

SECTION I: GENERAL PROVISIONS

SECTION USER'S GUIDE: This section contains general information related to the title of the Ordinance, the statutory authority under which it was prepared and adopted, and the procedure for its amendment.

A. TITLE

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

B. AUTHORITY

This Ordinance is enacted under the authority granted to the Town by the statutes of the State of Maine and in accordance with the provisions of Title 30-A, MRSA, Section 4403.

C. APPLICABILITY

The provisions of this Ordinance shall apply to subdivisions as defined by this Ordinance and by Title 30-A, MRSA, Section 4401 and 4402 as amended, within all the boundaries of the Town of Burlington.

D. CONFLICT WITH OTHER ORDINANCES

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation, ordinance, deed restriction or covenant, the more restrictive requirements shall govern.

E. SUPERSEDURE

All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed, but only to the extent of such conflict. The Subdivision Ordinance in effect at the time that this Subdivision Ordinance is enacted is hereby repealed. Provided, however, that all lawfully adopted Ordinances or parts thereof shall remain in full force and effect with respect to any violation thereof in existence at the time of adoption of this Ordinance, and provided further that any such violation shall be deemed a violation of this Ordinance and subject to its terms and provisions.

F. SEPARABILITY

In the event that any section, subsection or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

G. AMENDMENTS

The procedure to be followed in initiating and securing amendments to this Ordinance is as follows:

1. INITIATION

- a. The Planning Board, by majority vote:
- b. The Board of Selectmen, by majority vote:
- c. Written petition of qualified voters equal to at least 10% of the number of votes cast in the Town in the last gubernatorial election. When an amendment is proposed is proposed by

other than the municipal officers or Planning Board, a fee of one hundred (\$100) shall accompany the proposal to cover the cost of review, hearings, and advertisements. This fee is non-refundable.

2. PROCESS OF ADOPTION

The process to be followed in adopting an amendment to this Ordinance is as follows:

- a. Proposed amendments must first be submitted to the Planning Board for their consideration.
- b. The planning board shall make a recommendation on the proposed amendment within sixty (60) days of receiving a proposed amendment.
- c. The Board of Selectmen shall hold a public hearing on the proposed prior to the Town Meeting.
- d. An amendment to this ordinance may only be adopted by majority vote of a Town Meeting.

H. EFFECTIVE DATE

The provisions of this Ordinance shall become effective the day of their enactment.

SECTION II: PURPOSES

SECTION USER'S GUIDE: This section explains the purposes of this Ordinance.

A. PROTECT GENERAL WELFARE

To assure the comfort, convenience, safety, health and welfare of the citizens of Burlington;

B. PROTECT ENVIRONMENT

To protect the natural resources from unacceptable adverse impacts and to integrate new development harmoniously into the Town's natural environment;

C. PROMOTE COMMUNITY DEVELOPMENT

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

D. BALANCE PROPERTY RIGHTS

To protect property rights and values by balancing the rights of landowners to use their land for the purposes regulated by this Ordinance with the corresponding rights of abutting and neighboring landowners to enjoy their property without undue disturbance;

E. REDUCE FISCAL IMPACT

To provide the means for evaluating subdivision proposals for their fiscal impact on the municipality's ability to provide and improve necessary public facilities and services;

F. ESTABLISH PROCEDURES AND STANDARDS

To establish procedures whereby the Town Officials may review the developments regulated by this Ordinance by providing fair and reasonable standards for evaluating such developments; and to provide a public hearing process through which Town residents may raise questions and receive answers regarding how such developments may affect them.

SECTION III: ADMINISTRATION

SECTION USER'S GUIDE: This section contains provisions for the administration of this Ordinance including specific provisions for certificates of compliance, conditions of approval, and public hearings.

A. ADMINISTERING BODY

The Planning Board of the Town of Burlington, hereinafter called the Board, shall administer this Ordinance.

B. APPLICATION REQUIRED

Applications for approval shall be submitted in writing to the Board, on forms provided by it. The Board may require the submission of whatever additional information is necessary to determine compliance with the provisions of this Ordinance.

C. PERMITS TO BE APPLIED FOR BEFORE APPROVAL

Applications for approval under this Ordinance will not be considered complete for processing until all other required local, state, and federal permits have been applied for and evidence that they have been applied for or acquired has been provided to the Board.

D. COMMENCEMENT AND COMPLETION OF WORK

Construction and alteration activities on projects for which approval has been granted under this Ordinance shall commence within six (6) months of the date of approval and shall be completed within eighteen (18) months.

Activities which are not commenced or substantially completed within the time limits provided above shall be subject to new application and the prior approval issued under this Ordinance shall be considered void, unless an extension has been granted by the Board.

Activities may be extended for up to twelve (12) months at a time by the Planning Board upon a showing of good cause where a written request setting forth the reasons for the extension is submitted not later than thirty (30) days prior to the pending commencement or completion date.

E. CERTIFICATE OF CONSTRUCTION REQUIRED

No land in a subdivision requiring approval under this Ordinance shall be conveyed, rented, leased, or occupied without a certificate of construction issued by the Code Enforcement Officer indicating that all of the required public improvements have been constructed as required.

F. CONDITIONS OF APPROVAL

The Board may in approving applications attach such reasonable and appropriate terms and conditions, in addition to those required elsewhere in this Ordinance, that it finds necessary to further the purposes of this Ordinance. Such terms and conditions may include, but are not limited to, specifications for:

1. Specific sewage or other waste disposal facilities;
2. Specific water supply facilities;
3. Landscaping and planting screens;

4. Sureties and bonds;
5. Restrictive covenants;

SECTION III: ADMINISTRATION (continued)

6. Location of piers, docks, parking areas and signs; and
7. Any other term or condition of approval necessary to fulfill the purposes of this Ordinance.

Violation of any of these terms or conditions shall be considered a violation of this Ordinance.

G. PUBLIC HEARINGS

In scheduling public hearings under this Ordinance, the Board shall notify the Applicant at least twenty (20) days in advance of the date, time and place of the hearing. The Board shall publish notice of the hearing at least seven (7) days in advance in a newspaper of general circulation in the area at least two (2) times and shall post such notice in at least two (2) conspicuous public places. The first notice shall appear at least seven (7) days in advance of the hearing.

At any hearing, a party may be represented by an agent or attorney. Hearings shall not be continued to other times except for good cause. The applicant's case shall be presented first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman of the Board.

Whenever a public hearing is held pursuant to this Ordinance, the matters in that hearing may be carried over until the next regularly or specially scheduled meeting of the Planning Board for further public hearing without affecting any decisional deadline applicable to the Planning Board.

Ten (10) days after the public hearing, the administrative record shall close. Within thirty (30) days of the public hearing, the Board shall reach a decision on the proposed subdivision plan and shall inform the applicant and the Board of Selectmen in writing within ten (10) days of its decision stating its reasons. The Board shall prepare detailed, written findings of fact, as well as its conclusions and the reasons or basis thereof. These findings shall not be based on feelings or unsubstantiated allegations, but upon all reasonable and admissible evidence that is submitted prior to the closing of the record.

SECTION IV: CRITERIA OF APPROVAL

SECTION USER'S GUIDE: This section contains the criteria by which the Board will judge all applications submitted pursuant to this Ordinance.

In approving applications submitted pursuant to this Ordinance, the Board shall find that:

A. POLLUTION

The proposed subdivision will not result in undue water or air pollution. In making this determination, the Board shall at least consider:

1. The elevation of the land above sea level and its relation to the flood plains;
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 SUPPLY

The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;

C. MUNICIPAL WATER SUPPLY

The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be utilized;

D. EROSION

The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;

E. TRAFFIC

The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;

F. SEWAGE DISPOSAL

The proposed subdivision will provide for adequate sewage waste disposal; and will not cause an unreasonable burden on municipal services if they are utilized;

G. MUNICIPAL SOLID WASTE DISPOSAL

The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized;

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 identified by the Department of Inland

Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline

I. CONFORMITY WITH LOCAL ORDINANCES AND PLANS

The proposed subdivision conforms with this subdivision ordinance and any duly adopted development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;

J. FINANCIAL AND TECHNICAL CAPACITY

The subdivider has adequate financial and technical capacity to meet the standards of this section;

K. SURFACE WATERS

Whenever situated entirely or partially within the watershed of any pond or lake or within 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 the quality of that body of water or unreasonably affect the shoreline of that body of water;

L. GROUND WATER

The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;

M. FLOOD AREAS

Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant, whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;

N. FRESHWATER WETLANDS

All potential freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

O. RIVER, STREAM OR BROOK

Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, Section 480-B, Subsection 9.

P. STORM WATER

The proposed subdivision will provide for adequate storm water management.

Q. STATE SUBDIVISION LAW CRITERIA

In addition to the criteria above, the Board shall find that the proposed subdivision meets any additional criteria added by the Legislature to Title 30-A, MRSA, Section 4404, from time to time.

R. WRITTEN FINDINGS OF FACT REQUIRED

In approving subdivisions under this Ordinance, the Board shall consider the criteria above; and before granting approval, shall make written findings of fact that the provisions of this Ordinance have been met.

S. BURDEN OF PROOF

In all instances the burden of proof of compliance with the above criteria shall be upon the person proposing the subdivision.

SECTION V: VIOLATIONS AND ENFORCEMENT

SECTION USER'S GUIDE: This section contains specific provisions describing those actions which shall be considered violations of this Ordinance and procedures for enforcement. It also provides that contractors shall be held liable for their actions which are in violation of this Ordinance. The violations enumerated in this section shall not be exclusive; any other section that identifies a violation shall be valid.

A. RECORDING OF SUBDIVISION PLAN WITHOUT PRIOR APPROVAL PROHIBITED

No plan of a division of land within the municipality which would constitute a subdivision under this Ordinance shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Board in accordance with this Ordinance.

B. CONVEYANCE WITHOUT RECORDING PROHIBITED

No person may sell, lease, develop, build upon or convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration any land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.

C. CONVEYANCE OF LOTS NOT SHOWN ON FINAL PLAN PROHIBITED

No person may sell, lease, develop, build upon or convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration any land in an approved subdivision which is not shown on the Final Plan as a separate lot.

D. CONVEYANCE WITHOUT APPROVAL PROHIBITED

No person may sell, lease, develop, build upon or convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration any land in a subdivision requiring approval under this Ordinance, which has not been approved as required by this Ordinance.

E. UTILITY HOOKUPS PRIOR TO APPROVAL PROHIBITED

A public utility, water district, sanitary district, or any utility company of any kind may not install services to any lot or dwelling unit in a subdivision, unless written authorization attesting to the validity and currency of all local permits required by the Town of Burlington has been issued by the appropriate municipal officers or other written arrangements have been made between the municipal officers and the utility.

F. DEVELOPMENT PRIOR TO APPROVAL PROHIBITED

Development of a subdivision or project requiring approval under this Ordinance, without Board approval shall be a violation. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a Final Plan approved as provided in this Ordinance.

G. ROAD COMPLETION PRIOR TO CONVEYANCE REQUIRED

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

H. FAILURE TO COMPLY WITH CONDITIONS OF APPROVAL

Failure to comply with any conditions of approval shall be construed to be a violation of this Ordinance and shall be grounds for revoking the approved development plan, initiating legal proceedings to enjoin construction, development or any specific activity violating the conditions of permit approval or applying the legal penalties provided herein.

I. FAILURE TO PAY

Failure to pay application fees, filing fees, and technical review accounts as required by this Ordinance shall be considered a violation of this Ordinance, which will stop the review process and void approvals.

J. OWNER RESPONSIBLE FOR OFF-SITE SEDIMENTATION

Whenever sedimentation is caused by stripping vegetation, re-grading or other development, it shall be the responsibility of the owner to remove sediment from all adjoining surfaces, drainage systems and watercourses and to repair any drainage, at his expense, as quickly as possible. Failure to do so within two (2) weeks after official notification by registered mail (return receipt requested) by the Code Enforcement Officer shall be considered a violation of this Ordinance.

K. NUISANCES

Any violation of this Ordinance shall be deemed a nuisance.

L. CODE ENFORCEMENT OFFICER

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, the person or persons responsible for such violation, shall be notified in writing, including the nature of the violation and ordering the action necessary to correct it, including the discontinuance of illegal use of land, buildings, or structures, and abatement of nuisance conditions. A copy of such notice shall be maintained as a permanent record.

