

# **SUBDIVISION ORDINANCE**

## **TOWN OF LIMINGTON**

**Adopted by the Limington Planning Board  
May 25, 1972**

**Voted by Town of Limington  
March 1973**

**Amended by Town of Limington  
March 5, 2010**

**Amended by Town of Limington  
November 6, 2018**

**Amended November 5, 2019**

**Amended March 1, 2022**

**Attest: \_\_\_\_\_**

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## **ARTICLE 1. PURPOSES AND STATUTORY REVIEW CRITERIA**

### **1.01 Purposes**

The purposes of this Ordinance are:

- A. To provide for an expeditious and efficient process for the review of proposed subdivisions;
- B. To clarify the approval criteria of the State Subdivision Law, found in 30A, M.R.S.A., 4404;
- C. To assure new development in the Town of Limington works to meet the objectives of the Limington Comprehensive Plan;
- D. To assure the comfort, convenience, safety, health and welfare of the people of the Town of Limington;
- E. To protect the environment and conserve the natural and cultural resources identified in the Limington Comprehensive Plan as important to the community;
- F. To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures;
- G. To minimize the potential impacts from new subdivisions on neighboring properties and on the municipality;
- H. To promote the development of an economically sound and stable community; and
- I. To encourage cluster developments and multi-family housing to allow for flexibility in the design of housing developments to allow for the creation of open space. It is recommended that all residential subdivision development proposals encompassing ten (10) or more acres of existing open fields or pasture shall be laid out according to the “cluster” standards;

### **1.02 Statutory Review**

When reviewing any application for a subdivision, the Planning Board shall consider the following criteria and, before granting final approval, shall make findings of fact that the proposed subdivision will meet the following criteria as found in 30-A A.M.R.S.A., 4404, as well as all applicable provisions of the Zoning Ordinance and this Ordinance:

- A. Pollution.** Will not result in undue water or air pollution. In making this determination, the Planning Board shall at least consider:

- A.1. The elevation of the land above sea level and its relation to the flood plains;
  - A.2. The nature of soils and subsoils and their ability to adequately support waste disposal;
  - A.3. The slope of the land and its effect on effluents;
  - A.4. The vulnerability of streams for disposal of effluents; and
  - A.5. The applicable State and local health and water resources rules and regulations.
- B. Sufficient Water.** Has sufficient water available for the reasonably foreseeable needs of the subdivision.
- C. Municipal Water Supply.** Will not cause an unreasonable burden on an existing water supply, if one is to be used.
- D. Erosion.** Will not cause unreasonable soil erosion or reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
- E. Traffic.** 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, 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.
- F. Sewage Disposal.** Will provide for adequate sewage disposal and will not cause an unreasonable burden on municipal services if they are utilized.
- G. Municipal Solid Waste Disposal.** Will not cause an unreasonable burden on the municipality's ability to dispose of solid waste if municipal services are to be used.
- H. Aesthetic, Cultural and Natural Values.** 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 State Department of Inland Fisheries and Wildlife, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
- I. Conformity with Local Ordinances and Plans.** Is in conformance with a duly adopted subdivision 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.

- J. Financial and Technical Capacity.** The developer has adequate financial and technical capacity to meet the standards of this section.
- K. Surface Waters.** Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in 38 M.R.S.A., 435 through 490, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water.
1. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principle structures to have a combined lot shore frontage and setback from the normal high water mark of 500 feet.
    - a. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not plotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.
    - b. The frontage and setback provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under Shoreland Zoning, Title 38, Chapter 3, Subchapter I, Article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of Section 4401, Subsection 1, on September 23, 1983.
- L. Ground Water.** Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
- M. Flood Areas.** Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood prone area. If the subdivision, or any part of it, is in such an area, the applicant shall determine the 100 year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision or project 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 (1) foot above the 100 year flood elevation.
- N. 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.
- O. Rivers, Streams or Brooks.** 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 38 M.R.S.A., 480-B(9).

- P. Storm Water.** The proposed subdivision will provide for adequate storm water management.
- Q. Spaghetti Lots Prohibited.** If any lots in the proposed subdivision have shore frontage on a river, stream or brook, great pond or coastal wetland as these features are defined in 38 M.R.S.A., 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1.
- R. Lake Phosphorous 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.
- S. Impact on Adjoining Municipalities.** For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe condition with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located; and
- T. Lands Subject to Liquidation Harvesting.** Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to 12 M.R.S.A., 8869(14). If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Planning Board must determine, prior to granting approval for the subdivision, that five (5) years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. The Planning Board may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the Board may accept a determination certified by a forester licensed pursuant Title 32, Chapter 76. If the Bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. If the Bureau notifies the Planning Board that it will not provide assistance, the Board 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 12 M.R.S.A., 8868(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.

## **ARTICLE 2. AUTHORITY AND ADMINISTRATION**

### **2.01. Authority**

- A. These standards have been prepared in accordance with the provisions of 30-A M.R.S.A., 4403.
- B. These standards shall be known and be cited as “Subdivision Ordinance of the Town of Limington, Maine”.

### **2.02. Administration**

- A. The Planning Board of the Town of Limington hereinafter called the Board, shall administer this Ordinance.
- B. The provisions of this Ordinance shall pertain to all land and buildings proposed for subdivisions within the boundaries of the Town of Limington.

### **2.03. Amendments**

#### **A. Initiation.**

A proposal for an amendment to this Ordinance may be initiated by:

- A.1. The Planning Board, by majority vote of the Board;
- A.2. The Municipal Officers of the Town of Limington through a request to the Planning Board;
- A.3. A written petition of a number of voters equal to at least ten percent (10%) of the number of votes cast in Limington in the last gubernatorial election.

#### **B. Procedure.**

- B.1. Any proposal for an amendment shall be made to the Planning Board in writing stating the specific changes requested.
- B.2. Within thirty (30) days of receiving an amendment proposal the Planning Board shall hold a public hearing on the proposed amendment. Unless the amendment has been submitted by the Municipal Officers or by a petition, the Board shall vote whether to forward the amendment to the Legislative body. The Board shall make a written recommendation regarding the passage to the Municipal Officers and the Legislative body prior to any action on the amendment.

- B.3. The Municipal Officers shall hold a public hearing on the proposed amendment at least ten (10) days prior to the day of voting. Notice of the hearing shall be posted and advertised in a newspaper of general circulation in the Municipality at least seven (7) days prior to the public hearing. The notice shall contain the time, date and place of hearing, and sufficient detail about the proposed changes as to give adequate notice of their content. If the proposed changes are extensive, a brief summary of the changes, together with an indication that a full text is available at the Town Clerk's office shall be adequate notice.
- B.4. Any amendment initiated by citizen's petition shall be governed by the applicable provisions of 30-A M.R.S.A., 2522 and 2528(5).

**C. Adoption.**

- C.1. Any amendments to this Ordinance shall be adopted by the Legislative body of the Town of Limington by referendum ballot.

### ARTICLE 3. DEFINITIONS

In general, words and terms used in this Ordinance shall have their customary dictionary meanings. More specifically, any word or term defined in the Limington Zoning Ordinance shall have the definition contained in that Ordinance, unless defined differently below. Other words and terms used herein are defined as follows:

**Affordable Housing:** A safe and sanitary dwelling, apartment or other living accommodation for a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the U.S. Housing Act of 1937, Public Law 412, 50 Stat. 888, Section 8, as amended.

**Capital Improvement Program (CIP):** The Municipality's proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

**Capital Investment Plan:** The portion of the Comprehensive Plan that identifies the projects by consideration for inclusion within the capital improvements program, together with an estimate of the order of magnitude for the cost of each project.

**Cluster Subdivision:** A form of development that allows a subdivision design in which individual lot sizes and setbacks are reduced in exchange for the creation of common open space and recreation areas, the preservation of environmentally sensitive areas, agriculture and silviculture and the reduction in the size of road and utility systems.

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

**Comprehensive Plan:** A document or interrelated documents containing the elements established under 30-A M.R.S.A., 4326(1) to (4), including the strategies for an implementation program which are consistent with the goals and guidelines established under 30-A M.R.S.A., Chapter 187, Subchapter 2.

**Conservation Easement:** A non-possessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

**Direct Watershed or a Great Pond:** That portion of the watershed which drains directly to the great pond without first passing through an upstream great pond. For the purposes of this Ordinance, the watershed boundaries, as depicted in the drainage

divide data layer provided by the Maine Office of GIS. Due to the scale of the map there may be small inaccuracies in the delineation of the watershed boundary. Where there is a dispute as to exact location of a watershed boundary, the Board or its designee, and the applicant shall conduct an on-site investigation to determine where the drainage divide lies. If the Board and the applicant cannot agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the applicant to provide the Board with information from a professional land surveyor showing where the drainage divide lies.

**Driveway.** A vehicular access serving one or two private lots.

**Easement:** An interest in land owned by another that entitles its holder to a specific, limited use or enjoyment.

**Engineer:** A professional engineer licensed by the State of Maine.

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

**Legislative Body:** Town Meeting

**Multi-family Development:** A lot which contains one or more multi-family dwellings, two or more duplexes, three or more single family dwellings, or any combination of buildings containing three or more dwelling units or land in common ownership, such as apartment buildings, condominiums, or mobile home parks.

**Municipality:** Town of Limington.

**Official Maps:** All maps adopted by the Town of Limington.

**Person:** Includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.

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

**Preliminary Plan:** The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

**Private Roads:** Private roads may be designated for use in building lot(s) serving one (1) or two (2) homes and shall follow the standards stipulated in the Street Design Standards chart in the Zoning Ordinance.

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

**Reserve Strip:** A narrow strip of land between an existing or proposed street and other property which can be used to limit access to the street by others.

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

**Revision:** Any change in a previously approved subdivision.

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

**Street:** Public and private ways such as alleys, avenues, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access. Driveways, as defined, are excluded.

