

CHAPTER 601

SUBDIVISION ORDINANCE

Town of Yarmouth, Maine

Recodified: 1/15/98

Amended: 7/17/1998

Amended 7/25/2006

Amended 10/18/07

Amended: 8/25/08

Amended 9/18/08

Amended: 6/18/15

Repealed and Replaced 9/15/16

Amended: 1/19/17

Amended: 3/15/18

Amended 2/16/23

Amended 10/19/23

SUBDIVISION ORDINANCE

Table of Contents

ARTICLE I.....	1
A. TITLE	1
B. AUTHORITY AND PURPOSE	1
C. DEFINITIONS	1
D. REVIEW STANDARDS	3
1. Pollution.....	3
2. Sufficient water	3
3. Municipal water supply	3
4. Erosion	4
5. Traffic	4
6. Sewage disposal	4
7. Municipal solid waste disposal	4
8. Aesthetic, cultural and natural values	4
9. Conformity with local ordinances and plans.....	4
10. Financial and technical capacity	5
11. Surface Waters.....	5
12. Ground water.....	5
13. Flood areas	5
14. Freshwater wetlands	5
15. Farmland	6
16. River, stream or brook.....	6
17. Storm water	6
18. Spaghetti-lots prohibited	6
18. Spaghetti-lots prohibited	6
19. Lake phosphorus concentration	6
20. Impact on adjoining municipality	6
21. Lands subject to liquidation harvesting	6
E. GENERAL REQUIREMENTS.....	7
1. Blocks.....	7
2. Lots.....	7
3. Easements for Natural Drainage Ways	8
4. Utilities	8
5. Trees, Open Space, Trail Connectivity.....	8
6. Connect with Public Infrastructure	9
7. Street Access to Adjoining Property	9
i. Traffic Calming Measures	9
ii. Traffic Monitoring.....	10
iii. Post-Monitoring Vehicle Restriction.....	10
iv. Non-Connection for Vehicles.....	10
ARTICLE II.....	12
SUBMISSION REQUIREMENTS	12
A. Conceptual Plan.....	12
B. Preliminary Plan.....	12
C. Final Plan.....	14
14. Section 488 Exemptions	16
ARTICLE III.....	17
SUBDIVISION REVIEW PROCESS, MINOR AND MAJOR SUBDIVISIONS	17
A. APPLICATION PROCEDURE	17
1. Notice	17
2. Review by Municipal Committees	17

3. Review.....	18
4. Site Walk	19
5. Classification	19
C. PRELIMINARY PLAN FOR MAJOR SUBDIVISION	19
1. General.....	19
2. Procedure.....	19
C. PRELIMINARY PLAN FOR MAJOR SUBDIVISION	19
1. Procedure.....	19
D. FINAL PLAN FOR MAJOR AND MINOR SUBDIVISION.....	21
1. Procedure.....	21
2. Plan Revisions after Approval	22
3. Final Approval and Filing.....	22
4. Final Recording Plat Submission	23
5. Public Acceptance of Streets, Easements, and Open Space.....	23
6. Maintenance Procedures for Private Roads and infrastructure	23
a. Owners Responsibility.....	23
b. Property Owners Associations Required	24
c. Private Street Lot:.....	24
d. Construction and Maintenance Cost.....	24
e. Town Utilities.....	25
f. Plans & Inspections.....	25
7. Inspection of Required Improvements	25
8. Final Record Construction Drawings	26
ARTICLE IV	27
ENFORCEMENT	27
ARTICLE V	28
TECHNICAL AND DESIGN STANDARDS.....	28
A. STREET NAMES	28
B. STREET CLASSIFICATIONS	28
1. Definitions.....	28
C. TRIP GENERATION RATES.....	29
D. ACCESS, RESERVE STRIPS, DESIGN.....	30
E. POST APPROVAL CONSTRUCTION SPECIFICATIONS	30
F. CULVERTS	32
G. SIGHT DISTANCES.....	32
H. DRIVEWAYS	32
I. TURNAROUNDS	32
J. UNSUITABLE MATERIAL.....	32
K. ROADWAY CONSTRUCTION MATERIALS STANDARDS	32
L. STORM DRAINAGE DESIGN STANDARDS	33
1. Intent	33
2. Design Standards.....	33
L. STORM DRAINAGE DESIGN STANDARDS	34
M. GRADING.....	34
1. Preparation:.....	34
2. Cuts	34
3. Fill.....	34
4. Side Slopes	34
5. Ledge	34
6. Guard Rail	34
N. GRAVEL AND PAVEMENT.....	34
O. CURBING	35
P. SIDEWALKS	35

Q. STORM DRAIN CONSTRUCTION STANDARDS	35
1. Materials.....	35
2. General Construction Requirements.....	36
R. MONUMENTS	37
S. STREET AND STORM DRAINAGE PLANS	37
T. WATER SUPPLY	38
U. SEWAGE DISPOSAL.....	38

ARTICLE VI 39

PERFORMANCE GUARANTEE, WAIVERS, APPEALS, AND SEPARABILITY 39

A. PERFORMANCE GUARANTEE FOR REQUIRED IMPROVEMENTS	39
1. Required Improvements.....	39
2. Performance Guarantee.....	39
3. Release of Performance Guarantee	39
4. Guarantee Period	40
B. WAIVER	40
C. APPEALS	40
D. SEPARABILITY AND EFFECTIVE DATE	40

Technical Appendices 41

A. Roadway Design & Construction Standards	
1. Roadway Geometric Standards	43
2. Roadway & Sidewalk Material Standards.....	44
B. Design & Construction Cross Section Diagrams	
1. Residential Collector Street.....	46
2. Residential Sub-Collector Street	47
3. Residential Access Road	48
4. Rural-Residential Sub-Collector Street	49
5. Rural-Residential Access Road	50
6. Private Roads	
a. 1-2 Dwelling Units	51
b. 3-6 Dwelling Units	52
c. 6-10 Dwelling Units	53
d. 11-20 Dwelling Units	54
7. Minimum Hammerhead Turn-Around Requirements	55
8. Sidewalk ADA Access Ramp Details	
a. One-Way Pedestrian Ramp	56
b. Two-Way Pedestrian Ramp	57
c. Perpendicular Ramp – Wide Sidewalk, No Esplanade	58
d. Parallel Ramp – Narrow Sidewalk, No Esplanade	59
e. Perpendicular Ramp – Narrow Sidewalk, With Esplanade	60
f. Diagonal Ramp at Intersection with Esplanade	61
g. Preferred Ramp at Major Intersection	62
C. Traffic Study Specifications	63
D. Erosion and Sedimentation Control.....	64

SUBDIVISION ORDINANCE

ARTICLE I

A. TITLE

This Ordinance shall be known and may be cited as the Subdivision Ordinance of the Town of Yarmouth, Maine.

B. AUTHORITY AND PURPOSE

1. Under the authority of MRSA, Title 30-A, Chapter 187, Section 4401 et.seq., this Subdivision Ordinance, is hereby adopted.
2. The purpose of this Ordinance shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community.

C. DEFINITIONS

Accessory Dwelling Unit (ADU): A self-contained dwelling unit within or attached to a single-family dwelling or detached from the single-family dwelling located on the same parcel of land. An ADU approved under the Site Plan Review Ordinance shall not be considered a separate unit for the purposes of applying the area and density requirements of this Ordinance. An ADU approved under the Site Plan Review Ordinance does not require review under this Ordinance or under 30-A M.R.S.A., Chapter 187, subchapter 4, the municipal reviewing authority having determined that review under the Site Plan Review Ordinance is at least as stringent as that required under subchapter 4.

Common Plan of Development or Sale: Means a “subdivision” as defined in this chapter.

Comprehensive Plan: Any part or element of the overall plan or policy for development of the Town as defined in Title 30-A, M.R.S.A., Chapter 187.

Construction Activity: Means any activity associated with a subdivision that results in Disturbed Area.

Construction Drawings: Drawings showing the location, profile, grades, size and types of drains, sewers, water mains, underground fire alarm ducts, underground power ducts and underground telephone ducts, pavements, cross-section of streets, miscellaneous structures, etc.

Discharge: Means any spilling, leaking, pumping, pouring, emptying, dumping, disposing, or other addition of pollutants to the Waters of the State located in the Municipality's Urbanized Area and not including groundwater.

Disturbed Area: Means all land areas of a Parcel that are stripped, graded, grubbed, filled, or excavated at any time during the Site preparation or removing vegetation for, or construction of, a project. Cutting of trees, without grubbing, stump removal, disturbance, or exposure of soil is not considered Disturbed Area. Disturbed Area does not include routine maintenance but does include redevelopment and new Impervious Areas. "Routine maintenance" is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Paving impervious gravel surfaces, provided that an applicant or permittee can prove the original line and grade and hydraulic capacity shall be maintained and original purpose of the gravel surface remains the same is considered routine maintenance. Replacement of a building is not considered routine maintenance of the building and is therefore considered Disturbed Area.

Easement: The right to use or restrict the use of, land of another for or to specified purposes. The Planning Board, or Planning Director shall review and approve the nature and substance of all proposed easements.

Engineer: Professional Engineer licensed by the State of Maine.

Erosion and Sedimentation Control Best Management Practices (Erosion and Sedimentation Control BMPs) - Means schedules of activities, prohibitions of practices, maintenance procedures, and other methods, techniques, designs, and management practices to prevent or reduce the pollution of Waters of the State and to control erosion (Erosion Control BMPs) and sedimentation (Sedimentation Control BMPs). BMPs also include treatment requirements, operating procedures, and practices to control Site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Final Subdivision Plan: The final drawings on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, may be filed for record with the Municipal Clerk and County Registry of Deeds.

Legislative Body: Town Council.

Municipal Engineer: A professional engineer registered by the State of Maine who is appointed by the Town Manager.

Official Submittals Date: The time of submission of a Pre-application Plan, Final Plan for Minor Subdivision, Preliminary Plan for Major Subdivision or Final Plan for Major Subdivision shall be considered the submission date of the application for such Plan approval to the Board, complete and accompanied by any required fee and all data required by this Ordinance.

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

Private Infrastructure: Any required improvements for provision of utilities, stormwater management, circulation, safety or other functions that are intended to be owned and maintained by property owners or property owners' associations.

Private Road: A vehicular access way shared by and serving two or more lots, which may or may not allow public access, and that may be established only under the terms of this Ordinance, Chapter 601, Subdivision, Article V, B.1.f, Technical and Design Standards.

Street: A publicly dedicated way accepted by the Town or approved by the Planning Board with the proposed improvements conditioned by a performance bond in accordance with ARTICLE VI.A

Street Tree: Trees located within or adjacent to the public street right of way, to create a tree-lined or tree-canopy condition.

Subdivisions: A subdivision is the division of a tract or parcel of land into 3 or more lots within any 5-year period, whether accomplished by sale, lease, development, building or otherwise, and as provided in MSRA 30-A Chapter 187, Section 4401, except when the division is accomplished inheritance, order of court or gift to a relative, unless the intent of such gift is to avoid the objectives of this Section.

In determining whether a parcel of land is divided into 3 or more lots, land retained by the subdivider for his/her own use as a single family residence of at least 5 years shall not be included.

No sale or lease of any lot or parcel shall be considered as being a part of a subdivision if such lot or parcel is 40 acres or more in size, except where the intent of such sale or lease is to avoid the objectives of this Ordinance.

Subdivision, Major: Any subdivision containing more than four (4) lots or any subdivision requiring any new street extension, or extension of Municipal facilities.

Subdivision Minor: A subdivision containing not more than four (4) lots.

Subdivider: Assessed owner or owners of land to be subdivided.

Subdivider's Agent: That person who has written authorization to act for the assessed owner or owners of land to be subdivided.

D. REVIEW STANDARDS

The Planning Board shall consider the following criteria, and before granting approval, shall determine that the proposed subdivision:

1. **Pollution:** The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:
 - a. The elevation of the land above sea level and its relation to the flood plains;
 - b. The nature of soils and subsoils and their ability to adequately support waste disposal;
 - c. The slope of the land and its effect on effluents;
 - d. The availability of streams for disposal of effluents; and
 - e. The applicable state and local health and water resource rules and regulations;
2. **Sufficient water:** The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;
3. **Municipal water supply:** The proposed subdivision will not cause an

unreasonable burden on an existing water supply and the project can be served as planned, if one is to be used;

4. **Erosion:** The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;
5. **Traffic:** The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and shall adhere to the street connectivity requirements of Article I.E.7, Street Access to Adjoining Property, herein. If the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by MSRA Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section;
6. **Sewage disposal:** The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;
7. **Municipal solid waste disposal:** The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized;
8. **Aesthetic, cultural and natural values:** The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline; The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees (10" in diameter or more), the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as reasonably practicable.
9. **Conformity with local ordinances and plans:** The proposed subdivision conforms with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans, and shall be designed so as to be consistent with master plans and facilities plans and with off premises infrastructure,

including but not limited to sewer and stormwater, streets, trails, pedestrian and bicycle network, environmental management or other public facilities

10. **Financial and technical capacity:** The subdivider has adequate financial and technical capacity to meet the standards of this section;
11. **Surface Waters:** Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond, or river as defined in Title 38, chapter 3, subchapter I, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water;
12. **Ground water:** The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;
13. **Flood areas:** Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation; The Planning Board shall, when receiving and reviewing subdivisions assure that:
 - a. All such proposals are consistent with the need to minimize flood damage; and
 - b. All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards; and
 - d. In the case of subdivisions or other developments greater than 50 lots or 5 acres (whichever is the lesser), that all proposals include base flood elevation data.
14. **Freshwater wetlands:** All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district;

15. **Farmland:** All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district;
16. **River, stream or brook:** Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, section 480-B, subsection 9;
17. **Storm water:** The proposed subdivision will provide for adequate storm water management;
18. **Spaghetti-lots prohibited:** If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;
19. **Lake phosphorus concentration:** The long-term cumulative effects of the proposed subdivision will not unreasonably increase the phosphorus concentration in a Great Pond, (as defined in MRSA Title 38 Section 480-B), during the construction phase and life of the proposed subdivision, *or in the absence of a Great Pond, otherwise cause phosphorous concentration in fresh water bodies.*
20. **Impact on adjoining municipality:** For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located; See also Joint Meeting provision, Article 1(E)(9) below. and
21. **Lands subject to liquidation harvesting:** Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Agriculture, Conservation and Forestry, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days

regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority's request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a licensed forester.

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

E. GENERAL REQUIREMENTS

In reviewing applications for the subdivision of land, the Board shall consider the following general requirements. In all instances the burden of proof shall be upon the person proposing the subdivision.

1. Blocks:

- a. The length, width and shape of blocks shall be determined with due regard to:
 - i. Provisions of adequate building sites suitable to the special needs of the type of use contemplated.
 - ii. Zoning requirements as to lot sizes and dimensions.
 - iii. Needs for convenient access, circulation, control and safety of street traffic.
 - iv. Limitations and opportunities of topography.
- b. Blocks shall not be less than 400 feet, nor more than 1200 feet in length except as the Planning Board considers necessary to secure the efficient use of land or desired features of street pattern. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a 20 foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a 5 foot wide paved footpath be included. The Planning Board shall require the subdivider to provide for the proper maintenance of any such easement.

2. Lots:

- a. The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
 - b. Depth and width of properties reserved or laid out for all purposes shall be adequate to provide for off-street parking and service facilities for vehicles required by the type of use and development contemplated.
 - c. 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 where there shall be no right of access, shall be provided along the lines of lots abutting such a traffic artery or other disadvantageous use.
 - d. Side lot lines shall be substantially at right angles or radial to street lines.
3. **Easements for Natural Drainage Ways:** Where a subdivision is traversed by a natural water course, drainage way, channel, or stream, there shall be provided a storm-water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction, or both. Such easement or right-of-way shall be not less than 30 feet in width.

4. Utilities

- a. The size, type and location of public utilities, such as street lights, electricity, telephones, gas lines, fire hydrants, etc., shall be approved by the Board and installed in accordance with Appendix A and B.
- b. Utilities shall be installed underground except as otherwise approved by the Board.

