

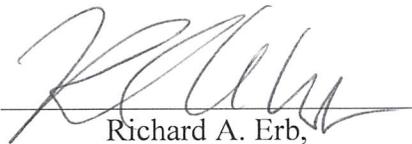
# TOWN OF ST. GEORGE

## SUBDIVISION ORDINANCE

Adopted	March 10, 2003
Amended	May 17, 2005
Amended	November 06, 2007
Amended	May 9, 2022

A true copy

Attest:



Richard A. Erb,  
Town Clerk

## **TOWN OF ST. GEORGE SUBDIVISION ORDINANCE**

### **Section I: Purposes**

The purpose of this Ordinance is to ensure the comfort, convenience, safety, health and welfare of the people of the Town of St. George, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of St. George, Maine, the Planning Board shall before granting approval, make written findings of fact that the provisions of this Ordinance have been met, and that the proposed subdivision will meet the following criteria from Title 30-A, M.R.S.A. 4404:

#### **A. Pollution:**

The proposed subdivision will not result in undue water or air pollution. In making this determination, the Planning Board shall at least consider:

1. The elevation of the land above sea level and its relation to the flood plains;
2. The nature of soils and subsoils and their ability to adequately support waste disposal;
3. The slope of the land and its effect on effluents;
4. The availability of streams for disposal of effluents; and
5. The applicable state and local health and water resource rules and regulations.

#### **B. Sufficient Water:**

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

#### **C. Municipal Water Supply:**

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

#### **D. 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.

E. Traffic:

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

F. 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.

G. 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.

H. 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.

I. 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, and all applicable ordinances. In making this determination, the Planning Board may interpret these ordinances and plans.

J. Financial and Technical Capacity:

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

K. Surface Waters; Outstanding River Segments:

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

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

a) To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.

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

L. Ground Water:

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

M. Flood Areas:

Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the 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.

N. Freshwater Wetlands:

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

O. 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.

P. Storm Water:

The proposed subdivision will provide for adequate storm water management.

Q. Spaghetti-lots Prohibited:

If any lots in the proposed subdivision have shore frontage on a river, stream, 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.

R. Lake Phosphorus Concentration:

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

S. 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.

T. Lands Subject to Liquidation Harvesting:

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

For the purposes of the 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. (30-A MRSA 4404, sub-20)

In order to determine if these criteria will be met, the Planning Board may hire a qualified professional, the services of whom shall be paid by the applicant, to provide the necessary information and an expert opinion. The selection and fee for the services of the consultant should be mutually acceptable to the Planning Board and the applicant. If the applicant is not satisfied with the findings of the consultant, the applicant may appeal to the Board of Appeals.

## **Section II: Authority**

A. This Ordinance is enacted under the authority granted to the Town of St. George by the statutes of the State of Maine 30-A, M.R.S.A. 4403, and in accordance with the provisions of Title 30-A of Maine Revised Statutes Annotated, Sections 4401-4407.

B. This Ordinance shall be in effect the day after approval by the Town's legislative body.

## **Section III: Administration**

A. The provisions of this Ordinance shall apply to all proposed subdivisions within the boundaries of the Town of St. George and shall be administered by the Town of St. George Planning Board.

B. The fee schedule for this Ordinance shall be set by the St. George Board of Selectmen and amended as needed by the St. George Board of Selectmen. (See attached fee schedule, as amended from time to time.)

## **Section IV: General Performance Standards**

In reviewing applications for subdivision, the Planning Board shall consider the following general performance standards. In all instances the burden of proof shall be the responsibility of the applicants proposing the subdivision.

### **A. Conformance with Comprehensive Plan:**

Any proposed subdivision shall be in conformity with the Comprehensive Plan of St. George and with the provisions of all pertinent State laws and local ordinances and regulations.

### **B. Preservation of Natural and Historic Features:**

The Planning Board may require that the proposed subdivision include a landscape plan that will show the preservation of scenic, historic or environmentally desirable areas. The road and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as much as possible. Except for surplus topsoil from roads, parking areas, and building excavations, topsoil shall not be removed from the site. Land in the subdivision to be reserved as

open space or natural area shall be so labeled, with the notation, “Open space not to be developed”, on the Final Plan. The open space so designated shall also be marked by metes and bounds. The Planning Board may require “Buffer Areas” if deemed necessary.

C. Land Not Suitable for Development:

The following lands shall not be included in the calculations of lot area for the purpose of meeting the requirements of the St. George Minimum Lot Size Law.

1. Land which is situated below the normal high water mark of any water body.
2. Land which is located within the 100 year frequency flood plain as identified by the Federal Emergency Management Agency or the Department of Housing and Urban Development, Flood Insurance Administration, unless the subdivider shows proof through the submittal of materials prepared by a Registered Land Surveyor which show that the property in question lies at least one foot above the 100-year flood level. The elevation of filled or made land shall not be considered.
3. Land which is part of a right-of-way, or easement, including right-of-ways for roads and utilities.
4. Land that has been created by filling or draining a pond or wetland.
5. Land delineated on plans as wetlands or slopes of 20% or more and identified on the Town of St. George Official Shoreland Zoning Map.
6. Resource Protected Land
7. Areas identified as “highly unstable” or “unstable” Coastal Bluffs.

D. Lots:

1. All lots shall meet the minimum requirements of the zoning district in which they are located. These lot standards are outlined in, but not limited to, the St. George Shoreland Zoning Ordinance and any other applicable zoning ordinances.
2. The lot configuration should be designated to maximize access to solar energy on building sites with suitable orientation, whenever practical.
3. Where a tract is subdivided into lots substantially larger than the minimum size required by the Land Use Ordinance, the Planning Board in its review may consider the potential effect of future subdivision.

4. If a lot on one side of a stream, road, or other similar barrier fails to meet the minimum lot size required, it may not be combined with a lot on the other side of the barrier to meet the minimum lot size or for the purpose of on-site waste disposal.
5. Odd-shaped lots in which narrow strips are joined to other parcels to meet minimum lot size requirements are prohibited. Lots of ten acres or more must have a lot length to lot width ratio of no more than 5:1.
6. Any proposed subdivision shall be so designed that every lot has frontage upon a roadway, granting legal access, and so that no part of the tract is landlocked. Such roadway shall be part of the construction plan of the subdivider. Minimum road frontage for each lot is 100 feet.

E. Preservation of Natural Drainage Ways:

1. General Provisions:

- a. The storm drainage system should not adversely affect neighboring properties, downstream water quality, or cause soil erosion. Whenever possible, on-site absorption of run-off water shall be utilized to minimize discharges from the site.
- b. Surface water run-off shall be minimized and detained on-site if possible. If it is not possible to detain water on-site, downstream improvements to the channel may be required by the applicant to prevent flooding caused by the project. The natural state of water courses, swales, floodways, or rights-of-way shall be maintained.
- c. The subdivider shall provide for proper drainage systems to be installed by subsequent lot owner and contractors. This provision shall be by covenant or other appropriate written contract.