**Subdivision:** The term shall be defined as in 30-A M.R.S.A., 4401(4), as amended.

**Subdivision, Major:** Any subdivision containing four (4) or more lots or dwelling units, or any subdivision requiring any new public street extension, or the extension of municipal facilities.

**Subdivision, Minor:** Any subdivision containing three (3) lots or dwelling units.

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

**Useable Open Space:** That portion of the common open space which, due to its slope, drainage characteristics and soil conditions can be used for active recreation, horticulture or agriculture.

**Waiver:** A waiver or modification of the requirements of this Ordinance, granted by the Planning Board. Such waiver or modification must meet the criteria as stated in Article 5 of this Subdivision Ordinance.

**Wet Pond:** Acts as a settling basin to remove sediment from the run-off and to assimilate suspended phosphorus prior to the run-off leaving the property. They must be dredged periodically to remove phosphorus bearing sediment and maintain their design capacity.

#### **ARTICLE 4. ADMINISTRATIVE PROCEDURE**

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

- A. Applicants shall request to be placed on the Board's agenda two (2) weeks in advance of a regularly scheduled meeting by contacting the Code Enforcement Officer.
- B. Applicants who attend a meeting but who are not on the Board's agenda may be heard only after all agenda items have been completed, and then only if a majority of the Board so votes.
- C. The Board shall take no action on any application not appearing on the Board's written agenda.
- D. If at any point during or after its review of an application for subdivision approval, the Board determines that it requires the assistance of independent technical or legal consultants to provide information relevant to its determination of whether the application meets any of the criteria set forth in this Ordinance, or, whether any approved subdivision complies with the terms or conditions of approval, the Board may retain the services of said consultants. Any and all costs and expenses associated with these services will be borne exclusively by the applicant.

## **ARTICLE 5. WAIVERS**

### **5.01. Waivers Authorized.**

Where the Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, or that the application is simple and minor in nature, it may waive portions of the submission requirements, unless prohibited by this Ordinance or Maine law, provided that the applicant has demonstrated that the performance and design standard of this Ordinance and the criteria of the subdivision statute have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Zoning Ordinance or this Ordinance.

### **5.02. Waivers of Certain Improvements Authorized.**

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

### **5.03. No Waiver of Zoning Ordinance Requirements.**

The Planning Board does not have the authority to grant waivers from the standards set forth in the Zoning Ordinance, except as specifically set forth in this Ordinance and the Zoning Ordinance.

### **5.04. Imposition of Conditions.**

In granting waivers, the Planning Board shall require such conditions as will, in its judgment, secure the objectives of the requirements so waived.

### **5.05. Waivers are to be shown on Final Plan.**

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



## **ARTICLE 6. SKETCH PLAN AND SITE INSPECTION**

### **6.01. Purpose.**

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

### **6.02. Procedure.**

- A. The applicant shall present the Sketch Plan and make a verbal presentation regarding the site and the proposed subdivision.
- B. Following the applicant's presentation, the Board may ask questions and make suggestions to be incorporated by the applicant into the application.
- C. The date of the on-site inspection is selected.
- D. The Board will make a determination as to whether the proposed subdivision is a minor or a major subdivision and shall also determine, where appropriate, whether the proposed subdivision will be classified as a cluster subdivision.
- E. All applications for subdivision plan approval shall be accompanied by a non-refundable application fee, payable by check to the municipality. See application form for fee.

### **6.03. Submissions.**

Eight (8) copies of the Sketch Plan and all supporting materials must be submitted two (2) weeks prior to a regularly scheduled Planning Board meeting in order to be placed on the agenda. The Sketch Plan shall show in simple sketch form the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The Sketch Plan should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It will be most helpful to both the applicant and the Board for site conditions such as steep slopes, wet areas and vegetative cover to be identified in a general manner. It is recommended that the Sketch Plan be superimposed on or accompanied by a copy of the Assessor's map(s) on which the land is located. The Sketch Plan shall be accompanied by:

- A. A copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision unless the proposed subdivision is less than ten (10) acres in size.

- B. A copy of that portion of the county soil survey covering the proposed subdivision, showing the outline of the proposed subdivision.
- C. A brief written narrative describing the project.

**6.04. Contour Interval and On-site Inspection.**

Within thirty (30) days of the Sketch Plan meeting the Board may hold an on-site inspection of the property and inform the applicant in writing of the required contour interval on the Preliminary Plan, or Final Plan in the case of a Minor Subdivision. The applicant shall place “flagging” at the centerline of any proposed streets, and at the approximate intersections of the street centerlines and lot corners, prior to the on-site inspection. A site walk is expected for all subdivisions but the Planning Board reserves the right to waive this requirement. The Board may choose not to conduct on-site inspections when there is inclement weather or snow on the ground. On-site inspections shall be noticed as required by 1 M.R.S.A., 401-410, and the public shall be allowed to accompany the Board.

**6.05. Rights Not Vested.**

The Sketch Plan meeting, the submittal or review of the Sketch Plan or the on-site inspection shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of 1 M.R.S.A., 302.

**6.06. Establishment of File.**

Following the Sketch Plan meeting the Board shall establish a file for the proposed subdivision. All correspondence and submissions regarding the Sketch Plan application meeting and application shall be maintained in the file.

## **ARTICLE 7. REVIEW AND APPROVAL OF MINOR SUBDIVISIONS**

### **7.01. General**

In addition to the following requirements for Minor Subdivisions, the Planning Board may require where it deems it necessary for the protection of public health, safety and welfare, and to meet the standards of Article 10, that a Minor Subdivision comply with all or any of the requirements specified for a Major Subdivision.

### **7.02. Procedure**

- A. Within six (6) months after the on-site inspection by the Board, the applicant shall submit a Final Plan for approval.
- B. The Final Plan shall be submitted by mail to the Code Enforcement Officer at least ten (10) days prior to a scheduled meeting of the Board. Failure to submit the Final Plan within six (6) months shall require re-submission of the Sketch Plan to the Board.
- C. The Final Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board.
- D. The subdivider, or his/her duly authorized representative, shall attend all meetings of the Planning Board to discuss the Final Plan, otherwise, the Board shall reschedule review of the subdivider's application to its next regularly scheduled meeting.
- E. Within ten (10) business days of the receipt of the Final Plan application, the Board, or its designee, shall:
  - E.1. Issue a dated receipt to the applicant;
  - E.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.
  - E.3. Notify the clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary.
- F. Within thirty (30) days after the Planning Board has reviewed the application, the Board 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. All submissions shall be signed and sealed by the appropriate Maine State licensed professional.

- G. Prior to submittal of the Final Plan, the following approvals shall be obtained in writing, where applicable:
  - G.1. Maine Department of Environmental Protection, under the Site Location of Development Act.
  - G.2. Maine Department of Environmental Protection, under the Natural Resources Protection Act if a storm water management permit or a waste water discharge license is needed.
  - G.3. Maine Department of Human Services, if an engineered subsurface waste water disposal system(s) is to be utilized.
  - G.4. U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.
  - G.5. Any other required state or federal permit or approval.

**7.03. Submissions**

- A. The applicant shall submit eight (8) copies of the application and any accompanying documents. The Final Plan shall be on 24 x 36 inch size sheets drawn to a scale of not more than one hundred (100) feet to the inch with reserved space for endorsement by the Planning Board members. This plan shall include all the conditions voted by the Planning Board as described in the Notice of Decision.
- B. All applications for approval of minor subdivisions shall be accompanied by a non-refundable application fee, payable by check to the municipality. See application form for fees.
- C. The application for approval of the Final Plan for a Minor Subdivision shall include all the information presented on the Sketch Plan plus the following:
  - C.1. Verification of right, title or interest in the property by deed, purchase and sales agreement, option to purchase, or some other proof of interest.
  - C.2. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
  - C.3. A field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distance, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by iron pins, stone or precast monumentation, and

shall be referenced as shown on the Plan. The entire parcel or tract shall be shown, including all contiguous land in common ownership within the last five (5) years, as required by Title 30-A M.R.S.A. 4401.

- C.4. A soils report identifying the soils boundaries and names in the proposed development with the soils information superimposed upon the plot plan in accord with U.S.D.A. Soil Conservation Service National Cooperative Soil Classification. The intensity of this study must identify changes in soil conditions down to one eighth of an acre.
- C.5. A lot by lot soils suitability determination for house building with septic sewerage disposal will be made in accord with the State of Maine Subsurface Wastewater Disposal Rules and will accompany the plot plan soils study.
- C.6. The proposed name of the subdivision and the name of the municipality in which it is located.
- C.7. The date, north point, graphic map scale, name and address of record owner, subdivider, individual or company who prepared the plan, and names of adjoining property owners shall be shown on the plan.
- C.8. A soil erosion and sediment control plan designed to comply with the DEP best management practices.
- C.9. A list of all abutters to the proposed subdivision.
- C.10. 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 30-A M.R.S.A., 4404 have been met.

#### **7.04. Public Hearing**

The Planning Board shall hold a public hearing within thirty (30) days of determining that it has received a completed Final Plan.

- A. Notice of the public hearing containing the date, time and place of said hearing shall be mailed to the applicant and to all abutters.
- B. Notice of the hearings must be posted and published twelve (12) days prior to the date of the scheduled hearing. One such notice must be posted at the municipal building.

- C. Notice shall also be published at least two (2) times in a newspaper(s) having general circulation in the Town, once at least twelve (12) days before the hearing.
- D. The date of the second publication must be at least seven (7) days before the hearing.
- E. The Planning Board shall, within thirty (30) days of the public hearing, or within any other time limit otherwise mutually agreed to:
  - E.1. Issue a decision granting approval of the proposed subdivision with all waivers granted, and applicable terms and conditions; or
  - E.2. Issue a decision denying the proposed subdivision.
  - E.3. In issuing its decision, the Planning Board shall make findings of fact establishing that the proposed subdivision does/does not meet the criteria established herein.

