

**SUB DIVISION ORDINANCE**  
**FOR THE**  
**TOWN OF PARIS, MAINE**

ENACTED: June 14, 2014

EFFECTIVE: June 14, 2014

CERTIFIED BY: Elizabeth J. Knox  
*Signature*

CERTIFIED BY: Elizabeth J. Knox, Town Clerk

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# **SUBDIVISION ORDINANCE OF THE TOWN OF PARIS, MAINE**

## **ARTICLE 1 – PURPOSE**

1.1 The purposes of this Ordinance are:

- A. To provide for an expeditious and efficient process for the review of proposed subdivisions;
- B. To clarify the approval criteria of the state Subdivision Law, found in Title 30-A M.R.S.A., §4404;
- C. To assure that new development in the Town of Paris meets the goals and conforms to the policies of the Town of Paris and Maine State Law;
- D. To assure the comfort, convenience, safety, health and welfare of the people of the Town of Paris;
- E. To protect the environment and conserve the natural and cultural resources in the Town of Paris;
- F. To assure that an appropriate level of services and facilities are available to the Residents of new subdivisions and those lots in subdivisions are capable of supporting the proposed uses and structures;
- G. To minimize the potential negative impacts from new subdivisions on neighboring properties and on the municipality;

## **ARTICLE 2 - AUTHORITY, ADMINISTRATION, EFFECTIVE DATE AND REPEAL OF EXISTING ORDINANCE**

2.1 Authority

- A. These standards have been prepared in accordance with the provisions of Article VET, Part 2, Section 1 of the Maine Constitution, Title 30-A M.R.S.A. § 3001.
- B. These standards shall be known and cited as “Subdivision Ordinance of the Town of Paris, Maine.”
- C. The effective date of this Ordinance shall be the day of adoption by the Town on

2.2 Administration

- A. The Planning Board of the Town of Paris, hereinafter called the Board, shall administer this Ordinance.
- B. The Code Enforcement Officer shall be responsible for enforcing this Ordinance and advising the planning board.



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

## 2.3 Amendments

A. This Ordinance may be amended by the legislative body of the Town of Paris. Amendments may be initiated as follows.

1. Recommended by a majority vote of the Planning Board to the Board of Selectmen;
2. By a majority vote of the Board of Selectmen; or
3. On petition of at least 10% of the number of votes cast in the last gubernatorial election in town.

B. A public hearing shall be held prior to the adoption of any amendment. Notice of the hearing shall be provided as established by Tide 30-A, MRS A, § 4352.9.A & B.

## 2.4 Repeal of Existing Subdivision Ordinance

Adoption of this Ordinance shall repeal any and all previous adopted subdivision ordinances and regulations and mobile home park ordinances. This shall not prevent the enforcement of repealed ordinances or regulations with respect to the time periods in which they were in effect.

## 2.5 Conflict with Other Ordinances

This Ordinance shall not be construed to repeal any existing bylaws or ordinances, other than those specifically identified, or to impair the provisions of private restrictions placed upon property, provided, that where this Ordinance imposes greater restrictions, its provisions shall control.

## 2.6 Validity and Severability

Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other article, section or provision.

# **ARTICLE 3 - ADMINISTRATIVE PROCEDURE**

## 3.1 Joint Meetings

If any portion of the proposed subdivision crosses the boundary of an adjacent municipality the Board shall meet jointly with that municipality's Planning Board to review the application and conduct any public hearings. The joint meetings and any hearings required under this section may be waived by written agreement of both Planning Boards.

## 3.2 Agenda

In order to establish an orderly, equitable and expeditious procedure for reviewing subdivisions and to avoid unnecessary delays in processing applications for subdivision review, the Board

shall prepare a written agenda for each regularly scheduled meeting. The agenda shall be posted at the Town Office no less than seven days in advance of the meeting and distributed to the Board members and any applicants appearing on the agenda. Applicants shall request to be placed on the Board's agenda at least twelve days in advance of a regularly scheduled meeting by contacting the Board's Secretary at the Town Office. The Board shall take no action on any application not appearing on the Board's written agenda. Except the Board by a majority vote may amend the agenda to include items not on the agenda provided notification and posting requirements of this Ordinance are not circumvented.

### 3.3 Notice of Decisions

All written notices of the Board's decisions shall be issued to the applicant within 14 days of the meeting at which the Board reached its decision.

### 3.4 Payment requirements

All fees and payments required by this Ordinance shall be made payable to the Town of Paris.

## **ARTICLE 4 - PREAPPLICATION MEETING, SKETCH PLAN AND SITE INSPECTION**

### 4.1 Purpose

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

### 4.2 Procedure

- A. Request to be on the agenda in accordance with paragraph 3.2.
- B. The applicant shall present the Preapplication Sketch Plan and make a verbal presentation regarding the site and the proposed subdivision.
- C. Following the applicant's presentation, the Board may ask questions and make suggestions to be incorporated by the applicant into the application.
- D. The date and time of the on-site inspection shall be determined.
- E. If an onsite inspection is scheduled the applicant shall place "flagging" at the boundary of the subdivision, and the centerline of any proposed streets, and at the approximate intersections of the street centerlines, and the lot corners, prior to the on-site inspection.

### 4.3 Submission

- A. The Preapplication Sketch Plan shall show in simple sketch form the proposed layout of the streets, lots, existing buildings and other features in relation to existing conditions.
- B. The Sketch Plan, which does not have to be engineered and may be a free-hand penciled sketch, should be supplemented with general information to describe or outline the existing

conditions of the site and the proposed development.

C. It will be most helpful to both the applicant and the Board for site conditions such as steep slopes (greater than 15%), wet areas (as identified on the National Wetland Inventory Maps) and vegetative cover to be identified in a general manner.

D. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's map(s) on which the land is located. The applicant may use the MEGIS as a substitute for U.S.G.S and tax assessor's mapping

E The Sketch Plan shall be accompanied by:

1. A copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision unless the proposed subdivision is less than ten acres in size.
2. A copy of that portion of the Soil Survey Map of the Oxford County Area, Shoreland Zoning Map, and Flood Insurance Rate Map covering the proposed subdivision, showing the outline of the proposed subdivision.
3. The applicant shall furnish to the Board written evidence showing interest (ownership, option, contract for sale, etc.) in the property to be subdivided.
4. A written statement indicating if the parcel to be subdivided has changed ownership within the past five years, if timber has been harvested within the past five years and if such harvesting resulted in a violation of the Liquidation Harvesting Rules.

#### 4.4 On-Site Inspection

Within twenty days of the pre-application meeting, the Board may hold an on-site inspection of the property if required. No inspections, site walks or field trips will take place unless the applicant has been notified in writing.

A. The applicant shall comply with the finding of fact provided by the Board prior to the on-site inspection.

B. If conditions are as such (snow coverage and or vegetation) that drainage patterns, wetlands (including vernal pools) and storm water runoff patterns cannot be seen the board may require as an alternative to the onsite inspection that the information be prepared by a licensed professional engineer and provided to the board with the sketch plan.

C. Within 14 days of conducting the on sight inspection or receiving the information from licensed professional engineer the board shall issue to the applicant a written list of suggestions and concerns that have been expressed by the Board as of the date of the letter.

#### 4.5 Rights not Vested

The pre-application meeting, the submittal or review of the sketch plan, an on-site inspection or the submission of an application not determined as complete shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1 M.R.S.A., §302.

#### 4.6 Establishment of File

Following the pre-application meeting the Board's Secretary shall establish a file for the proposed subdivision. All correspondence and submissions regarding the pre-application

meeting and application shall be maintained in that file in the Town Office.

## **ARTICLE 5 - PRELIMINARY PLAN**

### **5.1 Procedure**

A. Within six months after the on-site inspection by the Board, the applicant shall submit an application and all supporting information for approval of a Preliminary Plan at least twelve(12) days prior to a scheduled meeting of the Board.

1. Applications and all supporting information shall be submitted to the Board's Secretary in care of the Town Office or delivered by hand to the Town Office.

2. Failure to submit the application within six months shall require resubmission of the Sketch Plan to the Board.

3. The Preliminary Plan shall approximate the layout shown on the Sketch Plan, plus any additional requirements from the finding of fact issued by the Board after the on sight inspection.

B. All applications for Preliminary Plan approval shall be accompanied by the fees as set forth by the Selectmen.

1. A non-refundable application fee for each lot or dwelling unit, payable by check to the Town of Paris.

2. In addition, if stated in the finding of fact, the applicant shall pay a fee for each lot or dwelling unit to be deposited in a special account designated for that subdivision application, to be used by the Board for hiring independent consulting services to review the application, if necessary.

a. Prior to the expenditure of monies from this account the applicant shall be notified in writing of the items in the submitted application requiring independent consulting.

b. The applicant (at his expense) shall be afforded the opportunity to provide the required information prior to the hiring of any independent consulting services

c. If the balance in this special account is drawn down by 75%, the Board shall notify the applicant, and require that an additional fee per lot or dwelling unit be deposited by the applicant.

d. 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 75% of the original deposit.

e. Any balance in the account remaining after a decision on the Final Plan application by the Board shall be returned to the applicant.

