

City of Saco, Maine
City Code Chapter TBD
SUBDIVISION ORDINANCE

Adopted [DATE]

Table of Contents

Article I. Purpose & Authority	1
Article II. Applicability.....	2
Article III. Site Location of Development	3
§ 301 Development of State or Regional Significance	3
§ 302 Municipal Review of Development	3
Article IV. Application Process	4
§ 401 Staff Meeting	4
§ 402 Preapplication Sketch Plan Review	4
§ 403 Preliminary Plan Review	4
§ 404 Final Plan Review	5
§ 405 Public Notification	6
§ 406 Fees and costs	6
Article V. Required Submittals	7
§ 501 Preapplication Sketch Plan Review	7
§ 502 Preliminary Plan	7
§ 503 Final Plan	12
§ 504 Financial Guarantee	13
§ 505 Financial Capacity to Meet Subdivision Chapter	14
§ 506 Waiver Requests of Submission Requirements	14
Article VI. Planning Board Decisions.....	15
§ 601 Waiver Requests	15
§ 602 Financial & Technical Capacity Standards.....	15
§ 603 Approval Criteria	16
§ 604 Phased Approval	18
§ 605 Terms and Conditions.....	19
§ 606 Effect of Approval	19
§ 607 Appeal Process	19
Article VII. Design Standards	20
§ 701 Consistency with Plans, Ordinances, and Statues	20
§ 702 Required Improvements.....	20
§ 703 Open Space.....	20
§ 704 Natural Resources	22
§ 705 Cultural and Historic Resources.....	23

§ 706	Groundwater.....	23
§ 707	Land Not Suitable for Development	24
§ 708	Easements	25
§ 709	Subdivision Name, Blocks, and Lots.....	25
§ 710	Street Design.....	26
§ 711	Buffers.....	30
§ 712	Centralized Mailboxes	32
§ 713	Cluster Subdivisions	32
Article VIII. Infrastructure Specifications		35
§ 801	Water Supply.....	35
§ 802	Wastewater.....	36
§ 803	Stormwater and Erosion Control.....	37
§ 804	Cable Utilities: Electric, Telephone, Television & Internet	40
§ 805	Street Lighting	41
§ 806	Trees	41
§ 807	Boundary Monuments.....	41
Article IX. Applicant’s Responsibilities After Plan Approval		43
§ 901	Overview	43
§ 902	Installation of Wetland Boundary Markers.....	43
§ 903	Plan Recording	43
§ 904	Plan Revisions.....	43
§ 905	Inspection of Improvements.....	44
§ 906	Improvements Required Before Issuance of Building Permits.....	45
§ 907	Submission of As-Built Plan.....	46
§ 908	Evidence of Satisfactory Performance	47
§ 909	Release of Financial Guarantee.....	47
§ 910	Applicant Responsible for Basic Services	48
§ 911	City Acceptance of Improvements	48
§ 912	Extensions.....	49
Article X. Administrative Provisions.....		50
Article XI. Separability & Effective Date		51
Article XII. Definitions		52

Article I. Purpose & Authority

The purpose of this Chapter is to assure the comfort, convenience, safety, health, and welfare of the people, to protect the environment, and to promote the development of an economically sound and stable community. This Chapter has been prepared in accordance with the provisions of Title 30-A M.R.S.A., § 4401 *et seq.* It may be cited as "Subdivision Ordinance of the City of Saco" and is referred to herein as "this Chapter."

Article II. Applicability

The provisions of this Chapter shall pertain to all the land proposed for subdivision as defined in Title 30-A M.R.S.A., § 4401 *et seq.*, within the boundaries of the City of Saco. This Chapter may also be applicable when cited by reference in other City regulations and ordinances.

Article III. Site Location of Development

§ 301 Development of State or Regional Significance

- A. In addition to the requirements of this Chapter, additional approval from the Department of Environmental Protection (the “Department”) under the Maine Site Location of Development Act (38 M.R.S. §484 et seq.) is required for development of State or Regional Significance.
- B. A person may not sell or lease, offer for sale or lease, or cause to be sold or leased any subdivision that is a development of State or Regional Significance that may substantially affect the environment without first having obtained approval for this lease or sale from the department.

§ 302 Municipal Review of Development

- A. The Planning Board shall have the authority to issue permits for the following subdivisions of State or Regional Significance, unless jurisdiction is exercised by the Department of Environmental Protection:
 - (1) Subdivisions as described in 38 M.R.S.A. § 482-5 that are more than twenty (20) acres but less than one hundred (100) acres.
- B. The Planning Board shall have the authority to review an application for modification to a development reviewed by the Planning Board provided the following:
 - (1) The modification will not cause the total area of the development to exceed one hundred (100) acres.
 - (2) Following the submission of information from the City to the Department of Environmental Protection concerning the development and modification, the Department of Environmental Protection determines that the modification may be adequately reviewed by the municipality.
 - (3) In addition, the Planning Board may modify a permit for a subdivision issued by the Department of Environmental Protection prior to registration of the City pursuant to 38 M.R.S. §489-A if the total area of the modification and any prior modifications reviewed under 38 M.R.S. §489-A does not exceed one hundred (100) acres except as allowed in paragraph B.

Article IV. Application Process

§ 401 Staff Meeting

- A. Applicants may meet with planning staff to discuss the proposed plan. This is an optional meeting intended to provide applicants with guidance about their conceptual plan.
- B. Planning & Development Department Review Committee (PDRC)
 - (1) Applicants may meet with the PDRC at any time during the subdivision plan review process. The PDRC meeting is intended to provide the applicant with the opportunity to discuss the proposed project with staff from multiple City departments. Applicants may submit conceptual plans or near-complete project plans for PDRC review.
 - (2) Applicants who wish to participate in a PDRC meeting should contact the Department to schedule the meeting.

§ 402 Preapplication Sketch Plan Review

- A. Applicants shall have the option of requesting a preapplication sketch plan review to discuss the proposed layout. Sketch plan review applications generate no vested rights. The Planning Board chair may allow comments and questions from the public.
- B. Within thirty (30) days of the initial preapplication review Planning Board meeting, the board will make specific suggestions. Comments are advisory in nature, and not binding on the applicant or the Planning Board.

§ 403 Preliminary Plan Review

- A. Application. Applicants shall submit a completed application form, a preliminary plan, accompanying documents, and application fee no less than four (4) weeks prior to a regularly scheduled meeting of the board.
- B. Presentation. The applicant, or the applicant's duly authorized representative, shall attend the board meeting to present the preliminary plan.
- C. Consideration of Completeness. Within thirty (30) days of receipt of an application, the Planning Board shall determine whether the application is complete and shall notify the applicant in writing of its determination. If the application is incomplete, the board shall identify the additional materials that would make the application complete and will so notify the applicant.
- D. Public Hearing. Within thirty (30) days of the Planning Board's determination that the application is complete, the board shall hold a public hearing. Public hearings shall be notified according to § 405.
- E. Substantive Review. After the Planning Board concludes that an application is complete, the Planning Board will begin its substantive review of the merits of the application. That review may begin at the same meeting in which the application is declared complete, provided notification requirements of § 405 have been met.

- F. Professional and technical review. The Planning Board may, at the applicant's expense, retain such additional professional, engineering or technical assistance as the Planning Board deems necessary to assist with its review of the application and preliminary plan.
- G. Site Walk. The Planning Board may schedule a site walk. If streets are proposed, the applicant shall place flagging at the centerline of proposed streets and the approximate intersections of street centerlines.
- H. Review by Commissions.
 - (1) The Planning Board may invite comments from the Conservation Commission as to the impact on wetlands, shoreland, floodplains, open space, and other pertinent environmental matters. The Planning Board may invite comments from the Historic Preservation Commission as to the impact on historic resources.
- I. Within thirty (30) days of the public hearing, or within sixty (60) days of receipt of a complete application, or within another time limit as may be otherwise mutually agreed to by the Planning Board and the applicant, the Planning Board shall issue a written order approving, approving with conditions, or denying the preliminary plan. The Planning Board shall include in its order findings of fact and conclusions of law in support of its decision.
- J. Approval of a preliminary plan shall not constitute approval of the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. Prior to approval of the final plan, the Planning Board may require revisions to the plan.
- K. Upon request of the Planning Board (usually made during sketch plan review) the applicant shall convene a neighborhood meeting. When requested, neighborhood meetings shall be noticed according to the requirements of Article III of the Site Plan Review Ordinance.
- L. The preliminary plan shall be null and void if a final plan is not submitted within six (6) months. The applicant may request the Planning Board issue an extension but must file that request before the end of the six months.

§ 404 Final Plan Review

- A. The applicant shall submit a completed application form, a final plan, accompanying documents, and the appropriate fee four (4) weeks prior to a regularly scheduled meeting of the Planning Board.
- B. Within thirty (30) days of receipt of an application, the Planning Board shall notify the applicant that the application is complete, or if incomplete, the specific additional material needed to make the application complete. The Planning Board may schedule a site walk.
- C. The applicant, or the applicant's duly authorized representative, shall attend the Planning Board meeting to present the final plan.

- D. Within thirty (30) days of the board's determination that the application is complete, the board shall hold a public hearing. Public hearings shall be notified according to § 405.
- E. Within thirty (30) days of the public hearing, or within sixty (60) days of receiving a complete application, the Planning Board shall issue a written order approving the application, approving the application with conditions, or denying the application. The Planning Board shall include in its order findings of fact consistent with this Chapter. The Planning Board and the applicant may extend these deadlines by mutual agreement.
- F. Failure of the Planning Board to act within the above referenced time frame shall constitute denial of the final plan.

§ 405 Public Notification

- A. The City shall notify the applicant of and shall publish the place, date, and time of the hearing in a newspaper of general circulation at least twice, and on the City's website, the date of the first publication to be no less than seven (7) days prior to the hearing. Property owners within six hundred (600) feet of the subject property as shown on the City's current assessment records shall be notified by mail. The City shall notify by mail a public drinking water supplier if the subdivision is within its source water protection area.

§ 406 Fees and costs

- A. All fees shall be borne by the applicant. Applicants shall submit the required fee(s) as prescribed by Chapter 83 Cost Recovery Ordinance.

Article V. Required Submittals

§ 501 Preapplication Sketch Plan Review

- A. The applicant shall submit paper copies and a digital copy of the sketch plan, a written narrative, and a completed application form. The number of required copies and digital format shall be determined by the Planning & Development Department.
- B. The sketch plan must be designated as "sketch plan", drawn at the scale of one (1) inch equals one hundred (100) feet or greater. Sheet sizes shall be twenty-four (24) by thirty-six (36) inches.
- C. The sketch plan shall contain the following information:
 - (1) Subdivision name, boundaries, acreage, tax map and lot numbers, magnetic and true north point, date and scale;
 - (2) A location map showing the relationship of the proposal to adjacent properties and to public access;
 - (3) Name and address of record owner, subdivider, and engineer, surveyor, firm, or individual who prepared the plan;
 - (4) Existing and proposed lines of streets, ways, easements, lots, and any public or common areas within the subdivision;
 - (5) Location, name, and width of each street and public or private way bounding or within five hundred (500) feet of the subdivision;
 - (6) Approximate locations of existing buildings and site features such as wooded areas, wetlands, and water bodies within or adjacent to the proposed subdivision.
- D. Accompanying Statements. The applicant shall submit the following in paper copies and digital format, in numbers and digital format determined by the Planning and Development Department:
 - (1) Proof of legal interest in the property (deed or purchase and sale agreement or option agreement);
 - (2) All easements, covenants, and restrictions applying to the area proposed to be subdivided;
 - (3) Proposed arrangements for water supply;
 - (4) Proposed arrangements for sewage disposal;
 - (5) General description of the uses proposed for the subdivision, including number and type of dwelling units, businesses, and other uses;
 - (6) Names and addresses of abutters.

