

**TOWN OF NAPLES**

**SUBDIVISION ORDINANCE**

**As adopted by YCRPC on January 11, 1972, and amended by SMRPC on April 25, 1972,  
for use by municipal planning boards, and as amended by the 1983 Rivers Act.**

**Adopted by the Naples Planning Board May 4, 1972**

**Amended September, 1985**

**Amended November 29, 1988**

**Amended May 14, 1991**

**Amended June 11, 2002**

**Amended June 16, 2010**

## TABLE OF CONTENTS

|              |  |    |
|--------------|--|----|
| ARTICLE I    | PURPOSE  | 4  |
| ARTICLE II   | AUTHORITY AND ADMINISTRATION                         | 5  |
| ARTICLE III  | PREAPPLICATION                                       | 6  |
| Section 3.1  | Submissions  | 6  |
| ARTICLE IV   | REVIEW AND APPROVAL OF MINOR SUBDIVISION             | 6  |
| Section 4.1  | General  | 6  |
| Section 4.2  | Procedure  | 6  |
| Section 4.3  | Submissions  | 7  |
| ARTICLE V    | PRELIMINARY PLAN FOR MAJOR SUBDIVISION               | 8  |
| Section 5.1  | Procedure  | 8  |
| Section 5.2  | Submissions  | 9  |
| ARTICLE VI   | FINAL PLAN FOR MAJOR SUBDIVISION                     | 11 |
| Section 6.1  | Procedure  | 11 |
| Section 6.2  | Submissions  | 13 |
| Section 6.3  | Final Approval and Filing                            | 14 |
| Section 6.4  | Plan Revisions after Approval                        | 14 |
| Section 6.5  | Public Acceptance of Streets, Recreation Areas       | 15 |
| ARTICLE VII  | ENFORCEMENT  | 15 |
| ARTICLE VIII | GENERAL REQUIREMENTS                                 | 15 |
| Section 8.1  | General Requirements                                 | 15 |
| Section 8.2  | Subdivision Plan Shall Conform to Comprehensive Plan | 15 |
| Section 8.3  | Relationship to Community Services                   | 15 |
| Section 8.4  | Retention of Proposed Public Sites and Open Spaces   | 16 |
| Section 8.5  | Preservation of Natural and Historic Features        | 16 |
| Section 8.6  | Land Not Suitable for Development                    | 16 |
| Section 8.7  | Liquidation Harvesting                               | 17 |
| Section 8.8  | Lots   | 17 |
| Section 8.9  | Easements for natural Drainage Ways                  | 18 |
| Section 8.10 | Utilities  | 18 |
| Section 8.11 | Additional Requirements                              | 18 |
| Section 8.12 | Required Improvements                                | 18 |

|  |                                 |        |
|--|---------------------------------|--------|
| ARTICLE IX   | DESIGN STANDARDS                | 18     |
| Section 9.1  | Monuments                       | 18     |
| Section 9.2  | Street Signs                    | 19     |
| Section 9.3  | Streets                         | 19     |
| Section 9.4  | Sidewalks                       | 26     |
| Section 9.5  | Water Supply                    | 26     |
| Section 9.6  | Sewage Disposal                 | 26     |
| Section 9.7  | Surface Drainage                | 27     |
| ARTICLE X  | IMPROVEMENT GUARANTEES REQUIRED | 27     |
| ARTICLE XI   | VARIANCES AND WAIVERS           | 31     |
| ARTICLE XII  | APPEALS                         | 32     |
| ARTICLE XIII                                       | SEPARABILITY AND EFFECTIVE DATE | 32     |
| INDEX  |                                 | i – vi |
| APPENDIX   |                                 |        |
| Copy of Subdivision Law                            |                                 | vii-ix |
| Sample Subdivision Land Survey and Topographic Map |                                 | x      |
| Sample Subdivision Sketch Plan                     |                                 | xi     |
| Sample Subdivision Location Map                    |                                 | xii    |
| Sample Subdivision Preliminary Plan                |                                 | xiii   |
| Sample Subdivision Final Plan                      |                                 | xiv    |

## ARTICLE I                    PURPOSE

- 1.1    The purpose of these standards\* 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. To this end, in approving subdivisions within the Town of Naples, Maine, the Board shall consider the following criteria and before granting approval shall determine that the proposed subdivision:
- (A)    Will not result in undue water or air pollution. In making this determination it shall at least consider: The elevation of land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; and the applicable State and local health and water resources regulations. The Planning Board requires that allocations for phosphorus loading are to be based on the most current data available in the Code Enforcement Office;
  - (B)    Has sufficient water available for the reasonably foreseeable needs of the subdivision;
  - (C)    Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;
  - (D)    Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
  - (E)    Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;
  - (F)    Will provide for adequate solid and sewage waste disposal;
  - (G)    Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;
  - (H)    Will not place an unreasonable burden on the ability of the local governments to provide municipal or governmental services;
  - (I)    Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas;
  - (J)    Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any; and

- (K) The subdivider has adequate financial and technical capacity to meet the above stated standards.
- (L) Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water and will meet all the requirements of the Naples Shoreland Zoning Ordinance.
- (M) As a condition of approval, the Planning Board will require any further division of an approved subdivision, or lots therein, to be reviewed and approved by the Planning Board.

\* See Appendix viii for full text of law

## ARTICLE II AUTHORITY AND ADMINISTRATION

### 2.1 Authority

- 2.1.1 These standards have been prepared in accordance with provisions of Title 30-A M.R.S.A., Sections 4401-4406.
- 2.1.2 These standards shall be known and may be cited as “Subdivision Ordinance of the Town of Naples, Maine”.

### 2.2 Administration

- 2.2.1 The Planning Board of the Town of Naples, hereinafter called the Board, shall administer these standards.
- 2.2.2 The provision of these standards shall pertain to all the land proposed for subdivision as herein defined within the boundaries of the Town of Naples.

The Planning Board shall require the applicant or his/her authorized agent to deposit in escrow with the Town an amount of money to cover the costs for any professional review of the plan and documents which the Board may feel is reasonably necessary to protect the environmental quality or general welfare of the Town. Maximum amounts for this escrow payment shall be established by the Board of Selectpersons. This escrow payment shall be made before the Board engages any outside party to undertake this review and make recommendations to the Board. Any part of this escrow payment in excess of the final costs for review shall be returned to the owner or his agent. Maximum amount to be deposited shall be as shown on the Fee Schedule.

2.2.4 The Planning Board will not process an application or a new subdivision or for an amendment to an approved subdivision for any subdivider currently in default of any requirement of a previously approved subdivision.

**ARTICLE III            PREAPPLICATION**

3.1            Submissions

- 3.1.1 A Sketch Plan shall be submitted to the Planning Board for informational purposes only.
- 3.1.2 The Sketch Plan shall show, in simple sketch form the proposed layout of streets, lots, and other features in relation to existing conditions. The Sketch Plan, which may be a free-hand penciled sketch, should include the data listed in Section 4.3 or such of it as the Planning Board determines is necessary for its consideration of the proposed Sketch Plan (\* See Appendix x and xi for sample Sketch Plan and Survey Map)
- 3.1.3 General subdivision information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawing required above.

This information shall include data on existing covenants, medium intensity soil survey and soil interpretation sheets and available community facilities and utilities and information describing the subdivision proposal such as, number of residential lots, typical lot width and depth, price range, business areas, playgrounds, park areas and other public areas, proposed protective covenants and proposed utilities and street improvements.

**ARTICLE IV            REVIEW AND APPROVAL OF MINOR SUBDIVISION**

4.1            General

- 4.1.1 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.

4.2            Procedure

- 4.2.1 Within six months after submission of the Sketch Plan, the subdivider shall submit an application for approval of a Final Plan\* at least fifteen (15) days prior to a scheduled meeting of the Board. Failure to do so shall require re-submission of the Sketch Plan to the Planning Board for reclassification. The Final Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board.
- 4.2.2 All applications for Plan approval for Minor Subdivisions shall be accompanied by a fee as shown on the Town of Naples fee schedule, payable by check to the Town of Naples, Maine, stating the specific purpose of the fee.

