

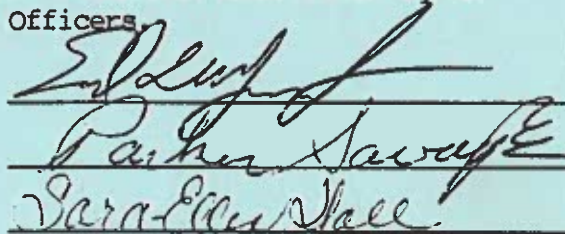
TOWN OF EUSTIS

SUBDIVISION ORDINANCE

**Draft: 12/29/93
Revised 3/8/94**

Adopted: September 11, 1995

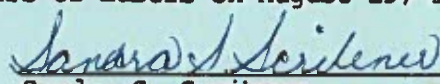
Certified Ordinance for posting by the Municipal Clerk in the Town Records as a Public Record. Certified this 29th. day of August, 1995. by the Municipal Officers.



Selectmen of Eustis

ATTEST:

A true copy of an ordinance entitled "Town of Eustis Subdivision Ordinance", as certified to me by the Municipal Officers of Eustis on August 29, 1995.



Sandra S. Scribner
Deputy Town Clerk

TOWN OF EUSTIS

RESOLUTION ORDINANCE

Date: 12/20/2011
Revised: 2/20/12

Approved: [Signature]

WHEREAS, the Board of Commissioners of the Town of Eustis, Florida, has received a request from the [Name] for the [Purpose] and the Board has determined that it is in the best interests of the Town to [Action];

[Signature]
[Signature]
[Signature]

IT IS THE POLICY OF THE TOWN OF EUSTIS TO ENCOURAGE THE DEVELOPMENT OF THE COMMUNITY AND TO PROVIDE A HEALTHY AND VIGOROUS COMMUNITY.

Approved: [Signature]
[Signature]

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ARTICLE I. PURPOSES

The purposes of these ordinances are to assure the comfort, convenience, safety, health and welfare of the people of the Town of Eustis, 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 Eustis, Maine, the Planning Board shall consider the following criteria and before granting approval shall make findings of fact that the provisions of this Ordinance have been met and that the proposed subdivision will meet the requirements established by in the State Subdivision Law (Title 30-A.M.R.S.A. Sections 4401 et. seq.).

ARTICLE II. AUTHORITY, ADMINISTRATION, EFFECTIVE DATE REPEAL OF EXISTING ORDINANCE

2.1 Authority

- A. This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30-A, M.R.S.A. Section 3001.
- B. These standards shall be known and may be cited as "Subdivision Ordinance of the Town of Eustis, Maine."

2.2 Administration

- A. The Planning Board of the Town of Eustis, hereinafter called the Board, shall administer these standards.
- B. The provisions of these standards shall pertain to all land proposed for subdivision, as defined by this Ordinance within the Town of Eustis.

2.3 Effective Date

The effective date of this Ordinance is _____.

2.4 Repeal of Existing Subdivision Ordinance

Adoption of this Ordinance shall repeal any and all previous subdivision ordinances, or regulations. This shall not prevent the enforcement or repealed

ordinances or regulations with respect to the time periods in which they were in effect.

2.5 Conflict with Other Ordinances

A. This Ordinance shall not be construed to repeal any existing bylaws or ordinances, other than those specifically identified, or to impair the provisions of private restrictions placed upon property, provided, however, that where this Ordinance imposes greater restrictions, its provisions shall control.

2.6 Validity and Severability

A. Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision.

ARTICLE III. ADMINISTRATIVE PROCEDURE

3.1 Purpose. The purpose of this Article is to establish an orderly, equitable and expeditious procedure for reviewing subdivisions.

3.2 Agenda. In order to avoid unnecessary delays in processing applications for subdivision review, the Board shall prepare an agenda for each regularly scheduled meeting. Applicants shall request to be placed on the Board's agenda at least ten (10) days in advance of a regularly scheduled meeting by contacting the Chairman. Applicants who attend a meeting but who are not on the Board's agenda may be heard but only after all agenda items have been completed, and then only if a majority of the Board so votes.

3.3 Joint Meetings. If any portion or area under the jurisdiction of the Land Use Regulation Commission of the proposed subdivision crosses the boundary of an adjacent municipality, the Board shall meet jointly with that municipality's planning board or the Land Use Regulation Commission to discuss the application.

ARTICLE IV. PREAPPLICATION FOR MINOR AND MAJOR SUBDIVISIONS

4.1 Submission. The Preapplication 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 pencilled sketch, should be supplemented with general information to describe or outline the existing

conditions of the site and the proposed development. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located. The Sketch Plan shall be accompanied by a copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision, unless the proposed subdivision is less than ten acres in size.

- 4.2 Contour Interval and On-Site Inspection.** Within thirty days, the Board shall determine and inform the applicant in writing of the required contour interval on the Preliminary Plan, or Final Plan in the case of a Minor Subdivision, and hold an on-site inspection of the property.
- 4.3 Ownership Interest.** The applicant shall furnish written evidence showing his interest (option, contract for sale, etc.) in the property to be subdivided to the Board.

ARTICLE V. MINOR SUBDIVISIONS

- 5.1 General.** In any case in which, because of the complexity of the subdivision proposal or circumstances indicating that some aspect of the proposal is likely to present a substantial risk to public health, safety, or welfare, the Board may require the developer to submit any of the additional information which would be required for a major subdivision where necessary to assure that a hazardous condition will not be present.
- 5.2 Procedure.**
- A. Within six months after the on-site inspection by the Board, the subdivider shall submit an application for approval of a Final Plan at least ten (10) days prior to a scheduled meeting of the Board. The Final Plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board. The Board shall provide the subdivider with a dated receipt of a Final Plan application at the Board Meeting where the Final Plan application is first presented and heard by the Board.
- B. All applications for Final Plan approval for Minor Subdivision shall be accompanied by an application fee of \$50 per lot, dwelling unit, or unit contained in a shopping center or similar commercial establishment payable by check to the Town of Eustis.

- C. If the services of outside consulting engineers or other experts are required by the Board to assist in review of the plan, the Board shall notify the applicant of the nature of services, the firm or individual selected and the estimated cost of the services. The costs of such services shall be paid by the applicant and evidence of such payment furnished to the Board before the final plan for the project is signed.
- D. Upon receipt of an application for approval of a Minor Subdivision, the Board shall notify in writing all owners of abutting property to the proposed subdivision.
- E. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan.
- F. Within thirty (30) days of the Board issuing a dated receipt of a Final Plan application form and fee, the Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application and determine whether to hold a public hearing on the Final Plan application.
- G. If the Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days of receipt of a complete application, and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice of the public hearing shall be mailed to all abutters of the proposed subdivision seven (7) days prior to the hearing by the Town of Eustis Planning Board.
- H. Within thirty days of a public hearing, or within sixty days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, the Board shall make findings of fact on the application, and approve, approve with conditions, or deny the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

5.3 Submissions

- A. The subdivision plan for a Minor Subdivision shall consist of two reproducible, stable based transparent originals, one to be recorded at the Registry of Deeds, the other to be filed at the Municipal Office and three copies of one or more maps or drawings drawn to a scale of not more than 100 feet to the inch. Plans for subdivisions containing more than 100 acres may be drawn at a scale of not more than 200 feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36

inches in size, and shall have a margin of two inches outside of the border lines on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. Three copies of all information accompanying the plan shall be submitted. In addition, one copy of the plan(s) which may be reduced to a size of 8 1/2 by 11 inches, and all accompanying information shall be mailed by the applicant to each Board member, the Code Enforcement Officer, Fire Department, Rescue Chief, Road Commissioner, and Superintendent of Schools no less than ten (10) days prior to the meeting.