§ 502 Preliminary Plan

The applicant shall submit paper copies and a digital copy of the preliminary plan, a written narrative, a completed application form, and the application fee. Number of copies and digital

format shall be determined by the Planning and Development Department. A preliminary plan shall contain the following:

- A. Two location plans showing neighboring areas within at least a two thousand (2,000) foot radius at scales of eight hundred (800) feet to the inch and two hundred (200) feet to the inch, showing right of way lines of all proposed streets in the subdivision and their location in relation to existing streets.
- B. The preliminary plan must be designated as "preliminary plan," drawn at a scale not less than one (1) inch equals 100 (one hundred) feet. Sheets shall be twenty-four (24) by thirty-six (36) inches. Plans shall be prepared by an engineer, architect, landscape architect, or land surveyor registered in Maine. Surveyed plans shall be stamped and signed. The plan shall also be submitted in digital format.
- C. The preliminary plan shall be prepared using the following standards:
 - (1) Decimal feet, NAD83, Maine State Plane West, vertical datum NAVD1988.
 - (2) Features should be tied into state plane coordinates.
 - (3) 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.
 - (4) Coordinates shall be shown on at least four corners of the plan. Coordinates shall be referenced to the Maine State Coordinate System.
- D. The preliminary plan shall contain the following information:
 - (1) Subdivision name, boundaries, acreage, tax map and lot numbers, date and graphic scale, and a magnetic and true north arrow.
 - (2) Name and address of record owner, subdivider, and engineer, surveyor, firm, and/or individual who prepared the plan.
 - (3) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor.
 - (4) Boundary lines of adjacent land and names of owners as determined from the most recent tax list.
 - (5) Location, name, and present width of each street and public or private way bounding, approaching or within 500 feet of the subdivision,
 - (6) Any easements within or adjacent to the subdivision.
 - (7) Locations and outlines of all existing buildings and significant site features such as stone walls, fences, large trees (twenty-four (24) inch diameter at breast height) or wooded areas, rock ridges and outcroppings, cemeteries, water courses, wetlands and water bodies on the site.
 - (8) Wooded areas, watercourses, wetlands and water bodies within two hundred (200) feet of the site shall also be identified, when possible.

- (9) Topography with two (2) foot contours of existing and proposed grades.
- (10) The demarcation of wetlands, one hundred (100) -year flood elevations, and flood hazard areas.
- (11) The location, direction, and length of every proposed street line, lot line and boundary line established on the ground, the location of temporary markers adequate to enable the Planning Board to locate the layout in the field, and the names of proposed streets.
- (12) Lot lines with dimensions, zoning setback lines, and the area of each lot in square feet and acres, and lot numbers.
- (13) Locations of existing and proposed monuments, hydrants and the location and size of public utility facilities, sewers, culverts, drains, and water pipes.
- (14) Parks, open space, recreation, or common areas within a subdivision and a plan for any formal recreation area.
- (15) A plan for the management of surface drainage waters, including existing waterways and the proposed disposition of water from proposed subdivision to new or existing subsurface drainage systems with sufficient capacity to handle the storm flows.
- (16) Locations and species of proposed street trees and/or wooded areas to be retained within the sidelines of each street, and other no-cut areas.
- (17) Street plans and profiles showing the percent slope of each grade; the radius, length, point of curvature and point of tangency of each curve; and proposed centerline grades and existing ground grades at fifty (50) foot stations. All existing and proposed elevations shall be based on USC & GS datum.
- (18) Location of the following proposed improvements unless specifically waived in writing by the Planning Board: proposed monuments, parking areas, streetlights, sidewalks, street signs, all utilities above and below ground, curbs, gutters, street trees, storm drainage, and all easements, service buildings and structures, and dumpsters.
- (19) Erosion control plan showing the placement of all berms, silt fences, hay bales, sedimentation ponds and other erosion control devices, detention ponds, to the standards of the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, latest revision.
- (20) 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 by the Comprehensive Plan. If any portion of the subdivision is located within an area designated as a critical natural area by the Comprehensive Plan or the Maine Natural Areas Program, the plan shall indicate appropriate measures for preservation.

- (21) The location of any identified historic and/or archaeological resources together with a description of such features.

E. Accompanying Statements and Data. The applicant shall submit each of the following statements:

- (1) Verification of subdivider's legal right, title, or interest in the property (deed or purchase and sale agreement).
- (2) A copy of the deed upon which the survey was based. A copy of all easements, covenants, and restrictions applying to the area proposed to be subdivided.
- (3) Proposed arrangements for water supply and fire protection as required by Maine Water Company, and a letter from the water company stating that the water supply is adequate to serve the subdivision. If public water is not required and an on-site water supply is proposed, the developer must submit an explanation of why a public water supply is not feasible, and submit materials which will satisfy the Planning Board that each lot has the capability to support the well, the septic system, and a principal structure and will meet the minimum specifications of these standards, the Maine Rules Relating to Drinking Water (10-144 AC.M.R. 231) and all other pertinent State and local codes.
- (4) Proposed arrangements for stormwater drainage, with supporting data and design analysis, including plans and profiles showing location and size of drain lines and culverts, catch basins and manholes, and such other information as may be required to define the drainage provisions, stamped by an engineer registered in Maine, and an operation and maintenance plan.
- (5) A copy of that portion of the county Soil Survey covering the subdivision superimposed on a copy of the plan. When the medium intensity soil survey shows soils that are questionable for the uses proposed, the Planning Board may require the submittal of a high intensity soil survey.
- (6) An estimate of the amount and type of motor vehicle traffic to be generated daily and at peak hours. For developments projected to generate more than two hundred (200) one-way vehicle trips per day, a traffic impact analysis, prepared by a licensed professional engineer with experience in traffic engineering, shall be submitted. The study area should extend, at a minimum, to intersections where traffic attributable to the subdivision equals or exceeds thirty-five (35) vehicles in a peak hour. The analysis shall show, at a minimum:
 - (a) the projected average number of one-way vehicle trips per day,
 - (b) projected peak-hour volumes,
 - (c) access conditions at the site,
 - (d) distribution of site traffic and types of vehicles expected,
 - (e) accident review,
 - (f) effect upon the level of service of the study area intersections,

- (g) the level of service for the site drives, and
 - (h) recommended improvements to maintain the level of service on the road.
- (7) The names, addresses and tax map and lot numbers of owners of record of adjacent property, including any property directly across an existing street from the subdivision, and the names, addresses and tax map and lot numbers of owners of record of all property within six hundred (600) feet of the subdivision.
 - (8) Description of how proposed open space will be owned and managed.
 - (9) When sewage disposal is to be accomplished by subsurface disposal systems, test pit analyses prepared by a Licensed Site Evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted. The plumbing inspector must be notified before test pits are dug.
 - (10) Proof of financial and technical capacity.
 - (11) The anticipated amount of land to be covered by buildings and structures expressed in square feet and as a percentage of the site and lots.
 - (12) The anticipated amount of land to be covered by buildings, pavement, and other impervious coverage expressed in square feet, percentage of site, and percentage of lot.
 - (13) If the project is subject to stormwater quality standards per Chapter 230 Article XI, a stormwater quality management plan that includes the following:
 - (a) A narrative describing how the site is oriented within the watershed, identifying downstream waterbodies including wetlands, and addressing the potential effects of site runoff. The narrative shall identify and discuss the stormwater treatment methods proposed to be used on the site.
 - (b) A plan showing relevant existing contours, proposed contours, existing and proposed subwatersheds, proposed topographic features, and existing and proposed site features including buildings and other facilities, natural and manmade drainageways, streams, channels, culverts, catch basins, and stormwater treatment facilities. The plan shall include detail drawings of the stormwater Best Management Practices proposed to be used and the location of both structural and non-structural BMP's.
 - (c) Calculations demonstrating that the proposed stormwater treatment facilities will meet City standards.
 - (14) A stormwater facilities management plan which sets forth the types and frequencies of proposed maintenance activities needed to maintain the efficiency of the stormwater treatment facilities and which identifies the party that will be responsible for carrying out each maintenance activity and for submitting the Annual Maintenance Report and the proposed institutional arrangements that will assure that all maintenance occurs as proposed.

- (15) Measures shall be taken, both during preparatory construction and cleanup stages, to prevent soil erosion and water pollution. A plan shall be prepared meeting the standards of the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, latest revision.
- F. Supplemental Submission Requirements for Mobile Home Parks.
- (1) A copy of the proposed park rules and regulations.

§ 503 Final Plan

The applicant shall submit paper copies and a digital format of the final plan, a written narrative, a completed application form, and the application fee. Number of copies and digital format shall be determined by the Planning and Development Department. The final plan shall contain the following:

- A. The metes and bounds of all lot lines.
- B. Lots and blocks within the subdivision numbered in accordance with local practices.
- C. The location of permanent reference monuments. They shall meet the specifications herein, and their location noted and referenced upon the final plan.
- D. 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's 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.
- E. Plan Notations
- (1) Notes shall be placed on all mobile home park plans indicating that the land within the park shall remain in a unified ownership and the fee to lots or portions of lots shall not be transferred, and that no dwelling unit other than a manufactured housing unit shall be located within the park.
- (2) A note shall be placed on all plans indicating that a 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. Before the two years expires, an owner of a subdivision may apply to the Planning Board for a two (2) year extension of the approval of a subdivision if the subdivider has not met the conditions of this paragraph. The Planning Board may require that the subdivision meet any new regulations or ordinances.
- F. With submittal of the final plan application, proof of the following approvals shall be submitted in writing, where applicable:
- (1) 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.

- (2) Maine Department of Health & Human Services, if the subdivider proposes to provide a central water supply system.
 - (3) Maine Department of Health & Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.
 - (4) Maine Department of Transportation, if a Traffic Movement Permit is required.
 - (5) The Army Corps of Engineers, under the Harbor Act or Sec. 404 of the Clean Water Act.
- G. If individual wells serving each building site are to be used, the Planning Board may also require the subdivider to submit the results of water quality tests.
- H. A digital copy of the final plan shall be submitted in .pdf and .dwg formats to the following standards:
- (1) Decimal feet, NAD83, Maine State Plane West, vertical datum NAVD1988.
 - (2) Drawing features should be tied to state plane coordinates.
 - (3) 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.
 - (4) Coordinates shall be shown on at least four corners of the plan. Coordinates shall be referenced to the Maine State Coordinate System.
 - (5) Submission of digital data may be waived for subdivisions of limited scope if recommended by City staff.

§ 504 Financial Guarantee

Before approval of a final plan, the applicant shall agree to meet all conditions of approval and to complete the required improvements specified in these regulations for all lots in the subdivision. Such construction and installation shall be secured as follows:

- A. Financial Guarantee. The applicant shall file either an irrevocable Letter of Credit or a deposit of money to a bank or credit union, or to the City of Saco (for an escrow) to cover the cost of the improvements specified in the conditions of approval and these standards.
- B. The Letter of Credit or deposit of money shall be provided in an amount equal to one hundred fifty (150) percent of the total construction costs of all required improvements.
- C. Such Letter of Credit or deposit may be approved as to form and manner of execution by the City Finance Director in consultation with the City Planner and City Attorney. The financial guarantee shall include:
 - (1) A construction schedule.
 - (2) Itemized cost estimates for each element of construction taking into account inflation.