- 4.2.3 The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Final Plan.
- 4.2.4 The Planning Board shall, within forty-five (45) days from the date of submission, approve, modify and approve, or disapprove the Final Plan. The Board shall specify in writing its reasons for any such modification or disapproval. If the Board fails to take action within forty-five (45) days as specified above, the Final Plan shall be deemed disapproved.

\*See Appendix xiv for sample final plan

#### 4.3 Submissions

4.3.1 The subdivision plan for a Minor Subdivision shall consist of one original and nine copies of one or more maps or drawings drawn to a scale of not more than one hundred (100) feet to the inch, which shall be legibly reproduced on a durable material or clearly drawn in India ink or linen and the size of the sheets shall be 8 ½ x 11 inches or a multiple thereof, but in no case larger than 34 x 44 inches. Such sheets shall have a margin of two (2) inches outside of the border lines on the left side for binding and a one (1) inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by all appropriate agencies. The application for approval of a Minor Subdivision shall include all the information presented on the Sketch Plan plus the following:

- (1) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
- (2) 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.
- (3) 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. The intensity of this study must identify changes in soil conditions down to one eight acre or as determined by the Planning Board. A lot by lot soils suitability determination for house building with septic sewage disposal or, if appropriate, house building with public sewage disposal, will be made in accord with the Soil Suitability Guide for Land Use Planning in Maine and will accompany the plot plan soils study.
- (4) All on site sewage and water supply facilities shall be shown designed to meet the minimum specifications of these standards and all pertinent State and local ordinances. Compliance shall be stated on the Plan and signed by a licensed engineer.

- (5) Proposed name of the subdivision or identifying title, and the name of the Municipality in which it is located.
- (6) The date, north point, graphic map scale, name and address of record owner and subdivider, and names of adjoining property owners.
- (7) A soil erosion and sediment control plan containing the endorsement of the Cumberland County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission, or the discretion of the Planning Board.

## **ARTICLE V                    PRELIMINARY PLAN FOR MAJOR SUBDIVISION**

### **5.1      Procedure**

- 5.1.1 Within six months after submission of the Sketch Plan , the subdivider shall submit an application for the consideration of a Preliminary Plan\* for a major Subdivision. Failure to do so shall require resubmission of the Sketch Plan to the Planning Board . The Preliminary Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board.
- 5.1.2 The application for conditional approval of the Preliminary Plan shall be accompanied by a fee as shown on the town of Naples fee schedule payable by check to the Town of Naples, Maine, stating the specific purpose of the fee.
- 5.1.3 The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plan.
- 5.1.4 Within forty-five (45) days after formal submission of a Preliminary Plan, the Planning Board shall take action to give preliminary approval, with or without modifications or disapprove such Preliminary Plan. The reasons for any modification required or the grounds for disapproval shall be stated upon the records of the Planning Board, and the subdivider shall be notified in writing. Failure of the Planning Board to act within such forty-five (45) day period shall constitute disapproval of the Preliminary Plan. Prior to preliminary approval the Planning Board shall hold a public hearing.
- 5.1.5 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, as decided by the Selectmen; (3) the amount of improvements or the amount of all bonds, therefore which it will require as prerequisite to the approval of the Final Subdivision Plan. 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 Municipal Officers.

5.1.6 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 further study of the subdivision in final form or as a result of new information obtained at a public hearing.

5.1.7 After review of the Preliminary Plan, the Planning board may require a site walk

\* See Appendix xiii for sample Preliminary Plan

## 5.2 Submissions

5.2.1 Location Map\* The Preliminary Plan shall be accompanied by a Location Map drawn at a scale of not over fifty (50) feet to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The Location Map shall show: 1) all the area within two thousand (2,000) feet of any property line of the proposed subdivision, or; 2) any smaller area between the tract and all surrounding existing streets, provided any part of such a street used as part of the perimeter for the Location Map is at least five hundred (500) feet from any boundary of the proposed subdivision. Within such area the Location Map shall show:

- (1) All existing subdivisions and approximate tract lines of acreage parcels together with the names of the record owners of all adjacent parcels of land, namely, those directly abutting or directly across any street adjoining the proposed subdivision.
- (2) Locations, widths and names of existing, filed or proposed streets, easements, building lines and alleys pertaining to the proposed subdivision and to the adjacent properties as designated in Paragraph 1, above.
- (3) The boundaries and designations of zoning districts, school districts and parks or other public spaces.
- (4) An outline of the proposed subdivision 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.

\* See Appendix xii for sample Location Map

### 5.2.2 Preliminary Plan

The Preliminary Subdivision Plan shall be submitted in ten (10) copies of one or more maps or drawings which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to a scale of 1 inch equals not more than one hundred (100) feet, showing or accompanied by the following information:

- (1) Proposed subdivision name or identifying title and the name of the Municipality.
- (2) Name and address of record owner, subdivider and designer of Preliminary Plan.
- (3) Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, watercourses and other essential existing physical features.
- (4) The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage.
- (5) The provisions of the Zoning Ordinance applicable to the area to be subdivided and any zoning district boundaries affecting the subdivision. At present: 1) Shoreland Zoning; 2) forty thousand (40,000) square feet minimum lot size.
- (6) The location and size of any existing sewers and water mains, culverts and drains on the property to be subdivided.
- (7) Location, names and present widths of existing and proposed streets, highways, easements, building envelopes, buffers, stormwater and/ or phosphorus control measures, alleys, parks and other public open spaces.
- (8) The width and location of any streets or other public ways or places shown upon the Official Map and the Comprehensive Plan, if any, 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.
- (9) Contour lines at intervals of not more than five (5) feet or at such intervals as the Planning Board may require, based on United States Geological Survey datum of existing grades where change of existing ground elevation will be five (5) feet or more.
- (10) 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. The intensity of this study must identify changes in soil conditions down to one eighth acre, or area as determined by the Planning Board. A lot by lot soils suitability determination for house building with septic sewage disposal or, if appropriate, house building with public sewage disposal, will be made in accord with the Soil Suitability

Guide for Land Use Planning in Maine and will accompany the plot plan soils study.

- (11) Typical cross sections of the proposed grading for roadways (and sidewalks, if included in plans).
- (12) Date, true north point and graphic scale.
- (13) Deed description and map of survey of tract boundary made and certified by a registered land surveyor, tied into established reference points.
- (14) Connection with existing supply or alternative means of providing water supply to the proposed subdivision.
- (15) Connection with existing sanitary sewerage system or alternative means of treatment and disposal proposed.
- (16) If a private sewage disposal system is proposed, location and results of tests to ascertain subsurface soil and ground water conditions, depth to maximum ground water level, location and results of percolation tests.
- (17) Provisions for collecting and discharging storm drainage, in the form of a drainage plan.
- (18) Preliminary designs of any bridges or culverts, which may be required.
- (19) The proposed lot lines with approximate dimensions and suggested locations of buildings.
- (20) The location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field.
- (21) All parcels of land proposed to be dedicated to public use and the conditions of such dedication, or land to be left permanently unused.
- (22) The location of all natural features or site elements to be preserved.
- (23) A soil erosion and sediment control plan containing the endorsement of the Cumberland County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission.

## **ARTICLE VI            FINAL PLAN FOR MAJOR SUBDIVISION**

### **6.1     Procedure**

- 6.1.1 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. If the 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 re-submission of the Preliminary Plan.

\* See Appendix xiv for sample Final Plan

6.1.2 If the proposed subdivision:

- (a) Occupies a land area in excess of 30 acres and consists of at least 15 lots for single-family, detached, residential housing, common areas and open space, or
- (b) Occupies a land area in excess of 20 acres and consists of at least 5 lots, other than lots for single-family, detached, residential housing, common areas and open space, or
- (b) Involves a structure or structures, having in excess of 60,000 square feet of ground area coverage, or
- (c) Requires a license from the Department of Environmental Protection under some other regulation such as waste discharge or air quality, or
- (d) In any other way falls within the jurisdiction of and is subject to review by the State of Maine Environmental Improvement Commission, then:

The approval of the State of Maine, Department of Environmental Protection shall be secured in writing before official submission of the Final Plan.

