

Chapter 150, SUBDIVISION

§ 150-3 Applicability

This chapter shall apply to all subdivisions in the Town of Bethel.

§ 150-4 Determination of applicability. [Amended 6-14-2006; 6-13-2007]

A. An applicant may submit a request for a written determination regarding the applicability of this chapter prior to submitting an application. The property owner, developer, or his/her authorized agent may participate at a regular meeting of the Planning Board to discuss a proposed development. A sketch plan and/or description of the proposed development may be presented at this time.

B. No binding commitments shall be made, except for the applicability of this section, between the property owner, developer, or his/her authorized agent and the Planning Board at this stage.

C. The request for a written determination of applicability shall not be considered the initiation of the review process.

§ 150-5 Preliminary plan.

A. Introduction. The preliminary plan shall be drawn to a scale of not more than one inch equals 100 feet. ~~When required, contour lines shall be at intervals specified by the Planning Board.~~ Ten copies shall be provided. Copies of the plan may be reduced to a size of 8 1/2 by 11 inches or 11 by 17 inches. If it is anticipated that the proposed subdivision will be connected to the public water and/or sewer systems, additional copies shall be provided to the Bethel Water District and/or the Bethel Wastewater Treatment Department. [Amended 6-14-2006; 7-16-2008]

B. Fees.

(1) All applications for preliminary plan approval shall be accompanied by the required fees as set forth in the Town of Bethel Fee Schedule.

(2) Should the application and plans for the subdivision necessitate retaining the services of outside professional expertise by the Planning Board to review the application and plans for the development, the cost shall be borne by the applicant.

C. **Requirements.** Requirements for the preliminary plans are indicated on an application form supplied by the Planning Board/Planning Assistant and shall include the following:

(1) **Information on the applicant.**

(a) Name of owner, name of the applicant (if other than owner), name of applicant's authorized representative.

~~(b) Name of applicant (if other than owner).~~ Address to which all correspondence from the Planning Board should be sent including electronic mail and phone number where applicant or agent can be reached.

(c) If applicant is an entity other than an individual, state whether the entity is licensed to do business in Maine and attach a copy of the Secretary of State's registration and Certificate of Good Standing. [Amended 6-14-2006]

~~(d) Name of applicant's authorized representative.~~

- (e) ~~Name, address and number~~ and license number of registered professional engineer, land surveyor, or planner who prepared the plan.
- (f) ~~Address to which all correspondence from the Planning Board should be sent; also phone number where applicant can be reached.~~
- (g) Right, title, or interest. The applicant must demonstrate sufficient right, title, or interest in the parcel to be subdivided (option, land purchase contract, record ownership, etc.). [Amended 6-14-2006]
- ~~(h) What interest does the applicant have in any property abutting the parcel to be subdivided?~~
- (i) State whether the preliminary plan covers the entire contiguous holdings of the applicant or not; if there is contiguous property owned by applicant show on plan.
- (j) ~~A statement of the applicant's technical and financial capacity to carry out the subdivision as proposed.~~

(2) **Information on parcel to be subdivided.**

- (a) ~~Location~~ Title of property: book and page (from Registry of Deeds).
- (b) Location of property: map and lot number (from Assessor's office).
- (c) Map survey of tract to be subdivided, certified by a registered land surveyor, tied to established reference points (attach to application).
- (d) Current use of property.
- (e) Acreage of parcel to be subdivided.
- (f) ~~deleted~~ For developments not to be connected to public sewers, a soils report prepared by a licensed soil scientist identifying soil types and location of soil test areas. Based on soil test results, certain modifications of the preliminary plan may be required (attach copy of soils report to application). There shall be at least one soil test per lot.
- (g) Names and addresses of property owners abutting parcel to be subdivided and on opposite side of any road from parcel to be subdivided-(show on plan)-The current use of abutting properties shall also be indicated, but not limited to, agricultural land and managed forest land.
- (h) Any easements, rights-of-way, or other encumbrances that exist on the parcel. [Amended 6-14-2006]
- ~~(i) Contiguous property owned by applicant (show on plan).~~
- (j) Statement if parcel is classified as tree growth.
- (k) State whether any portion of the parcel to be subdivided is located within the Shoreland Zone. [Added 6-14-2006]
- (l) State whether any portion of the parcel to be subdivided is located within the floodplain. [Added 6-14-2006]

(3) **Information on subdivision.**

- (a) Proposed name of subdivision (show on plan).
- (b) Numbers of lots and approximate acreage of each lot. (show on plan).
- (c) Date, magnetic North point, and graphic map scale (show on plan).
- (d) Proposed lot lines with approximate dimensions and building envelopes, with subsurface sewage test pits (show on plan).
- (e) Location of markers adequately placed to enable the Planning Board to locate lots readily and appraise basic lot layout in the field (show on plan).