- (3) A provision permitting the City to review the status and amount of Letter of Credit or deposit and to require an increase if warranted by changing economic conditions or other circumstances, said determination to be made in the sole judgment and discretion of the City.
 - (4) Provisions for inspections of each phase of construction.
 - (5) Provisions for the release of part or all of the financial guarantee to the developer. While partial draws are permitted, the amount of each shall be no less than twenty (20) percent of the original amount. While partial draws may be requested upon completion of construction items, the City will determine in its sole judgment whether the requested release of funds shall be approved. Acknowledgement of the date, thirty-six (36) months after the posting of the financial guarantee, after which the developer will be in default and at which time the City shall have access to the funds to finish construction, and shall have at least 90 days after completion to make a claim against the financial guarantee.
 - (6) Completion of all street and infrastructure construction within thirty-six (36) months after the posting of the financial guarantee.
 - (7) Offer of all streets and infrastructure intended for city acceptance within ninety (90) days of the City's release of the financial guarantee.
- D. The following types of financial surety are acceptable:
- (1) Escrow Account. A cash deposit to an escrow account shall be made by either a certified check made out to the City, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the subdivider, the City shall be named as owner. Any interest earned on the escrow account shall be returned to the subdivider.
 - (2) Letter of Credit. A non-lapsing irrevocable letter of credit issued by a bank or credit union in the name of the City of Saco 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. The City may draw from the fund if construction is inadequate or incomplete. The City will determine in its sole judgment the adequacy of the letter of credit and the bank.

§ 505 Financial Capacity to Meet Subdivision Chapter

As evidence of financial capacity, applicants for preliminary subdivision approval shall submit a letter from a bank stating that it knows the applicant and the applicant has sufficient funds to undertake the project.

§ 506 Waiver Requests of Submission Requirements

Requests for waivers of submission requirements shall be submitted with application materials.

Article VI. Planning Board Decisions

§ 601 Waiver Requests

- A. **Submission Requirements.** Where the Planning Board finds that, due to special circumstances of a particular plan, submittal of one (1) or more submission requirements would cause an unnecessary hardship to the applicant and granting the waiver would not be contrary to the intent of this Chapter, it may grant a waiver for such submission requirements.
- B. **Standards and Improvements.** Where the Planning Board finds that, due to special circumstances of a particular plan, the provision of certain required improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of inadequate or lack of connecting facilities adjacent to or in proximity to the proposed subdivision, it may waive the requirements for such improvements, subject to appropriate conditions.
- C. **Findings of Fact.** The Planning Board shall make written findings of fact that there are special circumstances of a particular plan that justify a waiver.
- D. **Waivers shall not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, the Zoning Ordinance, these regulations, and the Maine Subdivision Act.**
- E. **Plan Reference.** When the Planning Board grants a waiver to any of the standards in these regulations, the final plan shall indicate the waivers granted and the date on which they were granted.

§ 602 Financial & Technical Capacity Standards

- A. **Scope of Review.** In determining whether the developer has the financial and technical capacity to meet all subdivision standards, the Planning Board shall consider all relevant evidence to the effect that the developer is able to construct, operate, and maintain the development. This shall include:
 - (1) Evidence regarding the developer's prior conduct as a measure of willingness to meet all terms and conditions of approval established by the Planning Board. As evidence the Planning Board shall consider a history of:
 - (a) Violations of local, state, or federal land use, environmental, and building laws, ordinances and regulations.
 - (b) Incomplete or poorly completed developments.
 - (2) Evidence that the general contractor is capable of properly installing and maintaining roads, drains, sewers, septic systems, erosion and sedimentation controls, and all improvements, particularly if a large or complex development is to be undertaken. This submission requirement may be submitted at final plan if the general contractor is not known at the time of preliminary submission.

- (3) Evidence that, even if the applicant's technical personnel have never before constructed a development like the one proposed, competent engineering and field operational personnel will be available and can adapt their training and experience to accomplish the required tasks.
- B. Approval. The Planning Board shall not approve a plan if the applicant has not proven the financial and technical capacity to implement the plan.
 - C. Terms and Conditions. The Planning Board may, as a term or condition of approval, establish any reasonable requirement to ensure that the developer has the financial and technical capacity to meet the subdivision regulations, including but not limited to requiring a financial guarantee or deed restriction.

§ 603 Approval Criteria

Prior to voting to approve a subdivision, the Planning Board shall consider the following criteria and must determine that:

- A. Pollution. The proposed subdivision will not result in undue water or air pollution. In making this determination, the Planning Board shall consider:
 - (1) The elevation of the land above sea level and its relation to the floodplain;
 - (2) The nature of soils and subsoils and their ability to adequately support waste disposal;
 - (3) The slope of the land and its effect on effluents;
 - (4) The availability of streams for disposal of effluents; and
 - (5) The applicable state and local health and water resource rules and regulations;
- B. Sufficient water. The proposed subdivision has sufficient water available;
- C. Municipal water supply. The proposed subdivision will not cause an unreasonable burden on an existing water supply;
- D. Erosion. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water;
- E. Traffic. The proposed subdivision will not cause roadway congestion or unsafe conditions;
- F. Sewage disposal. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on the municipality;
- G. Municipal solid waste disposal. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste;
- H. Aesthetic, cultural and natural values. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

- I. Conformity with local ordinances and plans. The proposed subdivision conforms with the subdivision ordinance, zoning ordinance and the Comprehensive Plan;
- J. Financial and technical capacity. The subdivider has adequate financial and technical capacity to meet the standards of this Chapter;
- K. Surface waters. Whenever situated entirely or partially within the watershed of any pond or lake or within two hundred fifty (250) feet of any wetland, great pond or river as defined in Title 38, Chapter 3, Subchapter I, Article 2-B, the proposed subdivision will not adversely affect water quality or unreasonably affect the shoreline of that body of water.
 - (1) When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of five hundred (500) feet.
 - (a) To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than two hundred fifty (250) feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.
 - (b) The frontage and setback provisions of this paragraph do not apply either within areas zoned as general development or its equivalent, as defined by Department of Environmental Protection Chapter 1000 Rules under Shoreland Zoning, Title 38, Chapter 3, Subchapter I, Article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of section 4401, subsection 1, on September 23, 1983;
- L. Groundwater. The proposed subdivision will not adversely affect the quality or quantity of groundwater;
- M. Flood areas. 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;
- N. Freshwater wetlands. All freshwater wetlands within the proposed subdivision have been identified on maps submitted as part of the application, regardless of the size of these wetlands;
- O. River, stream or brook. Any river, stream or brook within or abutting the proposed subdivision has been identified on maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, section 480-B, subsection 9;
- P. Stormwater. The proposed subdivision will provide for adequate stormwater management;
- Q. Spaghetti Lots prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in

Title 38, section 480-B, none of the lots created within the subdivision shall have a lot depth to shore frontage ratio greater than five-to-one (5:1).

- R. Phosphorus concentration. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration; and
- S. Impact on adjoining municipality. The proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions.
- T. Roads. All roads shall be designed in accordance with specifications contained in this Chapter and all local ordinances.

§ 604 Phased Approval

- A. 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 road which is covered by financial guarantees. When development is phased, road construction shall commence from the public way. Final approval of house lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to the first phase of development.
- B. Most of the work shall be completed in one phase before the next phase begins. 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:
 - (1) Pavement constructed during all 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.
 - (2) This provision may not apply to all 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. Developers are required to mark the construction routes.
 - (3) The binder course will be required to be four (4) inches thick and will serve as the wearing surface until the final construction phase is complete.
 - (4) The finished pavement course will not be permitted to be constructed on the applicable roads until the final phase of the subdivision is complete.
 - (5) The City will not consider accepting streets used as construction routes until the final course of pavement is complete.
- C. The preceding "construction route" provisions will not restrict issuance of building permits in phases of the development where all other improvements are satisfactorily constructed.
- D. 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 this Chapter. This shall be noted on the recording plan. The

purchaser shall be required to provide substitute financial guarantees for any outstanding or incomplete subdivision improvements.

§ 605 Terms and Conditions

- A. Professional Assistance. The Planning Board may require the provision of an independent consultant to conduct on-site inspection at the developer's expense to ensure proper execution of plans as approved, including any conditions imposed by the Planning Board. The Planning Board may require other reasonable measures to assure technical compliance.
- B. If the developer of the project changes after the Final Plan is approved, the applicant must seek approval from the Planning Board.

§ 606 Effect of Approval

Final subdivision approval by the Planning Board shall not be deemed to constitute or be evidence of acceptance by the City of any street, easement, infrastructure, or open space.

§ 607 Appeal Process

An aggrieved party may appeal any decision of the Planning Board under this Chapter to the Maine Superior Court within thirty (30) days.

Article VII. Design Standards

§ 701 Consistency with Plans, Ordinances, and Statues

Subdivisions shall conform with the Comprehensive Plan, other policy statements of the City, the Zoning Ordinance, and all pertinent federal, state and local codes and ordinances.

§ 702 Required Improvements

A. The following are required improvements in all subdivisions:

- (1) Monuments.
- (2) Streets, street signs, streetlights, curbing.
- (3) Sidewalks.
- (4) Water supply, sewer disposal, storm drainage.

§ 703 Open Space

- A. A portion of the area of the subdivision shall be reserved by the developer or homeowner association, unless accepted by the City, as open space to provide for the open space needs of the occupants of the subdivision and to maintain the scenic or natural beauty of the area. The common open space shall have a minimum of thirty (30) feet of frontage on a public street or proposed public street and be accessible to the residents of the development. The open space shall be shown on the recorded subdivision plan with appropriate notation that it shall not be used for future building lots and shall not be further subdivided. The open space shall be contiguous. No structures, drainage or detention facilities or paved areas shall be permitted in open space.
- B. Open Space Reservation. Table 7-1 provides the minimum open space reservations for various development densities.

Table 7-1 Minimum open space requirement reservations

Average Lot Size	% Open Space Required
80,000 sf or more	2.5
40,000 - 79,999 sf	5
20,000 - 39,999 sf	7.5
10,000 - 19,999 sf	10
less than 10,000 sf	12

- C. Where the land in the subdivision is not suitable for open space, or is insufficient in amount, or where the applicant and the Planning Board agree that residents of the subdivision would be better served by community open space, the developer shall pay the open space portion of the Recreational Facilities and Open Space Impact Fee per Chapter 230 Article XII.

D. Recreational Area and Facilities. All subdivisions shall provide for recreational needs of the occupants of the development. Subdivisions with fewer than twenty (20) dwelling units shall pay the recreational facilities portion of the Recreational Facilities and Open space Impact Fee per Chapter 230 Article XII. Subdivisions of twenty (20) or more dwelling units shall pay the impact fee or dedicate at least fifty (50) percent of the required open space as usable open space for active recreation. This area shall be improved with recreational facilities appropriate to meet needs of the residents of the development.