3. The recreational assessment fee per Article 10.9.G, if applicable.

C. The applicant, or his duly authorized representative, shall attend the meeting of the Board to present the Preliminary Plan. Failure to attend the meeting to present the Preliminary Plan application shall result in a delay of the Board's review of the plan and issuance of dated receipt

D. At or subsequent to the meeting at which an application for a Preliminary Plan approval is initially presented, the Board shall:

1. Issue a dated receipt to the applicant.
2. Within seven days of the receipt of the subdivision application the Board's Secretary shall notify by mail all owners of abutting property that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project. The address of abutting property owners shall be that of town record.
3. Notify the town clerk and the planning board of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary.
4. The Board shall notify in writing the Town Manager, Highway Foreman, Superintendent of the Paris Utility District, School Superintendent, Police Chief, Fire Chief, Manager of Norway/Paris Solid Waste, and Manager of Oxford County Recycling of the proposed subdivision, the number of dwelling units proposed, and the size and construction characteristics of any multi-family, commercial or industrial buildings. The Board may request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed subdivision. The Board shall only consider recommendations to the application presented in writing or in person from the respective department at a scheduled meeting.

E. Within 15 days of the receipt of the Preliminary Plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.

F. Upon a determination that a complete Preliminary Plan application has been submitted the Board may hold a public hearing

1. The public hearing shall be held within thirty days (30) of determining that a complete application has been received.
2. The Board shall publish a notice of the date, time and place of the hearing in a newspaper of general circulation (Sun Journal or Advertiser Democrat) in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing.
3. A copy of the notice shall be mailed to the applicant

H. Within fifteen days from the public hearing or if no hearing is held within 30 days of determining it has received a complete application or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria contained in Tide 30-A M.R.S.A., §4404 as amended from time to time and the standards of Article 10.

1. If the Board finds that all the criteria of the Statute and the standards of Article 10 have been met, it shall approve the Preliminary Plan.
2. If the Board finds that any of the criteria of the statute or the standards of Article 10 have not been met, the Board shall either
  - a. deny the application
  - b. or approve the application with conditions to ensure all of the criteria and standards will be met by the subdivision.

I. When granting approval to a Preliminary Plan, the Board shall state the conditions of such approval, if any, with respect to:

1. The specific changes which it will require in the Final Plan;
2. The character and extent of the required improvements for which waivers may have been requested and which the Board finds may be waived without jeopardy to the public health, safety, and general welfare; and
3. The construction items for which cost estimates and performance guarantees will be required as prerequisite to the approval of the Final Plan.

J. Approval of a Preliminary Plan shall not constitute approval of the Final Plan or intent to approve the Final Plan, but rather it shall be deemed an expression of approval of the design of the Preliminary Plan as a guide to the preparation of the Final Plan.

K. Prior to the approval of the Preliminary Plan, the Board may require that additional information be submitted and changes in the plan be made as a result of further study of the proposed subdivision or as a result of new information received.

## 5.2 Submissions

The Preliminary Plan application shall consist of the following items.

A. Application form as provided by the Board and required fees.

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

1. Existing subdivisions within 500 feet of the proposed subdivision.
2. Locations and names of existing and proposed streets within 500 feet of the subdivision.
3. An outline of the proposed subdivision and any remaining portion of the owner's property if the Preliminary Plan submitted covers only a portion of the owner's entire contiguous holding.
4. A copy of the Town of Paris tax map showing the subdivision may be used for the location map provided the information as indicated above is provided.



C. The Preliminary Plan shall be submitted in ten copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The Preliminary Plan shall be drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. In addition, ten copies of the plan(s) reduced to a size of 11 by 17 inches, and all accompanying information shall be submitted for mailing to each Board member.

D. Application Requirements. The application for Preliminary Plan approval shall include the following information. The Board may require additional information to be submitted, where it finds necessary in order to determine whether the criteria of Tide 30-A M.R.S.A., §4404 as amended from time to time are met or the standards from Article 10.

1. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's map and lot numbers.
2. Evidence of right, title or interest in the property.
3. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a professional land surveyor. The type of monumentation to be set shall be indicated.
4. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
5. A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
6. The type of sewage disposal to be used in the subdivision.
  - a. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the Paris Utility District stating the District has the capacity to collect and treat the waste water shall be provided.
  - b. When sewage disposal is to be accomplished by subsurface waste water disposal systems, test pit analysis, prepared by a licensed site evaluator or certified soil scientist shall be provided. The location of all test pits dug on the site shall be depicted on the plan.
7. Potable Public Water.
  - a. When water is to be supplied by public water supply, a written statement from the Paris Utility District shall be submitted indicating that there is adequate supply and pressure for the subdivision and that the District approves the plans for extensions where necessary.
  - b. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.

8. Where the District supply line is to be extended, a written statement from the Fire Chief or his representative shall be submitted, stating his review, his request for fire hydrants, and his approval of the location of fire hydrants, if any.

9. The Plat Plan depicting the following:

- a. The date the plan was prepared, north point, and graphic map scale.
- b. The names and addresses of the record owner, applicant, and individual or company who prepared the plan and adjoining property owners.
- c. Wetland areas, regardless of size as defined by the 1987 U.S Army Corps of Engineers Wetland Delineation Manual.
- d. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features.
- e. The location of all rivers, streams, brooks and sand and gravel aquifers within or adjacent to the proposed subdivision.
- f. Contour lines at 10 foot intervals or as specified by the Board, showing elevations in relation to mean sea level.
- g. Any Shoreland Zoning district in which the proposed subdivision is located and location of any Shoreland Zoning boundaries affecting the subdivision.
- h. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
- i. The location, names, and present right of way widths of existing streets, existing and proposed easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established.
- j. The proposed lot lines with approximate dimensions and lot areas.
- k. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- l. The location of any open space.
- m. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the Hood Insurance Rate Map Town of Paris, Maine, shall be delineated on the plan. In addition the plan shall contain the notes required in Article 10.14.B.



- n. The location of all existing and proposed overhead and underground utilities. All wire/fiber based utilities shall be designated on the plan including those proposed to serve lots not in the subdivision.
- o. Areas within or adjacent to the proposed subdivision which have been identified significant wildlife habitat by the Maine Department of Inland Fisheries and Wildlife.
- p. The location of farmland as required by Title 30-A Section 4404 §14-A(amended).

10. A description of proposed ownership, improvement and management plan of any open space to be preserved.

11. A high intensity soil survey by a certified soil scientist, when required by just cause by the Board.

12. When required by the Board a hydro geologic assessment prepared by a certified geologist or licensed professional engineer, experienced in hydrogeology, when the subdivision is not served by public sewer and;

- a. Any part of the subdivision is located over a sand and gravel aquifer, as shown on map(s) entitled "Hydro geologic Data for Significant Sand and Gravel Aquifers," by the Maine Geological Survey, 1985 as amended from time to time; or
- b. The subdivision has an average density of more than one dwelling unit per 40,000 square feet.

The Board may require a hydro geologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on ground water quality. These cases include extensive areas of shallow to bedrock soils or proposed use of shared or common subsurface waste water disposal systems. The hydro geologic assessment shall\* be conducted in accordance with the provisions of Article 10.13.

13. If the proposed subdivision is in the direct watershed of Halls, Marshall or Mud Pond a phosphorus control plan shall be submitted.

14. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours.

15. Street and roadway plan and profile drawings drawn to a scale 1" = 50' horizontal and 1" = 5' vertical, prepared by a licensed professional engineer that complies with the Town of Paris Minimum Road Standards.

16. Typical cross section views of all proposed streets and drainage systems as prepared by a licensed professional engineer.

17. The limits and location of any proposed streets, sidewalks, and curbing.

18. A storm water management and drainage plan, prepared by a licensed professional engineer in accordance with the most recent edition of Stormwater Management for Maine: BMPS Technical Design Manual, published by the Maine Department of Environmental Protection (2006).
19. An erosion and sedimentation control plan prepared:
  - a. In accordance with the Maine Erosion and Sedimentation Control BMPS by a licensed professional engineer or a certified professional in erosion and sediment control; or
  - b. Certified compliant with the standards of the Maine Erosion and Sedimentation Control BMPS by a licensed professional engineer.
  - c. All erosion and sedimentation control plans not prepared by a licensed engineer shall be reviewed and approved by the Oxford County soil and water Conservation District
20. If any portion of the subdivision is located within an area designated as a unique natural area by the Maine Natural Areas Program the plan shall include measures for the preservation of the values which qualify the site for such designation.
21. The location and method of disposal for land clearing and construction debris.
22. A list of construction items including but not limited to streets, sidewalks, storm drainage, water supply and sewers, with cost estimates, that will be completed by the applicant prior to the sale of lots or dwellings, and written evidence from financial institutions that the applicant has financial commitments or resources to cover these costs.
23. The Board may determine the need for a municipal service impact analysis based on the comments received from department heads as requested in Article 5.1.D.4. This list shall include but not be limited to: schools including busing; street reconstruction, maintenance, and snow removal; solid waste disposal; recreation facilities; police and fire protection. A municipal service impact analysis that includes a list of construction and maintenance items, with both capital and annual operating cost estimates, as would be incurred by the Town of Paris
24. Engineering for the design of roadways, PUD utilities and drainage shall include the signature and seal of a licensed professional engineer on the Plan.
25. If a driveway or entrance will enter onto to Route 26, Route 117, Route 119 or High Street a written entrance permit, issued by the Maine Department of Transportation, shall be submitted.

