

ARTICLE 6 - PRELIMINARY PLAN APPLICATION

6.1 Procedure.

A. Within six months after the on-site inspection by the Board, the applicant shall submit an application for approval of a preliminary plan at least 14 days prior to a scheduled meeting of the Board. Applications shall be submitted by mail or by hand to the municipal offices. Failure to submit an application within six months shall require resubmission of the Sketch Plan to the Board. The preliminary plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.

B. All applications for preliminary plan shall be accompanied by a nonrefundable application fee of \$300, plus \$50 per lot or dwelling unit, payable by check to the municipality. In addition, the applicant shall pay an escrow fee of \$250 per lot or dwelling unit, to be deposited in a special escrow account designated for that subdivision application, to be used by the Board for hiring independent consulting services to review engineering and other technical submissions associated with the application, and to ensure compliance with the Zoning Ordinance and Subdivision Regulations. If the balance in this special account is drawn down by 75%, the Board shall notify the applicant, and require that the balance be brought back up to the original

There is one main reason for the six-month requirement. Frequently there may be a change in membership on the review authority within a six month period, and this provision makes sure that the membership which reviews the application is the same one that conducted the on-site inspection and preapplication meeting. Often the Board may have trouble remembering the site details or important issues, if the time interval is longer than six months. However, the review authority could easily grant an extension to the six-month requirement if requested.

Note that because the Sketch Plan is considered a ~~pre~~preapplication+ and not a ~~substantive~~ substantive review,+if the zoning ordinances or subdivision regulations have substantially changed since the Sketch Plan submittal, it allows the municipality to apply the new standards to the new preliminary plan application. Section 7.1.A should reflect the actual procedures and personnel that the review authority uses or wishes to use to handle the logistics of establishing agenda for meetings. The *Model* recommends 14 days in advance of a meeting, with the idea that the agenda will be posted seven days in advance. This leaves sufficient time for staff and Board members to review the application, possibly request consultant assistance, and prepare the agenda and notices. If applications are submitted directly to the chairperson of the review authority or to the code enforcement officer, this section should state so.

This fee arrangement was adopted by the Town of Alfred in 2005, and is designed to assure the review authority the funds necessary to hire assistance in the review of the subdivision without expending funds from the municipal general fund. This assistance may be consulting engineers on storm water management, hydrogeologists on ground water impacts, or a planner from the regional council to assist with overall review. Prior to adoption of the regulations with this type of fee system, the municipal treasurer or bookkeeper should be consulted regarding the procedure for establishing the special accounts, charging appropriate funds against them and refunding the balance. If your municipality has staff such as a town planner or engineer, and the Town wishes to recover some of the costs of these positions, you may wish to refer to them in Section 7.1.B, in addition to ~~the~~ independent consulting services.+

If the municipality chooses to regulate a nonresidential structure as a subdivision, as permitted by Title 30-A M.R.S.A., §4401, sub-§4, ¶H, Section 7.1.B should include a reference to the fee for units in these types of subdivisions as well.

deposit amount. The Board shall continue to notify the applicant and require a deposit as necessary whenever the balance of the escrow account is drawn down by 75% of the original deposit. Any balance in the escrow account remaining after a decision on the final plan application by the Board shall be returned to the applicant.

- C. The Board shall not review any preliminary plan application unless the applicant or applicant's representative attends the meeting. Should the applicant or applicant's representative fail to attend, the Board shall reschedule review of the application at its next regular meeting.
- D. Within three days of the receipt of the Preliminary Plan application, the Board, or its designee, shall:
 - 1. Issue a dated receipt to the applicant.
 - 2. Notify in writing by First Class 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.
 - 3. Notify the clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary.
- E. Within thirty 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

This dated receipt is required by Title 30-A M.R.S.A., §4403, sub-§3. A model receipt can be found as Appendix E. If the application is submitted to someone other than the review authority, that individual should issue the receipt.

The written notification of abutters by the review authority is required by Title 30-A M.R.S.A., §4403, sub-§3. A model notice can be found as Appendix F.