The Final Plan shall include one (1) reproducible, stable based transparency and three (3) paper copies to be filed at the Town Office. Space shall be reserved thereon for endorsement by the Planning Board. This plan shall include all the conditions voted by the Planning Board as described in the Notice of Decision.

## **ARTICLE 8. PRELIMINARY PLAN FOR A MAJOR SUBDIVISION**

### **8.01. General**

The standards stated in Article 10 are applicable for the approval of a Major Subdivision.

### **8.02. Procedure**

- A. Within six (6) months after classification of the Sketch Plan as a Major Subdivision, the applicant shall submit an application for the consideration of a Preliminary Plan. Failure to do so shall require re-submission of the Sketch Plan to the Planning Board for reclassification.
- B. Applications shall be submitted to the Code Enforcement Officer at the municipal office at least ten (10) days prior to a scheduled meeting of the Board. Failure to submit the application within six (6) months shall require re-submission of the Sketch Plan to the Board.
- C. The Preliminary Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board.
- D. A non-refundable fee for major subdivisions shall be remitted at the time of submission of the Preliminary Plan, payable by check to the municipality. See application form for fees.
- E. The subdivider, or his/her duly authorized representative, shall attend all meetings of the Planning Board to discuss the Preliminary Plan; otherwise the Board shall reschedule review of the subdivider's application to its next regularly scheduled meeting.
- F. Within ten (10) days of the receipt of the Preliminary Plan application, the Board, or its designee, shall:
  - F.1. Issue a dated receipt to the applicant and,
  - F.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.
  - F.3. Notify the clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary.

- G. Within thirty (30) days after the Planning Board reviews the application, the Board shall:
  - G.1. Notify the applicant in writing, or at a meeting with the applicant, either that the application is complete or, if the application is incomplete, the specific additional material needed to complete the application.
- H. Upon determination that a complete application has been submitted for review, the Board shall notify the Road Commissioner and the Fire Chief of the proposed subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multi-family, 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.
- I. Prior to submittal of the Preliminary Plan application, the following approvals shall be obtained in writing, where applicable:
  - I.1. Maine Department of Environmental Protection, under the Site Location of Development Act.
  - I.2. Maine Department of Environmental Protection, under the Natural Resources Protection Act if a storm water management permit or a wastewater discharge license is needed.
  - I.3. Maine Department of Human Services, if an engineered subsurface wastewater disposal system(s) is to be utilized.
  - I.4. U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.
  - I.5. Inland Fisheries and Wildlife approval where necessary.
  - I.6. Any other applicable state or federal approval or permit.
- J. Prior to approval of the Preliminary Plan for a Major Subdivision the Planning Board shall hold a public hearing. The procedure for the public hearing shall be the same as identified in Article 7.04.
- K. Within thirty (30) days after the public hearing, or within any other time limit otherwise mutually agreed to, the Planning Board shall either approve, with or without modifications, or disapprove the Preliminary Plan. The reasons for any modifications required, or the grounds for disapproval, shall be stated upon the records of the Board. The applicant shall be notified in writing of such findings.



- L. When granting approval of the Preliminary Plan, the Board shall state the conditions of such approval, if any, with respect to:
  - L.1. The specific changes which it will require in the Final Plan.
  - L.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
  - L.3. The amount of all bonds which will be required as a prerequisite to the approval of the Final Plan.
- M. Approval of the Preliminary Plan shall not constitute approval of the Final Plan.

**8.03. Submissions**

- A. The applicant shall submit eight (8) copies of the Preliminary Plan on standard size sheets with reserved space for endorsement by the Planning Board members upon approval of the Final Plan.
- B. The application for approval of the Preliminary Plan for a Major Subdivision shall include all the information presented on the Sketch Plan plus the following:
  - B.1. Verification of right, title or interest in the property by deed, purchase and sales agreement, option to purchase or some other proof of interest.
  - B.2. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
  - B.3. The number of acres within the proposed subdivision, location of property lines, existing easements, buildings, watercourses and other essential existing physical features.
  - B.4. The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage.
  - B.5. The zoning district in which the proposed subdivision is located and the location of any zoning district boundaries affecting the subdivision.
  - B.6. Location, names and present width of existing and proposed streets, easements, building lines, and public open spaces in or adjacent to the proposed subdivision. The plan shall contain sufficient data to allow the

location, bearing and length of every street line, lot line, and boundary line to be readily determined and reproduced on the ground..

- B.7. Contour lines at intervals of not more than five (5) feet or at such intervals as the Planning Board may require, based on U.S. Geological Survey datum of existing grades where change of existing ground elevation will be five (5) feet or more.
- B.8. A field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distance, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by iron pins, stone, or precast concrete monumentation and shall be referenced as shown on the Plan. The entire parcel or tract shall be shown, including all contiguous land in common ownership within the last five (5) years, as required by 30-A M.R.S.A. 4401.
- B.9. A soils report identifying the soils boundaries and names in the proposed development with the soils information superimposed upon the plot plan in accord with U.S.D.A. Soil Conservation Service National Cooperative Soil Classification. The intensity of this study must identify changes in soil conditions down to one eighth of an acre.
- B.10. A lot by lot soils suitability determination for house building with septic sewerage disposal will be made in accord with the Soil Suitability Guide for Land Use Planning in Maine and will accompany the plot plan soils study.
- B.11. All on site sewerage and water supply facilities shall be shown designed to meet the minimum specifications of these standards and all pertinent State and local Ordinances. Compliance shall be stated on the plan and signed by a Licensed Site Evaluator. A map showing the location of all test pits dug on the site shall be submitted.
- B.12. The proposed name of the subdivision and the name of the municipality in which it is located and the assessor's map and lot numbers of the parcel(s) proposed to be subdivided.
- B.13. The date, north point, graphic map scale, name and address of owner of record and subdivider, individual or company who prepared the plan, and names of adjoining property owners shall be shown on the plan.
- B.14. A soil erosion and sediment control plan that meets Standard Best Management Practices for Soil Erosion and Sediment Control.

- B.15. Typical cross sections of the proposed grading for roadways and sidewalks.
- B.16. The proposed location and test results for waste water disposal systems to ascertain subsurface soil and ground water conditions, depth to maximum ground water level.
- B.17. Provisions for collecting and discharging storm drainage, in the form of a drainage plan.
- B.18. The proposed lot lines with approximate dimensions and suggested locations of buildings.
- B.19. The location of all natural features or site elements to be preserved.
- B.20. All parcels of land, if any, proposed to be dedicated to public use and the conditions of such dedication.
- B.21. A list of all abutters to the proposed subdivision.
- B.22. Location, where applicable, of any vernal pools.
- B.23. 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 30-A M.R.S.A., 4404 have been met.

## **ARTICLE 9. FINAL PLAN FOR A MAJOR SUBDIVISION**

### **9.01. Procedure**

- A. Within six (6) months after the approval of the Preliminary Plan, the applicant shall file an application for approval of the Final Plan. If the Final Plan is not submitted to the Planning Board within six (6) months after the approval of the Preliminary Plan, the Board may refuse without prejudice to act on the Final Plan and require re-submission of the Preliminary Plan.
- B. Within five (5) days of receipt of the Final Plan, the Board, or its designee, shall issue a dated receipt to the applicant.
- C. Within thirty (30) days of the receipt of the Final Plan application, the Board shall:
  - C.1. Determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed in order to complete the application.
  - C.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.
  - C.3. Notify the clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary.
- D. Upon determination that a complete Final Plan application has been submitted, the Board shall notify the applicant in writing.
- E. The Board shall hold a public hearing within thirty (30) days after determining that the Final Plan application is complete. The procedure for the public hearing shall be the same as identified in Article 7.04.
- F. The Planning Board shall, within thirty (30) days of a public hearing for the Final Plan or within any other time limit otherwise mutually agreed to, issue an order:
  - F.1. Denying approval of the proposed subdivision.
  - F.2. Granting approval of the proposed subdivision.

- F.3. Granting approval upon any terms and conditions that it considers advisable to:
  - A. Satisfy the criteria listed in Title 30-A M.R.S.A. 4404 and the standards of Article 10 of this Ordinance.
  - B. Protect and preserve the public's health, safety and general welfare.
- G. The Final Plan shall consist of one (1) reproducible, stable based transparency, one to be filed at the Town office, plus two (2) paper copies. Space shall be reserved thereon for endorsement by the Planning Board. This plan shall include all the conditions voted by the Planning Board as described in the Notice of Decision.

## **9.02 Submissions**

The Final Plan shall show, unless waived by the Planning Board, the following items:

- A. All the information presented on the Preliminary Plan along with any amendments suggested or required by the Planning Board.
- B. Proposed name of the subdivision and the name of the municipality, plus the assessor's map and lot number.
- D. Verification of right, title, or interest in the property. 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.
- E. A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
- F. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel shall be located on the ground and marked by iron pins, stone, or precast concrete monumentation.
- G. An indication of the type of sewage disposal system to be used in the subdivision.
  - G.1. When 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.

- G.2. When sewage disposal is to be accomplished by subsurface waste water disposal systems, test pit analyses, prepared by a Licensed Site Evaluator shall be provided. A map showing location of all test pits dug on the site shall be submitted.
- G.3. When sewage disposal is to be accomplished by a central sewage collection and treatment system, any necessary approvals by the State of Maine Department of Health and Welfare shall be submitted.
- H. An indication of the type of water supply system(s) to be used in the subdivision.
  - H.1. 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.
  - H.2. When a central well is proposed, the applicant is required to provide all necessary written approvals by the State of Maine Department of Health and Welfare and to present information which indicates the “cone of influence” around the well to establish pre-development water table levels.
- I. The date the plan was prepared, north point, and graphic map scale.
- J. The names and addresses of the owner of record, applicant, and individual or company who prepared the plan, and abutting property owners.
- K. Soil survey by a Certified Soil Scientist.
- L. Wetland areas shall be identified on the survey, regardless of size.
- M. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type and other essential physical features.
- N. 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.
- O. Contour lines at intervals of not more than five (5) feet or at such intervals as the Board may require, showing elevations in relation to mean sea level.