5. Trees, Open Space, Trail Connectivity

- a. **Street trees:** Street trees shall be required unless waived by the Planning Board as per Article V.B. Street trees are required on new and existing public street frontages including two trees per lot or tree spacing of 35' on center, whichever is greater. Preservation of existing healthy trees may be credited toward the tree requirement if determined by the Planning Board to meet the intent of this section. If conditions or constraints warrant a waiver of the required number of street trees as recommended by the Town Tree Warden, a fee of \$200 per tree may be required by the Planning Board in lieu of providing such trees, which funds shall be dedicated to the Yarmouth Tree Trust. Where such improvements are

required, they shall be incorporated in the Final Plan and executed by the subdivider as construction of the subdivision progresses. Appropriate protection will be provided for the most healthy and favorable Street Trees and, if lost due to construction, shall be replanted according to the requirements of the Tree Committee or Town Tree Warden.

- b. The subdivision shall include suitable easements, rights and improvements to connect or continue off-premises public infrastructure including but not limited to existing or planned trails or open spaces as may be required by the Planning Board.

- 6. **Connect with Public Infrastructure:** All developments shall be designed so as to be consistent with applicable master plans and facilities plans and, if and as applicable, to connect with off premises infrastructure associated with such plans, including but not limited to public water, sewer and stormwater, street networks, trails, pedestrian and bicycle network, environmental management or other public facilities.

7. Street Access to Adjoining Property:

- 1) In the case of residential subdivisions:

- a. The proposed street layout of public streets and private streets shall be coordinated with the street system of the surrounding areas. Wherever possible, streets shall provide for the continuation or appropriate connection to streets in surrounding areas and provide means of ingress and egress for surrounding acreage tracts.
- b. When connecting streets within residential neighborhoods, new streets shall contribute to a neighborhood street system characterized by a network of interconnected streets, which minimizes through-traffic in residential neighborhoods. The layout of subdivision lots, streets, and pedestrian ways shall promote multiple paths of travel to get to destinations within and between neighborhoods by foot and bicycle, as well as auto.
- c. The interconnection of new and existing streets is further subject to the following provisions to minimize and mitigate through-traffic in residential neighborhoods:
 - i. **Traffic Calming Measures:** Where a determination is made that a proposed street connection will result in substantial increases in traffic volume and speed on the effected public

streets, the planning board may require appropriate traffic calming solutions , such as but not limited to stop signs, speed humps or tables, chicanes, or geometric condition designed to slow traffic, to mitigate the impact; and

- ii. **Traffic Monitoring:** In any circumstances where a street connection is provided, the planning board may condition subdivision approval to require the developer to monitor future traffic patterns to determine whether new or additional traffic calming measures should be employed to mitigate the post development impact of connecting new and existing streets. The extent and design of traffic calming measures shall be determined by the Public Works Authority.
- iii. **Post-Monitoring Vehicle Restriction:** In cases where post development monitoring shows that increased traffic volume and speed is such that further traffic calming would be insufficient to mitigate traffic negative impacts of through traffic, the Public Works Authority may require that the connection be modified to exclude regular vehicular traffic, while retaining bicycle, pedestrian, and emergency vehicle connections.
- iv. **Non-Connection for Vehicles:** Where: **a)** on the basis of the findings of analysis by a Professional Traffic Engineer Licensed in the State of Maine, a determination is made by the Planning Board that a proposed street connection is projected to result in a substantial increase in traffic volume and speed on the affected public streets; or **b)** in cases where the environmental or excessive cost factors render the connection not feasible or substantially impracticable; the planning board may waive a proposed street connection for vehicular purposes.

In circumstances where vehicular connections are waived or restricted per section (4) above, the Planning Board may require that adequate right-of-way is reserved to permit the extension of the street and/or provisions made for pedestrian, bicycle, and/or emergency use, and for potential vehicle connections as may develop in the future.

2) In the case of non-residential subdivisions:

- a. Where, in the opinion of the Planning Board it is desirable to provide for street access to adjoining streets or property, the Board may require that proposed public or private streets or ways be extended by dedication to the boundary of such adjoining streets or property.

8. All subdivisions shall be designed and constructed in conformance with Article V, Technical and Design Standards, and Technical Appendices.

ARTICLE II

SUBMISSION REQUIREMENTS

A. Conceptual Plan: No applicant shall file an application for subdivision approval until such time as he/she has submitted for review by the Planning Board a conceptual plan, 13 copies, plus an electronic (PDF) version, consisting of the following:

1. General topography;
2. General street and lot layout;
3. Location of flood plains on the property; and
4. The location of the zoning district boundaries.

B. Preliminary Plan: The Preliminary Plan shall be submitted with three full size plan sets and ten reduced plan sets at 11" X 17" on one or more maps or drawings which shall be printed or reproduced on paper, plus an electronic (PDF) version of all plans and submissions. The number and format of copies may be revised from time to time as determined by the Director of Planning & Development, which shall be noted on the subdivision application if different from above. Such plans shall show all dimensions in feet or decimals of a foot, drawn to a scale of 1 inch equals not more than one hundred feet, showing or accompanied by the following information:

1. Location Map: The Preliminary Plan shall be accompanied by a Location Map drawn at a scale of not over six hundred feet to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The Preliminary Plan shall show all the area within one thousand feet of any property line of the proposed subdivision. Within such area, the Location Map shall show:
 - a. All existing subdivisions and approximate tract lines of acreage parcels together with the names of the record owners of all adjacent parcels of land, those directly abutting or directly across any street adjoining the proposed subdivision.
 - b. Locations, widths and names of existing, filed or proposed streets, easements, and building lines pertaining to the proposed subdivision and to the adjacent properties.

- c. The boundaries and designations of zoning districts, parks and other public spaces.
 - d. An outline of the proposed subdivision including all contiguous land owned by the subdivider, together with its street system and an indication of the future probable street system of the remaining portion of the tract, if the Preliminary Plan submitted covers only part of the subdivider's entire holding.
- 2. Proposed subdivision name or identifying title and the name of the municipality.
- 3. Name and address of record owner, subdivider and designer of Preliminary Plan.
- 4. Number of acres within the proposed subdivision, location of existing and proposed property lines, existing easements, buildings, watercourses and other essential existing physical features.
- 5. The names of all subdivisions immediately adjacent the names of owners of record of adjacent acreage.
- 6. The provisions of the Zoning Ordinance applicable to the area to be subdivided and any zoning district boundaries affecting the subdivision.
- 7. The location and size of any existing sewers and water mains, culverts and drains on the property to be subdivided.
- 8. Location, names and present widths of existing and proposed streets, highways, easements, building lines, alleys, parks and other public open spaces.
- 9. The width and location of any streets within the area to be subdivided, and the width, location, grades, and street profiles of all streets or other public ways proposed by the subdivider.
- 10. Contour lines at intervals of two feet or at such intervals as the Planning Board may require, based on United States Geological Survey datum.
- 11. 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 the USDA Soil Conservation Service National Cooperative Soil Classification.

12. Typical cross sections of the proposed grading for roadways and sidewalks.
13. Date, true north point and graphic scale.
14. Deed description map of survey of tract boundary made and certified by a registered land surveyor, tied into established reference points.
15. Connection with existing water supply or alternative means of providing water supply to the proposed subdivision meeting the requirements of Article V.T.
16. Connection with existing sanitary sewerage system or alternative means of treatment and disposal proposed meeting the requirements of Article V.U.
17. If a private sewage disposal system is proposed, the location and results of tests to ascertain subsurface soils and ground water conditions meeting the requirements of Article V.U.
18. Provisions for collecting and discharging storm drainage, in the form of a drainage plan.
19. Preliminary designs of culverts which may be required.
20. The proposed lot lines with dimensions, lot area, lot numbers, zoning setback lines and suggested locations of buildings.
21. The location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field.
22. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
23. The location of all natural features or site elements to be preserved.
24. A grading plan may be required for any or all lots as determined by the Planning Board.
25. Preliminary layout of any bridges required.
26. Landscape Plan showing vegetation to be preserved and planted.
27. Erosion and sedimentation requirements as specified in Technical Appendix D.

c. Final Plan: The final plan shall consist of the required number of copies of all maps or drawings plus an electronic (PDF) version, which shall be printed or reproduced in the same manner as the Preliminary Plan. Space shall be reserved thereon for endorsement by all appropriate agencies. The final plan shall show:

1. All of the information presented on the Preliminary Plan and Location Map and any amendments thereto suggested or required by the Board.
2. The name, registration number, seal and signature of the land surveyor, architect or planning consultant who prepared the plan.
3. Street names and lines, pedestrian ways, lanes, easements and areas to be reserved for or dedicated to public use.
4. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments as herein required, and shall be referenced as shown on the Plan.
5. Sufficient data acceptable to the Municipal Engineer to determine readily the location, bearing and length of every lot line, and boundary line and to reproduce such lines upon the ground. Where practical these should be tied to reference points previously established.
6. The survey of the outside boundaries of the tract and the computation of the lot lines shall be performed to an accuracy of one foot in 5,000 feet. If requested by the Planning Board, the surveyor shall furnish copies of computation sheets for outside boundaries showing:
 - a. Sketch of traverse lines;
 - b. Closures;
 - c. Adjustments;
 - d. Coordinates; and
 - e. Computation of outside boundaries.
7. Contour lines at intervals of two feet or at such intervals as the Planning

Board may require, based on United States Geological Survey datum.

8. Granite monuments shall be set at all outside corners of the proposed subdivision tract and checked by the Town Engineer prior to final approval.
9. By proper designation, all public open space for which offers of cession are made by the subdivider and those spaces to which title is reserved by him.
10. Lots and blocks within the subdivision numbered in accordance with local practice.
11. Written offers of cession to the Municipality of all public open space shown on the Plan, and copies of agreements or other documents showing the manner in which spaces, title to which is reserved by the subdivider, are to be maintained.
12. Written evidence that the Municipal Officers are satisfied with the legal sufficiency of the documents referred to in Paragraph (1), above. Such written evidence shall not constitute an acceptance by the Municipality of any public open space referred to Paragraph (1), above.
13. If the proposed subdivision in any way is subject to review by Federal review agencies or State of Maine Department of Environmental Protection (MDEP), then a copy of the Federal or MDEP application and decision shall be provided as part of the official submission of the Final Plan. If MDEP or other required Federal or State approvals are pending, approval by the Planning Board shall be conditional upon receiving of all such Federal or State permits or approvals; or may be tabled at the discretion of the Planning Board until such permits or approvals are received.
14. **Section 488 Exemptions:** Whenever the subdivision is exempt from Title 38, chapter 3, subchapter I, article 6, because of the operation of Title 38, section 488, subsection 5, that fact must be expressly noted on the face of the Subdivision plan to be recorded in the registry of deeds pursuant to 30-A M.R.S. Section 4406.

ARTICLE III

SUBDIVISION REVIEW PROCESS, MINOR AND MAJOR SUBDIVISIONS

A. APPLICATION PROCEDURE

1. **Notice:** All subdivisions shall submit a conceptual and final plan. Major subdivisions shall submit a conceptual, preliminary, and final plan. Minor subdivisions may elect to submit a preliminary plan.
 - a. For all subdivisions applications, the Department of Planning and Development shall send a notice, including a description of the nature of the proposal, the address and map and lot location, and the time and place of the Planning Board meeting and the public comment time period.
 - b. The Department shall mail the notice by first class postage to owners of all property within a minimum of 500 feet of the property under consideration, and, if the proposed development is located within 1,000 feet of any public or private school, to the superintendent or head of such school, and to the clerk and the reviewing authority of municipalities that abut or include any portion of the subdivision. If it is determined by the Director of Planning and Development that the impact of the development has the potential of significant impacts to properties beyond 500 feet, the Department may send notices to a distance of up to 1,000 feet of the proposed development. The notice shall be mailed at least 12 days before the first workshop meeting on the subdivision on the Planning Board agenda and 12 days before any scheduled public hearings on the Preliminary or Final Subdivision. If, following a public hearing, the Planning Board tables or postpones the subdivision to a date and time certain, no additional mailed notice is required for that date and time of meeting.
 - c. The Director shall place a notice to be published at least 2 times in a newspaper of general circulation in the Town of Yarmouth. The date of the first publication must be at least 7 days before the public hearing.

All publishing and mailing of notices shall conform with applicable State requirements including MRS Title 30-A Section 4403.

2. **Review by Municipal Committees:** The Planning Board may request copies of the application to be forwarded by the applicant to the Yarmouth Parks and Land Committee, Tree Committee, and Harbor and Waterfront Committee or other Municipal committee. The comments of the committees are advisory to the Planning Board and shall pertain to the

application's conformance with Section I.D, Review Standards, of this Article. The Planning Board may postpone final decisions regarding the application until such time as the comment from the Municipal committee(s) has been submitted. If so requested, such committees shall make best efforts to respond with written comments to the Planning Board within 45 days of the date of the Conceptual Plan presentation to the Planning Board.

- a. The respective committees may be requested to evaluate the proposed subdivision to determine such issues including but not limited to the following:
 - i. Whether there exists within such proposed land development unusual topographical or geographic features, natural views, scenes or vistas, natural resources, public access to contemplated or existing trail systems or Town- owned property, or other natural, cultural, historical or environmental resources worthy of preservation or protection;
 - ii. Whether there exists within such proposed land development recreational areas or open spaces suitable to the recreational needs of the proposed land development and the long range recreational goals of the Town;
 - iii. Whether the proposed land development is in conformance with the Comprehensive Plan and the Open Space Master Plan of the Town;
 - iv. Whether the proposed land development is in conformance with or compatible to the matters contained in the Open Space Map Overlays (Trails, Resource Protection-Tidal Marsh and Important Visual Open Spaces).
 - v. Whether an alternative Development Plan to preserve at least 25% of the gross land area as open space is required, in cases in which the site under consideration exceeds 20 acres or is identified on the Open Space Maps (as per paragraph iv, above.)
3. **Review:** The Planning Board shall review the conceptual plan at its regular meeting with opportunity for public comment.

4. **Site Walk:** After reviewing the conceptual plan, the Planning Board shall schedule a site walk at a mutually agreeable time, or determine that a site walk is not necessary.
5. **Classification:** At such Conceptual Plan review, the Planning Board will classify the conceptual plan into one of two categories as defined herein:
 - a. Minor Subdivision
 - b. Major Subdivision

B. REVIEW OF MINOR SUBDIVISIONS

1. **General:** The Planning Board may require, where it deems it necessary for the protection of public health, safety and welfare, that a Minor Subdivision comply with all or any of the requirements specified for Major Subdivisions.
2. **Procedure:** Within six months after classification of the conceptual plan as a Minor Subdivision by the Planning Board, the subdivider shall submit an application for approval of a final plan at least ten (10) days prior to a scheduled meeting of the Board. Failure to do so shall require re-submission of the plan to the Planning Board for reclassification.
3. All applications for plan approval for Minor Subdivisions shall be accompanied by a fee set by the Yarmouth Town Council and payable by check to the Town of Yarmouth.
4. The subdivider, or his/her duly authorized representative, shall attend the meeting of the Planning Board to discuss the Final Plan.
5. Within forty-five (45) days from the date of submission, or at the date of the next available Planning Board meeting, whichever is later, the Planning Board shall approve, modify and approve, or disapprove the Final Plan, unless such time frame is extended by mutual agreement. The Board shall specify in writing its reasons for any such modification or disapproval. If the Board fails to take action within such time, the Final Plan shall be deemed disapproved.

C. PRELIMINARY PLAN FOR MAJOR SUBDIVISION

1. **Procedure:**
 - a. The application for conditional approval of the Preliminary Plan shall be accompanied by a fee set by the Town Council of

Yarmouth.

- b. The subdivider, or his/her duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plan.
- c. Within forty-five (45) days after formal submission of a Preliminary Plan, or at the next available Planning Board meeting, whichever is later, the Planning Board shall take action to give preliminary approval, with or without modifications, or disapprove such Preliminary Plan, unless such time frame is extended by mutual agreement. The reasons of any modification required or the grounds for disapproval shall be stated upon the records of the Planning Board. Failure of the Planning Board to act within such time period shall constitute disapproval of the Preliminary Plan. Prior to preliminary approval, the Planning Board may hold a public hearing.
- d. When granting preliminary approval to a Preliminary Plan, the Planning Board shall state the conditions of such approval, if any, with respect to:
 - (1) The specific changes which it will require in the Final Plan;
 - (2) The character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, and general welfare;
 - (3) The amount of improvement or the amount of all bonds therefore which it will require as prerequisite requisite to the approval of the Final Subdivision Plan.
- e. The decision of the Planning Board plus any conditions imposed shall be noted on three (3) copies of the Preliminary Plan. One copy shall be returned to the subdivider, one retained by the Planning Board and one forwarded to the Town Manager.
- f. Preliminary approval of a Preliminary Plan shall not constitute approval of the Final Plan, but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these standards and the conditions of the preliminary approval, if any. Prior to

approval of the Final Subdivision Plan, the Planning Board may require additional changes as a result of new information obtained at a public hearing.

