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Appendix A

Title 30-A, Chapter 187, Subchapter IV

Subdivisions

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§4401. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Densely developed area. "Densely developed area" means any commercial, industrial or compact residential area of 10 or more acres with an existing density of at least one principal structure per 2 acres.

2. Dwelling unit. "Dwelling unit" means any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, apartments and time-share units.

2-A. Freshwater wetland. "Freshwater wetland" means freshwater 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 a great pond, coastal wetland, river, stream or brook.

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

3. Principal structure. "Principal structure" means any building or structure in which the main use of the premises takes place.

4. Subdivision. "Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

A. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:

- (1) Both divisions are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence that has been the subdivider's principal residence for a period of at least 5 years immediately preceding the 2nd division; or
- (2) The division of the tract or parcel is otherwise exempt under this subchapter.

B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this subchapter, do not become subject to this subchapter by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The municipal reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.

C. A lot of 40 or more acres must be counted as a lot, except:

(1) (Repealed)

(2) When a municipality has, by ordinance, or the municipal reviewing authority has, by regulation, elected not to count lots of 40 or more acres as lots for the purposes of this subchapter when the parcel of land being divided is located entirely outside any shoreland area as defined in Title 38, section 435 or a municipality's shoreland zoning ordinance.

D. (Repealed)

D-1. A division accomplished by devise does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-2. A division accomplished by condemnation does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-3. A division accomplished by order of court does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-4. A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a continuous period of 5 years prior to the division by gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of this subsection. "Person related to the donor" means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption. A gift under this paragraph can not be given for consideration that is more than 1/2 the assessed value of the real estate.

D-5. A division accomplished by a gift to a municipality if that municipality accepts the gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D-6. A division accomplished by the transfer of any interest in land to the owners of land abutting that land that does not create a separate lot does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this subsection.

E. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.

F. In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.

G. Notwithstanding the provisions of this subsection, leased dwelling units are not subject to subdivision review if the municipal reviewing authority has determined that the units are otherwise subject to municipal review at least as stringent as that required under this subchapter.

H. (Repealed)

H-1. This subchapter may not be construed to prevent a municipality from enacting an ordinance under its home rule authority that:

- (1)** Expands the definition of "subdivision" to include the division of a structure for commercial or industrial use; or
- (2)** Otherwise regulates land use activities.

A municipality may not enact an ordinance that expands the definition of "subdivision" except as provided in this subchapter. A municipality that has a definition of "subdivision" that conflicts with the requirements of this subsection at the time this paragraph takes effect shall comply with this subsection no later than January 1, 2006. Such a municipality must file its conflicting definition at the county registry of deeds by June 30, 2003 for the definition to remain valid for the grace period ending January 1, 2006. A filing required under this paragraph must be collected and indexed in a separate book in the registry of deeds for the county in which the municipality is located.

I. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraphs D-1 to D-6, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

5. New structure or structures. "New structure or structures" includes any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this subchapter.

6. Tract or parcel of land. "Tract or parcel of land" means all contiguous land in the same ownership, provided 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.

7. Outstanding river segments. In accordance with Title 12, section 402, "outstanding river segments" means:

- A.** The Aroostook River from the Canadian border to the Masardis and T.10, R.6, W.E.L.S. town line, excluding the segment in T.9, R.5, W.E.L.S.;
- B.** The Carrabassett River from the Kennebec River to the Carrabassett Valley and Mt. Abram Township town line;
- C.** The Crooked River from its inlet into Sebago Lake to the Waterford and Albany Township town line;
- D.** The Damariscotta River from the Route 1 bridge in Damariscotta to the dam at Damariscotta Mills;
- E.** The Dennys River from the Route 1 bridge to the outlet of Meddybemps Lake, excluding the western shore in Edmunds Township and No. 14 Plantation;
- F.** The East Machias River, including the Maine River, from 1/4 of a mile above the Route 1 bridge to the East Machias and T.18, E.D., B.P.P. town line, from the T.19, E.D., B.P.P. and Wesley town line to the outlet of Crawford Lake, and from the No. 21 Plantation and Alexander town line to the outlet of Pocomoonshine Lake, excluding Hadley Lake, Lower Mud Pond and Upper Mud Pond;
- G.** The Fish River from the bridge at Fort Kent Mills to the Fort Kent and Wallgrass Plantation town line, from the T.16, R.6, W.E.L.S. and Eagle Lake town line to the Eagle Lake and Winterville Plantation town line, and from the T.14, R.6, W.E.L.S. and Portage Lake town line to the Portage Lake and T.13, R.7, W.E.L.S. town line, excluding Portage Lake;
- H.** The Kennebeco River from its inlet into Cupsuptic Lake to the Rangeley and Lower Cupsuptic

Township town line;

- I.** The Kennebec River from Thorns Head Narrows in North Bath to the Edwards Dam in Augusta, excluding Perkins Township, and from the Route 148 bridge in Madison to the Caratunk and The Forks Plantation town line, excluding the western shore in Concord Township, Pleasant Ridge Plantation and Carrying Place Township and excluding Wymann Lake;
- J.** The Machias River from the Route 1 bridge to the Northfield and T. 19, M.D., B.P.P. town line;
- K.** The Mattawamkeag River from the Penobscot River to the Mattawamkeag and Kingman Township town line, and from the Reed Plantation and Bancroft town line to the East Branch in Haynesville;
- L.** The Narraguagus River from the ice dam above the railroad bridge in Cherryfield to the Beddington and Devereaux Township town lines, excluding Beddington Lake;
- M.** The Penobscot River, including the Eastern Channel, from Sandy Point in Stockton Springs to the Veazie Dam and its tributary the East Branch of the Penobscot from the Penobscot River to the East Millinocket and Grindstone Township town line;
- N.** The Piscataquis River from the Penobscot River to the Monson and Blanchard Plantation town line;
- O.** The Pleasant River from the bridge in Addison to the Columbia and T. 18, M.D., B.P.P. town line, and from the T. 24, M.D., B.P.P. and Beddington town line to the outlet of Pleasant River Lake;
- P.** The Rapid River from the Magalloway Plantation and Upton town line to the outlet of Pond in the River;
- Q.** The Saco River from the Little Ossipee River to the New Hampshire border;
- R.** The St. "Headnote=" Croix River from the Route 1 bridge in Calais to the Calais and Baring Plantation town line, from the Baring Plantation and Baileyville town line to the Baileyville and Fowler Township town line, and from the Lambert Lake Township and Vanceboro town line to the outlet of Spednik Lake, excluding Woodland Lake and Grand Falls Flowage;
- S.** The St. "Headnote=" George River from the Route 1 bridge in Thomaston to the outlet of Lake St. George in Liberty, excluding White Oak Pond, Seven Tree Pond, Round Pond, Sennebec Pond, Trues Pond, Stevens Pond and Little Pond;
- T.** The St. "Headnote=" John River from the Van Buren and Hamlin Plantation town line to the Fort Kent and St. John Plantation town line, and from the St. John Plantation and St. Francis town line to the Allagash and St. Francis town line;
- U.** The Sandy River from the Kennebec River to the Madrid and Township E town line;
- V.** The Sheepscot River from the railroad bridge in Wiscasset to the Halldale Road in Montville, excluding Long Pond and Sheepscot Pond, including its tributary the West Branch of the Sheepscot from its confluence with the Sheepscot River in Whitefield to the outlet of Branch Pond in China;
- W.** The West Branch of the Pleasant River from the East Branch in Brownville to the Brownville and Williamsburg Township town line; and
- X.** The West Branch of the Union River from the Route 181 bridge in Mariaville to the outlet of Great Pond in the Town of Great Pond.