- P. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.
- Q. The location and size of existing culverts and drainage ways on or adjacent to the property to be subdivided.
- R. The location, names, and present widths of existing streets and highways, and existing and proposed easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced on the ground.
- S. Street plans meeting the requirements of Section 10.16 are applicable.
- T. The width and location of any streets, public improvements or open space shown on the official map, if any, within the subdivision.
- U. The location of any open space to be preserved and a description of proposed improvements and its management.
- V. All parcels of land, if any, proposed to be dedicated to public use and the conditions of such dedication.
  - V.1 Written offers to convey title to the municipality of all public open spaces shown on the plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the applicant or lot owners are to be maintained shall be submitted.
  - V.2 If open space or other land is to be offered to the municipality, written evidence that the Planning Board is satisfied with the legal sufficiency of the written offer to convey title shall be included.
- W. 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 town's Flood Insurance Rate Map, shall be delineated on the plan.
- X. The board may require a hydrogeologic assessment prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, when:
  - X.1 Any part of the subdivision is 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; or
  - X.2 The subdivision has an average density of more than one (1) dwelling unit per 120,000 square feet; or

X.3 Where site considerations or development designs indicate greater potential of adverse impacts on ground water quality. The cases include:

- a. Extensive areas of shallow to bedrock soils; or
- b. Cluster subdivisions in which the average density is less than one (1) dwelling unit per 100,000 square feet but the density of the developed portion is in excess of one (1) dwelling unit per 80,000 square feet; or
- c. The proposed use of shared or common subsurface waster water disposal systems.

X.4 The hydrogeologic assessment shall be conducted in accordance with the provisions of Section 10.10.A.

Y. The Board may require a storm water management plan, prepared by a Registered Professional Engineer in accordance with the *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection.

A storm water management plan is required for new development in the watershed of a great pond.

Z. The location and method of disposal for land clearing and construction debris.

### **9.03. Bond**

See Article 12 – Performance Guarantees.



## **ARTICLE 10. PERFORMANCE AND DESIGN STANDARDS**

The standards in this article are intended to clarify and expand upon the criteria for approval found within the Subdivision Statute (30-A M.R.S.A., 4404). In reviewing a proposed subdivision, the Board shall review the application for conformance with the following standards and make written findings that each has been met prior to the approval of a final plan. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance and design standards and statutory criteria for approval have been or will be met. However, any citizen claiming that any standard or statutory criteria have not been met must provide verifiable data to satisfy their claim.

### **10.01 Pollution**

- a. The proposed subdivision will not result in undue water or air pollution.
- b. The proposed subdivision shall not discharge wastewater to a water body without a license from the Maine Department of Environmental Protection.
- c. Discharge of storm water shall be treated to remove oil, grease, and sediment prior to discharge into surface water bodies. When the subdivision is within the watershed of a great pond, the storm water shall be treated in order to remove excess nutrients.

### **10.02 Sufficient Water**

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

- A.1. When a proposed subdivision is not within the area designated for public water supply service in the Comprehensive Plan, water supply shall be from individual wells or a private community water system.
  - a. Individual wells shall be sited and constructed to prevent infiltration of surface water and contamination from subsurface waste water disposal systems and other sources of potential contamination
  - b. Lot design shall permit placement of wells, subsurface waste water disposal areas, and reserve sites for subsurface waste water disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.
  - c. If a central water supply system is provided by the applicant the location and protection of the source, the design, construction and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R.231).

## **B. Fire Protection and Public Safety**

### **B.1 Authority**

Except for exemptions cited herein, Section D shall be applicable to the following structures constructed after November 6<sup>th</sup>, 2018 :

1. Residential subdivisions regulated by 30-A MRSA §4403 and subdivisions exempt by 30-A MRSA §4401.4 and 4401.4D -1, D-2, D-3, and D-4 [Probate and family divisions] consisting of:
  - a. Three (3) lots.
  - b. Between four (4) and seven (7) lots located more than 1,500 linear feet by established travel way from a designated and operational Fire Department water supply of at least 15,000 gallon capacity.
2. Commercial and institutional structures within excess of 4,000 square feet of area, excepting agricultural buildings.

### **B.2 Performance Standards**

#### **A. Residential Fire Protection Water Supply**

##### 1. Proximity to Fire Protection Water Supply:

All residential buildings governed by B.1. shall be located within 1,200 linear feet by established travel way of a designated and operational Fire Department water supply of at least 15,000 gallon capacity.

##### 2. Alternative Water Supply Required:

Proposed new residential structures failing to meet the standard B.2.A.1 will be required to provide one of the following remedies:

- a) Install a residential fire sprinkler system in all residential units in conformance with the standards of NFPA 13D or latest published edition of NFPA;
- b) Install an enclosed concrete or polycarbonate cistern with a minimum 15,000 gallon capacity on site or within 500 feet by established travel way of the principal structure and provide Fire Department vehicular access to the cistern;

## **B. Non-Residential Fire Protection Water Supply**

### **1. Proximity to Fire Protection Water Supply:**

Commercial and institutional structures in excess of 4,000 square feet in area must be located within 1,200 linear feet by established travel way of a designated and operational Fire Department water supply of at least 15,000 gallon capacity. The Fire Chief and/or Planning Board may require a water supply in excess of 15,000 gallons based on building size, use, fire load, and/or number of buildings served by the water supply.

### **2. Design Standards:**

All hydrants shall be designed and constructed in conformance with NFPA 24 or latest published edition of NFPA24. No hydrant shall be serviced by a water supply main of less than six (6) inch diameter.

### **3. Costs & Responsibilities:**

The applicant shall be responsible for expenses associated with the installation, maintenance, and/or lease of fire hydrants located in private ways, driveways, and private property. Applicants shall also be responsible for the installation and lease costs associated with a hydrant installed in the right-of-way of a Town or State road for a period of three (3) years, whereupon all lease costs shall be assumed by the Town of Limington.

## **C. Automatic Fire Sprinkler Systems**

### **1. Fire Sprinkler Design Standards**

All Automatic Fire Sprinkler Systems shall conform to the following design criteria:

- a. NFPA 13D or latest published edition for one and two family residential dwelling units;
- b. NFPA 13R or latest published edition in all residential structures except for one and two family dwelling units;
- c. NFPA 13 or latest published edition in any commercial or non-residential structure.

## **D. Cistern Standards**

### **1. Cisterns:**

Fire Water Supply cisterns shall be designed as follows:

## **Performance Standards**

- a. All cisterns shall be waterproofed prior to installation.
- b. Cisterns shall be plumbed with six (6) inch drafting outlet with a threaded fitting with long handles and a metal cap mounted on an elbow at least two (2) feet above the surface of the ground
- c. All plumbing fixtures shall be metal in construction.
- d. A separate vent pipe shall be installed
- e. A separate fill pipe on an elbow mounted at least 2 feet above the ground and fitted with a threaded 2.5 inch wye.
- f. A sight gauge showing water level in the cistern.
- g. Cisterns shall be constructed with a cleanout manhole enabling maintenance access to the interior with a locking mechanism to prevent vandalism.

### **2. Pumping Apron:**

#### a. Apron Design:

A paved access apron at least 15 feet long shall be constructed from the cistern to the edge of the street or private way to provide easy Fire Department access to the dry hydrant and fill pipe.

#### b. Bituminous Surface:

The apron shall consist of 2.5 inch bituminous concrete surface constructed on 18 inches of MDOT Type D gravel compacted to 95 Proctor.

#### c. Protective Bollards:

Two three-inch concrete filled metal pipe bollards shall be installed on either side of the fill pipe connections in order to protect the fittings from impact from vehicles.

### **2. Fire Response Accessibility**

#### 1. Road & Parking Design:

All private ways, subdivision roads, private driveways, and parking lots shall be Designed to provide adequate travel way widths and curve/curb radii to accommodate a 100-foot ladder /tower apparatus with a minimum 65 - foot inside turning radius.

#### 2. Fire Lanes:

Buildings of high-density occupancy, public accommodation or hazardous conditions; including but not limited to multifamily complexes, shopping centers, auditoriums, theaters, office buildings, hospitals, lodging, and manufacturing facilities, shall provide 15-foot fire lanes designated as “No Parking Zones” that will enable rapid and

unimpeded access of fire/rescue equipment and personnel to the interior, roof, mechanical room, and/or other critical areas. The Limington Fire Chief or designee shall exercise sole discretion in the location and design of such Fire Lanes.

3. Fire Department Connection (FDC)

All buildings fitted with an Automatic Fire Sprinkler System in conformance with NFPA 13 and NFPA 13R shall provide an exterior Fire Department Connection (FDC) in a location readily accessible to responding Fire apparatus. The Fire Chief or designee shall exercise sole discretion on the location of the FDC, and the configuration of road access to the FDC.

4. “Knox Box” Rapid Entry System (RES)

All multi-family uses and non-residential buildings, including but not limited to places of public accommodation, manufacturing and fabrication facilities, gated emergency accesses and similar uses shall install a secure Rapid Entry System box, containing keys facilitating rapid entry of fire and rescue personnel to a locked facility. The Limington Fire Chief or designee shall specify the location and number of such Knox Box systems.

**3. Exemptions and Additions:**

1. Exemptions:

Given the proximity of adequate established Fire Department water supplies, the Fire Chief or designee may exempt a proposed development from providing an on-site water supply.