- g. Subdivisions reviewed under this Chapter shall not require review under Chapter 702, Site Plan, for normal roadway, grading, drainage, and utility infrastructure associated with land subdivisions. Subdivisions that include new buildings or additions to buildings or otherwise trigger Chapter 702 review for other than roadway and infrastructure improvements shall be subject to Chapter 702 if and as applicable.

D. FINAL PLAN FOR MAJOR AND MINOR SUBDIVISION

1. Procedure

- a. The subdivider shall, within six months after the preliminary approval of the Preliminary Plan, file with the Planning Board an application for approval of the Final Subdivision Plan in the form described herein. Final Plan is not submitted to the Planning Board within six months after the approval of the Preliminary Plan, the Planning Board may refuse without prejudice to act on the Final Plan and require resubmission of the Preliminary Plan. All applications for Final Plan approval for Major Subdivisions shall be accompanied by a fee set by the Town of Yarmouth payable by check to the Town of Yarmouth.
- b. A public hearing may be held by the Planning Board within forty-five (45) days after formal submission of a Final Plan, or at the next available Planning Board meeting, whichever is later, unless such time frame is extended by mutual agreement. A hearing shall be advertised in a newspaper of local circulation at least ten (10) days before such hearing and notice of said hearing shall be posted in at least three (3) prominent places at least ten (10) days prior to the hearing.
- c. The Planning Board shall, within sixty (60) days from submission of the Final Plan approve, modify and approve or disapprove the Final Plan and make findings on whether the subdivision meets the standards of Article I.D and E, (Review Standards and General Requirements). The reasons of any modification required or the grounds for disapproval shall be stated upon the records of the Planning Board. Failure of the Planning Board to act within such sixty (60) day period shall constitute disapproval of the Final Plan.

- d. Upon approval of a final subdivision plan and prior to its recording in the Cumberland County Registry of Deeds, a performance guarantee shall be provided pursuant to the provisions of Article VI.A of this Chapter.

2. Plan Revisions after Approval

- a. The planning authority may approve alterations to an approved recording plat when all of the following conditions are met; otherwise, a new subdivision plat must be submitted to the Planning Board:
 1. The rearrangement of lot lines does not increase the number of lots within a block or subdivision unit or area;
 2. The alteration will not substantially affect any street, alley, utility easement or drainage easement;
 3. The alteration meets all of the minimum requirements of this Chapter, Chapter 701 (Zoning) of this code and other applicable state and local codes;
 4. The alteration is approved by the Public Works Director, the Fire Chief, Town Engineer and Planning Director. Such approved alterations shall be properly recorded in the registry within thirty (30) days thereof or they shall be null and void. Recording of approved alterations also shall be in accordance with the requirements of 30-A M.R.S.A. Section 4407.

3. Final Approval and Filing

- a. Upon completion of the requirements stated above and notation to that effect upon the Plan, it shall be deemed to have final approval and shall be properly signed by a majority of the members of the Planning Board and shall be filed by the applicant with the Planning Director. The Plan shall then be filed with the Cumberland County Registry of Deeds, subject to the performance guarantee requirements of Article VI.A. Any subdivision Plan not so filed or recorded within 180 days of the date upon which such Plan is approved and signed by the Planning Board as herein provided shall become null and void, unless the particular circumstances of said applicant warrant the Planning Board to grant an extension which shall not exceed two additional periods of 180 days. The Board may decline to grant extension if the circumstances surrounding the property have substantially changed in

a manner that would warrant new review to determine if the subdivision standards will be met, or if the ordinances and regulations governing the subject property have changed to an extent that the subdivision would be substantially non-compliant and the Board determines that the subject property should be subject to the changed ordinances and regulations.

- b. At the time the Planning Board grants Final Plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to insure the orderly development of the Plan. The applicant may file a section of the approved Plan with the Planning Director and the Registry of Deeds if said section constitutes at least 10% of the total number of lots contained in the approved Plan. In these circumstances, Plan approval of the remaining sections of the Plan shall remain in effect for three years or a period of time mutually agreed to by the Municipal Officers, Planning Board and the subdivider.
4. **Final Recording Plat Submission:** Upon recording of the subdivision plat at the Cumberland County Registry of Deeds, a mylar and 2 paper copies of the plat showing book and page and date of recording shall be submitted to the Town Engineer, along with an electronic plan set in both AutoCAD and PDF formats. The Town Engineer shall forward a copy of the recorded plat to the Town Assessor and GIS Technician.
5. **Public Acceptance of Streets, Easements, and Open Space:** The approval by the Planning Board of a Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the Municipality of any street, easement, or other open space shown on such Plan. When a park, playground, or other recreation area shall have been shown on the Plan, approval of the Plan shall not constitute an acceptance by the Municipality of such area. The Planning Board shall require the Plan to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Municipal Officers covering future deed and title, dedication, and provisions for the cost of grading, development, equipment, and maintenance of any such street, easement or other open space shown on such plan.
6. **Maintenance Procedures for Private Roads and infrastructure**
 - a. **Owners Responsibility:** The person or corporation in control of the property is responsible for, and liable for, any violations of this

subsection. This includes, but is not limited to, the developer, property owner, the Property Owners Association and its officers, if applicable, or others who may own or exercise control over the property.

- b. ***Property Owners Associations Required:*** Subdivisions or developments with private roads, stormwater management facilities, or other such privately owned infrastructure, hereafter referred to as private infrastructure, must have a mandatory property owners association which includes all property served by such private infrastructure. The association shall own and be responsible for the maintenance of private infrastructure and appurtenances. The association documents must establish a reserve fund for the maintenance of roads and other improvements. The association documents shall be reviewed and approved by the Town Engineer as to sufficiency with regard to this subsection. The documents shall be recorded at the Cumberland County Registry of Deeds along with the final recording plat. Lot deeds must convey membership in the association and provide for the payment of dues and assessments required by the association. The association may not be dissolved without the prior written consent of the Town Department of Planning and Development. No portion of the association documents pertaining to the maintenance of the private roads and private infrastructure assessments therefore may be amended without the written consent of the Town Engineer.
- c. ***Private Street Lot:*** Private roads and private infrastructure must be constructed within a separate lot owned by the property owners association or within a dedicated easement area. An easement covering the infrastructure shall be granted to the Town and respective utilities providing unrestricted use of the property for utilities and the maintenance of same as applicable. This right shall extend to all utility providers including tele/cable companies, operating within the Town. The easement shall permit, but not obligate the Town to remove any vehicle or obstacle within the street or lot that impairs emergency access, or otherwise perform measures to ensure safe access or function.
- d. ***Construction and Maintenance Cost:*** The Town shall not pay for any portion of the cost of constructing or maintaining a private road or private infrastructure. Any emergency measures or measures to ensure safe access or function shall be subject to reimbursement of reasonable costs by the home owner association. Failure to reimburse such reasonable costs shall cause a lien to be placed by the Town upon the properties encompassed by property owners

association.

- e. ***Town Utilities:*** Water, sewer, drainage facilities, street lights and signs placed within the private roads and private infrastructure shall be installed to utility and town standards and pertinent sections of the code of ordinances.
- f. ***Plans & Inspections:*** Developments proposed with private roads and private infrastructure must submit to the Town the same plans and engineering information required to construct public streets and utilities. Requirements pertaining to inspection and approval of improvements prior to final plat approval shall apply. Fees charged for these services shall also apply. The Town may periodically inspect private roads and infrastructure and require repairs necessary to insure emergency access or proper function.

7. Inspection of Required Improvements

- a. At least five (5) days prior to commencing construction of required improvements the subdivider shall:
 - i. Pay an inspection fee equal to two (2) percent of the cost of the required improvements, payable by check to the Town of Yarmouth stating the purpose of the fee. The subdivider shall notify the Town Engineer in writing of the time when he/she proposes to commence construction of such improvements so that the Town Engineer can cause inspection to be made to assure that all Municipal specifications and requirements shall be met during the construction of required improvements, and to assure satisfactory completion of improvements and utilities required by the Planning Board.
 - ii. The subdivider shall arrange a pre-construction meeting with the Town Engineer on the site with the subdivider, the contractor, and the appropriate members of the subdivider's technical team. Prior to the pre-construction meeting, a final set of construction drawings shall be provided to the Town Engineer.
- b. If the Town Engineer or appointed engineer shall find, upon inspection of the improvements performed before expiration date of the performance guarantee, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he/she shall so report to the Board. The Town

Engineer shall then notify the subdivider and, if necessary, the financial institution, and take all necessary steps to preserve the Municipality's rights under the guarantee. No plan shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plan.

- c. If at any time before or during the construction of the required improvements the subdivider demonstrates to the satisfaction of the Town Engineer or appointed engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Town Engineer or appointed engineer may, upon approval of the Planning Board, authorize modifications provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Town Engineer or appointed engineer shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.
 - d. The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the legislative body.
8. **Final Record Construction Drawings:** Upon completion of construction and prior to release of the performance guarantee, record drawings of all required improvements shall be submitted to the Town Engineer in AutoCAD and PDF format.

ARTICLE IV

ENFORCEMENT

1. No plan of a subdivision of land within the Town of Yarmouth which would constitute a subdivision as defined herein shall hereafter be filed or recorded in the Registry of Deeds until a Final Plan thereof shall have been approved by the Planning Board in accordance with all of the requirements, design standards, and construction specifications set forth elsewhere in this standard, nor until such approval shall have been entered on such Final Plan by the Planning Board.
2. No person, firm, corporation or other legal entity may 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.
3. Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this Section or commits any other violation of this Chapter, shall be subject to enforcement provisions of Title 30-A, Section 4452 as amended. The Attorney General, the Town of Yarmouth or the appropriate Municipal Officers may institute proceedings to enjoin the violation of this Section.
4. 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.
5. Not only is making a subdivision without Planning Board approval a violation of law, but so also within such subdivision is grading or construction of roads, grading of land or lots, or construction of buildings until such time as Final Plan of such subdivision shall have been duly prepared, submitted, reviewed, approved, and endorsed as provided in this Ordinance, and until the original copy of the Final Plan so approved and endorsed has been duly recorded with all easements and conditions in the Cumberland County Registry of Deeds.
6. Legal Action and Violation – Failure to comply with these provisions shall constitute a violation of this Chapter and shall be subject to the same enforcement actions and procedures as set forth in Chapter 701, Zoning, Article VI, Administration and Enforcement, including but not limited to assessment of fines and penalties.

ARTICLE V

TECHNICAL AND DESIGN STANDARDS

A. STREET NAMES: Streets which join or 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 Board.

B. STREET CLASSIFICATIONS

1. Definitions

- a. **Residential Collector Street:** A street which carries residential neighborhood traffic, but which provides no or limited residential frontage and has an ADT in excess of 500. If the anticipated ADT will exceed 3000, the street shall be classified as a street of a higher order than residential collector and become subject to higher design standards as determined by the Town Engineer. A dead-end residential collector street is not permitted.
- b. **Residential Subcollector Street:** A frontage street which provides access to abutting properties and which may also conduct traffic from residential access streets that intersect it and has an ADT that does not exceed 500. (Each half of a loop subcollector street may be regarded as a single subcollector street and the total traffic volume conveyed on a loop subcollector street shall not exceed 1000 ADT.) Maximum length of a dead- end residential subcollector street shall be 1000 feet.
- c. **Residential Access Street:** A frontage street which provides access to abutting properties and designed to carry no more traffic than that which is generated on the street itself and has an ADT that does not exceed 200. (Each half of a loop access street may be regarded as a single access street and the total traffic volume conveyed on a loop access street shall not exceed 400 ADT.) Maximum length of a dead-end residential access street shall be 1000 feet.
- d. **Rural Residential Subcollector Road:** A frontage road located in the LDR or RR District which provides access to abutting properties and which may also conduct traffic from rural residential access roads that intersect it and has an ADT that does not exceed 500. (Each half of a loop subcollector road may be regarded as a single subcollector road and the total traffic volume conveyed on a loop subcollector road shall not exceed 1000 ADT.) Maximum length of a dead-end rural residential subcollector road shall be

1000 feet.

- e. **Rural Residential Access Road:** A frontage road located in the LDR or RR District which provides access to abutting properties and designed to carry no more traffic than that which is generated on the road itself and has an ADT that does not exceed 200. (Each half of a loop access road may be regarded as a single access road and the total traffic volume conveyed on a loop access road shall not exceed 400 ADT.) Maximum length of a dead- end rural residential access road shall be 1000 feet.
- f. **Private Road:** Private roads serve as feeders to access, sub-collectors, and collector residential streets or roads, and may be the principal entrance road (driveway) of a residential development. Private streets are permitted only when the average daily traffic is less than 100 (10 dwellings) on a gravel surfaced street or 200 (20 dwellings) on a paved street. Maximum length of a dead- end private road shall not exceed 1000 feet, and specifications vary by number of dwelling units as detailed in Appendix A. 1. Street types Rural Residential Access Roads and Rural Access Streets may be designated Private Roads by the subdivision subject to approval of the Planning Board, which may require public access to such streets.
- g. **Industrial and Commercial Streets:** These streets shall be defined as streets servicing this type of development and become subject to higher design standards as determined by the Municipal Engineer.

C. TRIP GENERATION RATES: The following chart shall be used to determine the anticipated average daily traffic (ADT) levels of proposed residential development:

<u>Average Weekday Housing Types</u>	<u>Trip Generation Rates</u>
Single-family detached	10 Trips/D.U.
Duplex (twin) Multiplex Townhouses, Apartments, Etc.	8 Trips/D.U.
Mobile Home	5.5 Trips/D.U.
Retirement Home	3.5 Trips/D.U.
D.U.= Dwelling Unit	

D. ACCESS, RESERVE STRIPS, DESIGN

1. Reserve Strips:

- a. There shall be no reserve strips controlling access to streets except where the control of such strips is definitely placed with the community under conditions approved by the Planning Board.

2. Road and Street Design Standards:

- a. Design standards as tabulated herein and as shown on typical sections in Appendix A & B shall be used for all public or private road or street designs in the Town of Yarmouth, unless otherwise agreed to and permitted in writing by the Planning Board. All public or private roads or streets shall be constructed in accordance to the specifications outlined in Appendix A & B. as defined by the applicable street classification.

E. POST APPROVAL CONSTRUCTION SPECIFICATIONS

1. Specifications and details of all products to be used on any road improvement project shall be submitted to the Engineer in triplicate for approval prior to the start of construction. The submittals shall include, but not be limited to:

- | | |
|---------------------------------------|---|
| a. manhole frames & covers, | j. Yarmouth Water District approval |
| b. catch basin pipe-sewer & drainage, | k. pump station analysis, force main calculations |
| c. brick, | l. Standard Details for pipe bedding and backfilling; manholes, catch basins and sewer laterals |
| d. street lights, | |
| e. cement, | m. vacuum testing |
| f. CMP approval, | n. firm to be used |
| g. Curbing, | |
| h. N.E.T. approval, | o. guard rail |
| i. stone, sand and gravel sample | p. certificate of insurance |

2. Also, a certificate of compliance stating the contractor/ developer has read and

understands the Town ordinance and will perform all work in accordance with the Town ordinance and the Maine Department of Transportation Standard Specifications.

F. CULVERTS

<u>Location</u>	<u>Minimum Diameter</u>
Roadway	18 inches
Driveway	15 inches

G. SIGHT DISTANCES: Please refer to Chapter 604 Article 4.d.c

H. DRIVEWAYS: Driveways shall be located not less than 40 feet from the tangent point of the curb radius of any intersection. Driveways to corner lots shall gain access from the street of lower classification when a corner lot is bounded by streets of two different classifications. All driveway aprons shall be paved with 1 $\frac{3}{4}$ " Base course or Bituminous Concrete and 1 $\frac{1}{4}$ " Surface course of Bituminous Concrete from the gutter side or edge of street to the street right-of-way.