S4402. Exceptions

This subchapter does not apply to:

1. **Previously approved subdivisions.** Proposed subdivisions approved by the planning board or the municipal officials before September 23, 1971 in accordance with laws then in effect;
2. **Previously existing subdivisions.** Subdivisions in actual existence on September 23, 1971 that did not require approval under prior law;
3. **Previously recorded subdivisions.** A subdivision, a plan of which had been legally recorded in the proper registry of deeds before September 23, 1971;
4. **Airports with an approved airport layout plan.** Any airport with an airport layout plan that has received final approval from the airport sponsor, the Department of Transportation and the Federal Aviation Administration; or
5. **Subdivisions in existence for at least 20 years.** A subdivision in violation of this subchapter that has been in existence for 20 years or more, except a subdivision:
 - A. That has been enjoined pursuant to section 4406;
 - B. For which approval was expressly denied by the municipal reviewing authority, and record of the denial was recorded in the appropriate registry of deeds;
 - C. For which a lot owner was denied a building permit under section 4406, and record of the denial was recorded in the appropriate registry of deeds; or
 - D. That has been the subject of an enforcement action or order, and record of the action or order was recorded in the appropriate registry of deeds.

§4403. Municipal review and regulation

This section governs municipal review of proposed subdivisions.

1. Municipal reviewing authority. The municipal reviewing authority shall review all requests for subdivision approval. On all matters concerning subdivision review, the municipal reviewing authority shall maintain a permanent record of all its meetings, proceedings and correspondence.

1-A. Joint meetings. If any portion of a subdivision crosses municipal boundaries, all meetings and hearings to review the application must be held jointly by the reviewing authorities from each municipality. All meetings and hearings to review an application under section 4407 for a revision or amendment to a subdivision that crosses municipal boundaries must be held jointly by the reviewing authorities from each municipality. In addition to other review criteria, the reviewing authorities shall consider and make a finding of fact regarding the criteria described in section 4404, subsection 19.

The reviewing authorities in each municipality, upon written agreement, may waive the requirement under this subsection for any joint meeting or hearing.

2. Regulations; review procedure. The municipal reviewing authority may, after a public hearing, adopt, amend or repeal additional reasonable regulations governing subdivisions, which shall control until amended, repealed or replaced by regulations adopted by the municipal legislative body. The municipal reviewing authority shall give at least 7 days' notice of this hearing.

A. The regulations may provide for a multi-stage application or review procedure consisting of no more than 3 stages:

- (1) Preapplication sketch plan;
- (2) Preliminary plan; and
- (3) Final plan.

Each stage must meet the time requirements of subsections 4 and 5.

3. Application; notice; completed application. This subsection governs the procedure to be followed after receiving an application for a proposed subdivision.

A. When an application is received, the municipal reviewing authority shall give a dated receipt to the applicant and shall notify by mail all abutting property owners of the proposed subdivision, and the clerk and the reviewing authority of municipalities that abut or include any portion of the subdivision, specifying the location of the proposed subdivision and including a general description of the project. The municipal reviewing authority shall notify by mail a public drinking water supplier if the subdivision is within its source water protection area.

B. Within 30 days after receiving an application, the municipal reviewing authority shall notify the applicant in writing either that the application is complete or, if the application is incomplete, the specific additional material needed to complete the application.

C. After the municipal reviewing authority has determined that a complete application has been filed, it shall notify the applicant and begin its full evaluation of the proposed subdivision.

D. The municipal reviewing authority may not accept or approve final plans or final documents prepared within the meaning and intent of Title 32, chapter 121 that are not sealed and signed by the professional land surveyor under whose responsible charge they were completed, as provided in Title 32, section 13907.

4. Public hearing; notice. If the municipal reviewing authority decides to hold a public hearing on an application for subdivision approval, it shall hold the hearing within 30 days after determining it has received a complete application. The municipal reviewing authority shall have notice of the date, time and place of the hearing:

A. Given to the applicant; and

B. Published, at least 2 times, in a newspaper having general circulation in the municipality in which the subdivision is proposed to be located. The date of the first publication must be at least 7 days before the hearing.

5. Decision; time limits. The municipal reviewing authority shall, within 30 days of a public hearing or, if no hearing is held, within 60 days of determining it has received a complete application or within any other time limit that is otherwise mutually agreed to, issue an order:

A. Denying approval of the proposed subdivision;

B. Granting approval of the proposed subdivision; or

C. Granting approval upon any terms and conditions that it considers advisable to:

(1) Satisfy the criteria listed in section 4404;

(2) Satisfy any other regulations adopted by the reviewing authority; and

(3) Protect and preserve the public's health, safety and general welfare.

6. Burden of proof; findings of fact. In all instances, the burden of proof is upon the person proposing the subdivision. In issuing its decision, the reviewing authority shall make findings of fact establishing that the proposed subdivision does or does not meet the criteria described in subsection 5.

7. Conditioned on variance. If the initial approval or any subsequent amendment of a subdivision is based in part on the granting of a variance, the subdivider must comply with section 4406, subsection 1, paragraph B.

§4404. Review criteria

When adopting any subdivision regulations and when reviewing any subdivision for approval, the

municipal reviewing authority shall consider the following criteria and, before granting approval, must determine that:

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

- A. The elevation of the land above sea level and its relation to the flood plains;
- B. The nature of soils and subsoils and their ability to adequately support waste disposal;
- C. The slope of the land and its effect on effluents;
- D. The availability of streams for disposal of effluents; and
- E. The applicable state and local health and water resource rules and regulations;

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

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

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

5. Traffic. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section;

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

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

8. Aesthetic, cultural and natural values. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

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

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

11. Surface waters; outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

A. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.

(1) To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be

reviewed as if lot lines extended to the shore.

(2) The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 38, chapter 3, subchapter 1, article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of section 4401, subsection 1, on September 23, 1983;

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

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

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

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

16. Storm water. The proposed subdivision will provide for adequate storm water management;

17. Spaghetti-lots prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;

18. Lake phosphorus concentration. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision;

19. Impact on adjoining municipality. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located; and

20. Lands subject to liquidation harvesting. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority's request. If the bureau notifies a

municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a licensed forester.

For the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12, section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership. This subsection takes effect on the effective date of rules adopted pursuant to Title 12, section 8869, subsection 14.

§4405. Access to direct sunlight

The municipal reviewing authority may, to protect and ensure access to direct sunlight for solar energy systems, prohibit, restrict or control development through subdivision regulations. The regulations may call for subdivision development plans containing restrictive covenants, height restrictions, side yard and set-back requirements or other permissible forms of land use controls.

§4406. Enforcement; prohibited activities

The Attorney General, the municipality or the planning board of any municipality may institute proceedings to enjoin a violation of this subchapter.

1. Sales or other conveyances. No person may sell, lease, develop, build upon or convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration any land or dwelling unit in a subdivision that has not been approved by the municipal reviewing authority of the municipality where the subdivision is located and approved under Title 38, chapter 3, subchapter 1, article 6, where applicable, and subsequently recorded in the proper registry of deeds.

A. No register of deeds may record any subdivision plat or plan that has not been approved under this subchapter. Approval for the purpose of recording must appear in writing on the plat or plan. All subdivision plats and plans required by this subchapter must contain the name and address of the person under whose responsibility the subdivision plat or plan was prepared.

B. Whenever the initial approval or any subsequent amendment of a subdivision is based in part on the granting of a variance from any applicable subdivision approval standard, that fact must be expressly noted on the face of the subdivision plan to be recorded in the registry of deeds.

(1) In the case of an amendment, if no amended plan is to be recorded, a certificate must be prepared in recordable form and recorded in the registry of deeds. This certificate must:

- (a)** Indicate the name of the current property owner;
- (b)** Identify the property by reference to the last recorded deed in its chain of title; and
- (c)** Indicate the fact that a variance, including any conditions on the variance, has been granted and the date of the granting.

(2) The variance is not valid until recorded as provided in this paragraph. Recording must occur within 90 days of the final subdivision approval or approval under Title 38, chapter 3, subchapter 1, article 6, where applicable, whichever date is later, or the variance is void.

B-1. Whenever the subdivision is exempt from Title 38, chapter 3, subchapter 1, article 6, because of the operation of Title 38, section 488, subsection 5, that fact must be expressly noted on the face of the subdivision plan to be recorded in the registry of deeds. The developable land, as defined in Title 38, section 488, subsection 5, must be indicated on the plan. The person submitting the plan for recording shall prepare a sworn certificate in recordable form and record it in the registry of deeds. This certificate must:

(1) Indicate the name of the current property owner;

(2) Identify the property by reference to the last recorded deed in its chain of title and by reference to the subdivision plan;

(3) Indicate that an exemption from Title 38, chapter 3, subchapter 1, article 6, has been exercised;

(4) Indicate that the requirements of Title 38, section 488, subsection 5, have been and will be satisfied; and

(5) Indicate the date of notification of the Department of Environmental Protection under Title 38, section 488, subsection 5.