2. Additional Requirements:

Given site conditions and constraints, inaccessibility, fire loads, and /or exposures, the Fire Chief or designee may impose additional fire protection standards beyond the minimum requirements specified in Section B in order to maintain neighborhood safety, preserve property, and protect civilian and firefighter lives.

**10.03 Impact on Existing Water Supplies**

In meeting the standards of Section 10.2, a proposed subdivision shall not generate a demand on the source, treatment facilities or distribution system of the servicing water company or district beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the subdivision. The applicant shall be responsible for paying costs of system improvements to the district’s or company’s system a necessary to alleviate existing deficiencies.

#### **10.04 Soil Erosion**

The proposed subdivision shall prevent soil erosion from entering water bodies, wetlands, and adjacent properties.

#### **10.05 General Requirements for Traffic Control**

- A. Provision shall be made for vehicular access to the subdivision and circulation within the subdivision in such as manner as to:
  - A.1. Safeguard against hazards to traffic and pedestrians in existing streets and within the subdivision.
  - A.2. Avoid traffic congestion on any street.
  - A.3. Provide safe and convenient circulation on public streets and within the subdivision.
  - A.4. The street giving access to the subdivision and neighboring streets and intersections which can be expected to carry traffic generated by the subdivision shall have the capacity or be suitably improved to accommodate that traffic and avoid unreasonable congestion.
  - A.5. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, sidewalks, bicycle ways and traffic controls within existing public streets.
  - A.6. Access ways to non-residential subdivisions or to multi-family developments shall be designed to avoid queuing of entering vehicles on any street.
  - A.7. Where topographic and other site conditions allow, provision may be made for street connections to adjoining lots of similar existing or potential uses.
  - A.8. In non-residential subdivisions such access shall be provided if it will:
    - b. Facilitate fire protection services as approved by the fire chief; or
    - c. Enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a public street.

## A.9. Street Names and Signs

Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the Municipality and shall be subject to the approval of the 911 Coordinator. The developer shall either install street name, traffic safety and control signs meeting municipal specification or reimburse the Municipality for the costs of their installation.

## B. Access Control

B.1. Where a subdivision abuts or contains an existing or proposed arterial street, no residential lot may have vehicular access directly onto the arterial street. This requirement shall be noted on the plan and in the deed of any lot with frontage on the arterial street.

B.2. Subdivisions Entering onto Arterial Streets. When the access to a subdivision is a street, the street design and construction standards of Section 10.16.B. below shall be met. Where there is a conflict between the standards in this section and the standards of Section 10.16 below, the stricter or more stringent shall apply.

### a. General

Access design shall be based on the estimated volume using the access classification defined below. Traffic volume estimates shall be as defined in the *Trip Generation Manual*, current edition, published by the Institute of Transportation Engineers.

- (i) Low Volume Access: An access with fifty (50) vehicle trips per day or less.
- (ii) Medium Volume Access: Any access with more than fifty (50) vehicle trips per day but less than two hundred (200) peak hour vehicle trips per day.
- (iii) High Volume Access: Peak hour volume of two hundred (200) or greater vehicle trips per day.

### b. Submissions

An access design shall be submitted as approved by the Maine Department of Transportation or the Limington Road Commissioner. The submitted design shall include, but not be limited to, the following:

- (i) **Sight Distances.** Accesses shall be located and designed in profile and grading to provide the required sight distance measured in each direction. Sight distance shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of ten (10) feet behind the curb line or edge of shoulder, with the height of the eye three and one half (3 ½) feet, to the top of an object four and one half (4 ½) feet above the pavement.
- (ii) **Vertical Alignment.** Accesses shall be flat enough to prevent the dragging of any vehicle under carriage. Accesses shall slope upward or downward from the gutter line on a straight slope of three (3) percent or less for at least the first seventy-five (75) feet. The maximum grade over the entire length shall not exceed fifteen (15) percent.
- (iii) **Skew Angle.** Accesses shall intersect the road at an angle as nearly ninety (90) degrees as site conditions permit, but in no case less than sixty (60) degrees.
- (iv) **Turning Radius** according to access volume.
- (v) **Access Width** according to access volume.
- (vi) **High Volume Access:** Appropriate traffic control signage shall be erected at the intersection of the access and the street and on medians and channelization islands.
- (vii) **Access Location and Spacing, including:**
  - (1) **Minimum Corner Clearance.** Corner clearance shall be measured from the point of tangency for the corner to the point of tangency for the access. In general the maximum corner clearance should be provided as practical based on site constraints. If full access to the site cannot be provided on either the major or minor streets, the site shall be restricted to partial access. Alternately, construction of a shared access drive with an adjacent lot is recommended.
  - (2) **Access Spacing.** Accesses and street intersections shall be separated from adjacent accesses, streets and property lines in order to allow major through routes to effectively serve their primary function of conducting through traffic.



c. Number of Accesses

The maximum number of accesses onto a single street is controlled by the available site frontage and approved minimum access spacing approved in Access Design submitted. In addition, the following criteria shall limit the number of accesses independent of frontage length.

- (i) No low volume traffic generator shall have more than one (1) two-way access onto a single roadway.
- (ii) No medium or high volume traffic generator shall have more than two (2) two-way accesses or three (3) accesses in total onto a single roadway.

d. Construction Materials/Paving

- (i) All accesses entering a curbed street shall be curbed with materials matching the street curbing. Sloped curbing is required around all raised channelization islands or medians.
- (ii) All access shall be paved with bituminous concrete pavement within the street right-of-way. All commercial accesses, regardless of access volume, shall be paved with bituminous concrete pavement with thirty (30) feet of the street right-of-way.

**10.06 Sewage Disposal**

- A. Sewage disposal shall be private subsurface wastewater disposal systems or a private treatment facility with surface discharge.
- B. The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.
  - B.1. The Site Evaluator shall certify in writing that all test pits which meet the requirements for a new system represent an area large enough for a disposal area on soils which meet the Disposal Rules.
  - B.2. In no instance shall a disposal area be on a site which requires a new system variance from the Subsurface Wastewater Disposal Rules.
  - B.3. When sewage disposal is to be accomplished by a private central sewage collection and treatment system, all required state approvals shall be submitted.

### **10.07 Impact on Municipality's Ability to Dispose of Solid Waste**

If the additional solid waste from the proposed subdivision exceeds the capacity of the municipal waste facility, causes the municipal facility to no longer be in compliance with its license from the Department of Environmental Protection, or causes the Municipality to exceed its contract with a non-municipal facility, the applicant shall make alternate arrangements for the disposal of solid waste. The alternate arrangements shall be at a disposal facility which is in compliance with its license. The Board may not require the alternate arrangement to exceed a period of five (5) years.

### **10.08 Impact on Historic Sites, Wildlife Habitat, Public Access to the Shoreline**

A.1. If any portion of the subdivision is designated a site of historic or prehistoric importance by the Maine Historic Preservation Commission appropriate measures for the protection of the historic or prehistoric resources shall be included in the plan.

A.2. Reserved open space land may be dedicated to the Municipality.

A.3. Any existing public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way, or should be included in the open space with provisions made for continued public access.

B. Protection of Significant Wildlife Habitat

In any portion of a proposed subdivision which lies within areas identified and mapped as significant wildlife habitat by the Department of Inland Fisheries and Wildlife and the Limington Shoreland Zoning Ordinance the applicant shall provide documentation that there will be no adverse impacts on the habitat and species it supports.

### **10.09 Conformance with Zoning Ordinance and Other Land Use Ordinances**

All lots shall meet the minimum dimensional requirements of the Zoning Ordinance for the zoning district in which they are located, except as otherwise specified in the Zoning Ordinance or this Ordinance. The proposed subdivision shall meet all applicable performance and design standards specified herein and design criteria from the Zoning Ordinance.

### **10.10 Impact on Ground Water Quality or Quantity**

A. Ground Water Quality

A.1. When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:

- a. A map showing the basic soils types.
- b. The depth to the water table at representative points throughout the subdivision.
- c. Drainage conditions throughout the subdivision.
- d. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
- e. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate/nitrogen concentrations at any wells within the subdivision or at the subdivision boundaries; or at a distance of one thousand (1,000) feet from potential contamination sources, whichever is a shorter distance.
- f. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within two hundred (200) feet of the subdivision boundaries.

- A.2. Projections of groundwater quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
- A.3. No subdivision shall increase any contaminant in the groundwater to more than one half of the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the groundwater to more than the Secondary Drinking Water Standards. See the Maine Safe Water Drinking Act.
- A.4. If groundwater contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site groundwater supplies, the applicant shall demonstrate how water quality will be improved or treated.
- A.5. If groundwater contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

- A.6. Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce groundwater contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the Final Plan and as restriction in the deeds to the affected lots.

The Primary and Secondary Drinking Water Standards refer to the Maine Rules Relating to Drinking Water (10-114A C.M.R. 231).

#### **10.11. Impact on Water Quality of Shoreline**

Where a strip of land extending one hundred (100) feet inland from the normal high water line of a great pond or any tributary to a great pond, and seventy-five (75) feet from any other water body or the upland edge of a wetland, a buffer strip of vegetation shall be preserved. The deeds to any lots which include any such land shall contain the following restrictions:

- A. A footpath not to exceed ten (10) feet in width as measured between tree trunks is permitted.
- B. Selective cutting of trees within the buffer strip is permitted provided that a well distributed stand of trees and other vegetation is maintained. Not more than forty percent (40%) of the total volume of trees four (4) inches or more in diameter, measured at four and one half (4 ½) feet above ground level may be removed in any ten (10) year period.
- C. In order to protect water quality and wildlife habitat adjacent to great ponds, and tributaries to great ponds, existing vegetation under three (3) feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described above.
- D. Pruning of tree branches, on the bottom third of the tree is permitted.