I. TURNAROUNDS

1. Installation of a circle or cul-de-sac requires written permission of Town Engineer and will not be permitted if a hammerhead can be installed.

- a. Circle

Radii of turnaround	
Property line	75 feet
Outer Edge of pavement	65 feet
Inner edge of pavement	45 feet

- b. Hammerhead

Specifications for hammerhead turnarounds are provided in Appendix B.7

J. UNSUITABLE MATERIAL

The subdivider shall be required to investigate and determine the types and classifications of the sub-surface soils. If in the opinion of the Municipal Engineer, unsuitable sub-surface soils are encountered during construction, the subdivider shall be required to excavate and remove the unsuitable material and replace it with granular material as specified in the standard specifications of the Maine Department of Transportation. (Section 703.20 Gravel Borrow)

K. ROADWAY CONSTRUCTION MATERIALS STANDARDS

1. Roadway construction materials standards as specified herein shall conform to the current specifications of the Maine Department of Transportation as specified in Appendix A.

L. STORM RUNOFF, EROSION AND SEDIMENTATION CONTROL AND DESIGN STANDARDS

1. **Intent:** Stormwater runoff associated with the subdivision will be designed and installed to minimize environmental impacts from the development during construction and after construction. An adequate treatment and conveyance system will be installed and discharge of collected stormwater is allowed when approved by the Planning Board. A minimum easement width of 30 feet will be required.

2. Design Standards

- a. All storm water systems within the subdivision shall be designed to meet the criteria of a twenty-five (25) year recurrence event on rainfall data from weather bureau records in Portland. Flows shall be computed by the USDA Soil Conservation Service T-20 and TR-55 with design computations being submitted for approval.
- b. Upstream drainage shall be accommodated by an adequately sized system through the proposed subdivision for existing conditions and future potential development in the upstream drainage area or areas tributary to the proposed subdivision, as determined by the Planning Board.
- c. Existing downstream drainage facilities shall be studied to determine the effect of the proposed subdivision's drainage. The developer shall demonstrate to the satisfaction of the Planning Board that the storm drainage from the proposed subdivision will not, in any way, overload existing storm drainage systems downstream from the proposed subdivision.
- d. 300 feet shall be considered as the maximum length for carrying open storm water in a street gutter prior to intake at a catch basin. No storm water will be permitted to drain across a street or across an intersection.
- e. Design standards for drainage systems shall be approved by the Planning Board. Minimum pipe size for any storm drainage pipe shall be 12 inches in diameter.

f. Where subsurface soils are of the nature requiring an underdrainage system, underdrains shall be installed and discharged in a positive manner.

g. House foundation drains may be connected to the storm drainage system upon approval by and under the direction of the Municipal Engineer.

h. An Erosion and Sedimentation Control Plan will be prepared and submitted as part of the Final Plan, Erosion and Sedimentation Control Best Management Practices will be installed, inspected by the owner or their contractor, and maintained throughout construction as described in Technical Appendix D of this chapter.

M. GRADING

All streets, roads and alleys shall be graded to their full width by the subdivider so that pavements and sidewalks can be constructed on parallel profiles. Due to special topographical conditions, deviation from the above will be allowed only with special approval of the Planning Board.

1. **Preparation:** Before grading is started, the entire right-of-way area shall be cleared of all stumps, roots, brush and other objectionable material and all trees not intended for preservation.
2. **Cuts:** Tree stumps and other organic materials shall be removed to a depth of 2 feet below the subgrade. Rocks and boulders when encountered shall be removed to subgrade.
3. **Fill:** All material used in the construction of embankments shall meet the requirements of Sections 203.09 through 203.16 of the Maine Department of Transportation Standard Specifications. Excess materials including organic materials, soft clays, wet and non-compatible materials, etc., shall be removed from the street site. The fill shall be spread in layers not to exceed 12" loose and compacted. The filling of utility trenches and other places shall be mechanically compacted.
4. **Side Slopes:** All side slopes shall be at a slope of 4 horizontal to 1 vertical unless shown otherwise on typical cross sections in Appendix B.
5. **Ledge:** All ledges, within the roadway construction limits, shall be removed to a depth of 1' below subgrade.

6. **Guard Rail:** Guard rails shall be installed in areas deemed necessary by the Town Engineer. Guard rails shall be in accordance with MDOT specification 606.01, Type 3b.

N. GRAVEL AND PAVEMENT

The appropriate sections of the Bases and Pavements Divisions of the Maine Department of Transportation Standard Specifications currently in effect at the date of submission of the preliminary plan shall be applicable to this Section except as noted in Appendix A.2, and as follows:

1. Aggregate Sub-Base and Aggregate Base-Gravel: Specifications for Aggregate Sub-Base and Aggregate Base-Gravel are provided in Appendix A.2.
2. Pavement
 - i. Where pavement placed joins an existing pavement, the existing pavement shall be cut along a smooth line and to a neat, even, vertical joint. Broken or raveled edges will not be permitted, nor deviation from grade.
 - ii. Grading for the surface course of Hot Mix Asphalt shall meet the requirements for 9.5MM MDOT 401.
 - iii. Grading for the base course of Hot Mix Asphalt shall meet the requirements for Surface Course 9.5mm or 12.5 mm MDOT 401.

O. CURBING

Section 609 of the Maine Department of Transportation Standard Specifications shall be applicable to this Section except as follows:

1. Curbing shall be limited to Type 1 and Slipform Concrete curb, per Town Standards.
2. Slipform concrete curb with a minimum reveal of six (6) inches shall be required.

P. SIDEWALKS

1. Section 608 of the Maine Department of Transportation Standard Specifications, latest revision, shall be applicable to this Section.

2. Sidewalks shall be provided on at least one side of the street unless waived by the Planning Board.

Q. STORM DRAIN CONSTRUCTION STANDARDS

1. Materials: All pipes specified in the section shall be rigid. No coiled piping will be permitted for storm drain construction. The following material shall be utilized for storm drain construction:
 - a. Reinforced Concrete Pipe: Reinforced Concrete Pipe shall be Class IV and meet the requirements of ASTM Designated C-76. Pipe classes shall be as required to meet soil and traffic loads with a factor of safety of 1.2 on the .01 inch crack strength with a class B bedding. Joints shall be of the rubber gasket type meeting ASTM Designation C443-70.
 - i. Polyvinyl Chloride: PVC Gravity Sewer pipe shall meet the requirements of ASTM Designations D-3034-73-SDR35.
 - ii. Corrugated Polyethylene Pipe: Corrugated Polyethylene Pipe shall be smooth bore, double wall and shall meet the requirements of ASTM F667 and F667M.
 - iii. Underdrain Pipe: Underdrain Pipe may be Polyvinyl Chloride or Corrugated Polyethylene meeting similar requirements to that of standard drain pipe.
 - iv. Manholes - Manholes shall be of precast concrete section construction. Precast sections shall meet the requirements of ASTM Designation C-478. Cones shall be truncated. Frame and covers shall be of cast iron meeting Town standards for sewer construction. Brick inverts shall be shaped to the crown of the pipe for sizes up on 18 inch, and to spring line for larger pipes. All shelves shall be bricked and pitched 1"/ft toward the channel.
 - v. Catch Basins - Catch Basins shall be of precast concrete construction. Castings shall be square cast iron as required for the particular inlet condition with the gratings perpendicular to the curb line.
2. General Construction Requirements
 - a. Trenching - All trenching shall be accomplished in accordance with all appropriate State and federal safety requirements.

- b. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus 2 feet.
- c. Pipe shall be bedded in 3/4" crushed stone as approved by the Town Engineer with a minimum depth of six (6) inches below the pipe invert and extending to the top of pipe.
- d. Drain alignment shall be straight in both horizontal and vertical alignment.
- e. Manholes shall be provided at all changes in vertical and horizontal alignment, and at all junctions. On straight runs manholes shall be placed at a maximum of 400 foot intervals.
- f. Catch basin leads shall enter the drainage system at manholes only. The difference in elevation between the inverts of the lead and the main drain shall not exceed 12 inches.
- g. All drain outlets shall be riprapped to prevent erosion. Facilities for energy dissipation shall be provided. All work shall be in accordance with MDOT specifications Section 610.
- h. Underdrains shall be installed in accordance with MDOT specifications Section 605.04 underdrain construction, except steel and aluminum pipe material shall not be allowed.

R. MONUMENTS

- 1. Granite monuments 4" square, 3' long with a flat top shall be set at all street corners, at all points where the street line intersects the exterior of the subdivisions and at angle points and points of curve in each street. The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade.
- 2. All other lot corners shall be marked with iron pipe not less than 3/4" in diameter and 36" long and driven so as to be 6 inches above the finished grade.
- 3. All granite monuments shall be four feet long and six inches above ground except in lawns, drives, and parking lots where they shall be flush. If the subsurface is ledge between one and three feet deep, a two foot diameter concrete encasement based on the ledge shall be required. If the ledge is less than one foot deep, a one inch steel rod shall be grouted into the ledge.

S. STREET AND STORM DRAINAGE PLANS

1. Construction plans for streets and storm drainage systems shall be designed and prepared by a professional engineer registered in the State of Maine. Plans shall show the plan, profile, cross-sections and details of appurtenances.
2. No construction will be permitted until the Planning Board has approved construction drawings. The developer is alerted to other approvals and permits which are required prior to construction. Upon completion of construction and prior to acceptance of the streets, a final set of reproducible record drawings will be required.

T. WATER SUPPLY

1. A public water supply system including fire protection shall be approved by the Yarmouth Water District and shall meet all applicable regulatory, statutory, and District design and installation standards. Such infrastructure shall be installed at the expense of the subdivider, or if in the opinion of the Board, service to each lot by a public water system is not feasible, the Board may allow individual wells to be used, which shall likewise be installed at the expense of the subdivider.
2. Because they are difficult to maintain in a sanitary condition, dug wells shall be permitted only when it is not economically or technically feasible to develop other ground water sources.
3. If a central water supply system is provided by the subdivider, location and protection of the source, and design, construction, and operation of the distribution system and appurtenances and treatment facilities shall conform to applicable statute and design and regulatory standards as per State Plumbing Code and all conform to the requirements of The Maine Drinking Water Program, Division of Environmental Health, Maine Department of Health and Human Services.

U. SEWAGE DISPOSAL

1. Sewage Disposal shall conform to the regulations of "Sewerage Ordinance, Town of Yarmouth, Maine."
2. In the case of on site sewerage disposal, the Planning Board may require on site soils investigations prior to final approval.

ARTICLE VI

PERFORMANCE GUARANTEE, WAIVERS, APPEALS, AND SEPARABILITY

A. PERFORMANCE GUARANTEE FOR REQUIRED IMPROVEMENTS

1. **Required Improvements:** The following are required improvements: monuments, street signs, streets, sidewalks, water supply, sewage disposal and storm drainage, except where the Board may waive or vary such improvements in accordance with the provisions of this Ordinance. Where landscaping, street trees, esplanades and open green spaces are required by the Planning Board, these improvements are considered to be required improvements.
2. **Performance Guarantee:** Before the Planning Department releases the final signed recording plat for a major or minor subdivision to be recorded in the Cumberland County Registry of Deeds, the subdivider shall, in an amount set by the Town Manager, file with the Municipal Treasurer a performance guarantee to cover the full cost of required improvements. The performance guarantee shall be either an irrevocable letter of credit or a cash escrow unless otherwise approved by the Town offices. Any such guarantee shall be satisfactory to the Municipal Officers, Municipal Engineer and Municipal Attorney as to form sufficiency, manner of execution and surety. If the applicant will be using an Irrevocable Letter of Credit from a Financial Institution as the performance guarantee, the Planning Board may approve the plan with the condition that the signed plat be held by the Town Manager until the applicant has obtained the signed letter of credit in a form satisfactory to the Town Manager to ensure the completion of all public improvements to the satisfaction of the Town Engineer and Town Manager. A period of one (1) year (or such other period as the Planning Board may determine appropriate, not to exceed three (3) years) shall be set forth in the guarantee time within which required improvements must be completed. The Planning Board may grant up to two, one-year extensions, beyond the three year period, but in no case shall the period exceed five years. The performance guarantee shall include an amount required for recreation land or improvements as specified.
3. **Release of Performance Guarantee:** Before a subdivider may be released from any obligation required by his/her performance guarantee, the Town Engineer shall determine that all improvements have been satisfactorily completed in accordance with all applicable standards, State and local codes and ordinances.

4. **Guarantee Period:** The subdivider shall be responsible for the satisfactory condition of all required improvements for a guarantee period of a minimum of one year from the release of the Performance Guarantee. Such guarantee period shall not expire between the months of October through April.

B. WAIVER

1. Where the Planning Board finds that, due to special circumstances of a particular plan, the provision of certain required improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.
2. In granting modifications, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

C. APPEALS

An appeal from a decision of the Planning Board shall be taken directly to Superior Court. Decisions of the Planning Board are not appealable to the General Board of Appeals.

D. SEPARABILITY AND EFFECTIVE DATE

1. The invalidity of any provision of this Ordinance shall not invalidate any other part.
2. This Ordinance shall take effect immediately on adoption of the same by the Council.
3. To the extent there are any conflicts between the various provisions of this Ordinance or between the provisions of this Ordinance and any other Town ordinance, the more restrictive provisions shall apply.

Technical Appendices

Appendices A-D below detail roadway, sidewalk and related infrastructure specifications. Such appendices shall be updated from time to time by the Town Engineer to reflect the most current information, and shall become effective upon public hearing and approval by the Planning Board.

A. Roadway Design & Construction Standards:

1. Roadway Geometric Standards
2. Roadway and Sidewalk Material Standards

B. Design & Construction Cross Section

Diagrams:

1. Residential Collector Street
2. Residential Sub-Collector Street
3. Residential Access Road
4. Rural-Residential Sub-Collector Street
5. Rural-Residential Access Road
6. Private Roads
 - a. 1-2 Dwelling units
 - b. 3-6 Dwelling units
 - c. 6-10 Dwelling units
 - d. 11-20 Dwelling units
7. Minimum Hammerhead Turn-Around Requirements
8. Sidewalk ADA Access Ramp Details
 - a. One-Way Pedestrian Ramp
 - b. Two-Way Pedestrian Ramp
 - c. Perpendicular Ramp – Wide Sidewalk, No Esplanade
 - d. Parallel Ramp – Narrow Sidewalk, No Esplanade
 - e. Perpendicular Ramp – Narrow Sidewalk, With Esplanade
 - f. Diagonal Ramp at Intersection with Esplanade
 - g. Preferred Ramp at Major Intersection

C. Traffic Study Specifications

D. Erosion and Sedimentation Control

A. Roadway Design & Construction Charts:

1. Roadway Geometric Standards
2. Roadway and Sidewalk Material Standards

A.1 Roadway Geometric Standards

DESCRIPTION	TYPE OF STREET OR ROAD							
	Residential			Rural - Residential		Private Road		
Geometric Criteria	Collector Street	Sub-Collector Street	Access Street ⁸	Sub-Collector Road	Access Road ⁸	Number of Dwelling Units ¹		
						1-2	3-5	6-20
ADT ¹	>500 < 3000 ²	-	-	-	-	<20	<50	
Dead End	-	< 500	< 200	≤ 500	< 200	-	-	<100
Loop	-	≤ 1,000	≤ 400	≤ 1,000	≤ 400	-	-	<200
Max. Length Dead End	n/a	1,000'	1,000'	1,000'	1,000'	1,000'	1,000'	1,000'
Turn Around At Dead End ³	n/a	T	T	T	T	T	T	T
Right of Way Width	60'	50'	50'	50'	50'	30' ⁷	30' ⁷	40' ⁷
Pavement Width (travel width on private roads)	24'	24'	22'	22'	20'	14' ⁵	16' ⁵	18' ⁵
Curbing at Radius ⁴	Type #1	Type #1	Type #1	n/a	n/a	n/a	n/a	n/a
Curbing at Remaining Locations	Type #3	Type #3	Type #3	n/a	n/a	n/a	n/a	n/a
Sidewalk Width	5'	5'	5'	n/a	n/a	n/a	n/a	n/a
Roadway Crown	3%	3%	3%	3%	3%	3%	3%	3%
Minimum Grade	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%
Maximum Grade	8%	8%	8%	8%	8%	6% without pavement 8% with pavement		
Minimum Centerline Radius	350'	150'	100'	150'	100'	100'	100'	100'
Minimum Tangent between Curves of Reverse Alignment	150'	100'	50'	100'	50'	50'	50'	50'
Minimum Distance between Street Intersection on:								
Same side	400'	300'	300'	300'	300'	n/a	50'	100'
Either aligned to or opposite side	250'	150'	150'	150'	150'	n/a	50'	100'
Sight Distance	See Chapter 604 Section IV. d.c							
K Factor-Crest Vertical Curve	30	15	15	30	15	15	15	15
K Factor-Sag Vertical Curve	35	20	29	35	20	20	20	20
Design Speed – MPH	30	25	25	30	25	25	25	25
Maximum Grade at Intersection (within 75' of Intersections) ⁶	3%	3%	3%	3%	3%	3%	3%	3%
	Intersection Angle 90 for a min. of 50' from the intersection							
Minimum Property Line Radi at Intersections	10'	10'	10'	10'	10'	n/a		
Curb and Pavement Radi at Intersections ⁹	20'	20'	20'	20'	20'	n/a		

¹ See Ch. 601 Article IV. Section C. Trip Generation Rates

² If the anticipated ADT will exceed 3000, the street shall be classified as a street of a higher order than residential collector and become subject to higher design standards as determined by the Town Engineer.