~~(f) — Location of all parcels to be dedicated to public use, the conditions of such dedication, and the location of all natural features or site elements to be preserved (show on plan).~~

~~(g) — Municipal tax map of the parcel. A location map, consisting of a United States Geological Survey (USGS) topographical map, showing the relation of the proposed subdivision to adjacent properties and to the general surrounding area. The location map shall show all the area within 2,000 feet of any property line of the proposed subdivision (attach to application).~~

(f) Location and size of existing buildings within the subdivision the location of any river, stream, or brook within or abutting the subdivision and other essential existing physical features (show on plan). [Amended 6-14-2006]

(g) Approximate location and size of any existing sewers and water mains, and culverts and drains, using the best available data (show on plan).

(h) Location and size of any proposed sewer and water mains and culverts and drains (show on plan).

(i) Location, names, and widths of existing and proposed streets, highways, rights-of-way, easements, building lines, parks, and other open spaces (show on plan). If a road or way is not to be built to the specifications of Chapter 125, Road Design and Construction, Article I, this fact must be so noted on the plan.

(j) Responsibility for the maintenance of roads and ways and the administrative structure for the perpetual funding of the private road and other improvements, show on plan and state in any restrictive covenants to be filed in the Registry of Deeds. [Amended 6-14-2006]

(k) Contour lines at an interval of not more than 20 feet in elevation, unless otherwise specified by the Planning Board, to refer to USGS bench marks if such exist within 500 feet of the subdivision (show on plan).

~~(n) — Typical cross sections of proposed grading for roadways, sidewalks, and storm drainage facilities (attach to application).~~

~~(o) — A soil erosion and sedimentation control plan for construction and for permanent control (attach to application), with particular attention given to disturbed areas with a slope of 20% or greater. The plan will be in accordance with currently acceptable best management practices such as Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices.~~

(l) Disturbed areas with a slope of 20% or greater must be specifically designated. (show on plan).

(m) The location of any freshwater wetlands. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. (show on plan)

(n) If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard area and the one-hundred-year flood elevation shall be delineated, and shown on plan

(o) The location of potentially sensitive archaeological sites identified by the Maine Historic Preservation Commission on the map dated December 2005, or the most current version. If the project falls in a potentially sensitive archaeological site the applicant shall consult with the Maine Historical Preservation Commission regarding an archaeological survey.

~~(t) — A phosphorus impact analysis and control plan when a portion of a subdivision is located in the direct watershed of North, Songo or South Pond.~~

(p) The location of any historic structures identified in the Bethel Comprehensive Plan dated June 1998, or the most current version. When a proposed development will include or abut an historic building the applicant will design the development to minimize the impacts on the historic building.

(q) The location of significant or rare plant or wildlife habitats, including fisheries, deer wintering areas, and inland waterfowl wading habitats identified by Maine Department of Inland Fisheries and Wildlife on the map dated July 12, 2005, or most recent map or data released by the Maine Department of Environmental Protection, which may be in the area of the development. If there are significant plants or rare wildlife habitats the applicant shall consult with Maine Department of Inland Fisheries and Wildlife or Maine Natural Areas Program on measures to conserve the identified habitats.

4. Accompanying documents required for Preliminary Plan

(a) Typical cross sections of proposed grading for roadways, sidewalks, and storm drainage facilities

(b) For developments not to be connected to public sewers, a soils report prepared by a licensed soil scientist identifying soil types and location of soil test areas. Based on soil test results, certain modifications of the preliminary plan may be required. There shall be at least one soil test per lot.

(c) Maine Department of Transportation traffic, driveway or entrance permits, if required. [Amended 6-14-2006] or Town of Bethel Street Opening or Driveway Entrance Permit.; if required.