2. Storm Water Management Design Standards:

- a. Adequate provision shall be made for disposal of all storm water generated within the development, and any drained ground water through a management system to swales, culverts, underdrain, and water courses. The storm water management system shall be designed to conduct storm water flows to existing water courses.
- b. The minimum pipe size for any storm drainage pipe shall be fifteen inches. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be bedded in a fine granular material, containing no stones larger than three inches, or organic matter, reaching a minimum of six inches below the bottom of the pipe extending to six inches above the top of the pipe, and covered with a minimum of an additional twelve inches of fine gravel.
- c. Catch basins shall be installed where necessary and located at the curb line.

- d. Inlets and outlets shall be stabilized against soil erosion by stone riprap or other suitable materials to reduce storm water velocity. Wherever the storm drainage system is not within the right-of-way or common area, perpetual easements shall be provided to the subdivider or landowners' association allowing maintenance and improvement of the system.
- e. The storm water management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of 25% for potential increases in upstream run-off.
- f. Downstream drainage requirements shall be studied to determine the effect of the proposed development. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the development. The applicant shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.
- g. Where soils require a subsurface drainage system, the drains shall be installed and maintained separately from the storm water drainage system.

F. Utilities:

The Planning Board shall encourage all utilities to be installed underground, but shall not require that utilities be installed underground.

G. Monuments:

1. Permanent monuments shall be set at all corners and angle points of subdivision boundaries.
2. All monuments shall be referenced on the Final Plan. They shall be secured according to the standards of the Maine Board of Land Surveyors.
3. All corners shall be marked with iron rod not less than 5/8 inch in diameter. Such rods shall be driven securely so that removal or vandalism is discouraged. Rods shall extend at least 24" above the ground in wooded rural areas and be clearly painted or marked for ease of locating. In residential and village areas, rods may be driven flush with the finished grade. In ledge or stone, all rods will be set in borings.

H. Roads - Construction, Names, Signs:

1. General Requirements:

- a. The proposed subdivision shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number and location of access points with respect to sight distances, intersections, schools and other traffic generators.
- b. Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to lots.
- c. The Planning Board shall not approve any subdivision plan unless proposed roads are designed in accordance with the specifications contained in the ordinance. Approval of a Final Plan by the Planning Board shall not be deemed to constitute or be evidence of acceptance by the Town of any road or easement.
- d. Applicants shall submit to the Planning Board, as part of their Final Plan, detailed construction drawings showing the profile and typical cross-section of the proposed roads. The plans shall include the following information:
  - 1) date, scale, and magnetic or true north point;
  - 2) intersections of the proposed road with existing roads;
  - 3) roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, and curbs;
  - 4) complete curve data shall be indicated for all horizontal and vertical curves;
  - 5) turning radii at all intersections;
  - 6) center line gradients; and
  - 7) locations of all existing and proposed utilities.

## 2. Road Design Standards

- a. These design standards shall be met by all roads within subdivisions and into subdivisions, from and including public right of ways, reviewed under this ordinance and shall control the roadway, shoulders, sidewalks, drainage systems, culverts, and other appurtenances. Also all newly constructed roads within previously approved subdivisions shall meet these standards.
- b. Roads shall be designed to discourage through traffic within a subdivision.
- c. Any subdivision containing thirty lots or more shall have at least two road connections with existing public roads or roads on an approved development plan.

d. The following design standards apply according to road classification:

<u>Description</u>	<u>Public Rights-of-Way</u>	<u>Private Rights-of-Way</u>
Minimum Right-of-Way Width	50'*	50'*
Minimum Surface Width	18'	18'
Shoulder Width	4' each side	2' each side
Minimum Grade	0.5%	0.5%
Maximum Grade	8%	10%
Minimum Center line Radius	200'	200'
Roadway Crown	1/8" per ft.	1/4" per ft.
Minimum angle of road intersections	60 degrees	75 degrees
Maximum grade within 50' of intersection	3%	3%

\*see requirements for cul-de-sacs below

e. Dead End Roads - In addition to the design standards above, dead-end roads shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii: 65 ft. property line radii and 55 ft. outer edge of travel way radii or capable of accommodating the largest emergency vehicle in the area. The Planning Board may approve hammerhead or "T" turn-arounds that have a minimum of 50-foot wide by 150-foot long ROW and shall be constructed with a minimum of 18-foot wide by 118-foot long traveled way centered on the head of the "T". The Planning Board may require the reservation of a 20 ft., 50 ft., or 66 ft. easement in line with the dead-end road to provide continuation of pedestrian traffic or utilities to the next road, or to access possible future subdivision or development.

f. Grades, Intersections, and Sight Distances:

- 1) Grades of all roads shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.
- 2) All changes in grade shall be connected by vertical curves to provide for at least the minimum sight distances of two hundred (200) feet.
- 3) Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.
- 4) A minimum distance of two hundred feet shall be maintained between center lines of side roads.

### 3. Road Construction Standards

#### a. Minimum Requirements:

<u>Road Materials</u>	<u>Public Right-of-Way</u>	<u>Private Right-of-Way</u>
Sub base course - bank run gravel	18"	12"
Base course - crushed gravel, compacted	6"	6"
Asphalt Paving	2" base & 1" wearing	Not required

#### b. Preparation:

- 1) before any clearing has started on the right-of-way, the center line and side lines of the new road shall be staked or flagged at 50 ft. intervals;
- 2) side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be done between April 15 and November 1; and
- 3) all topsoil stumps, rocks, and other debris shall be removed before the installation of the sub base gravel course. A disposal or burial site for all removed material shall be identified and approved.

### 4. Cleanup

Following road construction, the subdivider/applicant shall conduct a thorough cleanup of stumps and debris from the entire road right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the Plan, and be suitably covered with fill and topsoil and seeded.

### 5. Certification of Construction

Upon completion of private rights-of-way, a written certificate signed by the St. George Code Enforcement Officer shall be submitted to the Planning Board.

### 6. Road Names and Signs

Road name signs shall be furnished and installed by the subdivider, and shall be of a type and size that conform with local practice.

#### I. Sidewalks and Curbs:

Sidewalks and curbs will be installed by the subdivider at the discretion of the Planning Board, and at such locations as the Planning Board deems necessary. In making its determination, the Planning Board shall consider the number and density of lots.

J. Parking:

1. Parking lot design shall include the following:
  - a. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.
  - b. All parking spaces and access drives shall be at least ten (10) feet from any side or rear lot line.
2. Parking for off-shore islands: Any proposed use or development which is located on an off-shore island which is not accessible by a public or private road shall be permitted only after a plan for permanent mainland support facilities to service the use or development has been approved by the Planning Board. The plan shall provide for launching and mooring facilities to service the development. It shall also require off-road parking in accordance with Section IV.J.3. The applicant shall present documentation of sufficient title, right or interest in these facilities. If these mainland facilities are located in another town, the applicant shall provide a written statement of approval from the Code Enforcement Officer of that town.
3. Off-street parking requirements:
  - a. An off-street parking space shall be a minimum of ten (10) feet wide by twenty (20) feet long.
  - b. Two (2) spaces per dwelling unit.
  - c. Motels, hotels, inns - four (4) spaces plus one (1) space per sleeping room.
  - d. Bed & breakfast, tourist home - two (2) spaces for each dwelling unit plus one (1) space per room offered for rent.