The written notification of neighboring municipalities by the review authority is required by Title 30-A M.R.S.A., §4403, sub-§3 only when the subdivision abuts or crosses the municipal boundary. A model notice can be found as Appendix G. The review authority may wish to notify neighboring municipalities in other cases, such as if the subdivision is in the watershed of a neighboring municipality's public water supply or the watershed of a great pond/waterbody subject to phosphorus control provisions or is accessed only by a local road leading from an adjacent municipality. Appropriate language should be inserted into this section.

If the application is initially reviewed by someone other than the review authority, this section should be revised to reflect the procedure. Some municipalities have the town planner or a consulting planner review the application for completeness, so that the review authority's time is not spent on administrative tasks.

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 notify the applicant in writing . The Board shall also notify the Road Commissioner, Fire Chief and Superintendent of Schools of the proposed subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multifamily, commercial or industrial buildings. The Board shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed subdivision. The Board shall determine whether to hold a public hearing on the preliminary plan application.
- G. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of determining that it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. In addition, the notice of the hearing shall be posted in at least three prominent places within the municipality at least seven days prior to the hearing. A copy of the notice shall be sent by First Class mail to abutting landowners and to the applicant, at least ten days prior to the hearing.
- H. Within thirty days from the public hearing or within sixty days of determining a

The determination of a complete application within 30 days is required by Title 30-A M.R.S.A., §4403, sub-§3. In determining whether the application is complete, the review authority should merely determine whether all the spaces on the application form are filled out and whether all the items required by the submissions section, below, are present without regard to whether they meet the standards of the regulations or criteria of the statute.

There is no need to begin a substantive review of the application until a complete application has been submitted. A model letter indicating that an application is incomplete can be found as Appendix H.

The issuance of a written determination of a complete application is required by Title 30-A M.R.S.A., §4403, sub-§3. A model letter can be found as Appendix I.

The requirement to contact municipal department heads to request comments on the adequacy of current facilities to service a proposed subdivision is related to the requirement in Section 7.4.C that a proposed subdivision which can not be adequately served be developed in phases to allow for the expansion of capital facilities. See the commentary at Section 7.4 for more discussion.

The statute allows, but does not require the review authority to hold a public hearing. **The decision to hold a public hearing should be based upon the response the review authority received to the notification of the abutters, the location of the proposed subdivision in relation to important natural resources identified by the comprehensive plan, and the size of the subdivision and its impact upon the town.** Many review authorities have decided to hold a public hearing on all applications, and have written their regulations so that a public hearing is mandatory. If you decide to leave it to the discretion of the review authority, the review authority must be careful to be fair and equitable in making the decision of whether to hold a hearing.

The purpose of the public hearing is to allow individuals other than the applicant to present testimony regarding the application and whether it meets the criteria of the statute and the standards of the regulation. The Board should discourage public testimony on whether the subdivision is desired or unwanted, but rather should try to focus discussion on whether or not the proposed project meets all applicable review standards.

The thirty day limit and the newspaper notice are requirements from Title 30-A M.R.S.A., §4403, sub-§4. A model notice can be found as Appendix J. If the review authority has heard from abutters, it may want to make sure they are notified of the hearing. Mailed notice

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complete application has been received, if no hearing is held, 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 on the application, and approve, approve with conditions, or deny the preliminary plan application. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

- 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. The final plan shall be submitted for approval by the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the approval of the final plan,

of any hearing is not required by statute, but is recommended in this model. Certified Mail is often used by municipalities who wish to document the mailing, but the requirement for the recipients to come to the post office to sign for the notice is often a hindrance, and often leads to complaints of late notice. The only mailed notice required by the statute is when the preliminary plan application is initially received (see above, sec. D).

Time limits in Section 6.1.H are dictated by Title 30-A M.R.S.A., §4403, sub-§5. The statute does allow the time limit for a decision to be extended with the agreement of the applicant. A model agreement to extend the time limit for review can be found as Appendix K.

The actual decision-making process itself is very important. The statute (Title 30-A M.R.S.A., §4403, sub-§6) requires the review authority to ~~make~~ make findings of fact establishing that the proposed subdivision does or does not meet the criteria.+ Findings of fact are a summary of the record before the review authority and a recitation of the information on which the authority bases its conclusions whether the criteria are met. **If the review authority is going to deny the preliminary plan application, the decision should be treated as a final decision and formal findings of fact, conclusions and a decision should be drafted.** Appendix L is a model notice of decision that includes sample findings of fact. The importance of making proper findings of fact can not be over emphasized. Without them, a judge can not determine how the reviewing body made its decision, should the case end up in court. **If the review authority is going to approve the preliminary plan application, then the decision may be treated as a preliminary decision and formal findings of facts need not be prepared.** Appendix M is a model notice of approval of preliminary plan application.