~~(d) — Traffic impact study if required by the Planning Board or the Maine Department of Transportation.~~

~~(e) If applicable, a statement from the Wastewater Superintendent, either a letter or an electronic communication, indicating that the Wastewater Treatment Department will permit an alteration or a new connection to the sewer system~~

(f) If applicable, a statement from the Bethel Water District, either a letter or an electronic communication, indicating that the Water District will permit an alteration or a new connection to the water district system.

(g) Statement from the Fire Chief, either a letter or electronic communication, as to the availability of fire hydrants and/or fire ponds and, if necessary, his recommendations for a safe environment for the subdivision.

(h) A soil erosion and sedimentation control plan for construction and for permanent control (attach to application). The plan will be in accordance with currently acceptable best management practices such as Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices.

(i) A location map, consisting of a United States Geological Survey (USGS) topographical map, showing the relation of the proposed subdivision to adjacent properties and to the general surrounding area. The location map shall show all the area within 500 feet of any property line of the proposed subdivision

(j) Restrictive covenants to be filed in the Registry of Deeds stating any responsibility for the maintenance of roads and ways and the administrative structure for the perpetual funding of the private road and other improvements.

(k) If a portion of a subdivision is located in the direct watershed of North, Songo or South Pond a phosphorus impact analysis and control plan

D. Planning Board action. [Added 6-14-2006]

(1) Issuance of dated receipt and abutter notification. When the application is received, the Planning Board shall give a dated receipt to the applicant and shall notify by mail all property owners abutting the parcel and across any street abutting the parcel as listed in the most recently published commitment book.

(2) Site walk. In order for the Planning Board to be more fully informed about the site, it may arrange on-site inspections at any time.

(3) Public hearing. In the event that the Planning Board determines to hold a public hearing on the proposed subdivision, it shall hold such public hearing within 30 days of having received a completed preliminary subdivision application and shall cause notice of the date, time and place of such hearing to be published in a newspaper of general circulation in Bethel at least two times. The date of the first publication shall be at least seven days prior to the hearing. The decision to hold a public hearing is discretionary, and in making its decision the Planning Board may consider the size and type of subdivision, the community impact, and whether any written requests for such a hearing have been received. The Planning Board shall notify by mail all property owners abutting the parcel and across the street of the date, place and time of the public hearing. The applicant shall pay the costs of advertisement and notification at or before the time of the public hearing.

E. Complete preliminary plan application. Within 30 days of the date of issuance of the receipt, the Planning Board shall review the preliminary plan and shall notify the subdivider in writing either that: [Added 6-14-2006]

(1) The application is a complete preliminary plan application; or

(2) There are a number of specific additional materials which will have to be submitted to make a complete application. The Planning Board shall list the specific additional items that must be submitted in order to make the application complete.

F. Decision of Planning Board. [Amended 6-14-2006]

(1) The Planning Board shall, within 30 days of a public hearing or within 60 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, 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 fact and reasons for any conditions or denial.

(2) When granting approval to a preliminary plan, the Board shall state the conditions of such approval, if any, with respect to:

(a) The specific changes which it will require in the final plan; and

(b) 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.

(3) 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 this chapter 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 the approval criteria set forth in this chapter or in 30-A M.R.S.A. § 4404 for subdivision approval.

150-6 Final plan.

A. Time frame. Within six months of the date of Planning Board action on the preliminary plan, the subdivider shall submit the final plan to the Planning Board. Failure to submit the final plan within the designated time period shall require the submission of a new subdivision application.

B. **Final plan contents.** In addition to the requirements of the preliminary plan 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 inches by 36 inches in size and shall have a margin of two inches outside of the borderline on the left side for binding and a one-inch margin outside the border along the remaining sides. If it is anticipated that the proposed subdivision will be connected to the public water system and/or public sewer system, additional copies shall be provided for the Bethel Water District and/or the Bethel Wastewater Treatment Department. Unless otherwise indicated by the Planning Board, the following items shall be required as part of the final plan submission: [Amended 6-14-2006]

(1) Registered land surveyor. The name, registration number, signature and embossed seal of the registered land surveyor who prepared the final plan (show on plan).

(2) Streets. The names and lines, lengths of all straight lines, the deflection of angles, radii, length of curves, and central angles of all curves, and tangent distances and bearings (show on plan).

(3) Open spaces. The designation of all easements, areas reserved for or dedicated to public use, and areas reserved for subdivider (show on plan).

