger stones, then a minimum of three inches of Aggregate Base Course shall be placed on top of the subbase course. The Aggregate Base Course shall be screened or crushed gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three-inch square mesh sieve shall meet the grading requirements of Table 12.2-6.

Table 12.2-6. Base Course Grading Requirements

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
1/2 inch	45-70%
1/4 inch	30-55%
No. 40	0-20%
No. 200	0-5%

Aggregate for the base shall contain no particles of rock exceeding two inches in any dimension.

(2) **Pavement Joints.** Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.

(3) **Pavements.**

(a) Minimum standards for the base layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade B with an aggregate size no more than 1 inch maximum and a liquid asphalt content between 4.8% and 6.0% by weight depending on aggregate characteristics. The pavement may be placed between April 15 and November 15, provided the air temperature in the shade at the paving location is 35°F or higher and the surface to be paved is not frozen or unreasonably wet.

(b) Minimum standards for the surface layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade C or D with an aggregate size no more than $^{3}/4$ inch maximum and a liquid asphalt content between 5.8% and 7.0% by weight depending on aggregate characteristics. The pavement may be placed between April 15 and October 15, provided the air temperature in the shade at the paving location is 50°F or higher.

(4) **Surface Gravel.** Private Rights-of-Way need not be paved and may have a gravel surface. Surface gravel shall be placed on top of the aggregate subbase, shall have no stones larger than two inches in size and meet the grading requirements of Table 12.2-7.

Table 12.2-7. Surface Gravel Grading Requirements

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
2 inch	95-100%
1/2 inch	30-65%
No. 200	7-12%

12.3 Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline.

A. Preservation of Natural Beauty and Aesthetics.

1. Unless located in areas designated as a growth area in the comprehensive plan, a subdivision in which the land cover type at the time of application is forested shall maintain a wooded buffer strip no less than fifty feet in width along all existing public roads. The buffer may be broken only for driveways and streets.

2. Unless located in areas designated as a growth area in the comprehensive plan, building location shall be restricted from open fields, and shall be located within forested portions of the subdivision. When the subdivision contains no forest or insufficient forested portions to include all buildings, the subdivision shall be designed to minimize the appearance of building when viewed from existing public streets.

3. When a proposed subdivision contains a ridgeline identified in the comprehensive plan as a visual resource to be protected, the plan shall restrict tree removal and prohibit building placement within 50 feet vertical distance of the ridge top. These restrictions shall appear as notes on the plan and as covenants in the deed.

B. Retention of Open Spaces and Natural or Historic Features.

1. The subdivision shall reserve between 5% and 10% of the area of the subdivision as open space to maintain the scenic or natural beauty of the area. In determining the need for open space the Planning Board shall consider the needs identified in the comprehensive plan.

2. Proposed subdivisions which include or are adjacent to buildings or sites on the National Register of Historic Places or which the comprehensive plan has identified as being of historical significance shall be designed in such a manner as to minimize the impacts on the historic features.

C. **Protection of Significant Wildlife Habitat and Important Habitat Areas.**

The following guidelines are designed to protect the significant wildlife resources identified in the municipality. The Planning Board recognizes that wildlife management must take into account many site-specific variables. Applicants proposing to subdivide land within identified wildlife resources must consult with the Maine Department of Inland Fisheries and Wildlife or a qualified wildlife biologist and provide their written comments to the Planning Board. The guidelines of this section shall apply to only those subdivisions which include significant wildlife habitat or resources identified in Section 11.8.C.

1. **Protection of Habitat of Endangered or Threatened Species.**

a. Habitat or species appearing on the official state or federal lists of endangered or threatened species shall be placed in open space.

b. Deed restrictions and notes on the plan shall reflect standards from the Department of Inland Fisheries and Wildlife for removal of vegetation within 250 feet of the habitat for species appearing on the list of endangered or threatened species unless the Department of Inland Fisheries and Wildlife has approved cutting of vegetation in writing.

2. **Protection of Waterfowl, Shorebird, and Wading Bird Habitat, as identified by the Department of Inland Fisheries and Wildlife.**

a. There shall be no cutting of vegetation within the strip of land extending 75 feet inland from the normal high-water mark of the following habitat areas:

(1) Shorebird nesting, feeding and staging areas and seabird nesting islands;

(2) High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas; or

(3) Other important habitat areas identified in the comprehensive plan.