## **ARTICLE 6 - FINAL PLAN**

### **6.1 Procedure**

- A. Within six months after the approval of the Preliminary Plan, the applicant shall submit an application in accordance with 5.1.A and 5.I.A.I.

1. If the application for the Final Plan is not submitted within six months after Preliminary Plan approval, the Board shall require resubmission of the preliminary Plan, except as stipulated below.

a. If an applicant cannot submit the Final Plan within six months, due to delays caused by other regulatory bodies, or other reasons, the applicant may request an extension. Such a request for an extension to the filing deadline shall be filed, in writing, with the Board prior to the expiration of the filing period.

b. In considering the request for an extension the Board shall make findings that the applicant has made due progress in preparation of the Final Plan and in pursuing approval of the plans before other agencies, and that municipal ordinances or regulations which may impact on the proposed development have not been amended.

B. The Final Plan shall approximate the layout shown on the Preliminary Plan, plus any changes required by the Board in its finding of facts to date

2. Prior to submittal of the Final Plan application, the following approvals shall be obtained in writing, where applicable:

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

b. Maine Department of Human Services, if the applicant proposes to provide a public water system other than the Paris Utility District.

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

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

C. The applicant, or his duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan. Failure to attend the meeting to present the Final Plan application shall result in a delay of the Board's review of the plan and issuance of dated receipt

D. The Board shall issue a dated receipt to the applicant when an applicant for a final plan approval is initially presented and accepted by the Board

E. Within fifteen days of the dated receipt of the Final Plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.

F. Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the applicant. The Board may hold a public hearing in accordance with 5.1.F on the Final Plan application if it determines that significant changes from the Preliminary Plan have occurred.

G. Before the Board grants approval of the Final Plan, the applicant shall meet the performance guarantee requirements contained in Article 11.

H. Within fifteen days from the public hearing or if no hearing is held within 15 days of determining it has received a complete application of the dated receipt of a complete application or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria for approval contained in Tide 30-A M.R.S.A., §4404 as amended from time to time and the standards of this Ordinance. If the Board finds that all the criteria of the statute and the standards of this Ordinance have been met, they shall approve the Final Plan. If the Board finds that any of the criteria of the statute or the standards have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. All conditions of approval shall be placed on the plan to be recorded. The reasons for any conditions shall be stated in the records of the Board.

## 6.2 Submissions

The Final Plan for a Subdivision shall consist of two reproducible, stable-based transparencies, one to be recorded at the Registry of Deeds, the other to be filed at the municipal office, and four copies of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. The reproducible transparencies shall be embossed with the seal of the individual responsible for preparation of the plan. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border lines on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. Ten copies of all information accompanying the plan shall be submitted. In addition, ten copies of the Plan(s) reduced to a size of 11 by 17 inches shall be submitted for mailing to each Board member. The Final Plan shall include or be accompanied by the following information.

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

B. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.

C. The date the plan was prepared, north point, graphic map scale.

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

E. The location of any zoning boundaries affecting the subdivision.

F. If different than those submitted with the Preliminary Plan, a copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.

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

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

The original reproducible plan shall be embossed with the seal of the professional land surveyor and be signed by that individual

I. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all public ways and open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If proposed streets and/or open spaces or other land is to be offered to the municipality, written evidence that the Selectmen are satisfied with the legal sufficiency of the written offer to convey title shall be included.

J. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the Hood Insurance Rate Map Town of Paris, Maine, shall be delineated on the plan. In addition the plan shall contain the notes required in Article 10.14.B.

K. Wetland areas shall be identified on the plan, regardless of size.

L. The type and amount of performance guarantee approved by the Road Commissioner and the Paris Utility District as the case may be.

## **ARTICLE 7 - FINAL APPROVAL AND RECORDING**

### **7.1 Approval Requirements**

A. No plan shall be approved by the Board as long as the applicant is in violation of the provisions of a previously approved Subdivision Plan within the municipality. Additionally, the Board shall not approve any Subdivision Plan that does not comply with the provisions of Title 30-A M.R.S.A., §4404, this ordinance, or any other applicable ordinance.

B. No plan shall be signed by the Board until all fees and payments required by this Ordinance have been paid.

### **7.2 Plan Signing and Recording**

A. Signing: Upon findings of fact and determination that all standards in Title 30-A M.R.S.A., §4404 as amended, from time to time, and this Ordinance have been met and upon voting to approve the subdivision, the Board shall sign the Final Plan.

1. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.
2. Any conditions of approval shall be indicated on the Final Plan.
3. One copy of the signed plan shall be retained by the Board as part of its permanent records.
4. One copy of the signed plan shall be forwarded to the Tax Assessor.
5. One copy of the signed plan shall be forwarded to the Code Enforcement Officer.



B. Recording: Any subdivision not recorded in the Registry of Deeds within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void.

C. Any plan that is found not to have complied with the provisions of this Ordinance shall not be recorded at the Registry of Deeds.

D. If a plan is recorded that is found to have failed to comply with the review and approval requirements of this Ordinance then the Code Enforcement Officer shall institute proceedings, through the Board of Selectmen, to have the plan stricken from the Registry of Deeds.

### 7.3 Changes, Erasures, Modifications, or Revisions

No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing on the plan, unless the revised Final Plan is first submitted and the Board approves any modifications, in accordance with Article 9. The Board shall make findings that the revised plan meets the criteria of Title 30-A M.R.S.A., §4404, and the standards this Ordinance. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Code Enforcement Officer shall institute proceedings to have the plan stricken from the records of the Registry of Deeds.

### 7.4 Acceptance of Streets, Easements, or Other Open Spaces

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

### 7.5 Start of Construction

Failure to complete substantial construction of the public improvements to serve the subdivision within five years of the date of approval and signing of the plan shall render the plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Board shall have the Code Enforcement Officer place a notice in the Registry of Deeds to that effect.

## **ARTICLE 8 - REVISIONS TO APPROVED PLANS**

### 8.1 Requirements

No changes, erasures, modifications, or revisions shall be made in any Final Plan approved on or after September 23, 1971 until approval has been given by the Board in accordance with this Article.

### 8.2 Procedure

An applicant for a revision to a previously approved plan shall request to be placed on the

Board's agenda at least twelve days in advance of a regularly scheduled meeting by contacting the Board's Secretary at the Town Office. If the revision involves the creation of additional lots, dwelling units or infrastructure, the procedures for Preliminary Plan approval shall be followed. If the revision involves only modifications of the approved plan, without the creation of additional lots, dwelling units or infrastructure, the procedures for Final Plan approval shall be followed.

### 8.3 Submissions

The applicant shall submit a copy of the approved plan as well as ten copies of the proposed revisions. The application shall also include all necessary supporting information to allow the Board to make a determination that the proposed revisions meet the standards of this Ordinance and the criteria contained in Title 30-A M.R.S.A., §4404. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the title of the subdivision, the book and page and plan file number on which the original plan is recorded at the Registry of Deeds. The fees for any revisions to approved plans shall be set by the Selectmen.

### 8.4 Scope of Review

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

## **ARTICLE 9 - INSPECTIONS AND ENFORCEMENT**

### 9.1 Inspection of Required Improvements

A. At least twelve (12) days prior to commencing construction of required improvements, the subdivider or builder shall:

1. Notify the Code Enforcement Officer in writing of the time when it is proposed to commence construction of such improvements, so that the municipal officials can arrange for inspections by the Inspecting Official to assure that all municipal specifications, requirements, and conditions of approval are met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.
2. Provide the Town of Paris with the performance guarantee in the type and in the amount approved by the Board at the time of Final Plan approval.
3. Deposit with the Town Clerk a check for the amount of the estimated costs for inspection of the required improvements. If upon satisfactory completion of construction and cleanup there are funds remaining, the surplus shall be refunded to the subdivider or builder as appropriate. If the inspection account shall be drawn down by 75%, the subdivider or builder shall deposit an additional amount sufficient to complete the inspection of the required improvements.

B. If the Inspecting Official finds upon inspection of the improvements that any of the required improvements are not being constructed or have not been constructed in accordance with the plans and specifications approved by the Board, he shall so report in writing to the Selectmen, Board, and the subdivider and builder. The Inspecting Official shall prepare periodic reports and

provide the same to the Board and Board of Selectmen. The Inspecting Official shall have no enforcement authority but is authorized to request the Code Enforcement Officer to take enforcement actions as necessary to ensure compliance including "Stop Work" orders. The Board shall notify the applicant and Selectmen, and if necessary, the bonding company, and take all necessary steps to preserve the municipality's rights under the guarantee, security or bond. The Selectmen shall take any steps necessary to assure compliance with the approved plans.