M. LEGAL ACTIONS

When there is a violation of this Ordinance, the Selectmen, upon notice from the Code Enforcement Officer, are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town. The Code Enforcement Officer, upon certification, is hereby authorized to represent the Town in District Court pursuant to Title 30-A, MRSA, Sec. 4451 et seq.. In any case, the Town Attorney may prosecute such actions.

N. FINES & FEES

Any violation of this Ordinance is punishable pursuant to Title 30-A, MRSA, section 4452. The provisions of that statute governing fines and fees is expressly applicable to violations under this ordinance. Each day such violation is continued is a separate offense. All such fines shall accrue to the Town.

O. CONTRACTOR LIABILITY

Any contractor involved in any activity regulated by the provisions of this Ordinance may be held liable for violating this Ordinance if the necessary permits and/or approvals for such activity have not been obtained.

SECTION VI: APPEAL TO SUPERIOR COURT

SECTION USER'S GUIDE: This section contains specific provisions regarding the appeal of Planning Board decisions to Superior Court.

An appeal may be taken within thirty (30) days after any decision is rendered by the Planning Board, by any party to Superior Court in accordance with State Law.

SECTION VII: ADMINISTRATIVE PROCEDURES

A. AGENDA REQUIRED

In order to provide an orderly process for reviewing applications, an agenda shall be prepared in advance of each regularly scheduled Planning Board meeting.

B. APPROVAL REQUIRED

After the effective date of this Ordinance, no person shall engage in any activity requiring a permit under this Ordinance without first obtaining the approval of the Board.

C. AGENDA MAY BE LIMITED

The Planning Board, in order to conduct a thorough review of applications submitted to it, may limit such review to one subdivision application per regularly scheduled meeting.

SECTION VIII: PRE-APPLICATION CONFERENCE/SKETCH PLAN REVIEW

SECTION USER'S GUIDE: This section contains provisions related to the procedures to be followed and submissions required during the Pre-Application/Sketch Plan Review stage of the subdivision review process provided by this Ordinance.

A. GENERAL

All applicants shall meet with the Planning Board prior to the formal submission of a subdivision plan to generally discuss their proposed subdivision and to obtain guidance from the Planning Board in the development of the plan.

B. PROCEDURE

The procedures for Sketch Plan Review are as follows:

STEP 1: ADVANCE REQUEST TO BE PLACED ON AGENDA REQUIRED

The applicant shall request, through the Code Enforcement Officer, to be placed on the Planning Board's agenda, for a pre-application conference, at least twenty-eight (28) days prior to the regularly scheduled meeting at which the applicant wishes to be heard.

STEP 2: CEO REVIEW OF SUBMISSION PACKET FOR COMPLETENESS

The Code Enforcement Officer shall not place an applicant on the agenda until determining that the applicant has presented the submission packet as specified in subsection C of this section.

STEP 3: PLANNING BOARD REVIEWS SKETCH PLAN AND EXHIBITS

At the pre-application meeting, the Planning Board shall review the Sketch Plan and accompanying exhibits with the applicant, answer the applicant's questions, and make specific suggestions to be incorporated by the applicant in subsequent submissions.

STEP 4: CLASSIFICATION OF SUBDIVISION

At the pre-application meeting, the Planning Board shall classify the proposed subdivision as either a minor or major subdivision and so notify the applicant in writing.

STEP 5: CONTOUR INTERVAL ESTABLISHED

At the pre-application meeting, the Planning Board shall determine the contour intervals for subsequent submissions and shall notify the applicant in writing that either 1, 2, or 5-foot contour intervals are required.

STEP 6: ON-SITE INSPECTION DATE SET

At the pre-application meeting, the Planning Board shall schedule an on-site inspection of the tract or parcel to be subdivided and shall notify the applicant of the time and date in writing.

The on-site inspection shall be jointly attended by the applicant or a duly authorized agent and by at least one member of the Planning Board or an individual appointed by the chairman of the Planning Board to act as the Board's authorized representative for such inspection.

C. SUBMISSION PACKET

The submission packet required for Sketch Plan Review shall include the following:

1. SKETCH PLAN

A Sketch Plan, showing the information specified in d. below, shall be submitted to the Planning Board.

a. **NUMBER OF COPIES:**

Ten (10) paper copies of the Sketch Plan shall be submitted.

b. **SHEET SIZE:**

The Sketch Plan shall be at least 11 x 17 inches, but no larger than 24 x 36 inches in size.

c. **PLAN SCALE:**

The Sketch Plan shall be drawn to scale.

d. **INFORMATION TO BE SHOWN ON THE PLAN:**

The following information shall be shown on all Sketch Plans:

- 1) The outline of the tract or parcel to be subdivided, with known or, if not known, acreage of parcel, estimated perimeter dimensions;
- 2) True north arrow;
- 3) The scale to which the plan is drawn;
- 4) The proposed layout of lots, roads, driveways, and building locations;
- 5) Identification of general areas of slopes fifteen percent (15%) or greater, areas of exposed ledge, streams and floodplain;
- 6) Location of public utilities proposed to be utilized;
- 7) Wetlands, regardless of size, prepared by a State Certified Soil Scientist or Geologist registered in the State of Maine, based on an on-site investigation, streams or ponds located in whole or in part on the parcel proposed to be subdivided.
- 8) The tax map and lot numbers from Tax Assessor's Office describing the parcel proposed to be subdivided; and
- 9) The present zoning classification of the parcel.

2. EXHIBITS TO ACCOMPANY SKETCH PLAN

Exhibits 1, 2, 3, and 4 as specified in Section XII.C of this Ordinance shall accompany the Sketch Plan and be submitted with the Sketch Plan to the Code Enforcement Officer when requesting a pre-application conference.

D. RIGHTS NOT VESTED

The submittal or review of the pre-application sketch plan shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, MRSA, Section 302.

SECTION IX: SUBDIVISION REVIEW PROCESS: MINOR SUBDIVISIONS

SECTION USER'S GUIDE: This section contains provisions related to the process to be followed during the review of Minor Subdivisions.

A. MINOR SUBDIVISION MAY HAVE TO COMPLY WITH MAJOR SUBDIVISION REQUIREMENTS

The Planning Board may require, where it deems it necessary for the protection of public health, safety and general welfare, that a Minor Subdivision comply with all or any of the procedural and submission requirements of a Major Subdivision.

B. SUBMISSION PACKET

The submission packet required for Minor Subdivisions shall include the following:

1. APPLICATION AND EXHIBITS

An application and attachments for Planning Board review of Minor Subdivisions shall be submitted as specified in Section XII of this Ordinance.

2. FINAL SUBDIVISION PLAN

A Final Subdivision Plan for Planning Board review of Minor Subdivisions shall be submitted as specified in Section XIII of this Ordinance.

3. ADMINISTRATIVE FEES AND ESCROW ACCOUNT

An administrative fee and escrow account for Planning Board review of Minor Subdivisions shall be submitted as specified in Section XIV of this Ordinance.

C. PROCEDURE

The procedures for reviewing Minor Subdivision Plans are as follows:

STEP 1: REQUEST FOR FINAL PLAN REVIEW

Within six (6) months after classification of the proposed subdivision as a Minor Subdivision, the Applicant shall submit a complete Final Plan to the Code Enforcement Officer and request, through the Code Enforcement Officer, to be placed on the Planning Board's agenda.

Such a request shall be made at least twenty-eight (28) days prior to the regularly scheduled meeting at which the applicant wishes to be heard.

Failure to do so within the six (6) months of classification may require a new pre-application conference.

STEP 2: CEO REVIEWS SUBMISSION PACKET FOR COMPLETENESS

The Code Enforcement Officer shall not place an applicant on the agenda until determining that the applicant has presented the submission packet required for Minor Subdivisions by this Ordinance.

If the Code Enforcement Officer determines that the submission packet is not complete, the submissions shall be returned to the applicant with a Notice Of Incomplete

Submission, specifying the required information found to be missing. If the Code Enforcement Officer determines that the submission packet is complete, the applicant shall be issued a Dated Receipt Of Application and place the application on the agenda of the next regularly scheduled Planning Board meeting.

STEP 3: NOTICE TO ABUTTERS AND ADJACENT MUNICIPALITY

Upon the issuance of a Dated Receipt Of Application, the Code Enforcement Officer shall notify by mail all abutting property owners of the proposed subdivision, and the Clerk and Planning Board of municipalities that abut or include any portion of the proposed subdivision, if the proposed subdivision in fact abuts or is in part within another municipality.

Such notice shall specify that a Final Plan and application for a proposed Minor Subdivision has been received, the location of the proposed Minor Subdivision, and give a general description of the proposal.

STEP 4: PLANNING BOARD REVIEWS FINAL PLAN AND APPLICATION

Within thirty (30) days from the receipt of an application, the Planning Board shall review the Final Plan and submissions for completeness.

If the Planning Board determines that the application is not complete, it shall issue the applicant a Notice Of Incomplete Application specifying the additional information expected prior to further action on the application.

The applicant shall have thirty (30) days thereafter to submit a complete Final Plan. A failure to submit a complete Final Plan within that time shall require that the Preliminary Plan be re-reviewed as provided in Section VIII, pre-application conference/sketch plan review.

If the Planning Board determines that the application is complete, it shall issue the applicant a Notice of Complete Application.

A Notice Of Complete Application does not constitute the Planning Board's approval of the information submitted. The Planning Board reserves the right to request additional information throughout the review process up to and until Final Plan Approval.

Full evaluation of the Final Plan shall begin only after the Planning Board has determined that a complete application has been filed. This evaluation may commence at the same meeting at which the determination of completeness has been made.

STEP 5: FINAL PLAN PUBLIC HEARING DISCRETIONARY

Within thirty (30) days of the Planning Board's determination that a complete application has been submitted or within such other time limit as may be mutually agreed to by the Planning Board and the Applicant, the Planning Board may decide that the proposed Minor Subdivision lacks such complexity that a public hearing is not warranted and not hold a public hearing on the Final Plan of the proposed Minor Subdivision.

Notice of the public hearing shall be given pursuant to the provisions of Section III.G of this Ordinance.

STEP 6. PLANNING BOARD DECISION ON FINAL PLAN

Within sixty (60) days of the Planning Board's determination that a complete application has been submitted, or within thirty (30) days of the public hearing should a public hearing be held, or within such other time limit as may be mutually agreed to by the

Planning Board and the Applicant, the Planning Board shall approve, approve with conditions, or disapprove the Final Plan of the proposed Minor Subdivision. The Planning Board's failure to grant an approval within the deadlines specified above shall constitute a denial of the application by the Board, unless the applicant waives the specified deadlines.

In issuing its decision, the Planning Board shall make written findings of fact and conclusions of law that the proposed Final Plan does or does not meet the criteria in Section IV of this Ordinance.

STEP 7: SIGNATURES

Upon approving the Final Plan, those members of the Planning Board voting for approval shall sign two (2) reproducible copies and two (2) paper copies of the approved Subdivision Plan.

STEP 8: FILING OF APPROVED FINAL PLAN

Planning Board Orders and approved Final Plans for Minor Subdivisions shall be filed in the Penobscot County Registry of Deeds as specified in Section XI of this Ordinance.

SECTION X: SUBDIVISION REVIEW PROCESS: MAJOR SUBDIVISIONS

SECTION USER'S GUIDE: This section contains provisions related to the process to be followed during the review of Major Subdivisions.

A. PROCEDURE

The procedures for reviewing Major Subdivision Plans are as follows:

STEP 1: REQUEST FOR REVIEW OF PRELIMINARY PLAN

Within six (6) months after classification of the proposed subdivision as a Major Subdivision, the Applicant shall request, through the Code Enforcement Officer, to be placed on the Planning Board's agenda for Major Subdivision Preliminary Plan review.

Such a request shall be made at least twenty-eight (28) days prior to the regularly scheduled meeting at which the applicant wishes to be heard.

Failure to do so within six (6) months of classification may require a new pre-application conference.

STEP 2: CEO REVIEWS SUBMISSION PACKET FOR COMPLETENESS

The Code Enforcement Officer shall not place an applicant on the agenda until determining that the applicant has presented the submission packet required for Preliminary Plan review of Major Subdivisions by this Ordinance.