³ Refer to Appendix C in Ch.601

⁴ Curbing Materials:
Granite Stone Curbing Type #1
Slip Form Concrete Curbing Type #3

⁵ Constructed width is with or without pavement.

⁶ All residential and rural-residential streets and roads shall also comply to additional specifications in Chapter 604

⁷ Row width as noted but not less than 8' is required for each underground utility.

⁸ May be designated as private, subject to approval by the Planning Board.

⁹ At intersections where no sidewalk exists or is proposed there shall be constructed a handicap accessible apron and landing area of at least 50 sq. ft. as per Appendix B8.

A.2 Roadway & Sidewalk Material Standards

DESCRIPTION	TYPE OF STREET OR ROAD								
	Residential			Rural - Residential		Private Road ¹			
	Collector Street	Sub-Collector Street	Access Street	Sub- Collector Road	Access Road	Number of Dwelling Units ²			
Materials						1-2	3-5	6-10	11-20
Gravel									
Type “D” Aggregate Sub-Base MDOT Section 703.06 (c) ³	18”	15”	15”	15”	15”	15”	15”	15”	15"
Type “A” Aggregate Base MDOT Section 703.06 (a)	3”	3”	3”	3”	3”	n/a	3"	3"	3"
Hot Mix Asphalt Pavement - Roadway									
Total Thickness	4”	4”	4”	4”	4”		n/a		4"
Base Course 19mm MDOT 401	2½”	2½”	2½”	2½”	2½”		n/a		2½”
Surface Course 9.5mm or 12.5 mm MDOT 401	1½”	1½”	1½”	1½”	1½”		n/a		1½”
Bituminous Concrete Sidewalk							*		
Type “D” Aggregate Sub-Base	10”	10”	10”	10”	n/a		n/a		n/a
Type “A” Aggregate Base	2”	2”	2”	2”	n/a		n/a		n/a
Pavement Requirements - Sidewalk									
Base Course 12.5 mm MDOT 401	1 ¼ "	1 ¼ "	1 ¼ "	1 ¼ "	n/a		n/a		n/a
Surface Course 12.5 mm MDOT 401	1 ¼ "	1 ¼ "	1 ¼ "	1 ¼ "	n/a		n/a		n/a

¹ See Ch. 601 Article IV. Section C. Trip Generation Rates

²

Construction materials shall be in conformance with the Town's Sewer, Subdivision, and other applicable ordinances, and the Town's contractor's handbook, and shall be approved by the Town Engineer

³ Particles or rock shall not exceed 3" in any dimension.

* Pedestrian pathway may be required for private roads.

Material Testing: All gravel, drain sand, and stone used on the project shall be tested by an approved soils testing laboratory and submitted to the Town Engineer prior to the start of any roadway or pipe work. All costs for testing shall be borne by the Contractor/Developer. The Town Engineer at his/her discretion shall have any questionable material tested at the Town's expense. All material not meeting specification shall be removed and replaced, with material meeting specifications.

Curbing Materials:

Granite Stone Curbing:	Type #1
Slip Form Concrete Curbing:	Town Standard

B. Design & Construction Cross Section Diagrams:

Standards and dimensions tabulated herein shall be considered as minimum.

1. Residential Collector Street
2. Residential Sub-Collector Street
3. Residential Access Road
4. Rural-Residential Sub-Collector Street
5. Rural-Residential Access Road
6. Private Roads
 - a. 1-2 Dwelling units
 - b. 3-6 Dwelling units
 - c. 6-10 Dwelling units
 - d. 11-20 Dwelling units
7. Minimum Hammerhead Turn-Around Requirements
8. Sidewalk ADA Access Ramp Detail
 - a. One-Way Pedestrian Ramp
 - b. Two-Way Pedestrian Ramp
 - c. Perpendicular Ramp – Wide Sidewalk, No Esplanade
 - d. Parallel Ramp – Narrow Sidewalk, No Esplanade
 - e. Perpendicular Ramp – Narrow Sidewalk, With Esplanade
 - f. Diagonal Ramp at Intersection with Esplanade
 - g. Preferred Ramp at Major Intersection

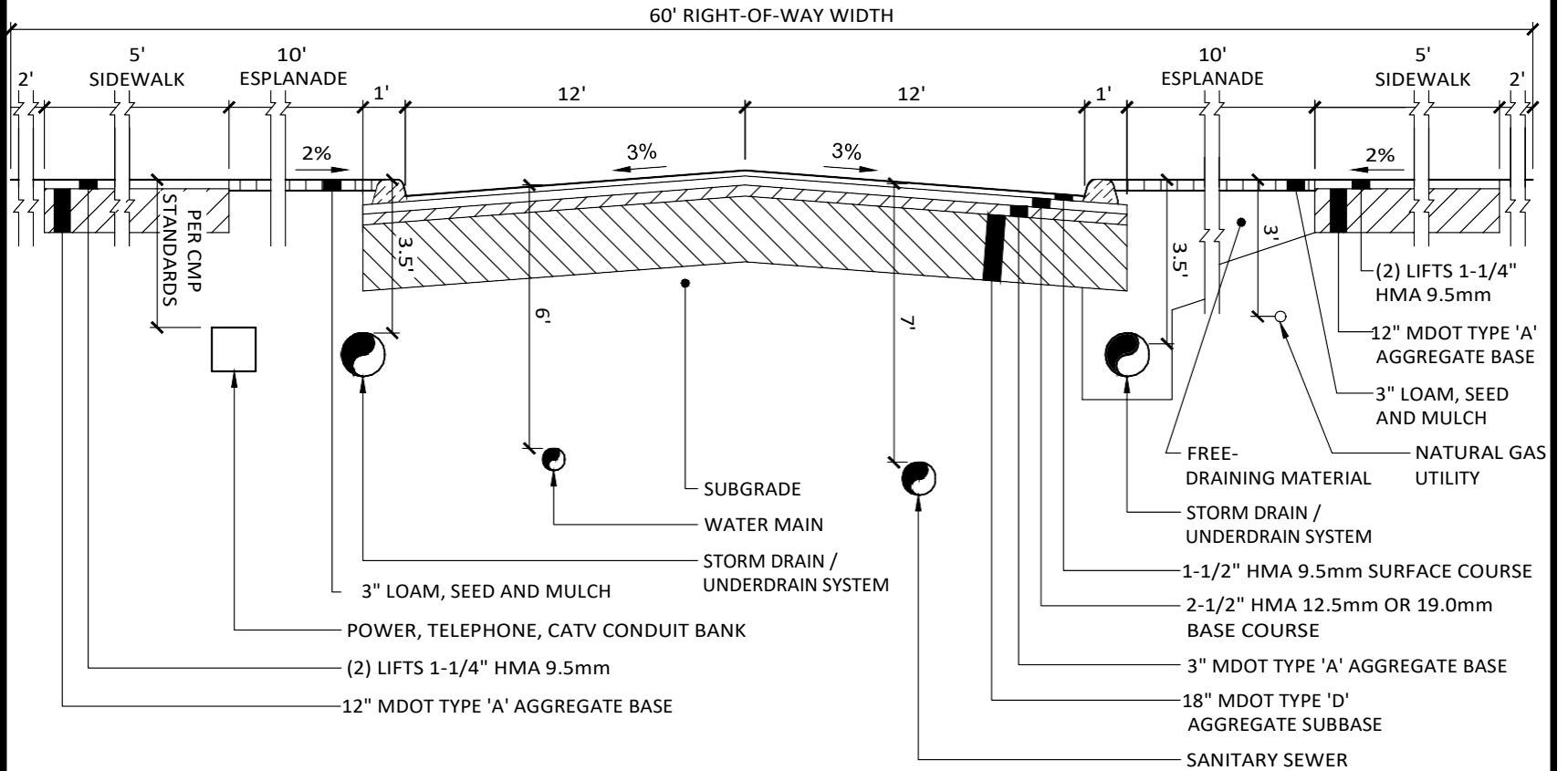


TOWN OF YARMOUTH
200 MAIN STREET
YARMOUTH, ME 04096
207-846-2401

RESIDENTIAL COLLECTOR STREET
RIGHT-OF-WAY SHALL BE 60' WIDTH
SEE APPENDIX A ROADWAY GEOMETRIC AND
MATERIAL STANDARDS
File: 16003-DETAILS.dwg Date: 02/11/16

Appendix:

B1



NOTE:
SIDEWALK AGGREGATE BASE WIDTH SHALL BE 6' WIDE.



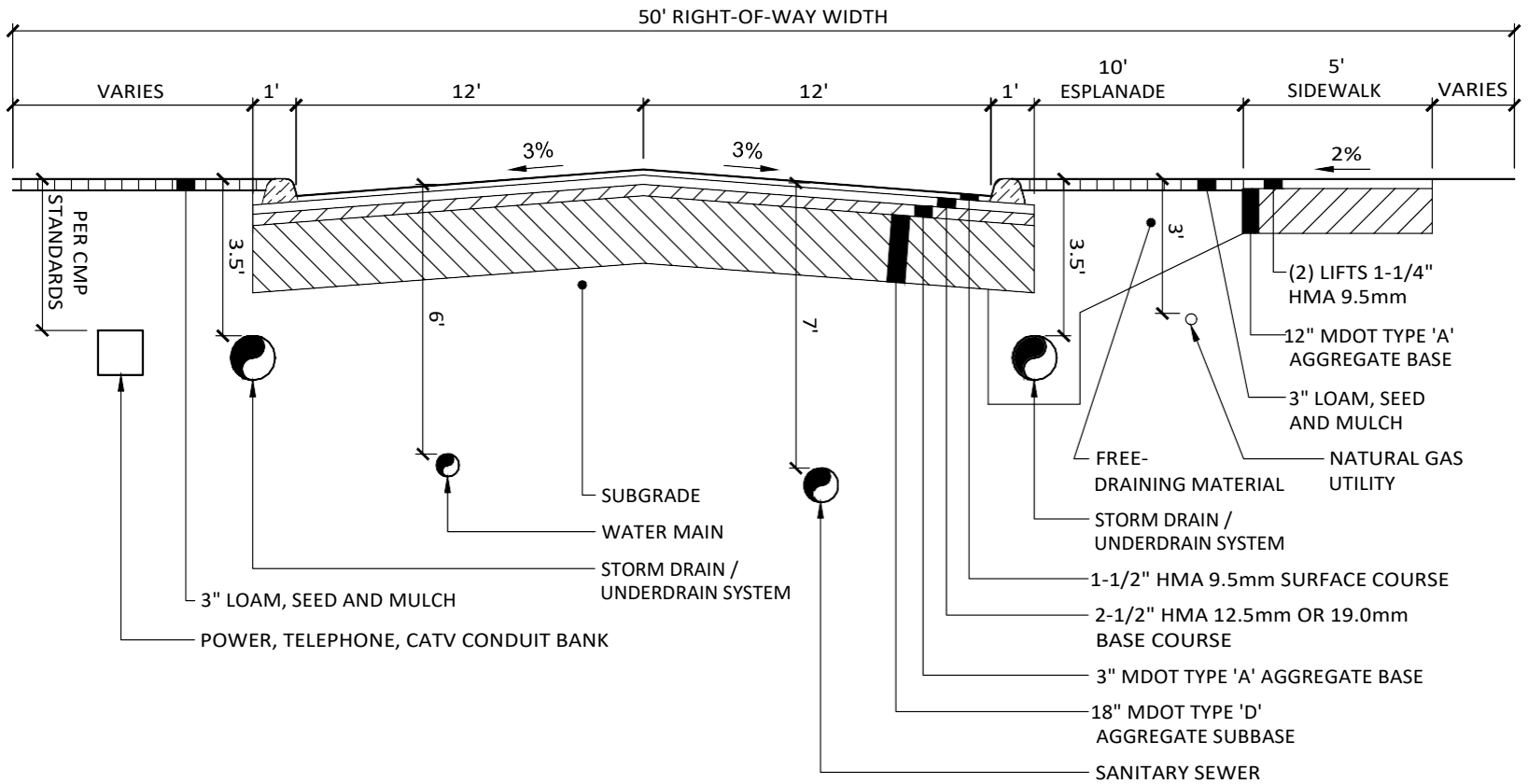
TOWN OF YARMOUTH
200 MAIN STREET
YARMOUTH, ME 04096
207-846-2401

RESIDENTIAL SUB-COLLECTOR STREET
RIGHT-OF-WAY SHALL BE 50' WIDTH
SEE APPENDIX A ROADWAY GEOMETRIC
AND MATERIAL STANDARDS

File: 16003-DETAILS.dwg Date: 02/11/16

Appendix:

B2



NOTE:
SIDEWALK AGGREGATE BASE WIDTH SHALL BE 6' WIDE.