C. If at any time it appears necessary or desirable to modify the required improvements before or during the construction of the required improvements, the Inspecting Official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The Inspecting Official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 3% that are greater than 50' in length, etc., the subdivider shall obtain permission from the Board to modify the plans.

D. By September 15 of each construction season the Inspecting Official shall report to the Board, Town Manager and Code Enforcement Officer on the completion status of the required improvements and recommend steps necessary to prepare for the winter construction season. By November 30 of each construction year the Inspecting Official shall submit a report to the Board, Town Manager and Code Enforcement Officer based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate for winter construction activities. The report shall also include a discussion and recommendations on any problems which were encountered.

E. Upon completion of street construction and all associated drainage systems, a written Certification signed by a licensed professional engineer shall be submitted to the Selectmen at the expense of the applicant, certifying that street construction and all associated drainage systems meet or exceeds the design and construction requirements of this Ordinance. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. "As built" plans shall be signed by a licensed professional engineer and submitted to the Selectmen.

F. The subdivider or subsequent owner shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the legislative body or control is placed with a homeowners' association.

## 9.2 Violations and Enforcement

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

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

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



D. No public utility, water utility, sanitary utility or any utility company of any kind shall serve any lot or dwelling in a subdivision for which a Final Plan has not been approved by the Board and recorded in the Registry of Deeds.

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

F. No Building Permit shall be issued for any lot or dwelling in a subdivision before the street upon which the lot fronts is completed in accordance with this Ordinance.

G. Violations of the above provisions are a nuisance and shall be punished in accordance with the provisions of Title 30-A M.R.S.A., §4452 as amended.

H. When any violation of any provisions of this Ordinance shall be found to exist, the Selectmen, after notice from the Code Enforcement Officer, shall assume sole responsibility for resolution of the violation. Any resolution will be by the Selectmen in the name of the Town. The Selectmen may institute any and all actions and proceedings either legal or equitable that may be appropriate or necessary for the enforcement of the provisions of this Ordinance, the same to be brought in the name of the Town. This shall include consent agreements/decrees for the purpose of eliminating violations of this Ordinance and collecting fines without court action. The Selectmen are authorized to levy monetary penalties as provided for in Title 30-A MRSA § 4452. This provision shall not prevent any person aggrieved by a violation of this Ordinance from taking appropriate legal action against the violator.

I. Failing to comply with any or all conditions of approval shall be considered a violation of this Ordinance and shall be punished in accordance with sections G and H above.

## **ARTICLE 10 - PERFORMANCE STANDARDS**

The performance standards in this article are intended to clarify and expand upon the criteria for approval found within the subdivision statute (Title 30-A M.R.S.A., §4404) and this Ordinance. In reviewing a proposed subdivision, the Board shall review the application for conformance with the following performance standards and make findings that each has been met prior to the approval of a Final Plan. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance standards and statutory criteria for approval have been or will be met.

### **10.1 Pollution**

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

### **10.2 Sufficient Water**

#### **A. Water Supply**

1. Any subdivision shall make provisions to connect to the public water system if

the Paris Utility District indicates it can provide water service. Connection shall be required if the subdivision has direct access to the existing line without crossing the property of another person and:

- a. Is within 500 feet of water main that is of adequate size and has adequate supply as determined by the Paris Utility District to serve the proposed subdivision as measured along the centerline of public streets to the nearest point of the parcel to be subdivided.
  - b. In meeting the standards of this Section, a proposed subdivision shall not generate a demand on the source, treatment facilities or distribution system of the Paris Utility District beyond the capacity of that system's components, considering improvements that are planned to be in place prior to occupancy of the subdivision. The applicant and the Paris Utility District may enter into an agreement to correct deficiencies. Such an agreement shall be noted on the Final Plan.
2. When a subdivision is to be served by the public water system, the complete supply system within the subdivision including fire hydrants shall be installed at the expense of the applicant. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the Paris Utility District and the Fire Chief. The system shall be designed by a licensed professional engineer.
3. When a proposed subdivision's water supply will be from individual wells or a private community water system the following will be met.
- a. Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface waste water disposal systems and other sources of potential contamination.
  - b. Lot design shall permit placement of wells and subsurface waste water disposal areas are in compliance with the Maine Department of Human Services Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.
  - c. If a central water supply system is provided by the applicant, the location and protection of the source, the design, construction and operation of the system shall conform to the standards of the Maine Department of Human Services Maine Rules Relating to Drinking Water (10-144ACM.R.231).

#### 4. Fire Protection

- a. Fire hydrants connected to a public water supply system shall be located to meet the specifications of the Fire Chief
- b. Letter from Fire Chief for adequate area for emergency vehicles. (When a Public or Private road is proposed for the Sub-Division)

B. Water Quality. Potable water supplies shall meet the primary drinking water standards contained in the Maine Rules Relating to Drinking Water adopted by the Maine Department of Human Services Division of Health Engineering.

### 10.3 Soil Erosion

A. The Board shall require the subdivider to prevent soil erosion and sediment transport on the site and onto adjacent and downstream properties. Erosion control practices shall conform to the Maine Erosion and Sediment Control BMPS.

B. All soil erosion and sediment control plans not prepared by a licensed professional engineer shall be reviewed and approved by the Oxford County Soil and Water Conservation District at the expense of the applicant

C. Prior to the issuance of a Building permit (if required) for any lot or dwelling unit in a subdivision the Code Enforcement Officer shall insure erosion control measures are in place.

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

### 10.4 Traffic Conditions

A. Provision shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to:

1. Safeguard against hazards to traffic and pedestrians on existing streets and within the subdivision.
2. Avoid traffic congestion on any street.
3. Provide safe and convenient circulation on public streets and within the subdivision.
4. Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality. Street names shall be subject to the approval of the Board and with final approval by the Selectmen. The developer shall either install street name, traffic safety and control signs meeting municipal specifications or reimburse the municipality for the costs of their installation.
5. Street lights shall comply with the following.
  - a. Street lights, systems and their installation shall be in accordance all applicable utility specifications.
  - b. When required, street lights shall be installed in locations as recommended by the utility company.

- c. The cost of installation of street lights and systems shall be the responsibility of the developer.

#### B. Access Control.

1. Entrances/driveways onto Routes 26, 117, 119 or High Street shall require ME.DOT entrance permit.
2. Entrances/driveways onto Christian Ridge Road, East Oxford Road, Elm Hill Road, Mt. Mica Road, Oxford Street and Paris Hill Road shall not exceed a frequency of one per 200 feet of street frontage.
3. Subdivisions containing fifteen (15) or more lots or dwellings, with entrances/driveways onto roads or right-of-ways other than routes 26, 117, 119 or High Street shall require at least two street connections with existing public streets. Streets, connections and other public ways shall be designed by licensed professional engineer.
4. Where a lot has frontage on two or more streets, the access to the lot shall be provided from the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians. This provision shall be a condition of the plan approval noted on the plan and as a deed restriction to the affected lots.
5. The Board may require, based upon site distances and volume of traffic, the use of shared or common driveways.
6. Streets within a subdivision proposed for acceptance by the Town shall be connected to existing Town or State maintained streets

#### 10.5 Street and Sidewalk Construction and Design Standards

A. Public streets proposed to be constructed as part of a subdivision shall conform to the Town of Paris Minimum Paved Road Standards and the following:

1. All streets in the subdivision shall be designed to provide for safe vehicular and pedestrian movement while discouraging movement of through traffic.
2. The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation of all existing and planned streets, to topographical conditions, to public convenience and safety and their appropriate relation to the proposed use of land to be served by the street.
3. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in The Town of Paris Minimum Road Standards), or when municipal road improvement plans indicates plans for realignment or widening of a street that would require use of some of the land in the subdivision, the plan shall indicate reserved areas for widening or realigning the street marked "Reserved for Street Realignment (Widening) Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements. When such widening or realignment is included in the municipality's capital investment plan, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the municipality or State.

4. The street or street system of the proposed subdivision shall be designed to coordinate with existing, proposed, and platted streets. Wherever a proposed development abuts unplatted land or a future development phase of the same development, right-of-way easements meeting the width requirements of the Town of Paris Minimum Road Standards shall be provided as deemed necessary by the Board. Expansion of the street shall be the responsibility of any future developer of the abutting land.

5. Dead-end streets may serve up to 14 lots or dwellings. Dead-end streets shall be constructed to provide a cul-de-sac turn-around with a travel lane and width equal to the minimum width required for the internal subdivision street. For all cul-de-sacs there shall be a minimum outside turning radius of 75 feet. In phased subdivisions the Board may accept hammer head turn arounds where practical. (This paragraph is for the subdivision street being proposed not existing streets, public or private.)

6. Grades of all streets shall conform to the standards contained in the Town of Paris Minimum Road Standards but in no case exceed 3% within 50 feet of any intersection.

