

ARTICLE 6
FINAL PLAN

6.1 PROCEDURE

The subdivider shall, within six months after the preliminary approval of the Preliminary Plan, file with the Planning Board an application for approval of the Final Subdivision Plan in the form described herein. If the Final Plan is not submitted to the Planning Board within six months after the approval of the Preliminary Plan, the Planning Board may refuse without prejudice to act on the Final Plan and require resubmission of the Preliminary Plan. The Planning Board may extend the preliminary approval in conformance with paragraphs 5.1.10 or 5.1.11.

6.1.1 The subdivider shall submit a completed application form, a final plan and accompanying statement incorporating all requirements in "submissions" below, and the appropriate fee under the city's cost recovery ordinance at least three weeks before a regularly scheduled meeting of the Planning Board.

6.1.2 Upon receiving an application and the fee required under the city's cost recovery ordinance, the Planning Board shall issue to the applicant a dated receipt. Within 30 days from receipt of an application, the Planning Board shall notify the applicant in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application.

6.1.3 The Board may schedule a site walk at the time of the determination of complete application or at any other time.

6.1.4 The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to present the Final Plan.

6.1.5 In order to receive public comment on the plan, the Board shall hold a public hearing on the Final Plan application within 30 days of the determination of the receipt of a completed application, and shall publish the

place, date and time of the hearing in a newspaper of general circulation at least twice, the date of the first publication to be at least seven days prior to the hearing. Landowners within 600 feet of the property shall be notified by mail at the expense of the applicant.

6.1.6 The Board, within thirty days from the public hearing or within sixty days of receiving a complete application, if no hearing is held, shall make findings of fact, and conclusions relative to the standards contained in Title 30, MRSA 4956, subsection 3 and in these regulations. If the Board finds that all standards of the Statute and these regulations have been met, it shall approve the Final Plan. If the Board finds that any of the standards of the Statute or these regulations have not been met, the 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 disapproval or for any conditions shall be stated in the records of the Board.

6.1.7 Failure of the Planning Board to act within such a period shall constitute disapproval of the Final Plan.

6.2 The Final Plan shall include all of the information presented with the Preliminary Plan and any amendments thereto suggested or required by the Board, and:

6.2.1 The metes and bounds of all lot lines.

6.2.2 Lots and blocks within the subdivision numbered in accordance with local practices.

6.2.3 The location of permanent reference monuments. They shall be constructed in accordance with specifications herein and their location noted and referenced upon the Final Plan.

6.2.4 Written offers of cession to the City of all public open space shown on the Plan, and copies of agreements or other documents showing the manner in which spaces, title to which is reserved by the subdivider, are to be

maintained, and written evidence that the City Attorney is satisfied with the legal sufficiency of the documents. Such written evidence shall not constitute an acceptance by the City of any public open space.

6.2.5 With submittal of the Final Plan application, proof of the following approvals shall be submitted in writing, where applicable:

Maine Department of Environmental Protection, under the Site Location of Development Act and/or the Natural Resource Protection Act, or a Wastewater Discharge License, if needed.

Maine Department of Human Services, if the subdivider proposes to provide a central water supply system.

Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.

Maine Department of Transportation, if a Traffic Movement Permit is required.

The Army Corps of Engineers, under the Harbor Act or Sec. 404 of the Clean Water Act.

If individual wells serving each building site are to be used, the Board may also require the subdivider to submit the results of water quality tests.
(Amended 2/20/07)

6.2.6 The final plan shall be submitted in digital format as a single composite electronic file. The plan may be submitted on a floppy disc, CD-ROM, via e-mail, or other format acceptable to the City Planner, and shall be compatible with commonly used CAD and/or GIS software. The following standards shall be followed:

- a. Plan units; decimal feet, NAD83, Maine State Plane West, vertical datum NAVD1988.