The exemption is not valid until recorded as provided in this paragraph. Recording must occur within 90 days of the final subdivision approval under this subchapter or the exemption is void.

C. A building inspector may not issue any permit for a building or use within a land subdivision unless the subdivision has been approved under this subchapter and under Title 38, chapter 3, subchapter 1, article 6, where applicable.

D. Any person who sells, leases, develops, builds upon, or conveys for consideration, offers or agrees to sell, lease, develop, build upon or convey for consideration any land or dwelling unit in a subdivision that has not been approved under this subchapter and under Title 38, chapter 3, subchapter 1, article 6, where applicable, shall be penalized in accordance with section 4452.

E. Any person who, after receiving approval from the municipal reviewing authority or approval under Title 38, chapter 3, subchapter 1, article 6 and recording the plan at the registry of deeds, constructs or develops the subdivision or transfers any lot in a manner other than depicted on the approved plans or amendments or in violation of any condition imposed by the municipal reviewing authority or the Department of Environmental Protection, when applicable, must be penalized in accordance with section 4452.

F. Any person who sells, leases or conveys for consideration any land or dwelling unit in a subdivision approved under this subchapter and exempt from Title 38, chapter 3, subchapter 1, article 6, because of the operation of Title 38, section 488, subsection 5, shall include in the instrument of sale, lease or conveyance a covenant to the transferee that all of the requirements of Title 38, section 488, subsection 5, have been and will be satisfied.

2. Permanent marker required. No person may sell or convey any land in an approved subdivision unless at least one permanent marker is set at one lot corner of the lot sold or conveyed. The term "permanent marker" includes, but is not limited to, the following:

A. A granite monument;

B. A concrete monument;

C. An iron pin; or

D. A drill hole in ledge.

3. Utility installation. A public utility, water district, sanitary district or any utility company of any kind may not install services to any lot or dwelling unit in a subdivision, unless written authorization attesting to the validity and currency of all local permits required under this chapter has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officers and the utility, except that if a public utility, water district, sanitary district or utility company of any kind has installed services to a lot or dwelling unit in a subdivision in accordance with this subsection, a subsequent public utility, water district, sanitary district or utility company of any kind may install services to the lot or dwelling unit in a subdivision without first receiving written authorization pursuant to this section.

4. Permit display. A person issued a permit pursuant to this subchapter in a great pond watershed shall have a copy of the permit on site while work authorized by the permit is being conducted.

§4407. Revisions to existing plat or plan

Any application for subdivision approval which constitutes a revision or amendment to a subdivision plan which has been previously approved shall indicate that fact on the application and shall identify the original subdivision plan being revised or amended. In reviewing such an application, the municipal reviewing authority shall make findings of fact establishing that the proposed revisions do or do not meet the criteria of section 4404.

- 1. Recording.** If a subdivision plat or plan is presented for recording to a register of deeds and that plat or plan is a revision or amendment to an existing plat or plan, the register shall:
 - A.** Indicate on the index for the original plat or plan that it has been superseded by another plat or plan;
 - B.** Reference the book and page or cabinet and sheet on which the new plat or plan is recorded; and
 - C.** Ensure that the book and page or cabinet and sheet on which the original plat or plan is recorded is referenced on the new plat or plan.

Appendix B

SAMPLE LETTER OF CREDIT

Jane Planner, Chairman
Your Town Planning Board
Town Hall
Your Town, ME 04000

Re: *Letter of Credit for:*
Developer, Inc.
Sunshine Estates
Your Town, Maine

Dear Ms. Planner:

This letter will confirm to Your Town that the Big Town Savings Bank has issued a loan commitment to Developer, Inc. for the purpose of constructing all required improvements in the “Sunshine Estates” subdivision.

Big Town Savings Bank will set aside \$230,000 in a Construction Escrow Account for completion of the required improvements. This account can be drawn upon by Your Town in the event that Developer, Inc. fails to complete steps A through H listed below for Windy Road on or before (two years from date of Final Plan approval).

..... Approximate Length of road 2,350 feet:

- | | |
|--|---------|
| A. Grub roadways full width of 50 feet @ \$4/ft. | \$9,400 |
| B. Shape sub-base and grade it @ \$4/ft. | 9,400 |
| C. Install under-drain culverts @ \$16/ft. | 37,600 |
| D. Install sewer @ \$22/ft. x 2,050 feet plus pump \$16,500 | 61,600 |
| E. Install water mains @ \$14/ft x 2,400 feet | 33,600 |
| F. Apply and shape 18" gravel base @ \$8.30/ft x 2,350 feet | 19,500 |
| G. Apply and shape 3" of crushed gravel; apply 1 3/4" of base course bituminous concrete to width of 24 feet, apply bituminous curb and 2" of bituminous concrete to a width of 5 feet @ \$10/ft. x 2,350 feet | 23,500 |
| H. Apply 3/4" of surface bituminous concrete to width of 24 feet @ \$5/ft | 11,800 |

Big Town Savings Bank understands that Developer, Inc., or the contractor, will notify the Town Engineer or Code Enforcement Officer before any of the above work has begun and obtain his approval in writing as he completes each phase of the road construction.

This Account will expire when Your Town acknowledges in writing to Developer, Inc. that the work outlined in Steps A through H has been completed in accordance with Your Town's subdivision regulations and street acceptance ordinance, and the approved plans of Sunshine Estates. Any funds

remaining in the account on (date specified above) for work outlined in Steps A through H which has not been completed and approved by the Town on that date will be released to the Town to complete such work. As the Town Engineer or Code Enforcement Officer issues his written approvals for each step above to Developer, Inc. the funds in this Account will be released based upon the schedule above.

Drafts drawn upon this account must be for this particular subdivision and to complete any work which is outlined above. Furthermore, drafts must be accompanied by itemized statements showing costs of work to be completed and must be submitted prior to (six to nine months following date specified above). Your Town will not be responsible for repayment or interest cost for any funds released to the Town for work not completed on or before (date specified above).

Very Truly Yours,

Bob Banker
Loan Officer

SEEN AND AGREED TO:

Developer, Inc.

Your Town hereby accepts this original letter as evidence of Developer, Inc.'s obligation to be performed.

Town Manager
or
Chair of the Select Board

Appendix C

SAMPLE STORM DRAINAGE EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That _____, of _____, County of _____, being the owner of a certain lot or parcel of land in the Town of _____, County of _____ and State of Maine, which premises are more fully described in a certain subdivision plan entitled _____, by _____, dated _____, and recorded in the _____ County Registry of Deeds in Plan Book _____, Page _____, which description of said premises is included herein by reference. For and in consideration of the sum of One Dollar and other good and valuable considerations paid by the Inhabitants of the Town of _____, State of Maine, the receipt of which is hereby acknowledged, Grantor(s) do(es) hereby give, grant and quit-claim unto the said Inhabitants of the Town of _____ an easement and right-of-way for the construction, maintenance, repair or replacement of storm drains on or across said premises. Said easement shall be thirty (30) feet in width and _____ () feet in length across Lots numbered _____ and shall be located as shown on the above-mentioned subdivision plan.

TO HAVE AND TO HOLD the said easement and right-of-way unto the said Inhabitants of the Town of _____ for use for storm drainage so long as the same shall be used and maintained for such purposes; and the Grantor(s) hereby dedicate(s) their respective interests in said strip of land to public use for such purposes. Grantor(s) further grant(s) to the Inhabitants of the Town of _____ the right to enter upon said land for purposes hereinbefore mentioned and Grantor(s), their heirs or assigns shall not construct any structure within said easement or plant vegetation within said easement without the express written consent of the Director of the Town of _____ Department of Public Works and the Town Engineer of the Town of _____.

IN WITNESS WHEREOF, the said _____ have hereunto set my (our) hand(s) and seal(s) this _____ day of _____, in the year of our Lord one thousand nine hundred and _____.