3. **Protection of Deer Wintering Areas.** The report prepared by a wildlife biologist, selected or approved by the Planning Board, shall include a management plan for deer wintering areas as identified by the Department of Inland Fisheries and Wildlife.
4. **Subdivisions in the Shoreland Zone** shall meet the standards of that Zone in Section 1400 of the Land Use Ordinance of the Town of Rockport.

12.4 Storm Water Management Design Guidelines.

A. Design of best management practices shall be substantially equivalent to those described in the *Storm Water Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection, current edition.

B. The minimum pipe size for any storm drainage pipe shall be 15 inches for driveway entrances and eighteen inches for cross culverts. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be bedded in a fine granular material, containing no stones larger than three inches, lumps of clay, or organic matter, reaching a minimum of six inches below the bottom of the pipe extending to six inches above the top of the pipe.

C. Catch basins shall be installed where necessary and when located within a street shall be located at the curb line.

D. **Storm Drainage Construction Standards.**

1. **Materials.**

a. Storm drainage pipes shall conform to the requirements of Maine Department of Transportation Standard Specifications, Division 700 – Materials, specifically Section 706 for non-metallic pipe and Section 707 for metallic pipe. Bituminous-coated steel pipes shall not be used.

b. Where the storm drainage pipe is to be covered by ten feet or more of fill material, pipe material with a 50-year life shall be used. These materials include concrete pipe, polymer coated galvanized corrugated steel pipe, polyvinyl-chloride (PVC) pipe, and corrugated aluminum alloy pipe.

c. Where storm drainage pipe may come into contact with salt water, corrugated aluminum alloy pipes shall be used.

2. **Pipe Gauges.** Metallic storm drainage pipe shall meet the thickness requirements of Table 12.4-1, depending on pipe diameter:

Table 12.4-1. Culvert Size and Thicknesses Material

Inside Diameter	Galvanized CMP Aluminum/Zinc Coated CMP Corrugated Aluminum Alloy	Aluminum Coated CMP Polymer Coated CMP
15" to 24"	14 ga.	16ga.
30" to 36"	12 ga.	14 ga.
42" to 54"	10 ga.	12 ga.
60" to 72"	8 ga.	10 ga.

3. Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Planning Board, after consultation with the Public Works Director.

4. Manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at ~~a~~ between 250 and 300 foot intervals.

E. Upon completion, each catch basin or manhole shall be cleaned of all accumulation of silt, debris or foreign matter and shall be kept clean until final acceptance.

12.5 Lots.

A. The Planning Board shall not approve for development such portions of any proposed subdivision that are:

1. Shown to be in a floodway or a coastal high hazard zone as designated in the Flood Boundary and Floodway Map prepared by the Federal Insurance Administration.

2. Unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to:

   a. slopes greater than 25%
   b. wetland soils.

3. Subject to rights of way.

4. Located in the resource protection zone.

5. Covered by surface waters.

6. Utilized for storm water management facilities.

B. Deed restrictions and notes on the plan shall either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the plan and shall require approval from the Planning Board, subject to the criteria of the subdivision statute, the standards of these regulations and conditions placed on the original approval.

C. If land on one side of a stream, tidal water, road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, tidal water, or road to meet the minimum lot size.

E. For subdivisions lying wholly or partly within the watershed of any great pond, the Erosion and Sediment Control Plan shall specify those portions of the lots that may be graded or built upon. No building shall be placed within 100 feet of the normal high water mark of any great pond, or within 50 feet of any perennial watercourse draining into a great pond.

12.6 Utilities.

Utilities serving subdivisions in areas designated by the comprehensive plan as growth areas shall be installed underground.

12.7 Monuments.

A. Monuments shall be set at all street intersections and points of curvature, but no further than 750 feet apart along street lines without curves or intersections.

B. Monuments shall be set at all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135° or less.

C. All other subdivision boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable monumentation, as required by the Maine Board of Licensure for Professional Land Surveyors.

12.8 Cluster Developments.

Cluster Developments shall conform to the standards of Section 804 of the Land Use Ordinance of the Town of Rockport and be consistent with the purposes of the Comprehensive Plan of the Town.