The application for approval of a Minor Subdivision shall include the following information:

1. Proposed name of the subdivision, or identifying title, and the name of the municipality in which it is located, plus the Assessor's Map and Lot Numbers.
2. A 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. At least one corner of the parcel shall be identified with relation to abutting property. The plan shall indicate the type of monument set or found at each lot corner.
3. A copy of the deed from which the survey was based. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
4. A copy of any deed restrictions intended to cover all or part of the lots in the subdivision.
5. Indication of the type of sewage disposal to be used in the subdivision.
 - a. When sewage disposal is to be accomplished by subsurface wastewater 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.
6. Indication of the type of water supply system(s) to be used in the subdivision.
7. The date the Plan was prepared, north point, graphic map scale, names and addresses of the record owner, subdivider, and individual

or company who prepared the plan, and the names of adjoining property owners. The plan(s) shall be embossed with the stamp or seal of the professional engineer, surveyor or planner, or all of the above, as the case may be.

8. The names and addresses of owners of record of adjacent property, including any property directly across an existing public or private street from the subdivision.
9. A copy of the portion of the County Soil Survey covering the subdivision.
10. Contour lines at the interval specified by the Planning Board, showing elevations in relation to Mean Sea Level.
11. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.
12. A soil erosion and sedimentation control plan.
13. A plan for the disposal of surface waters prepared by a registered professional engineer.
14. The location of any fresh water wetlands.
15. The location of river, stream or brook within or abutting the proposed subdivision.
16. The location and nature of significant wildlife habitat identified by the Maine Department of Inland Fisheries and Wildlife or the Town of Eustis that is in or adjacent to the proposed subdivision.
17. Any portion of the subdivision which is located within the direct watershed of a lake or pond shall be identified.
18. A phosphorus impact analysis and control plan when determined as necessary by the Board.
19. The location of known or potential archaeological resources, scenic areas, historic buildings or sites, unique natural areas and mapped sand and gravel aquifers with a description of how such features will be maintained or impacts upon them minimized.

ARTICLE VI. PRELIMINARY PLAN FOR MAJOR SUBDIVISION

6.1 Procedure

- A. Within six months after the on-site inspection by the Board, the subdivider shall submit an application for approval of a Preliminary Plan at least ten (10) days prior to a scheduled meeting of the Planning Board. The Preliminary Plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board. The Board shall provide the subdivider with a dated receipt of a Preliminary Plan application at the Board meeting where the Preliminary Plan application is first presented and heard by the Board.
- B. All applications for Preliminary Plan approval for a Major Subdivision shall be accompanied by an application fee of \$50.00 per lot, dwelling unit, or unit contained in a shopping center or similar commercial establishment payable by check to the Town of Eustis.
- C. If the services of outside consulting engineers or other experts by the Board to assist in review of the plan, the Board shall notify the applicant of the nature of services, the firm or individual selected and the estimated cost of the services. The costs of such services shall be paid by the applicant and evidence of such payment furnished to the Planning Board before the final plan is signed.
- D. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Preliminary Plan.
- E. Upon receipt of an application for Preliminary Plan approval of a Major Subdivision, the Board shall notify in writing all owners of abutting property to the proposed subdivision.
- F. Within thirty (30) days of receipt of a Preliminary Plan application form and fee, the Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application.
- G. The Board shall determine whether to hold a public hearing on the Preliminary Plan application. If the Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days of receipt of a complete application, and shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven (7) days prior to

the hearing. Notice of the public hearing shall be mailed to all abutters of the proposed subdivision seven (7) days prior to the hearing by the Town of Eustis Planning Board.

- H. Within thirty days of a public hearing, or within sixty days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, the Board shall make findings of fact on the application, and approve, approve with conditions, or deny the Preliminary Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.
- I. When granting approval to a Preliminary Plan, the Board shall state the conditions of such approval, if any; with respect to:
 - 1. The specific changes which it will require in the Final Plan;
 - 2. The character and extent of the required improvements for which waivers may have been requested and which in the Board's opinion may be waived without jeopardy to the public health, safety, and general welfare; and
 - 3. The amount of all performance guarantees which it will require as prerequisite to the approval of the Final Plan.
- J. Approval of a Preliminary Plan shall not constitute approval of the Final Plan or intent to approve the Final Plan, but rather it shall be deemed an expression of approval of the design of the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Board upon fulfillment of the requirements of these standards and the conditions of preliminary approval, if any. Prior to the approval of the Final Plan, the Board may require additional changes or conditions the Board deems necessary, as a result of the further study of a subdivision or as a result of additional information received, so that the Final Plan satisfies all of the approval criteria set forth in this Ordinance and in Title 30-A M.R.S.A. §4404 et. seq.

6.2 Submissions

- A. **Location Map:** The Preliminary Plan shall be accompanied by a Location Map adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The Location Map shall show:
 - 1. Existing subdivisions within 1000 feet of the proposed subdivision.

2. Locations and names of existing and proposed streets.
3. Boundaries and designations of any zoning districts.
4. An outline of the proposed subdivision and any remaining portion of the owner's property if the Preliminary Plan submitted covers only a portion of the owner's entire contiguous holding.

B. Preliminary Plan: The Preliminary Plan shall be submitted in three 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. The Preliminary Plan shall be drawn to a scale of not more than 100 feet to the inch. The Board may allow plans for subdivision containing more than 100 acres to be drawn at a scale of not more than 200 feet to the inch provided all necessary detail can easily be read. In addition, one copy of the plan(s) which may be reduced to a size of 8 1/2 by 11 inches, and all accompanying information shall be mailed by the applicant to each Board member, Code Enforcement Officer, Fire Department, Rescue Chief, Road Commissioner and Superintendent of Schools no less than ten (10) days prior to the meeting. The following information shall either be shown on the Preliminary Plan or accompany the application for preliminary approval:

1. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Tax Assessor's Map and Lot Numbers.
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. The plan shall indicate the type of monument set or found at each lot corner.
3. 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.
4. A copy of any covenants or deed restrictions intended to cover all or part of the lots in the subdivision.
5. Contour lines at the interval specified by the Board, showing elevations in relation to Mean Sea Level.
6. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, vegetative cover type,

and other essential existing physical features shall be shown on the plan.

7. Indication of the type of sewage disposal to be used in the subdivision.
 - a. 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.
8. Indication of the type of water supply system(s) to be used in the subdivision.
9. The date the Plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan. The plan(s) shall be embossed with the stamp or seal of a professional engineer, surveyor or planner, or all of them, as the case may be.
10. The names and addresses of owners of record of adjacent property, including any property directly across an existing public or private street from the subdivision.
11. The location of any zoning boundaries affecting the subdivision.
12. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
13. The location, names and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.
14. The proposed lot lines with dimensions and lot areas.
15. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
16. The location of any open space to be preserved and an indication of its improvement and management.
17. A soil erosion and sedimentation control plan.

18. A plan for the disposal of surface drainage waters, prepared by a Registered Professional Engineer.
19. A copy of that portion of the county soil survey covering the subdivision. When the medium intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Board may require the submittal of a report by a Registered Soil Scientist indicating the suitability of soil conditions for those uses.
20. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.
21. The location of any fresh water wetlands.
22. The location of river, stream or brook within or abutting the proposed subdivision.
23. The location and nature of significant wildlife habitat identified by the Maine Department of Inland Fisheries and Wildlife or the Town of Eustis that is in or adjacent to the proposed subdivision.
24. Any portion of the subdivision which is located within the direct watershed of a lake or pond shall be identified.
25. A phosphorus impact analysis and control plan when determined as necessary by the Board.
26. The location of known or potential/archeological resources, scenic areas, historic buildings or sites unique natural areas and mapped sand and gravel aquifers with a description of how such features will be maintained or impacts upon them minimized.

ARTICLE VII. FINAL PLAN FOR MAJOR SUBDIVISION

7.1 Procedure

- A. The subdivider shall, within 12 months after the approval of the Preliminary Plan, file with the Board an application for approval of the Final Plan. If the application for the Final Plan is not submitted within 12 months after Preliminary Plan approval, the Board may refuse without prejudice to act on the Final Plan, and require resubmission of the Preliminary Plan. The Final Plan shall approximate the layout shown on the Preliminary Plan, plus any

recommendations made by the Board. The Board shall provide the subdivider with a dated receipt of a Final Plan application at the Board meeting where the Final Plan application is first presented and heard by the Board.