SIGNED, SEALED AND DELIVERED in presence of

STATE OF MAINE

_____, ss. _____, 19____

Personally appeared, before me, the above-mentioned _____ and acknowledged the foregoing instrument to be _____ free act and deed.

Notary Public/Justice of the Peace

Appendix D

MODEL APPLICATION FORM

Town of _____ Subdivision Application

Subdivision Name _____
Application Number _____

APPLICANT INFORMATION

Name of Property Owner: _____
Address: _____

Telephone: () _____ - _____

Name of Applicant: _____
Address: _____

Telephone: () _____ - _____

If applicant is a corporation, check if licensed in Maine q Yes q No and attach a copy of State's Registration.

Name of applicant's authorized agent: _____
Address: _____

Telephone: () _____ - _____

Name of Land Surveyor, Engineer, Architect or others preparing plan:

Address: _____

Telephone: () _____ - _____ Registration # _____

Person and Address to which all correspondence regarding this application should be sent:

What legal interest does the applicant have in the property to be developed (ownership, option, purchase and sales contract, etc.)? _____

What interest does the applicant have in any abutting property? _____

LAND INFORMATION

Location of Property (Street Location) _____
(from County Registry of Deeds): Book _____ Page _____

(from Tax Maps): Map _____ Lot(s) _____

Current zoning of property: _____

roads ___ storm drainage ___ other ___
sidewalks ___ water lines ___
sewer lines ___ fire protection equipment ___

Estimated cost for infrastructure improvements \$ _____

Identify method of water supply to the proposed development:

- ___ individual wells
 - ___ central well with distribution lines
 - ___ connection to public water system
 - ___ other, please state alternative _____
- Identify method of sewage disposal to the proposed development:
- ___ individual septic tanks
 - ___ central on site disposal with distribution lines
 - ___ connection to public sewer system
 - ___ other, please state alternative _____

Identify method of fire protection for the proposed development:

- ___ hydrants connected to the public water system
- ___ dry hydrants located on an existing pond or water body
- ___ existing fire pond
- ___ other, please state alternative. _____

Does the applicant propose to dedicate to the public any streets, recreation or common lands?

street(s) ___ Yes ___ No Estimated Length _____
recreation area(s) ___ Yes ___ No Estimated Acreage _____
common land(s) ___ Yes ___ No Estimated Acreage _____

Does the applicant intend to request waivers of any of the subdivision submission requirements?

If yes, list them and state reasons for the request.

To the best of my knowledge, all the above stated information submitted in this application is true and correct.

_____ (signature of applicant) _____ (date)

Appendix E

RECEIPT OF SUBDIVISION APPLICATION

Date _____

Name _____
Address _____

Dear _____:

The Planning Board of the Town of _____ has received your application for a _____ lot/unit subdivision at _____.

In accordance with Title 30-A M.R.S.A., §4403, sub-§3, the Board will, within 30 days, notify you in writing either that the application is a complete application, or if the application is incomplete, the specific additional material needed to make a complete application. After the Board has determined that a complete application has been filed, it will notify you and begin its full evaluation of the proposed subdivision.

Sincerely,

Chair of the Planning Board

Appendix F

MODEL NOTICE TO ABUTTERS OF RECEIPT OF APPLICATION

Date _____

Name _____
Address _____

Dear _____ :

The _____ Planning Board has received an application for a _____ lot/unit subdivision at _____.

Our records indicate that you own property abutting the parcel proposed to be subdivided. In accordance with Title 30-A M.R.S.A., §4403, sub§3, the Planning Board is required to notify you it has received this application. We have not yet determined that the application is complete and have not reviewed the application.

The application is available for your review at _____. The next scheduled meeting to discuss the application is _____.

Sincerely,

Chair of the Planning Board

Appendix G

MODEL NOTICE TO PLANNING BOARD AND CLERK OF NEIGHBORING MUNICIPALITIES

Date _____

Name _____
Address _____

Dear _____:

The _____ Planning Board has received an application for a _____ lot/unit subdivision at _____.

In accordance with Title 30-A M.R.S.A., §4403, sub§3, the Planning Board is required to notify you it has received this application, because it abuts or crosses the municipal boundary (*if the proposed subdivision crosses municipal boundaries*). Title 30-A M.R.S.A., §4403, sub§3 requires a joint meeting between the two Planning Boards. Please contact me at (*phone number*) to set up such a meeting.

The application is available for your review at _____. The next scheduled meeting of the _____ Planning Board to discuss the application is _____.

Sincerely,

Chair of Planning Board

Appendix H

NOTICE OF INCOMPLETE APPLICATION

Date _____

Name _____
Address _____

Dear _____:

The Planning Board of the Town of _____ has reviewed your application for a _____ lot/unit subdivision at _____ and found it to be incomplete.

In order to be considered a complete application the following materials must be submitted:

- a.
- b.
- c.

Sincerely,

Chair of the Planning Board

Appendix I

NOTICE OF COMPLETE APPLICATION

Date _____

Name _____
Address _____

Dear _____:

The _____ Planning Board has reviewed your application for a _____ lot/unit subdivision at _____ and found it to be complete.

The Board has scheduled a meeting for _____ (date) at _____ p.m. (time) at which time your application will be reviewed for conformance with criteria of Title 30-A M.R.S.A., §4404 and the standards of the _____ Subdivision Regulations. You or your authorized representative are encouraged to attend the meeting.

At that time the Board will determine whether to hold a public hearing.

Sincerely,

Chair of Planning Board

Appendix J

MODEL NOTICE OF PUBLIC HEARING

_____ PLANNING BOARD

The _____ Planning Board will hold a public hearing on an application for the proposed _____ subdivision, as requested by _____.

The Public Hearing will take place on _____ (date) at _____ p.m. (time), in the _____ (place).

The application for a subdivision proposes to establish _____ lots/dwellings on _____ acres on the _____ Road.

_____ Chair of the Planning Board

(for newspaper use only)

Publish the above notice on the following dates: _____

Charge to: _____

Appendix K

AGREEMENT TO EXTEND SUBDIVISION REVIEW PERIOD

_____ Planning Board

WHEREAS The State Subdivision Law, Title 30-A M.R.S.A., §4403, requires that the municipal reviewing authority approve, approve with conditions, or deny an application for subdivision review within 60 days of having determined a complete application had been submitted, or within 30 days of a public hearing if one is held; and

WHEREAS The complete subdivision application submitted by the undersigned applicant can not be adequately reviewed in the specified time period because of the complexity of the application, and would therefore have to be denied and resubmitted; and

WHEREAS It would be mutually advantageous to the undersigned parties to extend the review period; and

WHEREAS Title 30-A M.R.S.A., §4403 stipulates that the time period within which a subdivision application must be reviewed may be extended by mutual agreement;

NOW THEREFORE the undersigned parties mutually agree that:

1. The subdivision review period shall be extended to _____.
2. The decision on the subdivision shall be rendered by that date, unless the review period is again extended by mutual agreement.

Signed _____
Chair of the Planning Board

Applicant

..... Date

Appendix L

MODEL NOTICE OF APPROVAL OF PRELIMINARY PLAN APPLICATION

Date: _____

To: _____

Dear _____;

This letter is to inform you that on _____ (date) the _____ Planning Board approved your preliminary plan application for the proposed _____ subdivision.

In accordance with Section _____ of the _____ Subdivision Regulations, the Planning Board has granted approval with the following conditions:

- 1.
- 2.
- 3.

The Final Plan application must include cost estimates and proposed performance guarantees for the following improvements:

- a.
- b.
- c.

In addition, you should be aware that Section _____ of the Subdivision Regulations requires that the Final Plan application is submitted within six months of this decision.

Sincerely,

Chair of the Planning Board

cc: Code Enforcement Officer
Municipal Officers

Appendix M

MODEL NOTICE OF DECISION

Date: _____

To:
.....
.....