If the Code Enforcement Officer determines that the submission packet is not complete, the submissions shall be returned to the applicant with a Notice Of Incomplete Submission, specifying the required information found to be missing.

If the Code Enforcement Officer determines that the submission packet is complete, the applicant shall be issued a Dated Receipt Of Application and place the application on the agenda of the next regularly scheduled Planning Board meeting.

STEP 3: NOTICE TO ABUTTERS AND ADJACENT MUNICIPALITY

Upon the issuance of a Dated Receipt Of Application, the Code Enforcement Officer shall notify by mail all abutting property owners of the proposed subdivision, and the Clerk and Planning Board of municipalities that abut or include any portion of the proposed subdivision, if the proposed subdivision in fact abuts or is in part within another municipality.

Such notice shall specify that a Preliminary Plan and application for a proposed Major Subdivision has been received, the location of the proposed Major Subdivision, and give a general description of the proposal.

STEP 4: PLANNING BOARD REVIEWS PRELIMINARY PLAN AND APPLICATION

Within thirty (30) days from the receipt of an application, the Planning Board shall review the Preliminary Plan and submissions for completeness.

If the Planning Board determines that the application is not complete, it shall issue the applicant a Notice Of Incomplete Application specifying the additional information expected prior to further action on the application.

If the Planning Board determines that the application is complete, it shall issue the applicant a Notice of Complete Application.

A Notice of Complete Application does not constitute the Planning Board's approval of the information submitted. The Planning Board reserves the right to request additional information throughout the review process up to and until Final Plan Approval.

Full evaluation of the Preliminary Plan shall begin only after the Planning Board has determined that a complete application has been filed. This evaluation may commence at the same meeting at which the determination of completeness has been made.

STEP 5: PRELIMINARY PLAN PUBLIC HEARING MANDATORY

Within thirty (30) days of the Planning Board's determination that a complete application has been submitted, or within such other time limit as may be mutually agreed to by the Planning Board and the applicant, the Planning Board shall hold a public hearing on the Preliminary Plan of the proposed Major Subdivision.

Notice of the public hearing shall be given pursuant to the provisions of Section III.G of this Ordinance.

STEP 6: PLANNING BOARD DECISION ON PRELIMINARY PLAN

Within thirty (30) days of the public hearing, or within such other time limit as may be mutually agreed to by the Planning Board and the Applicant, the Planning Board shall approve, approve with conditions, or disapprove the Preliminary Plan of the proposed Major Subdivision.

In issuing its decision, the Planning Board shall make written findings of fact that the proposed Preliminary Plan does or does not meet the criteria in Section IV of this Ordinance. No signature on the Preliminary Plan shall be required.

STEP 7: REQUEST FOR REVIEW OF FINAL PLAN

Within six (6) months after approval of a Preliminary Plan for a Major Subdivision, the applicant shall submit a complete plan to the Code Enforcement Officer and request,

through the Code Enforcement Officer, to be placed on the Planning Board's agenda for Final Plan review.

Such a request shall be made at least thirty (30) days prior to the next regularly scheduled meeting at which the applicant wishes to be heard.

Failure to do so within the six (6) months of Preliminary Plan approval shall require that the Preliminary Plan be re-reviewed as provided in Steps 1 through 6, above.

Time spent by the Code Enforcement Officer in reviewing the packet pursuant to Step 8 shall not be counted in computing whether six (6) months have passed. This amendment shall apply to all applications, including those that have already received substantive review. Applications that have received substantive review at the time that this amendment is approved shall have six (6) months from the date of approval of the amendment to comply with these requirements.

STEP 8: CEO REVIEWS SUBMISSION PACKET FOR COMPLETENESS

The Code Enforcement Officer shall not place an applicant on the agenda until determining that the applicant has presented the submission packet required for Final Plan review of Major Subdivisions by this Ordinance.

If the Code Enforcement Officer determines that the submission packet is not complete, the submissions shall be returned to the applicant with a Notice Of Incomplete Submission, specifying the required information found to be missing.

If the Code Enforcement Officer determines that the submission packet is complete, the applicant shall be issued a Dated Receipt of Application and place the application on the agenda of the next regularly scheduled Planning Board meeting.

STEP 9: NOTICE TO ABUTTERS AND ADJACENT MUNICIPALITY OF FINAL PLAN

Upon the issuance of a Dated Receipt Of Application, the Code Enforcement Officer shall notify by mail all abutting property owners of the proposed subdivision, and the Clerk and Planning Board of municipalities that abut or include any portion of the proposed subdivision, if the proposed subdivision in fact abuts or is in part within another municipality.

Such notice shall specify that a Final Plan and application for a proposed Major Subdivision has been received, the location of the proposed Major Subdivision, and give a general description of the proposal.

STEP 10: PLANNING BOARD REVIEWS FINAL PLAN

Within thirty (30) days from the receipt of the Final Plan, the Planning Board shall notify the applicant in writing either that the Final Plan is complete or, if the Final Plan is incomplete, the specific additional action needed to make a complete Final Plan.

If the Planning Board finds that the application is incomplete the applicant shall have thirty (30) days thereafter to submit a complete Final Plan. A failure to submit a complete Final Plan within that time shall require that the Preliminary Plan be re-reviewed as provided in Steps 1 through 6, above; to be followed by compliance with Steps 7 through 9, above.

STEP 11: FINAL PLAN PUBLIC HEARING

Within thirty (30) days of the Planning Board's determination that a complete application has been submitted, or within such other time limit as may be mutually agreed to by the

Planning Board and the applicant, the Planning Board may decide to hold a public hearing on the Final Plan of the proposed Major Subdivision.

Notice of the public hearing shall be given pursuant to the provisions of Section III.G of this Ordinance.

STEP 12: PLANNING BOARD DECISION ON FINAL PLAN

Within sixty (60) days of the Planning Board's determination that a complete application has been submitted, or within thirty (30) days of the public hearing, in the event the Planning Board decides to hold a public hearing, or within such other time limit as may be mutually agreed to by the Planning Board and the Applicant, the Planning Board shall approve, approve with conditions, or disapprove the Final Plan of the proposed Major Subdivision.

In issuing its decision, the Planning Board shall make written findings of fact and conclusions of law that the proposed Final Plan does or does not meet the criteria in Section IV of this Ordinance.

STEP 13: SIGNATURES

Upon approving the Final Plan, those members of the Planning Board voting for approval shall sign two (2) reproducible copies and two (2) paper copies of the approved Subdivision Plan.

STEP 14: FILING OF APPROVED FINAL PLAN

Planning Board Orders and approved Final Plans for Major Subdivisions shall be filed in the Penobscot County Registry of Deeds as specified in Section XI of this Ordinance.

B. SUBMISSION PACKET

The submission packet required for Major Subdivisions shall include the following:

1. APPLICATION AND ATTACHMENTS

An application and attachments for Planning Board review of Major Subdivisions shall be submitted as specified in Section XII of this Ordinance.

2. FINAL SUBDIVISION PLAN

A Final Subdivision Plan for Planning Board review of Major Subdivisions shall be submitted as specified in Section XIII of this Ordinance.

3. ADMINISTRATIVE FEES AND ESCROW ACCOUNT

An administrative fee and escrow account for Planning Board review of Major Subdivisions shall be submitted as specified in Section XIV of this Ordinance.

SECTION XI: FILING PROCEDURES FOR APPROVED SUBDIVISIONS

SECTION USER'S GUIDE: This section contains provisions related to the process to be followed in filing Planning Board Orders and approved Subdivision Plans in the Registry of Deeds.

A. FILING OF PLANNING BOARD ORDERS REQUIRED PRIOR TO SIGNING OF AND FILING OF APPROVED FINAL SUBDIVISION PLANS

A copy of the Planning Board's Order regarding any Final Subdivision Plans, including the Board's findings of fact and conclusions and any conditions of approval shall be filed, by the applicant, in the Penobscot County Registry of Deeds.

The book and page number of such recording shall appear and be referenced on the approved Final Subdivision Plan prior to the recording of such Plan, as set forth in Section C below.

B. FILING SECURITY DEPOSIT REQUIRED

Prior to the Planning Board's signing of the Final Subdivision Plan, the applicant shall provide the Planning Board with a filing securing deposit, in the form of a cashier's check, in the amount specified in the policy adopted by the Selectmen made payable to the Town of Burlington.

C. SIGNING OF APPROVED FINAL SUBDIVISION PLANS

Upon receipt of a copy of the recorded Planning Board Order, stamped by the Penobscot County Registry of Deeds, and a filing security deposit, the Planning Board shall enter in ink, in the places provided in the Final Subdivision Plan Approval Block, the book and page and/or file numbers where such Planning Order is recorded in the Penobscot County Registry of Deeds.

After entering the book and page numbers, a majority of the members of the Planning Board shall sign, their names in ink in the places provided, on the two (2) reproducible copies and two (2) paper copies of the approved Final Subdivision Plan.

D. FILING OF THE SIGNED SUBDIVISION PLAN

The signed original Final Subdivision Plan shall be filed, by the applicant, within thirty (30) days of the date of Planning Board signatures, in the Penobscot County Registry of Deeds.

E. FAILURE TO FILE AS REQUIRED TO RESULT IN VOIDING OF APPROVAL AND FORFEITURE OF FILING SECURITY DEPOSIT

In the event that the applicant fails to file the approved Final Subdivision Plan within the thirty (30) days provided in Section D above, the Planning Board's approval shall be considered void and the filing security deposit forfeited.

F. RETURN OF FILING SECURITY DEPOSIT

Upon receipt from the applicant, of a copy of the approved Final Subdivision Plan, stamped and dated by the Registry of Deeds, the unused balance of the filing security deposit shall be refunded to the applicant by the Town.

G. FORFEITED DEPOSITS ACCRUE TO THE TOWN

In the event the applicant forfeits his/her filing security deposit, such funds shall accrue to the benefit of the Town.

SECTION XII: SUBDIVISION APPLICATION AND ATTACHMENTS

SECTION USER'S GUIDE: This section contains provisions related to the application forms to be used in the Subdivision Review Process and the information to be provided thereon and information to be attached thereto.

A. APPLICATION FORM

The application form used in the subdivision review process contained in this Ordinance shall be provided by the Town, filled out by the Applicant and shall include the information required below.

B. INFORMATION TO BE SUBMITTED

The following information shall be included in the application forms submitted to the Planning Board With the Final Plans for all Minor Subdivisions and with the Preliminary Plans for all Major Subdivisions:

1. INFORMATION REGARDING THE APPLICANT

- a. The name, address, and phone number of the Owner of Record (Applicant).
- b. Information regarding the applicant's right, title, or interest in the parcel proposed to be subdivided.
- c. Information as to whether or not the applicant is a corporation and, if so, whether or not the corporation is licensed to do business in Maine.
- d. The name, address, and phone number of the applicant's authorized agent (if an agent is applying on behalf of applicant).
- e. The name, address, phone number, and registration number of the Land Surveyors, and/or Land Planners employed by the applicant to design the proposed subdivision.
- f. The name, address, and phone number of the individuals to whom all communications from the Planning Board should be directed.
- g. Information regarding the applicant's interest in any property abutting the parcel proposed to be subdivided and that the proposed subdivision plan covers his/her entire, contiguous holdings.

2. INFORMATION REGARDING PARCEL PROPOSED TO BE SUBDIVIDED

- a. The book and page numbers from Registry of Deeds describing the parcel proposed to be subdivided.
- b. The tax map and lot numbers from Tax Assessor's Office describing the parcel proposed to be subdivided.
- c. The existing use of the property proposed to be subdivided.
- d. The total acreage of parcel proposed to be subdivided.
- e. The present zoning of parcel proposed to be subdivided.
- f. Whether or not the parcel proposed to be subdivided is part of a prior approved subdivision.

- g. Whether or not any part of the parcel proposed to be subdivided is within the Shoreland Zone.
- h. Whether or not there are any freshwater wetlands prepared by a State Certified Soil Scientist or Geologist registered in the State of Maine, based on an on-site investigation, streams or ponds located in whole or in part on the parcel proposed to be subdivided.
- i. Whether or not there are any significant groundwater aquifers located in whole or in part on the parcel proposed to be subdivided.
- j. Whether or not the parcel proposed to be subdivided is in whole or in part located within an identified special flood hazard area.
- k. Whether or not the parcel proposed to be subdivided has any identified critical natural resources or wildlife habitats.
- l. The location of snowmobile trails shown on the Interconnecting Trail System map published by the Maine Department of Conservation, or recognized, club-maintained trails.