K. Required Improvements at Developer's Cost:

All required improvements, such as roads, sidewalks, storm water drainage systems, utilities, and where appropriate, centralized water supply and sanitary sewage systems, shall be installed at the expense of the developer.

L. Clustered Subdivision Development:

1. Purpose - the purpose of cluster development is to encourage innovative approaches to housing and environmentally sound design by a modification of space and dimensional requirements of lots. A good cluster design should result in:

- a. A choice in the types of housing available.
- b. The preservation of open space and recreation areas.
- c. The conservative use of farm land, fields, and open space.
- d. A pattern of development that will work in harmony with the natural features of the land.
- e. Efficient use of the land and natural resources through a smaller network of utilities and roads.

2. Cluster Performance Standards:

- a. Each lot and building in a cluster development must meet all the standards of this and other town ordinances except those standards dealing with lot density and setbacks.
- b. Each building shall be an element in an overall plan in the cluster development, and their proposed location shall be shown on the plat plan.
- c. The use of the land must conform to the uses permitted in the district in which the land is located.
- d. No cluster development shall be approved which exceeds the net residential density of the district in which it is proposed.
- e. Net residential density is defined as the residual land available for development after subtracting roadways and land not suitable for building because of wetlands, substandard drainage or other natural impediments.
- f. If the cluster development is divided into individual lots for detached one or two dwelling units then:
  - 1) The Planning Board may reduce the lot size to 50% of district requirements per dwelling unit;
  - 2) The Planning Board may reduce road frontage to 50% of district requirements;
  - 3) The Planning Board may reduce side and rear yard setbacks to 50% of district requirements; and
  - 4) Setbacks affecting shoreland areas shall not be reduced.
- g. The design process of cluster development shall utilize the services of landscape architects, engineers, and other trained specialists.

- h. Building plans shall show elevations of all proposed structures, and indicate their locations on the plat plan. The developer is responsible for the construction of all multi-unit buildings, and for the conceptual design and plans for all single family dwellings. The conceptual plan shall be an integral component for each approved lot.
- i. The infrastructure for the cluster development (roads, sidewalks, utilities, potable water and sewage) shall all be shown on the plat plan.
- j. Common water supply and waste water systems shall be approved by the appropriate state agency.
- k. Easements for common utility installation shall be shown on the plat plan.

### 3. Open Space

- a. The common open space shall be shown on the subdivision plat plan by metes and bounds and labeled “Common open space, not to be further developed nor further subdivided”.
- b. The common open space shall be accessible to the residents of the development.
- c. The common open spaces can be used for agriculture, woodlands and outdoor recreational activities such as a ball field. Further uses of open spaces may be limited at the time of final subdivision approval to protect neighboring properties.
- d. As a condition of final plan approval, the applicant shall form and incorporate a homeowners’ association. The homeowners’ association shall include:
  - 1) Covenants for mandatory membership to be included in the deed for each lot or unit;
  - 2) The homeowners’ association shall have the responsibility for maintaining the common open space; and
  - 3) The homeowners’ association shall levy annual charges to all property owners for the purpose of maintaining the open space and common roadways.

### 4. Site Considerations - In designing a cluster development, the developer must consider the following items and show them on the plat plan and supporting drawings:

- a. Orientation: The orientation of buildings shall respect natural features and solar access.

- b. Roads: All roads in the cluster development shall be designed for safety and the proper access for emergency equipment.
  - c. Drainage: A drainage system shall be designed for groundwater run-off. Particular concern shall be shown for effluent drainage from the site.
  - d. Sewage Disposal: Adequate provision shall be made for sewage disposal.
  - e. Water Supply: Adequate provision shall be made for potable water supply.
  - f. Utilities: All utility service or entrance service from aerial poles to buildings shall be underground.
  - g. Landscaping: A landscape design shall be created to integrate the cluster development with the surrounding landscape.
5. The Planning Board shall consider all aspects of the plan before permitting a cluster development. Aspects such as building design and affordability and landscaping shall be considered.
  6. The developer of cluster housing shall provide a twelve month written warranty to each initial lot buyer. This warranty will provide for defective building and roads, and defective utility installation. Date of lot transfer will determine beginning of twelve month warranty period for each initial lot buyer.

M. Fire Protection Water Supply

1. Purpose. The purpose of this section is to establish standards for the installation of fire protection water supplies in residential subdivisions where a public water system and hydrants are not available.
2. Applicability. This section applies to all applications for new residential subdivisions and for the expansion of existing or already approved residential subdivisions.
3. Standards. Where a public water system and hydrants are not available for fire protection, a developer shall install a fire protection water supply that meets the following standards:
  - a. Except as otherwise provided in Subsection 3 f. of this Section, the fire protection water supply shall include a fire pond which shall be designed with 2:1 pitched bankings and shall have a minimum depth of ten feet (10').
  - b. The fire pond shall contain a minimum of 120,000 gallons of water in storage as certified by a registered professional engineer, for the purpose of supplying the first flow requirements of 500 gallons per minute for the duration of two

(2) hours, with the additional amount being a safety margin for dry weather and additional fires.

This water storage level shall be maintained at all times by a spring, well point, pumping facility and rain and snow run-off.

An overflow system shall be installed with proper drainage materials and facilities to handle the projected overflow.

- c. The fire protection water supply shall include dry hydrants and associated piping and materials, which shall be installed in accordance with the provisions of paragraph e.
- d. In cases where the dry hydrant cannot be placed next to a Town accepted street, an access road to the dry hydrant shall be provided to allow a fire department pumper, to be capable of connecting to the dry hydrant connection with one (1) ten foot (10') length of hard suction hose.

The access road shall be a mini D of twelve feet (12') wide and capable of handling fire department apparatus in all seasons and weather conditions. The access road shall be approved as meeting these requirements by the Fire Chief, and the developer shall, prior to final subdivision approval, provide an executed easement deed to this access road to the Town in a form approved by the Town Attorney. The access road shall be posted "No Parking Fire Lane".

- e. Dry hydrants shall be installed in accordance with the following standards:
  - 1) A minimum of six inch (6") piping and fittings shall be utilized from the screen to the steamer connection.
  - 2) Piping and fittings shall be a minimum of schedule 40 rating. The steamer hose connection shall be 4 ½ inch National Standard Thread (NST).
  - 3) The piping from the suction screen to the 90 degree elbow below ground shall be schedule 40 PVC pipe capped off at the screen end.
  - 4) All pipe connections shall be cleaned and cemented so as to provide air tight connections.
  - 5) All pipe and connections below ground shall be protected from frost.
  - 6) The maximum amount of lift permitted shall be fifteen feet (15') as measured from the surface of the water to the center of the suction inlet of a pumper at draft at the dry hydrant.