- B. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan.
- C. Within thirty (30) days of the Board issuing a dated receipt of a Final Plan application, the Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application and determine whether to hold a public hearing on the Final Plan application.
- D. The Board shall determine whether to hold a public hearing on the Final Plan application. If the Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days of receipt of a complete application, and shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice of the public hearing shall be mailed to all abutters of the proposed subdivision seven (7) days prior to the hearing by the Town of Eustis Planning Board.
- E. The Planning Board shall request the Road Commissioner, School Superintendent, Fire Chief, and Rescue Chief to comment upon their department's capacity to service the proposed subdivision.
- G. Before the Board grants approval of the Final Plan, the subdivider shall meet the performance guarantee requirements contained in Article XII.
- H. Within thirty days of a public hearing, or within sixty days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to be the Board and the subdivider, the Board shall make findings of fact on the application, and approve, approve with conditions, or deny the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

7.2 Submissions

The Final Plan shall consist of one or more maps or drawings drawn to a scale of not more than 100 feet to the inch. Plans for subdivisions containing more than 100 acres may be drawn at a scale of not more than 200 feet to the inch. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two

inches outside of the border line on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by the Board. Two reproducible, stable based transparent originals, one to be recorded at the Registry of Deeds, the other to be filed at the Municipal Offices, and three copies of the plan shall be submitted. In addition, one copy of the Final Plan, which may be reduced to 8 1/2 by 11 inches, and all accompanying information shall be mailed by the applicant to each Board member, Code Enforcement Officer, Fire Department, Rescue Chief, Road Commissioner and Superintendent of Schools no less than ten (10) days prior to the meeting.

The application for approval of the Final Plan shall include the following information.

- A. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's Map and Lot Numbers.
- B. 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 set or found at each lot corner.
- C. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.
- D. Indication of the type of sewage disposal to be used in the subdivision.
- E. Indication of the type of water supply system(s) to be used in the subdivision.
 1. When water is to be supplied by private wells evidence of adequate ground water supply and quality shall be submitted by a written statement from either a well driller or a hydrogeologist familiar with the area.
- F. The date the Plan was prepared, magnetic and true north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan. The Plans shall be embossed with the stamp or seal of a professional engineer, surveyor or planner, or all of them, as the case may be.
- G. The location of any zoning boundaries effecting the subdivision.

- H. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
- I. The location, names and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The length of all straight lines, the deflection angles radii, length of curves and central angles of curves, tangent distances and tangent bearings for each street shall be included.
- J. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers of cession to the municipality of all public open spaces shown on the plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If open space or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer of cession shall be included.
- K. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.

ARTICLE VIII. FINAL APPROVAL AND FILING

- 8.1 Upon findings of fact and determination that all standards in Title 30-A, M.R.S.A. §4404, and this Ordinance have been met, and upon voting to approve the subdivision, the Board shall sign the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Board as part of its permanent records. One copy of the signed plan shall be forwarded to the Tax Assessor. One copy of the signed plan shall be forwarded to the Code Enforcement Officer. Any subdivision not recorded in the Registry of Deeds by the subdivider within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void.
- 8.2 At the time the Board grants Final Plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to insure the orderly development of the Plan.

- 8.3 No change, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted and the Board approves any modifications, except in accordance with Article 9.1.C. The Board shall make findings that the revised plan meets the standards of Title 30-A, M.R.S.A. §4404, and this Ordinance. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the records of the Registry of Deeds.
- 8.4 The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the Plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the Plan to contain appropriate notes to this effect. The 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.
- 8.5 Failure to commence substantial construction of the subdivision within two years of the date of approval of the Plan shall render the Plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect.

ARTICLE IX. ENFORCEMENT

9.1 Inspection of Required Improvements

- A. At least five days prior to commencing each major phase of construction of required improvements, the subdivider or builder shall notify the Code Enforcement Officer in writing of the time when he proposes to commence construction of such improvements, so that the Municipal Officers 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 Board.
- B. If the inspecting official finds, upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, he shall so report in writing to the Municipal Officers, Board, and the subdivider or builder. The

Municipal Officers shall take any steps necessary to preserve the municipality's rights.

- C. If at any time before or during the construction of the required improvements, it appears to be necessary or desirable to modify the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as but not limited to encountering hidden outcrops of bedrock and natural springs. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Board. For major modifications, such as relocation of rights-of-way, property boundaries, or changes of grade by more than 1%, etc., the subdivider shall obtain approval to modify the plans from the Board.
- D. At the close of each summer construction season, the Town shall, at the expense of the subdivider, have the site inspected by a qualified individual. By December 1 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate to do the job they were designed for. The report shall also include a discussion and recommendations on any problems which were encountered.
- E. Prior to the sale of any lot, the subdivider shall provide the Board with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.
- F. Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed townway to a town meeting, a written certification signed by a professional engineer registered in the State of Maine may be required by the Municipal Officers at the expense of the applicant, certifying that the proposed town way meets or exceeds the design and construction requirements of the Town of Eustis.
- G. The subdivider or builder shall be required to maintain all improvements and provide for snow removal on streets and sidewalks and maintenance until acceptance of the improvements by the municipality.

9.2 Violations and Enforcement

- A. No plan of a division of land within the municipality which would constitute a subdivision shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Board in accordance with this Ordinance.
- B. No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.
- C. No person, firm, corporation or other legal entity may convey, any land in an approved subdivision which is not shown on the Final Plan as a separate lot.
- D. Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by these regulations shall be punished by a fine of not less than \$100, and not more than \$2,500 for each such conveyance, offering or agreement. The Municipality may institute proceedings to enjoin the violation of this section, and may collect attorney's fees and court costs if it is the prevailing party.
- E. No public utility or any utility company of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Board.
- F. No person shall establish or develop a subdivision without first having a Final Plan thereof approved by the Planning Board. "Develop" shall include grading or construction of roads, grading of land or lots, or construction of any buildings.

ARTICLE X. REVIEW STANDARDS

In reviewing applications for a subdivision, the Board shall consider the following standards and make findings that each, in addition to standards contained in Title 30-A, M.R.S.A., Section 4404, have been met prior to the approval of a Final Plan. In all instances, the burden of proof shall be upon the applicant.

10.1 Conformance with Comprehensive Plan. All proposed subdivisions shall be in conformity with the Eustis Comprehensive Plan and with the provisions of all pertinent state and local codes and ordinances.

10.2 Open Space Provisions

- A. The Board may require that a proposed subdivision design include a plan that will show the preservation of existing trees, the replacement of trees

and vegetation, graded contours, streams and the preservation of identified scenic, historic archaeological or environmentally sensitive areas.

- B. The Board may require that the subdivider reserve an area equal to ten percent of his total land as an open space and/or recreational area for use by property owners in the subdivision.
 - 1. If such an area is reserved, the Final Plan shall provide how title to the reserved land shall be held and how costs of development, maintenance and taxes shall be met.
 - 2. Included in the instrument of conveyance to each property owner of the subdivision shall be a statement of:
 - a) The manner of providing for the cost of development and maintenance and for property taxes of the reserved land.
 - b) If appropriate, the individual property owner's pro rata share of development costs, maintenance cost and property taxes of the reserved land.
 - c) Land designed for public use shall not be subdivided for any other purpose. This prohibition does not apply to land areas designed for later development if the Subdivision Plan includes provision for development in discrete stages.
 - d) Any area designated for common use shall be so arranged that each property owner has access to it.
- C. Land reserved for open space purposes shall be a character, configuration and location suitable for the particular use intended. A site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry. The Board shall review open space plans to determine if the subdivider has made a maximum effort to preserve scenic vistas and make available land for trails and lookouts.
- D. Reserved land acceptable to the Board and subdivider may be dedicated to the municipality as a condition of approval.