6.1.3 Water supply system proposals contained in the Subdivision Plan shall be approved in writing by:

- (a) The servicing Water Department of existing public water service is to be used, or
- (b) The State of Maine, Department of Health and Welfare if the subdivider proposes to provide a central water supply system, or
- (c) A civil engineer registered in the State of Maine if individual wells serving each building site are to be used. The Board may also require the subdivider to submit the results of water quality tests as performed by the Maine Department of Health and Welfare.

Such approval shall be secured before submission of the Final Plan.

6.1.4 Sewage disposal system proposals contained in the Subdivision Plan shall be properly endorsed and approved in writing by:

- (a) The servicing Sanitary Sewer District if existing public disposal systems are to be used, or
- (b) The State of Maine, Department of Health and Human Services if a separate central sewage collection and treatment system is to be utilized, subdivider or

- (c) The Maine Department of Environmental Protection if the municipal system to be utilized is inadequate by State standards and the waste generated is of a “significant” nature, or is the waste is to be discharged, treated or untreated, into any body of water.

Such approval shall be secured before official submission of the Final Plan.

6.1.5 A public hearing may be held by the Planning Board within thirty (30) days after the time of submission of the Final Plan for approval. This 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. and to the clerk of the appropriate adjacent municipality in the case of a Plan located within five hundred (500) feet of a municipal boundary, at least ten (10) days prior to the hearing.

6.1.6 The Planning Board shall, within forty-five (45) days from the submission of the final plan or the public hearing, approve, modify and approve or disapprove the Final Plan. The reasons for 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 forty-five (45) day period shall constitute disapproval of the Final Plan.

## 6.2 Submissions

6.2.1 The Final Plan shall consist of ten (10) copies of one (1) or more maps or drawings, 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 and seal of the land surveyor, architect, engineer or planning consultant who prepared the plan.
- (3) Street names and line, pedestrian ways, lots, easements and areas to be reserved for or dedicated to public use.
- (4) Sufficient data acceptable to the Municipal Engineer to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. Where practical these should be tied to reference points previously established.

- (5) The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street.
- (6) 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.
- (7) Lots and blocks within the subdivision numbered in accordance with local practice.
- (8) Permanent reference monuments shown thus: "X". They shall be constructed in accordance with specifications herein and their location noted and referenced upon the Final Plan.
- (9) A performance guaranty to secure completion of all improvements required by the Board and written evidence that the Municipal Officers are satisfied with the sufficiency of such bond.

### 6.3 Final Approval and Filing

- 6.3.1 Upon completion of the requirements in Articles V and VI above and notion 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 Municipal officers. The Plan shall then be filed with the Cumberland County Registry of Deeds. Any Subdivision Plan not so filed or recorded within ninety (90) 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 (2) additional periods of ninety (90) days.
- 6.3.2 At the time the Planning Board grants Final Plan approval, it may permit the Plan to be divided into two (2) 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 Municipal Officers 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.

### 6.4 Plan Revisions after Approval

- 6.4.1 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 Plan is first re-submitted and the Planning Board approves any modifications. In the event that a Final

Plan is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the records of the Municipal Officers and the Registry of Deeds.

6.5 Public Acceptance of Streets, Recreation Areas

6.5.1 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.

6.5.2 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 areas. 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 provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

**ARTICLE VII ENFORCEMENT**

7.1 Any person violating this Ordinance or 30M.R.S.A. sections 4401-4406, shall be subject to the enforcement provisions of 30M. R. S.A. section 4452.

**ARTICLE VIII GENERAL REQUIREMENTS**

8.1 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.

8.2 Subdivision Plan shall conform to Comprehensive Plan.

8.2.1 Any proposed subdivision shall be in conformity with a Comprehensive Plan or policy statement of the municipality and with the provisions of all pertinent state and local codes and ordinances.

8.3 Relationship of Subdivision to Community Services.

8.3.1 Any proposed subdivision shall be reviewed by the Board with respect to its effect upon existing services and facilities. The Final Plan shall include a list of the construction items that will be completed by the subdivider prior to the sale of lots; and the list of construction and maintenance items that must be borne by the municipality, which shall include, but not be limited to:

Schools, including busing  
Road maintenance and snow removal  
Police and fire protection  
Solid waste disposal  
Recreation facilities  
Runoff water disposal drainage ways and/or storm sewer  
enlargement with sediment traps

8.3.2 The Board shall further require the subdivider of a Major Subdivision to provide accurate cost estimates to the town for the above services and the expected tax revenue of the subdivision.

8.4 Retention of Proposed Public Sites and Open Spaces

8.4.1 The Board shall require the subdivider to provide a minimum of 10% of his total area for open space. Areas reserved for open space shall be easily accessible from all lots within the subdivision.

8.5 Preservation of Natural and Historic Features.

8.5.1 The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees (10" 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 possible.

8.6 Land Not Suitable for Development.

8.6.1 The Board shall not approve such portions of any proposed subdivision that:

(a) Are located within the 100 year frequency flood plain as identified by an authorized Federal or State agency, or when such identification is not available, are located on flood plain soils identified and described in the National Cooperative Standard Soil Survey.

(b) Are located on land which must be filled or drained or on land created by diverting a watercourse; except the Board may grant approval if a central sewage collection and treatment system is provided. In no instance shall the Board approve any part of a subdivision located on filled or drained Great Ponds (natural body of water ten (10) acres or more in size).

- (c) Employs septic sewage disposal and is located on soils rated poor or very poor by the Maine State Plumbing Code. Where soils are rated fair for septic sewage disposal, the minimum lot size shall be forty thousand (40,000) square feet.

8.6.2 Wherever situated, in whole or in part, within two hundred-fifty (250) feet of the high water line of any pond, lake, river, a proposed subdivision shall conform to the Naples Shoreland Zoning Ordinance.

#### 8.7 Liquidation Harvesting

8.7.1 No division of land shall be approved if it is determined by the Planning Board that the parcel has been harvested in violation of rules of “Liquidation Harvesting”, pursuant to 12 MRSA Section 8866, et. Seq (“Forest Practices”).

#### 8.8 Lots

8.8.1 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.

8.8.2 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.

8.8.3 The subdividing of the land shall be such as to provide that all lots shall have a minimum frontage of one hundred (100) feet on a street and two hundred (200) feet on water.

8.8.4 Double frontage lots and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

8.8.5 Side-lot lines shall be substantially at right angles or radial to street lines.

8.8.6 Where a tract is subdivided into lots substantially larger than the minimum size required in the Zoning District in which a subdivision is located, the Board may require that streets and lots be laid out so as to permit future

resubdivision in accordance with the requirements contained in these standards.

8.9 Easements for Natural Drainage Ways.

8.9.1 Where a subdivision is traversed by a natural water course, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction, or both, as will assure that no flooding occurs and all stormwater can be disposed of properly. Such easement or right-of-way shall be not less than thirty (30) feet in width.

8.10 Utilities.

8.10.1 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 local practice.

8.10.2 Utilities shall be installed underground except as otherwise approved by the Board.

8.11 Additional Requirements.

8.11.1 Street trees, esplanades and open green spaces may be required at the discretion of the Planning Board. Where such improvements are required, they shall be incorporated in the Final Plan and executed by the subdivider as construction of the subdivision progresses.

8.11.2 The subdivision design shall minimize the possibility of noise pollution either from within or without the development (from highway or industrial sources) by providing and maintaining a green strip at least twenty (20) feet wide between abutting properties that are so endangered.

8.12 Required Improvements.

8.12.1 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 these standards.

**ARTICLE IX**

**DESIGN STANDARDS**

9.1 Monuments.

9.1.1 Permanent monuments shall be set at all corners and angle points of the subdivision boundaries and at all street intersections and points of curvature.

9.1.2 Monuments shall be stone or iron post with engineer's cap, located in the ground at final grade level, and indicated on the Final Plan. If stone monuments are set, drill holes, one half inch (1/2") deep shall locate the point or points described above.

## 9.2 Street Signs.

9.2.1 Streets that join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, or bare phonetic resemblance to the names of existing streets within the municipality and shall be subject to the approval of the Board.