- 7) The riser piping shall be exposed above grade level twenty-four inches (24") as measured from the surface of the water to the center of the suction inlet of a pumper at draft at the dry hydrant.
  - 8) A suction screen shall be formed in the end of the PVC pipe by drilling a minimum of nine hundred and sixty (960) 3/8" holes along the piping leaving a four inch (4") wide strip along the top of the pipe that is not drilled or other suction screen approved by the Fire Chief. The suction screen shall be raised off the bottom of any Fire Pond twenty-four inches (24"), and shall be twenty-four (24") away from any of the sides of the pond.
  - 9) All piping and fittings exposed to sunlight shall be primed and painted, except the threads of the streamer connection.
  - 10) The hydrant riser pipe shall be protected with four inch (4") in diameter steel pumper posts that are at least three feet (3') above grade.
  - 11) The area around the pond and where the piping has been installed shall be graded and seeded.
  - 12) Fencing is optional; however, if a fence is provided it shall have a gate access point and, if locked, a lock box shall be installed holding the keys for the gate.
  - 13) The maximum distance from the dry hydrant to any dwelling with the project shall be two thousand feet (2,000').
- f. Storage tanks. In cases where a pond cannot be supported, the developers shall install underground storage tanks, the size and number of which shall be determined by the Fire Chief, proof shall be supplied by the developer that the property to be developed will not support a fire pond before the developer will be allowed to substitute underground storage tanks for a fire pond.
4. Easement Deed. The developer shall, prior to final subdivision approval, provide an executed dry hydrant easement deed to the Town in a form approved by the Town Attorney to provide the Town of St. George with the right to enter onto the property to use, maintain, repair, replace and install the fire pond or underground storage tanks, dry hydrant, water lines and all necessary fixtures and appurtenances.
  5. Plan. A detailed plan of the fire pond or underground storage tanks, hydrant, piping, overflow and roadway shall be submitted to the Fire Chief and to the Planning Board as part of the Preliminary Plan submission. The Fire Chief will review the plan and make his/her recommendations in writing to the Planning Board.

6. Inspection. The fire protection water supply with dry hydrant shall be installed by the developer in accordance with these standards and no certificate of occupancy for any dwelling in the subdivision shall be issued unless and until the fire protection water supply and dry hydrant are tested and approved as being in working order by the Fire Chief or his/her designee.
7. The requirement of Compliance with this ordinance shall not apply if the developer, as a written condition of subdivision approval, agrees to install a sprinkler system in each and every dwelling in accordance with the N.F.P.A. 13R.

## **Section V: Preapplication Procedure (Step One)**

### **A. Planning Board Agenda:**

At each stage of the subdivision review process, an applicant shall request to be placed on the Planning Board's agenda at least twenty-one (21) calendar days prior to the regularly scheduled meeting at which s/he wishes to be heard. Submission requirements shall be accompanied by the appropriate documentation as prescribed by the Planning Board and the required fee.

### **B. Preapplication Meeting:**

1. Prior to the formal submission of the subdivision application the applicant shall appear informally to discuss the proposed subdivision at the regular meeting of the Planning Board.
2. At this meeting the applicant shall have submitted:
  - a. the fee required for the preapplication meeting; and
  - b. the Preapplication Sketch Plan - this sketch may be a free-hand drawing based on the Town tax map.
3. Purpose of Preapplication Meeting and Site Inspection - the purpose of both the preapplication meeting and site inspection is to give the Planning Board a clear understanding of what is proposed. Subsequent filing of a formal subdivision application must be within six months of the preapplication meeting.
4. On-Site Inspection - the Planning Board Chairman at the preapplication meeting shall schedule an on-site inspection of the land to be subdivided. The date set shall be scheduled so that at least a majority of the Planning Board members and the applicant will be in attendance. In addition the Chairman may also request that the Code Enforcement Officer attend the on-site inspection.
5. Applicants Rights not Vested - submissions and attendance at the preapplication meeting shall create no binding commitments between the applicant and the Planning

Board. It shall not be considered the initiation of the review process for purposes of bringing the plan under the protection of 1 M.R.S.A. 302.

## **Section VI: Preliminary Plan Procedure (Step Two)**

A. Within six months of the preapplication meeting, the applicant shall submit a formal application for approval of a preliminary plan with the appropriate fee. If an application is not submitted within this period of time, the Planning Board shall require a new preapplication meeting.

The applicant shall request to be placed on the Planning Board agenda at least twenty-one (21) calendar days prior to a regularly scheduled meeting at which s/he wishes to be heard.

B. Upon receiving an application for preliminary plan approval at a regularly scheduled Planning Board meeting, the Planning Board shall issue the applicant a dated receipt.

Within thirty days from the receipt of a preliminary plan by the Planning Board at a regularly scheduled Planning Board meeting, the Planning Board shall notify the applicant in writing that the preliminary plan is either complete or incomplete. If the application is incomplete, the Planning Board shall notify the applicant, in writing, of the specific steps necessary to make a complete application.

C. Upon receiving a complete preliminary plan, the Planning Board shall notify all property owners abutting the proposed subdivision, specifying the location and a general description of the project.

The Planning Board shall notify the Harbor Master, Parks & Recreation Director, Public Works Director and Public Safety Director of the proposed subdivision including the number of lots proposed and length of roadways. The Planning Board shall request in writing that these officials comment on the adequacy of their department's existing facilities to service the proposed subdivision.

A public hearing shall be held within thirty days of a complete preliminary plan application. The Planning Board shall give notice of the date, time and place of such a hearing to be published twice in a newspaper of general circulation with the date of the first publication at least seven days prior to the hearing.

D. Within thirty days after a public hearing, the Planning Board shall either approve, approve with conditions, or disapprove the preliminary plan. In issuing its decision, the Planning Board shall state in writing the conditions of such approval, specifically:

1. the specific changes it will require in the Final Plan;

2. the character and extent of the required improvements for which waivers have been requested and which, in the opinion of the Planning Board, may be waived without jeopardy to the public health, safety, and general welfare; and
3. the amount of improvement or the amount of the performance guarantee that the Planning Board will require for Final Plan approval.

Approval of a preliminary plan shall not constitute approval of a Final Plan. Rather, it shall be viewed as a guide in the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Planning Board upon fulfillment of the requirements of this Ordinance and the conditions of preliminary approval, if any.

1. Prior to the approval of a Final Plan, the Planning Board may require additional changes in the Final Plan as the result of substantial new information.
2. The Planning Board may request an additional site inspection to view the location of lot markers, test pits, and proposed roads prior to Final Plan review.