10.3 Land Not Suitable for Development. The following lands shall not be included in the calculations of building density for the purpose of meeting the requirements, Mobile Home Parks and Multi-family Developments of three or more units.

- A. Land which is located within the 100 year frequency floodplain 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 above the 100 year flood level. The elevation of filled or made land shall not be considered.
- B. Land which is part of a right-of-way, or easement, including utility easements.
- C. Land that has been created by filling or draining a pond or wetland.

10.4 Blocks. Where street lengths exceed 1,000 feet between intersections with other streets, the Board may require a utility/pedestrian easement, at least 20 feet in width, to provide for underground utility crossings and/or a pedestrian pathway of at least five feet in width. Maintenance obligations of the easement shall be included in the written description of the easement.

10.5 Lots

- A. All lots shall meet the minimum requirements of the Town of Eustis Land Use Ordinance and Shoreland Zoning Ordinance.
- B. Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development contemplated.
- C. Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan, and deed restrictions shall indicate vehicular access shall be located only on the less traveled way.
- D. Wherever possible, side lot line shall be perpendicular to the street.
- E. The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future resubdivision.

10.6 Utilities

- A. The Board may require utilities serving the subdivision to be installed underground. The applicant will furnish or cause to be furnished to the Board the plans prepared by utility companies for the installation of utilities.

Acceptance of the Final Plan of a subdivision is conditioned upon receipt of these utility plans.

- B. Underground utilities shall be installed prior to the installation of the final gravel base of the road. All underground utilities shall be properly marked to avoid damage by future excavations.
- C. The size, type and location of street lights, electric lines, telephone, and other utilities shall be shown on the plan.

10.7 Required Improvements. The following improvements are required for all subdivisions unless waived by the Board in accordance with provisions of this Ordinance.

A. Monuments

- 1. Stone monuments shall be set at all street intersections and points of curvature, but no further than 750 feet apart along street lines without curves or intersections.
- 2. Stone monuments shall be set at all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135° or less.
- 3. Stone monuments shall be a minimum of four inches square at the top and four feet in length, and set in the ground at final grade level.
- 4. All other subdivision boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable monumentation.

B. Water Supply

- 1. If a central water supply system is provided by the subdivider, the location and protection of the source, and the design, construction and operation of the system shall conform to the standards of the State of Maine Rules of the Department of Human Services Relating to Drinking Water (10-144 A.C.M.R. 231).
- 2. When the subdivision is to be served by the Eustis Water Department, the complete supply system within the subdivision, including fire hydrants, shall be installed at the expense of the subdivider. The size and location of mains, gate valves hydrants, and

service connections shall be reviewed and approved in writing by the Eustis Water Department and the Fire Chief.

C. Sewage Disposal

1. The developer shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

D. Surface Drainage

1. Where a subdivision is traversed by a stream, river, or surface water drainage way, or where the Board has determined that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. This stormwater management system shall be designed by a Registered Professional Engineer.
2. Drainage easements for existing watercourses or proposed drainage ways shall be provided and indicated on the plan at least thirty feet wide, conforming substantially with the lines of existing natural drainage.
3. The developer shall, when requested by the Board, provide a statement from the designing engineer that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or with respect to adjoining properties. Where the peak runoff from the subdivision onto abutting properties is increased either in volume or duration, easements from the abutting property owners, allowing such additional discharge shall be obtained.
4. A storm water drainage plan, showing ditching, culverts, storm drains, easements, and other proposed improvements, meeting the standards of Article XI. shall be submitted.

10.8 Soil Erosion

- A. Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.

- B. Except for normal thinning, landscaping, and cutting trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion from entering water bodies, wetlands and adjacent properties.

10.9 Phosphorous

- A. When a proposed subdivision is within the direct watershed of Barnard Pond, Flagstaff Lake, Little Barnard Pond, Reed Pond and Wethen Pond, the phosphorus export from the subdivision shall be equal to or less than that identified in the following table.
- B. Phosphorus export from a proposed subdivision shall be calculated according to the procedures defined in "Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development" (Maine DEP et al., September 1989, revised September 1992 and as may be further revised). Upon request, copies of all worksheets and calculations shall be made available to the Board.
- C. Phosphorus control measures shall meet the design criteria contained in "Phosphorus Control in Lake Watersheds: A Technical Guide for Reviewing Development" (Maine DEP et al., September 1989 revised September 1992 and as may be further revised). The Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimizing road lengths, and shall encourage the use of other non-structural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.

Phosphorus Allocation

Lake Watershed	Water Quality	Lake Protection Level	Allowable Per Acre Phosphorus Load (lbs/acre/year) ¹
Barnard Pond	Good	Low	0.126
Flagstaff Lake	Mod/Sensitive	Medium	0.567
Little Barnard Pond	Mod/Sensitive	Low	0.9
Reed Pond	Mod/Sensitive	Low	0.052
Wethem	Mod/Sensitive	Medium	0.03

Source: Androscoggin valley Council of Governments

¹Per acre phosphorus allocation – amount of phosphorus each developed acre is allowed to export (lbs/acre/year)

10.10 Impact on Ground Water

- A. When a hydrogeologic assessment is required by the Board the assessment shall be prepared by a Certified Geologist and contain at least the following information:
1. A map showing the basic soil types.
 2. The depth to the water table at representative points throughout the subdivision.
 3. Drainage conditions throughout the subdivision.
 4. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
 5. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential development, nitrate-nitrogen concentrations at any wells within the subdivision, at the subdivision boundaries and at a distance of 1,000 feet from potential contamination sources, whichever is a shorter distance. For subdivisions within the watershed of a lake, projections of the subdivision's impact on ground water phosphate concentrations shall also be provided.
 6. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.
- B. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
- C. No subdivision shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.
- D. If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
- E. If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

- F. Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Final Plan, and as restrictions in the deeds to the affected lots.

10.11 Preservation of Significant Wildlife Habitat

Applicants proposing to subdivide land in or within 250 feet of significant wildlife habitat as defined in the Town of Eustis Comprehensive Plan must consult with the Maine Department of Inland Fisheries and Wildlife and provide their written comments to the Board. Any conditions to the approval relating to wildlife habitat preservation shall appear as notes on the plan and as deed restrictions to the affected lots.

10.12 Access Control and Traffic Impacts

- A. **General:** Provisions shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to safeguard against hazards to traffic and pedestrians on existing streets and within the subdivision. More specifically, access and circulation shall also conform to the following standards and the design criteria below.
1. The vehicular access to the subdivision shall be arranged to avoid traffic use of existing local residential roads.
 2. The road giving access to the subdivision and neighboring roads which can be expected to carry traffic to and from the subdivision shall have traffic carrying capacity and, if traffic studies indicate improvements are necessary, the applicant shall pay a proportional share to accommodate the amount and types of traffic generated by the proposed subdivision.
 3. Any subdivision expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with an existing public or private street or streets on an approved subdivision plan. A minimum of 200 feet shall be maintained between centerlines of such street to any other street.
- B. Where the subdivision lots will be accessed by off-site public roads, the use of common driveways shall be used where appropriate to minimize the number of curbcuts.

10.13 Open Space Subdivisions

A. Policy

It is the policy of the Town of Eustis to encourage the use of open space subdivisions in order to preserve a sense of space, provide for forestry, and development patterns which will ensure a diversity of wildlife habitat as well as recreational land, preserve other resources identified in the Town of Eustis Comprehensive Plan, and harmonize new development with the traditional open and wooded landscapes of Eustis.

This standard is intended to implement that policy by providing incentives that afford flexibility to landowners in road and lot layout and design and road frontage requirements and by allowing the Board to waive or reduce certain otherwise applicable standards and provisions of this Ordinance and the Town of Eustis Land Use Ordinance if such landowners commit to the permanent preservation of important open space resources. These incentives are designed to encourage greater flexibility and more innovative approaches to housing and environmental design that will promote the most appropriate use of land and will preserve, as permanent open space, forestry land, important natural features, wildlife habitat water resources, ecological systems, and historic and scenic areas for the benefit of present and future residents.