E. Types of recreational areas and facilities.

- (1) The Planning Board shall consider the proximity of the subdivision to neighboring dedicated open space and recreation facilities, the needs identified in the Comprehensive Plan, park and open space plan, recreation facilities in the neighborhood surrounding the subdivision, the type of development and the demographic characteristics of potential residents in the subdivision, and the density of the development.
- (2) Active recreation shall include activities which require substantial construction and maintenance for recreation use, including playgrounds, tennis courts, ball fields, basketball courts and similar facilities.
- (3) Land reserved for recreation areas shall be of a character, configuration, and location suitable for the particular use intended.
- (4) A site intended to be used as a play field should be level and dry, have a total frontage on one (1) or more streets of at least fifty (50) feet.
- (5) Open space sites selected primarily for scenic or passive recreation purposes shall have a minimum of fifty (50) feet of road frontage. The Planning Board may require greater frontage.
- (6) The configuration of such sites shall be deemed adequate by the Planning Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc., where necessary and appropriate.
- (7) Common open space shall not include areas devoted to public or private vehicular streets, driveways or parking spaces.

F. Ownership.

- (1) With the approval of the Planning Board and the City Council, the developer may dedicate the open space and/or recreation areas and facilities to the City for the use of all its citizens, or to another government agency or recognized land stewardship organization willing and able to manage the land permanently.
- (2) If common open space is not dedicated to public use, it shall be protected by legal arrangements satisfactory to the Planning Board, and sufficient to assure its maintenance and preservation for whatever purpose is intended.

- (3) Covenants or other legal arrangements submitted with the final plan shall be reviewed by City staff with input from the City Attorney and shall specify ownership of the open space, method of maintenance, taxes and insurance, compulsory membership and compulsory assessment provisions, guarantees that any association formed to own and maintain open space will not be dissolved without the consent of the Planning Board, and any other specifications deemed necessary by the Planning Board.
 - (4) The developer shall maintain control of common green spaces and facilities and be responsible for their maintenance until dedication, or transfer to the permanent controlling entity, or until residential development sufficient to support the association has taken place. The dedication agreement or association bylaws shall specify at what point maintenance is taken over by the association. All maintenance is the responsibility of the developer until that time.
- G. Open Space Reservation in Mobile Home Parks. Mobile home parks served by public sewer are required to meet the open space requirements herein, except that the size requirements as prescribed below shall not exceed ten (10) percent of the combined area of the lots. Required buffer strips, driveways, roadways, parking areas, wetlands, and land unusable because of steep slopes, inaccessibility or other reasons shall not be included in the open space calculations.

§ 704 Natural Resources

- A. The Planning Board may require the preservation of any existing trees larger than twenty-four (24) inch diameter at breast height or other significant trees, the replacement of trees and vegetation, graded contours, streams, and the preservation of scenic, historic, or environmentally significant areas.
- B. Any 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.
- C. If any portion of a proposed subdivision lies within the areas listed below, or other important habitat areas identified in the Comprehensive Plan, the applicant shall demonstrate that there will not be significant adverse impacts on the habitat and species it supports. A report prepared by a wildlife biologist with demonstrated experience with the wildlife resource being impacted shall be submitted. This report shall assess the potential impact of the subdivision on the significant habitat and adjacent areas that are important to the maintenance of the affected species and shall describe appropriate mitigation measures to ensure that the subdivision will not have significant adverse impacts on the habitat and the species it supports.
 - (1) Two hundred fifty (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 habitats, including nesting and feeding areas.
- (c) A high or moderate value deer wintering area or travel corridor.

§ 705 Cultural and Historic Resources

- A. If the proposed subdivision contains any historical or archeological sites, or any areas identified in the Comprehensive Plan or by the Maine Critical Areas Program as rare and irreplaceable natural areas, these areas shall be suitably protected by appropriate covenants and management plans.

§ 706 Groundwater

- A. A hydrogeologic assessment may be required by the Planning Board for subdivisions, particularly unsewered subdivisions, in which groundwater quality is a concern. Such instances include, but are not limited to sites:
 - (1) Over a sand and gravel aquifer.
 - (2) Not served by public water.
 - (3) Where the depth to groundwater is less than forty-eight (48) inches.
 - (4) In soils rated by the USGS Soil Survey as poor or very poor for subsurface septic systems.
 - (5) In coarse soils categorized as having "severe" limitations for septic systems.
 - (6) Where a community septic system is proposed.
- (7) Where groundwater quality is a concern.
- B. When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:
 - (1) A map showing the basic soil types.
 - (2) The depth to the water table at representative points throughout the subdivision.
 - (3) Drainage conditions throughout the subdivision.
 - (4) Data on the existing ground water quality from test wells in the subdivision or from existing wells on neighboring properties.
 - (5) An analysis and evaluation of the effect of the subdivision on groundwater resources. In the case of residential developments, the evaluation shall include a projection of post development nitrate - nitrogen concentrations at all wells within the subdivision, at the subdivision boundaries and at a distance of one thousand (1,000) feet from potential contamination sources, whichever is a shorter distance.
 - (6) A map showing the location of subsurface wastewater disposal systems and drinking water wells within the subdivision and within (two hundred) 200 feet of the subdivision boundaries.

- (7) Projections of groundwater quality shall assume drought conditions, i.e. sixty (60) percent of annual average precipitation.
- C. No subdivision shall increase contaminant concentration in groundwater to more than one half of the Primary Drinking Water Standards. No subdivision shall increase contaminant concentration in groundwater to more than the Secondary Drinking Water Standards.
 - (1) If groundwater contains contaminants in excess of the primary drinking water standards, and the subdivision is to be served by on-site groundwater supplies, the applicant shall demonstrate how water quality will be improved or treated.
 - (2) Subsurface wastewater 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 are recommended in the assessment, those standards shall be included as a note on the final plan and as restrictions in the deeds to the affected lots.

§ 707 Land Not Suitable for Development

For construction on slopes greater than fifteen (15) percent, the applicant shall submit a description of slope stabilization practices for review by the Planning Board. The Planning Board shall not approve building sites or portions of any proposed subdivision that:

- A. Are situated below the normal high water mark of any water body;
- B. Are part of a right of way, or easement, including utility easements, or temporary cul-de-sac;
- C. Are located within the 100-year floodplain as identified by the Federal Emergency Management Agency (FEMA) unless the applicant shows proof through the submittal of materials prepared by a Registered Land Surveyor which show that the property in question lies at least two (2) feet above the 100-year floodplain; The elevation is not to include filled or made land.
- D. Are located on land which must be filled or drained or on land created by diverting a watercourse; The Planning Board may grant approval if a central sewage collection and treatment system is provided. In no instance shall the Planning Board approve any part of a subdivision located on filled tidal wetlands or filled or drained Great Ponds (natural body of water ten (10) acres or more in size).
- E. Include buildings or roads, other than limited crossings, that would be built on wetlands;
- F. Have a water table within ten (10) inches of the surface for at least three (3) months of the year as identified in the county soil survey, unless further soil study proves the county soil survey wrong, or if the applicant can demonstrate to the Planning Board's satisfaction that engineering techniques can sufficiently lower the water table to enable the site to be utilized; In cases where the Planning Board does not permit such drainage, the subdivider may use such lands in lot area calculations if city sewer is provided and if

the lot(s) are to be deed restricted to prohibit buildings with basements or require basement floor elevations one foot above the seasonal water table.

§ 708 Easements

- A. All easements shown on the subdivision plan shall clearly identify, by name, the entity that is being granted the easement. All easements intended to be conveyed to the City shall include the following language:
 - (1) The City of Saco has the right to access, repair and maintain public infrastructure (above and below ground surface) within the easement area. No building, structure, or permanent obstructions (i.e. fences, retaining walls, trees, etc.) shall be erected within said easement without prior consent by the City of Saco. The property owners shall be responsible for all costs to remove non-permitted activities within the easement area.
- B. Utility Easement. Easements shall be provided where deemed necessary by the Planning Board.
- C. Drainage Easements. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Planning Board may require provision of an easement of adequate width to conform to substantially to the lines of such water course, drainage way, channel, or stream, and to provide for construction or other necessary purposes. The easement shall be secured for the benefit of the City.
- D. Access Easements. Access easements to park, conservation, and potentially developable land shall be secured for the benefit of the City and shall be of a width determined by the Planning Board.
- E. Footpath Easements. Unless otherwise required by the Planning Board, easements for off-street footpaths shall be twenty (20) feet in width.

§ 709 Subdivision Name, Blocks, and Lots

- A. Name. The proposed subdivision name shall not duplicate, or closely approximate phonetically, the name of any other subdivision in the City, as determined by city staff.
- B. Blocks. In blocks exceeding eight hundred (800) feet in length, the Planning Board may require reservation of a thirty (30) foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a five (5) foot wide foot path be included and constructed. The Planning Board shall require the subdivider to provide for proper maintenance of any such easement.
- C. Lots.
 - (1) Before the Planning Board approves any subdivision the Code Enforcement Department shall confirm that all lots meet the minimum space and bulk requirements of the zoning ordinance.
 - (2) Double frontage lots and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to

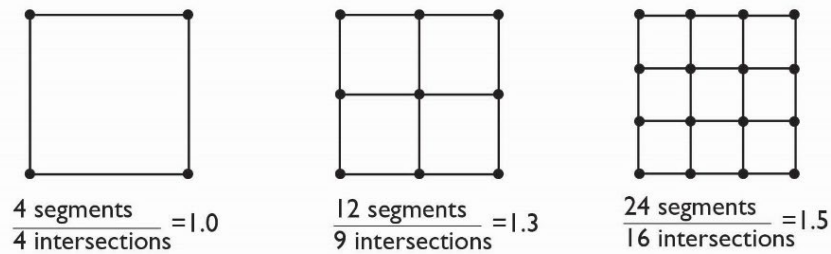
- overcome specific disadvantages of topography and orientation. A vegetative buffer of at least twenty (20) feet, across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
- (3) Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more streets, the plan and deed restrictions shall indicate that automobile access shall be located only on the less traveled way.
 - (4) Wherever possible, side lot lines shall be perpendicular to the street.
- D. Where a tract is subdivided into lots more than double the minimum size required in the zoning district, the Planning Board may require that street and lots be laid out to permit or prohibit future re-subdivision.
 - E. If a lot on one side of a stream, tidal water, road, or other similar barrier fails to meet the minimum requirement 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 of these standards, or for the purposes of on-site sewage disposal.
 - F. Flag lots and other odd shape lots in which narrow strips are joined to other parcels in order to meet minimum lot size or frontage requirements are prohibited. The width of a lot at its narrowest point shall not be less than seventy-five (75) percent of the width of the lot frontage.
 - G. Lots shall be numbered to facilitate mail delivery and emergency services provisions. The lot numbers shall be assigned by the assessor. The assigned street number shall be prominently displayed on the front of the building or on a sign post.
 - H. When proposed buildings are located near lot lines or another building, shadow projections shall be examined to ensure that solar access to any other building or property is not blocked or substantially reduced. A shadow study may be required by the Planning Board.
 - I. A plan for a mobile home park shall designate lots within the park.

§ 710 Street Design

Streets shall be designed to the following standards:

- A. **Street Classification.** During preliminary plan review, streets shall be classified for the purpose of establishing the applicable design and construction standards according to below definitions.
 - (1) **Arterial Streets.** An arterial street is any street that carries or is designed to carry through traffic between parts of Saco, other arterial streets in Saco, between Saco and other communities, or industrial zones (100+ dwellings).
 - (2) **Secondary City Street.** A secondary street is any city street used solely for access to the abutting lots (2 to 100 dwellings).