E. Preliminary Plan Submission Requirements - The complete preliminary plan submission requirements shall consist of the following information:

1. The applicant shall complete and sign seven copies of the subdivision application, and submit the appropriate preliminary plan fee as described.
2. Location Map - the preliminary plan shall be accompanied by seven copies of a location map showing the relationship of the proposed subdivision to adjacent properties and the surrounding area. The location map shall show all the area within 500 feet of any property line of the proposed subdivision. The location map shall show:
  - a. locations and names of existing and proposed roads;
  - b. boundaries of land use districts, where applicable;
  - c. names of all owners of property abutting or directly across a road from the proposed subdivision;
  - d. the outline of the proposed subdivision together with its probable access and an indication of the future road system; and
  - e. any river, stream, brook or coastal bluff within or abutting the proposed subdivision.
3. Preliminary Plan - the preliminary plan shall be submitted in seven copies which may be printed or reproduced on paper drawn to a scale of not more than 100 feet to the inch. Where practical the sheet size of the drawings shall be 24" x 36" or as required by the Knox County Registry of Deeds. The following information shall either be shown on the preliminary plan or accompany the application for preliminary approval:

- a. the date the plan was prepared, magnetic north arrow, graphic map scale, names and addresses of the record owner, subdivider, and surveyor who prepared the plan;
- b. proposed name of the subdivision and the Tax Assessor's Map and lot numbers;
- c. 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. The plan shall indicate the type of monument to be set or found at each lot corner;
- d. a copy of the deed from which the survey was based. A copy of all covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property. A copy of any covenants or deed restrictions proposed to cover all or part of the lots in the subdivision;
- e. the names, addresses and telephone numbers of all property owners abutting the proposed subdivision;
- f. contour lines at specified intervals may be required and specified by the Planning Board, showing elevations in relation to Mean Sea Level;
- g. the number of acres within the proposed subdivision, all land defined as not suitable for development, location of property lines, existing buildings, water courses, vegetative cover types, and other essential existing physical features;
- h. indication of the type of sewage disposal to be used in the subdivision;
  - 1) When sewage disposal is to be accomplished by subsurface sewage disposal systems, test pit analyses, prepared by a Licensed Site Evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted. Where a proposed subsurface sewage disposal system is to serve more than 5 dwelling units, the developer shall demonstrate the existence of a reserve area of suitable soils for a replacement subsurface system.
  - 2) When sewage disposal is to be accomplished by connection to the public sewer, a letter from the Sewer District indicating there is adequate capacity within the District's system to transport and treat the sewage shall be submitted.

A copy of the HHE-200 form for each lot shall be submitted.

- i. indication of the type of water supply system(s) to be used in the subdivision;
- j. the location of any land use district boundaries affecting the subdivision;

- k. the location of any ponds, streams or wetlands on or adjacent to the proposed subdivision;
- l. the location, name and widths of existing and proposed roads, easements, parks and other open spaces on or adjacent to the subdivision;
- m. the proposed lot lines with approximate dimensions and lot areas;
  - 1) all parcels of land proposed to be dedicated to public use and a copy of the proposed deed of gift;
  - 2) the location of open space to be preserved within the subdivision and a copy of the proposed legal document to accomplish this end;
- n. a soil erosion and sedimentation control plan, and drainage plan may be required by the Planning Board;
  - 1) a copy of the Knox County soil survey covering the subdivision. When the medium intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Planning Board will require the submittal of a high intensity soil survey prepared by a registered soil scientist indicating the suitability of soil conditions for those uses.
- o. if any portion of the subdivision is in a flood prone area, the boundaries of any flood hazard area and the 100-year flood elevation shall be delineated.

## **Section VII: Final Plan Review Procedures (Step Three)**

### **A. Procedure:**

1. Within six months after approval of a preliminary plan, the applicant shall submit the final plat and supporting documentation for Final Plan review. If the Final Plan is not submitted to the Planning Board within this period, the Planning Board may refuse, without prejudice, to act on the Final Plan and may require resubmission of the preliminary plan. The applicant shall request to be placed on the Planning Board agenda at least twenty-one (21) calendar days prior to the regularly scheduled meeting at which s/he wishes to be heard.
2. All applications for Final Plan approval shall be accompanied by the appropriate fee.
3. Prior to submittal of the Final Plan application, the following approvals shall be obtained, in writing, where appropriate:
  - a. Maine Department of Human Services, if the applicant proposes to provide a central water supply system;

- b. the servicing sewer district, if an existing public sewage disposal system is to be used; and
  - c. Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.
  - d. Maine Department of Environmental Protection, under the Site Location Development Act, Natural Resource Protection Act, or if a Wastewater Discharge License is needed.
  - e. Wildlife Study.
4. The applicant, or his/her duly authorized representative, shall attend a regularly scheduled meeting of the Planning Board to discuss the Final Plan.
  5. Within thirty days of the receipt of a Final Plan application by the Planning Board at a regularly scheduled Planning Board meeting, the Planning Board shall notify the applicant that the Final Plan is either complete or incomplete. If the final application is incomplete, the Planning Board shall notify the applicant, in writing, of the specific steps necessary to make a complete application.
  6. Upon determination that a complete application has been submitted for review the Planning Board shall issue a dated receipt to the applicant.
  7. Within sixty days of receiving a complete Final Plan application, the Planning Board must:
    - a. deny approval of the proposed subdivision if it fails to meet the review criteria;
    - b. grant approval of the proposed subdivision if it meets the review criteria and other local standards; or
    - c. grant approval of the proposed subdivision upon terms and conditions it considers advisable to meet the review criteria and other local standards, and to ensure that the public's health, safety, and general welfare are protected.

**B. Submission Requirements - Final Plan:**

The Final Plan shall be submitted in one reproducible, stable based transparent original, and three copies. After Planning Board approval, one original will be recorded at the Knox County Registry of Deeds and one filed at the St. George Town Office. The plans shall be drawn to a scale of not more than 100 feet to the inch. Where practical, the sheet size of the drawings shall be 24" x 36". Space shall be reserved on the drawing for conditions the Planning Board may impose and the endorsement of the Planning Board. The application for Final Plan approval shall include the following:

1. All of the information presented on the preliminary plan and location map and any amendments thereto as required by the Planning Board.
2. The name, registration number, and seal of the land surveyor, architect, engineer, or planning consultant who prepared the plan.
3. Permanent monuments at all outside corners of the subdivision tract and referenced in the Final Plan. In addition, the outside perimeter of the property to be subdivided is to be clearly marked for complete identification of land boundaries.
4. Written offers of cession, in a form certified as satisfactory by the St. George Town Attorney, of all land proposed to be dedicated to the Town.
5. A performance bond or guarantee in a form and amount meeting the requirements of Section IX to secure the completion of all improvements required by the Planning Board, and written evidence that the Board of Selectmen has approved the bond or guarantee.