#### **10.12. Identification of Freshwater Wetlands, Rivers, Streams or Brooks**

Freshwater wetlands shall be identified in accordance with the current *Corps of Engineers Wetland Delineation Manual*, published by the United States Army Corps of Engineers. Any rivers, streams, or brooks within or abutting the proposed subdivision shall also be identified.

#### **10.13. Storm Water Management**

Adequate provision shall be made for the management of the quantity and quality of all storm water generated within the subdivision, and any drained groundwater through a managements system of swales, culverts, under drains, storm drains and best management practices equivalent to those described in the most recent

version of *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection. The storm water management system shall be designed to meet the following standards:

1. Quantity

Peak discharge rates shall be limited to the pre-development levels for the 2-year, 20-year, and 25-year frequency, 24 hour duration storm unless storm water from the subdivision will drain directly into a major water body such as a great pond.

2. Quality

Storm water run off must be treated by the use of best management practices equivalent to those described in the most recent version of *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection.

3. Easements

Where necessary to achieve the above standards, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins, or other means of channeling surface water within the subdivision and over other properties. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the Municipality allowing maintenance and improvement of the system. Drainage easements for existing water courses or proposed drainage ways shall be provided at least thirty (30) feet wide, conforming substantially to the lines of existing drainage.

4. Catch basins

Catch basins shall be installed where necessary and, when located within a street, shall be located at the curb line.

5. Storm Drainage Construction Standards

A. The minimum pipe size for any storm drainage pipe shall be fifteen (15) inches for driveway entrances and eighteen (18) inches for cross culverts.

B. Storm drainage pipes shall conform to the requirements of Maine Department of Transportation materials specifications Section 706 for non-metallic pipe and Section 707 for metallic pipe. Plastic (polyethylene) pipes shall not be installed except in closed systems such as street underdrains. Bituminous coated steel pipes shall not be used.

C. Where the storm drainage pipe is to be covered by ten (10) feet or more of fill material, pipe material with a fifty (50) year life shall be used. These

materials include concrete pipe, polymer coated galvanized corrugated steel pipe, polyvinylchloride (PVC) pipe, and corrugated aluminum alloy pipe.

**10.14. Reservation or Dedication and Maintenance of Open Space and Common Land, Facilities and Services**

- A. All open space common land, facilities and property shall be owned by:
  - A.1. The owners of the lots or dwelling units by means of a lot owners' association;
  - A.2. An association which has as its principal purpose the conservation or preservation of land in essential its natural condition; or
  - A.3. The Municipality.
- B. Further subdivision of the common land or open space and its uses for other than non-commercial recreation, agriculture, or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land. When open space is to be owned by an entity other than the Municipality, there shall be a conservation easement deeded to the Municipality or deed restrictions prohibiting future development.
- C. The common land or open space shall be shown on the Final Plan with appropriate notations on the plan to indicate:
  - C.1. It shall not be used for future building lots; and
  - C.2. Which portions of the open space, if any, may be dedicated for acceptance by the Municipality.
- D. The Final Plan application shall include the following:
  - D.1. Covenants for mandatory membership in the lot owners' association setting forth the owners' rights, interests, and privileges in the association and the common property and facilities, to be included in the deed for each lot or dwelling.
  - D.2. Draft articles of incorporation of the proposed lot owners' association as a not-for-profit corporation; and
  - D.3. Draft bylaws of the proposed lot owners' association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the

association to cover the costs of major repairs, maintenance and replacement of common facilities.

- E. In combination, the documents referenced in paragraph D above shall provide the following:
  - E.1. The homeowners' association shall have the responsibility of maintaining the common property or facilities.
  - E.2. The association shall levy charges against all owners of lots or dwelling units to defray the expenses connected with the maintenance, repair and replacement of common property and facilities and tax assessments.
  - E.3. The association shall have the power to place a lien on the property of members who fail to pay dues or assessments.
  - E.4. The developer or subdivider shall maintain control of the common property and be responsible for its maintenance until development sufficient to support the association has taken place.

#### **10.15. Phosphorus Impacts on Great Ponds**

When the proposed subdivision is within the direct watershed of a great pond and does not qualify for simplified review, the phosphorus control measures shall meet the design criteria in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection.

#### **10.16 Street Design and Construction Standards**

- A. General Requirements
  - A.1. The Board shall not approve any subdivision plan unless proposed streets are designed by a licensed professional engineer licensed in Maine in accordance with any local ordinance or the specifications contained in this Ordinance. Approval of the Final Plan by the Board shall not be deemed to constitute or be evidence of acceptance by the Municipality of any street or easement.
  - A.2. Applicants shall submit to the Board, as part of the Final Plan, detailed construction drawings showing a plan view, profile, and typical cross section of the proposed streets and existing streets with three hundred (300) feet of any proposed intersections. The plan view shall be at a scale of one (1) inch equals not more than fifty (50) feet. The vertical scale of the profile shall be one (1) inch equals no more than five (5) feet. The plans shall include the following information:

- (i) Date, scale, and true north point.
- (ii) Intersections of the proposed street with existing streets.
- (iii) Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, and curbs.
- (iv) Kind, size, location, material, profile and cross section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
- (v) Complete curve data shall be indicated for all horizontal and vertical curves.
- (vi) Turning radii at all intersections.
- (vii) Centerline gradients.
- (viii) Size, type and locations of all existing and proposed overhead and underground utilities, to include but not limited to water, sewer, electricity, telephone, lighting, and cable television.

A.3. Where the applicant proposes improvements within existing public streets, the proposed design and construction details shall be approved in writing by the Road Commissioner or the Maine Department of Transportation, as appropriate.

A.4. The creation of private way(s) to provide frontage and/or access to any lot in a subdivision is expressly prohibited.

## B. Street Design Standards

B.1. These design guidelines shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances associated with the street, and shall be met by all streets within a subdivision, unless the applicant can provide clear and convincing evidence that an alternate design will meet good engineering practices and will meet the performance and design standards of Article 10.16.

B.2. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed with the Municipality.

B.3. Adjacent to areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial uses is contemplated by the Municipality, the street right-of-way and/or



pavement width shall be increased on each side by half of the amount necessary to bring the road into conformance with the standards for commercial streets in this Ordinance.

- B.4. Any subdivision expected to generate average daily traffic of two hundred (200) trips per day or more shall have at least two (2) street connections with existing public streets, streets shown on an Official Map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted.
- B.5. The design standards in the following table apply, according to street classification.

## Street Design Standards

Description	Arterial	Collector	Minor	Industrial Commercial
Minimum Right-of-Way Width	80'	50'	50'	60'
Minimum Traveled Way Width	44'	24'	20'	30'
Minimum Width of Shoulders (each side)	5'	3'	3'	5'
Maximum Grade Within 75 ft. of Intersections	3%	3%	3%	3%
Minimum Right-of-Way Radii at Intersections	20'	10'	10'	20'
Sidewalk Width (where required)	8'	5'	5'	8'
Minimum Grade	.5%	.5%	.5%	.5%
Maximum Grade <sup>1</sup>	5%	6%	8%	5%
Minimum Centerline Radius (without superelevation)	500'	280'	280'	400'
Minimum Centerline Radius (with Superelevation)	350'	175'	175'	300'
Roadway Crown <sup>2</sup>	.25"/ft	.25"/ft	.25"/ft	.25"/ft
Minimum Angle of Street Intersections <sup>4</sup>	90°	90°	75°	90°
Minimum Curb Radii at Intersection *	30'	25'	20'	30'

<sup>1</sup>Maximum grade may be exceeded for a length of two hundred (200) feet or less.

<sup>2</sup>Roadway crown is per foot of land width.

<sup>3</sup>Street intersection angles shall be as close to 90° as feasible, but not less than the listed angle.

<sup>4</sup>Should be based on turning radii of expected commercial vehicles, but not less than thirty (30) feet.

\* Note: Where applicable

- B.6. The centerline of the roadway shall be the centerline of the right-of-way.
- B.7. Dead End Streets. In addition to the design standards in the preceding table, dead end streets shall be constructed to provide a turn-around with the following requirements:
  - a. Hammerhead. Property line: sixty (60) feet; outer edge of pavement: fifty (50) feet; inner edge of pavement: thirty (30) feet. Over all length of road shall not exceed two thousand five hundred (2,500) linear feet. All road surfaces must be asphalt in accordance with NFPA (National Fire Protection Agency) 1 Fire Dept Access.
  - b. Cul-de-sac. Diameter shall be Seventy (70) feet; outer edge of pavement. All road surfaces must be Asphalt (the entire Cul-de-sac). In accordance with NFPA ( National Fire Protection Agency )1 Fire Dept Access.
  - c. Where the road cannot be extended, the Board may require the reservation of a twenty (20) foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street.
  - d. The Board may also require the reservation of a fifty (50) foot easement in line with the street to provide continuation of the road where future subdivision is possible.

C. Grades, Intersections, and Sight Distances

- C.1. Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards in the preceding table.
- C.2. All changes in grade shall be connected by vertical curves in order to provide the following minimum stopping sight distances based on the street design speed.

Design Speed (mph)	20	25	30	35
Stopping Sight Distance (ft)	125	150	200	250

- C.3. Stopping sight distance shall be calculated with a height of eye at three and one half (3 1/2) feet and the height of object at one half (1/2) foot.
- C.4. Where new street intersections or driveway curb cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below. Sight distance shall be measured from the driver’s seat of a vehicle standing on that portion of the exit with the front of the vehicle a

minimum of ten (10) feet behind the curb line or edge of shoulder, with the height of the eye three and one half (3 ½ ) feet, to the top of an object four and one half (4 ½ ) feet above the pavement.