(4) All lots shall be clearly marked with a range of street addresses in accordance with the United States Postal Service Regulations and 911 Enhanced System Development, giving the acreage of each lot.

(5) Permanent reference monuments. The location of permanent markers to be set at all lot corners, as shown on the plan.

(6) Approval space.

(a) Suitable space to record on the plan the signatures of Planning Board members and the date of approval.

(b) Suitable space is to be made available on the plan for the listing of required notes and Conditions of Approval.

C. **Accompanying documents.** Unless otherwise indicated by the Planning Board, the following items shall be required as part of the final plan submission:

(1) Subdivision improvement guarantee. The conditional agreement will be endorsed by the Planning Board on the final plan and it will provide that no lot may be sold and no building permit will be issued for any building on any portion of the development until the completion of all streets, utilities, and any other improvements; or [Added 6-14-2006]

(2) Performance guarantee. Before the recording of final subdivision plans, or as a condition of final approval, the Planning Board will require the applicant to file a performance guarantee, payable to the municipality, in lieu of an improvement guarantee. The conditions, the form, and the amount of the performance guarantee shall be determined by the Board of Selectmen. A performance guarantee may take the form of: [Amended 6-14-2006]

(a) Security bond. The applicant may obtain a security bond from a surety bonding company authorized to do business in the state.

(b) Letter of credit. The applicant may provide an irrevocable letter of credit from a bank or other reputable lending institution authorized to do business in the state.

(c) Escrow account. The applicant may deposit cash or cash equivalents with the municipality, or in escrow with a bank authorized to do business in the state.

(3) In order to be released from any guarantee the applicant will furnish the Town Manager with a letter, stamped by an independent, third-party professional engineer acceptable to the Town Manager, certifying that the road and other improvements, as built, meet all Town ordinances and conditions of subdivision approval. The cost of the third-party improvement review shall be the obligation of the applicant. [Added 6-14-2006EN]

(4) Land dedication. Written copies of any document of land dedication or other interests and written evidence that the Board of Selectmen is satisfied with the legal sufficiency of any document conveying such land dedication or other interest to the Town of Bethel. Without Town Meeting approval, the Board of Selectmen is authorized to accept land, easements, and infrastructure in conjunction with an approved subdivision plan with total value not exceeding \$25,000 per approved plan. [Amended 6-15-2005]

(5) Statement of technical ability, the estimated cost of the project and evidence of financial capability to complete the project.

~~(6) — Statement from the Fire Chief as to the availability of fire hydrants and/or fire ponds and, if necessary, his recommendations for a safe environment for the subdivision.~~

~~(7) — Statement from the Wastewater Treatment Department that it will permit connection to the sewer system.~~

~~(8) — Statement from the Water District that it will permit connection to the Water District system.~~

~~(9) — Statement from the Road Commissioner approving the subdivision plan for road construction, grading, and ditching.~~

(6) Municipal facilities impact analysis. After receiving comments from the Bethel Wastewater Treatment Department, Bethel Board of Selectmen, Bethel Water District, Road Commissioner, Public Works Director, and others, the Planning Board may require the applicant to conduct an analysis of the impact of the proposed subdivision upon

public or municipal services. This analysis may include, but not be limited to, sewer, water, roads, solid waste, drainage, police and fire protection, rescue services, schools, open space, such as a parks, recreation programs and facilities and other municipal services and facilities. The analysis shall include estimated costs for upgrading services and facilities to compensate for the demands created by the development. Once completed, the analysis shall be submitted to the Planning Board and appropriate departments for review and comment. Depending upon the degree to which the development will exceed the capacity of municipal facilities or reduce the level of services provided, the Planning Board may require the applicant to upgrade, or pay for the upgrade of, the services expected to be deficient or to provide the acceptable equivalent improvements as a condition of plan approval.

(7) Stormwater management plan, prepared in accordance with currently acceptable best management practices. The plan will address stormwater in terms of quantity, quality, resource protection, soil stability, and phosphorus, where necessary, and/or as requested by the Planning Board. The plan will be prepared in accordance with currently acceptable best management practices, such as, but not limited to, Stormwater Management for Maine: Best Management Practices. [Amended 6-13-2007]

~~(13) Maine Department of Transportation traffic, driveway or entrance permits, if required. [Amended 6-14-2006]~~

~~(14) A list of construction items, with cost estimates, that will be completed by the applicant and evidence that the applicant has the financial commitments or resources to cover such costs.~~

~~(15) Other information not indicated above, as specified by the Planning Board on the application.~~

(8) Traffic impact study if required by the Planning Board or the Maine Department of Transportation.