- b. Georeferencing; drawing features should be tied into state plane coordinates.
- c. Rotation of grid north maintained. Plan data should not be “rotated” in any way which might compromise data coordinate integrity. (Alternately, a ‘dview, twist’ or similar CAD display operation will allow for convenient plotting/layout fitting while still properly maintaining spatial reference.)
- d. Coordinates shall be shown on at least four corners of the plan. Coordinates shall be referenced to the Maine State Coordinate System.
- e. Submission of digital data may be waived for subdivisions of limited scope with the recommendation of the City Engineer. (Amended 9/21/04; 12/16/08)

6.3 FINAL APPROVAL AND FILING

When a plan is approved by the vote of the Board, it shall be properly signed by a majority of the members of the Board and then filed with the York County Registry of Deeds. Any Subdivision Plan not so filed or recorded within ninety (90) days of the date upon which such Plan is approved and signed by the Planning Board as herein provided shall become null and void, unless the particular circumstances of said applicant warrant the Planning Board to grant an extension which shall not exceed two additional periods of ninety (90) days each. No variation from or modification of the approved plan shall be allowed unless first reviewed by the Planning Board and approved as an amendment to the originally approved plan. Three paper copies and one reproducible copy shall also be signed by the Board and maintained in city records. (Amended 1/30/90)

6.4 PLAN REVISIONS AFTER APPROVAL

No changes, erasure, modifications, or revisions shall be made in any Final Plan after approval has been given by the Planning Board and endorsed in writing on the Plan, unless the Plan is first re-submitted and the Planning Board approves any modifications. No variation from or modification of the approved plan shall be allowed unless first reviewed by the Planning Board and approved as an amendment to the originally approved plan. Any Final Plan recorded without complying with this requirement shall be considered null and void, and the Board

shall file a notice at the Registry. Procedures for revisions are outlined in Article 7. (Amended 1/30/90)

6.5 A note shall be placed on all plans indicating that the failure to commence substantial construction of the subdivision within two years of the date of approval and signing of the Plan shall render the plan null and void. For subdivisions which include roads, "substantial construction" shall mean the completion of the road base. For subdivisions without roads the completion of one unit and the issuance of an occupancy permit shall constitute "substantial construction." Before the two years expires, an owner of a subdivision may apply to the Board for a two-year extension of the approval of a subdivision if he has not met the conditions of this paragraph. The Board may require that the subdivision meet any new regulations or ordinances.

Completion. All road and infrastructure construction shall be completed per the approved plan no later than thirty-six (36) months after the posting of the financial guarantee as described in Article 8 of these Regulations. After that date, the developer shall be considered to be in default, and the City at its discretion shall have access to the funds to finish construction. All roads and infrastructure intended for City acceptance shall be offered to the City as outlined in Section 11.25 of these Regulations and in Section 186-37 of City Code within ninety (90) days after the end of said 36 month period.

Prior to the end of said 36 month period, an owner of a subdivision may apply to the Board for a single one-year extension of the completion requirement. The extension request shall include verification that the existing financial guarantee is sufficient to guarantee completion of the subdivision. The Board may require an increase of the financial guarantee if warranted by changing economic or other circumstances, but in no case shall the amount of the financial guarantee exceed 150% of the cost of remaining improvements. The extension request may be granted if the applicant can demonstrate to the Board's satisfaction why completion cannot occur within 36 months of the posting of the financial guarantee.

Phased Projects. If a phased subdivision, then each phase shall be completed and

offered to the City for acceptance as stated in the preceding paragraph prior to the start of the next phase. Deviation from this sequence shall only be allowed subject to a written agreement between the developer, the Planning Office, and the Department of Public Works. (Amended 9/2/08)

6.6 IMPROVEMENTS BEFORE HOUSE CONSTRUCTION AND PHASING (Amended 2/13/01)

Before building permits can be issued in new residential subdivisions, certain infrastructure and other improvements shall be constructed, inspected, and be suitable for immediate use or be satisfactorily operating. It is the intent of this article to define generally the improvements required and the degree of completion required. In general, all underground utilities must be complete and the roadway must be constructed to and including the binder course of pavement. Improvements required in easements may also be included. Certain clearing, grading, rock excavation or blasting and landscaping improvements for future building lots or common areas may be required. It is not the intent of this article to specifically identify all the improvements required. It is recognized that each subdivision is unique and may have specific requirements. The Planning Board or the City Planner may identify specific improvements to be completed that are not specifically included in the subsequent general list. These provisions apply to any residential subdivision for which construction of the improvements has not yet begun and where improvements are to be offered for public acceptance.

6.6.1 Building permits will not be issued for any phase of the development until such time as all applicable inspections are complete and written notification is received by the City Planner from all applicable City departments and agents. At that time, the City Planner will give written notice to the Code Enforcement Officer that building permits may be issued and will list the lots or sections approved.