The preliminary approval should spell out the context for the preparation of the final plan. The approval should require or suggest changes which should be incorporated into the final plan, indicate if any of the required improvements are to be waived, and indicate for which required improvements performance guarantees will need to be filed.

Approval of the preliminary plan does not confer any rights to the applicant nor infers any forthcoming final approval. A review authority, however, should not approve a preliminary plan that does not meet the standards, with the idea that it can always deny the final plan application. It should be noted that although preliminary approval confers no rights to the applicant, Title 1 M.R.S.A., §302 confers rights to applications which are pending at the time an ordinance or regulation changes. Initiation of review of the preliminary plan application, once found by the review authority to be complete, will protect an applicant from future changes to a zoning ordinance or subdivision regulations, should the application eventually receive final approval.

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.

6.2 Mandatory Submissions for Preliminary Plan.

The following items shall be submitted as part of the Preliminary Plan Application, unless the applicant submits a written waiver request, and is granted a waiver from the submission requirement by the Planning Board, pursuant to Article 12. _____ copies of all materials shall be delivered to the Town Office, at least 14 days prior to a regularly scheduled Planning Board meeting, in order for the application to be placed on the Board's agenda. The Board may require additional information to be submitted, as necessary, in order to determine whether the criteria of Title 30-A M.R.S.A., §4404 are met.

A. Application Form.
_____ copies of the application form and any accompanying information.

B. Location Map.
The location map shall be drawn 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 in the proximity of the proposed subdivision.
2. Locations and names of existing and proposed streets.
3. Boundaries and designations of zoning districts.

The number of copies should be determined by the size of the Review Authority, and size of town staff, number of consultants, etc.

A model application form can be found as Appendix D. The application form should provide basic information about the applicant and the subdivision which need not be shown on the plan itself.

The purpose of the location map is to place the subdivision in context with the surrounding neighborhood. The scale or size of the location map is not important as long as it clearly shows all the necessary data. Based on the presence of existing roads or other uses, the review authority may suggest changes in design of the subdivision, for example, to provide for better interconnection of streets or buffer homes from neighboring commercial uses.

This is not necessary if your community has not adopted a zoning ordinance.

4. 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.
- C. Preliminary plan. The preliminary plan 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 100 feet to the inch. Plans for subdivisions containing more than 100 acres may be drawn at a scale of not more than 200 feet to the inch, provided all necessary detail can easily be read. The application materials for preliminary plan approval shall include the following information.
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. Verification of right, title or interest in the property by deed, purchase and sales agreement, option to purchase, or some other proof of interest.
 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 corners of the parcel shall be located on the ground and marked by monuments. The entire parcel or tract shall be shown, including all contiguous land in common ownership within the last

The scale of the plan will be determined by the size of the subdivision and the lot sizes. At one inch per 100 feet, not much over 100 acres will fit onto a standard 24+by 36+sheet.

Some of this information will appear on the application form, some on the plan, and some may accompany the plan in written reports. The review authority has the responsibility for making sure all twenty of the review criteria from the statute are met. The list of submission items below has been written so that, in most cases, enough information is submitted to make that determination. There may be an occasional case where information is necessary regarding a particular criterion that will not be included on the list of submission items. This section is written to give the review authority the ability to request that information. Municipal officials and applicants alike should keep in mind that the statute clearly puts the burden of proof on the applicant to show that all twenty criteria have been met. Failure to submit information regarding any one criterion therefore could result in a denial of the application. **The review authority, prior to issuing a denial based on lack of information, should make sure that the applicant has had the opportunity to submit that information, and offer to extend the review time frame if necessary.**

The review authority need not take time to review an application from an applicant who has no right to appear before them. If the applicant does not wish to reveal the agreed upon price of the property, the Board may allow the price to be ~~blacked out~~ on the copy of a purchase and sales agreement submitted. However, any agreement to purchase should be executed.