- (3) Mobile Home Parks. All streets within mobile home parks shall be built in conformance with the standards of this section. Streets within a park shall be designed by a Professional Engineer licensed in the State of Maine.
 - (a) Streets within mobile home parks shall meet the following minimum design standards.
 - (i) Minimum right of way width: twenty-three (23) feet
 - (ii) Minimum paved width of traveled way: twenty (20) feet
 - (iii) The standards of the Manufactured Housing Board.
 - (b) The first seventy-five (75) feet of any mobile home park street which intersects with a city street shall meet all geometric design standards except width, all standards related to sight distance, and all standards related to adequacy of access.
 - (c) No individual lot within a park shall have direct vehicular access onto a numbered highway.
- B. Street Design. Streets in subdivisions shall be designed to provide safe vehicular travel. Streets shall be designed as through streets or future through streets unless waived by the Planning Board. The design of streets shall conform to City of Saco Technical Design Standards Manual (TDSM).
- C. Location and Alignment
 - (1) Projections. Provisions satisfactory to the Planning Board shall be made for the proper projection of streets for access to adjoining property that is not yet subdivided, or for connection with future streets. The street right-of-way for such extension of any proposed street shall extend to the boundary of the subdivision, be labeled as reserved for street extension, and dedicated to the City at the time that the streets in the subdivision are dedicated and offered for public acceptance.
 - (2) Reserve Strips. Reserve strips of land prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Planning Board, such strips shall be in the public interest.
 - (3) A Connectivity Index score of 1.4 or greater is recommended to achieve walkability in a neighborhood. This score is calculated by dividing the number of street segments by the number of intersections, as shown in the example in Figure 7-1.



How to calculate a connectivity index
 (Source: based on Victoria Transportation Policy Institute)

Figure 7-1 Example of how to calculate a connectivity index score

(4) Dead Ends

- (a) Dead end city streets shall not be longer than one thousand (1,000) feet, unless, in the opinion of the Planning Board, a greater length is necessitated by topography or other local conditions. In any instance no more than fifteen (15) dwellings shall be allowed on a dead end street.
- (b) Dead end streets shall be constructed with an adequate turn around in accordance with TDSM.

(5) Sidewalks

- (a) Sidewalks in Mobile Home Parks. Sidewalks are required on one side of mobile home park streets. Sidewalks shall have a five (5) foot wide paved surface and a grassy esplanade at least five (5) feet wide between the street and the sidewalk. A right of way at least as wide as the sidewalk and the esplanade shall be provided.
- (b) Sidewalks are required along all subdivision streets and any street which abuts the subdivision or gives access to it. The Planning Board may require that the sidewalk be extended for a reasonable distance to connect with existing sidewalks or destinations such as bus stops and schools.

- D. **Street Names.** Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Applicants shall propose a street name to the City for review for any new streets that do not join, align with, or abut existing streets. The name of the street shall not be so similar to the name of other streets or locations in the City, as determined by the E-911 Addressing Officer. The City reserves the right to designate any name for the road, and number it in accordance with E-911 standards.
- E. Street name signs, stop signs, and other street signs shall be purchased from the Department of Public Works (DPW) and installed by the developer. The size and location shall be subject to DPW approval.

- F. Street lighting shall be installed as required by the DPW and energized prior to street acceptance. All street lighting is to be supplied and installed in conformance with TDSM.
- G. Street Access. Provision shall be made for vehicular access to the subdivision in such a manner as to safeguard against traffic hazards and danger to pedestrians in the subdivision and in existing streets, to minimize congestion, to provide safe and convenient circulation, and to provide for efficient access by the City's public safety vehicles. All lots in all subdivisions shall have frontage and access from a public street or from a proposed street shown on a subdivision plan and designed to City specifications, intended for future acceptance by the City. The following standards and design criteria shall also be followed:
- (1) Where a lot has frontage on two (2) or more streets, access to the lot shall be provided from the street with less potential for traffic congestion and hazard.
 - (2) The street giving access to the subdivision and neighboring streets which carry traffic to the subdivision shall have capacity or be suitably improved to accommodate the amount and type of traffic generated by the proposed subdivision. No subdivision shall decrease the level of service (LOS) below D at study area intersections. However, at signalized intersections where the level of service is already below LOS D, or at signalized intersections predicted to drop below LOS D where physical improvements cannot be made to attain LOS D, or, at unsignalized intersections, where physical improvements cannot be made to improve the level of service to LOS D, and provided that warrants for a traffic signal are not met, or signal installation is not desirable, the Planning Board may approve the subdivision if it finds that adequate provisions for safety can be attained through imposing conditions of approval such as upgrades in signalization, one-way driveways, prohibiting certain turning movements, construction of turning lanes, or other improvements, or through a program of Transportation Demand Management measures, or a traffic mitigation fee is assessed for a future improvement project.
 - (3) Where necessary to safeguard against hazards to vehicles and pedestrians and to avoid congestion, provision shall be made for turning lanes, traffic islands, frontage roads, and traffic lights within public streets, or other necessary improvements.
 - (4) Road accesses shall be designed with sufficient capacity to avoid causing stacking in the travel way of an arterial.
 - (5) Unless otherwise specified in these regulations, road improvements shall conform with TSDM.

Where a subdivision borders a public street having a right-of-way that is less than that identified in Table 7-2, the subdivider shall set aside one half of the additional right-of-way required to bring the street up to this standard. The area to be set aside shall be shown on the subdivision plan, labeled "Reserved for Road Realignment (or Widening) Purposes", and dedicated to the City for use as a public street. Land reserved for such purposes may not be counted in satisfying setback or yard or area requirements of the Zoning Ordinance.

Table 7-2 Right-of-way width for roadway classes

Roadway Class	Right of Way
Arterial or collector or rural collector as identified in the Comprehensive Plan	70 feet
Local Street	50 feet

- (6) Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Board may require frontage and reverse frontage, with screen planting in a non-access reservation along the property line, or other treatments if they are necessary to afford separation of through and local traffic.
- (7) The capacity of a road to move traffic is related inversely to the amount of access provided to abutting properties. To maintain capacity of the City's principal road network, creation of new residential lots as part of a subdivision which front on or obtain their vehicular access from any of the following roads in Table 7-3 is prohibited except as provided below. Vehicular access to any new residential lot shall be limited to the street frontage used to meet the requirements of this section, unless alternate access is approved by the Planning Board.

Table 7-3 Roads which new residential subdivision lots may not front or use for vehicular access

Ash Swamp	Flag Pond	Jenkins	Old Orchard
Bradley	Hearn	Louden	
Buxton	Heath	Mast Hill	
Cascade	Holmes	New County	

- (8) Waiver of Access Limitation. Any lot shown on property tax maps of the City of Saco as of October 13, 1988 shall be permitted one (1) vehicular access point to any adjacent public road notwithstanding the provisions of the section above. No residential lot created after the adoption of this section, that is part of a subdivision, shall have its required street frontage on a road listed above unless the Planning Board determines that conditions particular to the parcel justify allowing access to the road. Access shall be granted only if the Planning Board finds that one of the following conditions is met:
- (a) There is too little road frontage to reasonably allow for the creation of a local street or private road; or
 - (b) The shape or physical condition of the parcel does not permit access to or the creation of a local street or private road; or
 - (c) There will be no further subdivision of the parcel.

§ 711 Buffers

- A. Buffers are required for the following areas and purposes:

- (1) Along property lines to minimize any adverse impacts or nuisance on the site or from adjacent areas.
 - (2) Along interior roads running parallel to roads exterior to the site, to prevent confusion, particularly at night.
 - (3) To screen garbage collection areas, loading and unloading areas, electrical transformers, air conditioning units, utility service areas, outdoor storage areas, and similar functions from public view.
 - (4) To block prevailing wind patterns and to stop wind-borne debris from leaving the site.
 - (5) To screen parking areas, auto storage facilities, and other outdoor storage of motor vehicles from public view. Screening shall be provided so as not to obstruct visibility required for traffic safety.
 - (6) To provide privacy in multifamily subdivisions.
- B. Fences, vegetation, landscaping, berms, and mounds may be used as buffers.
- C. The following guidelines apply:
- (1) The subdivision design shall minimize possibility of noise pollution either from within or without the development by providing and maintaining a green strip of at least twenty (20) feet wide planted with appropriate shrubbery between abutting properties.
 - (2) Natural features shall be maintained wherever possible to provide a buffer between the proposed development and non-compatible abutting properties and public roadways. When natural features such as topography, gullies, stands of trees, shrubbery, rock outcrops do not exist or are insufficient to provide a buffer, other kinds of buffers shall be utilized.
 - (3) Buffers shall be sufficient to shield poorly compatible structures and uses from view of abutting properties and public roadways, and to otherwise prevent any nuisances including but not limited to all loading and unloading operations, storage areas, commercial vehicle parking, waste disposal and collection areas.
 - (4) All plantings required under these regulations shall be of a type and species appropriate for the soil types and climatic conditions in Saco as approved by the Parks and Recreation Department.
 - (5) If evergreens are used for a buffer, they should be planted approximately four (4) feet apart in two (2) or three (3) rows of staggered plantings. Deciduous trees should be planted a minimum of seventy-five (75) feet apart.
 - (6) Fencing and screening shall be durable and properly maintained at all times by the owner.
- D. Buffering and Landscaping in Mobile Home Parks
- (1) The first twenty-five (25) feet of the buffer strip, as measured from the exterior boundaries of the park shall contain evergreen shrubs, trees, fences, walls or a

combination of these, which forms an effective visual barrier to be located on all exterior lot lines of the park, except at driveways or streets crossing, which shall be kept open to provide visibility for vehicles entering and leaving the park.

- (2) The park shall also meet all other buffering and landscape standards of these regulations.
- (3) The Planning Board shall approve a plan which includes a list of plant types and sizes. The approved landscaping plan shall be considered an integral part of the Planning Board's approval of the mobile home park development and the obligation to maintain the landscaping, including the replacement of any dead plant materials within one growing season, shall continue after approval. Street trees shall be planted along streets within the mobile home park.

§ 712 Centralized Mailboxes

A location within the subdivision shall be provided for a centralized mailbox, also referred to as a cluster box unit, that meets the standards of the United States Postal Service.

§ 713 Cluster Subdivisions

A. The purpose of cluster subdivisions is:

- (1) To encourage flexibility in design and development of land in order to promote conservation of open space and efficient use of land in harmony with its natural features.
- (2) To stimulate imaginative and economical approaches to land use and community development.
- (3) To facilitate the economical provisioning of streets, utilities and public spaces.
- (4) To preserve the natural and scenic qualities of open areas.
- (5) To establish living areas that provide a diversity of housing opportunities while ensuring adequate standards for public health, safety, welfare and convenience.
- (6) To encourage preservation of land for use by the general public for recreational and conservation purposes.
- (7) To preserve those areas of the subject property that have high ecological value, e.g. wildlife habitat, rare and exemplary species, water resources, wetlands, and streams.
- (8) To create a contiguous network of open spaces or "greenways" by linking common open spaces within the subdivision to open space on adjoining lands wherever possible.

B. The Planning Board is authorized to modify provisions relating to space and bulk to permit innovative approaches to housing and environmental design consistent with cluster design standards specified in this ordinance. Such modifications shall be limited to the dimensional standards set forth in Table 7-4 below.