12.9 Phosphorus Export.

When a proposed subdivision is within the watershed of a great pond, phosphorus control measures shall meet the design criteria by the Maine Department of Environmental Protection..

Simplified Phosphorus Review may be used for a:

A. Proposed subdivision of three or four lots with less than 200 feet of new or upgraded street with a cumulative driveway length not to exceed 450 feet for a three-lot subdivision or 600 feet for a four-lot subdivision;

B. Proposed subdivision of three or four lots with no new or upgraded street with a cumulative driveway length not to exceed 950 feet for three-lot subdivisions or 1,100 feet for four-lot subdivisions; or

C. Proposed subdivision consisting of multi-family dwellings that have less than 20,000 square feet of disturbed area including building, parking, driveway, lawn, subsurface wastewater disposal systems and infiltration areas, and new or upgraded streets not exceeding 200 linear feet.

A proposed subdivision that creates lots that could be further subdivided such that five or more lots may result shall be subject to the standard review procedures unless there are deed restrictions prohibiting future divisions of the lots.

ARTICLE 13 – PERFORMANCE GUARANTEES

13.1 Types of Guarantees.

With submittal of the application for final plan approval, the applicant shall provide one of the following performance guarantees in an amount equal to 125% of the total construction costs of all required improvements:

A. Either a certified check payable to the Town of Rockport or a savings account or certificate of deposit naming the Town of Rockport as owner, for the establishment of an escrow account;

B. A performance bond payable to the Town of Rockport issued by a surety company, approved by the Planning Office and the Town Manager;

C. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the Town of Rockport may draw if construction is inadequate, approved by the Planning Office and the Town Manager.

The conditions and amount of the performance guarantee shall be determined by the Town Manager in consultation with the Planning and Development Office and the Public Works Director.

13.2 Contents of Guarantee.

The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction, 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 Town of Rockport shall have access to the funds to finish construction.

13.3 Escrow Account.

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the Town of Rockport, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the applicant, the Town of Rockport shall be named as owner or co-owner, and the consent of the Town of Rockport shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the Town of Rockport has found it necessary to draw on the account.

13.4 Performance Bond.

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 Town of Rockport. The bond documents shall specifically reference the subdivision for which approval is sought.

13.5 Letter of Credit.

An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.

13.6 Phasing of Development.

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 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.

13.7 Release of Guarantee.

Prior to the release of any part of the performance guarantee, the Town Manager shall determine to his satisfaction, in part upon the report of the Planning and Development Office and the Public Works Director or other qualified individual retained by the Town of Rockport, 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.

13.8 Default.

If upon inspection, the Public Works Director or other qualified individual retained by the Town of Rockport finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he or she shall so report in writing to the Planning and Development Office and the applicant or builder. The Town Manager shall take any steps necessary to preserve the rights of the Town of Rockport.

13.9 Improvements Guaranteed.

Performance guarantees shall be tendered for all improvements required to meet the standards of this ordinance and for the construction of the streets, storm water management facilities, public sewage collection or disposal facilities, public water systems, and erosion and sedimentation control measures.

ARTICLE 14 – WAIVERS

14.1 Waivers Authorized.

Where the Planning Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, it may waive portions of the submission requirements, unless otherwise indicated in this ordinance, provided the applicant has demonstrated that the performance standards of this ordinance and the criteria of the subdivision statute have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the land use ordinance, or this ordinance.

14.2 Findings of Fact Required.

Where the Planning Board makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the land use ordinance, or this ordinance, and further provided the performance standards of this ordinance and the criteria of the subdivision statute have been or will be met by the proposed subdivision.

14.3 Conditions.

Waivers may only be granted in accordance with Sections 14.1 and 14.2. When granting waivers, the Planning Board shall set conditions so that the purposes of this ordinance are met.

14.4 Waivers to be Shown on Final Plan.

When the Planning Board grants a waiver to any of the improvements required by this ordinance, the final plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date on which they were granted.

ARTICLE 15 – APPEALS

15.1 Appeals to Superior Court.

An aggrieved party may appeal any decision of the Planning Board under this ordinance to the Knox County Superior Court, within thirty (30) days of the date the Planning Board issues a written order of its decision.