Posted Speed Limit (mph)	25	30	35	40	45	50	55
Sight Distance (ft)	250	300	350	400	450	500	550

C.5. Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

C.6. Cross (four-cornered) street intersections shall be avoided whenever possible. A minimum distance of one hundred and twenty-five (125) feet shall be maintained between centerlines of minor streets and two hundred (200) feet between collectors or a collector and minor streets.

D. Sidewalks and Curbs (if required)

Sidewalks and curbs shall be installed within subdivisions where foot traffic to adjoining subdivisions or commercial enterprises can be reasonably anticipated and preferable to vehicular traffic. Where sidewalks exist adjacent to a proposed subdivision, sidewalks shall be installed connecting to existing sidewalks. Where installed, sidewalks shall meet the minimum requirements of: 8” base course gravel and a surface of 2” bituminous concrete.

E. Street Construction Standards

E.1. The minimum thickness of material after compaction shall meet the specification in the following table:

Street Materials	Arterial	Collector	Minor	Private Right-of Way	Industrial - Commercial
Aggregate Sub-Base Course (Maximum sized stone 6”)					
Without Base Gravel	24”	18”	18”	15”	24”
With Base Gravel	20”	15”	15”	12”	20”
Crushed Aggregate Base Course (if necessary)	4”	3”	3”	3”	4”
Hot Bituminous Pavement					
Total Thickness	3”	3”	3”	n/a	4”
Surface Course	1 ¼ “	1 ¼ “	1 ¼ “	n/a	1 ¼ “
Base Course	1 ¾ “	1 ¾ “	1 ¾ “	n/a	1 ¾ “
Surface Gravel	n/a	n/a	n/a	3”	n/a

Note: Road construction must be designed by a professional engineer licensed in Maine and constructed in accordance with the plans.

## E.2. Preparation

5. The center line and sidelines of the new road shall be staked or flagged at approximately fifty (50) foot intervals.
6. Before grading is started, the entire area within the right-of-way necessary for traveled way, shoulders, sidewalks, drainage ways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.
7. All organic materials or other deleterious material shall be removed to a depth of two (2) feet below the sub-grade of the roadway. Rocks and boulders shall also be removed to a depth of two (2) feet below the sub-grade of the roadway. On soils which have been identified by the engineer as not suitable for roadways, either the subsoil shall be removed from the street site to a depth of two (2) feet below the sub-grade and replaced with material meeting the specifications for gravel aggregate sub-base below, or a Maine Department of Transportation approved stabilization geotextile may be used.
8. Except in a ledge cut, side slopes in the right-of-way shall be not steeper than a slope of three (3) feet horizontal to one (1) foot vertical, and shall be graded, loamed, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan.

Where a cut results in exposed ledge, a side slope no steeper than one (1) foot horizontal to four (4) feet vertical is permitted.

5. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

## E.3 Bases and Pavement

1. Bases/Sub-base. (See page 44)
2. Pavement Joints. Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.

### 3. Pavements

- (i) Minimum standards for the base layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade B with an aggregate size no more than three quarters (3/4) inch maximum and a liquid asphalt content between 4.8% and 6.0% by weight depending on aggregate characteristics. The pavement may be placed provided the air temperature in the shade at the paving location of 40 degrees F or higher (or 35 degrees F only if using a DOT approved warm mix) and the surface to be paved is not frozen or unreasonable wet.
- (ii) Minimum standards for the surface layer of pavement shall be the Maine Department of Transportation specifications for plant mix Grade C or D with an aggregate size no more than one half (1/2) inch maximum and a liquid asphalt content between 5.8% and 7.0% by weight depending on aggregate characteristics. The pavement may be placed provided the air temperature in the shade at the paving location of 50° F or higher.

E.4. Surface Gravel. Private rights-of-ways need not be paved and may have a gravel surface. Surface gravel shall be placed on top of the aggregate sub-base, and shall have no stones larger than two (2) inches in size.

E.5. If paving is required, then stages of pavement shall be completed in three stages. Occupancy permits may be issued for the first 25% of lots with a gravel sub-base; 75% with pavement base layer; and the final 25% with pavement surface layer.

#### F. Clean Up

Following street construction, the developer or contractor shall conduct a thorough clean up of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the plan, and be suitably covered with fill and topsoil, limed, fertilized and seeded.

#### G. Sign Off

Completed paved streets shall require a professional engineer's review and approval.

### 10.17. Lots

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

- B. The subdivision of tracts into parcels with more than twice the required minimum lot size (see Dimensions Table in the Zoning Ordinance) shall be laid out in such a manner as either to provide for or preclude future division. Deed restrictions and notes on the plan shall either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the plan and shall require approval from the Planning Board, subject to the criteria of the subdivision statute, the standards of this Ordinance and conditions placed on the original approval.
- C. If a lot on one side of a road fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the road to meet the minimum lot size.
- D. Double frontage lots and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
- E. The ratio of lot length to width shall not be more than five (5) to one (1).
- F. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited.

#### **10.18. Utilities**

The Board may approve either underground or overhead utilities.

#### **10.19. Monuments**

- A. The Board may require stone monuments to be set for the corners and angle points.
- B. Stone monuments shall be a minimum of four (4) inches square at the top and four (4) feet in length, and set in the ground four (4) inches above final grade level. After they are set, drilled holes one half (1/2) inch deep shall locate the point or points described above.
- C. All other subdivision boundary corners and angle points, as well as all lot boundary corners, street corners and angle points shall be marked by iron pins, stone, or precast concrete monumentation.
- D. At no point shall the boundary extend more than six hundred (600) feet without monumentation being set to mark the line.

## **10.20. Cluster Developments**

### **A. Purpose**

The purpose of these provisions is to allow for new concepts of housing development where variations of design may be allowed, provided that the net residential density shall be no greater than is permitted in the district in which the development is proposed. Notwithstanding other provisions of this Ordinance relating to dimensional requirements, the Planning Board, in reviewing and approving proposed residential developments located in the Town, may modify said provisions related to dimensional requirements to permit innovative approaches to housing and environmental design in accordance with the following standards. This shall not be construed as granting variances to relieve hardship.

### **B. Application Procedure**

The Planning Board may allow subdivided development on reduced lot sizes in return for open space where the Planning Board determines that the benefits of the cluster approach will prevent the loss of natural features without increasing the net density of the development. The developer shall submit a written application to the Planning Board for a cluster development. Two (2) sketch plans shall be submitted with one layout as a standard subdivision and the second as a cluster development indicating open space and significant natural features.

Each lot in the standard subdivision shall meet the minimum lot size and lot width requirements of this Ordinance, and, if not serviced by a public sewer, have an area suitable for subsurface waster water disposal according to the Maine Subsurface Wastewater Disposal Rules. The number of lots in the cluster development shall in no case exceed the number of lots in the standard subdivision.

Within thirty (30) days of receiving the application, the Board shall invite comments on the application from appropriate municipal or quasi-municipal agencies and the abutters. Within sixty (60) days of receiving the application, the Planning Board may determine whether to allow the subdivision to be developed in accordance with the cluster standards of this section based upon findings that a clustered development will permit more efficient creation and utilization of infrastructure and provision of municipal and quasi-municipal services that would a standard subdivision layout.



## C. Basic Requirements for Cluster Developments

- C.1. Cluster development shall meet all requirements for a subdivision, the street acceptance ordinance and all other applicable Town Ordinances, including the Performance and Design Standards, Article 10, of this Ordinance.
- C.2. Each building shall be an element of an overall plan for site development. Only developments having a total site plan for structures will be considered. The developer shall illustrate the placement of building envelopes and the treatment of spaces, paths, roads, service and parking and in so doing shall take into consideration all requirements of this section and of other relevant sections of this Ordinance.
- C.3. The net residential acreage shall be calculated by taking the total area of the lot and subtracting, in order, the following:
  - C.3.1. Fifteen (15) percent of the area of the lot to account for roads and parking, except that if an applicant demonstrates that a conventional subdivision of the lot would result in a higher net residential density than a cluster subdivision using the fifteen (15) percent reduction prescribed herein, the applicant may subtract a figure equal to the actual area of the lot required for roads and parking in a conventional subdivision instead of the prescribed fifteen (15) percent.
  - C.3.2. Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for building purposes or for use in common with the remainder of the lot, as determined by the Planning Board.
  - C.3.3. Portions of the lot shown to be in a floodway as designated in the Flood Boundary and Floodway Map prepared by the Federal Insurance Administration.
  - C.3.4. Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as but not limited to:
    - C.3.4.A. Slopes greater than twenty (20) percent.
    - C.3.4.B. Wetlands exceeding ten (10) percent of total developed area.
  - C.3.5. Portions of the lot subject to rights of way.

C.3.6. Portions of the lot covered by surface waters.

C.3.7. Portions of the lot utilized for storm water management facilities.

C.4. In order to determine the maximum number of dwelling units permitted on a tract of land, the net residential acreage shall be divided by the minimum lot size required in the District.

C.5. Unless a community sewage collection and treatment system is provided, no lot shall be smaller in area than twenty thousand (20,000) square feet.

C.6. The total area of common land within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required in the District.

C.7. No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of the development.

C.8. Shore frontage shall not be reduced below the minimum normally required in the zone.

C.9. Where a cluster development abuts a water body, a usable portion of the shoreline, as well as reasonable access to it, shall be a part of the common land.

C.10. The location of subsurface waste water disposal systems and an equivalent reserve area for replacement systems shall be shown on the plan. The reserve areas shall be restricted so as not to be built upon. The report of a licensed Site Evaluator shall accompany the plan. If the subsurface disposal system is an engineered system, approval from the Department of Human Services, Division of Health Engineering shall be obtained prior to Planning Board approval.

#### **D. Dedication and Maintenance of Common Open Space and Facilities**

D.1. Common open space shall be dedicated upon approval of the project. There shall be no further subdivision of this land, which shall be used only for non-commercial recreation, agriculture or conservation. However, easements for public utilities, or structures accessory to non-commercial recreation, agriculture or conservation may be permitted.