Dear _____:

This letter is to inform you that the _____ Planning Board has acted on your application for a subdivision as follows:

Findings of Fact

1. The owner of the property is _____.
2. The property is located at _____, in the _____ zoning district, identified as Assessor's Map _____, Lot _____, and contains _____ (acres, sq. ft.).
3. The applicant is _____, who has demonstrated a legal interest in the property by providing a copy of a _____ (deed, option, purchase and sales agreement).
4. The applicant proposes to establish a _____ lot subdivision on the subject property. The lots range in size from _____ (sq. ft., acres) to _____ (sq. ft., acres).
5. The application was determined to be complete on _____ (date).
6. A public hearing was held on _____ (date).
7. Water is to be supplied by (private wells, the _____ Water Department).
8. Sewage is to be disposed of by (individual subsurface disposal systems, the _____ Sewer District). Site evaluations for each lot, meeting the requirement of the Maine Plumbing Rules were completed by _____, Licensed Site Evaluator, on _____. (or) The _____ Sewer District has approved the plans for sewer lines and indicated it will be able to adequately treat the waste.
9. A storm water drainage plan has been prepared by _____, P.E.
10. The applicant proposes to construct a street of approximately _____ feet in length, which is proposed to (be dedicated as a public way, remain as a private way).
11. The applicant has submitted a (certified check, certificate of deposit, a performance bond, a letter of credit) adequate to cover the costs of all required improvements.
12. _____.
13. _____.

Conclusions

1. The criteria of Title 30-A M.R.S.A., §4404 have been met. **(or)** The following criteria of Title 30-A M.R.S.A., §4404 have not been met: _____, _____.
2. The standards of the Town's subdivision (*regulations, ordinance*) have been met, except for the following which have been waived by the Planning Board: _____, _____. **(or)** The following standards of the Town's subdivision (*regulations, ordinance*) have not been met: _____, _____, _____.
3. _____.
4. _____.

Decision

Based on the above facts and conclusions, on _____, the Planning Board voted to *(approve, deny)* your application for a subdivision.

(If Approved)

Conditions of Approval

In order to further promote the purposes of the State Subdivision Law, the Town's Subdivision (*Regulations, Ordinance*), Zoning Ordinance, and Comprehensive Plan, the Planning Board has voted to impose the following conditions on the approval of this subdivision:

1. _____.
2. _____.
3. _____.

In addition, the Board wants to make sure you are aware of the following requirements from its (*regulations, ordinance*):

1. Any subdivision not recorded at the _____ County 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, unless an extension is granted by the Board in writing.
2. No changes, erasures, modification, or revisions shall be made in any final plan after approval has been given, unless the revised final plan is first submitted to the Board and the Board approves any modifications.
3. Failure to commence substantial construction of the subdivision within five years of the date of approval and signing of the Plan shall render the plan null and void.
4. At least five days prior to commencing each major phase of construction of required improvements, the subdivider or builder shall notify the Code Enforcement Officer in writing of the time when he proposes to commence construction of the improvements, so that inspections can be made.
5. At the close of each summer construction season, the Town shall, at the expense of the subdivider, have the site inspected by a qualified individual. By December 1 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures are in place, are properly installed, and appear adequate to do the job for which they were designed.
6. Prior to the sale of any lot, the subdivider shall provide the Board with a letter from a Registered Land

Surveyor, stating that all monumentation shown on the plan has been installed.

7. Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed town way to town meeting, a written certification signed by a professional engineer shall be submitted to the town certifying that the proposed town way meets or exceeds the design and construction requirements of the regulations and the Road and Street 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.

(If Denied, or if conditions imposed on approval)

In accordance with Section _____ of the _____ Subdivision (*Regulations, Ordinance*), you have the right to appeal this decision to _____ County Superior Court within thirty days of the decision.

Sincerely,

Chair of the Planning Board

cc: Code Enforcement Officer
Municipal Officers

_____ Water Department
..... Sewer District

Appendix N

PRELIMINARY PLAN APPLICATION SUBMISSION CHECKLIST

Subdivision Name _____ Date _____

This checklist has been prepared to assist applicants in developing their applications. It should be used as a guide in assembling the information necessary for a complete application. The checklist, however, does not substitute for the requirements of **Article 6** of the Subdivision Regulations (or Ordinance). The Planning Board will also use the checklist to ensure your application is complete. Indicate if the information has been submitted or if a waiver is requested. If you feel that information is not applicable to your project, please indicate in the second column. The perimeter survey, subdivision plan and engineering plans may be contained on the same drawing. Detailed engineering drawings such as road profiles, drainage swales and erosion/sedimentation plans, however, may best be presented on a separate sheet or sheets.

Note that this checklist only covers the submission requirements for a *preliminary plan*. There is an additional checklist, Appendix O, for *final plan* submission. Neither checklist addresses the standards that the subdivision plan must meet. For review standards refer to Appendix P, which addresses the performance standards and the design guidelines of Article 10.

SUBDIVISION PLAN SUBMISSION REQUIREMENTS		Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived by Planning Board
6.2.A	_____ # of copies of application plus accompanying information					
6.2.B.	LOCATION MAP					
B.1.	Existing subdivisions in the proximity of proposed subdivision					
B.2.	Locations and names of existing and proposed streets					
B.3.	Zoning boundaries and designations					
B.4.	Outline of proposed subdivision and owner's remaining contiguous land					
6.2.C.	PRELIMINARY PLAN					
C.	_____ # of copies of all maps and/or drawings printed or reproduced on paper					
C.	Scale not smaller than 1"= 100'; for subdivision more than 100 acres, not smaller than 1"= 200'					

Appendix N

	SUBDIVISION PLAN SUBMISSION REQUIREMENTS	Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived by Planning Board
6.2.C.	APPLICATION REQUIREMENTS					
C.1.	Name of subdivision, name of town and assessor's map and lot number(s)					
C.2.	Verification of right, title or interest in property					
C.3.	Standard boundary survey with bearings and distances, certified by P.L.S, all corners located an marked.					
C.3	Standard boundary survey shows entire parcel or tract and all contiguous land in common ownership within the last five years per MRSA Title 30-A section 4401					
C.4.	Copy of most recently recorded deed; all restrictions, easements, rights-of-way and other encumbrances					
C.5.	Deed restrictions on proposed new lots or dwellings					
C.6.a.	Letter of capacity to serve from sewer district					
C.6.b	Map of test pits					
C.6.b.	Test pit analyses by Site Evaluator or Certified Soil Scientist					
C.7.	Type of water supply system(s)					
C.7.	Water Department letter of capacity					
C.8.	Date plan prepared, north point and graphic map scale					
C.9.	Names and addresses of record owner, applicant, plan preparer(s) and adjoining property owners					
C.10.	All wetlands delineated regardless of size					
C.11.	Total acres in subdivision; location of property lines, existing building(s), unusually large specimen trees, vegetative cover type and other essential physical features					
C.12.	All rivers, streams and brooks within and adjacent to subdivision; designation of great pond watershed					
C.13.	Zoning district of proposed subdivision and any zoning boundary lines affecting the subdivision					
C.14.	Location and size of existing and proposed sewers, water mains, culverts and drainage ways on and adjacent to subdivision					
C.15.	Location, name and widths of existing streets and high-ways					
15.	Location, name and widths of existing and proposed easements, building lines, parks and open spaces on or adjacent to subdivision					
C.16.	Location and dimensions of streets, public improvements and open space in subdivision as shown on the Official Map and the Comprehensive Plan					
C.17.	Proposed lot lines; approximate dimensions and lot areas					
C.18.	Parcels of land proposed to be dedicated to public use; condition of such dedication					
C.19.	Open space to be preserved; proposed ownership, improvements, management					
C.20.	Area of each lot permitting forest clearing and/or lawn					
C.21.	100-year flood elevations in flood prone areas					
C.22.	Areas within or adjacent to the subdivision identified by the Comprehensive Plan, MIDFW, MNAP, or BWH as areas to be preserved and appropriate preservation measures.					
C.23.	Areas within or adjacent to subdivision listed in the Comprehensive Plan or listed/eligible to be listed on National Register of Historic Places					

Appendix N

	SUBDIVISION PLAN SUBMISSION REQUIREMENTS	Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived by Planning Board
6.2.D.	Required Submissions For Which A Waiver May Be Granted					
D.1.	High Intensity Soil Survey by a Registered Soil Scientist					
D.2.	Topographic contour lines specified by Planning Board in relation to mean sea level					
D.3.a.	Hydrogeologic assessment for subdivision not served by sewer and if any part of subdivision is over a sand and gravel aquifer, or (See D.3.b)					
D.3.b.	Hydrogeologic assessment if average density is more than one dwelling unit per 100,000 sq. ft.					
D.3.	Hydrogeologic assessment if Board determines potential adverse impacts on ground water quality					
D.4.	Vehicular trip generation rates					
D.5.	Traffic impact analysis by a registered P.E. for 28 or more parking spaces or projected to generate more than 140 vehicle trips per day to include expected ADT, peak-hour volumes, access conditions, distribution of traffic, types of vehicles expected, effect on LOS, recommended improvements					
6.2.E.	ADDITIONAL INFORMATION					
6.2.E	Planning Board may require additional information where it is determined necessary by the Board to meet criteria of the State Subdivision Statute Title 30-A M.R.S.A., §4404.					