3. INFORMATION REGARDING PROPOSED SUBDIVISION

- a. Name of the proposed subdivision.
- b. Type of proposed subdivision. (e.g.: residential, commercial, mobile home, mixed, etc.)
- c. Number of lots and/or units proposed.
- d. Information regarding proposed methods of disposing of sewage wastes generated by the proposed subdivision.
- e. Information regarding proposed methods of supplying water required by the proposed subdivision.
- f. Information regarding proposed methods of disposing of solid wastes generated by the proposed subdivision.
- g. Information regarding proposed methods of controlling and/or preventing soil erosion and sedimentation resulting from the proposed subdivision.
- h. Information regarding proposed methods of handling changes in storm water and/or surface water drainage patterns resulting from the proposed subdivision.
- i. Information regarding proposed interior subdivision roads.
- j. Information regarding proposed methods of handling traffic volumes projected to be generated by the proposed subdivision.
- k. Estimated dates of starting and completing any proposed construction.
- l. Estimated costs of required and proposed improvements.

C. EXHIBITS TO ACCOMPANY SUBDIVISION APPLICATIONS

The following are specifications for exhibits to accompany subdivision applications.

EXHIBIT 1: LOCATION MAP

All subdivision applications shall be accompanied by a copy of a 7.5-minute USGS quadrangle map or maps, in the center of which the boundaries of the proposed subdivision have been delineated, trimmed to an 8 ½"x11" sheet size.

EXHIBIT 2: TAX MAP

All subdivision applications shall be accompanied by a copy, reduced to 8 1/2" x 11", of the Property Tax Map on which the parcel proposed to be subdivided is located, with the property cross-hatched or otherwise graphically identified. Copies of these maps are available at the Town Offices.

EXHIBIT 3: DOCUMENTATION OF RIGHT, TITLE OR INTEREST

All subdivision applications shall be accompanied by a copy of a deed, purchase and sale agreement, or similar document demonstrating a legal right, title, or interest in the parcel proposed to be subdivided.

EXHIBIT 4: WRITTEN AND GRAPHIC HISTORY OF OWNERSHIP AND DIVISION

All subdivision applications shall be accompanied by a written and graphic history of the ownership of the property and any division of the property during the past five (5) years. This history shall include the names and addresses of persons to whom any divisions have been conveyed, the date of any such conveyances, and copies of such conveyances as recorded in the Penobscot County Registry of Deeds. When submitted as part of an application for Preliminary Plan approval, such a History of Ownership and Division shall be signed by a licensed attorney or be signed and stamped by a registered Land Surveyor.

EXHIBIT 5: AGENT'S LETTER OF AUTHORIZATION

All subdivision applications shall be accompanied by a letter signed by the owner of the parcel proposed to be subdivided authorizing someone other than him/herself to act as his/her agent, if an agent is representing the owner.

EXHIBIT 6: WATER SUPPLY - INDIVIDUAL WELLS

If Individual Wells are proposed, all subdivision applications shall be accompanied by a letter including calculations of subdivision's foreseeable water needs, certifying that sufficient, healthful water for the reasonably foreseeable needs of the subdivision is available, prepared by a licensed well-driller knowledgeable of the area, or other qualified professional.

EXHIBIT 7: WATER SUPPLY - COMMON SYSTEM

If a Common Water Supply System is proposed, all subdivision applications shall be accompanied by a report prepared by a registered professional engineer or geologist, including the following;

- a. Calculations of project's foreseeable water needs;

- b. Certification that sufficient, healthful water for the reasonably foreseeable needs of the subdivision is available:
- c. Certification that the design of common well(s) is in conformance with Maine Drinking Water Regulations, Title 22 MRSA, Section 2601; and
- d. A detailed description of the proposed method for providing appropriate long-term operation and maintenance of system and name of person or entity proposed to be responsible for operation and maintenance of system.

EXHIBIT 8: HIGH INTENSITY SOIL SURVEY

All subdivision applications shall be accompanied by a medium Intensity Soil Survey Map and a written report describing the soils present on the site, prepared by a Maine Certified Soil Scientist. The Board may require High Intensity Soil Survey mapping for areas of intensive development such as roads and structures.

EXHIBIT 9: SWCD EROSION CONTROL SPECIFICATIONS AND PLAN

If a Minor Subdivision, the application shall be accompanied by written Erosion and Sedimentation Control Specifications and an Erosion and Sedimentation Control Plan, prepared in consultation with the Penobscot County Soil and Water Conservation District, or any qualified professional.

EXHIBIT 10: EROSION AND SEDIMENTATION CONTROL PLAN AND SPECIFICATIONS

If a Major Subdivision, the application shall be accompanied by written Erosion and Sedimentation Control Specifications, prepared and stamped by a qualified professional, which describes measures to be followed to control erosion and sedimentation during and after the construction of the proposed subdivision including:

a. TEMPORARY EROSION AND SEDIMENTATION CONTROL:

1.) A site map showing:

- a.) Existing and proposed two foot contours in contrasting lines;
- b.) The limits of areas disturbed by construction;
- c.) The location of roads, lots, buffer strips, topsoil stockpiles, all existing and proposed culverts, ditches, diversions, waterways and subsurface drainage systems; and
- d.) The location of all temporary erosion controls including hay bale barriers, stone check dams, silt fencing, and sedimentation basins.

2.) Calculations, including;

- a.) Stone check dam spacing calculations; and
- b.) Sedimentation basin sizing calculations based on SCS TR-55 or TR-20 storm water runoff calculations using a 10 year, 24 hour storm event with a minimum 10 hour detention time.

b. PERMANENT EROSION CONTROL

1.) A site map showing:

- a.) Existing and proposed two foot contours in contrasting lines;
- b.) The location of roads, lots, culvert, ditches, waterways, diversion, buffer strips, detention basins, subsurface drainage systems, inlet and outlet protection aprons, ditch rip-rapping, and plunge pool; and
- c.) Drainage area and flow lines used for sizing calculations of culverts, waterways, diversions, and ditches.

2.) Calculations, including:

- a.) Man-made culvert and ditch capacity calculations based on a 10 year, 24 hour storm. Address overflow during a 25 year, 24 hour storm where the system feeds a detention basin;
- b.) Culvert capacity calculations for natural drainage features are to be based on a 25 year, 24 hour storm;
- c.) A schematic diagram should accompany each culvert capacity calculation. Each schematic should show road crown, inlet invert, and headwater elevation all relative to the outlet invert, including culvert type, length, and diameter;
- d.) Diversion, waterways, outlet protection aprons, plunge pools, and rip-rap sizing calculations based on recommendation by the Maine Erosion and Sedimentation Control Handbook for Construction, Best Management Practices, March 1991; and
- e.) Subsurface drainage systems capacity calculations.

c. DETAIL SHEETS:

1. Plans suitable for bidding and construction, including the following details:

- a.) Grassed and rip-rap ditches, waterways, and diversions;
- b.) Hay bale barriers, silt fences, and stone check dams;
- c.) Culverts, plunge pools, inlet and outlet protection;
- d.) Catch basin and pipe installation;
- e.) Sedimentation basin; and
- f.) Erosion control notes including:
 - i) Disturbed area seed, mulch, lime, and fertilizer types, rates and application methods. Such areas shall be permanently stabilized within 15 days of final grading, or temporarily stabilized within 30 days of initial disturbance of soil. Such areas shall be stabilized within 7 days when located on stream, river or lake watersheds;
 - ii) Schedule outline: erosion control and construction sequence of ponds, roads and ditches, seeding dates, and frequency of erosion and sedimentation control inspections and maintenance;
 - iii) Plans to minimize acreage of disturbed land open at any time;

- iv) The name, address, and telephone number of the person(s) responsible for inspecting the erosion control measures; and
- v) Provision to remove temporary erosion control measures.

EXHIBIT 11: TRAFFIC IMPACT ANALYSIS

If a Major Subdivision, the application shall be accompanied by a Traffic Impact Analysis, prepared by a registered Professional Engineer experienced in Traffic Analysis, which includes the following:

- a. Estimate of number and types of daily vehicle trips generated by the proposed subdivision;
- b. Travel routes to be utilized by the proposed subdivision from the site to the main thoroughfare;
- c. Duration of traffic movement, generated by the proposed subdivision from the site to the main thoroughfare, both during and after project construction from the site to the main thoroughfare;
- d. Off-site distribution of traffic generated by the proposed subdivision;
- e. Discussion of turning movement at nearby intersections; and
- f. Accident Records on nearby intersections and public roads.

EXHIBIT 12: HIGHWAY ENTRANCE PERMITS

- a. If the subdivision proposes a new entrance(s) onto any State Highway, the application shall be accompanied by a copy of the Entrance Permit(s) issued by the Maine Department of Transportation.

EXHIBIT 13: INTERIOR ROAD DESIGN

The Board shall not approve any development plan unless proposed roads are designed in accordance with the specifications contained within the

“Town of Burlington Road Ordinance”

A copy of the “Town of Burlington Road Ordinance” may be obtained on the town’s website, or at the Burlington town office during normal business hours.

If the subdivision proposes interior roads, the application shall be accompanied by the following documents related to the design of such roads:

- a. A typical road cross section;
- b. If road has a grade greater than five percent (5%) at any point and/or if there are significant cut and fill areas, a Road Profile prepared by a registered Professional Engineer;
- c. When road profiles are required, road cross sections at fifty foot (50') intervals along the profile and at fifty feet (50') in front of and fifty feet (50) past the profile section.
- d. Plan view of each road intersection created by the project which shows the following:
 - 1) Names of the intersecting roads;
 - 2) Speed limits on each of the intersecting roads; and
 - 3) Left and Right sight distances.

EXHIBIT 14: INTERIOR ROAD MAINTENANCE

If the subdivision proposes interior roads, the application shall be accompanied by the following documents related to the maintenance of such roads:

- a. If roads are to remain private, a Statement describing provisions to assure their proper long term maintenance and repair; or
- b. If roads are to be dedicated to Town, a Statement describing provisions made to assure their proper maintenance until Town accepts responsibility.

EXHIBIT 15: SEWAGE DISPOSAL - INDIVIDUAL SUBSURFACE DISPOSAL SYSTEMS

If individual subsurface disposal systems are proposed, the application shall be accompanied by a report prepared by a licensed Site Evaluator including:

- a. A Map showing the location of test pits for each lot;
- b. Complete soil profile logs for each test pit; and
- c. Form HHE 200's for each proposed subsurface disposal system.

EXHIBIT 16: SEWAGE DISPOSAL - COMMON SUBSURFACE DISPOSAL SYSTEMS

If a common and/or engineered system is proposed, the application shall be accompanied by a report prepared by a registered Professional Engineer including:

- a. System design drawings and specifications; and
- b. A letter of review and approval from the Division of Health Engineering, Maine Department of Human Services.

EXHIBIT 17: SOLID WASTE GENERATION AND DISPOSAL STATEMENT

If a Minor Subdivision, the application shall be accompanied by a Solid Waste Generation and Disposal Statement indicating the amount of solid waste and sewage

sludge likely to be generated by the proposed subdivision and the steps proposed to appropriately dispose of the solid waste and sewage sludge likely to be generated.

EXHIBIT 18: SOLID WASTE GENERATION REPORT

If a Major Subdivision, the application shall be accompanied by a Report, prepared by a qualified professional, calculating the amount of solid waste and sewage sludge likely to be generated by the proposed subdivision.

EXHIBIT 19: SOLID WASTE DISPOSAL FACILITY STATUS AND CONTRACT

If a Commercial Landfill is proposed to be used to dispose of the subdivision's solid waste, the application shall be accompanied by a letter from the Bureau of Land Quality Control of the Maine Department of Environmental Protection confirming the legal status of the commercial landfill and a copy of the contract which covers the hauling and disposal of the subdivision's solid waste for the next five (5) years.

EXHIBIT 20: SLUDGE DISPOSAL FACILITY STATUS AND CONTRACT

If a private/commercial sludge disposal area is proposed to be used to dispose of the subdivision's sludge waste, the application shall be accompanied by a letter from the Bureau of Land Quality Control of the Maine Department of Environmental Protection confirming the legal status of the private/commercial sludge disposal area and a copy of the contract which covers the hauling and disposal of the sludge waste for the next five (5) years.