(9) Tree growth penalty: if the project parcel is in tree growth, the penalty to remove the project area must be paid prior to final approval. [Added 6-10-2009]

§ 150-7 Amendments to approved plans.

A. An applicant shall present an amended plan and application to the Planning Assistant a minimum of ~~one~~two weeks prior to the requested Planning Board meeting. A review of the original plan and application will be made and all changes (including changes in lot lines, lot acreage, road location, and drainage) to the original plan shall be documented by the applicant and surveyor, engineer or other person who prepared the amended plan. The amended plan shall identify the original subdivision plan being amended.

B. The Planning Board shall determine if substantial changes to an approved plan will require a new application. If so determined, the applicant shall follow all procedures for new applications. Substantial changes would include changes such as relocation of roads or change in lot size by 50% or changes in overall drainage.

C. If the Planning Board determines that substantial changes are proposed, ~~13-10~~ copies of the documented changes, ~~and three copies of the~~ amended plans, and applications shall be submitted to the Town Office ~~one~~two weeks prior to the Planning Board meeting requested.

D. Upon receipt of an amended plan application, the Town of Bethel shall notify by mail all property owners abutting the parcel and across any street abutting the parcel.

E. Within 30 days of receipt of a complete application for an amended plan and application, the Planning Board shall take action to approve, approve with conditions, or deny the amended plan and application.

F. The amended plan fee shall be paid to the Town of Bethel at the time of submission of the amended plan and application. The fee shall be as set forth in the Town of Bethel Fee Schedule.

G. All amended plans must meet the requirements for subdivisions specified in § 150-9.

H. When a subdivision plan is presented for recording to a Register of Deeds and that plan is a revision or amendment to an existing plan, the Register shall indicate on the index for the original plan that it has been superseded by another plan and shall reference the book and page or cabinet and sheet on which the new plan is recorded. In addition, the Register shall ensure that the book and page or cabinet and sheet on which the original plan is recorded are referenced on the new plan.

I. An approved, revised or amended plan shall be recorded at the Registry of Deeds within 30 days. The Register shall indicate the date of recording, book and page, referenced on the new plan. Within 10 days of such registration the applicant will provide the Planning Board with the date, book and page or cabinet and sheet of such registry.

§ 150-8 Completion of improvements.

Failure to complete substantial construction of the infrastructure on any subdivision of five or more lots (or fewer than five lots if it requires a road or roads to be constructed) within two years of the date of approval and signing of the plan shall render the plan null and void. (Substantial construction is defined as 80% of the estimated cost of the infrastructure.) Approval of each phase of phased developments shall expire two years after approval of that phase with a total limit of five years after the initial approval date. Upon determining that a subdivision approval has expired under this section, the Planning Board shall have a notice placed in the Registry of Deeds to that effect. A one-year extension on the time limit may be granted, with cause, by a majority vote of the Planning Board. A request for an extension shall not be considered a new application and there shall be no abutter notification.

§ 150-9 Requirements for subdivisions. [Amended 6-15-2005; 6-14-2006]

In reviewing any proposed subdivision, the Planning Board shall consider the review criteria as set forth in the Subdivision Law, 30-A M.R.S.A. § 4404, and the standards in Subsection B below. Before granting approval, the Planning Board shall find that they have been or will be met. The burden of proof shall be upon the applicant.

A. State subdivision review criteria.

(1) Pollution: will not result in undue water or air pollution. In making this determination, the Board shall at least consider:

- (a) The elevation of land above sea level and its relation to the floodplain;
- (b) The nature of soils and subsoils and their ability to support waste disposal;
- (c) The slope of the land and its effect on effluents;
- (d) The availability of streams for disposal of surface runoff;