The survey should include the entire parcel, meaning all of the contiguous land in common ownership within the last five years. The Maine Board of Registration of Land Surveyors sets standards for the completion of different types of surveys. According to these standards, the surveyor must certify which of the categories of survey the plan meets and certify the degree of accuracy to which the survey was completed. Occasionally the certification will note exceptions to the rules or standards or reference a written report. The review authority should receive a copy of that report if one is produced.

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five years, as required by Title 30-A M.R.S.A. section 4401.

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. An indication of 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 letter from the _____ sewer 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 analyses, prepared by a Licensed Site Evaluator or Certified Soil Scientist shall be provided. A map showing the location of all test pits dug on the site shall be submitted.
7. An indication of the type of water supply system(s) to be used in the subdivision. When water is to be supplied by public water supply, a written statement from the servicing water district shall be submitted indicating there is adequate supply and pressure for the subdivision.

Frequently, the covenants or deed restrictions will concern subject matters which are relevant to the review process, such as limits on clearing of trees. In reviewing proposed covenants, the review authority should keep in mind however, that many covenants deal with subject matters that are of no concern to the subdivision review process, and are private agreements between the developer and the purchasers. As private agreements, covenants are not enforceable by the municipality. If there is an active dispute over covenants, deed restrictions, easements or rights-of-way, the Planning Board has no jurisdiction to settle such disputes by deciding which side is correct. Such matters can only be resolved by the Superior Court.

If your municipality has no public sewerage, this paragraph should be deleted. The name of the sewer district should be inserted here. During preliminary plan review only a general indication of ability and capacity to serve should be necessary. During final plan review, the sewer district will be asked to review the detailed design plans for sewerage.

The map should indicate the locations of all test pits dug on the site, not solely the passing sites. Seeing the locations and reading the logs of the sites that do not pass will reveal much information regarding the site.

If your municipality has no public water system, this section should be deleted. The name of the water district or company should be inserted here. During preliminary review only a general indication of ability to serve should be necessary. During final plan review, the water district will be asked to review the detailed plans for the water system.

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8. The date the plan was prepared, north point, and graphic map scale.
9. The names and addresses of the record owner, applicant, and individual or company who prepared the plan and adjoining property owners.
10. Wetland areas shall be delineated on the survey, regardless of size.
11. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, unusually large specimen trees, if present, and other essential existing physical features.
12. The location of all rivers, streams and brooks within or adjacent to the proposed subdivision. If any portion of the proposed subdivision is located in the direct watershed of a great pond, the application shall indicate which great pond.
13. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.
14. The location and size of existing and proposed sewers, water mains, culverts,

The statute requires that the name and address of the person under whose responsibility the subdivision plat or plan was prepared be shown on the plan which is recorded. The names and addresses of adjoining property owners are included because the statute requires their notification when the application is received.

The statute requires that all freshwater wetlands, regardless of size, be shown on the plan. If the subdivision contains any coastal wetlands, they should also be identified. Based on the definition of wetland contained in the statute and the *Model*, the best method of identification will be through a high intensity soil survey. The definition refers to conditions of saturation of a frequency and duration to support wetland vegetation, not necessarily the presence of that vegetation.

This information gives the review authority a good representation of the existing conditions on the parcel to be subdivided. Some of the information, such as the existing vegetation characteristics, the location of large trees and the area to be cleared for lawns will be used by the review authority in making the determination whether the statutory criteria regarding soil erosion, impact on great ponds, and natural beauty and aesthetics are met. If the municipality is heavily wooded in mature stands of timber, it may not make sense to require large specimen trees to be shown on the plan. However in areas of the state that experienced the forest fires of the late 1940s, there are many areas that have relatively few trees of good size and their indication on the plan and preservation may contribute to the visual character of a subdivision.

This information is required by the statute and is necessary to make a determination of the proposed subdivision's impacts on water quality and shorelines.

The review authority must know in which zoning district(s) the proposed subdivision is located in order to determine whether the zoning requirements are met. If the municipality has no zoning, this section should be deleted.

If there is no public sewer or water in your municipality, delete reference to them in this section.

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and drainage ways on or adjacent to the property to be subdivided.