EXHIBIT 21: AESTHETIC, CULTURAL AND NATURAL VALUES IMPACT STATEMENT

If a Minor Subdivision, the application shall be accompanied by a written Statement detailing the presence of any significant historic or archaeological resources, significant fish and wildlife habitats, significant registered natural/critical areas, or identified scenic resources on or adjacent to the proposed subdivision and steps that have been taken or will be taken to minimize any adverse impact from the proposed subdivision on such significant resources.

EXHIBIT 22: VISUAL RESOURCES IMPACT ASSESSMENT

If a Major Subdivision, the application shall be accompanied by a Visual Resources Impact Assessment, prepared by a qualified professional, describing the steps that have been taken and will be taken to reduce the visual impact of the proposed subdivision on surrounding properties and efforts made or to be made to preserve existing elements of the site which contribute to maintenance of scenic character.

EXHIBIT 23: HISTORIC RESOURCES IMPACT ASSESSMENT

If a Major Subdivision, the application shall be accompanied by a Letter from the Maine Historic Preservation Commission commenting on any historic sites, structures, or archaeological sites located on or near the proposed subdivision and, if any, an Historic Resources Impact Assessment, prepared by a qualified professional, describing the steps that have been taken or will be taken to minimize the subdivision's potential impact on any identified structures or sites.

EXHIBIT 24: UNIQUE NATURAL RESOURCES IMPACT ASSESSMENT

If a Major Subdivision, the application shall be accompanied by a Letter from the Maine Critical Areas Program commenting on any "rare and irreplaceable natural areas" located on or near the project site and, if any, a Unique Natural Resources Impact Assessment, prepared by a qualified professional, describing the steps that

have been taken or will be taken to minimize the subdivisions potential impact on any identified natural areas.

EXHIBIT 25: FISHERIES AND WILDLIFE HABITAT IMPACT ASSESSMENT

If a Major Subdivision, the application shall be accompanied by a Letter from the Maine Department of Inland Fisheries and Wildlife commenting on any significant fisheries and/or wildlife habitat located on or near the project site and, if any, a Fisheries and Wildlife Habitat Impact Assessment, prepared by a qualified professional, describing provisions made to minimize the subdivision's potential adverse impact on any of the identified significant fisheries and wildlife habitat.

EXHIBIT 26: COMPLIANCE STATEMENT

If a Minor Subdivision, the application shall be accompanied by a written statement prepared by the applicant or his/her agent describing the steps taken or to be taken to comply with all applicable design, dimensional, and procedural provisions of this Ordinance and to comply with each of the other criteria of approval contained in Section IV of this Ordinance.

EXHIBIT 27: COMPLIANCE MEMO - LOCAL ORDINANCES AND PLANS

If a Major Subdivision, the application shall be accompanied by a Regulatory Compliance Memorandum, prepared by a qualified professional, outlining the project's conformance with this Subdivision Ordinance, and other applicable locally adopted Ordinances and regulations.

EXHIBIT 28: COMPLIANCE MEMO - STATE AND FEDERAL LAWS AND REGULATIONS

If a Major Subdivision, the application shall be accompanied by a Regulatory Compliance Memorandum, prepared by a qualified professional, outlining the project's conformance with all applicable State and Federal laws and regulations, including copies of the completed applications for all required State and Federal permits and approvals.

EXHIBIT 29: FINANCIAL CAPACITY REPORT

All subdivision applications shall be accompanied by a Financial Capacity Report which shall include the following:

- a. An itemized list of all of the proposed subdivision's estimated planning, design, development, and construction costs; and
- b. If the applicant is a corporation, a copy of the most recent corporate annual report showing sufficient financial capacity to cover the costs associated with completing the proposed subdivision as required and explanatory material interpreting the report; or
- c. If the proposed subdivision is to be personally financed, a bank letter or other documentary evidence demonstrating the availability of sufficient funds to appropriately cover the costs associated with completing the subdivision as required; and
- d. If the proposed subdivision is to be personally financed, a Project Financing Plan including the following:

- 1) A cash equity commitment of twenty percent (20%) of the estimated costs; plus
- 2) A financial schedule for the remaining financing; and
- 3) A letter of commitment for the remaining funding required stating any and all conditions of commitment.

EXHIBIT 30: TECHNICAL ABILITY

All subdivision applications shall be accompanied by the resume of the applicant describing his/her technical ability to undertake the proposed subdivision including any prior experience and appropriate training, and the resumes of all professionals involved in the planning, design, development, and construction of the proposed subdivision, describing their technical and professional training, expertise, experience and special ability to undertake their respective roles in the proposed subdivision.

EXHIBIT 31: SURFACE WATER MANAGEMENT STATEMENT

All subdivision applications shall be accompanied by a Surface Water Management Statement which includes the following:

- a. The name, if known, and location of any flowing water including brooks and streams on or abutting the property;
- b. If the project is within the watershed of a lake or pond, the name of that lake and/or pond;
- c. Description of the general topography of the parcel proposed to be subdivided;
- d. Description of how the proposed subdivision will or will not cause any alteration of natural drainage ways including intermittent streams, perennial streams, and vegetated swales;
- e. Identification of any portion of the site subject to ponding or flooding; and
- f. Description of how changes in surface water drainage will affect other properties and how these effects will be controlled.

EXHIBIT 32: SURFACE WATER MANAGEMENT PLAN

If a Major Subdivision, the application shall be accompanied by a Surface Water Management Plan prepared by a qualified professional showing the following:

- a. All existing water bodies, water courses, drainage ways, channels, intermittent and perennial streams within the project site;
- b. The nature, width, and location of proposed easements, rights-of-way, culverts, catch basins or other means of channeling surface/storm water within the proposed subdivision and over adjacent properties;
- c. All proposed vegetative filter/buffer strips;
- d. Pre-development and post-development drainage watersheds with their associated hydraulic length lines; and
- e. Identification of any portion of the site subject to ponding or flooding.

EXHIBIT 33: GROUND WATER RESOURCES IMPACT STATEMENT

If a Minor Subdivision, the application shall be accompanied by a written Statement prepared by the applicant describing the measures taken and to be taken to prevent degradation of existing ground water quality on and adjacent to the proposed subdivision.

EXHIBIT 34: NITRATE ASSESSMENT

If a Major Subdivision, the application shall be accompanied by a Hydro-geologic Assessment, prepared by a registered geologist, describing the following:

- a. The presence of sand and gravel aquifers located on or near the project site;
- b. The depth to, direction, and rate of flow of groundwater;
- c. An assessment of the potential of the project for adverse effects to on-site wells, off-site wells, and the quality of adjacent surface waters;
- d. Recommendations for minimizing or eliminating adverse effects from nitrates and nitrites on drinking water supplies and on on-site or adjacent flowing and surface waters;
- e. Proposals for implementation of recommendations.

EXHIBIT 35: WATER QUALITY BACKGROUND ASSESSMENT

If a Major Subdivision and deemed warranted by the Planning Board, the application shall be accompanied by a Water Quality Background Assessment, prepared by a registered geologist, describing the existing Phosphorous (P), Phosphorous/Potassium/Nitrogen ratio (PKN), Nitrate Ammonia (NH₃-N), Nitrates (NO₃-N), Nitrites (NO₂-N), Sodium (Na), and Chlorine (Cl) levels in on-site and adjacent groundwater and/or surface waters.

EXHIBIT 36: RECOMMENDATIONS FOR MINIMIZING OR ELIMINATING WATER QUALITY IMPACTS

If a Major Subdivision and a Water Quality Background Assessment has been requested, the application shall be accompanied by written Recommendations for Minimizing or Eliminating Water Quality Impacts, prepared by a registered geologist, describing the steps taken and to be taken to minimize or eliminate the adverse effects from existing Phosphorus (P), Phosphorus/Potassium/Nitrogen ratio (PKN), Nitrate Ammonia (NH₃-N), Nitrates (NO₃-N), Nitrites (NO₂-N), Sodium (Na), and Chlorine (Cl) levels in on-site drinking water supplies and on on-site and adjacent groundwater and/or surface waters, including a detailed Implementation Strategy for the implementation of actions recommended.

EXHIBIT 37: FLOOD HAZARD PROTECTION STATEMENT

If any part of the proposed subdivision is located within a one hundred (100) year flood-prone area as shown on Federal Emergency Management Agency's Flood Boundary and Floodway Maps, the application shall be accompanied by a written Statement describing the steps taken or to be taken in the planning design and development of the proposed subdivision to prevent flood damage on-site and to prevent increased flood damage on downstream properties.

EXHIBIT 38: FRESHWATER WETLAND PROTECTION STATEMENT

If the parcel proposed to be subdivided contains within it or abutting it, in whole or in part, any freshwater wetlands, as defined in Title 38, MRSA, Section 480-B, subsection 4, regardless of size, the application shall be accompanied by a Freshwater Wetlands Protection Statement describing the steps taken or to be taken in the planning, design, and development of the proposed subdivision to prevent adverse impact to freshwater wetland values.

EXHIBIT 39: FRESHWATER WETLANDS MAP

If the parcel proposed to be subdivided contains within it or abutting it, in whole or in part, any freshwater wetlands, as defined in Title 38, MRSA, Section 480-B, subsection 4, regardless of size, the application shall be accompanied by a Freshwater Wetlands Map prepared by a State Certified Soil Scientist or Geologist, registered in the State of Maine, based on an on-site investigation, of the parcel showing the location and boundaries of any such freshwater wetlands.

EXHIBIT 40: FLOWING WATERS PROTECTION STATEMENT

If the parcel proposed to be subdivided contains within it or abutting it, in whole or in part, any river, stream or brook as defined in Title 38, MRSA, Section 480-B, subsection 9, the application shall be accompanied by a Flowing Waters Protection Statement describing the steps taken or to be taken in the planning, design, and development of the proposed subdivision to prevent adverse impact on any such rivers, streams, or brooks.

EXHIBIT 41: FLOWING WATERS MAP

If the parcel proposed to be subdivided contains within it or abutting it, in whole or in part, any river, stream, or brook, as defined in Title 38, MRSA, Section 480-B, subsection 9, the application shall be accompanied by a Flowing Waters Map

showing the location, configuration, and direction of flow of any such rivers, streams, or brooks.

EXHIBIT 42: STORM WATER MANAGEMENT PLAN

If a Major Subdivision, the application shall be accompanied by a Storm Water Management Plan, prepared by a qualified professional, which includes the following:

a. FOR OFF-SITE WATERSHEDS

1) A narrative describing:

- a) How the proposed site is oriented within the watershed;
- b) How runoff from the site will affect the watershed hydrography and nearby properties;
- c) Whether or not it is possible to reduce the watershed peak flow by detaining stormwater runoff on-site; and
- d) Areas and structures that historically flood or may be affected by increased flows.

2) The following maps showing the actual project boundaries and watershed boundaries, sub-area, and flow lines, on each:

- a) USGS 7.5 minute series quadrangle map; and

b) USDA SCS Medium Intensity Soil Survey Map.

b. FOR ON-SITE WATERSHEDS

- 1) Stormwater runoff calculations, modeling pre-development and post-development conditions, using either SCS's TR-55 or TR-20 methodologies, including;
 - a) A narrative describing how the calculations were performed;
 - b) Runoff curve assumptions, consistent with clearing limits legally guaranteed through conservation easements or deed restrictions, etc.;
 - c) Runoff calculations performed for 2, 10, and 25 year, 24 hour storm events; and
 - d) Runoff Curve Number, Time of Concentration, and Travel Time calculations for each sub-area.
- 2) Separate pre-development and post-development maps, each with the following details:
 - a) Existing and proposed two (2) foot contour lines, clearly contrasting;
 - b) Site soils, surveyed at an appropriate level of detail;
 - c) Project and drainage area boundary lines;
 - d) Sub-area boundaries;
 - e) Stormwater time of concentration and time of travel routing lines divided into flow type segments;
 - f) All ponded and wetland areas, existing and proposed;
 - g) All man-made and natural drainage ways;
 - h) All existing and proposed culverts; and
 - i) Locations of all piping systems.
- 3) If calculations indicate that stormwater detention is necessary, the following information is also required:
 - a) Detention basin sizing calculations, including stage-storage curves, and outlet velocities;
 - b) Detail and sizing calculations for the outlet and emergency spillway;
 - c) Embankment material specifications with compaction requirements if any type of dike is to be constructed;
 - d) Location of detention and outlet structure shown on the site plan;
 - e) A detail sheet showing plan and cross sectional views of the detention basin, outlet structure, emergency overflow structure, and associated rip-rapped areas; and

- f) A Narrative describing the operation and maintenance of the detention basin(s) and other assorted structures, during construction and when project is complete. This Narrative should include provisions for excavating accumulated sediments or debris and identify who will have legal responsibility for maintenance.