D.2. The common open space(s) shall be shown on the development plan and with appropriate notation on the face thereof to indicate that:

D.2.A. The common open space shall not be used for future building lots;  
and

- D.2.B. A part or all of the common open space may be dedicated for acceptance by the Town.
- D.3. If any or all of the common open space is to be reserved for use by the residents, the by-laws of the proposed homeowner's association shall specify maintenance responsibilities and shall be submitted to the Planning Board prior to approval.
- D.4. Covenants for mandatory membership in the association, setting forth the owners' rights and interests and privileges in the association and the common land, shall be reviewed by the Planning Board and included in the deed for each lot.
- D.5. This homeowner's association shall have the responsibility of maintaining the common open space(s) and other common facilities, where applicable.
- D.6. The association shall levy annual charges against all property owners to defray the expenses connected with the maintenance of open space, other common and recreational facilities and Town assessments.
- D.7. The developer shall maintain control of such open space(s) and be responsible for their maintenance until development sufficient to support the association has taken place. Such determination shall be made by the Planning Board upon request of the homeowner's association or the developer.

#### **10.21. Multi-Family Development**

- A. Multi-family developments may be approved by the Planning Board in accordance with the Land Use Table of the Zoning Ordinance. All proposals to construct multi-family developments shall also be in conformance with the Performance and Design Standards specified in Article 10 of this Ordinance and the design requirements listed below.
- B. Application for approval shall include: a map of the area; dimensions, boundaries and principle elevations of the land for which approval is sought; the names of all property owners within one hundred (100) feet of the proposed site, as found on the most recent tax list; building layout and general construction plans; a site plan of all driveways and parking areas proposed to be constructed; and other information which addresses all appropriate performance and design standards and all appropriate factors to be considered in evaluating proposals.

## C. Design Requirements

### C.1. Density

C.1.A. The net residential acreage shall be calculated by taking the total area of the land and subtracting, in order, the following:

- a. Fifteen (15) percent of the area of the lot to account for roads and parking.
- b. Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for building purposes or for use in common with the remainder of the lot, as determined by the Planning Board.
- c. Portions of the lot shown to be in a floodway or a coastal high hazard zone as designated in the Flood Plain Boundary and Floodway Map prepared by the Federal Insurance Administration.
- d. Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to:
  - (i) Slopes greater than twenty (20) percent.
  - (ii) Wetlands exceeding 10% of total development area.
- e. Portions of the lot subject to rights of way.
- f. Portions of the lot covered by surface waters
- g. Portions of the lot utilized for storm water management facilities.

C.1.B. In order to determine the maximum number of dwelling units permitted on a tract of land, the net residential acreage shall be divided by the minimum lot size required by the District.

## D. Sewage Disposal

All residential buildings shall be connected to a properly engineered and approved system

## **E. Site Maintenance**

It shall be the responsibility of the owner to provide for rubbish disposal, snow removal, and site maintenance. All outdoor storage areas for waste collection shall be enclosed by a wooden or masonry screen at least six (6) feet in height.

## **F. Buffers**

A fifty (50) foot landscaped buffer shall be provided along all property boundaries.

## **G. Storm Water/Drainage Systems**

Storm water and surface drainage systems shall be designed in accordance with the Town subdivision standards.

## **H. Access, Circulation and Parking**

H.1. The proposed development shall provide for safe access to and from public or private roads. Safe access shall be assured by providing an adequate number and location of access points, with respect to sight distances, intersections, schools, and other traffic generators. All corner lots shall be kept clear from visual obstructions higher than three (3) feet above ground level, for a distance of twenty-five (25) feet, measured along the intersecting street lines.

H.2. The proposed development shall not have an unreasonable adverse impact on the public road system, and shall assure safe interior circulation within its site, by separating pedestrian and vehicular traffic and by providing adequate parking and turn around areas.

H.3. All developments containing fifteen (15) or more dwelling units may be required by the Planning Board to have more than one (1) street access for emergency and safety purposes. No more than two (2) accesses shall be allowed on any single street or roadway.

## **I. Recreation and Open Space**

All multi-family developments of twenty-five (25) dwelling units or more shall provide a developed play area no smaller than five thousand (5,000) square feet. Any development in which occupancy is restricted to the elderly need not provide a play area, but space shall be provided for outdoor recreation.

## **10.22. Floodplain Management**

Any part of a subdivision located in a special flood hazard area as identified by the Federal Emergency Management Agency must meet the requirements in the Limington Floodplain Management Ordinance.

**ARTICLE 11. REVISIONS TO APPROVED SUBDIVISION PLANS**

**11.01 Procedure**

An applicant for a revision to a previously approved plan shall, at least two (2) weeks prior to a scheduled meeting of the Board, request to be placed on the Board's agenda. If the revision involves a minor subdivision, the procedure set forth in Article 7 shall be followed. If the revision involves a major subdivision and proposes the creation of additional lots or dwelling units, the procedures for preliminary plan approval set forth in Article 8 shall be followed. If the revision involves only modifications of the approved plan, without the creation of additional lots or dwelling units, the procedures for final plan approval set forth in Article 9 shall be followed.

**11.02 Submissions**

The applicant shall submit a copy of the approved plan as well as eight (8) copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of this Ordinance and the criteria of the statute. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the title of the subdivision and the book and page or cabinet sheet on which the original plan is recorded at the Registry of Deeds.

**11.03 Scope of Review**

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

## **ARTICLE 12. PERFORMANCE GUARANTEES**

### **12.01 Type of Guarantees**

Upon approval of the Final Plan and prior to any construction, the applicant shall provide to the CEO one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time span of the construction schedule and the inflation rate for construction costs:

- A. Either a certified check payable to the municipality or a savings account or certificate of deposit naming the municipality as owner, or the establishment of an escrow account.
- B. A performance bond payable to the municipality issued by a surety company, approved by the municipal officers.
- C. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision from which the municipality may draw if construction is inadequate, approved by the municipal officers.
- D. The Planning Board may choose not to require a performance guarantee for a minor subdivision.
- E. The conditions and the amount of the performance guarantee shall be determined by the Board with advice of the municipal officers and the CEO.

### **12.02 Contents of Guarantee**

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

### **12.03 Escrow Account**

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account or the purchase of a certificate of deposit into an FDIC insured institution. For any account opened by the applicant, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided



between the amount returned to the applicant and the amount withdrawn to complete the required improvements.

#### **12.04 Performance Bond**

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

#### **12.05 Letter of Credit**

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

#### **12.06 Phasing of Development**

The Planning Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

#### **12.07 Release of Guarantee**

Prior to the release of any part of the performance guarantee, the CEO shall determine to his satisfaction that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the subdivision for which the release is requested. Within thirty (30) days of release of guarantee, any unused funds shall be returned to the developer.

#### **12.08 Default**

If upon inspection, the CEO finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he or she shall so report in writing to the municipal officers, the Planning Board, and the applicant or builder. The municipal officers shall take any steps necessary to preserve the municipality's rights.

#### **12.09 Improvements Guarantee**

Performance guarantees shall be tendered for all improvements required to meet the standards of these regulations and for the construction of the streets, storm

water management facilities, public sewage collection or disposal facilities, public water systems, and erosion and sedimentation control measures.

## **ARTICLE 13. INSPECTIONS AND ENFORCEMENT**

### **13.01 Inspection of Required Improvements**

- A. At least five (5) days prior to commencing construction of required improvements, the subdivider or builder shall:

Notify the Code Enforcement Officer (CEO) in writing of the time when (s)he proposes to commence construction of such improvements, so that the CEO can arrange for inspections to assure that all municipal specifications, requirements, and conditions of approval are met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.

- B. If the CEO finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, the CEO shall so report in writing to the municipal officers and the subdivider and builder. The municipal officers shall take any steps necessary to assure compliance with the approved plans.
- C. If at any time it appears necessary or desirable to modify the required improvements before or during the construction of the required improvements, the CEO is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The CEO shall issue any approval under this section in writing and shall transmit a copy of the approvals to the Planning Board. Revised plans shall be filed with the Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than one percent (1%) etc., the subdivider shall obtain approval from the Board to modify the plans in accordance with Article 10.
- D. 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.
- E. Upon completion of street construction and prior to a vote by the municipal officers to submit a proposed public way to a town meeting, a written certification signed by a professional engineer shall be submitted to the municipal officers at the expense of the applicant, certifying that the proposed public way meets or exceeds the design and construction requirements of this or any other applicable Ordinance or criteria. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. "As built" plans shall be submitted to the municipal officers.

- F. The subdivider shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the municipality or control is placed with a low owners' association.
- G. If the services of a Licensed Professional Engineer are required, the applicant shall assume the cost of this service.

### **13.02 Violations and Enforcement**

- A. No plan of a division of land within the municipality which would constitute a subdivision shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Planning Board in accordance with this Ordinance.
- B. A person shall not convey, offer or agree to convey any land in a subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds.
- C. A person shall not sell, lease, or otherwise convey any land in an approved subdivision which is not shown on the plan as a separate lot.
- D. No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Planning Board.
- E. Development of a subdivision without Planning Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a plan approved as provided in this Ordinance and recorded in the Registry of Deeds.
- F. Violations of the above provisions of this section are a nuisance and shall be punished in accordance with the provisions of 30-A M.R.S.A., 4452.

**ARTICLE 14. APPEALS**

An appeal from a decision of the Planning Board may be taken to the Limington Zoning Board of Appeals within thirty (30) days of the date the Board issues its written decision then to the York County District Court if desired.

**ARTICLE 15. SEPARABILITY AND EFFECTIVE DATE**

- A. The invalidity of any provision of these standards shall not invalidate any other part.
- B. These standards shall take effect immediately on adoption of the same by the legislative body.