Appendix O

FINAL PLAN APPLICATION SUBMISSION CHECKLIST

Subdivision Name _____ Date _____

This checklist has been prepared to assist applicants in developing their applications. It should be used as a guide in assembling the information necessary for a complete application. However, the checklist does not substitute for the requirements of Article 7 of the Subdivision Regulations (or Ordinance). The Planning Board will also use the checklist to ensure that your application is complete. Indicate if the information has been submitted or if it a waiver is requested. If you feel that information is not applicable to your project, please indicate in the second column. The perimeter survey, subdivision plan and engineering plans may be contained on the same drawing. However, detailed engineering drawings such as road profiles, drainage swales and erosion/sedimentation plans may best be presented on a separate sheet or sheets.

Note that this checklist only covers the submission requirements for a *final plan*. It does not address the standards that the final plan must meet. For review standards refer to Appendix P, which addresses the performance standards and the design guidelines of Article 10.

	SUBDIVISION PLAN SUBMISSION REQUIREMENTS	Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived by Planning Board
7.1.	PROCEDURE					
7.1.A.	Submittal of draft Final Plan within 6 months of approval of the Preliminary Plan OR submittal of request for an extension to the filing deadline					
7.1.B.	Filing of appropriate Final Plan application fee					
7.1.C.	Prior to submittal of Final Plan application, the following approvals shall be obtained where applicable: 1. Maine DEP permit(s) 2. Maine DHS permit(s) if public water system 3. Maine DHS permit(s) if engineered subsurface wastewater disposal system 4. Army Corps of Engineers if Section 404 permit required 5. Maine DOT Traffic Movement Permit and/or Highway Entrance/Driveway Access Permit The Board may require a letter from the various agencies verifying if their regulations do or do not apply					
7.1.D.	if applicable per section 6.2.C.23, confirmation that Maine Historic Preservation Office received a copy of the proposed plan and mitigation measures					
7.1.E.	Written Approval from the Town E911 Officer					
7.1.K.	Performance Guarantee requirements specified in Article 11					

Appendix O

	SUBDIVISION PLAN SUBMISSION REQUIREMENTS	Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived by Planning Board
7.2.	SUBMISSIONS					
7.2.	One or more maps or drawings at scale of not more than 1"=100', subdivision more than 100 acres, not larger than 1"=200'					
7.2.	Plans not larger than 24" x 36" with 2" border on binding side; 1" for borders elsewhere					
7.2.	Block for Planning Board signatures					
7.2.	One reproducible, stable based transparency of the recording plan to be recorded at the Registry of Deeds, and full sized paper copies of all the final plan sheets and any supporting documents					
7.2.	FINAL PLAN INFORMATION					
7.2.A.	Final Plan Application and Submission Checklist					
7.2.B.	Name of Subdivision, Name of Town and Assessor's Map and Lot Number(s)					
7.2.C.	Total acres in subdivision; location of property lines, existing building(s), vegetative cover type and other essential physical features					
7.2.D.	Type of sewage disposal proposed					
7.2.D.	Sewer District approval of sewerage design					
7.2.E.	Type of Water Supply					
7.2.E.1.	Water District approval of water system design					
7.2.E.2.	Fire Chief letter on hydrants or other fire protection measures					
7.2.E.3.	Well driller or hydrologist letter on ground water supply and quality					
7.2.F.	Date plan prepared, north point, graphic map scale					
7.2.G.	Names and addresses of record owner, applicant, plan preparer(s) and adjoining property owners					
7.2.H.	Location of any zoning boundaries affecting the property					
7.2.I.	If different than Preliminary Plan submittal, any deed restrictions on proposed new lots or dwellings					
7.2.J.	Location and size of existing and proposed sewers, water mains, culverts and drainageways on and adjacent to proposed subdivision					
7.2.K.	Location, name and widths of existing and proposed streets, easements, building lines, parks and open spaces on or adjacent to subdivision tied to survey points and certified by a registered land surveyor					
7.2.L.	Street design plans					
7.2.M.	Location and dimensions of streets, public improvements and open space in subdivision from Official Map, Comprehensive Plan or Capital Improvements Program					
7.2.N.	Parcels proposed for dedication to public use; condition (s) of dedication; written documentation of management of subdivider-retained parcels; legal sufficiency to convey title(s) to Town					
7.2.O.	100-year flood elevations					
7.2.P.	Location and method of construction debris disposal					

Appendix O

	SUBDIVISION PLAN SUBMISSION REQUIREMENTS	Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived by Planning Board
7.3.	SUBMISSIONS FOR WHICH A WAIVER MAY BE GRANTED					
7.3.A.	Erosion and sedimentation control plan					
7.3.B.	Storm water management plan					
7.3.C.	If the proposed subdivision is within the direct watershed of a great pond, and it does not qualify for the simplified phosphorus control review procedure for phosphorus control the following shall be submitted or indicated on the plan: <ol style="list-style-type: none"> 1. Phosphorus impact analysis and control plan 2. A long term maintenance plan 3. Contour lines no less than 5' intervals 4. Delineate areas of 25%+ slopes covering more than one acre on 					

Appendix P

SUBDIVISION PLAN REVIEW CHECKLIST

ARTICLE 10 – PERFORMANCE & DESIGN STANDARDS

SUBDIVISION NAME _____ **DATE** _____

This checklist has been prepared to assist applicants in developing their applications. It should be used as a guide. The checklist does not substitute for the statutory criteria or the requirements of Article 10 and of the Subdivision Regulations (or Ordinance). The Planning Board also will be using the checklist to make sure that your application is complete. Indicate if the information has been submitted or if a waiver is requested. If you feel that information is not applicable to your project, please indicate in the second column. The application need not contain separate plans as implied below. The perimeter survey, subdivision plan and engineering plans may be contained on the same drawing. However, detailed engineering drawings such as road profiles, drainage swales and erosion/sedimentation plans may best be presented on a separate sheet or sheets.

SUBDIVISION REGULATIONS		Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived by Planning Board
10.1	BASIC SUBDIVISION LAYOUT					
A.	BLOCKS – In excess of 1000' any easements needed					
B.	LOTS					
B.1	Lot lines perpendicular					
B.2	Provision or preclusion of future subdivision					
B.3	Lots divided by streams					
B.4	Flag and other unusually shaped lots					
B.5	Lot numbering					
C.	UTILITIES - Underground					
D.	MONUMENTS					
D.1	Stone or precast concrete monuments at all street intersections and points of curvature, but no further than 750 feet apart along street lines					
D.2	Stone or precast concrete monuments at all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135° or less.					
D.3	Stone or concrete monuments a minimum of four inches square at the top and three feet in length, and set in the ground at final grade level. After they are set, drill hole 1/2 inch deep shall locate the point or points described above.					
D.4	All other subdivision boundary corners and angle points, as well as all lot boundary corners and angle points marked by suitable monumentation, as required by the Maine Board of Registration of Land Surveyors.					