SECTION XIII: PREPARATION AND SUBMISSION REQUIREMENTS FOR PRELIMINARY AND FINAL SUBDIVISION PLANS

SECTION USER'S GUIDE: This section contains specifications related to the preparation and submission of Preliminary and Final Subdivision Plans.

A. PREPARATION AND SUBMISSION REQUIREMENTS: PRELIMINARY SUBDIVISION PLANS

Preliminary Subdivision Plans shall be prepared and submitted to the Planning Board, through the Code Enforcement Officer, as follows:

1. NUMBER OF COPIES TO BE SUBMITTED

Preliminary Subdivision Plans shall be submitted in ten (10) sets of one or more maps or drawings, printed or reproduced on paper. Ten (10) copies of the Plan(s) reduced to a size of 8 1/2 x 11 inches shall be submitted in addition, ten (10) copies of the application and required exhibits shall be submitted with the Preliminary Plans.

2. SHEET SIZE

Preliminary Subdivision Plans shall be 24 by 36 inches in size, and shall have a margin of two (2) inches outside of the border line on the left side for binding and a one (1) inch margin outside the border along the remaining sides.

3. PLAN SCALE

Preliminary Subdivision Plans shall be drawn to a scale of within a range of twenty (20) feet to one hundred feet (100) to the inch.

B. INFORMATION TO BE SHOWN ON PRELIMINARY SUBDIVISION PLANS

The following information shall be shown on Preliminary Subdivision Plans:

1. GENERAL INFORMATION

The proposed name of the subdivision, name of the Town, the date the Plan was prepared, true north arrow, graphic map scale, names and addresses of the record owner, applicant, and professional or professional firm who prepared the plan.

2. BOUNDARY SURVEY

A boundary survey of the tract made and certified by a Maine licensed land surveyor prepared in accordance to the Rules set forth by the Maine Board of Licensure for Professional Land Surveyors. Said boundary survey shall include, but not limited to, the following:

- a. Boundary lines of the tract with bearings no less than to the nearest 30 seconds, distances no less than to the nearest 0.01-foot, curve data and any additional information to reproduce the survey mathematically;
- b. Type of monument set or found at each parcel corner;
- c. Rights of way and easements of record within or immediately surrounding the tract.

3. CONTOUR LINES

Contour lines at the interval specified by the Board, showing elevations in relation to Mean Sea Level (NGVD).

4. PROPOSED LOT LINES AND LOT NUMBERS

Proposed lot lines with appropriate dimensions in decimals of a foot and lot areas in square feet for lots smaller than 43,560 square feet in area and in acres to the nearest one hundredth of an acre for lots greater than 43,560 square feet. All proposed lots shall be numbered.

5. EXISTING MAN-MADE FEATURES

The location, names, and widths of existing roads, highways, easements, building lines, parks and other open spaces on or adjacent to the proposed subdivision and the location and size of existing sewers, utility poles, water mains, culverts, other underground utilities and drainage ways on or adjacent to the proposed subdivision.

6. EXISTING NATURAL FEATURES

The location and configuration of existing water bodies, watercourses and wetlands on or immediately adjacent to the parcel prepared by a State Certified Soil Scientist or Geologist, registered in the State of Maine, based on an on-site investigation existing water bodies, watercourses and the cover types (open field, open shrub, wooded, etc.), and other significant physical features, including the location of any trees larger than twenty-four (24) inch diameter at breast height in areas of proposed construction or where clearing of trees will be likely to occur.

7. NAMES OF ADJACENT PROPERTY OWNERS

The names of the owners of record of all abutting properties, including those of any properties directly across and along any existing public road abutting the proposed subdivision.

8. PROPOSED IMPROVEMENTS

The location, names, and widths of any proposed roads, rights-of-way, easements, building lines, common open spaces associated with the proposed subdivision and the location and size of any proposed sewer lines, sewage disposal areas, water mains, wells, culverts and drainage ways associated with the proposed subdivision.

9. PUBLIC IMPROVEMENTS

The location and width of any existing and proposed roads or other public improvements, within the proposed subdivision, shown on the Official Map.

10. COMMON AND/OR PUBLIC AREAS AND FACILITIES

Identification of all parcels and facilities proposed to be dedicated for common use and/or public ownership and/or use, and the conditions of such dedication and a description of their proposed improvement and management.

11. FLOOD HAZARD AREA BOUNDARIES

If any portion of the subdivision is in a flood-prone area, the boundaries of such areas and the 100-year flood elevation.

12. EXISTING ZONING

The names and boundaries of any existing local zoning designations applicable to the property proposed to be subdivided.

13. SURVEYOR/PLANNER'S CERTIFICATION AND SEAL

The name, signature, registration number, and seal of the land surveyor who prepared the survey and the architect, engineer, or planning consultant who designed the plan.

C. PREPARATION AND SUBMISSION REQUIREMENTS: FINAL SUBDIVISION PLANS

Final Minor and Final Major Subdivision Plans shall be prepared and submitted to the Planning Board, through the Code Enforcement Officer, in the same manner as required for Preliminary Subdivision Plans by subsection A, above.

D. INFORMATION TO BE SHOWN ON FINAL SUBDIVISION PLANS

The same information required to be shown on Preliminary Subdivisions Plans, by subsection B, above, shall be shown on all Final Minor and Final Major Subdivision Plans.

In addition, the following shall be shown on all Final Minor and Final Major Subdivision Plans:

1. FINAL PLAN APPROVAL BLOCK

An Approval Block to record the approval of the Final Plan shall be permanently affixed to Final Minor and Final Major Subdivision Plans and shall read as follows:

APPROVAL BLOCK	
This Subdivision Plan has been approved with conditions by the Burlington Planning Board in accordance with Title 30-A, MRSA, Section 4401, et seq..	
Approved lots may be sold or leased only in accordance with all applicable terms and conditions included in and/or attached to the written Order issued by the Planning Board on / / , and recorded in the Penobscot County Registry of Deeds in Book _____ on page _____.	
Signed	_____

Date	_____

SECTION XIV: APPLICATION FEES AND TECHNICAL REVIEW ACCOUNT

SECTION USER'S GUIDE: This section contains provisions regarding the various fees required to be submitted with subdivision applications and escrow accounts to be established for assisting with the costs of reviewing the proposed subdivision.

A. APPLICATION PACKET FEE

The Application Packet Fee required to cover printing costs for copies of the Application Form and copies of this Ordinance are as follows:

1. COPIES OF SUBDIVISION APPLICATIONS

The non-refundable fee for copies of the Subdivision Application Form is set in the policy adopted by the Selectmen.

2. COPIES OF ORDINANCE

The non-refundable fee for copies of this Ordinance is in the policy adopted by the Selectmen.

B. APPLICATION PROCESSING FEES

The Application Processing Fees required to cover the administrative handling costs associated with subdivision review under this Ordinance are as follows:

1. MINOR SUBDIVISIONS

The non-refundable fee to accompany the application of Minor Subdivision Final Plans is set

2. MAJOR SUBDIVISIONS

The non-refundable fee must accompany the application of Major Subdivision Preliminary Plans.

3. PUBLIC HEARING FEE

The fees required to cover the costs associated with the publication in a paper of general circulation and mailing to all property owners within 300 feet of the proposed subdivision of the required notices for public hearings are listed in the policy established and adopted by the Selectmen. These fees are payable.

C. TECHNICAL REVIEW ACCOUNT

In addition to the fees for copies of the Application and Ordinance and the Application Processing Fee, the applicant shall pay a separate fee per lot or dwelling unit to be deposited in a special account designated for the particular subdivision application, to be used by the Planning Board for hiring independent, consulting, and legal services to review the application. The amount of this fee is established through the fee policy adopted by the Selectmen.

This Technical Review Fee shall be paid prior to the start of the Planning Board's review of the Final Plan of a Minor Subdivision or the Preliminary Plan of a Major Subdivision.

This fee shall be paid in the form of a check made payable to the Town of Burlington and the purpose of the fee shall be clearly indicated on the check. The town shall deposit this fee in a special bank account which is separate and distinct from all other Planning Board and Town accounts.

If the balance in this account is drawn down by 25% or more, the Board shall notify the applicant, and require that an additional fee per lot or dwelling unit be deposited by the applicant. The Board shall continue to notify the applicant and require an additional fee per lot or dwelling unit be deposited as

necessary whenever the balance of the account is drawn down by 25% of the original deposit. The per lot or dwelling fee will be equal to the original.

Any balance in the account remaining, after the completion and inspection of required improvements, shall be returned to the applicant.

SECTION XV: REVISIONS TO EXISTING PLANS AND TRANSFER OF APPROVAL

SECTION USER'S GUIDE: This section contains provisions related to revisions of previously approved Subdivision Plans.

A. REVISIONS TO EXISTING PLAN

Any application for subdivision approval which constitutes a revision or amendment to a Final Subdivision Plan, which has been previously approved, shall indicate that fact on the application and shall identify the original subdivision being revised or amended and reference the Book and Page in the Registry of Deeds where the plan is recorded.

Applications for revisions to existing plans shall comply with all of the fees, procedural requirements, and submissions required of this Ordinance for their classification.

The Planning Board shall make findings of fact and conclusions of law that the proposed revisions do or do not meet the criteria of approval provided in Section IV.

B. TRANSFER OF APPROVAL

If the transfer in ownership of any approved subdivision involving public improvements or private road construction is anticipated prior to the successful completion of such improvements, the owner shall notify the Planning Board. The new owner shall be required to submit a subdivision plan amendment to the Planning Board for its review and actions.

SECTION XVI: GENERAL PERFORMANCE STANDARDS

SECTION USER'S GUIDE: This section contains general performance standards with which all subdivision proposals submitted for approval pursuant to this Ordinance must comply.

In reviewing applications submitted pursuant to this Ordinance, the Board shall consider the following performance standards and make written findings that each has been met prior to issuing final approval.

A. CONFORMANCE WITH OTHER ORDINANCES AND REGULATIONS

All proposed subdivisions shall be in conformance with the provisions of all pertinent local ordinances and regulations, State and Federal laws and regulations.

B. RELATIONSHIP TO MUNICIPAL SERVICES

The proposed development shall not have an unreasonable adverse impact on the municipal services including municipal road systems, fire department, police department, sewer and water systems, solid waste program, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

C. PRESERVATION AND ENHANCEMENT OF THE LANDSCAPE

The landscape shall be preserved in its natural state insofar as reasonably practicable by minimizing tree removal, disturbance of soil, and retaining existing vegetation during construction. After construction is completed, landscaping shall be planted that will define, soften or screen the appearance of off-street parking areas, buildings and other structures from the public right-of-way and

abutting properties in order to enhance the physical design of the proposed development, and to minimize the encroachment of the proposed uses on neighboring land uses.

D. RELATIONSHIP TO SCENIC CHARACTER OF THE NEIGHBORHOOD

Proposed buildings, structures and roads shall be related harmoniously to the terrain and to existing buildings and structures in the vicinity that have a visual relationship to the proposed subdivision, so they will not have an unreasonable adverse effect on the scenic character of the surrounding area.

E. RETENTION OF OPEN SPACES AND NATURAL OR HISTORIC FEATURES

1. In any subdivision larger than twenty (20) acres, or more than ten (10) lots or dwelling units, the applicant shall provide at least ten (10) percent of his total area as usable open space. In any subdivision twenty (20) acres or less, or containing ten (10) lots or dwelling units or less, the Board may require the developer to provide at least ten (10) percent of his total area as usable open space. It is desirable that areas reserved for recreation be at least two (2) acres in size and easily accessible from all lots within the subdivision.
2. Land reserved for open space purposes shall be of a character, configuration, and location suitable for the particular use intended. For example a site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry, have a total frontage on one or more roads of at least two hundred (200) feet, and have no major dimensions of less than two hundred (200) feet. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board may deem suitable and no less than twenty-five (25) feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.
3. Where the proposed subdivision is located on a lake, pond, river or stream, a portion of the waterfront area, shall be included in the reserved land. The land so reserved shall be at least 200 feet wide measured perpendicularly from the normal high water mark.