C. Final Plan Approval and Filing:

1. No Final Plan shall be approved by the Planning Board as long as the applicant is in default on a previously approved plan.
2. Upon findings of fact and determination that all review criteria in 30-A, M.R.S.A.4404 and all local regulations have been met, and upon voting to approve the subdivision, the Planning Board shall sign the Final Plan. The Planning Board shall specify in writing its findings of facts and reason for any conditions or denial. Any subdivision not recorded in the Knox County Registry of Deeds by the applicant within ninety days of the date upon which the plan is approved and signed by the Planning Board, shall be considered unapproved and shall require resubmission, review and approval.
3. If the initial approval or any subsequent amendment of a subdivision is based in part on the granting of a variance from any applicable subdivision approval standard, that fact shall be expressly noted on the face of the subdivision plan to be recorded in the Registry of Deeds.
  - a. In the case of an amendment, if no amended plan is to be recorded, a certificate shall be prepared in recordable form and recorded in the Knox County Registry of Deeds. This certificate shall indicate the name of the current property owner; identify the property by reference to the last recorded deed in its chain of title; and indicate the fact that a variance, including any conditions on the variance, has been granted and the date of the granting.
  - b. The variance is not valid until recorded as provided in this paragraph. Recording must occur within 90 days of the final subdivision approval or the variance is void.

- c. 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 Planning Board deems necessary in order to ensure the orderly development of the Plan.
- d. No changes, erasures, modifications or revisions shall be made in any Final Plan after approval has been given by the Planning Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted and the Planning Board approves any modifications. The Planning Board shall make findings that the revised plan meets the standards of 30-A, M.R.S.A. 4404, and this ordinance. In the event that a plan is recorded without complying with the requirement, it shall be considered null and void, and the Planning Board shall institute proceedings to have the Plan stricken from the records of the Knox County Registry of Deeds.
- e. The approval by the Planning Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the Town of St. George of any road, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the Town, approval of the Plan shall not constitute an acceptance by the municipality of such areas. As a condition of approval, the Planning Board shall require the Plan to contain 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 provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

**D. Revisions to Approved Plans:**

- 1. An applicant proposing a revision to a previously approved plan shall, at least twenty-one (21) calendar days in advance, ask to be placed on the Planning Board agenda. If the revision involves the creation of additional lots, the applicant shall follow the procedure for preliminary and final plan approval.
- 2. The applicant shall submit one copy of the approved plan, as well as seven copies of the proposed revision.
- 3. The scope of review shall be limited to those portions of the plan which are proposed to be changed.

**Section VIII: Performance Guarantees**

A Performance Guarantee is required unless the Planning Board accepts a conditional agreement.

**A. Types of Performance Guarantees:**

- 1. A certified check payable to the Town of St. George Planning Account;

2. A savings account passbook issued in the name of the Town of St. George;
3. An irrevocable letter of credit from a financial institution acceptable to the Planning Board;
4. A faithful performance bond running to the Town of St. George and issued by a surety company licensed to do business in the State of Maine.

B. Amount of Guarantees:

The amount of the guarantee shall be 125 percent of the cost of furnishing, installing, connecting and completing in good working condition all of the road grading, storm drainage, utilities, and other similar improvements, as specified in the Final Plan. All guarantees shall be conditioned upon the completion of all such improvements within five years from the date of the approval of the Final Plan, as recorded on the subdivision plat. If a performance guarantee as described in paragraph (A) above has been satisfactorily filed with the Town, building permits may be issued for construction within the subdivision prior to completion of required improvements, but prior to occupancy of a building or dwelling unit, the improvements serving that building or dwelling unit shall be in place and serviceable.

C. Conditional Agreements:

A conditional agreement, if acceptable in lieu of a performance guarantee, shall be endorsed by the Planning Board on the Final Plan, and shall provide that no lot or parcel of land may be conveyed, and that no permit may be issued by the Code Enforcement Officer, for any building or other permanent structure within the subdivision until the completion of the road construction, storm drainage, utilities, and other similar improvements as specified in the Final Plan. The agreement shall be conditioned upon the completion of all such improvements within five years from the date of the approval of the Final Plan, recorded on the subdivision plat.

D. Inspection of Required Improvements:

1. Completion of required improvements shall be determined by the Planning Board to its satisfaction, which shall receive written and signed certifications by the Code Enforcement Officer or other qualified person that all improvements assured by the performance guarantee or conditional agreement have been constructed in accordance with the Final Plan and all applicable codes and regulations. Before construction or required improvements begins, the subdivider shall provide the Planning Board with adequate written notice and a proposed schedule of construction.
2. If the Code Enforcement Officer determines that construction standards are not being applied, then the Planning Board may hire, at the applicant's expense, a professional engineer or other qualified person to represent the Town in monitoring the construction of required improvements.

3. Upon receipt of written notice and a proposed schedule of construction, the Planning Board shall set an hourly fee according to a schedule established by the Selectmen to cover the cost to the Town of monitoring the construction. The subdivider shall be notified of such fee and shall be billed and shall pay the fee monthly.
4. Monitoring by the Town shall not in any way cause the Town to be liable for the improvement. All grades, materials, engineering, and construction techniques are the responsibility of the applicant.

E. Release of Guarantee:

The performance guarantee shall be released by the Planning Board upon the request of the applicant only after:

1. The Board receives the certifications of completion required in paragraph D-1 above; and
2. The applicant has furnished the Town with an accurate record plan and profile (which may be the original reproducible drawing with corrections, provided the Town has been provided with a print of the unaltered originals [mylars] approved by the Planning Board) of all roads including drainage lines, sanitary sewerage lines, water mains, and all other utilities as actually installed, with sufficient ties for proper identification.

**Section IX: Waivers**

A. Waivers of Submission Requirements:

Where the Planning Board makes written findings of facts that there are special circumstances of a particular site proposed to be subdivided, it may waive portions of the submission requirements to permit a more practical development provided that the public health, safety and welfare are protected. The waivers should not have the effect of nullifying the intent and purpose of the comprehensive plan or any ordinance or regulation and provided the criteria of the State Subdivision laws are met.

B. Waiver Due to Special Circumstances:

Where the Planning Board makes written findings of fact, due to special circumstances of a particular lot to be subdivided, it may waive the requirement for lot improvements subject to appropriate conditions and provided that the public health, safety, and welfare are adequately considered.

C. Waivers Conditionally Granted:

In granting waivers to any of the provisions of these regulations, the Planning Board shall require such conditions as will assure that the objectives of these regulations are met. When the

Planning Board grants a waiver to the above standards it shall indicate such waiver on the Final Plan approval.

## **Section X: Appeals**

An appeal from any action or failure to act by the Planning Board or Code Enforcement Officer under this ordinance shall be governed by the Town's Board of Appeals Ordinance.

## **Section XI: Enforcement**

### **A. Violations and Enforcement:**

1. No subdivision plan shall be recorded in the Knox County Registry of Deeds until a Final Plan has been approved and signed by the Planning Board in accordance with these Regulations.
2. No person, firm, corporation or other legal entity may sell or offer to sell any land in a subdivision which has not been approved by the Planning Board and recorded in the Knox County Registry of Deeds.
3. No public utility, water district or sewer district shall serve any lot in a subdivision for which a final Plan has not been approved by the Planning Board and recorded in the Knox County Registry of Deeds.
4. No development of the infrastructure of a subdivision may begin until Final Plan approval by the Planning Board and recording in the Registry of Deeds. Development includes the grading and construction of roads, the grading of land or lots, and construction of buildings.
5. No building permit shall be issued for any lot until all infrastructure is completed up to and including that lot.