7. Where new street intersections or driveway curb-cuts are proposed, sight distances, as measured along the street onto which traffic will be turning, shall meet the sight distance below based upon the posted speed limit. If there is no posted speed limit the minimum sight distance shall be 200 feet.

Posted Speed Limit (MPH)	25	30	35	40	45	50	55
Sight Distance (feet)	200	250	305	360	425	495	570

8. All changes in grade shall be connected by vertical curves of such length and radius so that clear visibility shall be provided for a minimum distance of 200 feet.

9. Intersections of streets shall be at angles as close to ninety (90°) degrees as possible and in no case shall two streets intersect at an angle smaller than sixty (60°) degrees. Where one street approaches another between sixty (60°) to ninety (90°) degrees, the former street will be curved approaching the intersection.

10. Cross (four-cornered) street intersections shall be avoided insofar as practical. A distance of at least 200 feet shall be maintained between center lines of offset intersection streets.

11. Streets shall be rough graded, beyond the pavement travel way, to the width necessary for shoulders and ditches.

B. The Board shall require sidewalks in any situation where the subdivision will abut existing sidewalks or where the proximity of the proposed subdivision to future or existing neighborhood businesses, schools, community facilities, or other pedestrian traffic generators suggest sidewalks will be needed. The Board shall determine if sidewalks will be installed on one side or both sides of the street. Sidewalks shall be designed to comply with the Americans' with Disability Act and the following:

1. Location Sidewalks may be located adjacent to the curb or shoulder but it is recommended to locate sidewalks a minimum of 2 1/2 feet from the curb facing or edge of shoulder if the street is not curbed. If no shoulder is required, the sidewalk shall be located a minimum of 4 feet from the edge of the traveled way.

## 2. Bituminous Sidewalks

- a. The "sub-base" aggregate course shall be no less than twelve inches thick after compaction.
- b. The hot bituminous pavement surface course shall meet MDOT specifications.

C. Privately Owned Streets. Subdivisions may have private streets that are constructed to Town of Paris Minimum Road Standards for gravel roads provided that:

- 1. They meet the requirements of 10.5 except pavement and;
- 2. The Subdivider establishes a Road Association that clearly demonstrates the means to maintain the road and;
- 3. Deeds to all lots serviced by the private road clearly indicate the road is private and The Town of Paris is not responsible for its maintenance and;
- 4. The Subdivider provides deeded access across any non public property or rights-of-way that include but are not limited to the following:
  - a. the right to maintain an access road or public way to the Town of Paris Minimum Road Standards for gravel or paved road standards;
  - b. the right to build and maintain utilities and other public improvements and;
- 5. Where the subdivision streets are to remain private, the following words shall appear on the recorded Plan: "All roads in this subdivision are private and to be maintained by the Road Association and shall not be maintained by the Town"
- 6. Subdivision review is required per Article 8 before a private road can become public. The Planning Board shall require any private road to conform to the Town of Paris Minimum Road Standards as condition of review approval.

## 10.6 Sewage Disposal

### A. Public System

- 1. Any subdivision shall make provisions to connect to the public sewer system if the Paris Utility District indicates it can provide sewer service. Connection shall be required if the subdivision is within 500 feet of a public sewer that is of adequate size as determined by the Paris Utility District to serve the proposed subdivision as measured along the centerline of public streets to the nearest point of the parcel to be subdivided without crossing property owned by others.



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

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

4. All components of the sanitary sewer shall be designed by a licensed professional engineer registered in the State of Maine. The Paris Utility District shall review and approve the construction drawings for the sewerage system. The size and location of laterals, collectors, manholes, and pump stations shall be reviewed and approved in writing by the District.

#### B. Private Systems

1. When a proposed subdivision will be served by private subsurface waste water disposal systems the following shall be met.

a. The applicant shall submit evidence of site suitability for subsurface sewage disposal for each lot prepared by a Maine licensed site evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

(1) The site evaluator or certified soil scientist shall certify in writing that all test pits which meet the requirements for a new system represent an area large enough to install a disposal area on soils which meet the Maine Subsurface Wastewater Disposal Rules.

(2) Plans submitted shall show that there will be the required separation, as required in the Maine Subsurface Wastewater Disposal Rules, between the subsurface wastewater disposal system and well on the lot and adjacent lots.

(3) All components of the subsurface wastewater disposal system including the septic tank shall be a minimum of 100 feet from any well

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

#### 10.7 Impact on the Municipality's Ability to Dispose of Solid Waste

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

## 10.8 Retention of Open Spaces and Natural or Historic Features

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

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

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

D. Applicants proposing to subdivide land hi or within 250 feet to wildlife resources identified by the Maine Department of Inland Fisheries and Wildlife shall consult with a recognized wildlife or fisheries consultant or the Maine Department of Inland Fisheries and Wildlife and provide their written comments to the Board. The Board may consult with the Maine Department of Inland Fisheries and Wildlife and may impose any recommendations by the Maine Department of Inland Fisheries and Wildlife or consultant as conditions of approval.

## 10.9 Reservation or Dedication and Maintenance of Open Space and Common Land, Recreational Areas and other related Facilities and Services

A. For proposed subdivision of 10 or more lots or dwelling units, the Board may require the applicant to provide up to 10% of the total area of the subdivision for recreational facilities.

1. Such areas shall be at least one acre in size and accessible from all lots or dwellings in the subdivision.

2. Land reserved for recreation shall be of such character, configuration and location suitable for the particular use intended.

3. Recreational facilities shall be a required improvement and subject to the provisions of Article 9.1.

B. All open space, recreational facilities and other common land and facilities and property shall be owned by:

1. The owners of the lots or dwelling units by means of a lot owners<sup>1</sup> association incorporated under laws of the State of Maine;

2. An association which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or

3. The municipality when the Selectmen have so voted that there would be a public benefit to municipal ownership. Public benefits include, but are not limited to, the proximity to other public recreation/open space areas and implementation of municipal recreation plans.

C. Further subdivision of the common land or open space and its use for other than non-commercial recreation or conservation purposes, except for easements for underground utilities or subsurface wastewater disposal systems, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land. When open space is to be owned by an entity other than the municipality, there shall be a conservation easement deeded to the municipality prohibiting future development.



D. The common land or open space shall be shown on the Final Plan with appropriate notations on the plan to indicate:

1. It shall not be used for future building lots; and
2. Which portions of the open space, if any, may be dedicated for acceptance by the municipality.

E. The Final Plan application shall include the following:

1. Covenants for mandatory membership in the lot owners' association setting forth the owners' rights, interests, and privileges in the association and the common property and facilities, to be included in the deed for each lot or dwelling.
2. Draft articles of incorporation of the proposed lot owners' association as a not-for-profit corporation; and
3. Draft by-laws of the proposed lot owners' association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities.

F. In combination, the documents referenced in paragraph E above shall provide for the following.

1. The homeowners' association shall have the responsibility of maintaining the common property or facilities.
2. The association shall levy annual charges against all owners of lots or dwelling units to defray the expenses connected with the maintenance, repair and replacement of common property and facilities and tax assessments.
3. The association shall have the power to place a lien on the property of members who fail to pay dues or assessments.
4. 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.

G. In lieu of dedicated open space or recreational facilities the Board shall assess a fee of \$400.00 per lot on sub-divisions.

#### 10.10 Conformance with the other applicable Ordinances and laws

All lots and dwellings shall meet the minimum dimensional requirements and other standards of the Ordinances and Rules of the Town of Paris and the State of Maine unless specified by the Board.

#### 10.11 Financial and Technical Capacity

A. Financial Capacity. The applicant shall have adequate financial resources to construct the proposed improvements and meet the criteria in Title 30-A M.R.S.A., §4404 and this Ordinance. When the applicant proposes to construct the buildings as well as the subdivision improvements, the applicant shall have adequate financial resources to construct the total development. In making the above determinations the Board shall consider the following:

1. The proposed time frame for construction and the effects of inflation.
2. An accurate and complete cost estimate for the development.
3. A letter from a financial institution or other funding agency indicating a commitment to provide a specified amount of funds and the uses for which the funds may be utilized.
4. The ability to provide a performance guarantee as required in Article 11.

#### B. Technical Ability

1. The applicant shall retain qualified contractors and consultants to supervise and construct the required improvements in the proposed subdivision.
2. In determining the applicant's technical ability the Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations of previous approvals granted to the applicant.

#### 10.12 Impact on Water Quality or Shoreline

The subdivision shall comply with the provision of the Shoreland Zoning Ordinance and all State laws and rules relating to water quality.

#### 10.13 Impact on Ground Water Quality or Quantity

When required by the Board a hydro geologic assessment shall include the following.

##### A. Ground Water Quality

1. A map showing the basic soils types.
2. The depth to the water table at representative points throughout the subdivision.
3. Drainage conditions throughout the subdivision.
4. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on abutting lots.
5. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, or at the subdivision boundaries; or at a distance of 1,000 feet from potential contamination sources, whichever is the shortest distance.
6. Subsurface (if existing) waste water disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries shall be shown on the plan.
7. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).