B. Purposes

A open space subdivision achieves the purposes of this performance standard by reducing the lot size, frontage and setback requirements as contained in the Town of Eustis Land Use Code and Shoreland Zoning Ordinances and clustering housing and uses in those areas where they have the least impact on identified environmental, wildlife, forestry, and other open space resources. These resources are then permanently preserved by the use of covenants and restrictions or conservation easements that run with the land.

To qualify as an open space subdivision, a subdivision must achieve those of the following purposes that the Board determines to be applicable to its specific circumstances:

1. Long-term protection and preservation of existing natural and other resources and landscapes identified in the Town of Eustis Comprehensive Plan, including, but not limited to:

- a. State-defined critical areas and unique features and areas identified in the Comprehensive Plan;
 - b. Historic land use patterns and historic structures;
 - c. Points of visual access to or from water bodies, scenic vistas as identified in the Comprehensive Plan and points of access to water bodies;
 - d. Forest land
 - e. Wildlife habitat
2. Maintenance or establishment of compatibility with surrounding land uses and the overall character of the Town as defined by the Comprehensive Plan;
 3. Construction of affordable housing;
 4. Provision of recreation facilities, including active and passive recreational space, in the most suitable locations for use consistent with the other purposes of this performance standard.

C. Board Review

An individual may apply for approval of an open space subdivision either after preapplication review of a conventional subdivision or by initially filing an application for an open space subdivision. In either case, the Board shall review the application in accordance with Title 30-A M.R.S.A. Section 4404 and this Ordinance.

1. Pre-application Procedure
 - a. Any applicant for an open space subdivision is encouraged but not required to submit at the pre-application stage, a complete buildout plan for the entire parcel.
 - b. After review of the pre-application, if the Board determines that the proposed open space subdivision meets the purposes set forth in subparagraph B.1-4 that are applicable to the proposed subdivision as well as other applicable provisions of this section, this Ordinance, The Town of Eustis Land Use and Shoreland Zoning Ordinances and the Comprehensive Plan, the Board shall encourage or permit, as appropriate, the

applicant to proceed with an application for an open space subdivision.

2. Application Procedure

- a. **Required Plans:** The submissions for an open space subdivision shall include all plans and materials required for a conventional subdivision under this Ordinance.

3. General Requirements

In Board review and approval of an open space subdivision, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of this Ordinance, The Town of Eustis Land Use Ordinance or Town of Eustis Shoreland Zoning Ordinance.

a. **Use and District Requirements**

- (1) All open space subdivisions shall meet the use standards of the Districts in which they are located.

b. **Allowable Density**

- (1) In the case of a proposed development of five or fewer lots within any five-year period on a parcel of land under one ownership, or in the case of one or more parcels adjoining one another, which parcels are under different ownerships for at least the prior five years before application, and where the owners seek to develop a combined open space plan, the allowable density with reference to each such parcel shall be determined by the gross lot area of the portion of each parcel proposed for development without reference to net residential acreage, divided by the minimum lot size of the applicable district.

- (2) Except as provided in Section C.3.b.(1). above, the allowable density shall be based upon one of the following methods as determined by the applicant.

- (a) Net residential density method calculated in the following manner: determine the net residential acreage of the parcel by taking the total area of

the parcel and subtracting in order the following and then divide the buildable area by the minimum lot size required in the District.

- i) area in proposed rights-of-way;
- ii) area of two or more contiguous acres with sustained slopes of 20% greater;
- iii) area of wetlands identified as Class I, II and III under the Natural Resource Protection Act;
- iv) area shown to be in floodway as designed in the Flood Boundary and Floodway Map prepared by the Federal Emergency Management Agency; and
- v) area of the lot covered by surface waters.

(b) Simplified method calculated in the following manner: determine the number of allowable dwelling units by taking sixty-five (65) percent of the total lot area divided by the minimum lot size requirement in the District.

C. A lot for a dwelling unit created as part of an open space subdivision shall not be further subdivided.

D. Layout and Siting Standards

In planning the location and siting of residential structures in an open space subdivision, priority should be given to the preservation of the open space for its natural resource value, with human habitation activity located and sited on the lower valued natural resource portion of a parcel, taking into account the contours of the land and the reasonableness of slopes.

The building lots on a parcel shall be laid out and the residential structures shall be sited according to the following principles. The Board in its discretion shall resolve conflicts between these principles as applied to a particular site.

1. In a manner which maximizes the useable area remaining for the designated open space use, where forestry, or recreational, existing or future uses, are particularly sought to be preserved;
2. Within woodlands, or along the far edges of open fields adjacent to any woodland to reduce encroachment upon commercial forest land and wildlife habitat, and to enable new residential development to be visually absorbed by natural landscape features;
3. In such manner that the boundaries between residential lots, commercial forestry land and wildlife habitat are well buffered by vegetation, topography, roads or other barriers to minimize potential conflict between residential and forestry uses;
4. In locations where buildings may be oriented with respect to scenic vistas, natural landscape features, topography and natural drainage areas, in accordance with an overall plan for site development;

E. Space Standards

1. Shore frontage and shore setback requirements shall not be reduced below the minimum shore frontage or shore setback required in the Town of Eustis Shoreland Zoning Ordinance.
2. Distances between buildings shall not be less than twenty (20) feet.
3. The required minimum land area per dwelling unit for the building envelope may be reduced to 40,000 sq.ft. except in the General Purpose District where it may be reduced to 20,000 sq.ft. provided subsurface sewage disposal complies with the State of Maine Subsurface Wastewater Disposal Rules. The building envelope shall contain a minimum of 40,000 sq.ft. except in the General Purpose District a minimum of 20,000 sq.ft. of land area which does not include 100 year floodplains, areas of two or more acres of sustained slopes greater than 20 percent or wetlands as defined by the Natural Resource Protection Act. If the lot area is reduced, the total open space in the development shall equal or exceed the sum of the areas by which the building lots are reduced below the minimum lot area normally required in the Zoning District.
4. Minimum road frontage requirements of the Town of Eustis Land Use Ordinance may be waived or modified by the Board provided that:

- a. Any applicable provisions regarding roads in Subsection G. below are satisfied; and
 - b. Adequate access and turn-around to and from all parcels by fire trucks, ambulances, police cars and other emergency vehicles can be ensured by private roads and/or common driveways.
5. A reduction of required setback distances may be allowed at the discretion of the Board, based upon the public benefits to be achieved from the design provided that the front and rear setbacks shall be no less than 25 feet or that required for the applicable Zoning District, whichever shall be less. For the perimeter of an open space development, overall development setback shall not be reduced below the minimum front, side and rear setbacks required in the Zoning District unless the Board determines a more effective design of the project can better accomplish the purposes of this performance standard.
 6. No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of development.

F. Utilities

At the discretion of the Board, in order to achieve the most appropriate design and layout of lots and open space, utilities including individual wells and septic systems may be located on designated portions of the open space, if necessary, provided they shall not unreasonable interfere with the open space purposes or uses to be achieved under this section and for the particular parcel(s) that is the subject to the application for Open Space Subdivision.

1. All structures requiring plumbing in the development shall be connected to individual septic systems or a private central collection and treatment system in accordance with the minimum standards set forth in the State of Maine Subsurface Wastewater Disposal Rules. Proposed systems shall in no way endanger ground water supplies which are currently being utilized as a water source for any existing development or which are to be utilized as common or individual water supply for the proposed development.
2. If a private central collection system is proposed the applicant must show either that at least one designated site for each lot, in the open space or on the lot, has adequate soils and land area suitable for

subsurface waste disposal for each lot in accordance with the minimum standards set forth in the State of Maine Subsurface Wastewater Disposal Rules, or that a second site on the parcel has the size, location and soil characteristics, to accommodate a system similar to the one originally proposed. In the case of the use of chambers, there shall be designed an excess capacity of thirty (30) percent.

