

## ARTICLE 8 – FINAL PLAN FOR MAJOR SUBDIVISION

### 8.1 Procedure.

- A. Within six months after the approval of the preliminary plan, the applicant shall submit an application for approval of the final plan at least ~~fifteen days~~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 application for the final plan is not submitted within six months after preliminary plan approval, the Planning Board shall require resubmission of the preliminary plan, except as stipulated below. The final plan shall approximate the layout shown on the preliminary plan, plus any changes required by the Planning Board.

If an applicant cannot submit the final plan within six months, 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 final plan and in pursuing approval of the plans before other agencies, and that municipal ordinances or regulations which may impact on the proposed development have not been amended.

- B. All applications for final plan approval of a major subdivision 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 determined by the Select ~~Board~~Planning Board payable by check to the Town of Rockport.
- C. Prior to approval of the final plan, 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 ~~Board~~Planning Board to discuss the final plan. Failure to attend the meeting to present the final plan application shall result in a delay of the ~~Board~~Planning Board's receipt of the plan until the next meeting which the applicant attends.
- E. Within fourteen (14) days of the receipt of the final plan application, the Planning ~~and-&~~Development ~~Director-Office~~ shall review the application for completeness. If the application is not complete, the Planning ~~and-&~~Development ~~Director-Office~~ shall notify the applicant of the specific additional material needed to complete the application.
- F. A public hearing may be held within thirty (30) days of the Planning ~~and-&~~Development ~~Director's-Office's~~ determination that a completed Final Plan application has been received. The Planning ~~and-&~~Development ~~Director-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 road commissioner, police chief, and fire chief 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 ~~Board~~Planning Board finds that all the criteria of the statute and the standards of this ordinance have been met, it shall approve the final plan. 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, and shall have a margin of two inches outside of the borderline on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be reserved on the plan for endorsement by the ~~Board~~Planning Board. Two reproducible, stable-based transparencies, one to be recorded at the Registry of Deeds, the other to be filed at the municipal office, and three copies of the plan shall be submitted. The applicant may instead submit one reproducible stable-based transparent original of the final plan and one recording plan with three copies of the final plan. Sufficient copies of the Plan and all accompanying information shall be submitted to the ~~Planning Office~~Planning & Development Office for distribution to the Planning Board. Applicant shall also submit one copy (if available) of the approved plan in digital CADD format on magnetic media.

The final plan shall include or be accompanied by the following information.

- A. Proposed name of the subdivision and the name of the municipality in which it is located, plus the assessor's map and lot numbers.
- B. 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.
- C. 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.
- D. An indication of the type of water supply system(s) to be used in the subdivision.
  1. 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.

2. 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.
- E. The date the plan was prepared, north arrow, graphic map scale.
- F. The names and addresses of the record owner, applicant, and individual or company who prepared the plan.
- G. The location of any zoning boundaries affecting the subdivision.
- H. If different than those submitted with the preliminary plan, a copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
- I. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
- J. 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.
- K. 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 910.7.8 of the Rockport Land Use Ordinance.
- L. A storm water management plan, prepared by a registered professional engineer in accordance with the *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection (current edition). The [Board/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.

- M. 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 Board/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.
- N. 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.
- O. 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, written evidence that the municipal officers are satisfied with the legal sufficiency of the written offer to convey title and that they will recommend its acceptance to the Town Meeting shall be included.
- P. 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.
- Q. 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:
1. 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*.

2. A long-term maintenance plan for all phosphorus control measures.
  3. The contour lines shown on the plan shall be at an interval of no less than five feet.
  4. Areas with sustained slopes greater than 25% covering more than one acre shall be delineated.
- R. 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.
- S. The location and method of disposal for land clearing and construction debris and/or the quantity and type of fill to be brought in.

### 8.3 Final Approval and Filing.

- A. No plan shall be considered by the Board Planning Board as long as the applicant is in violation of the provisions of a previously approved Plan 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 Board Planning Board shall sign the final plan. The Board 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 Board Planning Board for purposes of appeal.

A required performance guarantee shall be delivered to the Planning Office 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.

Every plan presented to the Board 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 Board 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.

- C. No changes, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the Board Planning Board and endorsed in writing on the plan, unless the revised final plan is first submitted and the Board Planning

Board approves any modifications, except in accordance with Article 10. The BoardPlanning Board shall make findings that the revised plan meets the criteria of 30-A M.R.S.A. §4404, and the standards of this Ordinance. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the BoardPlanning Board shall institute proceedings to have the plan stricken from the records of the Registry of Deeds.

- D. The approval by the BoardPlanning 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 BoardPlanning Board shall require the plan to contain appropriate notes to this effect. The BoardPlanning 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.
- E. 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 BoardPlanning Board shall have a notice placed in the Registry of Deeds to that effect.