9.2.2 Street name signs shall be furnished and installed by the subdivider. The type, size and location shall be consistent with other Naples street signs.

## 9.3 Streets.

### 9.3.1 Classification.

In accordance with a Comprehensive Plan of the municipality and for the purposes of these standards, streets are classified by function, as follows:

- (1) Major Streets The term "Major Streets" includes Arterial Streets which serve primarily as major traffic ways for travel between and through towns; and Collector Streets, which serve as feeders to arterial streets, as collectors of traffic from minor streets and for circulation and access in commercial and industrial areas.
- (2) Minor Streets. Local streets, which are used primarily for access to abutting residential, commercial or industrial properties.

### 9.3.2 Layout.

9.3.2.1 Proposed streets shall conform, as far as practical, to such Comprehensive Plan or policy statement as may have been adopted, in whole or in part, prior to the submission of a Preliminary Plan.

9.3.2.2 All streets in the subdivision shall be so designed that, in the opinion of the Board; they will provide safe vehicular travel while discouraging movement of through traffic.

- 9.3.2.3 The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing or planned streets, to topographical conditions to public convenience and safety, and their appropriate relation to the proposed use of the land to be served by such streets. Grades or streets shall conform as closely as possible to the original topography.
- 9.3.2.4 In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a twenty (20) foot wide easement in the line of the street to provide continuation of pedestrian traffic or utilities to the next street.
- 9.3.2.5 Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the Town or in a designated Association, under conditions approved by the Planning Board.
- 9.3.2.6 In front areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated by the municipality, the street right-of-way and / or pavement width shall be increased by such amount on each side as may be deemed necessary by the Board to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district. In no case shall the street have a right-of-way width less than fifty (50) feet nor have less than two (2) nine (9) foot travel lanes and two (2) three (3) foot parking lanes.
- 9.3.2.7 Adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.
- 9.3.2.9 Where a subdivision borders an existing narrow road (below standards set herein) or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the subdivider shall be required to show areas for widening or realigning such roads on the Plan, marked "Reserved for Road Realignment (or Widening) Purposes". It shall be mandatory to indicate such reservation on the Plan when a proposed widening or realignment is shown on the Official Map. Land reserved for such purposes may not be counted in satisfying setback or yard or area requirements of the Minimum Lot Size or Land Use Ordinance.

9.3.2.10 Where a subdivision abuts or contains an existing or proposed arterial street, the Board may require marginal access streets (street parallel to arterial street providing access to adjacent lots), reverse frontage (that is, frontage on a street other than the existing or proposed arterial street) with screen planting contained in a non-access reservation, or such other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

9.3.2.11 Subdivisions containing fifteen (15) lots or more shall have at least two (2) street connections with existing public streets or streets shown on the Official Map if such exists, or streets on an approved Subdivision Plan for which a bond has been filed.

9.3.2.12 Entrances onto existing or proposed collector streets shall not exceed a frequency of one per four hundred (400) feet of street frontage. Entrances onto existing or proposed arterial streets shall not exceed a frequency of one (1) per one thousand (1,000) feet of street frontage.

9.3.2.13 Minor Streets in the subdivision shall be so laid out that their use by through traffic will be discouraged.

### 9.3.3 Design and Construction Standards.

9.3.3.1 All streets in a subdivision shall be designed and constructed to meet the following standards for streets according to their classification as determined by the Planning Board:

DESIGN AND CONSTRUCTION STANDARDS FOR STREETS

| <u>Item</u>   | <u>Arterial Streets</u>                    | <u>Collector Streets</u> | <u>Minor Streets</u> |
|---|--|--------------------------|----------------------|
| 1. Minimum width  | 80'  | 50'                      | 50'                  |
| 2. Minimum width of pavement*   | 44'  | 18'                      | 18'                  |
| 3. Minimum grade  | .5%  | .5%                      | .5%                  |
| 4. Maximum grade  | 5%   | 10%                      | 10%                  |
| 5. Maximum grade at intersections   | 3% within fifty (50) feet of intersections |                          |                      |
| 6. Minimum angle of intersections   |  | -60°-                    |                      |
| 7. Width of shoulders   | 9'   | 4'                       | 3'                   |
| 8. Minimum centerline radii on curves   | 800'                                       | 200'                     | 200'                 |
| 9. Minimum tangent length between reverse curves  | 300'                                       | 200'                     | 100'                 |
| 10. Road base (minimum)   | 24"  | 18"                      | 18"                  |
| Sub-base-bank gravel  | 18"  | 15"                      | 15"                  |
| Upper base-surface gravel   | 6"   | 6"                       | 6"                   |
| 11. Asphalt paving  | 2 ½"                                       | 2 ½"                     | 2"                   |
| 12. Road crown (minimum)  | ¼"/1'                                      | ¼"/1'                    | ¼"/1'                |
| 13. Sidewalks width (minimum where required)  | 8'   | 4'                       | 4'                   |
| Base course (gravel)  |  | -8"-                     |                      |
| Surface   | 2" Bituminous hot-top                      |                          |                      |
| 14. Dead-end or cul-de-sac streets  |  |                          |                      |
| Width   |  | 50'                      |                      |
| Length, as approved by the Fire Chief   |  |                          |                      |
| Radii of turn-around at enclosed end or other turn around as approved by the Fire Chief |  |                          |                      |
| Property line (minimum)   |  | 65'                      |                      |
| Pavement (minimum)  |  | 50'                      |                      |
| 15. Property line radii at intersection (minimum)                                       |  | 10'                      |                      |
| 16. Curb radii at intersections   |  |                          |                      |
| 90° intersections   |  | -25'-                    |                      |
| Less than 90° intersections   |  | -30'-                    |                      |

\* In addition to the minimum pavement width, all streets in a mobile home park shall have a cleared area (no vegetation or appurtenances over three (3) feet high) of forty (40) feet within the right-of-way to provide for maneuvering of mobile homes.



- 9.3.3.2 Grades of all streets shall conform in general to the terrain and shall not be less than one-half (1/2) of one (1) percent nor more than five (5) percent for arterial streets. Six (6) percent for collector streets or ten (10) percent for minor streets in residential zones, but in no case more than three (3) percent within fifty (50) feet of any intersection.
- 9.3.3.3 All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Board so that clear visibility shall be provided for a distance of two hundred (200) feet.
- 9.3.3.4 Intersections of streets shall be at angles as close to ninety (90) degrees as possible and in no case shall two (2) streets intersect at an angle smaller than sixty (60) degrees. To this end where one (1) street approached another between sixty-ninety (60-90) degrees the former street should be curved approaching the intersection.
- 9.3.3.5 Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A distance of at least two hundred (200) feet shall be maintained between centerlines of offset intersecting streets.
- 9.3.3.6 Street lines at intersections shall be cut back to provide for curb radii of not less than twenty-five (25) feet for ninety (90) degree intersections and thirty (30) feet for intersections less than ninety (90) degrees.
- 9.3.3.7 Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrian and vehicular traffic. That portion of any corner lot which is necessary to allow twenty-five (25) foot sight lines between intersecting streets shall be cleared of all growth (except isolated trees) and obstructions above the level three (3) feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.
- 9.3.3.8 A dead end street or cul-de-sac shall be reviewed by the Fire Chief and approved at the discretion of the Planning Board after advisement from the Fire Chief and shall be provided with a suitable turn-around at the closed end. When a turning circle is used it shall have a minimum outside curb radius of sixty-five (65) feet.

9.3.3.9 All streets shall be provided with adequate drainage facilities to provide for the removal of storm water to prevent flooding of the pavement and erosion of adjacent surfaces.

9.3.3.10 Side slopes shall not be steeper than three (3) feet horizontal and one (1) foot vertical, graded, loamed, (six (6) inches compacted) and seeded as required.

9.3.3.11 Street curbs and gutters shall be required on all streets within Maine State Highway Commission defined urban areas and shall be required at the discretion of the Planning Board in rural areas.

9.3.3.12 Where curb and gutter are not required, stabilized shoulders and proper drainage shall be the responsibility of the subdivider in compliance with the requirements herein.