8. No subdivision shall increase any contaminant concentration in the ground water to more than one half of the Maine Department of Human Services primary drinking water standards. No subdivision shall increase any contaminant concentration in the ground water to more than the Maine Department of Human Services secondary drinking water standards.

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

10. If ground water contains contaminants in excess of the Maine Department of Human Services secondary drinking water standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

11. If construction standards for drinking water wells or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the Final Plan, and as restrictions in the deeds to the affected lots.

12. No subdivision shall result in negative impacts on water quality or storm water runoff onto the abutting property.

#### B. Ground Water Quantity

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

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

### 10.14 Floodplain Management

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

A. The subdivision shall comply with the requirements of the Town of Paris Floodplain Management Ordinance

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

### 10.15 Identification of Freshwater Wetlands

Freshwater wetlands shall be identified in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, as may be amended, published by the United States Army Corps of Engineers

## 10.16 Storm Water Management

A. For subdivisions that require a permit under the Stormwater Management Law (Title 38 MRSA § 420-D), a Stormwater management plan shall be submitted which complies with the requirements of the Maine Department of Environmental Protection's Chapter 500 Stormwater Management Rules.

B. For subdivisions that do not require a DEP permit under the Stormwater Law, a Stormwater management plan shall be submitted which incorporates adequate provision for the management of the quantity and quality of all storm water generated within the subdivision, and any drained ground water through a management system of swales, culverts, underdrains, storm drains and best management practices equivalent to those in the most recent edition of Stormwater Management for Maine: BMPS Technical Design Manual, published by the Maine Department of Environmental Protection.

C. Where necessary to achieve the above standards, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. Wherever the storm drainage system is within the right-of-way of a public street, perpetual Easements shall be provided to the municipality allowing maintenance and improvement of the system.

D. The applicant shall provide a statement from a licensed professional engineer registered in the State of Maine, that the proposed subdivision will not cause erosion, drainage or runoff problems either in the subdivision or on adjacent properties.

Where the peak runoff from the subdivision onto abutting properties is increased either in volume or duration, easements from the abutting property owners, allowing such additional discharge shall be obtained.

## 10.17 Phosphorous Export

Subdivisions proposed within the direct watershed of a pond listed below shall be designed to limit phosphorous runoff to the levels defined below. The Board shall keep an accurate record of permits issued by watershed using an appropriate record keeping system, and shall review actual development rates and recommend adjustments to the table at five year intervals, subject to a reasonable appropriation by the Town to conduct such a reassessment, or the availability of adequate State or regional grant programs or technical assistance programs.

### A. Protection Level

	Protection Level	Phosphorus Loads	Per Acre Phosphorus Load (pounds)
Halls Pond	High	1.94	0.045
Marshall Pond	Medium	10.73	0.032
Mud Pond	Medium	0.83	0.032

1. Phosphorous export from a proposed subdivision shall be calculated according to the procedures defined in "Phosphorous Control in Lake Watersheds: A Technical Guide for Evaluating New Development" (Maine DEP et. al., September 1989 with revision in 1992 and as may be amended). Upon request, copies of all worksheets and calculations shall be made available to the Board.

2. Phosphorous control measures shall meet the design criteria contained in "Phosphorus Control in Lake Watersheds: A Technical Guide for Reviewing Development" (Maine DEP et al., September 1989 with revisions in 1992 or as may be amended). The Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimizing street lengths, and shall encourage the use of other non-structural measures prior to allowing the use of high maintenance structural measures such as infiltration systems and wet ponds.

#### 10.18 Utilities

When utilities are to be run to or through the subdivision, they shall be either overhead or underground at the discretion of the developer.

#### 10.19 Utility and Pedestrian Easements

Where street lengths exceed 1,000 feet between intersections with other streets, the Board may require a utility/pedestrian easement, at least 20 feet in width, to provide for underground utility crossings and/or a pedestrian pathway. Maintenance obligations of the easement shall be included in the written description of the easement.

#### 10.20 Lots

A. Wherever possible, side lot lines shall be perpendicular to the street.

B. Minimum Lots size. Lots shall conform to Town Of Paris Building Code

1. 20000sf minimum for lots with private waste water disposal.

2. 10000sf for lots served by Public Water and Sewer.

C. The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future division. Deed restrictions and conditions of approval on the Final Plan shall either -prohibit future divisions of the lots or specify that any future division within five (5) years from date of approval shall constitute a revision to the plan and shall require approval from the Board, subject to the criteria of the subdivision statute, the standards of this ordinance and conditions placed on the original approval.

D. If a lot on one side of a river or stream, as depicted on the Town of Paris Shoreland Zoning Map, or street fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the river, stream, or street to meet the minimum lot size in accordance with State law.

E. The ratio of lot length to width shall not be more than five to one. Hag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements shall be avoided where possible.

F. Other than Cluster housing the subdividing of lands shall be such that all lots will have a minimum frontage of 100 feet on a street or a street proposed as part of the subdivision which will meet the Town of Paris Minimum Street Standards gravel or paved

G. Developers shall work with the municipal officials to assign appropriate lot numbers such that rapid identification is facilitated in emergencies. This includes providing E-911 measurements on the Final Plan when required by the Board.

#### 10.21 Monuments

Permanent granite or cement monuments not less than four (4) inches square in width or iron reinforcement rods at least 5/8 inches across the top and at least four (4) feet in the ground shall be installed as follows:

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

B. Monuments shall be set at all corners and angle points of the subdivision boundaries and all lot boundary and angle points.

#### 10.22 Mobile Home Parks

Except as stipulated below, mobile home parks shall meet all the requirements for a residential subdivision, and shall conform to all applicable State laws and local ordinances or regulations. Where the provisions of this section conflict with specific provisions of this Ordinance, the provisions of this section shall prevail.

A. Lot Area and Lot Width Requirements: Lots in a mobile home park shall meet the following minimum lot size, width and density requirements. Minimum requirements shall be based on Title 30-A MRS A § 4358.

1. Lots served by public sewer minimum lot area -- 6,500 square feet minimum lot width — 50 feet

2. Lots served by individual subsurface sewage disposal systems minimum lot area -- 20,000 square feet minimum lot width — 100 feet

3. Lots served by a central subsurface wastewater disposal system minimum lot area - 12,000 square feet minimum lot width - 75 feet

4. The overall density of a mobile home park served by a central subsurface wastewater disposal system shall be no greater than one unit per 20,000 square feet of total park area. The overall density shall be computed using the combined area of its mobile home lots plus:

a. the area required for street rights-of-way; b. the area required for buffer strips, if any;

c. in those mobile home parks served by public sewer the area, not exceeding 10% of the combined area of individual lots, designated as open space, storage or recreation; and

d. the area of any setbacks required under Title 38 MRSA or the Town of Paris Shoreland Zoning Ordinance.



5. Where lots front on a curved right-of-way or are served by a driveway, the frontage requirement shall be measured in a straight line perpendicular to the setback line.
6. Lots within the shoreland area shall meet the lot area, lot width, setback and shore frontage requirements as required in the Shoreland Zoning Ordinance.

#### B. Lot Setbacks

1. The following lot setbacks shall apply to all manufactured housing units:
  - front setback 20 feet
  - 10 feet (on lots served by public sewer)
  - side setback 10 feet
  - rear setback 20 feet
  - 10 feet (on lots served by public sewer)

If these requirements conflict with the requirements of lots within the shoreland area, the stricter standards shall apply. If a lot has frontage on a public street, the setback shall conform with the residential setback requirements applicable to other residential dwelling units.

2. Accessory structures not part of the principal structure may be located within five feet of the side and rear lot lines.
3. The Board may allow lot side yard setbacks to be reduced to 5 feet provided a distance of 30 feet is maintained between manufactured housing units for the purpose of providing more usable yard space on one side of the home.

#### C. Lot Coverage

All buildings on the lot, including accessory buildings and structures, but excluding open decks and parking spaces, shall not cover more than 50% of the lot area.

D. No lot in a mobile home park may have vehicular access directly onto an existing public street.

#### E. Street Design, Circulation and Traffic Impacts

Streets within a park shall be designed by a licensed professional engineer, registered in the State of Maine.

1. Streets which the applicant proposes to be dedicated as public ways shall be designed and constructed in accordance with the standards for streets in Section 10.5 of this Ordinance.
2. Streets which the applicant proposes to remain private ways shall meet the following minimum geometric design standards.
  - a. Minimum right-of-way width: 23 feet
  - b. Minimum paved or gravel surface width: 20 feet
3. Any mobile home park expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with existing public streets. Any street within a park with an average daily traffic of 200 trips per day or more, shall have at least two street connections leading to existing public

streets, other streets within the park or other streets shown on an approved subdivision plan. All access roads to any mobile home park shall be from a public road.

4. The intersection of any street within a park and existing public street shall meet the following standards.

a. Angle of Intersection. The desired angle of intersection shall be 90E. The minimum angle of intersection shall be 85 E.

b. Maximum grade within 50 feet of intersection. The maximum permissible grade within 50 feet of the intersection shall be 3%.

c. Minimum Sight Distance. The minimum sight distance shall comply with Section 10.5.A.7.

