

**TOWN OF  
ST. ALBANS  
SUBDIVISION REVIEW  
REGULATIONS**



**ADOPTED BY ST. ALBANS PLANNING BOARD  
DATE : MARCH 18, 2003; Rev. October 15, 2020**

**Reprint Date: June 17, 2021**

## Section 1 General

- A. **Title:**  
This document shall be known as the Town of St. Albans Subdivision Review Regulations and will be referred to as "these Regulations".
- B. **Authority:**  
These Regulations have been prepared in accordance with the provisions of Title 30 - A, M.R.S.A. Section 4403.
- C. **Purpose:**  
The purpose of these Regulations is :
- To provide for an expeditious and efficient process for the review of proposed subdivisions.
  - To clarify the approval criteria of the State Subdivision Law, found in Title 30 -A, M.R.S.A. Section 4404.
  - To preserve and enhance the rural character of the community.
  - To assure the safety, health, and welfare of the people of the Town of St. Albans.
  - To provide adequate recreational opportunities.
  - To protect the natural resources of the Town of St. Albans.
  - To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures.
  - To promote the development of an economically sound and stable community.
- D. **Applicability:**  
The provisions of these Regulations shall apply to all development considered to be a subdivision as defined by Title 30 -A, M.R.S.A Section 4401 and these Regulations.
- E. **Effective Date:**  
The effective date of these Regulations shall be the date of the adoption by the Town of St. Albans Planning Board.
- F. **Conflicts with other Ordinances:**  
Whenever a provision of these Regulations conflict with or are inconsistent with another provision of these Regulations or any other ordinance, regulation or statute, the more restrictive provision shall control.
- G. **Validity and Severability:**  
Should any section or provision of these Regulations be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of these Regulations.
- H. **Availability:**  
A certified copy of these Regulations shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at no cost to the person making the request. Notice of availability of these Regulations shall be posted in the Town Office.
- I. **Application Forms:**  
The Town of St. Albans Planning Board shall develop application forms to be used by all applicants seeking subdivision approval.
- J. **Application Fee:**  
All applications for subdivision approval shall be accompanied by the following fees:  
The fee for filing a preliminary plan shall be \$100.00 plus \$25.00 per lot and/or unit.
- All fees are non-refundable and shall be paid to the Town of St. Albans upon filing the appropriate subdivision application.
- K. **Amendments:**  
An amendment to these Regulations may be adopted by a majority vote of the Town of St. Albans Planning Board.
- L. **Amendment were made to these Regulations on the following dates:**

## Section 2 Definitions

**Abutter:** The owner of any property with one or more common boundaries, or across the road or stream, from the property involved in an application.

**Aggrieved Party:** An owner of land whose property is directly or indirectly affected by the granting of, denial of a permit under these Regulations; a person whose land abuts land for which a permit has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of a permit.

**Applicant:** The person applying for subdivision approval under these Regulations.

**Complete Application:** An application shall be considered complete upon submission of the required fee and all the information required by these Regulations, or by a vote to waive certain submission or performance standards by a vote of the Planning Board.

**Direct Watershed of a Pond:** That portion of the watershed which drains directly to the pond without first passing through an upstream pond or river.

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

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

**Preliminary Plan:** The preliminary drawings and other required materials indicating the proposed layout of the subdivision to be submitted to the Planning Board for consideration.

**Property Owner:** The owner of land shall be determined to be that person listed on the Town of St. Albans property tax assessment records.

**Public Improvements:** The term shall include all roads proposed for public acceptance; fire protection structures and ponds; any structure or land proposed to be dedicated to the Town; any land or structure which is offered as an easement to the Town; and, all storm drainage structures which are designed to allow water to flow outside the property of the subdivision.

**Sketch Plan:** Conceptual maps, renderings and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision approval.

**Subdivision:** As defined in Title 30 - A, M.R.S.A. Section 4401; in addition, lots of 40 or more acres shall not be counted as a lot, except when the lot or parcel from which it was divided is located entirely or partially within any shoreland area as designated by the St. Albans Shoreland Zoning Ordinance.

## Section 3 Review Criteria

Review criteria shall include those minimum requirements found in Maine State Law, and the Planning Board shall consider that criteria and the following criteria and before granting approval must determine that:

- A. The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:
  - The elevation of the land above sea level and its relation to the floodplain,
  - The nature of the soils and subsoils and their ability to adequately support waste disposal,
  - The slope of the land and its effect upon effluents, and,
  - The applicable state and local health and water resources rules and regulations.
- B. The proposed subdivision has sufficient water available for the reasonable needs of the subdivision.
- C. The proposed subdivision will not cause an unreasonable burden on an existing municipal or private water supply, if one is to be used.
- D. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
- E. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
- F. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are used.
- G. The proposed subdivision will not cause an unreasonable burden on the town's ability to dispose of solid waste, if Town services are used.
- H. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, archeological sites, significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the Town, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
- I. The proposed subdivision conforms with the all the applicable standards and requirements of these Regulations, the comprehensive plan, and other local ordinances. In making this determination, the planning Board may interpret these ordinances and plans.
- J. The subdivider has adequate financial and technical capacity to meet all the Review Criteria and the standards and requirements contained in these Regulations.
- K. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, Subchapter 1, Article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.
- L. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
- M. Based on Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundary within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with the lowest floor, including the basement, at least one foot above the 100-year flood elevation.
- N. All fresh water wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. All wetlands shall be preserved to the greatest extent

practicable.