3. If a private central collection system is proposed, the system shall be maintained by a homeowners' association or under an agreement of the lot or unit owners in the same fashion required for maintenance of the open space by a homeowners' association or the lot or unit owners in common and written evidence of said maintenance agreement shall be submitted to the Board. The Board may require the developer and homeowners' association to retain a qualified third party to inspect and approve the system from time to time and furnish a copy of his report to the Code Enforcement Officer.

G. Roads

The Planning Board shall require private roads and common driveways to comply with the design standards set forth in the Town of Eustis Land Use Ordinance, Town of Eustis Shoreland Zoning Ordinance and this Ordinance, except as provided in Subsection G.4. below.

1. The applicant shall submit to the Board as part of the application for approval, a professional engineer's drawing showing the location and drainage characteristics, dimensions and grade of roads and common driveways, as well as specifications setting forth their proposed composition.
2. The subdivision plan shall show the road clearly labeled "private road".
3. Whenever possible and as far as practicable, the roads and common driveways shall:
 - a. follow natural contours in an effort to limit phosphorous export;
 - b. be limited in width, curvilinear in design, and keeping within the character of the Town;
 - c. shall turn away from the front access to public roads, and shall use sufficiently dimensioned culverts to accommodate pre-development and post-development drainage and flows, where necessary.

4. Travelways and shoulders of roads and common driveways within open space subdivisions shall meet the following minimums:
 - a) Common driveways serving 3 or fewer dwelling units: 12 foot travel way.
 - b) Roads serving 4 to 10 units; 16 foot paved travel way and 4 foot shoulders.
 - c) Roads serving 11 to 50 units; 20 foot paved travel way and 4 foot shoulders.

H. Open Space Requirements

In Board review and approval of an open space subdivision, the following requirements shall apply and shall supersede any inconsistent or more restrictive provision of this Ordinance or the Town of Eustis Land Use and Shoreland Zoning Ordinances.

Open space set aside in an open space subdivision shall be permanently preserved as required by this section.

1. Open Space Uses. On all parcels, open space uses shall be appropriate to the site. Open space should include natural features located on the parcel(s) such as, but not limited to, stream beds, forested acreage, wildlife habitat, rock outcroppings and historic features and sites. Open space shall be preserved and maintained subject to the following, as applicable:
 - a. On parcels that contain significant portions of land suited to commercial forestry, open space shall be preserved for forestry or other compatible open space uses such as wildlife habitat, recreation (active or passive) and resource conservation.
 - b. When the principal purpose of preserving portions of the open space is the protection of natural resources such as wetlands, aquifers, steep slopes, wildlife and plant habitats, and stream corridors, open space uses in those portions may be limited to those which are no more intensive than passive recreation.
2. Notions on Plan. Open space must be clearly labeled on the Final Plan as to its use or uses with respect to the portions of the open space that such use or uses apply, ownership, management, method of preservation, and the rights, if any, of the owners in the subdivision to such land or portions thereof. The Plan shall clearly show that the

open space land is permanently reserved for open space purposes, and shall contain a notation indicating the book and page of any conservation easements or deed restrictions required to be recorded to implement such reservations.

3. **Ownership of Open Space Land.** Open space land may be held in private ownership (which is to be preferred) including an appropriate third party not the applicant; or owned in common by a Homeowners' Association (HOA); dedicated to the Town, County or State governments or agencies; transferred to a non-profit organization such as a conservation trust, or association, acceptable to the Board; or held in such other form of ownership as the Board finds adequate to achieve the purposes set forth in subparagraph B.1-4 and under the other requirements of this Ordinance. The Board shall, in its review, consider provisions for the ongoing maintenance and associated costs for such maintenance of the open space.
4. **Maintenance Standards**
 - a. Ongoing maintenance standards, where appropriate, shall be established, enforceable by the Town against the owner(s) of common land, including open space land, roads and other facilities as a condition of subdivision approval. Such maintenance standards may include such conditions, obligations, or costs to maintain their use, facilities and/or scenic character.
 - b. The owner(s) of common land or facilities including open space lands shall have the responsibility of operation and maintenance of the respective neighborhood recreational facilities within such common land(s), unless such lands or facilities or portions thereof are deeded or transferred to the Town of Eustis and accepted by the citizens of the Town at Town Meeting, or unless an approved conservation easement or declaration of covenants and restrictions is established which assigns maintenance responsibilities to another party.
 - c. If a HOA or an agreement of owners of the lots or units is to be used, until 51% of all lots and/or units have been sold, and a homeowners association has been formally organized, the applicant for such development shall be responsible for a maintenance of the common lands and facilities.

I. Notions on Plan

Common lands, roads or facilities, including open space lands, must be clearly labeled or referenced on the Final Plan as to its use, ownership, management, method of preservation, and the rights, if any, of the owners in the subdivision to such land or portions thereof, and shall contain a notion indicating the book and page of any conservation easements, deed restrictions, or other documents regarding those provisions required to be recorded to implement such reservations, restrictions or provisions.

J. Common Ownerships

1. Homeowners' Associations or Agreements

- a. Where any portion of a subdivision is proposed or required to be held in common by owners of lots, or owned in common by a Homeowners' Association (HOA) or similar entity, covenants for mandatory membership in the association setting forth the owners' rights, interest, privileges, responsibilities for maintenance, and obligations in the association and the common land, road or open space shall be approved by the Board and included in the deed for each lot.
- b. In such event, the ownership in the HOA or similar entity, or under the agreement of common ownership by all the lot or unit owners shall be established or contain provisions covering the following:
 - (1) The HOA or common agreement must be in legal existence before the lots are sold;
 - (2) Each lot owner shall be a member of the HOA or subject to the agreement and shall be required by recorded covenants and restrictions to pay fees to the HOA, or his pro rata share for taxes, insurance and maintenance of common areas or open space, private roads and other common facilities;
 - (3) Property owners must pay their pro rata share of the costs in (2) above, and the assessment levied by the HOA, and from time to time adjusted to meet changed needs. The amounts due from each lot owner shall, if not paid when due, constitute a lien on the property; and

- (4) The attorney for the Board shall find that the HOA documents or common lot owners' agreement presented satisfy conditions (1) through (3) above and such other conditions as the Board shall deem necessary.

10.14 Construction In Flood Hazard Areas

When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency, the plan shall indicate that all principle structures on lots in the subdivision which are located in a special flood hazard area shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. Such a restriction shall be included in the deed to any lot which is included or partially included in the flood hazard area.

10.15 Mobile Home Parks

Proposed new mobile home parks and expansions to existing mobile home parks which would constitute a subdivision as defined shall comply with the provisions of this Ordinance, the Town of Eustis Land Use Ordinance.

ARTICLE XI. STREET AND STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS

11.1 General Requirements

- A. All streets proposed as an element of a subdivision shall comply with or exceed the following:
 1. Streets shall be designed to discourage through traffic within a residential subdivision.
 2. The character, extent, width and grade of all streets shall be considered in their relation to existing or planned streets.
 3. Where a subdivision abuts or contains an existing or proposed arterial street, no residential lot may have vehicular access directly onto the arterial street. This requirement shall be noted on the plan and in the deeds of any lot with frontage on the arterial street.
 4. Any subdivision expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with existing streets, streets shown on an Official Map, or streets on an

approved subdivision plan for which performance guarantees have been filed and accepted.

5. When a street will be constructed or altered, suitable shoulders and/or turnouts shall be provided at significant view locations.
6. Streets shall comply with the following table and the Town of Eustis Standard Road Profile as shown in Appendix A.