SECTION XVI: GENERAL PERFORMANCE STANDARDS (continued)

4. If the Planning Board determines that the reservation of land for parks and/or recreational purposes would be inappropriate or that the land is not suitable or is insufficient in amount, the Board may waive the requirement of land reservation on the condition that the Applicant deposit a cash payment in lieu of land reservation with the Town Clerk. Such a payment shall be placed in a trust fund to be used exclusively for the purchase and development of neighborhood sites for parks, playgrounds and other recreational purposes. The amount of such payment shall be not more than 10% of the appraised market value, including improvements, for each lot approved on the final plan.
5. The Board may require that the development plans include a landscape plan that will show the preservation whenever practicable of any existing trees larger than twenty-four (24) inches diameter 4 feet from the ground, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally significant areas. Cutting of trees on the northerly borders of lots should be avoided as far as possible, to retain a natural wind buffer.

F. LAND NOT SUITABLE FOR DEVELOPMENT

The following lands shall not be included in the calculations of lot area for the purpose of meeting the requirements of the minimum lot size for the zone in which the development is located:

1. Land which is situated below the normal high water mark of any water body;
2. Land which is located within the one hundred (100) year frequency flood plain as identified by the Federal Emergency Management Agency or the Department of Housing and Urban Development, Flood Insurance Administration, 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 one (1) foot above the one hundred (100) year flood level. The elevation of filled or made land shall not be considered;
3. Land which is part of a right-of-way, or easement, including utility easements;
4. Land that has been created by filling or draining a pond or wetland;
5. Land that is located within a Resource Protection Zoning Classification;
6. Land consisting of Recent Flood Plain Soil;
7. Any area with sustained slopes of 20% or greater; and
8. Land defined herein as a freshwater wetland.

G. TOPSOIL AND VEGETATION REMOVAL

1. Topsoil shall be considered part of the development and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.
2. Except for normal thinning, clearing for approved construction, landscaping, and cutting of trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion. The Board shall require an applicant to take measures to correct and prevent soil erosion in the proposed development.
3. To prevent soil erosion of shoreline areas, tree cutting in a strip paralleling the shoreline of a water body, and extending one hundred (100) feet inland from all points along the normal high water mark shall be limited in accordance with the clearing of vegetation provisions of the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances in effect at the time.

SECTION XVI: GENERAL PERFORMANCE STANDARDS (continued)

H. EROSION AND SEDIMENTATION CONTROL

The following measures relating to conservation, erosion and sediment control shall be included where applicable as part of all projects submitted for review and approval under this Ordinance.

1. The procedures outlined in the erosion and sedimentation control plan, prepared and submitted by the applicant, shall be implemented during the site preparation, construction, and clean-up stages.
2. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best-management practices:
 - a. Stripping of vegetation, soil removal and re-grading or other development shall be done in such a way as to minimize erosion;
 - b. Development shall keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff;
 - c. The development shall not unreasonably increase the rate or volume of surface water runoff from the proposed site;
 - d. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
 - e. The disturbed area and the duration of exposure shall be kept to a practical minimum;
 - f. Disturbed soils shall be stabilized as quickly as practicable;
 - g. Temporary vegetation or mulching shall be used to protect disturbed areas during development;
 - h. Permanent (final) vegetation and mechanical erosion control measures in accordance with the standards of the County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends;
 - i. Until the disturbed area is stabilized, sediment in the run-off water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods;
 - j. The top of a cut or the bottom of a fill section shall not be closer than ten (10) feet to an adjoining property, unless otherwise specified by the Board.
 - k. During grading operations, methods of dust control shall be employed wherever practicable;
 - l. It is the responsibility of any person performing any activity on or across a communal stream, watercourse or swale or upon the floodway or right-of-way thereof to maintain as nearly as possible the present state of the stream, water course, swale, floodway or right-of-way during the duration of such activity and to return it to its original or equal condition after such activity is completed; and
 - m. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

I. LOT STANDARDS

1. All the lot configurations should be designed to maximize the use of solar energy on building sites with suitable orientation.
2. Lot configuration and area shall be designed to provide for adequate off-road parking and service facilities based upon the type of development contemplated.
3. Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan, and deed restrictions shall indicate vehicular access shall be located only on the less traveled way.
4. Wherever possible, side lot lines shall be perpendicular to the road.
5. The division of tracts into parcels with substantially more than the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future re-subdivision. Where public utilities could be extended to the development in the foreseeable future, the development shall be designed to accommodate the extensions of utilities.
6. If a lot on one side of a stream, road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, or road to meet the minimum lot size, unless such lots are established lots of record prior to the adoption of this Ordinance.
7. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum dimensional requirements are prohibited, unless such lots are established lots of record prior to the adoption of this Ordinance.
8. All lots shall have a minimum of four (4) sides.

J. UTILITIES

1. The Board may require electric, cable television, and telephone lines to be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relation to neighboring properties and the site.
2. Underground utilities shall be installed prior to the installation of the final gravel base of the road.
3. The size, type, and location of street lights and utilities shall be shown on the plan and approved by the Board.

K. CONSTRUCTION IN FLOOD HAZARD AREAS

When any part of a development is located in a Flood Hazard Area as identified by the Federal Emergency Management Agency, the plan shall indicate that all structures on lots in the development shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation, and meet all other State and Federal requirements. Such a restriction shall be included in the deed to any lot which is included or partially included in the flood hazard area.

SECTION XVII: ROAD DESIGN AND CONSTRUCTION STANDARDS

SECTION USER'S GUIDE: This section contains specific road design and construction standards applicable to all subdivisions requiring approval under this Ordinance.

A. GENERAL REQUIREMENTS

In approving applications submitted pursuant to this Ordinance, the following requirements shall apply:

1. The proposed development shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number and location of access points with respect to sight distances, intersections, schools and other traffic generators.
2. Curb cuts shall be limited to the absolute minimum number and widths necessary for safe entering and exiting. The proposed development shall not have an unreasonable adverse impact on the town road system and shall assure safe interior circulation within its site by separating pedestrian and vehicular traffic and providing adequate parking and loading areas.
3. Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.
3. The Board shall not approve any development plan unless proposed roads are designed in accordance with the specifications contained within the

“Town of Burlington Road Ordinance”

A copy of the “Town of Burlington Road Ordinance” may be obtained on the town’s website, or at the Burlington town office during normal business hours

SECTION XIX: STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS

SECTION USER’S GUIDE: This section contains specific standards relating to the design and construction of storm water management systems.

A. GENERAL PROVISIONS

In approving applications submitted pursuant to this Ordinance, the Board shall require the applicant to meet the following storm drainage design and construction standards:

1. The storm drainage system will not adversely affect neighboring properties, downstream water quality, or cause soil erosion. Whenever possible, on-site absorption and/or evaporation of run-off waters shall be utilized to minimize discharges from the site.
2. Surface water runoff shall be minimized and detained on-site if possible or practicable. If it is not practicable to detain water on site, downstream improvements to the channel may be required of the developer to prevent flooding caused by his project. The natural state of watercourses, swales, floodway or rights-of-way shall be maintained as nearly as possible. The design basis is a twenty-five (25) year storm.
3. Adequate provision shall be made for disposal of all storm water generated within the development and any drained ground water through a management system of swales, culverts, under drain, and water courses. The storm water management system shall be designed to conduct storm water flows to existing watercourses.

4. All components of the storm water management system shall be designed to meet the criteria of a twenty-five (25) year storm based on rainfall data for the closest reporting station to Burlington, Maine.

SECTION XXI: ADDITIONAL REQUIRED IMPROVEMENTS

SECTION USER'S GUIDE: This section contains specific information regarding additional site improvements required of all developments approved under this Ordinance.

The following improvements are required for all subdivisions, unless waived by the Board in accordance with provisions of this Ordinance.

A. MONUMENTS

1. Iron pin or stone monuments shall be set at all road intersections and points of curvature.
2. Iron pin or stone monuments shall be set at all corners and angle points of the development boundaries where the interior angle of the subdivision boundaries is one hundred thirty five (135) degrees or less.
3. Stone monuments shall be a minimum of four (4) inches square at the top and four (4) feet in length. After they are set, drill holes, one-half (1/2) inch deep shall locate the point or points described above.
4. All other development boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable permanent monumentation including, but not limited to the following:
 - a. A granite monument;
 - b. A concrete monument;
 - c. An iron pin; or
 - d. A drill hole in ledge.

B. WATER SUPPLY

1. The Board may allow the use of individual wells or a private central water supply system.
2. Dug wells shall be permitted
3. When a development is to be served by a central water supply system, the complete supply system, including any required fire ponds and dry hydrants, shall be installed at the expense of the subdivider.
4. If a central water supply system is provided by the developer, the location and protection of the source as well as the design, construction, and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water.
 1. The applicant shall construct ponds and dry hydrants to provide for adequate water storage for fire-fighting purposes. An easement shall be granted to the Town granting access to the dry hydrants where necessary. The Board may waive the requirement for fire ponds only upon a finding by the Board that adequate, alternate firefighting provisions exist or will be built as part of the approved plan. When calculating the minimum water supplies needed for

firefighting, generally accepted standards, including but not limited to the 1999 edition of National Fire Protection Association 1231 Water Supplies for Suburban and Rural firefighting, shall be used.

C. SEWAGE DISPOSAL

1. The applicant 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 being within 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 in the plan and restricted so as not to be built upon.
2. Disposal areas shall not be permitted on soils or on a lot which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

D. SURFACE DRAINAGE

1. Where a development is traversed by a stream, river, or surface water drainage-way, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. This surface water management system shall be designed by a Registered Professional Engineer.
2. Drainage easements for existing water courses or proposed drainage ways at least thirty (30) feet wide, conforming substantially with the lines of existing natural drainage, shall be provided and indicated on the Plan.
3. The developer shall provide a statement from a qualified professional that the proposed development will not create erosion, drainage or runoff problems either in the development or in other properties. Where the peak runoff from the development onto other properties is increased either in volume or duration, easements from the abutting property owners, allowing such additional discharge shall be obtained.
4. A surface water drainage plan, showing ditching, culverts, storm drains, easements, and other proposed improvements, meeting the standards of Section XVII, shall be submitted.

SECTION XXII: DEDICATION AND MAINTENANCE OF COMMON OPEN SPACE AND SERVICES

<p>SECTION USER'S GUIDE: This section contains specific provisions regarding the dedication and maintenance of common open space and common services in subdivisions.</p>

A. DEDICATION

1. All common land in subdivisions shall be owned jointly or in common by the owners of the dwelling units by means of a homeowners' association, by an association which has as its principal purpose the conservation or preservation of land in essentially its natural condition, or by the Town.
2. Further subdivision of the common land or its use for other than non-commercial recreation or conservation purposes, except for easements for utilities or drainage, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land, except drainage easement.
3. The common open space shall be shown on the Final Plan of the proposed subdivision with appropriate notation on the plan to indicate that:

- a. It shall not be used for future building lots; and
- b. A part or all of the common open space may be dedicated for acceptance by the municipality or other organization acceptable to the Board.

B. MAINTENANCE OF COMMON SPACE IN SUBDIVISIONS

1. If any or all of the common open space are to be reserved for use by the residents, the by-laws of the proposed homeowners' association shall specify maintenance responsibilities and shall be submitted to the Board prior to Final Plan approval.
2. Covenants for mandatory membership in the homeowners association setting forth the owners' right, interests, and privileges in the association and the common property, shall be reviewed by the Board and shall be included in the deed for each lot or dwelling.
3. The homeowners' association shall have the responsibility of maintaining the common property unless or until dedication is accepted by the municipality or other organization acceptable to the Board.
4. The association shall levy annual charges against all owners of dwelling units to defray the expenses connected with the maintenance of common property and tax assessments.
5. The developer or subdivider shall maintain control of the common property, and be responsible for its maintenance until development sufficient to support the association has taken place.

SECTION XXIII: PERFORMANCE GUARANTEES

SECTION USER'S GUIDE: This section contains specific provisions relating to required performance guarantees and how they will be administered.