- O. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. All rivers, streams or brooks shall be protected from any adverse development impacts.
- P. The proposed subdivision will provide for adequate storm water management.
- Q. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or wetland as these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision shall have a lot depth to shore frontage ratio greater than 5 to 1.
- R. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
- S. Review criteria shall include those minimum requirements found in Maine state law.

## Section 4 Administration and General Procedures

### A. Administration:

1. The Planning Board shall administer these Regulations and review all subdivision applications according to the applicable review criteria and standards.
2. The Planning Board shall provide the Code Enforcement Officer a copy of its decision on a subdivision application including all application materials.

### B. Decisions:

1. The Planning Board shall determine if the subdivision application is complete before it schedules a public hearing and begins a review of the application.
2. After review of a complete application the Planning Board shall determine whether or not the application meets the Review Criteria contained in Section 3 of these Regulations. The Planning Board shall make a written finding of fact to support its decision and vote to approve the application, deny the application, or approve the application with conditions.
3. If in its findings, the Planning Board determines that the application may not meet the review criteria, and that additional actions by the applicant will be sufficient to meet them, it may require such actions, as conditions of approval. The conditions may set forth requirements in addition to those set forth in these Regulations only when the Planning Board finds it necessary to further the purposes of these Regulations. All conditions approved by the Planning Board shall be listed along with the reasons for these conditions in the Planning Board's decision and on the final subdivision plan.
4. The Planning Board shall list any waivers approved by the Board in its decision and on the final subdivision plan and the reasons for such approval.

### C. Burden of Proof:

1. The applicant shall have the burden of proof to show the proposed subdivision application meets the applicable review criteria and standards contained in these Regulations.

### D. Additional Studies:

1. The Planning Board may require the applicant, to perform additional studies or hire a consultant to review the entire or portions of the subdivision application. The cost to perform additional studies or hire a consultant shall be borne by the applicant. The Planning Board may require the applicant to deposit the estimated cost of any consultant or additional study which shall be placed in an escrow account.

### E. Rights Not Vested:

1. The submittal of a sketch plan or a preliminary plan to the Planning Board to review for a complete application shall not be considered the initiation of the review process for the purposes of bringing the application under the protection of Title 1, M.R.S.A., Section 302. The formal review process shall begin upon written notification to the applicant that a complete application has been received.

### F. Site Inspection:

1. The Planning Board may vote to schedule an on-site inspection of the proposed project. The Planning Board shall schedule the date and time of the site inspection at the sketch plan meeting or at another time. The Planning Board shall post the date, time and place of the site inspection at the Town Office.
2. The purpose of the site inspection is for the Planning Board to obtain knowledge about the site and surrounding area. The Planning Board shall not discuss the merits of the application or render any decision concerning the application during the site inspection.

G. Waivers:

1. The Planning Board may vote to waive any of the review criteria and/or ordinance performance standards when it finds one of the following:
  - a. One or more of the review criteria and /or Ordinance performance standards are not applicable to the proposal due to the size of the project, circumstances of the site, design of the project, or unique features of the proposal.
  - b. The applicant has proposed an alternative design that meets or exceeds the requirements set forth in the performance standards.
2. The applicant shall submit information and materials that support the waiver request with the application.
3. The Planning Board may only consider a waiver request when the applicant has submitted a written waiver request in the application. The first item of the application review shall be a consideration of any waiver request. The Planning Board shall review the request and if it meets the criteria for a waiver, shall approve the request. If the Planning Board finds that the request does not meet the waiver criteria, the Board shall deny the request. The applicant shall amend the application as required if the waiver is not approved by the Board. The Planning Board may vote to suspend review of the application until such time that the applicant provides any information necessary as a result of not obtaining the waiver. In no case shall the Planning Board make a final decision upon the application until the applicant supplies any additional information to the satisfaction of the Board.