Table 7-4 Dimensional limits for cluster subdivisions

Minimum % of land area to be set aside as permanent open space	50%
Minimum number of residential buildings	10
Residential density (square feet of land per dwelling)	10,000
Maximum height (feet)	35
Minimum setback from neighboring property (feet)	75

- C. Cluster development shall only be permitted on tracts in excess of ten (10) acres situated west of I-95.
- D. The cluster approach, as described herein, is optional. Landowners are free to pursue conventional subdivisions.
- E. Outside the sewer service district, cluster developments shall be designed so that each individual building lot includes provisions for on-site sewerage disposal and on-site water supply. Community systems shall only be permitted if the Planning Board finds a compelling reason to grant approval.
- F. Notwithstanding other provisions of these regulations, the Planning Board may modify provisions relating to space and bulk to permit innovative approaches to housing and environmental design in accordance with standards of this section.
- G. Design & Layout
- (1) Within the Buildable Area, residential development may be built in any configuration or combination of single family and two (2) family dwelling types, and lot sizes, subject to the Planning Board finding that the design and layout is consistent with the purposes of this section. The Buildable Area is the area of land not occupied by wetlands, steep slopes, and designated open space areas.
 - (2) Where a cluster development abuts a water body, the shoreline, as well as reasonable access to it, shall be part of the area dedicated to open space preservation.
- H. Open Space Guarantees
- (1) Contiguous Open Space. The Planning Board shall make a finding that the applicant has made reasonable efforts to designate proposed open space at locations adjacent to protected open space in adjoining properties.
 - (2) Protection in Perpetuity. The applicant's open space, unless dedicated to and accepted by the City or conveyed to a land trust, shall be permanently restricted to recreation, open space and conservation uses, and protected by a homeowners or condominium association. The City Attorney shall review all open space documents.
 - (3) Farmland. If the common open space is farmland or prime agricultural soils, appropriate covenants restricting its use shall be subject to approval by the Planning Board and reviewed by the City Attorney. The covenants shall provide for the

- ownership and conservation of the farmland in the event that the land is no longer farmed.
- (4) **Enforceability.** The City and the property owners within the development shall be granted enforceable rights with respect to such conservation.
 - (5) **Non-Divisible.** Open space shall not be re-subdivided further but may include accessory structures and improvements appropriate for educational, or recreational uses.
 - (6) **Legal Guarantees.** The developer shall submit such legal instruments as the Planning Board may require to prescribe the manner of ownership, maintenance and obligations of the developer or homeowners associations or land trusts, and future residents, including but not limited to articles of incorporation and bylaws, deeds, and conservation easements in a form and manner reviewed by the City Attorney and approved by the Planning Board.
 - (7) **Municipal Rights.** In the event the party entrusted with ownership of the open space within the development shall fail to maintain such open space in a reasonable condition, the City shall be authorized to assess the costs incurred by the City to maintain this open space against the owners as a lien on their properties.

Article VIII. Infrastructure Specifications

§ 801 Water Supply

Public Water Supply Required. A public water supply system, with fire hydrants, shall be installed at the expense of the subdivider, or if in the opinion of the Planning Board a public water system is not feasible, the Planning Board may allow individual wells. The Planning Board shall consider the distance from the nearest water main, topography, accessibility of on-site water, cost, and other relevant factors. All multifamily housing units shall be served by public water.

- A. Hydrants shall be spaced every one thousand (1,000) feet in areas with a public water supply and have the capacity to pump five hundred (500) gallons per minute for a two (2) hour span. Additional water capacity for firefighting may be required upon the advice of the Fire Chief.
- B. The water main shall be installed at the expense of the subdivider and shall be of a size determined adequate by the Maine Water Company and the Fire Chief.
- C. In areas without public water, a water supply for fire protection is needed.
 - (1) Residential sprinklers are preferred over dry hydrants.
 - (2) Dry hydrants shall be provided within two thousand (2,000) feet of all proposed structures. The hydrant must have the capacity to yield five hundred (500) gallons per minute for twenty (20) minutes. The hydrant shall be tied into cisterns. Dry hydrants are not permitted to be placed into open bodies of water. An easement shall be granted to the City granting access to and maintenance of the dry hydrants where necessary. A fire flow test may be required to determine if the water supply is adequate.
 - (3) The Planning Board may require additional water capacity for firefighting purposes on the advice of the Fire Chief.
- D. Water Mains, Valves, Hydrants & Fittings. When new streets are constructed in accordance with these standards, the minimum size of the water main, the number of gates and the location of the hydrants to service the proposed area shall be determined by the Maine Water Company and the Fire Department. In general, eight (8) inch water mains, or larger, shall be installed on all water main extensions in excess of six hundred (600) feet, or when needed to complete a good distribution grid system. All water main extensions together with all other appurtenances shall be installed under the supervision of Maine Water Company.
 - (1) Water mains and appurtenances shall be installed under a main extension contract between the subdivider and Maine Water Company. The contract shall comply with the rules of the Maine Public Utilities Commission governing water main extensions.

- (2) Fire hydrant locations and fire flow requirements may be supplemented by the Saco Fire Chief. Water main size, layout and location of appurtenances shall be established by Maine Water Company.
- (3) Materials shall comply with Maine Water Company requirements as summarized below:
 - (a) Pipe, fittings, and accessories shall conform to the latest edition of the following ANSI standard specifications: A21.4, A21.10, A21.11, A21.50, and A21.51. Pipe shall be thickness class 52 with double thickness cement mortar lining. Fittings shall be mechanical joint of a pressure classification at least equal to that of the pipe.
 - (b) Valves shall be American Darling CRS 80, open right.
 - (c) Hydrants shall be American Darling B62, Biddeford specification.
 - (d) Tapping sleeves shall be split cast-iron sleeve with mechanical joint ends on the main.
- (4) Layout. Water mains shall be located off the paved surface at least four (4) feet from the edge of pavement and ten (10) feet horizontal distances from any other buried utility. Water mains shall be "looped" with multiple connections to the existing distribution system wherever possible. Long dead-end mains shall be avoided. Subdivider shall provide Maine Water Company with thirty (30) feet wide recorded easements to adjacent parcels of land where required by the Planning Board to provide for possible future water main extension.
- E. A private water supply system shall be designed and installed in accordance with requirements of the Maine Department of Health and Human Services.
- F. Dug wells shall not be permitted.
- G. If a central water supply system is provided by the applicant, location and protection of the source, and design, construction, and operation of the distribution system and appurtenances and treatment facilities shall conform to the recommendations in the Maine Rules Related to Drinking Water.

§ 802 Wastewater

- A. Public System. A sanitary sewer system shall be installed at the expense of the applicant. This requirement shall not be waived for subdivisions within one thousand five hundred (1,500) feet of an existing sewer line, if city agencies certify that the extension will not be a burden on the system.
- B. All lots shall be connected to the city sewer at the expense of the applicant, or if in the opinion of the Planning Board sewer service to each lot is not feasible, the Planning Board may allow septic systems to be used.
- C. A developer shall submit plans for sewers designed by a Maine licensed professional civil engineer, all in full compliance with the requirements of the State of Maine Plumbing Code and Department of Environmental Protection.

- D. The final plan shall provide for adequate sanitary sewer facilities to collect and convey sewage to the nearest available manhole on the City of Saco sanitary sewer system. The Planning Board shall require installation of sanitary sewer facilities including sewer connections to each lot if the city's sewer plan calls for sewers in the area.
- E. The sanitary sewer system shall conform with the design specifications in the TDSM.
- F. Private Systems
 - (1) If a private subsurface waste system is proposed, the developer shall submit evidence of soil 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. In addition, on lots in which the limiting factor has been identified as groundwater being within twenty-four (24) inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon. Logs for all test pits shall be provided.
 - (2) In no instance shall a disposal area be permitted on soils on a lot which requires a New System Variance from the Subsurface Wastewater Disposal Rules.
 - (3) All septic systems shall be designed by a licensed soil evaluator to the standards of the state plumbing code and any additional local requirements.
 - (4) For any community system, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. This area shall be shown on the plan as restricted from being built upon.
 - (5) For any community septic system, the developer shall submit a plan for permanent operation and maintenance including the financing thereof. The proposal shall include a funding mechanism for the accumulation of funds to replace and maintain the system.
 - (6) The Planning Board may impose a requirement that a community septic system be tested periodically, and the results reported to the City.

§ 803 Stormwater and Erosion Control

- A. Adequate provision shall be made for disposal of all stormwater generated within the subdivision through a management system of swales, culverts, under drains, storm drains, and detention and retention basins. This stormwater management system shall be designed by a Maine licensed professional engineer. Stormwater management shall comply with Maine State Stormwater Management Law, 38 M.R.S.A. § 420-D, and the latest revision of the "Stormwater Management Rules," Chapters 500, 501 and 502 and provisions of the Zoning Ordinance.
- B. No stormwater will be permitted to drain across a street or across an intersection.
 - (1) The stormwater management system shall be designed to accommodate upstream drainage, accounting for existing conditions and approved or planned developments

- not yet built and shall include a surplus design capacity factor of twenty-five (25) percent) for potential increases in upstream runoff. If evidence establishes that the storm water system serves only the upstream area of a watershed, no more than ten (10) percent surplus design capacity is required.
- (2) The storm drainage shall not be permitted to overload existing or future planned storm drainage systems downstream from the subdivision. The applicant shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.
- C. Drainage Plan. A drainage plan within the perimeter of the proposed subdivision shall be drawn to a scale of 1in=100ft (1:1,200) inches and shall show the incremental areas contributing run-off to each catch basin, ditch or water course. The run-off plan shall also show existing and proposed contours at two (2) foot intervals. The contributing watershed areas outside the perimeter of the subdivision shall be drawn to a scale of 1in = 200ft (1:2,400) inches and shall be included in the calculations.
- D. Design Criteria
- (1) Hydraulic and hydrologic calculations shall be prepared in accordance with the [Maine Stormwater Management Design Manual Volume III](#). Calculations must show existing and proposed runoff conditions for rate, volume, and velocity. The drainage plan shall be such that post development peak flows do not exceed the predevelopment peak flows for any storm event, unless otherwise approved by the City.
- (2) The proposed subdivision drainage system shall be based on all storm durations for the two (2), ten (10), twenty-five (25), fifty (50) and one hundred (100) year twenty-four (24) hour storm frequencies, as per the Extreme Precipitation Estimates generated by Cornell's Northeast Regional Climate Center, excerpted below in Table 8-1.

Table 8-1 Extreme Precipitation Estimates

Storm Event	24-Hour Precipitation
2-year	3.3"
10-year	4.9"
25-year	6.2"
50-year	7.3"
100-year	8.7"

- (3) Culverts designed to carry flows from watersheds less than fifty (50) acres shall be designed for the fifty (50) year design storm event. Culverts for larger watersheds shall be designed for the one hundred (100) year design storm event. Culverts shall be designed with proper inlets and outlet control in accordance with standard engineering practice, including stream smart design for fish passage.
- (4) A weighted coefficient of run-off "C" or curve numbers is to be determined for each incremental drainage area based on the following minimum values in Table 8-2:

Table 8-2 Minimum runoff coefficient values

paved or roofed areas	0.9
steep grassed areas	0.7
residential areas (with lawns & buildings)	0.45
cultivated or natural areas	0.3

- (5) All drains shall be sloped to provide for a minimum velocity of three (3) feet per second. The maximum design velocity shall be ten (10) feet per second.
- (6) Storm sewer systems shall be designed to flow full by gravity, using the Manning's Formula to determine the size of pipes required. In no case shall a drainage line of less than twelve (12) inches in diameter be used. Submerged outlets during periods of storm flow or during dry periods will not be permitted.
- (7) Where it appears that any street may be extended to connect with an existing or proposed street on land adjoining the subdivision, the Planning Board may require that provision be made for extension of the drainage system to a point at or near the subdivision property line at such size and grade as will allow for such extension.