9.3.3.13 All roadways within the subdivisions shall be constructed according to road specifications herein as overseen by the municipal road commissioner or third party inspector.

#### 9.3.4 Planting

9.3.4.1 All esplanade or planting strip areas at sides of streets shall receive at least six (6) inches of compacted top-soil (loam) free of stones over one (1) inch in diameter, sods, and clay. Base materials shall be removed prior to placement of topsoil.

9.3.4.2 Planting strips to be limed at the rate of one (1) pound per ten (10) square feet and fertilized at the rate of one (1) pound of a 10-10-10 fertilizer per fifty (50) square feet or equivalent and seeded with a conservation mix endorsed by the Cumberland County Soil and Water Conservation District.

9.3.4.3 When required by the Planning Board, street trees shall be planted in the esplanade areas of all new streets.

9.3.4.4 Trees of the 1<sup>st</sup> magnitude: (Birch, Beech, Linden, Oak, Pine, Sugar Maple, Basswood) shall be planted at forty-sixty (40-60) foot intervals.

9.3.4.5 Trees of the 2<sup>nd</sup> magnitude: (Hawthorn, Flowering Crabapple, etc.) may be planted at intervals of less than forty (40) feet.

#### 9.4 Sidewalks

9.4.1 Sidewalks shall be installed at the expense of the subdivider where the subdivision abuts or fronts onto a major street and at such locations as the Board may deem necessary.

#### 9.5 Water Supply

9.5.1 A public water supply system with fire hydrants 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, unless subdivider is only selling lots, not developing them.

9.5.2 Storage shall be provided as necessary to meet fire protection needs as reviewed by the Fire Chief.

9.5.3 The Planning Board may require the subdivider shall demonstrate by engineering reports prepared by a civil engineer registered in the State of Maine, that the proposed subdivision will not result in an undue burden on the source.

9.5.4 The water supply shall be designed and installed in accordance with requirements of the Maine Department of Health and Human Services.

9.5.5 Dug wells are not permitted on lots developed by the subdivider.

9.5.6 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 the recommendations included in the Manual for Evaluating Public Drinking Water Supplies, Public Health Service No 1180 (1969).

#### 9.6 Sewage Disposal

If a private sewage disposal system is proposed, the subdivider shall submit locations and results of tests to ascertain subsurface soil and ground water conditions, depth to maximum ground water level, location and results of percolation tests for review and approval under the State of Maine Subsurface Wastewater Disposal Rules.

## 9.7 Surface Drainage

- 9.7.1 Where a subdivision is traversed by a watercourse, drainage way or future sewer line, or where the Board feels that surface water drainage to be created by the subdivision should be controlled for the protection of the subdivision and owners of property abutting it, there shall be provided an easement or drainage right-of-way and culverts, catch basins or other means of channeling surface water within such subdivision and over the property of owners abutting upon it, of such nature, width and location as an engineer deems adequate.
- 9.7.2 The subdivider shall provide a statement from a Civil Engineer, registered in the State of Maine, that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or in adjacent properties. The subdivider shall submit a surface drainage plan showing ditching culverts, easements and other proposed improvements.
- 9.7.3 Topsoil shall be considered part of the subdivision. Except for surplus topsoil for roads, parking areas and building excavations, it is not to be removed from the site.
- 9.7.4 Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. The Board may require a subdivider to take measures to correct and prevent soil erosion in the proposed subdivision.

## **ARTICLE X IMPROVEMENT GUARANTEES REQUIRED**

### 10.1 Improvement Guarantees Required

Before the submission of a Final Plan, the subdivider shall provide the Town with improvement guarantees if road construction, offsite improvements, utilities, common water and/or sewer, recreational land, phosphorus or stormwater controls or drainage work is planned. Such improvement guarantees shall be in the form of one or more of the guarantee options listed in section 10.8 that will cover at least 100% of the cost of completion

### 10.2 Procedure

The subdivider shall file with the Planning Board a proposed improvement guarantee, a plan by a professional engineer for the required improvements, and estimates to complete the required work by at least two contractors.

The Planning Board may request an opinion of the improvement plan and the cost of the improvements from a third party, cost to be incurred by subdivider. The

third party shall also recommend what types of inspections would be required to guarantee the standards of this Ordinance and the approved plan are met. The recommended inspections shall become part of any improvement guarantee accepted by the Planning Board.

The Planning Board shall determine whether the form, amount and duration of the improvement guarantee are sufficient.

In the event the Planning Board refuses to approve the proposed improvement guarantee as filed by the subdivider, they shall notify the subdivider in writing. The Planning Board shall not grant final approval until it has received a sufficient guarantee. No plan shall be approved by the Planning Board as long as the subdivider is in default on a previously approved Plan.

The burden of submitting improvement guarantees in compliance with this Ordinance shall at all times remain with the subdivider.

### 10.3 Time Limit

#### 10.3.1 Completion Deadline

All required improvements within a subdivision shall be completed within two (2) years of final subdivision approval. The improvement guarantee must provide performance protection to the Town during said two (2) year period plus at least six (6) months following the expiration of the two (2) year period. The additional six (6) month period is required as protection to the Town in the event the subdivider fails to complete the required improvements or fails to complete them satisfactorily.

#### 10.3.2 Extension

The Planning Board may extend the completion deadline for two (2) additional years at one-year increments only where the subdivider presents substantial reason for doing so. No request for extension shall be considered until at least six (6) months prior to the original or extended completion deadline. Before extending the initial deadline or the initial extension, the Planning Board shall require that the improvement guarantee be extended in duration to cover the extended period of time plus an additional six (6) month period. Before extending the initial deadline or the initial extension, the Planning Board shall review the form and amount of the improvement guarantee to make certain it remains adequate.

### 10.4 Inspection and Certification

10.4.1 If the Road Commissioner or third party inspector shall find, upon inspection of the improvements performed before expiration date of the

performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Code Enforcement Officer and Planning Board. The Code Enforcement Officer shall then notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the municipality's rights under the bond.

The subdivider shall notify the Planning Board in writing of the time when he proposes to commence construction of such improvements so that the Planning Board 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 the satisfactory completion of improvements and utilities required by the Planning Board.

For road construction, the following inspections are required by, and must be approved by, the Road Commissioner or third party inspector, at the subdivider's expense, before work may continue:

- Stumping and grubbing;
- Sub-grade preparation, and drainage;
- Application of the base gravel;
- Application of final grade;
- Hot top, and seeding.

10.4.2 Upon completion of the improvements, the subdivider shall file the following with the Code Enforcement Officer:

- a. A sworn statement from the subdivider's engineer that all required improvements are completed in strict compliance with all applicable construction standards and the approved subdivision plan and that the engineer knows of no defects from any cause in the improvements;
- b. A sworn statement from the subdivider that the improvements are free and clear of any encumbrance or lien and that the subdivider knows of no defects from any cause in the improvements.

#### 10.5 Release of Guarantee

As soon as the Planning Board or their authorized representative have inspected the improvements and certified that they are satisfactorily completed, and the subdivider has filed the statements required in Section 10.4.2 of this Ordinance, the Planning Board shall release the previously required improvement to the subdivider.

## 10.6 Reduction of Guarantee

The Planning Board may release, at their discretion, the guarantee subject to the following provisions:

- a. The project is 90% complete as determined by the Planning Board.
- b. There are no deficiencies in the project.
- c. A cash bond performance guarantee is agreed to for one-hundred fifty percent (150%) of the remaining cost of the project.

## 10.7 Incomplete or Unsatisfactory Work

If the Planning Board determines, according to the procedures laid out in Section 10.4, Inspection and Certification of this Ordinance, that the improvements have not been satisfactorily completed according to the accepted subdivision plan within the agreed upon time, they shall inform the subdivider in writing of the Town's intent to exercise its rights against the improvement guarantee. They shall cause the incomplete or unsatisfactory work to be completed and to be paid for from the improvement guarantee assets. Any guarantee assets unused in the completion of the unsatisfactory or incomplete work, and associated costs, shall be returned to the subdivider at the discretion of the Planning Board.