Description	Collector	Minor	Privately Owned Street
Minimum right-of-way width	60 feet	60 feet	50 feet
Minimum pavement width/travelway width	24 feet	20 feet	20 feet
Minimum grade	.5 percent	.5 percent	.5 percent
Maximum grade ¹	10 percent	10 percent	10 percent
Minimum centerline radius	280 feet	280 feet	175 feet
Minimum tangent between curves of reverse alignment	200 feet	100 feet	100 feet
Roadway crown	1/4"/ft.	1/4"/ft.	1/4"/ft.
Minimum Angle of street intersections ³	90 degrees	75 degrees	75 degrees
Maximum grade within 75 feet of intersection	3 percent	3 percent	3 percent
Maximum curb radii at intersections	25 feet	20 feet	20 feet
Minimum r-o-w radii at intersections	10 feet	10 feet	10 feet
Minimum width of shoulders (each side)	4 feet	4 feet	4 feet

¹Maximum grade may be exceeded for a length of 200 feet or less.

²Gravel surfaces shall have a minimum crown of 3/4 inch per foot of lane width.

³Street intersection angles shall be as close to 90° as feasible but no less than the listed angle.

⁴Streets in Mobile Home Parks must also comply with the standards set forth in the Town of Eustis Land Use Ordinance and Title 30-A and MRSA Section 4358.

7. The centerline of the roadway shall be the centerline of the right-of-way.

8. **Deadend streets:** In addition to the design standards above, deadend streets shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii: Property line: 60 feet; outer edge of pavement: 50 feet. The Board may allow a T-shaped turn-around which shall be a minimum of 24 feet wide and 40 feet long.

9. **Grades, Intersections and Sight Distance**

a. Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.

b. Where new street intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curblines or edge of shoulder, with the height of the eye 3.5 feet, to the top of an object 4.25 feet above the pavement.

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

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

c. 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 minimum distance of 125 feet shall be maintained between centerlines of minor streets and 200 feet between collectors or a collector and minor street.

11.2 Storm Water Management Design Standards

A. Adequate provision shall be made for disposal of all storm water generated within the subdivision, and any drained ground water through a management system of ditches, swales, culverts, underdrains, and/or storm

drains. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains.

1. All components of the storm water management system shall be designed to meet the criteria of a 25 year storm.
- B. 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 increase in upstream runoff.
- C. Downstream drainage requirements shall be studied to determine the effect of the proposed subdivision. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the subdivision. The subdivider shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.
- D. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the Town allowing maintenance and improvement of the system.

11.3 Certification of Construction

Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed public way to the legislative body, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Municipal Officers at the expense of the applicant, certifying that the proposed way meets or exceeds the design and construction requirements of this Ordinance and the Town of Eustis Land Use Ordinance and Town of Eustis Shoreland Zoning Ordinance. "As built" plans shall be submitted to the Municipal Officers.

ARTICLE XII. PERFORMANCE GUARANTEES

12.1 Types of Guarantees. With submittal of the application for Final Plan approval, the subdivider shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs.

- A. Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account.

- B. A performance bond payable to the Town issued by a surety company, approved by the Municipal Officers.
- C. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the Town may draw if construction is inadequate, approved by the Municipal Officers.
- D. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed.

The conditions and amount of performance guarantee shall be determined by the Board with the advice of the, Road Commissioner, and Municipal Officers.

- 12.2 Contents of Guarantee.** The performance guarantee shall contain construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the developer will be in default, and the Town shall have access to the funds to finish construction.
- 12.3 Escrow Account.** A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the subdivider, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the subdivider except for any portion of the interest earned which was needed, in addition to the principle of the escrow account, to pay for completion of the required improvements.
- 12.4 Performance Bond.** A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the subdivider, and the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision for which approval is sought.
- 12.5 Letter of Credit.** An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.
- 12.6 Conditional Agreement.** The Board, at its discretion may permit for the subdivider to enter into a binding agreement with the municipality in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the Final Plan on the condition that no lots may be sold or built upon until either:

- A. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with these regulations and the regulations of the appropriate utilities; or
- B. A performance guarantee, acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.

Notice of the agreement and any conditions shall be on the Final Plan which is recorded by the subdivider at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Section. Proof of recording shall be provided by the subdivider to the Board.

- 12.7 Phasing of Development.** The Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.
- 12.8 Release of Guarantee.** Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.
- 12.9 Default.** If, upon inspection, it is found that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, the Code Enforcement Officer shall so report in writing to the Municipal Officers, the Board, and the subdivider or builder. The Municipal Officers shall take any steps necessary to preserve the Town's rights.
- 12.10 Privately-Owned Roads.** Where the subdivision streets are to remain privately-owned roads, the following words shall appear on the recorded plan.

"All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town."
- 12.11 Improvements Guaranteed.** Performance guarantees shall be tendered for all improvements required by Section 10.7 of this Ordinance, as well as any other improvements required by the Board.

ARTICLE XIII. WAIVERS

13.1 Where the Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, it may waive portions of the submission requirements, unless otherwise indicated in this ordinance, provided the applicant has demonstrated that the performance standards of this ordinance and the criteria of the Subdivision Statute have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Town of Eustis Land Use Ordinance, Town of Eustis Shoreland Zoning Ordinance or this ordinance.

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

In granting waivers in accordance with Article 13.2., the Board shall require such conditions as will assure the purposes of this ordinance are met.

13.3 Waivers to be shown on Final Plan

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

13.4 Certificate of Waiver

1. In the case of an amendment, if no amended plan is to be recorded, a certificate must be prepared in recordable form and recorded in the registry of deeds. This certificate must:
 - a. Indicate the name of the current property owner;
 - b. Identify the property by reference to the last recorded deed in its chain of title; and

- c. Indicate the fact that a waiver, including any conditions of the waiver, has been granted and the date of the granting.
2. The waiver is not valid until recorded as provided in this paragraph. Recording must occur within 90 days of the final subdivision approval or approval under Title 38, chapter 3, subchapter I, article 6, where applicable, whichever date is later, or the waiver is void.

ARTICLE XIV. AMENDMENTS

- 14.1 Initiation of Amendments.** An amendment to this Ordinance may be initiated by:
- A. The Planning Board, provided a majority of the Board has so voted;
 - B. Request of the municipal officers; or
 - C. Written petition of a number of voters equal to at least 10% of the number of votes cast in the municipality at the last gubernatorial election.
- 14.2** The Planning Board shall hold a public hearing on the proposed amendment. Notification of the hearing shall be posted and advertised in a newspaper of general circulation in the municipality at least seven days prior to the hearing.
- 14.3 Adoption of Amendment.** An amendment to this Ordinance may be adopted by a majority vote of any Town Meeting.

ARTICLE XV. APPEALS

- 15.1** An aggrieved party may appeal any decision of the Board under this Ordinance within 30 days from the date of that decision to Franklin County Superior Court.

ARTICLE XVI. PLAN AMENDMENT FEES

- A. The fee for any amendment when the number of lots remain the same, and there is no substantial change to roads or drainage systems, shall be \$25.
- B. The fee for any amendment, when three or less new lots are created, shall be a \$25 publishing and notice fee and \$50 for the first new lot created and \$25 for each additional lot.

- C. The fee for amendment, when there are substantial changes to roads and drainage systems or more than three lots are created, shall be all fees required by a new application.

ARTICLE XVII. DEFINITIONS

In general, words and terms used in these regulations shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows:

Arterial Street: A major thorough which serves as a major traffic way for travel between and through Eustis. The following roadways shall be considered arterial streets: Routes 16 and 27.

Average Daily Traffic (ADT): The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

Basement: Means any area of the building having its floor subgrade (below ground level) on all sides.

Building Envelope: That portion of the lot within the prescribed front, rear, and side yard setback distances.

Collector Street: A street with average daily traffic of 200 vehicles per day or greater, or streets which serve as feeders to arterial streets and collectors of traffic from minor streets.

Complete Application: An application shall be considered complete upon submission of the required fee and all information required by this Ordinance for a Final Plan, or by a vote by the Board to waive the submission of required information. The Board shall issue a receipt to the applicant upon its determination that an application is complete.

Comprehensive Plan: Comprehensive plan means a document or interrelated documents containing the elements established under Title 30--A, M.R.S.A. Section 4326, subsection 1 to 4, including the strategies for an implementation program which are consistent with the goals and guidelines established under subchapter II.