E. Erosion Control

- (1) Except for surplus topsoil from roads, parking areas, and building excavations, topsoil is not to be removed from the site.
- (2) Except for normal thinning, landscaping, and cutting of trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion on lots.
- (3) To prevent soil erosion of shoreline areas, tree cutting in a strip paralleling the shoreline and extending fifty (50) feet inland from all points along the normal high water mark shall be limited in accordance with the following provisions:
 - (a) No more than thirty (30) percent of the length of the strip shall be clear-cut to the depth of the strip.
 - (b) No clear-cut openings shall be greater than thirty (30) feet wide.
 - (c) In the remaining seventy (70) percent length of the strip, cutting shall leave sufficient cover to preserve natural beauty and control erosion.

- F. Water Quality. Any subdivision that will result in the creation of more than ten thousand (10,000) square feet of impervious area such as roads, drives, walks, and roofs or one (1) or more acres of disturbed area shall manage the quality of the stormwater runoff to meet the standards of Maine Department of Environmental Protection Chapter 500 and City of Saco Chapter 230. Stormwater Best Management Practices appropriate for the site and type of activity must be used to meet the standards specified in this section. Preference shall be given to use of nonstructural BMPs where feasible. The standards must be met at the property line or before the runoff enters a waterbody, whichever point is first reached by the runoff:

- (1) Any subdivision located in the portions of the watershed of the Saco River that are upstream of the public water supply intake of Maine Water Company or that are located in the watershed of the Scarborough River including tributaries of the Nonesuch River, Nonesuch Brook, Ricker Brook, Boynton Brook, Merrill Brook, Mill Brook, Stewart Brook, and Goosefare Brook shall comply with the following additional requirements:
 - (a) Ditches, swales, and other open stormwater channels must be designed, constructed, and stabilized using erosion and sedimentation control Best Management Practices that achieve long term erosion control, and must receive adequate routine maintenance to maintain capacity and prevent or correct any erosion of the channel's bottom or side slopes.
 - (b) Gravel roads must be designed and constructed with crowns or other measures, such as water bars, to ensure that stormwater is immediately delivered to adjacent stable ditches or vegetated buffer areas. Grading of gravel roads, or grading of the gravel shoulders of gravel or paved roads, must be routinely performed to ensure that stormwater drains immediately off the road surface to adjacent buffer areas or stable ditches, and is not impeded by accumulations of graded material on the road shoulder or by excavation of false ditches in the shoulder.
 - (c) The project site must be maintained to prevent or correct erosion problems.
- (2) Responsibility for Subdivision Drainage. The responsibility for adequate drainage shall rest with the developer. This shall include connection with existing drainage facilities, if any, provided by the City. When private drains are connected to city drainage, the City will not be responsible for any damage.
- (3) All open and closed drainage systems shall be designed and installed in conformance with the TDSM.

§ 804 Cable Utilities: Electric, Telephone, Television & Internet

- A. Utilities, including house connections, shall be placed underground at time of initial construction. Street lighting circuit wiring shall also be placed underground except where approved by the City to be installed overhead on existing utility poles. Complete location plans prepared by a Master Electrician or an Electrical Engineer of each utility system shall be filed with the city's Electrical Inspector prior to installation. All utility pipes and conduits and appurtenant facilities to be located under a roadway or sidewalk shall be installed before placement of the gravel base of such roadway or sidewalk.
- B. Electric Power Supply Cables, Telephone Cables, Cable TV Service and Internet shall be placed in a trench centered four (4) feet from the edge of the roadway pavement on the side of the street where the sidewalk is to be placed (or on the opposite side from the water main). All service connections to be located under a roadway or sidewalk shall be placed in conduits extending from the electric service transformers and telephone distribution boxes to the pavement edge on the opposite side of the street. Any other required crossing of the roadway shall also be placed in conduit. All service transformers shall be

pad mounted unless specified by the Planning Board. All conduit to be located under the roadway or sidewalk shall be installed prior to placing of the gravel base and bituminous concrete pavement.

- C. Utilities shall be installed in a timely manner during street construction to prevent re-excavation of the finished street. City ordinances prohibit street openings for five (5) years after a street is built.

§ 805 Street Lighting

- A. Adequate outdoor lighting shall be provided to illuminate streets and sidewalks. Lights shall be sized and directed to avoid glare on adjacent properties and roads. Street lighting shall be provided at arterial street intersections, at secondary street intersections, at the apex of any curve in the roadway, dead ends, and cul-de-sacs. Additional street lighting shall be provided for subdivision arterial streets and secondary streets where the City deems appropriate.

§ 806 Trees

- A. Trees shall be planted, or retained, along all new streets at intervals of no greater than fifty (50) feet at the edge of the right of way. The Parks and Recreation Department shall review and approve any existing trees to be retained in the right of way. Applicant is required to guarantee the survival of these trees for one year from the date of acceptance of the ways by the City. Coniferous trees are not acceptable as street trees. Trees should be no less than thirty (30) feet from street intersections, and fifteen (15) feet from driveways.
- B. Planting of Trees. Trees shall have a caliper of not less than two and one half (2 ½) inches and planted in such a manner as to ensure their survival. Tree pits shall be dug a minimum of twelve (12) inches larger than the diameter of the root ball. Trees should be planted one eighth (1/8) of the ball depth above existing grade. No large rocks, or debris or other such unsuitable materials may be used in filling the hole. Trees dead or in poor condition after one (1) year shall be replaced by the applicant.
- C. Trees shall be selected from a list provided by the Saco Parks and Recreation Department or approved by that department.
- D. Planting details shall be provided.

§ 807 Boundary Monuments

- A. Granite monuments shall be set at all street intersections and points of curvature, but no farther than seven hundred fifty (750) feet apart along street lines without curves or intersections.
- B. Granite monuments shall be placed at all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is one hundred thirty-five (135) degrees
- C. Monuments shall be a minimum of four (4) inches square at the top, and four (4) feet in length and made of granite. Where conditions warrant other suitable permanent

markers may be used if approved by the City. Monuments shall be located in the ground at final grade level.

- D. Monuments shall be indicated on the final plan. After they are set, a surveyor's cap inserted in the granite shall locate the point or points described.
- E. All other subdivision corners and boundary points and all other lot corners and angle points shall be marked with an iron pin.

Article IX. Applicant's Responsibilities After Plan Approval

§ 901 Overview

The developer shall install all improvements required under this Chapter except those which may be specifically waived by the Planning Board. All development activities, including site work, clearing, construction of buildings and utilities and landscaping shall be in accordance with the approved plan.

§ 902 Installation of Wetland Boundary Markers

The boundaries of all on-site wetlands of special significance shall be marked on the ground by permanent monuments. The wetland boundary markers shall be subject to approval by the Public Works Department.

§ 903 Plan Recording

When a plan is approved by vote of the Planning Board, it shall be properly signed by a majority of the members of the Planning Board and then recorded at the York County Registry of Deeds. Any Subdivision plan not so 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. Three (3) paper copies and one (1) reproducible copy shall also be signed by the Planning Board and maintained in city records.

§ 904 Plan Revisions

- A. 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 resubmitted approved as an amendment by the Planning Board, or in the case of minor revisions such as adjustments to lot lines or easements, by the City Planner. A final plan recorded without complying with this requirement shall be considered null and void, and the Planning Board shall file a notice at the Registry.
- B. Procedure. An applicant for a revision to a previously approved plan shall submit a statement and plans to the Planning and Development Department. The City Planner shall determine whether a proposed change constitutes a minor amendment that can be reviewed and approved by the City Planner. For all other proposed amendments, the City Planner and Planning Board shall schedule review of the application on the Planning Board's agenda. If the revision involves the creation of additional lots or dwelling units, the procedures for preliminary plan and final plan approval shall be followed. If the revision involves only minor modifications of the approved plan, without the creation of additional lots or dwelling units, the procedures for final plan approval shall be followed.
- C. Submissions. The applicant shall submit a copy of the approved plan, as well as copies of the proposed revisions (number of copies determined by the Planning and

Development Department). The application shall also include enough supporting information to allow the Planning Board to make a determination that the proposed revisions meet the standards of these regulations.

- D. Scope of Review. The Planning Board's scope of review shall be limited to those portions of the plan which are proposed to be changed.

§ 905 Inspection of Improvements

- A. Inspection of the required subdivision improvements shall be made by the Department of Public Works during the work and arrangements shall be made by the applicant with the City Planner and City Inspector prior to starting road construction.
- B. The City Inspector will furnish the developer with a copy of a checklist covering all required inspections. The original of such list shall be signed by the City Inspector after satisfactory completion of each stage of the construction, provided to the City Planner, and retained in the Planning Board files.
- C. Inspections shall be requested at least forty-eight (48) hours in advance by written notice to the City Inspector.
- D. Required Inspections. Inspections shall be required in all subdivisions during installation of the following required improvements:
- (1) Marking of trees to be preserved in the street right-of-way;
 - (2) Installation of erosion control measures;
 - (3) Excavation of roadway and sub-grade preparation;
 - (4) Installation of drainage pipes, conduits, catch basins, manholes and other below-grade drainage facilities;
 - (5) Installation of utility pipes and conduits located under roadway and sidewalk locations;
 - (6) Installation of sanitary sewer systems and testing of systems for exfiltration, infiltration, vertical and horizontal alignment, and deflection;
 - (7) Installation of catch basins and manhole frames, headwalls, and riprapping;
 - (8) Filling, grading and compaction of the roadway and sidewalk subgrades;
 - (9) Installation of curb and placement of bituminous binder course on roadways;
 - (10) Placement of bituminous finish course on roadways;
 - (11) Construction of sidewalks;
 - (12) Installation of underground electric and telephone services;
 - (13) Installation of streetlights;
 - (14) Loaming, grading, and seeding of grass strips;
 - (15) Installation of street signs;

- (16) Installation of street trees where required;
- (17) Installation of monuments;
- (18) Clean-up of debris in the right of way;
- (19) Installation, filling, and testing of cisterns.

§ 906 Improvements Required Before Issuance of Building Permits

- A. 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 not the intent of these regulations 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 conditions of approval or 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.
- B. 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.
- C. In general, the following improvements, if applicable, must be satisfactorily complete prior to issuance of building permits:
 - (1) Sanitary sewer system including main sewer, manholes and building services to the right of way line, and sewage pumping stations and force mains
 - (2) Proposed private low-pressure sewage force main systems.
 - (3) Water mains including valves, connections to the existing system, hydrants, filled cisterns, and service connections with curb stops.
 - (4) Gas mains, valves and services to the right of way line.
 - (5) Electric service with required transformers, whether aerial or underground, and all conduits for any underground service such as telephone or cable television.
 - (6) All drainage facilities, including underground piping, cross culverts, catch basins, storm drain manholes, basins, control structures, drainage ditches, swales and other appurtenances shown on approved plans.
 - (7) Operational street lighting and financial arrangements for lighting.
 - (8) Pavement constructed to and including roadway binder course.
 - (9) Street and traffic signage.
 - (10) All erosion control measures.
 - (11) Other specific improvements or work identified by the Planning Board as required.