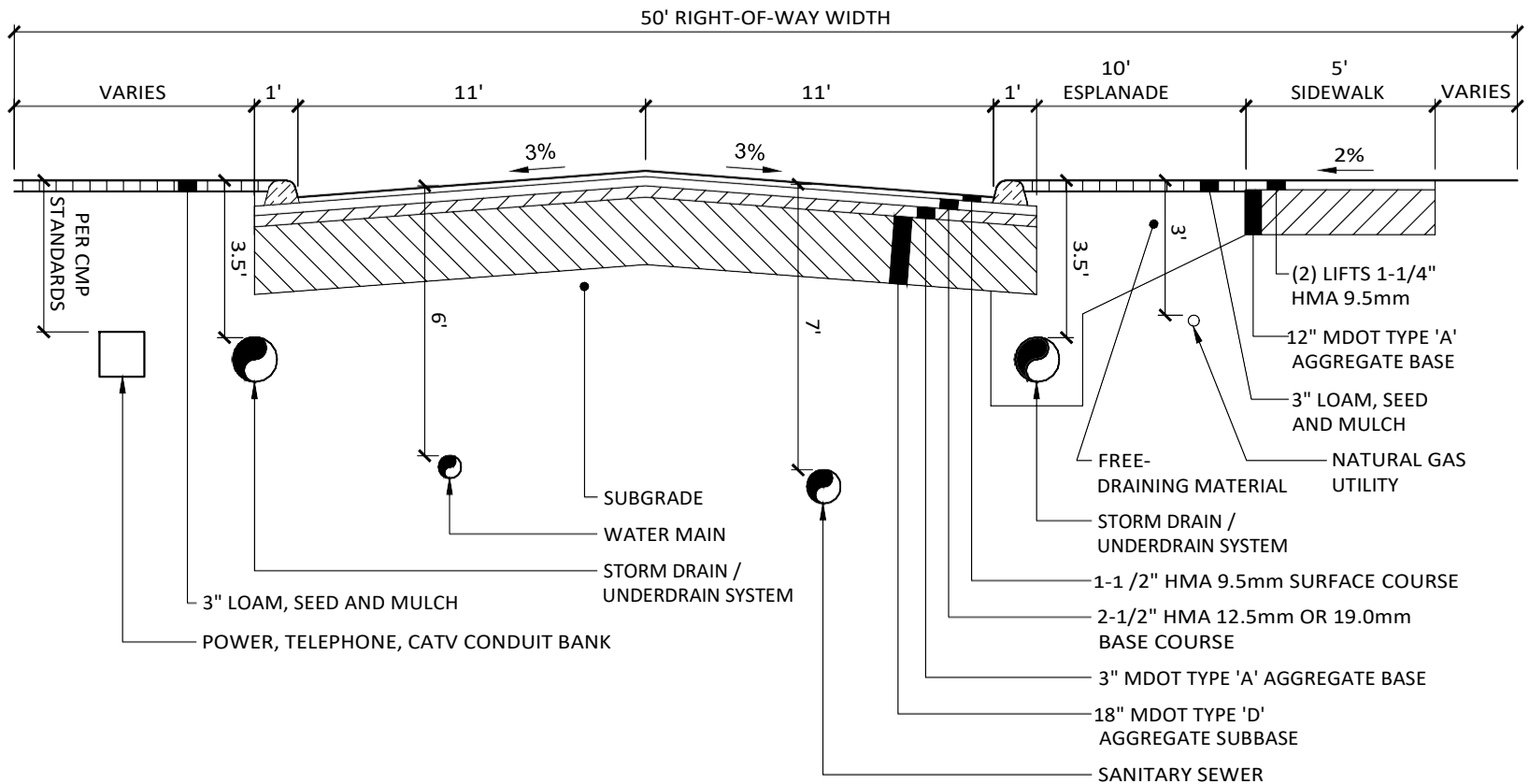
TOWN OF YARMOUTH
200 MAIN STREET
YARMOUTH, ME 04096
207-846-2401

RESIDENTIAL ACCESS STREET
RIGHT-OF-WAY SHALL BE 50' WIDTH
SEE APPENDIX A ROADWAY GEOMETRIC
AND MATERIAL STANDARDS

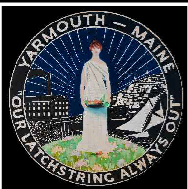
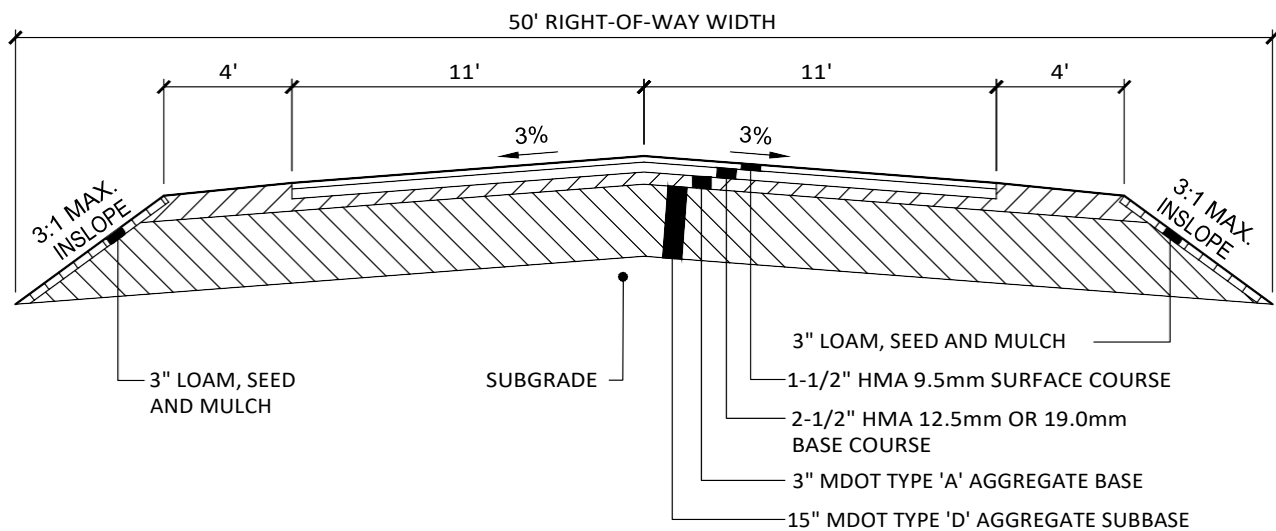
File: 16003-DETAILS.dwg Date: 08/15/16

Appendix:

B3



NOTE:
SIDEWALK AGGREGATE BASE WIDTH SHALL BE 6' WIDE.



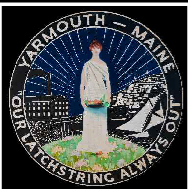
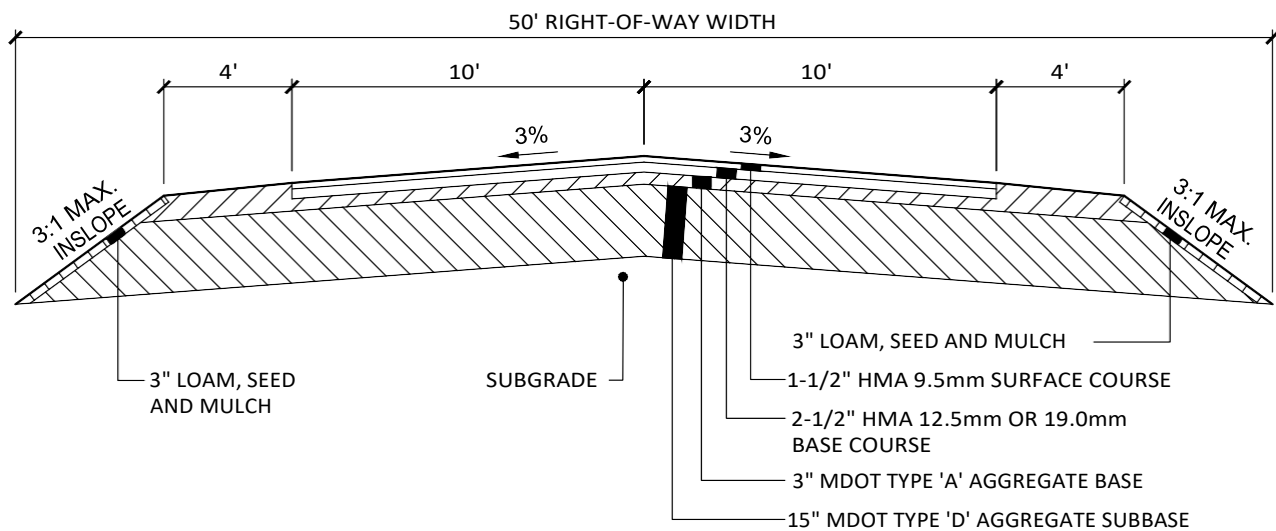
TOWN OF YARMOUTH
200 MAIN STREET
YARMOUTH, ME 04096
207-846-2401

RURAL RESIDENTIAL
SUB-COLLECTOR ROAD
RIGHT-OF-WAY SHALL BE 50' WIDTH
SEE APPENDIX A ROADWAY GEOMETRIC
AND MATERIAL STANDARDS

File: 16003-DETAILS.dwg Date: 10/13/16

Appendix:

B4



TOWN OF YARMOUTH
200 MAIN STREET
YARMOUTH, ME 04096
207-846-2401

RURAL RESIDENTIAL ACCESS ROAD

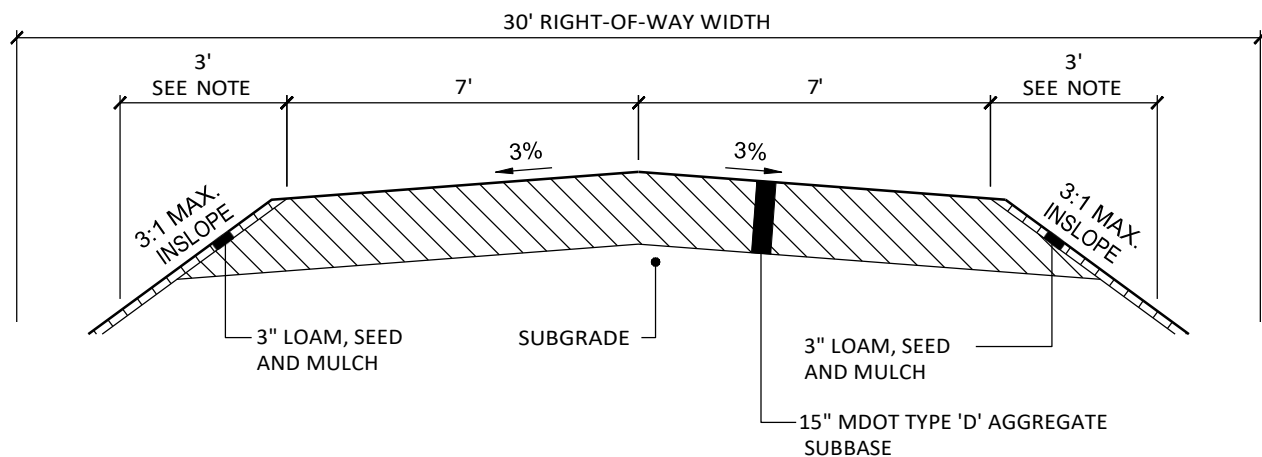
RIGHT-OF-WAY SHALL BE 50' WIDTH
SEE APPENDIX A ROADWAY GEOMETRIC
AND MATERIAL STANDARDS

File: 16003-DETAILS.dwg

Date: 08/15/16

Appendix:

B5



NOTE:
3' WIDE INSLOPE VEGETATION CLEAR ZONE WITH NO
VEGETATION HIGHER THAN 18" ABOVE ROAD FINISH GRADE.

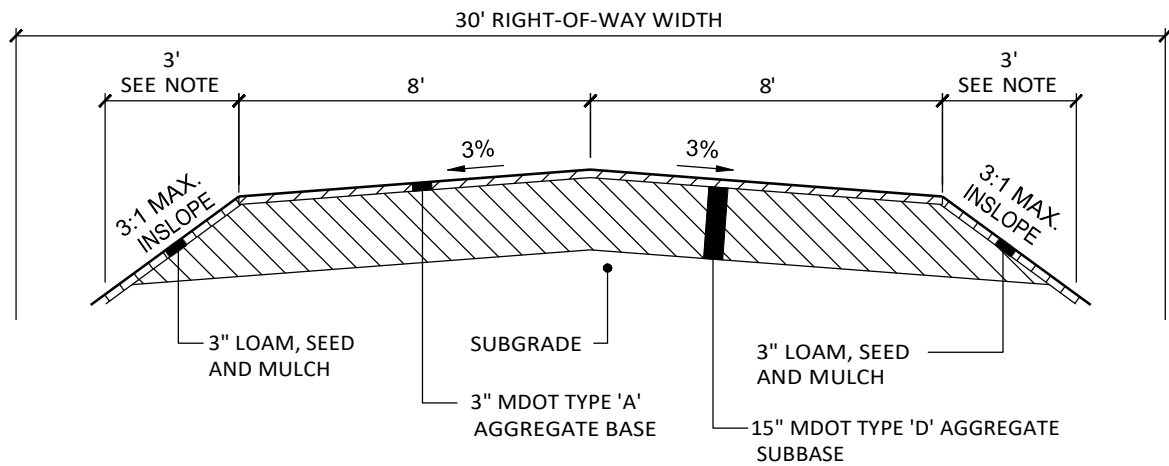
TOWN OF YARMOUTH
200 MAIN STREET
YARMOUTH, ME 04096
207-846-2401

PRIVATE ROAD (1-2 DWELLINGS)
RIGHT-OF-WAY SHALL BE 30' WIDTH
SEE TABLE A DESIGN AND CONSTRUCTION CHART FOR
ROADWAY CONSTRUCTION STANDARDS

File: 16003-DETAILS.dwg Date: 02/11/16

Appendix:

B6a



NOTE:
3' WIDE INSLOPE VEGETATION CLEAR ZONE WITH NO
VEGETATION HIGHER THAN 18" ABOVE ROAD FINISH GRADE.

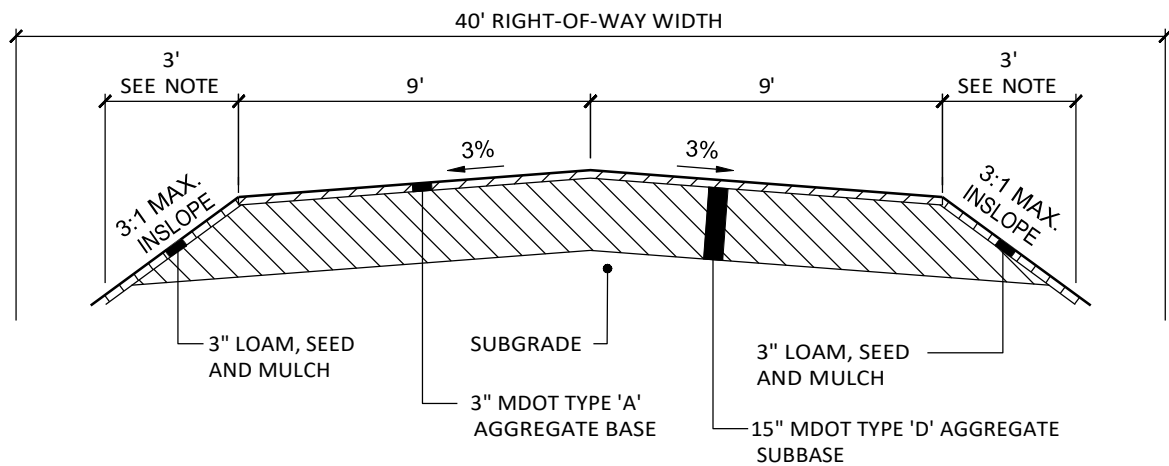
TOWN OF YARMOUTH
200 MAIN STREET
YARMOUTH, ME 04096
207-846-2401

PRIVATE ROAD (3-5 DWELLINGS)
RIGHT-OF-WAY SHALL BE 30' WIDTH
SEE APPENDIX A ROADWAY GEOMETRIC
AND MATERIAL STANDARDS

File: 16003-DETAILS.dwg Date: 02/11/16

Appendix:

B6b



NOTE:
3' WIDE INSLOPE VEGETATION CLEAR ZONE WITH NO
VEGETATION HIGHER THAN 18" ABOVE ROAD FINISH GRADE.

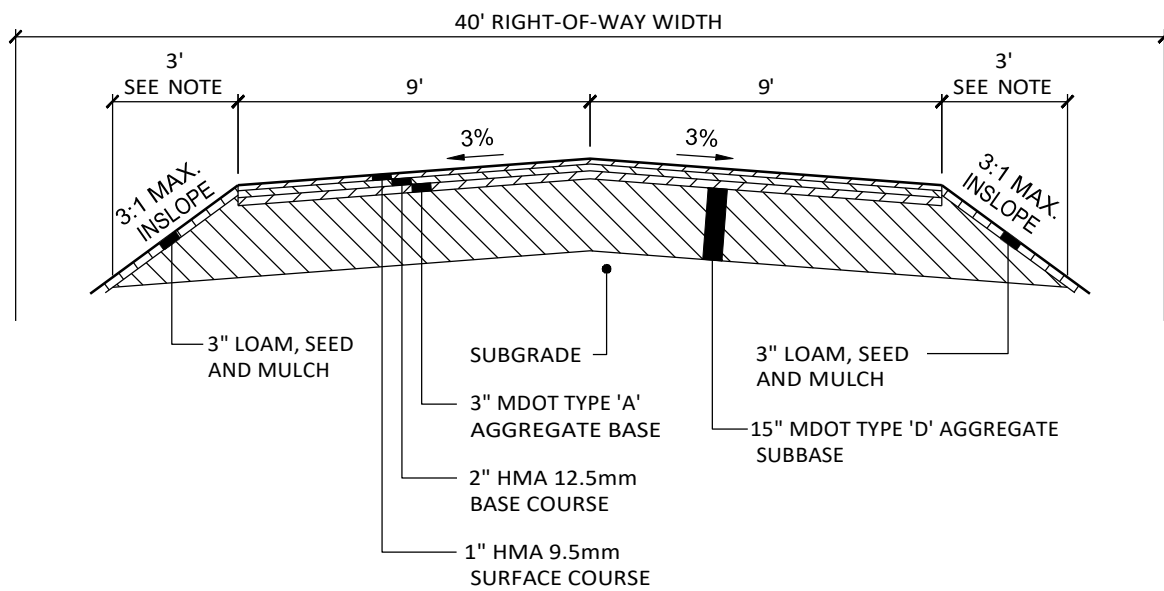
TOWN OF YARMOUTH
200 MAIN STREET
YARMOUTH, ME 04096
207-846-2401

PRIVATE ROAD (6-10 DWELLINGS)
RIGHT-OF-WAY SHALL BE 40' WIDTH
SEE APPENDIX A ROADWAY GEOMETRIC
AND MATERIAL STANDARDS

File: 16003-DETAILS.dwg Date: 02/11/16

Appendix:

B6c



NOTE:
3' WIDE INSLOPE VEGETATION CLEAR ZONE WITH NO
VEGETATION HIGHER THAN 18" ABOVE ROAD FINISH GRADE.