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

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

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

Direct Watershed: That portion of the watershed which does not first drain through an upstream lake.

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

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

Floodway: See regulatory floodway.

Fresh Water Wetland: Means fresh water swamps, marshes, bogs and similar areas which are:

- a. 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; and
- b. Not considered part of great pond, river, stream or brook.

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

Historic Structure: Means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: a) by an approved state program as determined by the Secretary of the Interior; or b) directly by the Secretary of the Interior in states without approved programs.

100 Year Flood: The flood having a one percent chance of being equalled or exceeded in any given year.

Industrial Park or Development: A subdivision developed exclusively for industrial uses, or a subdivision planned for industrial uses and developed and managed as a unit, usually with provision for common services for the users.

Manufactured Housing: Means a structural unit or units designated for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For purposes of this section, two types of manufactured housing are included. Those two types are:

1. Those units constructed after June 15, 1976, commonly called "newer mobile homes", which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more sq.ft., and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit;
 - a. This term also includes any structure which meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et.seq.; and

2. Those units commonly called "modular homes" which the manufacturer certifies are constructed in compliance with Title 10, Chapter 957, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit.

Minor Street: A street with average daily traffic of less than 200 vehicles per day.

Mobile Home Park: A parcel of land under unified ownership approved by the Town of Eustis Planning Board for the placement of three (3) or more mobile homes.

Multi-unit residential: A residential structure containing three (3) or more residential dwelling units.

Net Residential Acreage: The total acreage available for the subdivision, and shown on the proposed subdivision plan, minus the area for streets or access and the areas which are unsuitable for development.

Net Residential Density: The average number of dwelling units per net residential acre.

Official Submittal Date: The date upon which the Board issues a receipt indicating a complete application has been submitted.

Open Space Development: A subdivision in which the lot sizes are reduced below those normally required which in return for the provision of permanent open space owned in common by lot/unit owners, the Town, or a land conservation organization.

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

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

Privately-Owned Street: A residential street not including a street serving a mobile home park, which is not intended to be dedicated as a public way.

Recording Plan: A copy of the Final Plan which is recorded at the Registry of Deeds and which need not show information not relevant to the transfer of an interest in the property, such as sewer and water line locations and sizes, culverts, and building lines.

Regulatory Floodway: means:

1. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and
2. In Zone A is considered to be the channel of a river or other watercourse and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

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

Significant Scenic View Locations: Points where scenic views can be accessed as identified in Eustis Comprehensive Plan.

Stream, River or Brook: River, stream or brook means a channel between defined banks including the floodway and associated floodplain wetlands where the channel is created by the action of the surface water and characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock.

Street: Public and private ways such as alleys, avenues, highways, roads and other rights-of-way for vehicular access other than driveways, or logging roads.

Subdivision: The division of a tract or parcel of land into three or more lots as defined by State law and in addition shall include developments where there are three or more units involved such as mobile home parks, multiple family housing, apartment houses, multiple housing units, shopping plazas, business complexes, condominiums, shopping centers and industrial parks. All lots of less than 500 acres shall be considered as lots within the proposed subdivision unless exempted by Title 30-A, M.R.S.A. Sections 4401.4 A.1, 4.B., 4.D., and 4.E.

Subdivision, Major: Any subdivision containing more than four lots or dwelling units, or units in a shopping center or similar commercial establishment or any subdivision containing a proposed public or private street.

Subdivision, Minor: Any subdivision containing not more than four lots or dwelling units, and in which no street is proposed to be constructed or units in a shopping center or similar commercial establishment or any subdivision containing a proposed street.

Tract, or Parcel, of Land: All contiguous land in the same ownership, whether or not the tract is separated at any point by: an intermittent or non-navigable stream, 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.

*minor
NOT
more
than
4 lots*



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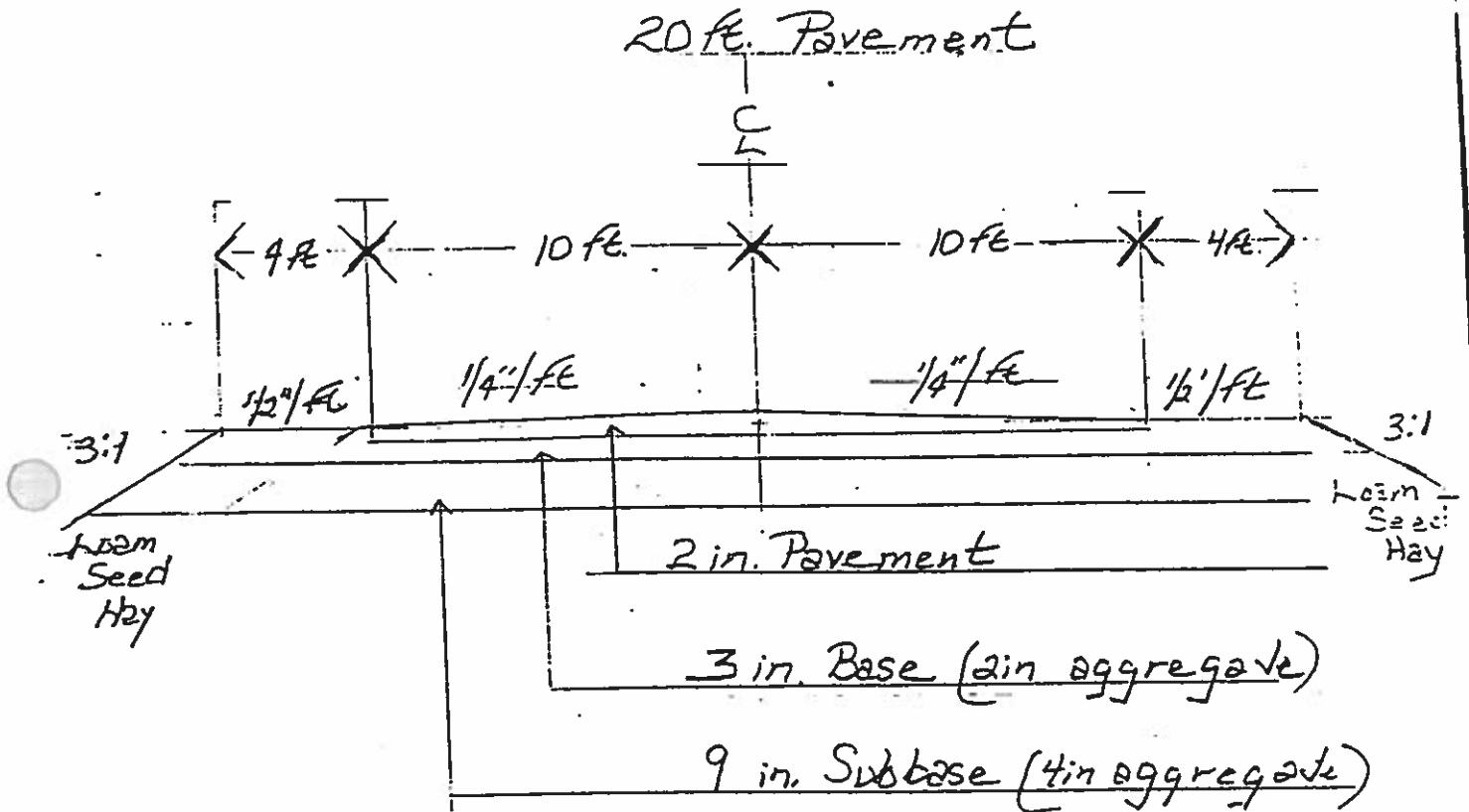
APPENDIX A

Town of Eustis Standard Road Profile



Appendix A

Town of Eustis Standard Road Profile



- 2" Pavement
- 3" Base (2" aggregate)
- 9" Sub-Base (4" aggregate)

These are minimum standards for road and street construction. Driveway/entrances onto town roads shall be constructed so as to eliminate water runoff onto town roads by such means as flattening of approaches to road, water turnouts, or other means acceptable to the Road Commissioner.





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