15. The location, names, and present widths of existing streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.
16. The width and location of any streets, public improvements or open space shown upon the official map and the comprehensive plan, if any, within the subdivision.
17. The proposed lot lines with approximate dimensions and lot areas.
18. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
19. The location of any open space to be preserved or common areas to be created, and a general description of proposed ownership, improvement and management.
20. The area on each lot where existing forest cover will be permitted to be removed and converted to lawn, structures or other cover and any proposed restrictions to be placed on clearing existing vegetation.

The information on existing streets will be used to determine whether provision must be made for future widening of the streets. The proximity of parks or other open space to the proposed subdivision will be used to determine the need for the applicant to set aside open space within the subdivision.

An official map and an official map ordinance are mechanisms by which a municipality can layout future roads or other public facilities in advance of their construction and prohibit development from taking place within the designated right of way. Once adopted, new development would need to be designed as if the future improvements were in place. **Similarly, without having the regulatory control of an official map, if new facilities are called for in the comprehensive plan, new subdivisions should be designed with them in mind.** Few municipalities in Maine have enacted an official map and official map ordinance. If your municipality has not, do not include reference to it this section. (Note: A zoning map is not the same as an official map.)

Whereas this is only a preliminary plan, lot line lengths and bearings and lot areas need only be figured approximately.

Dedication of land in a subdivision can be an inexpensive way for a municipality to obtain open space, park land or land for other needed public facilities. If the applicant intends that any land in the subdivision be open to use by the public or be turned over to public ownership, that land should be identified on the preliminary plan. In addition, any conditions of the dedication should be specified so that the proper municipal officials can determine more thoroughly the costs and benefits of public ownership.

The application should not simply identify open space parcels but should provide a description of how they are to be managed and improved. Will the open space parcel be used for play fields or simply as a wood lot? Who will be responsible for their maintenance? Will they be owned by a lot owners association or given to the municipality or some conservation organization? At the preliminary plan stage, the Board should not require specific homeownersq association bylaws or condominium documents, but rather just a general indication of how common elements will be managed and maintained.

The statute requires the review authority to make a finding that the proposed subdivision will not have undue adverse impact on the scenic or natural beauty of the area. While the *Model* does not suggest a standard for limits on the conversion of woods to lawn, this section does require the plan to restrict cutting to those areas designated by the applicant. The area to be converted from wooded cover to lawns or other cover is necessary for determining compliance with the phosphorus control standards when the proposed subdivision is located

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21. 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 municipality's Flood Insurance Rate Map, shall be delineated on the plan.
22. Areas within or adjacent to the proposed subdivision which have been identified by the Maine Department of Inland Fisheries and Wildlife Beginning with Habitat Project or within the comprehensive plan. If any portion of the subdivision is located within an area designated as a unique natural area by the comprehensive plan or the Maine Natural Areas Program or Maine Department of Inland Fisheries & Wildlife Beginning With Habitat Project the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.
23. All areas within or adjacent to the proposed subdivision which are either listed on or eligible to be listed on the National Register of Historic Places, or have been identified in the comprehensive plan or by the Maine Historic Preservation Commission as sensitive or

in the direct watershed of a great pond.

This is required by the statute. Not all Maine municipalities have Flood Insurance Rate Maps (FIRM). If your municipality is only in the emergency phase of the National Flood Insurance Program, a FIRM will not have been published yet. In those municipalities, this section should refer to a Flood Hazard Boundary Map instead. It should be noted that the statute requires the applicant to determine the hundred year flood elevation and flood hazard boundaries in the subdivision. For most smaller streams the Flood Insurance Study performed by the Federal Emergency Management Agency does not indicate the hundred year flood elevation. Where the flood elevation has not been calculated, the flood area is designated on the FIRM as an unnumbered A zone. When any portion of a subdivision is within an unnumbered A zone, the applicant is responsible for calculating the flood elevation. The Floodplain Management Coordinator in the Office of Community Development can provide assistance.

The Maine Department of Inland Fisheries and Wildlife Beginning with Habitat Project has cataloged and mapped significant wildlife resources. Maps have been produced for many of the organized municipalities. Municipal officials should contact their regional council, the Department of Inland Fisheries and Wildlife regional office, or www.beginningwithhabitat.org to find out if their municipality has been mapped. **The comprehensive plan should also contain a description of significant wildlife resources found in the town.**

The Maine Historic Preservation Commission maintains a listing of sites which have been listed or are eligible to be listed on the National Register of Historic Places. The Commission can also provide information regarding areas which are likely to contain prehistoric resources.

likely to contain such sites.