SUBDIVISION REGULATIONS		Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived by Planning Board
10.2.	SUFFICIENT WATER					
A.	WATER SUPPLY					
A.1.	Provide for future connections in public water supply service area					
A.2.	Public water system components approved by water company and fire chief					
A.3.a.	Siting and construction of individual wells to prevent surface and ground water infiltration					
A.3.a.1.	Dug wells prohibited on lots one acre and smaller					
A.3.a.2.	Wells at least 100 from a street or 50 feet if uphill					
A.3.b.	Lot configuration to allow for proper siting of well, on-site septic disposal area and reserve area					
A.3.c.	Location and protection of the source and operation of a central water supply system					
A.3.d.1.	Water storage for fire fighting capacity: pond with dry hydrant, underground storage reservoir or other method acceptable to the fire chief.					
A.3.d.2.	Storage of 10,000 gallons if not on public water plus 2,000 gallons per lot or principal building					
A.3.d.3.	Ponds proposed for water storage calculation based on the lowest water level less an equivalent of three feet of ice and access and maintenance easement of dry hydrants or reservoirs					
A.3.d.4.	Hydrants to the specifications of the fire department and easements for access to hydrants					
B.	WATER QUALITY – Meets primary drinking water standards					
10.3.	EROSION AND SEDIMENTATION AND IMPACT ON WATER BODIES					
A.	Prevention of soil erosion from entering water bodies					
B.	Erosion and sedimentation control plan					
C.	Plan for Cutting or removal of vegetation along shoreline					
D.	Topsoil removal and reapplication plan					
10.4	SEWAGE DISPOSAL					
A.	PUBLIC SYSTEM					
A.1.	Comprehensive Plan sewage designation					
A.2.	Complete collection system required					
A.3.	Sewer District capacity certification					
A.4.	Sewer District approval of collection system					
B.	PRIVATE SYSTEMS					
B.2.	Evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator					
B.2.a.	LSE certified all test pits large enough meet the Disposal Rules.					
B.2.b.	Reserve wastewater disposal area where soils are less than 24" to limiting factor					
10.5	SOLID WASTE - Approved capacity of Town solid waste system					
10.6	IMPACT ON NATURAL BEAUTY ETC.					
A.1.	Notes on the plan limiting the clearing of trees in areas designated on the plan					
A.2.	Screening of buildings from existing public roads in designated non-growth areas					
A.3.	Landscape plan preserving large specimen trees, preservation of vegetation and contours					
A.4.	Preservation of open fields and/or the planting of street trees along new roads in designated non-growth areas					

	SUBDIVISION REGULATIONS	Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived by Planning Board
A.5.	Notes on the plan and covenants in the deed protecting ridge line identified in Comprehensive Plan					
B.1.	Reserved open space per Comprehensive Plan					
B.2.	Preservation of designated critical natural areas					
B.3.	Protection of historic or prehistoric resources					
B.4.	Reservation of open space for recreation					
B.5.	Subdivisions with an average density of more than 3du/ac has no less than fifty percent of the open space as usable open space					
B.6.	Suitability of reserved open space					
B.7.	Open space to be dedicated to the town					
B.8.	Payment in lieu of dedication of open space					
C.	Preservation of wildlife habitat					
C.1-3.	Letter from MDIFW					
C.1-3	Any Comprehensive Plan designations					
C.1-3	Report by a wildlife biologist (Board may require)					
C.1-3	Mitigation plan for avoidance of adverse impacts on designated significant wildlife habitat					
D.1.	Protection of existing public accesses to shorelines					
D.2.	Notes on the plan and in the deeds for required buffer strips and maintenance in shoreland zones					
D.3	250 feet from the normal high water line of a water body or upland edge of a wetland, cleared openings do not exceed 25% of the lot area or 10,000 square feet					
E.1.	Ownership of open space, common land and facilities					
E.2.	Limitations on common land; conservation easements					
E.3.	Final Plan notation for common land					
E.4.	Lot owner association rules and by-laws					
E.5.	Lot owner association duties and responsibilities					
10.7	CONFORMANCE WITH ZONING ORDINANCE AND OTHER LAND USE ORDINANCES.					
	Zoning Ordinance					
	Site Plan					
	Other					
10.8.	FINANCIAL AND TECHNICAL CAPACITY					
A.	Financial capacity to construct the total development					
B.	Technical ability to complete the subdivision					
10.9.	IMPACTS ON GROUND WATER					
A.	GROUNDWATER QUALITY					
A.1.	Hydrogeologic assessment per 10.9.A.1.a-f					
A.2.	Ground water quality projections					
A.3.	Contaminant concentrations in ground water					
A.4.	Ground water treatment for improvement to drinking standards					
A.5.	Control of high contaminant concentrations in ground water					
A.6.	Notes on final plan and in deeds regarding construction standards recommended in assessment to reduce contamination					
B.	GROUNDWATER QUANTITY					
B.1.	Maintenance of ground water table level					
B.2.	Maintenance of infiltration of precipitation					
10.10.	FLOODPLAIN MANAGEMENT					
A.	Public utilities located to avoid flood damage					

	SUBDIVISION REGULATIONS	Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived by Planning Board
B.	Elevation of buildings above the flood level					
C.	Drainage to reduce flood hazards					
10.11.	IDENTIFICATION OF FRESHWATER WETLANDS - Identified using Federal Manual for Identifying and Delineating Jurisdictional Wetlands					
10.12.	STORM WATER MANAGEMENT					
A.	Storm water management plan for DEP Site Location of Development Act permit (SLDA)					
B.	Storm water management plan for DEP Chapter 500 Storm-water Permit					
C.	Storm water management plan which incorporates Low Impact Development techniques when SLDA or DEP Storm-water Law permits are not required					
D.	Storm water management plan for subdivisions within the watershed of a Great Pond which incorporates Phosphorus Design Manual, BMP, 2006					
E.	Hydrologic analysis for sites prone to flooding (Board may require)					
10.13.	CLUSTER DEVELOPMENTS					
B.	BASIC STANDARDS FOR CLUSTER DEVELOPMENTS					
B.2.	Plan depicts placement of structures, roads, paths, etc.					
B.3.	Reduction in lot size in return for common space					
B.4.	No buildings on slopes steeper than 25%, within 100' to any water body or wetland, or on soil classified as very poorly drained					
B.5.	Net residential acreage calculations					
B.6.	Minimum lot size of 20,000 s.f. with individual on-site sewage disposal.					
B.7.	Size and calculation of reserved open space					
B.8.	Reduced lots within 1,000 of open space					
B.9.	Buildings separated by at least 20 feet					
B.10.	No individual lot access onto existing streets					
B.11.	Maintain required minimum shoreland zoning frontage					
B.12.	Open space/access includes shore frontage					
B.13-14.	Ownership of common space					
10.14	COMPLIANCE WITH TIMBER HARVESTING RULES – Complies with Title 12, M.R.S.A section 8869					
10.15.	TRAFFIC CONDITIONS AND STREETS					
A.	GENERAL STANDARDS					
A.1.	Design standards that safeguard against hazards to vehicles, pedestrians, and bicyclists					
A.2.	Design standards that avoid congestion					
A.3.	Design standards that provide safe and convenient circulation					
A.4.	Design standards compatible with AADD, land use and density of the street					
A.5.	Design standards that relate to the natural setting					
B.	GENERAL ACCESS STANDARDS					
B.1	Accesses to state or state-aid highways meets MDOT rules					
B.2.	MDOT Traffic Movement Permit for accesses expected to carry more than 100 peak hour passenger vehicle equivalent trips					
B.3.	Level of Service(LOS) greater than E					
B.3.a-f.	Rationale and documentation for LOS below D					