A. TYPES OF GUARANTEES

With submittal of the application for Final Plan approval for any Major Subdivision, the developer shall provide one of the following performance guarantees for an amount adequate to cover the estimated construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs.

1. Either a certified check payable to the Town or a savings account or certificate of deposit all naming the Town as owner, for the establishment of an escrow account, as provided for in Section C, below;
2. A performance bond payable to the Town issued by a surety company, approved by the Board of Selectmen and Town Attorney, as provided for in Section D, below;
3. An irrevocable letter of Credit from a financial institution establishing funding for the construction of the development, from which the Town may draw if construction is inadequate, approved by the Board of Selectmen and Town Attorney, as provided for in Section E, below; or
4. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed, as provided for in Section F, below.

The conditions and the amount of the performance guarantee shall be determined by the Board with the advice of the Town's Consulting Engineer, Road Commissioner, Municipal Officers and/or Town Attorney.

B. CONTENTS OF GUARANTEE

The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the developer will be in default allowing the Town access to the funds to finish construction, as provided for in Section I, below.

C. ESCROW ACCOUNT

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

D. PERFORMANCE BOND

A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the developer, and the procedures for collection by the Town. The bond documents shall specifically reference the subdivision for which approval is sought.

E. LETTER OF CREDIT

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

F. CONDITIONAL AGREEMENT

The Board, at its discretion may provide for the developer to enter into a binding agreement with the Town in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the Final Plan on the condition that only up to three (2) lots may be sold or built upon until either:

1. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with this Ordinance and the regulations of the appropriate utilities; or
2. A performance guarantee, acceptable to the Town is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.

Notice of the agreement and any conditions shall be on the Final Plan which is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Subsection H.

G. PHASING OF DEVELOPMENT

The 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 or buildings abutting that section of the proposed development's road which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. All dead end roads shall be provided with a permanent or temporary cul-de-sac. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

H. RELEASE OF GUARANTEE

Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of the Town's consulting Engineer and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

I. DEFAULT

If, upon inspection, the Town's consulting engineer finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he shall so report in writing to the Code Enforcement Officer, the Board of Selectmen, the Board, and the subdivider or developer. The Town of Burlington shall take any steps necessary to preserve the Town's rights.

Failure to construct in accordance with approved plans and specifications shall be a violation of this ordinance and punishable pursuant to title 30-A, MRSA, Section 4452.

J. PRIVATE ROADS

Where the development roads are to remain private roads, the following words shall appear on the recorded plan:

"All roads in this development shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town."

SECTION XXIV: WAIVERS

SECTION USER'S GUIDE: This section authorizes the Board, under special circumstances, to waive portions of the submission requirements, performance standards and improvements required by this Ordinance and provides that such waiver be granted only with conditions.

A. WAIVER OF SUBMISSION REQUIREMENTS

Where the Board makes written findings of fact that there are special circumstances of a particular site proposed to be subdivided, it may waive portions of the submission requirements, provided the public health, safety and welfare are protected and provided the waivers do not have the effect of nullifying the intent and purpose of the Official Map or any Ordinance.

B. WAIVER OF PERFORMANCE STANDARDS

Where the Board makes written findings of fact that there are special circumstances of a particular site proposed to be subdivided, it may waive portions of the performance standards, unless otherwise indicated in this Ordinance, to permit a more practical and economical development, provided the public health, safety and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Official Map or any ordinance.

C. WAIVERS OF REQUIRED IMPROVEMENTS

Where the Board makes written findings of fact that due to special circumstances of a particular site proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity to the proposed subdivision or development, it may waive the requirement for such improvements, subject to appropriate conditions.

D. WAIVERS CONDITIONALLY GRANTED

In granting waivers to any of the provisions of this Ordinance in accordance with subsections A, B, and C, above, the Board shall require such conditions as will assure the purposes and objectives of this Ordinance are met.

E. WAIVERS LIMITED

No other waivers of the provisions of this Ordinance may be granted, except as expressly authorized by this section.

F. WAIVER REVOCABLE

All waivers granted by the Planning Board under this Section of the Ordinance are revocable up to the date of Final Plan approval.

SECTION XXV: DEFINITIONS

SECTION USER'S GUIDE: This section contains specific definitions for words and phrases used in this Ordinance.

A. CONSTRUCTION OF LANGUAGE

In this Ordinance, certain terms and words shall be interpreted as follows:

1. The words "persons" and "applicant" includes individuals, firms, associations, corporations, organizations, and similar entities;
2. Words used or defined in one tense or form shall include other tenses or derivative forms;
3. Words in the singular number shall include the plural number and words in the plural shall include the singular number;
4. The masculine gender shall include the feminine and the feminine shall include the masculine;
5. The word "shall" is mandatory;
6. The word "may" is permissive;
7. In case of difference of meaning or implication between the text of this Ordinance and any map, illustration, or table, the text shall control.

B. DEFINITIONS

For the purpose of interpreting this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein.

1. APPLICANT

The assessed owner or owners of land to be subdivided or person with documented right, title, or interest in the land to be subdivided.

2. CLUSTER DEVELOPMENT

A subdivision or development in which the lot sizes are reduced below those normally required in return for the provision of permanent open space owned in common by lot and/or unit owners, the Town, or a land conservation organization, as allowed by the Planning Board.

3. COMPLETE APPLICATION

An application presented to the Planning Board which includes (1) receipt for fee paid; (2) completed application form; (3) Planning Board notification stating that all other submissions required herein for that type of application have been received and are satisfactory.

4. POLICY STATEMENT

Any part or element of the overall plan or policy for development of the Town as defined in Title 30-A, MRSA, Section 4311, et seq.

5. CONTIGUOUS LOTS

Lots in the same ownership which adjoin at any line or point, except that lots on opposite sides of a public or private road shall be each considered a separate tract or parcel unless such road was established by the owner of land on both sides thereof.

6. DRIVEWAY

Driveway shall mean a private way providing 4-wheel vehicular access from a public way to not more than two lots with buildings thereon.

7. EASEMENT

The authorization of the property owner for the use by another, and for a specified purpose, of any designated part of his property.

8. ENGINEER

Municipal Engineer or consulting engineer licensed by the State of Maine.

9. ENVIRONMENTALLY SENSITIVE AREAS

Those significant natural, scenic, historic, and archaeological areas which have been identified in the Town of Burlington, Maine.

10. FINAL PLAN

The final drawings on which the applicant's plan of subdivision is presented to the Board or approval and which, if approved, shall be recorded at the Registry of Deeds.

11. FRESHWATER WETLAND

Freshwater Wetlands shall be defined as in Title 38 M.R.S.A., Sec. 480B, Natural Resources Protection Act. According to 1989 statutes, Freshwater Wetlands are defined as follows:

"Freshwater Wetlands" means freshwater swamps, marshes, bogs and similar areas which are:

- a. Often (10) or more contiguous acres, or of less than ten (10) contiguous acres and adjacent to a surface water body, excluding any river, stream, or brook, such that in a natural state, the combined surface area is in excess of ten (10) acres;
- b. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and
- c. Not considered part of a great pond, coastal wetland, river, stream or brook.

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

Delineating standards shall be as per current rules and regulations of the Maine Department of Environmental Protection. Wetland mapping to be submitted as a requirement of this ordinance shall be prepared and signed by a State Certified Soil Scientist or Geologist, registered in the State of Maine.

12. FRONTAGE

The linear distance between the sidelines of a lot, measured along the line that borders upon whatever right-of-way serves as legal access to the lot. For the purposes of these regulations, the following ways shall constitute legal access to a lot along which frontage may be measured:

- a. A way accepted by or established as belonging to the Town of Burlington, or the State of Maine, provided access is not specifically prohibited;
- b. A way, whether dedicated to public ownership or not, as shown on an approved subdivision plan.

Frontage dimensions shall meet or exceed the minimum frontage required by the Town's Zoning Ordinance.

13. HIGH INTENSITY SOIL SURVEY

A Class A soil survey, conducted by a Certified Soil Scientist and prepared according to the standards of the National Cooperative Soil Survey, resulting in a soils map in which the mapping units are single phases of soils series and the mapping units delineated are contrasting soils of one eighth (1/8) acre or less in size.

14. LEGISLATIVE BODY

Board of Selectmen.

15. LOT

Any separate or distinct unit of land, structure or part of structure, whether residential or non-residential, with a clearly separate but not necessarily different, use or intended use from the lot or lots adjacent to it, with the exception of auxiliary buildings for a single-family residence, not intended for human occupancy. Included under this definition of a lot would be apartments, shopping centers, and groups of non-residential buildings with different uses, even if owned by the same person.

16. MEDIUM INTENSITY SOIL SURVEY

A Class C soil survey, conducted by a Certified Soil Scientist and prepared according to the standards of the National Cooperative Soil Survey, resulting in a soils map in which the mapping units are single phases of soils series and the mapping units delineated are contrasting soils of three (3) acres or less in size.

17. NET ACREAGE

The total acreage available for the subdivision or development, and shown on the proposed subdivision or development plan, minus the area for roads or access and the areas which are unsuitable for development.

18. NGVD

National Geodetic Vertical Datum.

19. NORMAL HIGH WATER ELEVATION OF INLAND WATERS

Along lakes, ponds, and streams, the elevation at which vegetation changes from predominantly aquatic to predominantly terrestrial; along streams, the highest elevation on the bank of a channel at which the water has left a definite mark.

20. OFFICIAL MAP

The maps adopted by the Municipality showing the location of public property, ways used in common by more than two (2) owners of abutting property, and approved subdivisions; and any amendments thereto adopted by the Municipality or additions thereto resulting from the approval of subdivision plans by the Planning Board and the subsequent filing for record of such approved plans.

21. OFFICIAL SUBMITTAL DATE

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

22. ONE-HUNDRED-YEAR FLOOD

The highest level of flood that, on the average, is likely to occur once every 100 years (that has a one percent chance of occurring in any year).

23. PERSON

Includes an individual, firm, association, partnership, trust, company, corporation, municipal or other local government entity, quasi-municipality, state agency, educational or charitable organization or institution or other legal entity.

24. PLANNING BOARD

The Planning Board of the Town of Burlington, Maine.

25. PLANNING BOARD ORDER

A written decision of the Planning Board including findings of fact, conclusions of law, decisions, and conditions and/or terms of approval, if any.

26. PRELIMINARY SUBDIVISION PLAN

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

27. RECENT FLOOD PLAN SOILS

The following soil series as described and identified by the National Cooperative Soil Survey:

28. REPRODUCIBLE COPIES OF FINAL PLAN

Mylars, plastic film, or other durable, permanent, stable based, transparent material upon which Final Subdivision Plans are drawn and upon which the Planning Board signs at the time of final approval.

29. RIGHT-OF-WAY

A street or other area over which is given legal right of passage. A public right-of-way is a way dedicated to the use of the public and accepted for ownership by the Town of other level of government.

30. ROAD

Public and private ways such as Town ways, public rights-of-way, and private rights-of-way.

31. SUBDIVISION

As defined by Title 30-A, M.R.S.A., Section 4401, as the same may be amended from time to time, except that a lot of forty (40) acres or more shall be counted as a lot.

32. SUBDIVISION, MAJOR

Any subdivision containing more than three (3) lots or dwelling units, or any proposed road construction.

33. SUBDIVISION, MINOR

Any subdivision containing not more than three (3) lots or dwelling units and with all lots abutting on an existing public way.

34. TOWN

Town of Burlington, Maine

35. TRACT OR PARCEL OF LAND

All contiguous land in the same ownership, whether or not the tract is separated at any point by an intermittent or non-navigable stream or a private road established by the abutting land owners.

This ordinance shall become effective April 1, 2024

Enacted: At special town meeting held on April 1, 2024

This certifies to the municipal clerk of Burlington, Maine that the within ordinance is a true copy of an ordinance entitled “**Subdivision Ordinance of the Town of Burlington, Maine**” to be acted upon by the voters at a town meeting to be held on April 1, 2024.

Dated: March 20,
2024

Municipal Officers of Burlington, Maine.

JOHN SMITH, First Selectman

TOM LAMBERT, Second Selectman

BEVERLY HARDING, Third Selectman

True Copy
Attest:

CHERYL SMITH, Clerk of Burlington