F. No subdivision which is approved under this section as a mobile home park may be converted to another use without the approval of the Board, and meeting the appropriate lot size, lot width, setback and other requirements. The plan to be recorded at the Registry of Deeds and filed with the municipality shall include the following restrictions as well as any other notes or conditions of approval.

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

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

## **ARTICLE 11 - PERFORMANCE GUARANTEES**

### **11.1 Types of Guarantees**

With submittal of the application for Final Plan approval, the applicant shall indicate which one of the following performance guarantees in an amount adequate to cover the total construction costs of all required public improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs. The conditions and amount of the performance guarantee shall be determined by the Town Manager with the advice of the, municipal engineer, Highway Foreman, Paris Utility District, Selectmen, or municipal attorney. The requirement for a performance bond may be a condition of approval.

A. Either a certified check, payable to the Town of Paris, or cash for the establishment of an escrow account;

B. A performance bond payable to the Town of Paris issued by a surety company, approved by the Selectmen, or Town Manager,

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

### **11.2 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 applicant will be in default and the municipality shall have access to the funds to finish construction.

### 11.3 Escrow Account

The establishment of an escrow account shall be made by either cash, or certified check made out to the Town of Paris. Any interest earned on the escrow account shall be returned to the applicant unless the municipality has found it necessary to draw on the account to cover the cost of items not completed by the developer under the performance guarantee.

### 11.4 Performance Bond

A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the Town of Paris. The bond documents shall specifically reference the subdivision for which approval is sought. A performance bond shall not be canceled by the issuer without prior written notice to the Town.

### 11.5 Letter of Credit

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

### 11.6 Phasing of Development

The Board may approve plans to develop a Subdivision of 20 or more lots or dwelling units in separate and distinct phases. Each phase shall contain a minimum of 10 lots or dwelling units. This may be accomplished by limiting final approval to those lots or dwellings in that section of the proposed subdivision street which is covered by a performance guarantee. When development is phased, street construction shall commence from an existing public way or street completed in a previous phase. Final approval of lots or dwellings in subsequent phases shall be given by the Board only upon satisfactory completion of all requirements pertaining to previous phases.

### 11.7 Release of Guarantee

Prior to the release of any part of the performance guarantee, the Town Manager shall determine, in pan upon the report of the Inspecting Official or other qualified individual retained by the Town and any other agencies and departments who may be involved, that the proposed improvements meet or exceed the approved design and construction requirements for that portion or phase of the subdivision for which the release is requested.

### 11.8 Default

If upon inspection, the Inspecting Official or other qualified individual retained by the municipality finds that any of the required improvements are not being constructed or have not been constructed in accordance with the plans approved by the Board, he or she shall so report in writing to the Selectmen and the applicant or developer. The Selectmen shall take any steps necessary to preserve the municipality's rights.

### 11.9 Improvements Guaranteed

Performance guarantees shall be tendered for all improvements required to meet the standards of

this Ordinance and for the construction of, but not limited to streets, storm water management facilities, public sewage collection or disposal facilities, public water systems, wire/fiber based utilities, erosion and sedimentation control measures and recreation facilities or open space areas.

## **ARTICLE 12 - WAIVERS**

### **12.1 Submission Waivers**

Where the Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, it may waive portions of the submission requirements, provided the applicant has demonstrated that the performance standards of this Ordinance and the criteria of Title 30-A MRS A § 4404 have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of this Ordinance.

### **12.2 Performance Waivers**

Where the Board makes written findings of fact that due to special circumstances of a particular parcel or building proposed to be subdivided, the provision of certain required improvements or standards is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirement for such improvements or standard, subject to appropriate conditions. Provided the waivers do not have the effect of nullifying the intent and purpose of this Ordinance and further provided the performance standards of this Ordinance and the criteria of Tide 30-A MRSA § 4404 have been or will be met by the proposed subdivision.

### **12.3 Conditions**

When granting waivers, the Board shall set conditions so that the purposes of this Ordinance are met.

### **12.4 Waivers to be shown on Final Plan**

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

## **ARTICLE 13 – APPEALS**

### **13.1 Appeals**

An aggrieved party may appeal any decision of the Board under this Ordinance to the Appeals Board, within thirty days of the date the decision by the Board.

## **ARTICLE 14 – DEFINITIONS**

Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular, the word "lot" includes the word "plot"; the word "building" includes the word "structure"<sup>11</sup>; the word "may" shall be permissive; the word "shall" is always mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

**Abutting Property:** Any lot which is physically contiguous with the subject lot even if only at a point and any lot which is located directly across a street or right-of-way from the subject lot such that the extension of the side lot lines of the subject lot would touch or enclose the abutting property.

**Affordable Housing:**

Housing units, which will meet the sales price and /or rental targets, established by the comprehensive plan for housing affordability.

**Aggrieved Party:** An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

**Appeal:** An action by an aggrieved party challenging a decision of the Board or Code Enforcement Officer in the administration or enforcement of this Ordinance.

**Applicant:** The person or entity applying for subdivision approval under this Ordinance.

**Area of Special Flood Hazard:** The land in the floodplain having a one percent or greater chance of flooding in any given year as specifically identified in the Flood Insurance Study cited in the Town of Paris Flood Plain Management Ordinance.

**Arterial Street:** Routes 26,117,119 and High Street.

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

**Backlot:** A lot that has no frontage on a road or street (Private or Public)

**Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

**Basement:** Any area of a building having its floor subgrade (below ground level) on all sides.

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

**Building:** Any structure, having one or more floors and a roof, which is used for the housing or enclosure of animals or property such as a garage, barn, or workshop.

**Campground:** Any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

**Certified professional in erosion and sediment control:** An individual that has successfully passed a written examination, under the direction of CPESC Inc., designed to determine proficiency in the principals, practices and legislation of erosion and sediment control.

**Cluster Subdivision:** Definition of Terms – “Open Space Development” Note: See Paris’ Residential Open Space Ordinance.

**Code Enforcement Officer:** A person appointed by the Selectmen to perform the inspection, licensing, and enforcement duties required by a particular statute or ordinance.

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

**Corner Lot:** A lot abutting two or more streets at their intersection. Such corner lots shall be deemed to have at least two front yard setbacks.

**Coverage:** That percentage of the plot or lot area covered by the building area.

**Curb Cut:** The opening along the curb line or street right-of-way line at which point vehicles may enter or leave the street.

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

**Developed Area:** Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

**Development:** Means any change caused by individuals or entities to improved or unimproved real estate, including but not limited to filling, grading, paving, or excavation or the construction of buildings or other structures.

**Dimensional Requirements:** Numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

**Direct Watershed of a Great Pond:** That portion of the watershed that drains directly into Halls, Marshall or Mud Ponds.

**Driveway:** A vehicular access way less than five hundred (500) feet in length serving two lots or less.

**Dwelling Unit: Multi-Family:** A single building designed for or occupied by three (3) or more families with separate housekeeping and cooking facilities for each.

**Dwelling Unit: Single-Family:** A detached residence for, or occupied by, (1) family only.

**Dwelling Unit: Two-Family:** A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.

**Dwelling Unit:** As Defined by MRSA 30-A ss 4401.

**Engineered Subsurface Waste Water Disposal System:** A subsurface waste water disposal system designed, installed, and operated as a single unit; or any system designed to treat waste water with characteristics significantly different from domestic waste water.

**Farmland:** A parcel consisting of 5 or more acres of land that is:

- A. Classified as prime farmland, unique farmland or farmland of statewide or local importance by the Natural Resources Conservation Service within the United States Department of Agriculture; or
- B. Used for the production of agricultural products as defined in Title 7, section 152, subsection 2. ("Agriculture products" means those plants and animals and their products that are useful to humans and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, bees' product, livestock and livestock products and fruits, berries, vegetables, flowers, seeds, grasses and other similar products, or any other plant, animal or plant or animal products

that supply humans with food, feed, fiber or fur. “Agricultural products” does not include trees grown and harvested for forest products.)

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

**Finding of Fact and Conclusion of Law:** A written statement prepared and signed by the Board that summarizes the basic facts of the subdivision and statements linking the specific facts to the list of the criteria that the applicant must meet in order to receive Board approval.

**Flood or Flooding:**

A. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or by some similarly unusual and unforeseeable event which results in flooding.

**Flood Insurance Rate Map (FIRM):** An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

**Floodplain or Flood-prone Area:** Any land area susceptible to being inundated by water from any source (see flooding).

**Freshwater Wetland:** Means fresh water swamps, marshes, bogs and similar areas which are:

- A. 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
- B. Not considered part of great pond, river, stream or brook.  
These areas may contain small stream channels or inclusions of land that do not conform to the above criteria.

**Frontage/Shore:** The length of a lot bordering a water body measured in a straight line between the intersections of the lot lines with the shoreline at normal high water elevation.

**Frontage/Street:** The horizontal, straight-line distance between the intersections of the side lot lines with the street right-of-way.

**Great Pond:** Any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

**Groundwater:** All of the water found beneath the surface of the ground. For purposes of aquifer protection, this term refers to the subsurface water present in aquifers and recharge areas.