D. Required Submissions for which a Waiver May be Granted. The following items shall be submitted as part of the Preliminary Plan Application, unless the applicant submits a written waiver request, and is granted a waiver from the submission requirement by the Planning Board, pursuant to Article 12, Waivers. ___ copies of all materials shall be delivered to the Town Office, at least 14 days prior to a regularly scheduled Planning Board meeting, in order for the application to be placed on the Board's agenda. The Board may require additional information to be submitted, as necessary, in order to determine whether the criteria of Title 30-A M.R.S.A., §4404 are met.

1. A high-intensity soil survey by a registered soil scientist.
2. Contour lines at the interval specified by the Planning Board, showing elevations in relation to mean sea level.
3. Hydrogeologic assessment.
A hydrogeologic assessment prepared by a certified geologist or registered professional engineer, experienced in hydrogeology, when the subdivision is not served by public sewer and:
 - a. Any part of the subdivision is

The first 23 items listed above are required at all times for all preliminary plan applications. However, the items in this section D may not be necessary for applicants to submit in all cases. Article 12 sets out a procedure for the applicant to request submission waivers, for permission to be relieved of the responsibility of making these submissions.

Insert the proper number of copies as before.

A high intensity soil survey may not be necessary in addition to a wetlands delineation, if the application is at a very low density and lots will be large enough to find house sites on suitable soils.

Some information on elevation is required by the statute. See the previous discussion in Section 5.4 regarding setting contour intervals. However, in some cases in flat areas or for small projects it may be perfectly satisfactory for the contour lines to be interpolated from the U.S.G.S. topographic maps. In any event, the plan submitted should indicate how the topographic information was derived.

Where there is road construction or grading changes in elevation or slope, the contour lines should be required, and based on field survey or aerial photogrammetry. If a phosphorus impact analysis and control plan are required, the contour interval must be no more than five feet.

The statute requires that the applicant show there will be no adverse impact on ground water quantity or quality from the proposed subdivision. This section sets out the criteria for when a formal evaluation of the potential impacts must be submitted. It also suggests other cases when a review authority may require an impact analysis to be submitted. With residential development, the major concern is nitrate contamination from septic systems. A less serious concern is the potential impacts on ground water quantity from consumption and decreased

located over a sand and gravel aquifer, as shown on a map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers," by the Maine Geological Survey, 1998, File No. 98-138, 144 and 147; or

- b. The subdivision has an average density of more than one dwelling unit per 100,000 square feet.

The Board may require a hydrogeologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on groundwater quality. These cases include extensive areas of shallow to bedrock soils; or cluster developments in which the average density is less than one dwelling unit per 100,000 square feet but the density of the developed portion is in excess of one dwelling unit per 80,000 square feet; and proposed use of shared or common subsurface wastewater disposal systems. The hydrogeologic assessment shall be conducted in accordance with the provisions of section 10.9 below.

4. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from the most recent available edition of the Trip Generation Manual, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.
5. Traffic Impact Analysis. For subdivisions involving 28 or more parking spaces or projected to generate

recharge due to increased impermeable surfaces. Generally, with an average density of less than one dwelling unit per 100,000 square feet ground water impacts should not be of concern. There are instances, however, where due to site considerations or the design of the development an assessment should be conducted. Section 10.9 provides the detailed information the assessment must contain.

The estimate of traffic will be used to ~~classify~~ the entrance to the subdivision for the purpose of applying the review standards in Section 10.15, and for determining whether a traffic impact analysis will be required.

Under this section, a traffic impact analysis is required for any single family residential subdivision with 14 or more lots or units (if the estimate models 10 trips per day per unit). Any development which generates 100 passenger car equivalents in a peak hour requires

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more than 140 vehicle trips per day, a traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.

- E. The Planning Board may require any additional information not listed above, when it is determined necessary by the Board to determine whether the statutory review criteria of Title 30-A M.R.S.A. §4404 have been met.

review and permit from the Department of Environmental Protection under the 1996 changes to the Site Location of Development Laws.