### **B. Amendments After Approval:**

No changes, erasures, or modifications shall be made in a Final Plan after approval has been given by the Planning Board unless the plan is first resubmitted and the Planning Board approves any modifications. The applicant is not required to go through the complete review process of a new subdivision, unless, in the judgment of the Planning Board the amendment substantially alters the character of the original subdivision, or unless the change constitutes a resubdivision. If an amended Final Plan is recorded without complying with the requirement, it shall be null and void. The Planning Board may institute proceedings to have the plan stricken from the Registry of Deeds.

## **Section XII: Definitions**

### **A. Construction of Language:**

In general, all words and terms used in this ordinance shall have their customary dictionary meanings. More specifically, certain words and terms shall be described below.

B. Relationship to Other Town Ordinances:

Where there is a conflict between the language contained in the St. George Subdivision Ordinance and any other Town ordinance, the stricter language shall apply for purposes of this Ordinance.

C. Definitions:

**Abutter:** One whose property abuts, is contiguous, or joins at a border or boundaries, including the property across the street, road, public or private way.

**Accessory Structure Or Use:** A use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

**Agriculture:** The production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and greenhouse products. Agriculture does not include forest management and timber harvesting activities.

**BMP's (Best Management Practices):** Procedures designed to minimize the impact of certain activities or land uses.

**Bed & Breakfast:** A private, owner-occupied dwelling that offers for compensation up to five (5) rooms to guests for lodging purposes which contain no kitchen facilities.

**Boarding House:** Any residential structure where lodging or lodging and means are provided for compensation for a period of at least two weeks, and where a family residing in the building acts as proprietor or owner and where there are no provisions for cooking in any individual room other than the main kitchen.

**Body Of Water:** Shall include the following:

*Pond or Lake* - any inland impoundment, natural or manmade, which collects and stores surface water.

*River, stream or brook* - "River, stream or brook" means a channel between defined banks. A channel is created by the action of surface water and has 2 or more of the following characteristics.

- 1) It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topographic map or, if that is not available, a 15-minute series topographic map.
- 2) It contains or is known to contain flowing water continuously for a period of at least 3 months of the year in most years.
- 3) The channel bed is primarily composed of mineral material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.
- 4) The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present, within the stream bed.
- 5) The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

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

*Tidal* - any area upon which tidal action occurs.

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

**Building:** Any structure and its attachments such as decks, breezeways, and porches, which is supported by columns or walls for the housing or enclosure of persons, animals, or personal property excluding mobile homes which have a separate definition.

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

**Cluster Development:** A subdivision or development in which the lot sizes are reduced below those normally required in return for the provision of permanent open space owned in common by the lot and/or unit owners, the Town or a land conservation organization. Clustering shall not be used to increase the overall net residential density of the development.

**Coastal Bluff:** Areas identified as being “highly unstable” or “unstable” Coastal Bluffs by the Maine Geological Survey pursuant to its *Classification of Coastal Bluffs* and published on the most recent Coastal Bluff Maps.

**Coastal Wetland:** All tidal and sub-tidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

**Code Enforcement Officer:** A person appointed by the Municipal Officers to administer and enforce these ordinances. Reference to the Code Enforcement Officer may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector, and the like, where applicable.

**Commercial Use:** The use of lands, buildings, or structures, other than a “home occupation”, defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

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

**Comprehensive Plan:** Any part or element of the overall plan for development of the Town as defined in 30-A, M.R.S.A. 4301 as the same may be amended from time to time.

**Constructed:** Includes built, erected, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, paving, drainage, and the like, shall be considered as part of construction.

**Construction Drawings:** Drawings showing the location, profile, grades, size and type of drains, sewers, water mains, underground power and telephone ducts, pavements, cross section of roads, miscellaneous structures, drainage and other easements, and similar items.

**Contiguous Lots:** Lots in the same ownership which adjoin at any line or point, except that lots on opposite sides of a public or private road shall be each considered a separate tract or parcel unless such road was established by the owner of the land on both sides thereof.

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

**Densely Developed Area:** Any commercial, industrial or compact residential area of 10 or more acres with an existing density of at least one principal structure per 2 acres.

**Driveway:** A private vehicular entrance less than five-hundred (500) feet in length from a road or right-of-way serving one lot. The driveway itself shall not constitute the means of legal access along which frontage may be measured.

**Dwelling:** Any building, mobile home or structure or portion thereof designed or used for residential purposes. The term does not include recreational vehicles.

*Single-Family Dwelling* shall mean any building containing only one dwelling unit for occupation by not more than one family.

*Two-Family Dwelling* shall mean a building containing only two dwelling units, for occupation by not more than two families.

*Multi-Family Dwelling* shall mean a building containing three or more dwelling units, such buildings being designed for residential use and occupancy by three or more families living independently of one another, with the number of families not exceeding the number of dwelling units.

**Dwelling Unit:** Shall mean a room or suite of rooms designed and equipped exclusively for use by one family as a habitation and which contains independent living, cooking, sleeping, bathing and sanitary facilities. The term includes manufactured housing and mobile homes, but not recreational vehicles or motel units.

**Easements:** The authorization of a property owner for the use by another, and for a specified purpose, of any designated part of his or her property.

**Engineer:** Consulting engineer licensed by the State of Maine.

**Expansion:** In relation to a structure, expansion shall mean: the enlargement of floor area, or enlargement of volume of the building enclosure including all extensions such as, but not limited to attached decks, garages, porches and greenhouses. In relation to use: the addition of weeks or months to a use's operating season, the addition of hours to a business day, the use of more floor area or ground area, or the provision of additional seats or seating capacity.

**Family:** One or more persons occupying a premise and living as a single housekeeping unit.

**Fee Schedule:** A fee schedule for subdivision review shall be set annually by the municipal officers.

**Filling:** Depositing or dumping any matter on or into the ground or water.

**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, shall be filed for recording with the municipal officers and the Knox County Registry of Deeds.

**Flood Plain:** The lands adjacent to a body of water which are inundated with flood water during a 100-year flood event and which under normal circumstances, support a prevalence of wetland vegetation typically adapted for life in saturated soils (from SZO).

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

1. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils;

2. Of 10 or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of 10 acres; and,
3. Not considered part of great pond, coastal wetland, river, stream or brook.

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

**Frontage:** The linear distance between the sidelines of a lot, measured along the line that borders upon whatever right-of-way serves as legal access to the lot.

**Forest Management Activities:** Includes timber cruising and other forest resource evaluation activities, pesticide or fertilizer applications, management planning activities, timber stand improvement, pruning, timber harvesting and other forest harvesting and regeneration activities of forest stands, and other similar associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

**HHE-200:** Subsurface Wastewater Disposal System Application.

**Home Occupation:** An occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs not more than two (2) persons other than family members residing in the home.