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

**Historic or Archaeological Resources:** Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource.

**Historic Structure:** Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - 1. By an approved state program as determined by the Secretary of the Interior, or
  - 2. Directly by the Secretary of the Interior in states without approved programs.

**Hotel/Motel:** A building or group of buildings containing six or more guest rooms and offering lodging accommodations (which may include such accessory services as food and beverages, meeting rooms, entertainment and recreation) to transient guests. A hotel/motel may provide kitchens or kitchenettes in guestrooms and will not, as a result, be considered a dwelling unit under this Ordinance, as long as the hotel/motel is occupied exclusively by transient guests. A transient guest is a person who occupies the hotel/motel for no more than 186 days in any 365-day period.

**Inspecting Official:** An individual or individuals appointed by the Town Manager to oversee all aspects of street construction including drainage and stormwater management. The Inspecting Official shall possess such education and training that the Town Manager deems necessary to perform all aspects of inspection.

**Infrastructure:** Public and private improvements, such as water, sewer, roads, power and telecommunications including their facilities, services, and installations.

**Landscaped Buffer Strip:** A landscaped area adjacent to and parallel with property lines of a lot or parcel. The border strip may be crossed by drives, access streets or pedestrian ways but otherwise shall be maintained in a landscaped state. The buffer strip shall not be used for parking, the storage of materials, equipment or wastes or the display of any equipment, materials or products. The buffer strip may be used for subsurface wastewater disposal systems.

**Licensed Professional Engineer:** A professional engineer, registered in the State of Maine.

**Liquidation Harvesting:** The purchase or other acquisition of forestland followed by a timber



harvest that does not comply with Section 6 of the Maine Forest Service Rule-Chapter 23 and the subsequent sale, offer for sale, or other conveyance of the harvested land, or any portion of it, within five years.

**Locally Established Datum:** Means, for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

**Lot:** A parcel of land in single ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Board and recorded in the County Registry of Deeds.

**Lot Area:** The horizontal area within the lot lines.

**Lot Lines:** The lines bounding a lot. Wherever a lot abuts a street or water body, the sideline of the street or water body on the side abutting the lot shall constitute the lot line.

**Lowest Floor:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements contained in the Town of Paris Floodplain Management Ordinance.

**Manufactured Housing:** As defined in Title 30-A M.R.S. A. § 4358 and as hereafter amended.

**Minimum Road Standards:** The Town of Paris Minimum Road Standards for streets as adopted and amended.

**Mobile Home Park:** A contiguous parcel of land under unified ownership approved by the municipality for the placement of 3 or more manufactured housing units within any five year period.

**Monument:** Permanent granite or cement monuments not less than four (4) inches square in width or iron reinforcement rods at least 5/8 inches across the top.

**Multifamily Development:** A subdivision which contains three or more dwelling units on land in common ownership, such as apartment buildings and condominiums.

**Multi-Unit Residential:** A structure(s) containing three (3) or more dwelling units.

**Municipal Impact Analysis:** A list of construction and maintenance items, with both capital and annual operating cost estimates, as would be incurred by the Town of Paris including but not be limited to: schools including busing; street reconstruction, maintenance, and snow removal; solid waste disposal; recreation facilities; police and fire protection.

**Municipality:** The Town of Paris

**Natural Areas and Natural Communities:** Areas identified by a governmental agency such as the Maine Department of Conservation or the Maine Department of Inland Fisheries and Wildlife as having significant value as a natural area.

**Net Residential Acreage:** The total acreage available for a subdivision, as shown on the proposed subdivision plan, minus the area for streets or access and the areas that are unsuitable for development.

**Net Residential Density:** The net residential acreage of a parcel of land for a subdivision divided by the minimum lot area per dwelling unit.

**Normal High-Water Line:** That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.

**100-Year Flood:** The highest level of flood that, on the average, has a one percent (1 %) chance of occurring in any given year.

**Open Space:** An undeveloped area of land that may be used for its natural resource values and/or passive recreational uses.

**Peak Hour:** The hour of the day during which the traffic volume at an intersection or on a roadway segment is higher than the volume during any other hour of the day.

**Phasing:** The development of a subdivision in distinct stages.

**Planning Board:** The Planning Board of the Town of Paris.

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

**Preliminary Plan/Application:** The preliminary drawings indicating the proposed Layout of the subdivision and application requirements to be submitted to the Board for its consideration.

**Private Way:** Private way means a private road, driveway or public easement as defined in section 3021. *Maine Revised Statutes – Title 30 – A §3021* <http://mainelegislature.org/legis/statutes/23/title23ch21.pdf>

**Public Improvement:** Including but not limited to, streets, public and private water and sewer systems, stormwater drainage systems, sidewalks, utilities, street signs, recreational facilities and traffic lights.

**Public Sewer System:** A common sewer controlled by a public, governmental authority.

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

**Public Way:** Public way means any road capable of carrying motor vehicles, including, but not limited to, any state highway, municipal road, county road, unincorporated territory road or other road dedicated to the public. *Maine Revised Statutes – Title 23 – Chapter 21-* <http://mainelegislature.org/legis/statutes/23/title23ch21.pdf>

**Recording Plan:** An original of the Final Plan, suitable for recording at the Registry of Deeds.

**Recreational Facility:** A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

#### **Reserved Affordable Housing**

Affordable housing which is restricted by means of deed covenants, financing restrictions, or other binding long term methods to occupancy by households making 80% or less of the area median household income.

**Required Improvements:** Including but not limited to, streets, public and private water and sewer

systems, stormwater drainage systems, sidewalks, utilities, street signs, recreational facilities and traffic lights.

**River, stream or brook:** A channel is created by the action of surface water and has two (2) or more of the following characteristics.

A. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topography map or if that is not available, a 15-minute series topography map.

B. It contains or is known to contain flowing water continuously for a period of at least 3 months of the year in most years.

C. The channel bed is primarily composed of material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water. D. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present in the stream bed.

E. The channel bed contains aquatic vegetation and is essentially devoid of upland vegetation.

River, stream or brook does not mean a ditch or other drainage way constructed and maintained solely for the purpose of draining storm water or a grassy swale.

**Sight Distance:** The length of unobstructed sight line of motor vehicles drivers in normal daylight conditions. Sight distance is measured from the perspective of a hypothetical person seated in a vehicle from three vantage points: (1) sitting in the access viewing vehicles traveling on the highway (both left and right), (2) traveling on the highway viewing a vehicle sitting in an access and (3) traveling on the highway viewing a vehicle turning into an access (both ahead and behind). In case of discrepancy between these measurements, the lesser measurement will be used to determine whether the sight distance standard will be met. Sight distance is measured to and from the point on the centerline of the proposed access that is located 10 feet from the edge of the traveled way. The height of the hypothetical person's view is considered to be 3.5 feet above the pavement and the height of the object being viewed is considered to be 4.5 feet above the pavement.

**Significant Wildlife Habitat:** Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife or the Maine Department of Conservation as having significant value as habitat for animals.

**Special Flood Hazard Area:** See Area of Special Flood Hazard

**Street/Road:** A way maintained by the State of Maine or the Town of Paris or privately owned way meeting the standards of the Town of Paris Minimum Road Standards.

**Structure:** See Building

**Subdivision:** As defined in Title 30-A M.R.S.A. § 4401 and as hereafter amended. A lot of 40 or more acres shall not be counted as a lot for the purposes of this Ordinance when the parcel of land being divided is located entirely outside any shoreland area.

**Substantial Construction:** The completion of a portion of the public improvements that represents no less than thirty percent of the costs of the proposed improvements within a

subdivision

**Subsurface Waste Water Disposal System:** A system designed to dispose of waste or waste water beneath the surface of the earth; includes but is not limited to septic tanks; disposal fields; grandfathered cesspool; holding tanks; pretreatment filter; piping, or any other fixture, mechanism, or apparatus used for those purposes. The term shall not include any wastewater discharge system licensed under 38 MRS A § 414, any surface wastewater disposal system or any municipal or quasi-municipal sewer or waste water treatment system.

**Sustained Slope:** A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

**Town Plans:** Municipal ordinances in effect at the time of a subdivision applicant is pending as defined in Title 1 MRSA § 302.

**Tract or Parcel of Land:** All contiguous land in the same ownership, except that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road after September 22, 1971.

*Maine Revised Statutes – Title 30 – A §4401. Definitions*

**Utilities:** Public and private facilities including but not limited to sewer lines, water lines, electrical lines, and cable television/internet lines.

**Waiver-Performance:** A vote by the Board that allows for the applicant not to comply with one or more of the review standards.

**Waiver-Submission:** A vote by the Board that allows the applicant not to provide or comply with one or more of the application submission requirements.

**Water Body:** Any great pond, river, or stream.

**Wetland:** See freshwater wetland.

**Wire/Fiber Based Utilities:** Including but not limited to electrical power lines, telephone line, cable television lines and internet lines.

**Yard:** An unoccupied space, open to the sky, on the same lot with a building or structure.