- (e) The applicable state and local health and water resource rules.
- (2) Sufficient water: has sufficient water available for the reasonably foreseeable needs of the subdivision.
- (3) Municipal water supply: will not cause an unreasonable burden on an existing water supply, if one is to be utilized.
- (4) Erosion: Soil erosion shall be minimized to avoid sedimentation of watercourses and water bodies and to avoid reduction in the capacity of the land to hold water. Particular attention will be given to disturbed areas with a slope of 20% or greater. Erosion and sedimentation control will be addressed in accordance with currently acceptable best management practices such as Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices.
- (5) Traffic: will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section
- (6) Sewage disposal: will provide for adequate ~~solid and~~ sewage waste disposal and will not cause an unreasonable burden on - municipal services if they are to be utilized.
- (7) Municipal solid waste disposal: will not cause an unreasonable burden on the ability of the Town of Bethel to dispose of solid waste ~~and sewage~~ if municipal services if they are to be utilized.
- (8) Aesthetic, cultural and natural values: will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
- (9) Conformity with local ordinances and plans: is in conformance with a duly adopted subdivision regulation or ordinance, the Comprehensive Plan, state subdivision and shoreland zoning regulations, development plan or land use plan, if any.
- (10) Financial and technical capacity: The subdivider has adequate financial and technical capacity to meet the standards contained in this chapter.
- (11) Surface waters; outstanding river segments: Whenever situated, in whole or in part, within the watershed of any pond or lake or within 250 feet of any wetland, pond, lake, or river, as defined in 38 M.R.S.A. Chapter 3, Subchapter 1, Article 2-B, will not adversely affect the quality of the body of water or unreasonably affect the shoreline of that body of water.
- (12) Groundwater: will not alone, or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
- (13) Flood areas: The subdivider will determine, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, whether the subdivision is in a flood-prone area. The subdivider will determine the one-hundred-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures within the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the one-hundred-year flood elevation.

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

(14-A.) Farmland. All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmlands may be done with the help of the local soil and water conservation district

(15) River, stream, or brook: Any river, stream or brook within or abutting the subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream, or brook" has the same meaning as in 38 M.R.S.A. § 480-B(9).

(16) Stormwater: will provide for satisfactory stormwater management.

(17) Spaghetti lots prohibited: If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in 38 M.R.S.A. § 480-B, none of the lots created within the subdivision shall have a depth to shore frontage ratio greater than 5 to 1.

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

(19) Impact on adjoining municipality: For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

(20) Lands subject to liquidation harvesting: timber on the parcel has not been harvested in violation of rules adopted pursuant to 12 M.R.S.A. § 8869(14). If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine, prior to granting approval for the subdivision, that five years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Conservation, Bureau of Forestry, to determine whether a rule violation has occurred, or certified by a forester licensed pursuant to Title 32, Chapter 76. If a municipal reviewing authority requests technical assistance from the Bureau, the Bureau shall respond within five working days regarding its ability to provide assistance. If the Bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The Bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority's request.

B. Specific standards.

(1) Conformance with other laws and regulations. If the proposed subdivision meets the definition of "subdivision" as defined in the Site Location Act, 38 M.R.S.A. § 482, the subdivider must secure the concurrent approval of the Board of Environmental Protection and the Bethel Planning Board before any construction activity may begin in the subdivision.

~~(2) Subdivision names. The name of a subdivision shall not duplicate or approximate the name of any other subdivision in Bethel.~~

(32) Stormwater management plan: The plan will address stormwater in terms of quantity, quality, resource protection, soil stability, and phosphorus, where necessary, and/or as requested by the Planning Board. The plan will be prepared in accordance with currently acceptable best management practices, such as, but not limited to, Stormwater Management for Maine: Best Management Practices. [Added 6-13-2007]

(63) Easements. Easements across lots shall be provided where necessary for utilities or drainage.

(7-4) Buffer strip. The Planning Board may require a buffer strip of up to 50 feet between the dwellings located in a subdivision and abutting agricultural land and managed woodland and other uses where the Planning Board deems that separation is desirable. The developer shall notify prospective buyers of the existence of these adjacent activities by noting them on the recorded plan.

(85) (Reserved)

(96) Land not suitable for development.