**Industrial:** Connected with the assembling, fabrication, finishing, manufacturing, packaging or processing of goods or the extraction of minerals.

**Lot:** A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by ordinances, and having frontage upon a public street, right-of-way or private way.

**Lot Area:** The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

**Lot Width:** The closest distance between the side lot lines of a lot.

**Manufacturing:** The making of goods and articles by hand or machinery. Manufacturing shall include assembling, fabricating, finishing, packaging or processing operations.

**Manufactured Housing Unit:** Structures, transportable in one or two sections, which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein.

**Mobile Home Park:** A parcel of land under unified ownership designed and/or used to accommodate three or more manufactured housing units.

**Motel:** A building in which lodging is offered to the general public for compensation, and where entrance to rooms is made directly from the outside of the building.

**Net Residential Density:** The residential land available for development after subtracting roadways and land not suitable for building because of wetlands, substandard drainages, or natural impediments.

**New Structure Or Structures:** Any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this Ordinance.

**Non-Conforming Use:** Use of land or structures that is not otherwise permitted, but which is allowed to remain solely because it was in lawful existence at the time the ordinance or subsequent amendments took effect. If the use of the non-conforming structure is discontinued for more than twelve consecutive months, the rights to continue the non-conforming use is lost.

**Normal High Water Line ( non-tidal waters):** That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

Adjacent to tidal waters, setbacks are measured from the upland edge of the coastal wetland.

**Official Submittal Date:** The time of submission of a Preapplication Plan, Preliminary Plan, or Final Plan shall be considered to be the date of written acknowledgement by the Planning Board of the receipt of an application. Upon receipt of an application at a regularly scheduled Planning Board meeting, the Planning Board shall issue a dated receipt. Within thirty days of this receipt, the Planning Board shall notify the applicant in writing either that the application is a complete application, or if it is incomplete, shall specify the additional material needed to complete the application. The date of notification of a complete application shall constitute the official submittal date.

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

**Planning Board:** The Planning Board of the Town of St. George as created by 30-A, M.R.S.A. 4311 et seq.

**Plat:** A map of a town, section or subdivision showing the location and boundaries of individual parcels of land subdivided into lots with streets, alleys, easements, etc., usually drawn to scale.

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

**Resubdivision:** The division of an existing subdivision or any change in the plan for an approved subdivision which affected the lot lines, including land transactions by the subdivider not indicated on the approved plan, or the relocation of any street or lot line in a subdivision.

**Retail:** Connected with the sale of goods to the ultimate consumer for direct use and consumption and not for trade.

**Right-Of-Way:** A road or other area over which is given legal right of passage. A public right-of-way is a way dedicated to the use of the public and accepted for ownership by the Town of St. George or other level of government.

### **Road Classification:**

*Town Road:* Strip of land held by the Town for the passage and use of the general public by motor vehicle and for which the Town has a maintenance responsibility.

*Private Rights-of-Way:* A way that the general public has no right to pass over by foot or vehicle, and for which the Town has no maintenance responsibility.

**Setback:** The horizontal distance from a lot line to the nearest part of a structure.

**Setback From Water:** The nearest horizontal distance from the normal high water line or the upland edge of a wetland to the nearest part of a structure, road, parking space or other regulated object or area.

**Shoreland Zone:** The land area located within 250 feet, horizontal distance, of the normal high-water line of any great pond, river, or saltwater body, within 250 feet of the upland edge of a coastal or fresh water wetland, or within 75 feet of the normal high-water line of a stream.

**Spaghetti Lot:** A parcel of land with a lot depth to shore frontage ratio greater than 5:1. Shore frontage means land abutting a river, stream, brook, coastal wetland or great pond as these features are defined in Title 38, section 480-B.

**Stream:** Any free-flowing body of water lasting or continuing for more than six (6) consecutive months of the year, characterized by the lack of upland vegetation or the presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock.

**Structure:** Anything constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily

or permanently located, such as but not limited to decks and satellite receiving dishes, commercial park rides and games, carports, porches and other building features.

**Subdivider:** Assessed owner or owners of land to be subdivided or person with documented title, right, or interest in the land to be subdivided.

**Subdivider's Representative Or Agent:** That person who has written authorization to act for the subdivider.

**Subdivision Of Land:** As defined in 30-A, M.R.S.A. 4401:

*Subdivision* means the division of a tract or parcel of land into three or more lots within any five-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of

land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

- A. In determining whether a tract or parcel of land is divided into three or more lots, the first dividing of the tract or parcel is considered to create the first two lots and the next dividing of either of these first two lots, by whomever accomplished, is considered to create a third lot, unless:
  1. Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single family residence that has been the subdivider's principal residence for a period of at least five years immediately preceding the second division; or
  2. The division of the tract or parcel is otherwise exempt under this section.
- B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this section, do not become subject to this section by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The Planning Board shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.
- C. A lot of 40 or more acres must be counted as a lot, except:

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

- D. 1. A division accomplished by devise does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.
2. A division accomplished by condemnation does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.
3. A division accomplished by order of court does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.
4. A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a continuous period of 5 years prior to the division by gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of this subsection. "Person related to the donor" means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption. A gift under this paragraph can not be given for consideration that is more than 1/2 the assessed value of the real estate.
5. A division accomplished by a gift to a municipality if that municipality accepts the gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.
6. A division accomplished by the transfer of any interest in land to the owners of land abutting that land that does not create a separate lot does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this subsection.
- E. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971, is not a subdivision.
- F. In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.
- G. Notwithstanding the provisions of this subsection, leased dwelling units are not subject to subdivision review if the Planning Board has determined that the units are

otherwise subject to municipal review at least as stringent as that required under this subchapter.

- H. This subchapter may not be construed to prevent a municipality from enacting an ordinance under its home rule authority that:
  - 1. Expands the definition of ‘subdivision’ to include the division of a structure for commercial or industrial use; or
  - 2. Otherwise regulates land use activities.

A municipality may not enact an ordinance that expands the definition of subdivision except as provided in this subchapter. A municipality that has a definition of ‘subdivision’ that conflicts with the requirements of this subsection at the time this paragraph takes effect shall comply with this subsection no later than January 1, 2006. Such a municipality must file its conflicting definition at the county registry of deeds

by June 30, 2003 for the definition to remain valid for the grace period ending January 1, 2006. A filing required under this paragraph must be collected and indexed in a separate book in the registry of deeds for the county in which the municipality is located.

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

**Timber Harvesting:** The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

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

**Upland Edge Of A Wetland:** The boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) or taller.

**Variance:** A relaxation of the terms of an ordinance where such variance would not be contrary to the public interest where, owing to conditions peculiar to the property and not the result of the

action of the applicant, a literal enforcement of this ordinance would result in unnecessary and undue hardship. A financial hardship shall not constitute grounds for granting a variance. The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

**Wetland:** A freshwater or coastal wetland.

**Wetlands Associated With Great Ponds And Rivers:** Wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than one hundred (100) feet in width, and which have a surface elevation at or below the normal high-water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be a part of that great pond or river.