(12) Other specific improvements or work identified as required during the pre-construction meeting.

D. 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 CEO that building permits may be issued for approved lots or sections.

E. The City Planner, at the request of the applicant and upon the review and recommendation of the CEO, Fire Chief, and Director of Public Works, may waive completion of a specific improvements that cannot be completed due to specific circumstances of the project.

§ 907 Submission of As-Built Plan

A. After all street construction is completed and before release of any bond or covenant, the developer shall file with the Planning Board one (1) reproducible copy and two (2) prints of the as-built plan corrected and certified by a Licensed Professional Engineer or Registered Land Surveyor to show the following:

- (1) Centerline elevations at fifty (50) foot intervals of all roadways as built;
- (2) Profiles of the drainage and sanitary sewer systems as installed;
- (3) Utilities as installed, including but not limited to water, sewer, gas, cable television, electricity and telephone;
- (4) Sideline locations of roadways and sidewalks as built;
- (5) Monuments as installed;
- (6) Contour map at two (2) foot intervals.

B. The digital data shall be a .dwg file and a .pdf file. The following standards shall be followed:

- (1) Decimal feet, NAD83, Maine State Plane West, vertical datum NAVD1988
- (2) Drawing features should be tied into state plane coordinates
- (3) Rotation of grid north maintained. Plan data should not be “rotated” in any way which might compromise data coordinate integrity. Alternatively, a ‘dview, twist’ or similar CAD display operation will allow for convenient plotting/layout fitting while still proper maintaining spatial reference.
- (4) Coordinates shall be specified on at least four corners of the site plan or subdivision plan. Coordinates shall be referenced via the Maine State Coordinate System.
- (5) Any dependent external referenced (xref’s) should be bound to the drawing file
- (6) Drawing layers should be named in a logical fashion to allow identification of features; preferably, all drawings should be accompanied by a file that describes the layer structure

(7) Significant proposed features such as building footprints, parking areas, driveways, should be closed 2d polylines (looped for closure).

C. No bond or covenant given as security for such work shall be released until the Planning Board has received an as-built plan of the improvements and a report in writing from the Department of Public Works giving full approval of the work.

§ 908 Evidence of Satisfactory Performance

Before release of the interest of the City in any financial guarantee, or, in the case of approval with covenant, before the Planning Board issues a release of any covenant, the applicant shall:

- A. File with the Director of Public Works a certified copy of the actual layout plan of each street in the subdivision (or, in the case of approval with covenant a certified copy of a layout plan of the street or streets serving the lots for which a release is desired). Certification shall be by a registered engineer and shall indicate that streets, storm drains, sewers, water mains and their appurtenances have been constructed, and monuments have been installed, in accordance with the as-built plan and they are accurately located as shown thereon.
- B. Ten (10) percent of the deposit of money or negotiable instruments will not be released until an as-built plan showing the precise location of water valves, shutoff, manholes, sewer elevations, as constructed is presented to the Director of Public Works.
- C. Professional Services. The Planning Board may at its discretion obtain or require the applicant to obtain, at the applicant's expense, additional professional engineering advice as to the satisfactory completion of the construction of each street or way in the subdivision, all storm drains, water mains and their appurtenances, and completion of the installation of all other services required according to the as-built plan.
- D. Final Clean Up. Upon completion of the roadways and other required improvements, the developer shall remove from the right of way and adjoining property all temporary structures, logs, brush, rubbish, loose stones and boulders, surplus earth, gravel, and other materials which may have accumulated during construction, shall sweep the streets, and shall leave the subdivision in a neat and sightly condition.
- E. 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 this Chapter. After that date, the applicant shall be considered to be in default, and the City at its discretion shall have access to the funds to finish construction.
- F. If, upon inspection, the City Engineer or Director of Public Works find that any of the required improvements have not been constructed in accordance with plans and specifications filed as part of the application, they shall so report in writing to the City Inspector, and to the applicant or builder. The City shall take all legal steps necessary to preserve its rights according to the terms of the bond or surety or covenant.

§ 909 Release of Financial Guarantee

Upon completion of the improvements to the reasonable satisfaction of the City, the applicant shall send to the Planning Board a written statement that the construction or installation in

connection with which a bond, deposit, or covenant has been given meets the requirements of these standards and the conditions of approval. Prior to release of any part of the financial guarantee, the Planning Board shall determine to its satisfaction, in part upon the report of the City Engineer and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed design and construction requirements for that portion of the improvements for which the release is requested. If the Planning Board determines that the construction or installation has been completed to its satisfaction, it shall release the interest of the City in the bond, deposit, or covenant, and return the bond or deposit to the person who furnished it, or issue a release of covenant in a form for recording. If the Planning Board determines that the construction or installation has not been completed to its satisfaction, it shall specify to the applicant in writing how the construction and installation fails to comply with the requirements.

§ 910 Applicant Responsible for Basic Services

The applicant shall be responsible for providing the following basic services until street acceptance:

- A. Snow plowing of all ways.
- B. Trash pick-up from all inhabited units.
- C. Maintenance of all roadway surfaces, drains, sewers and other utilities.
- D. Installation of street signs and lights; Lights are to be energized.
- E. The costs of performing the provisions of this section shall be added into the bond or surety or included in the covenant.
- F. The applicant shall, prior to the sale or transfer of a lot, notify the grantee that the applicant is responsible for providing the basic services as outlined above until the street is accepted to city standards and accepted by the City. Nothing herein shall be interpreted as requiring the applicant to provide these services to streets or utilities duly accepted by the City of Saco.

§ 911 City Acceptance of Improvements

- A. After all improvements have been satisfactorily constructed, installed and inspected by the City or its agents, the developer may submit a request that the City accept those streets and utilities by October 15th of any calendar year. Before the City accepts the street(s) and/or utilities, the Developer is required to submit a metes and bounds description specific to the street or utility requested to be accepted. The description shall be prepared and certified by a Registered Land Surveyor and shall reference monuments or other physical property points shown or referenced on the approved subdivision plan and record drawings. The description shall be suitable for recording at the York County Registry of Deeds. The Planning Board shall not recommend that the City accept a street until the metes and bounds description has been furnished.
- B. 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 or utility shown on such plan.

- C. 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.

§ 912 Extensions

Prior to the end of said thirty-six (36) month period, an owner of a subdivision may apply to the Planning Board for a single one (1) 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 Planning 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 one hundred fifty (150) percent of the cost of remaining improvements. The extension request may be granted if the applicant can demonstrate to the Planning Board's satisfaction why completion cannot not occur within thirty-six (36) months of the posting of the financial guarantee.

Article X. Administrative Provisions

- A.** The Planning Board of the City of Saco shall administer this Chapter. No person, firm, corporation, or legal entity may convey, offer, lease, develop, build upon or agree to convey any land in a subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds.
- A.** Recording. No plan of a division of land within the City which would constitute a subdivision shall be recorded in the Registry of Deeds until a final plan has been approved by the Planning Board in accordance with this Chapter.
- B.** Utilities. No public utility, water district, sanitary district, or any utility company of any kind shall serve any lot in a subdivision for which a final plan has not been approved by the Planning Board.
- C.** Development of a subdivision without Planning Board approval shall be a violation of law.
- D.** Conveyance. No person, firm, corporation, or other legal entity may convey, offer, lease, develop, build upon or agree to convey any land in an approved subdivision which is not shown on the final plan as a separate lot.
- E.** Penalties for Conveyance. Any person, firm, corporation, or other legal entity who conveys, offers, leases, develops, builds upon or agrees to convey any land in a subdivision which has not been approved as required by these regulations and Title 30A M.R.S.A. §4406 shall be punished by a fine of not less than one hundred (100) dollars, and not more than those amounts set forth in Title 30-A M.R.S.A. §4452 for each such conveyance, offering, lease development, building or agreement. Each day in violation shall constitute a separate offense. The City may institute proceedings to enjoin the violation of this section and may collect attorney's fees and court costs if it is the prevailing party.
- F.** No work of any nature shall commence until such time as the Planning Board approves a final plan and it has been recorded at the Registry of Deeds.
- G.** The Code Enforcement Officer shall be responsible for enforcing this chapter.

Article XI. Separability & Effective Date

The invalidity of any provision of these standards shall not invalidate any other part. These standards shall take effect immediately on adoption of the same by the Saco Planning Board.

Article XII. Definitions

In general, words and terms in these standards shall have their customary dictionary meanings. The definition of words and terms contained in the Zoning Ordinance shall also apply to these words and terms as used in this Chapter. If a word is defined in both documents, the more restrictive definition shall apply. More specifically, certain words and terms used herein are defined as follows:

Adjacent Lot

Lots which adjoin at any point or are separated at any point by a body of water less than forty (40) feet wide.

Agent of the Planning Board

The City Planner(s).

Buffer

Vegetation, fences, and other means used to form a visual separation of one use from another, or to shield or block noise, lights, or other nuisances.

City Engineer

The person or firm employed or retained by the City to review plans, specifications, and other engineering data.

Complete Application

An application shall be considered complete upon the Planning Board's decision that all information required by these regulations has been submitted and the required fee under the City's cost recovery ordinance has been submitted.

Comprehensive Plan

Any part or element of the over-all plan or policy for development of the City as defined in Title 30-A MRS §4301 *et seq.*

Community Septic System

A subsurface septic system which is not administered by the City of Saco, and which serves more than two (2) dwelling units.

Director of Public Works

The director of the City's Department of Public Works or other person designated by the City.

Developed Area

Any area on which a site improvement or change is made, including, but not limited to, buildings, landscaping, parking areas, and streets.

Final Subdivision 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 Registry of Deeds.

Flag Lot

A parcel that lies at the end of a long driveway.

Frontage Streets

A street that is parallel to arterial street and provides access to adjacent lots.

High Intensity Soil Survey

A map prepared by a Certified Soil Scientist in accordance with the National Cooperative Soil Survey that identifies the soil types down to one eighth (1/8) acre or less at a scale equivalent to the subdivision plan submitted. 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 point. Single soil test pits and their evaluation for suitability for subsurface wastewater disposal systems shall not be considered to constitute high intensity soil surveys.

Official Submittal Date

The date upon which the Planning Board issues a receipt indicating that a complete subdivision application has been submitted.

Re-subdivision

The division of an existing subdivision or any change in the plan for an approved subdivision which affects the lot lines, including land transactions by the applicant not indicated on the approved plan.

Reverse Frontage

Frontage on a street other than an existing or proposed arterial street.

Spaghetti Lot

A parcel of land with a lot depth to shore frontage ratio greater than five to one (5:1).

Street

A public or private way, including, but not limited to, alleys, avenues, boulevards, highways, roads and streets.

Subdivision

Subdivision shall be defined as in the state subdivision law, 30-A MRS §4401 *et seq.* as amended from time-to-time.

Substantial Construction

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.

Tract or Parcel of Land

These terms shall be defined as in 30-A MRS §4401

100-Year Floodplain

The area that will be inundated by the flood event having a one (1) percent chance of occurring in any year, as identified on the Federal Emergency Management Agency's Flood Insurance Rate Map (FIRM).