~~(a) Shoreland areas are governed by Chapter 132, Shoreland Zoning. This chapter requires the Planning Board to make an affirmative finding on matters of resource protection before a permit can be granted. These requirements are in addition to the other applicable provisions of this chapter.~~

~~(b) Cutting, filling or earthmoving as part of any subdivision plan will be of concern to the Planning Board. In reviewing proposals involving cutting, filling or other earthmoving, the Planning Board will require measures to prevent damage to surrounding land or to the value thereof, to prevent the creation of conditions dangerous to the public, and to prevent the impairment of the visual environment. If filling or other earthmoving of more than 10 cubic yards is proposed within the Shoreland Resource Protection District, Chapter 132, Shoreland Zoning, requires a special permit from the Planning Board.~~

~~(c) Chapter 105, Floodplain Management, establishes design and construction standards (for details, see the chapter itself) and stipulates that the Planning Board, when reviewing applications for subdivisions in the floodplain, shall assure that all such proposals are consistent with the need to minimize flood damage; all public utilities and facilities, such as sewer, gas, electrical and water systems, are located, elevated, and constructed to minimize or eliminate flood damage; and adequate drainage is provided so as to reduce exposure to flood hazards. To assist the Planning Board in its review, plans for a subdivision in the floodplain should show with particular care the topography of the land, the proposed fill and grading, the extent, location and type of proposed structures, and the water supply, drainage, and sewage disposal systems. Further, owing to the flood hazard, the plan should also show accessways, passable at all times for emergency vehicles (ambulance, fire, and police), which connect with public highways.~~

~~(d) The following lands shall be determined by the Planning Board to be not suitable for development and shall be so designated on the final plan:~~

[1] Land which is situated below the normal high-water mark of any water body.

[2] Land which is part of a right-of-way or easement.

[3] Land that has been created by filling or draining a pond or wetland

(407) Ditches, catch basins, and storm drains. The Planning Board may require the installation of ditches, catch basins, storm drains, and other devices for the conveyance,

control or disposal of surface waters to provide adequate drainage so as to reduce the danger of flooding and erosion.

(118) Water supply.

- (a) The Planning Board shall require that every lot in any proposed subdivision be assured an adequate supply in terms of quantity and quality of potable water.
- (b) The Planning Board, after notification to the Bethel Water District, the Bethel Fire Chief, and the Bethel Board of Selectmen, and after allowing a reasonable time for comment by them and by the applicant, shall determine whether connection to the public water supply, or connection to the public water supply and hydrants for fire protection, will be required or service to each lot by individual private well, or service to the subdivision by a privately owned water system, will be allowed. Consideration will be given to the advantages and disadvantages, both in terms of cost and in terms of health, safety and general welfare, of requiring connection to the public water supply.
- (c) In subdivisions where a privately owned water system is allowed, the water system shall be constructed to present and accepted engineering standards by competent contractors and inspected by licensed plumbers and any other qualified technicians specified by the Planning Board.
- (d) The responsibility for operation, maintenance, inspection, and testing of any privately owned water system shall be clearly stated in covenants written on the plan and attached to deeds for lots within the subdivision.
- (e) Title 22 M.R.S.A. Chapter 601 sets out specific requirements for construction, staffing, operation and maintenance of public water systems, which are defined to include any privately owned system with at least 15 service connections regularly serving an average of at least 25 individuals daily at least 30 days out of the year.
- (f) In areas where the Comprehensive Plan has identified the need for additional water storage capacity for fire-fighting purposes, the applicant shall provide adequate water storage facilities. Facilities may be underground cisterns or ponds with dry hydrants or other methods acceptable to the Fire Chief.

~~(12) Groundwater quality. For subdivisions that will contain lots that will be of less than 40,000 square feet and the most limiting factor for the purposes of subsurface wastewater disposal system design is less than 15 inches the applicant shall provide a hydrogeologic assessment. The assessment shall contain at least the following information:~~

- ~~(a) — A map showing the basic soils types.~~
- ~~(b) — The depth to the water table at representative points throughout the subdivision.~~
- ~~(c) — Drainage conditions throughout the subdivision.~~
- ~~(d) — Data on the existing groundwater quality, either from test wells in the subdivision or from existing wells on neighboring properties.~~
- ~~(e) — An analysis and evaluation of the effect of the subdivision on groundwater resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post-development nitrate-nitrogen concentrations at any wells within the subdivision, or at the subdivision boundaries, or at a distance of 1,000 feet from potential contamination sources, whichever is a shorter distance.~~
- ~~(f) — A map showing well exclusion areas.~~

(139) Sanitary sewage. The Planning Board, after notification to the Bethel Wastewater Treatment Department and the Bethel Water District and after allowing a reasonable time

for comment by them and the applicant, shall determine whether connection to the public sewer system shall be required or, subject to soils reports, private subsurface sewage disposal systems or private sewer systems will be allowed.