6.6.2 These provisions should not be construed as prohibiting the developer from selling lots or entering into contracts for construction of dwellings, providing these provisions governing construction and building permits are disclosed to the buyer in writing.

6.6.3 In general, the following improvements, if applicable, must be satisfactorily complete prior to the issuance of building permits:

- 6.6.3.1 Sanitary sewer system including main sewer, manholes and building services to the right of way line, and sewage pumping stations and force mains proposed for acceptance by the City.
- 6.6.3.2 Proposed private low-pressure sewage force main systems.
- 6.6.3.3 Water mains including valves, connections to the existing system, hydrants and service connections with curb stops.
- 6.6.3.4 Gas mains, valves and services to the right of way line.
- 6.6.3.5 Electric service with required transformers, whether aerial or underground, and all conduits for any underground service such as telephone or cable television.
- 6.6.3.6 All drainage facilities, including underground piping, cross culverts, catch basins, storm drain manholes, detention basins, control structures, drainage ditches and swales and other appurtenances shown on the approved plans.
- 6.6.3.7 Operational street lighting and financial arrangements for them.
- 6.6.3.8 Pavement constructed to and including the roadway binder course or equivalent and the sidewalk base course as outlined in Section 11.17.2. (Amended 4/24/01)
- 6.6.3.9 Curbing with curb cuts in the proper locations, if shown on the final plan.
- 6.6.3.10 Street and traffic signage and traffic signalization systems.
- 6.6.3.11 (Reserved)
- 6.6.3.12 All erosion control measures.
- 6.6.3.13 Other specific improvements or work identified by the Planning Board as required.
- 6.6.3.14 Other specific improvements or work identified as required during the pre-construction meeting.

6.6.4 (Reserved)

6.6.5 PHASING

Subdivisions may be proposed and approved for development in multiple phases so that most of the work is completed in one phase before the next begins. However, plans approved by the Planning Board that include more than a single phase of construction may be subject to additional requirements and restrictions, as follows:

6.6.5.1 Pavement constructed during the first and all subsequent phases, except the last Phase, will be required to be constructed to a higher standard and with a defined construction sequence to withstand accelerated deterioration from construction vehicles and activity.

6.6.5.2 This provision may not apply to all the roads in the development. The Planning Board may designate specific streets as “construction routes” for the preceding restrictions. Construction vehicles will be restricted to using those streets so designated until the final construction phase is complete. The routes will be required to be appropriately marked by the developer.

6.6.5.3 The binder course will be required to be 4” thickness and will serve as the wearing surface until the final construction phase is complete.

6.6.5.4 The finished pavement course will not be permitted to be constructed on the applicable roads until the final subdivision phase is complete.

6.6.5.5 The City will not consider streets identified as “construction routes” for acceptance until the final course of pavement is complete.

6.6.6 The preceding “construction route” provisions will not restrict issuance of building permits in phases of the development where all other improvements are satisfactorily constructed.

6.7 Any subdivision which is to be sold before the proposed public improvements are completed shall be subject to Planning Board review of the purchaser's financial and technical capacity to meet these regulations. This shall be noted on the recording plan.

6.8 PUBLIC ACCEPTANCE OF STREETS, RECREATIONS AREAS

6.8.1 The approval by the Planning Board of a Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the City of any street, easement, or other open space shown on such Plan.

6.8.2 When a park, playground, or other recreation area shall have been shown on the Plan, approval of the Plan shall not constitute an acceptance by the City of such areas. The Planning Board shall require the Plan to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the City covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

6.9 INSPECTION OF REQUIRED IMPROVEMENTS

All improvements must be inspected in accordance with the provisions of Article 11.

6.10 DEVELOPMENT ACCORDING TO APPROVED PLAN

All development activities, including site work, clearing, construction of buildings and utilities and landscaping shall be in accordance with the approved plan. (Amended 1/30/90)

6.11 MOBILE HOME PARK PLANS (Amended 1/30/90)

Notes shall be placed on all mobile home park plans indicating:

- A. The land within the park shall remain in a unified ownership and the fee to lots or portions of lots shall not be transferred.

- B. No dwelling unit other than a manufactured housing unit shall be located within the park.