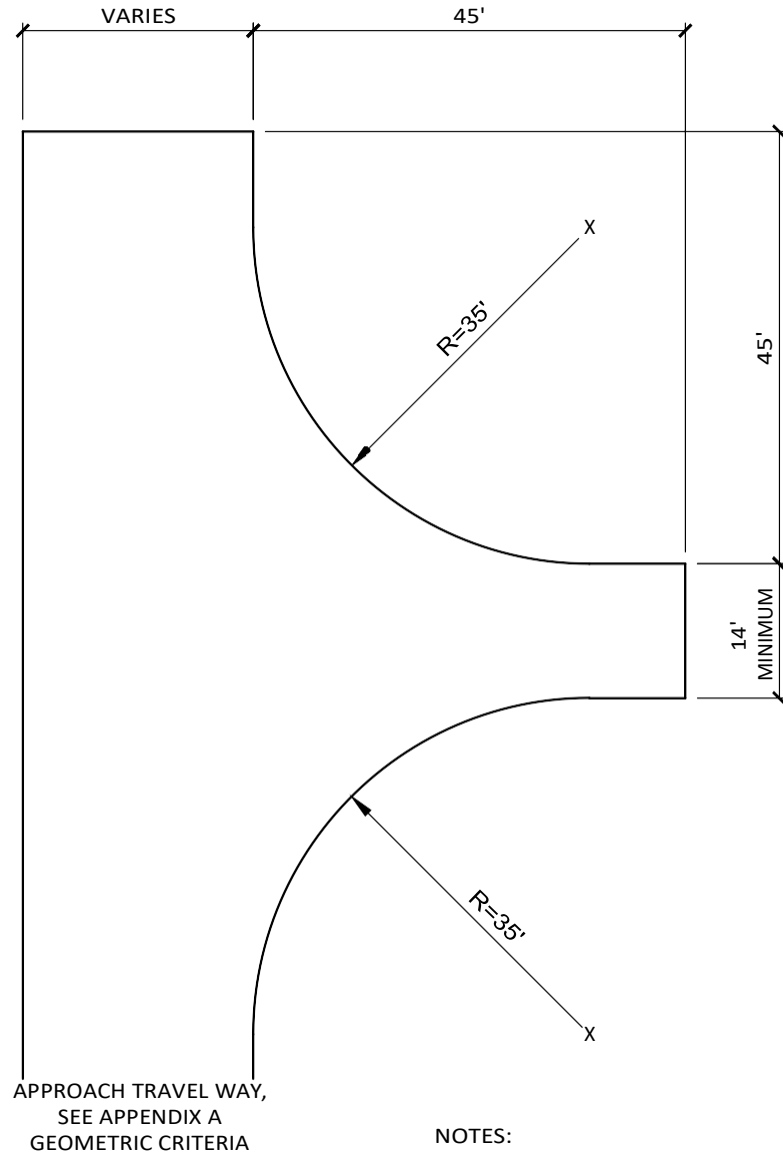
TOWN OF YARMOUTH
200 MAIN STREET
YARMOUTH, ME 04096
207-846-2401

PRIVATE ROAD (11-20 DWELLINGS)
RIGHT-OF-WAY SHALL BE 40' WIDTH
SEE APPENDIX A ROADWAY GEOMETRIC
AND MATERIAL STANDARDS

File: 16003-DETAILS.dwg Date: 10/13/16

Appendix:

B6d



NOTES:

1. TURN-AROUND SHALL CONFORM TO ALL STREET AND ROAD CONSTRUCTION STANDARDS, SEE APPENDIX A.
2. DRIVEWAY ENTRANCES SHALL NOT BE ALLOWED OFF THE ENDS OR RADII OF THE TURN-AROUND.
3. SNOW STORAGE SHALL BE PROVIDED FOR OFF THE ENDS AND RADII OF THE TURN-AROUND SUCH THAT FULL ROADWAY DIMENSIONS MAY BE MAINTAINED DURING THE WINTER MONTHS.



SCALE in FEET
1"=20'

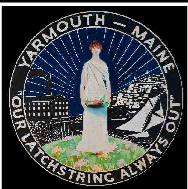
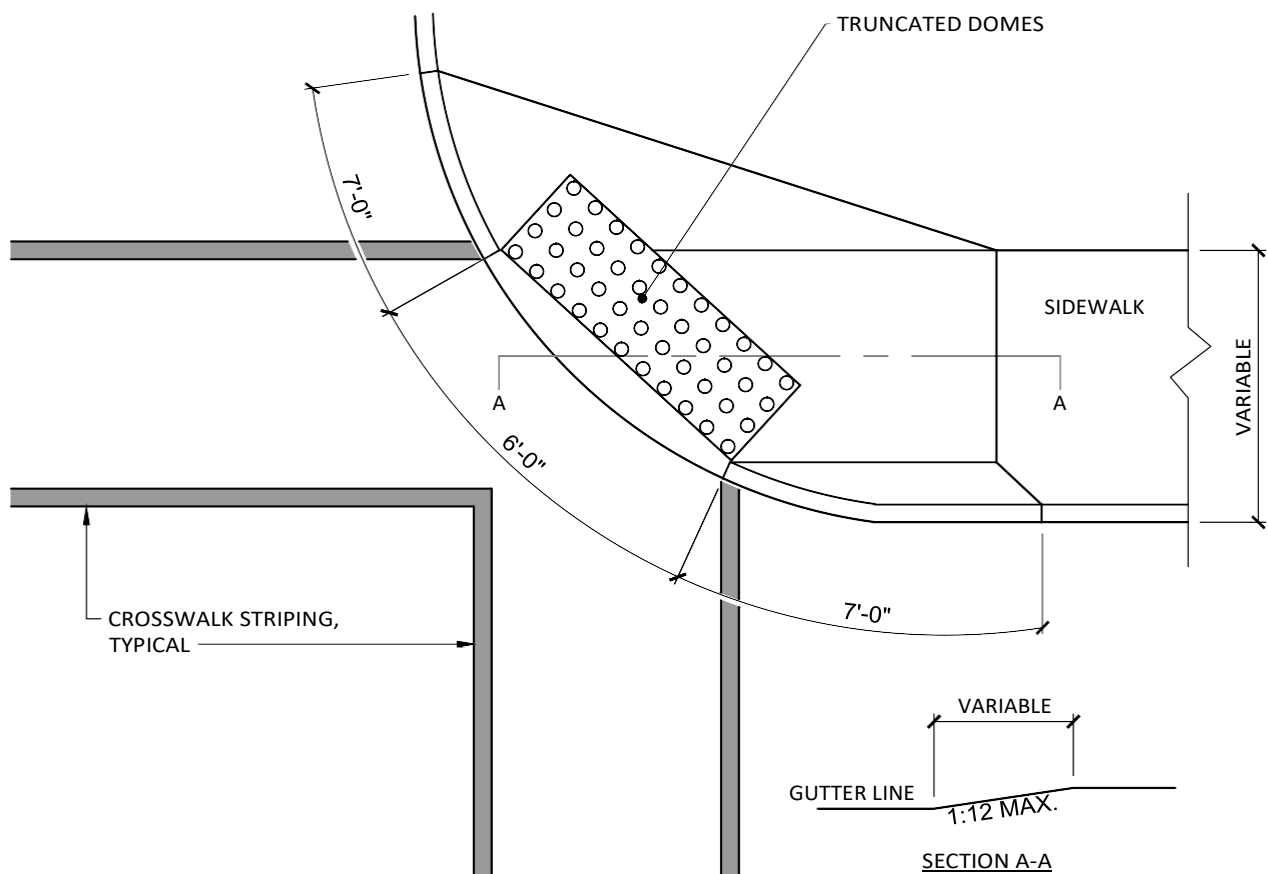
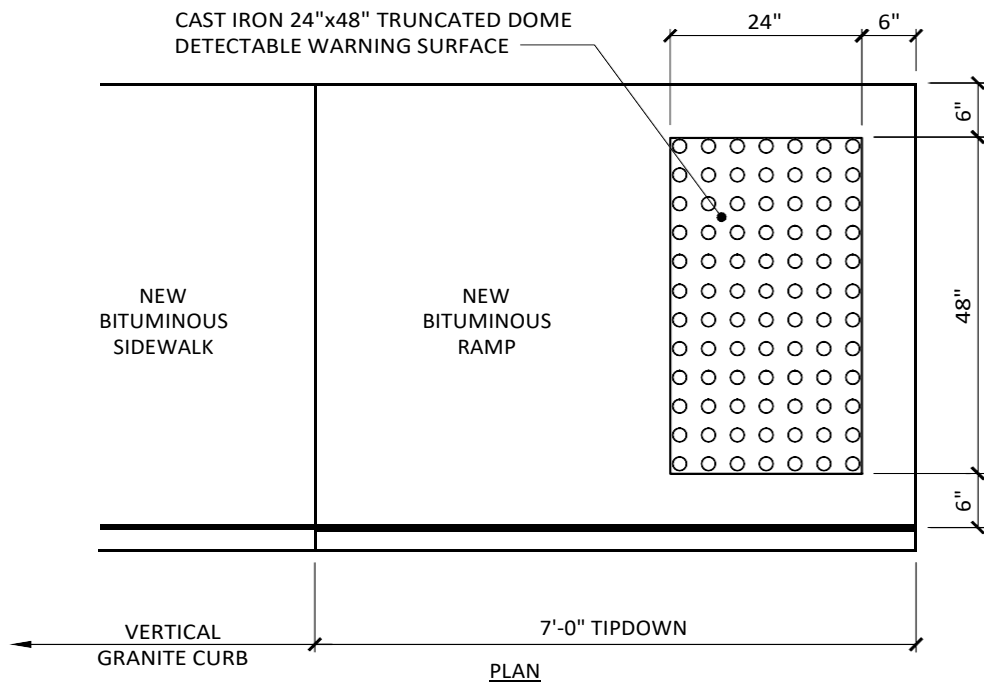
TOWN OF YARMOUTH
200 MAIN STREET
YARMOUTH, ME 04096
207-846-2401

**MINIMUM HAMMERHEAD
TURN-AROUND REQUIREMENTS**

File: 16003-DETAILS.dwg Date: 02/11/16

Appendix:

B7



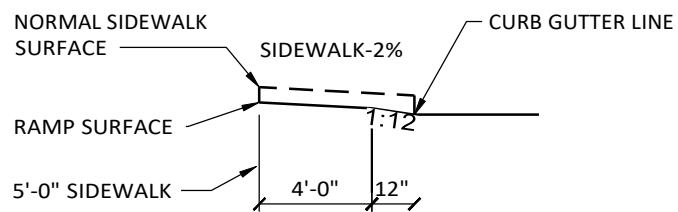
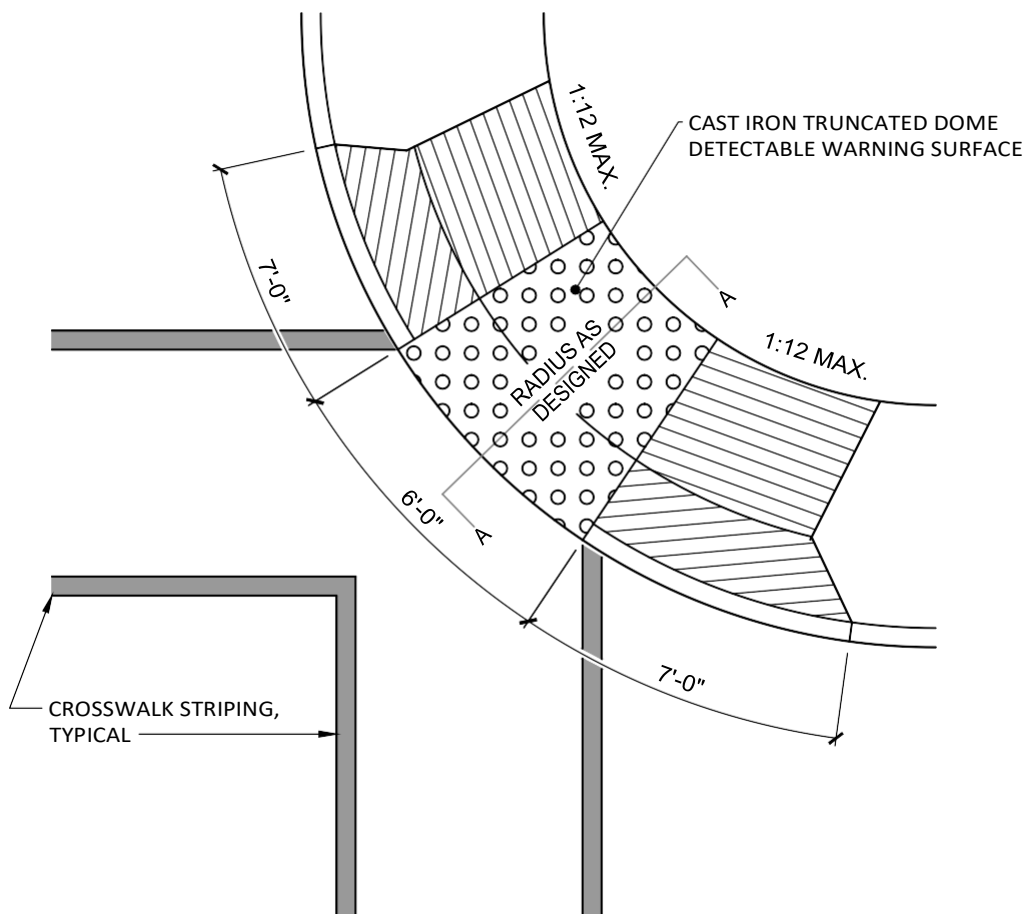
TOWN OF YARMOUTH
200 MAIN STREET
YARMOUTH, ME 04096
207-846-2401

ONE-WAY PEDESTRIAN RAMP

File: 16003-DETAILS.dwg Date: 08/15/16

Appendix:

B8a



SECTION A-A

TOWN OF YARMOUTH
200 MAIN STREET
YARMOUTH, ME 04096
207-846-2401

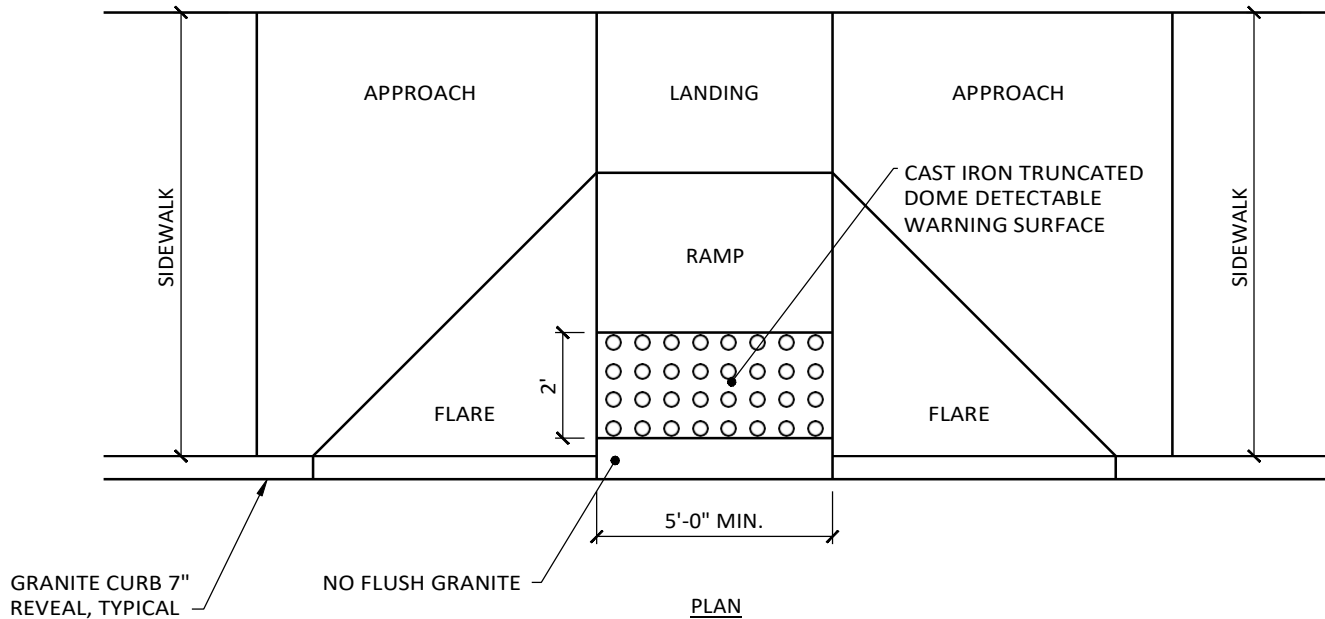
TWO-WAY PEDESTRIAN RAMP

File: 16003-DETAILS.dwg Date: 10/13/16

Appendix:

B8b

<u>DESIGN ELEMENT</u>	<u>SLOPE IN DIRECTION OF TRAVEL</u>	<u>CROSS SLOPE</u>
APPROACH	8.33% MAXIMUM	2%
LANDING	2%	2%
RAMP	8.33% MAXIMUM	MATCH STREET GRADE
FLARE	10% MAX. AT CURB FACE	-
SIDEWALK	MATCH STREET GRADE	2%



NOTES:

1. ALL RAMPS SHALL COMPLY WITH ADA STANDARDS.
2. NO FLUSH GRANITE TO BE USED.

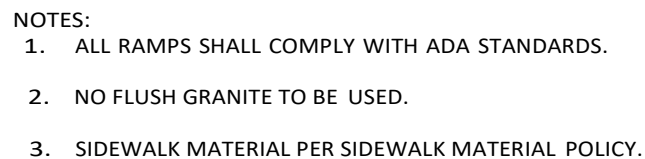
TOWN OF YARMOUTH
200 MAIN STREET
YARMOUTH, ME 04096
207-846-2401

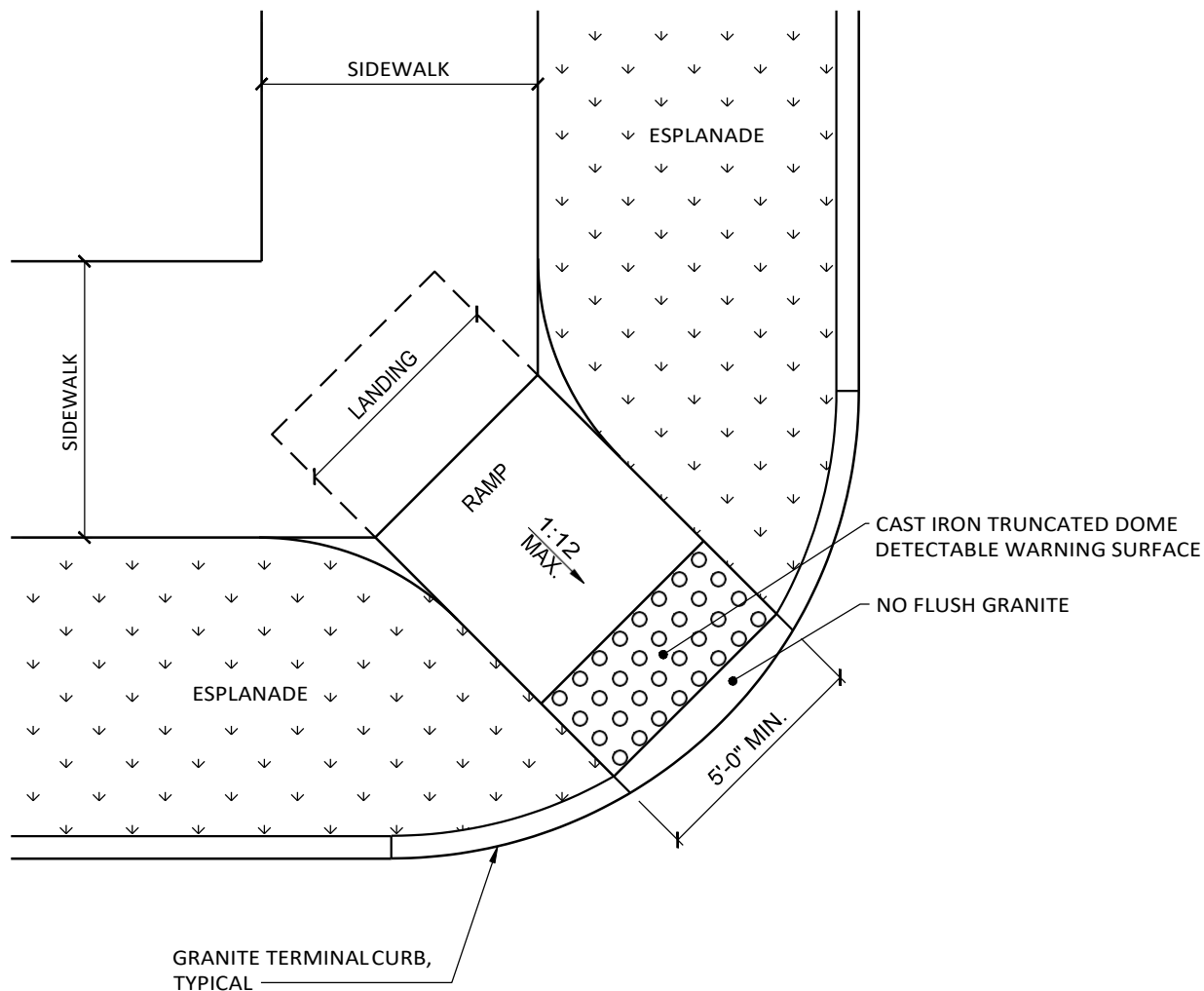
PERPENDICULAR ADA RAMP
LAYOUT FOR WIDE SIDEWALK WITH
NO ESPLANADE

File: 16003-DETAILS.dwg Date: 10/13/16

Appendix:

B8c





NOTES:

1. ALL RAMPs SHALL COMPLY WITH ADA STANDARDS.
2. NO FLUSH GRANITE TO BE USED.
3. SIDEWALK MATERIAL PER SIDEWALK MATERIAL POLICY.
4. LANDING AREA MAY BE REQUIRED BASED ON SIDEWALK DIMENSIONS.

TOWN OF YARMOUTH
200 MAIN STREET
YARMOUTH, ME 04096
207-846-2401

DIAGONAL SIDEWALK RAMP
LAYOUT AT INTERSECTION FOR
SIDEWALK WITH ESPLANADE

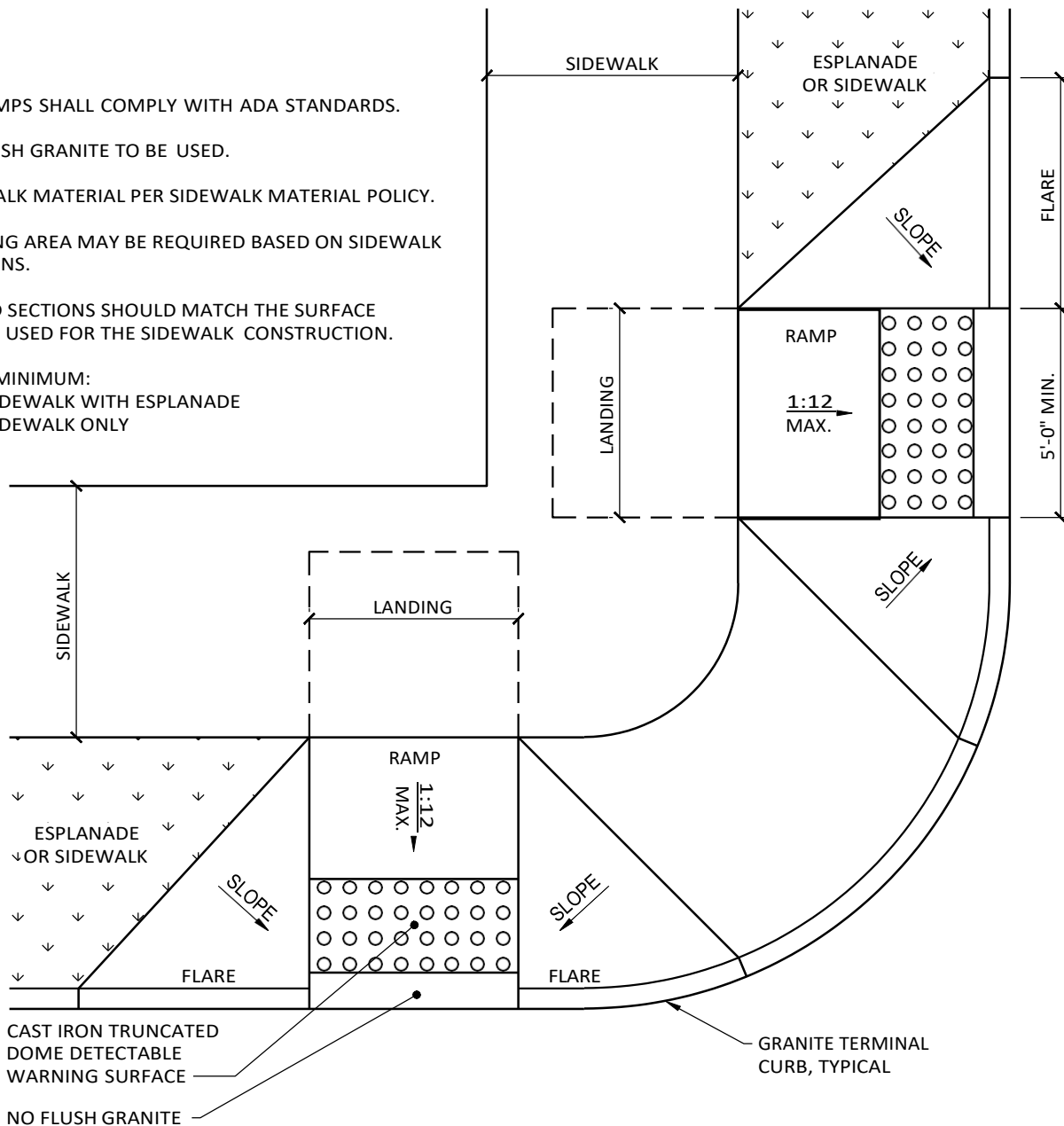
File: 16003-DETAILS.dwg Date: 10/13/16

Appendix:

B8f

NOTES:

1. ALL RAMPS SHALL COMPLY WITH ADA STANDARDS.
2. NO FLUSH GRANITE TO BE USED.
3. SIDEWALK MATERIAL PER SIDEWALK MATERIAL POLICY.
4. LANDING AREA MAY BE REQUIRED BASED ON SIDEWALK DIMENSIONS.
5. FLARED SECTIONS SHOULD MATCH THE SURFACE MATERIAL USED FOR THE SIDEWALK CONSTRUCTION.
6. FLARE MINIMUM:
 5'-0" - SIDEWALK WITH ESPLANADE
 7'-0" - SIDEWALK ONLY



TOWN OF YARMOUTH
 200 MAIN STREET
 YARMOUTH, ME 04096
 207-846-2401

PREFERRED SIDEWALK RAMP
 LOCATION AT MAJOR
 INTERSECTION

File: 16003-DETAILS.dwg Date: 10/13/16

Appendix:

B8g

Appendix C

Traffic Study Specifications

For the purposes of this section, passenger car equivalents (PCE) shall be defined as the number of passenger cars or, in the case of non-passenger vehicles, the number of passenger cars that would be displaced by non-passenger vehicles. One tractor trailer combination is the equivalent of two passenger cars.

Developments that generate 100 PCE or more, thus requiring a Traffic Movement Permit (TMP), shall meet the requirements of TMP regulations of State Law, in addition to all applicable transportation subdivision or site plan standards of the Town Code. For more information concerning state TMP requirements, please refer to <http://www.maine.gov/mdot/traffic-counts/traffic-mvmnt-app.php> or contact the Maine Department of Transportation (MDOT).

The Chief of Police, Town Engineer, and/or Public Works Director, in consultation with the applicant's engineer, shall determine the need for and scope of the traffic study. Development that generate less than 100 passenger car equivalents (PCE) may require a traffic study if any of the following factors exist:

- (1) it requires a scoping meeting because it generates 25 PCE or more;
- (2) it is located on an arterial;
- (3) it is located within ½ mile of a high crash location;
- (4) it is located within ¼ mile of an intersection that has been identified in a previous traffic study as a failing intersection, with an overall level of service below level of service D, or
- (5) conditions in the local traffic network or development characteristics otherwise warrant a traffic study.

If a traffic study is required, it shall meet the following standards:

1. Traffic studies shall be prepared, stamped and signed by a Professional Engineer licensed in the State of Maine.
2. Scope of Study: The requirements for the study shall be based on standard transportation engineering practices. A typical traffic study includes the following major sections:
 - A description of the development proposal
 - A description of existing conditions.
 - Estimated trip generation by the development and design hour volume for affected driveway(s) and study intersections.
 - Trip generation will be based upon the latest edition of the ITE Trip Generation publication unless suitable documented local data that meets ITE methodology is available.
 - Trip distribution
 - Capacity analysis for adjacent roadways and for any existing or proposed driveways.
 - Traffic crash analysis for adjacent roadways.
 - Key findings concerning traffic impacts, problems, and deficiencies.
 - Proposed traffic improvements.
 - Summary of findings and recommendations for transportation improvements and other impact mitigation measures.

Appendix D Erosion and Sedimentation Control

An Erosion and Sedimentation Control Plan shall be prepared by a Qualified Professional (i.e., a person who has been certified by Enviro-Cert International in erosion and sedimentation control practices or has been certified by completing the Maine Department of Environmental Protection Erosion and Sedimentation Control Practices Workshop, or is a Maine Professional Engineer with at least two years' experience in designing Erosion and Sedimentation Control BMPs).

The Erosion and Sedimentation Control Plan shall be developed and implemented to conform to the Maine Department of Environmental Protection's 06-096 CMR Chapter 500 Stormwater Management Rule Appendices A, B, and C as mandatory minimum standards with additional standards as identified in this Appendix D.

Where not otherwise specified in this Appendix, the Erosion and Sedimentation Control BMPs shall be designed using Performance Standards specified in the Maine Erosion and Sediment Control BMPs Manual developed by the Maine DEP (October 2016 or most current version).

Plan contents:

The Erosion and Sedimentation Control Plan shall consist of a graphic representation of the Site at a scale no smaller than 1 inch = 100 feet showing:

- Parcel boundaries,
- Locations of Protected Natural Resources,
- Locations of all potential sources of authorized and unauthorized non-stormwater discharges,
- Locations of all Erosion and Sedimentation Control BMPs to be used,
- Topography for Site pre-and post-construction conditions as 1-foot elevation contours,
- Details for all Erosion and Sedimentation Control BMPs to be used,
- Details and timing associated with phasing of Construction Activity in Disturbed Areas at the Site, and phasing of installation and stabilization of Erosion and Sedimentation Control BMPs (applicable to sites that will disturb 5 or more acres of land),
- Erosion and Sedimentation Control BMPs Notes with construction standards,
- A narrative description of the timing, inspections, and Erosion and Sedimentation Control BMPs to be used,
- Example inspection form,
- Dewatering plan if dewatering will be conducted on-site,
- Concrete washout plan and location if applicable,
- BMPs for concrete and brick cutting if applicable and
- Limits of disturbance with the following notes:
 - 1. the contractor will provide visual markers on the site using flagging, fencing, signs or other means to provide a clear indication of the limits of disturbance prior to the preconstruction meeting and
 - 2. That construction equipment and materials may not be stored outside the limits of disturbance.

The Erosion and Sedimentation Control Plan shall also include documentation of any variances or releases provided by the Maine Department of Environmental Protection from Chapter 500 performance standards.