## 10.8 Improvement Guarantee Options

### 10.8.1 Performance Bond

Under this improvement guarantee option, the subdivider shall obtain a subdivision bond from a surety bonding company authorized to do business in the State of Maine in a form satisfactory to the Planning Board. The bond shall be payable to the Town of Naples and shall be in an amount sufficient to cover the full cost of all required improvements as estimated by a registered Professional Engineer and as approved by the Planning Board. The duration of the bond shall be for a period of time acceptable to the Planning Board, but in any case shall be for at least two (2) years and six (6) months unless the subdivider is granted an extension in accordance with section 10.3.2 of this Ordinance. In the event an extension is granted, the Planning Board shall require the duration of the subdivision bond to be extended for at least six (6) months from the termination of the new time limit but not for more than one (1) year from the termination of the new time limit.

### 10.8.2 Letter of Credit

Under this improvement guarantee option, the subdivider shall provide as a guarantee an irrevocable letter of credit from a bank or other reputable institution satisfactory to the Planning Board, such letter of credit to be in a form satisfactory to the Planning Board. The letter of credit shall be for an amount sufficient to cover the full cost of all required improvements as estimated by a Registered Professional Engineer and as approved by the

Planning Board. The letter of credit shall be deposited with the Planning Board and shall certify the following:

- a. That the creditor does guarantee funds in an amount equal to the costs of completing all required improvements as estimated for the subdivider by a Registered Professional Engineer approved by the Planning Board,
- b. In case of failure on the part of the subdivider to complete the specified improvements satisfactorily within the required time period, the creditor shall pay to the Town of Naples immediately, and without further action, such funds as are necessary to finance the proper completion of these improvements, up to the credit limit stated in the letter;
- c. That the letter of credit is valid for the period of time required by the Planning Board. The period of time, not less than two (2) years and six (6) months from the date of subdivision approval, shall be stated in the letter. During that time, the letter may not be withdrawn or reduced in amount except with the approval of the Planning Board..

#### 10.8.3 Cash Escrow

Under this improvement guarantee option, the subdivider shall provide as guarantee cash held in an account at a bank or other reputable institution subject to the approval of the Planning Board. The amount of cash shall be in an amount sufficient to cover the full cost of all required improvements as estimated by a Registered Professional Engineer who is approved by the Planning Board. The subdivider shall enter into an agreement with the Town that shall stipulate the terms under which the Town may accept a cash escrow.

## **ARTICLE XI            VARIANCES AND WAIVERS**

- 11.1 Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these standards or where there are special circumstances of a particular Plan, it may vary these standards so that substantial justice may be done and the public interest secure; provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, or the Zoning Ordinance, where such exist.
- 11.2 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.

11.3 In granting variances and modifications, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

11.4 There will be no waivers on road paving standards.

## **ARTICLE XII**

### **APPEALS**

12.1 An appeal from a decision of the Planning Board may be taken to the Board of Appeals if one has been established by the municipality in accordance with Title 30, M.R.S.A. Chapter 213, Section 2411..

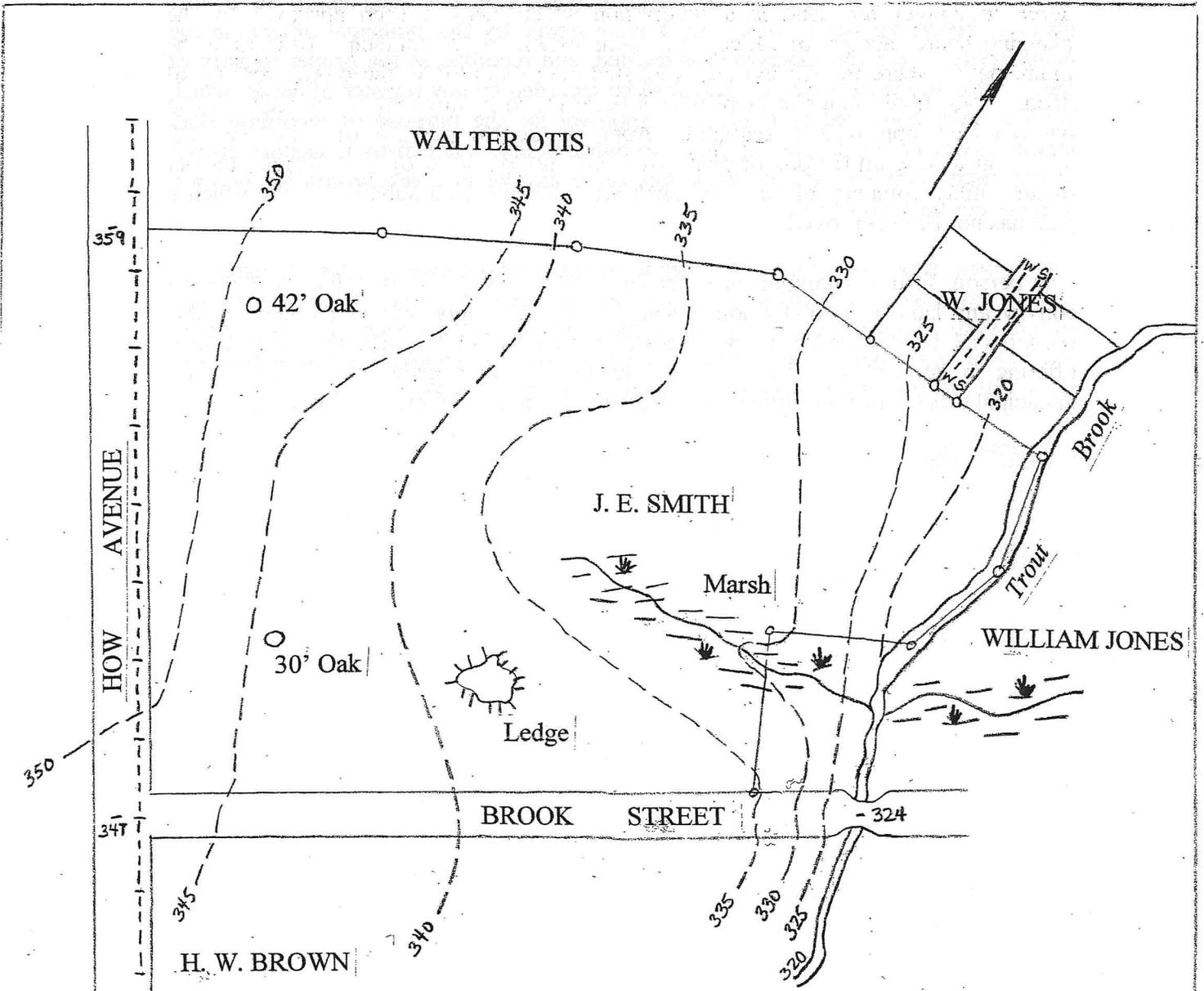
## **ARTICLE XIII**

### **SEPARABILITY AND EFFECTVIE DATE**

A. The invalidity of any provision of these standards shall not invalidate any other part.

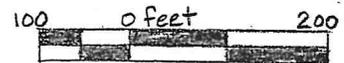
B. These standards shall take effect immediately on adoption of the same by the Planning Board or legislative body.