~~(4410)~~ Roads and streets.

- (a) All subdivisions must be serviced by either a private road or a public road or street which has been named and numbered according to regulations of the United States Postal Service and 911 Enhanced System Development
- (b) The developer shall be responsible for purchasing all street signs, including stop signs, meeting the specifications of the Town of Bethel for the project. Street signs which are not on a public road will be maintained by the developer or association.
- (c) Whenever a public road or a street in a subdivision is proposed, its design and construction shall conform to the standards specified in Chapter 125, Road Design and Construction, Article I.
- (d) Whenever a private road in a subdivision is proposed, its design and construction shall conform to the standards specified in Chapter 125, Road Design and Construction, Article II.
- (e) Adequate off-street parking space, properly arranged, shall be provided to meet the reasonably foreseeable needs of the subdivision. Off-street parking shall be designed so as not to require vehicles to back onto public roads.
- (f) Streets shall be designed to discourage through traffic within residential subdivisions.

~~(4511)~~ Sidewalks. Basing its decision on the location and the amount of current and future foot traffic, the Planning Board, with advice from the Road Commissioner, may require the installation of sidewalks. Where installed, sidewalks shall meet the requirements of Chapter 125, Road Design and Construction.

~~(4612)~~ Vehicular access.

- (a) The proposed site layout shall consider existing traffic flow and safe vehicular access to and from state or local roads. Vehicular access to the site shall be on roads which have capacity to accommodate the additional traffic generated by the project. The applicant shall assume financial responsibility for the improvements, if necessary, to accommodate traffic. Road improvements shall be completed before any lot is sold.
- (b) Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians unless other factors make it not practical.

~~(c) The Maine Department of Transportation's Rules for Access Management for Driveways and Entrances (pursuant to 23 M.R.S.A. § 704), shall be adhered to. [Amended 7-16-2008]~~

(17) Additional improvements. The Planning Board may require additional improvements, such as the installation of sidewalks, curbs, and gutters, etc. Any improvement thus required is to be stated in writing in the minutes of the Planning Board, with the reasoning on which the improvement was justified set forth.

(18) Archaeological sites. Any proposed subdivision activity involving structural development or soil disturbance on a site identified to be sensitive for prehistoric occupation by the Maine Historic Preservation Commission on the map dated December 2005, or most recent map, shall be submitted by the applicant to the Maine Historic

Preservation Commission for review and comment prior to approval by the Planning Board. The Planning Board shall consider comments and any recommendations concerning site protection received from the Commission prior to rendering a decision on the application.

(19) Monuments. Permanent markers (such as iron posts or pins) shall be located at all boundary lines where there is a change of direction, at all street intersections and at all lot corners.

(20) Historic buildings. The Planning Board shall consider a proposed subdivision's impacts on historic buildings as identified in the Bethel Comprehensive Plan dated June 1998, or most recent version. When a proposed subdivision will include an historic building the applicant will design the subdivision to minimize the impacts on the historic building.

(~~4~~21) Lots.

(a) Lot lines shall be approximately perpendicular or radial to street lines but in any case shall be straight, unless prevented by topography or natural features from being so drawn.

(b) The lot size, width, depth, slope and orientation and the minimum setback lines shall be appropriate for the location of the subdivision and for the type of development and use planned.

(~~5~~22) Large parcels. The subdivision of a tract of land into parcels larger than five acres shall be laid out to allow access for future division, unless further division is prohibited by covenant.

(23) Groundwater quality. For subdivisions that will contain lots that will be of less than 40,000 square feet and the most limiting factor for the purposes of subsurface wastewater disposal system design is less than 15 inches the applicant shall provide a hydrogeologic assessment. The assessment shall contain at least the following information:

(a) A map showing the basic soils types.

(b) The depth to the water table at representative points throughout the subdivision.

(c) Drainage conditions throughout the subdivision.

(d) Data on the existing groundwater quality, either from test wells in the subdivision or from existing wells on neighboring properties.

(e) An analysis and evaluation of the effect of the subdivision on groundwater resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post-development nitrate-nitrogen concentrations at any wells within the subdivision, or at the subdivision boundaries, or at a distance of 1,000 feet from potential contamination sources, whichever is a shorter distance.

(f) A map showing well exclusion areas.

(~~2~~24) Open-space subdivision

(~~2~~25) Subdivisions with affordable housing