	SUBDIVISION REGULATIONS	Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived by Planning Board
B.4.	Analysis of accesses for non-residential and multifamily projects and the possible need for left-turn storage lane.					
C.	GENERAL INTERNAL SUBDIVISION STREET STANDARDS					
C.1	Designed to coordinate with existing, proposed, and planned streets. Where applicable, street stubs for future connections to abutting land with appropriate turn around or cul de sac					
C.2.	Where necessary: -Turning lanes -Traffic directional islands -Frontage roads -Sidewalks -Bicycle ways -Transportation demand management techniques -Traffic controls					
C.3.	Street names, signs, and lighting					
C.4.	Proposed clearing of right-of-way and indication of plan for removal and disposal of stumps and other debris					
10.15.1.	SPECIFIC ACCESS AND STREET DESIGN STANDARDS					
A.	ACCESS CONTROL					
A.1.	Subdivision accesses perpendicular to external street					
A.2.	Note on plan and in deed that no lot to have vehicular access directly on to arterial street					
A.3.	Note on plan and in deed requiring double frontage lots to have access onto street with less traffic and hazards					
A.4.	Shared access for lots with frontage onto state and state-aid highways. Maximum of two accesses					
A.5.	Subdivision access is paved					
A.6.	Sight distances (Table 10.15-1)					
A.7.	Traffic volume estimates expected for internal street					
A.8.	Basic design standards for low and medium volume accesses (Table 10.15-2)					
A.9.a-d.	Additional requirements for medium volume accesses					
A.10.	MDOT Traffic Movement Permit for high volume accesses					
B.	STREET DESIGN AND CONSTRUCTION STANDARDS					
B.1	General Requirements					
B.1.a.	Street designs are in conformance with all local ordinances					
B.1.b.	Detailed construction drawings showing plan view, profile, and cross-section at 1" = no more than 50' 1. Date, scale, north point, magnetic or true 2. Intersections with existing streets 3. Roadway and r.o.w. limits 4. Drainage structures 5. Horizontal and vertical curve data 6. Turning radii at all intersections 7. Centerline gradients 8. Vertical clearance					
B.1.c.	Copy of public street plans to municipal officers, road commissioner, municipal engineer for review					
B.1.d	Written approval by road commissioner and/or MDOT for improvements within existing public streets					
B.1.e.	Private Roads					
B.1.e.1.	Designation and signage indicating a private road					

	SUBDIVISION REGULATIONS	Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived by Planning Board
B.1.e.3.	Request for a reduction in r.o.w. (minimum 30') in areas designated "Rural" per 10.15.1.B.2.f.					
B.1.e.4.	Adequate access for emergency vehicles					
B.1.e.5.	Provisions for drainage and stormwater runoff per 10.12.					
B.1.e.6.	Note on the recorded plan per 10.15.1.B.e.6					
B.1.e.7.	Road maintenance plan					
B.2.	Street Design Standards					
B.2.b.	Reserve strips prohibited					
B.2.c.	Right-of-way width for commercial zoning districts					
B.2.d.	Land reserved for required widening of existing street					
B.2.e.	Two accesses to when 200 or more trips per day					
B.2.f.	Land use density pattern of the internal subdivision street					
B.2.g.	Road design standards of Table 10.15-3					
B.2.h.	On street parking for lots between 100 and 40' wide					
B.2.i.	Curbs					
B.2.j.	Shoulders					
B.2.k.	Road centerline					
B.2.l.	Dead end streets					
B.2.m.	Sidewalks					
B.3.	Street Construction Standards					
B.3.a.	Minimum pavement material thickness (Table 10.15-4)					
B.3.b.1-5	Preparation notes on street plan					
B.3.c.1.	Bases and sub-base (Table 10.15-5)					
B.3.c.2.	Pavement joints					
B.3.c.3.	Pavements per MDOT specifications					
B.3.c.4.	Surface gravel					

Appendix Q

MAINE'S REGIONAL COUNCILS

Androscoggin Valley Council of Governments
125 Manley Road
Auburn, ME 04210
207-783-9186
FAX: 207-783-5211
Email: avcoc@avcoc.org
avcoc.org
Website: www.avcoc.org

Eastern Maine Development Corporation
40 Harlow Street
Bangor, ME 04401
207-942-6389
Website: www.emdc.org

Greater Portland Council of Governments
68 Marginal Way, 4th Floor
Portland, ME 04101
207-774-9891
FAX: 207-774-7149
Website: www.gpcog.org

Hancock County Planning Commission
395 State Street
Ellsworth, ME 04605
207-667-7131
FAX: 207-667-2099
Website: www.hcpc.org

Kennebec Valley Council of Governments
17 Main Street
Fairfield, ME 04937
207-453-4258
1-800-731-5019
FAX: 207-4264
Website: www.kvcog.org

Midcoast Council for Business Development & Planning
7 Park Street
Bath, ME 04530
207-443-5790
FAX 207-443-8675
Website: www.mcbdp.org

Mid-Coast Planning Commission
166 South Main Street, Suite 201
Rockland, ME 0484
207-594-2299
FAX: 207-594-4272
Website: www.midcoastplanning.org

Northern Maine Development Commission
11 west Presque Isle
P.O. Box 779
Caribou, ME 04736
207-498-8736
1-800-427-8736
FAX: 207-493-3108
email: nmdc@nmdc.org
www.nmdc.org

Penobscot Valley Council of Governments
40 Harlow Street
Bangor, ME 04401
207-942-6389
Email: info@emdc.org

Southern Maine Regional Planning Commission
9 Bradeen Street, Suite 400
Springvale, ME 04083
207-324-2952
FAX: 207-324-2958
Website: www.smrpc.org

Washington County Council of Governments
11 Church Street, 2nd Floor
P.O. Box 631
Calais, ME 04619
207-454-0465
FAX: 207-454-2568
Website: www.wccog.net

Appendix R

SOIL AND WATER CONSERVATION DISTRICTS

<p>Androscoggin/Sagadahoc SWCD 254 Goddard Road Lewiston, ME 04241 Ph: (207) 753-9400 Fax: (207)783-4104</p>	<p>Penobscot County SWCD 28 Gilman Plaza, Suite 2 Bangor, ME 04401 Ph: (207)990-3676 Fax: (207)942-1782 Web Site: www.penobscotswcd.org</p>
<p>Central Aroostook SWCD 735 Main Street, Ste. 3 Presque Isle, ME 04769 Ph: (207) 764-4153 Fax: (207)768-3407 Web Site: www.caswcd.org</p>	<p>Piscataquis County SWCD 42 Pine Crest Drive Dover-Foxcroft, ME 04426 Ph: (207) 564-2321 Fax: (207)564-2570 Web Site: www.piscataquisswcd.org</p>
<p>Cumberland County SWCD 35 Main Street Gorham, ME 04062 Ph: (207) 892-4700 Fax: (207) 892-4773 Web Site: www.cumberlandswcd.org</p>	<p>St. John Valley SWCD 139 Market Street, Suite 106 Fort Kent, ME 04743 Ph: (207) 834-3311 Fax: (207)834-6435 Web Site: www.sjv.me.nacdn.net</p>
<p>Franklin County SWCD 107 Park Street Farmington, ME 04938 Ph: (207) 778-4279 Fax: (207)778-5785</p>	<p>Somerset County SWCD 12 High Street Skowhegan, ME 04967 Ph: (207) 474-8324 Fax: (207)474-0638 Web Site: www.somersetswcd.org</p>
<p>Hancock County SWCD 190 Bangor Road Ellsworth, ME 04605 Ph: (207) 664-7496 Fax: (207)667-3585 Web Site: www.ellsworthme.org/soilandwater</p>	<p>Southern Aroostook SWCD 304 North Street Houlton, ME 04730 Ph: (207)532-2087 Fax: (207)532-4379 Web Site: www.saswcd.org</p>
<p>Kennebec County SWCD 9 Green Street, Room 307 Augusta, ME 04330 Ph: (207) 622-7847 Fax: (207)626-8196 Web Site: www.kcswcd.org</p>	<p>Waldo County SWCD 266 Waterville Road Belfast, ME 04915 Ph: (207) 338-1964 Fax: (207)338-4972</p>
<p>Knox-Lincoln County SWCD 191 Camden Road Warren, ME 04864 Ph: (207) 273-2005 Fax: (207)273-2228 Web Site: www.knox-lincoln.org</p>	<p>Washington County SWCD 51 Court Street PO BOX 121 Machias, ME 04654 Ph: (207) 255-4659 Fax: (207)255-6817 Web Site: www.downeastsoilwater.org</p>
<p>Oxford County SWCD 1570 Main Street, Suite 10 Oxford, ME 04270 Ph: (207) 743-5789 Fax: (207)743-6256</p>	<p>York County SWCD 8 Waterboro Road PO Box 819 Alfred, ME 04002 Ph: (207)324-7015 Fax: (207)324-4462 Web Site: www.yorkswcd.org</p>

APPENDIX S

Typical Street Cross Section