(Sample)  
LAND SURVEY AND TOPOGRAPHIC MAP

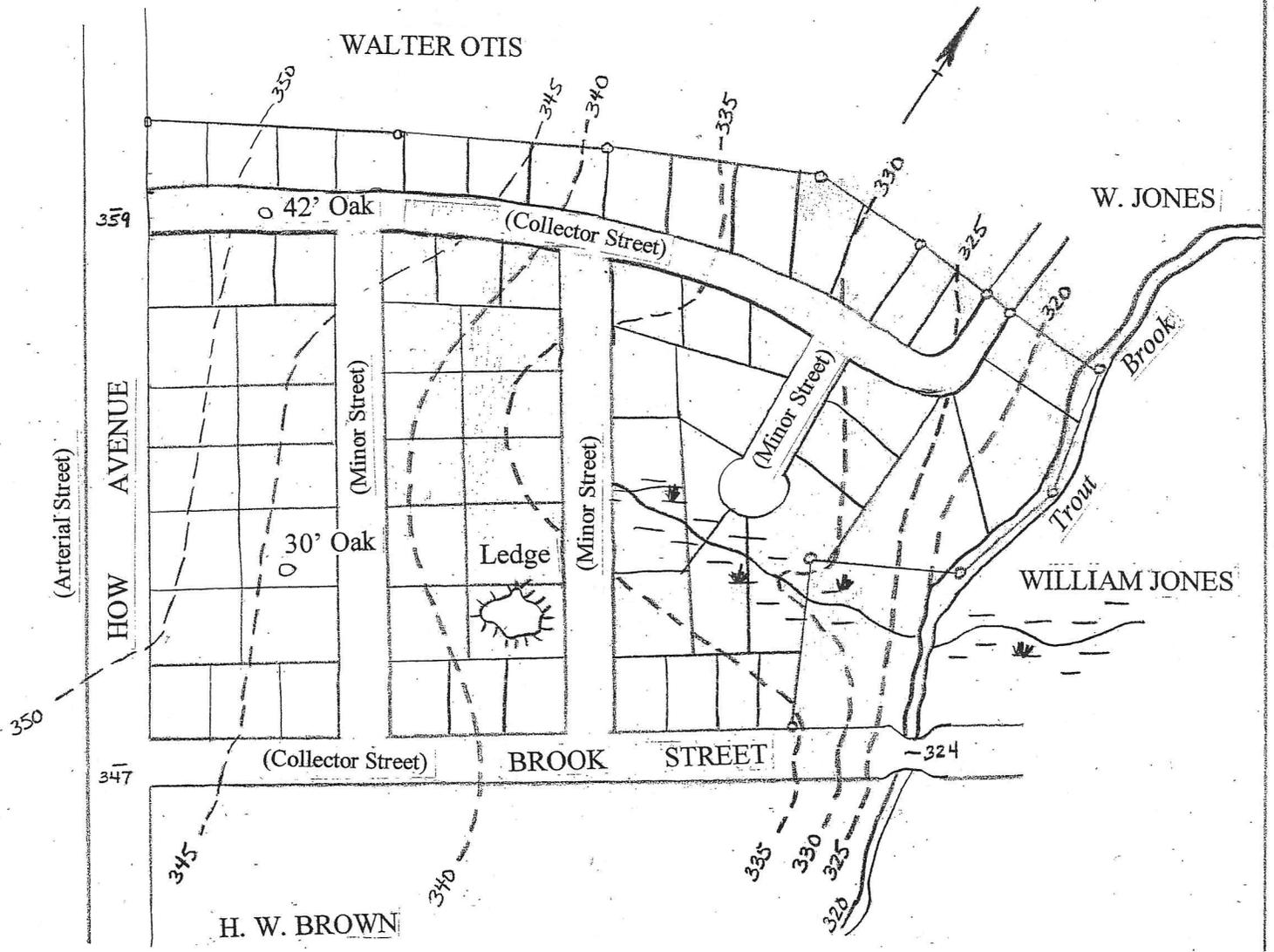


LAND SURVEY & TOPOGRAPHIC MAP  
OAKLEDGE HOMES  
J. E. SMITH - OWNER

prepared by: John Brown  
registered land surveyor



(Sample)  
SKETCH PLAN



CONDITIONS OF APPROVAL

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNED BY:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

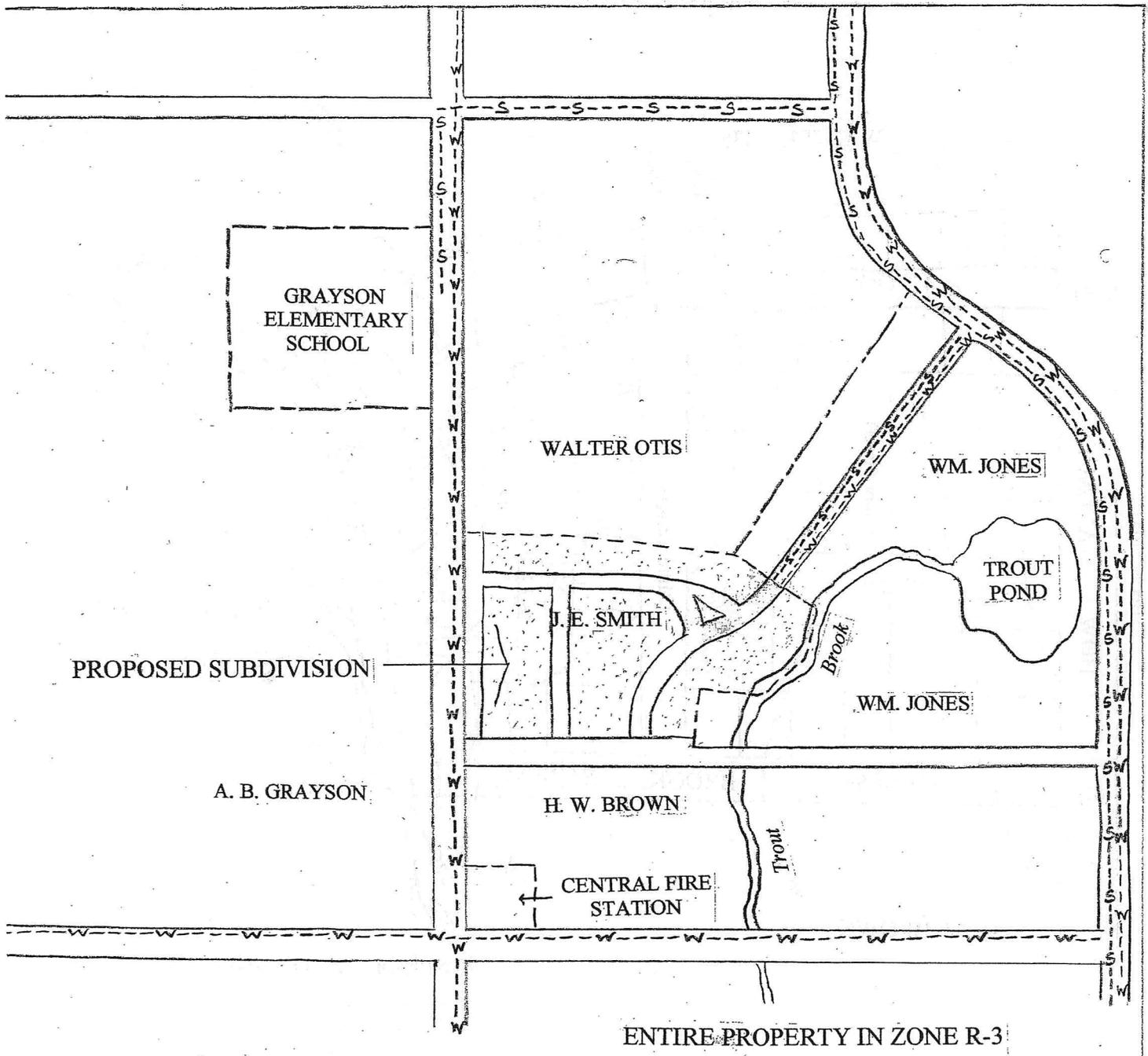
SKETCH PLAN  
OAKLEDGE HOMES  
J. E. SMITH - OWNER

Prepared by: R. L. Lewis, Inc.  
Architects - Engineers

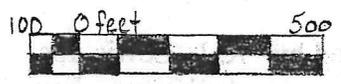


See text page 9

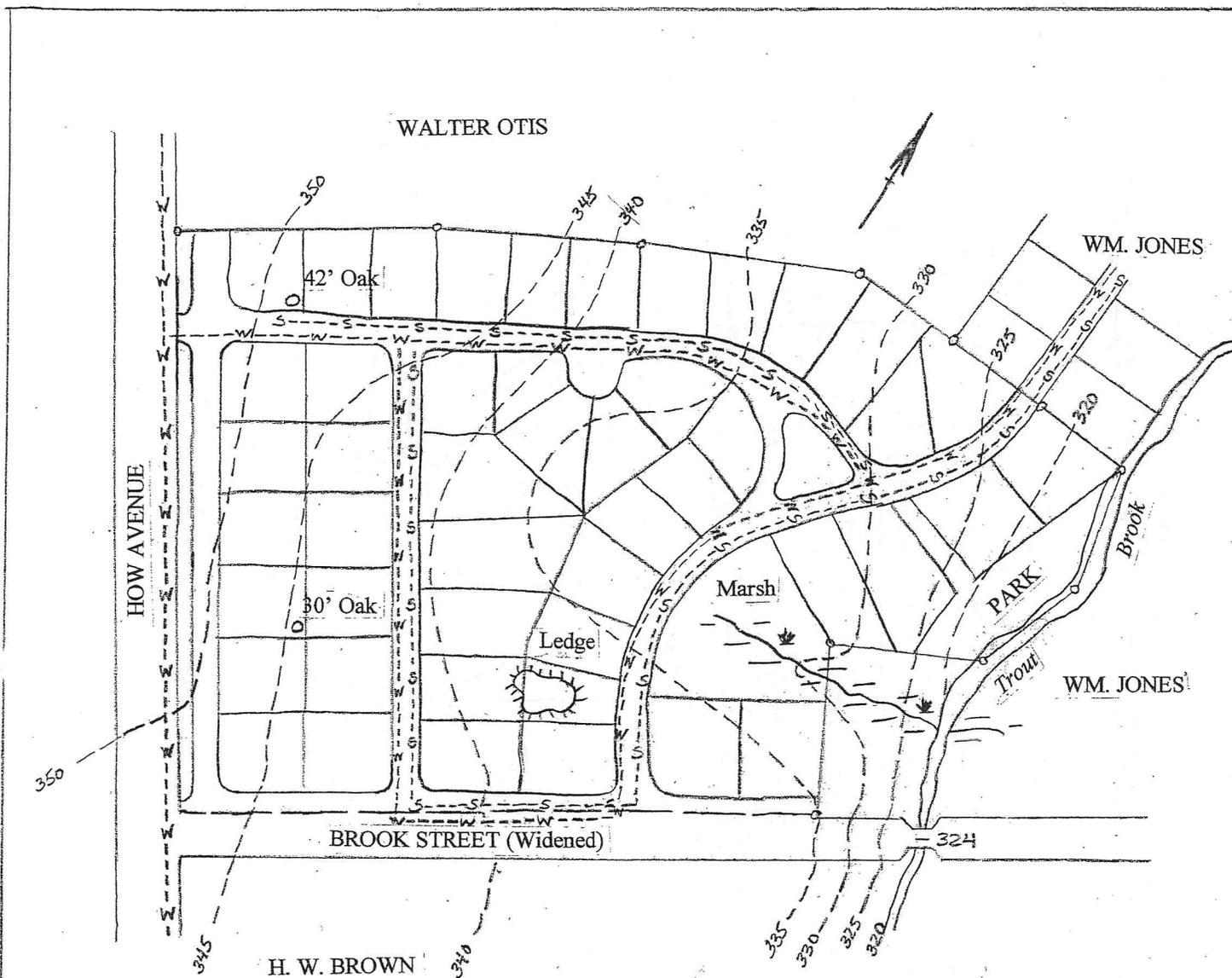
(Sample)  
LOCATION MAP



LOCATION MAP  
OAKLEDGE HOMES  
J. E. SMITH - OWNER



(Sample)  
 PRELIMINARY PLAN  
 After Review of Sketch Plan\*



PRELIMINARY PLAN  
 OAKLEDGE HOMES  
 J. E. SMITH - OWNER

Prepared by: R. L. Lewis, Inc.  
 Architects - Engineers

CONDITIONS OF APPROVAL:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

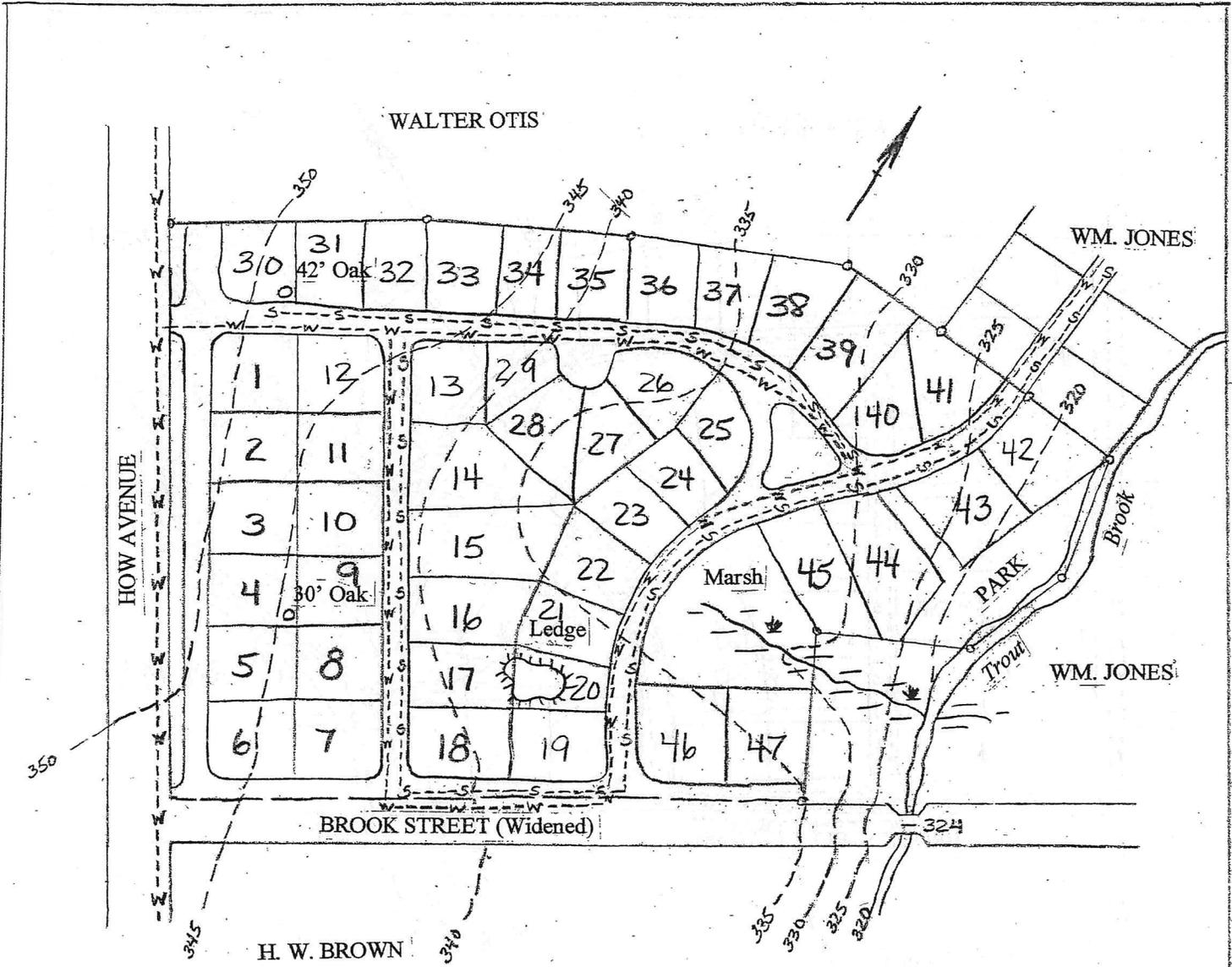
Signed by:

\_\_\_\_\_



\* See text page 13

(Sample)  
FINAL PLAN\*



**FINAL PLAN**  
**OAKLEDGE HOMES**  
**J. E. SMITH - OWNER**

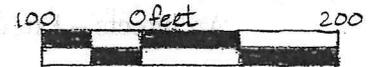
CONDITIONS OF APPROVAL:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed by: \_\_\_\_\_

\_\_\_\_\_

Prepared by: R. L. Lewis, Inc.  
Architects - Engineers



\*See text page 10