H. Subdivision Review Process:

1. All subdivision applicants shall be required to follow a three-tier review process as follows:
  - Sketch Plan Review
  - Preliminary Plan Review
  - Final Plan Review

I. Revisions to Approved Plans

1. An application for a revision to a previously approved plan shall be submitted to the Planning Board at least 7 days prior to a scheduled meeting of the Planning Board. If the revision involves a modification to a condition imposed by the Planning Board; the addition of additional units; the addition of new lots; or an expansion of the subdivision, then the procedure for a new application shall be followed. For lesser modifications, the Planning Board may consider the request at the meeting.
2. The Planning Board's scope of review shall be limited to those portions of the plan which are proposed to be revised or that are adversely impacted by the proposed revision.
3. The applicant shall submit a copy of the approved plans and 7 copies of the revised portions of the plans. The application shall include enough supporting data to allow the Planning Board to make a decision that the proposed revision meets the review criteria.
4. The Planning Board shall vote to approve the revision, deny the revision or approve the revision with conditions. The Planning Board may vote to require that additional information be submitted in order to ensure that the review criteria are met.
5. After approval of a plan for subdivision by the Planning Board, any additional division of land by the sub-divider contiguous to that plan, or any additional division or divisions of any lot or lots created in that plan by whomever accomplished, shall be classified as a subdivision and shall be subject to the full requirements of these regulations.

J. As Built-Plans:

Upon Completion of all the public improvements contained in the subdivision, the applicant shall submit a copy of as-built plans to the Planning Board.

K. Appeals:

1. Variance Appeals

Variances may be permitted only under the following conditions:

- a. Variances may be granted only from dimensional requirements.
- b. The Board of Appeals shall not grant a variance unless it finds that the strict application of the terms of this Ordinance would result in undue hardship.

The term "undue hardship" shall mean:

- (i) That the land in question cannot yield a reasonable return unless a variance is granted;
- (ii) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- (iii) That the granting of a variance will not alter the essential character of the locality; and
- (iv) That the hardship is not the result of action taken by the applicant or a prior owner.

2. Appeal Procedure -Making an Appeal

- a. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board of Appeals, upon a showing of good cause, may waive the thirty (30) day requirement.
- b. Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:
  - (i) A concise written statement indicating what relief is requested and why it should be granted.
  - (ii) A sketch, drawn to scale, showing lot lines, location of any existing structures, and other physical features of the property pertinent to the relief sought.
- c. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision being appealed.
- d. The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

3. Decision by Board of Appeals

- a. A majority of the Board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
- b. The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of these Regulations from its stated terms. The Board of Appeals may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of these Regulations.
- c. The person filing the appeal shall have the burden of proof.
- d. The Board of Appeals shall decide all appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
- e. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, and the appropriate order, relief or denial thereof.

4. Appeal to Superior Court

Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within thirty (30) days from the date of any decision of the Board of Appeals.

L. Public Hearing Requirements:

1. The Planning Board shall hold a public hearing on all preliminary plan applications. The Planning Board may vote to hold a public hearing on a final application.
2. The public hearing notice shall be made as follows:



- a. The Planning Board shall hold a public hearing within 30 days after determining that the application is complete. A notice of the date, time and place of the public hearing shall be:
  - (1) Published, at least two times, in a newspaper having general circulation in the municipality. The date of the first publication shall be at least 7 days before the hearing.
  - (2) Mailed by first class mail to the applicant, at least 7 days prior to the public hearing.
  - (3) Mailed by first class mail to all property abutters, at least 7 days prior to the public hearing. The Planning Board shall maintain a list of all property abutters and record the date the notice was mailed. Failure of an abutter to receive a notice shall not invalidate the public hearing, nor shall it require the Board to schedule a new public hearing.
3. The Planning Board may vote to continue the public hearing in order to receive additional public comment or information concerning the application. The Board is not required to meet the notice requirements listed above for the continued public hearing.

M. Joint Meetings:

If any portion of a proposed subdivision crosses municipal boundaries, the Planning Board shall follow the notice, meeting, and review requirements specified in Title 30-A, M.R.S.A., Sections 4401- 4407.

N. Performance Guarantee:

1. A performance guarantee shall be required for all public improvements proposed for the subdivision. The applicant shall submit a proposal for the performance guarantee at the time of submission of the Final Plan.
2. The performance guarantee may include one of the following:
  - a. Funds, in an amount equal to the expense of installing the public improvements, to be deposited in the applicant's escrow account.
  - b. A performance bond, in an amount equal to the expense of installing the public improvements, issued by a surety company.
  - c. A written conditional agreement with the Town, whereby no lot in the subdivision may be sold and no building permit issued until the applicant installs all public improvements.
3. The Planning Board, prior to approval of the final plan, shall consult with the Selectmen on the terms proposed by the applicant for the performance guarantee. The Selectmen may recommend that the terms of the performance guarantees be amended or revised. The Planning Board shall consider the recommendation of the Selectmen and decide on the contents of the performance guarantee.
4. Prior to the release of the performance guarantee, the Planning Board shall determine that the proposed improvements meet or exceed the design and construction requirements specified in these Regulations and the subdivision plans. The Planning Board shall base its decision upon the inspection reports filed by the Code Enforcement Officer, other Municipal Officials or other designated inspector.
5. If, the Planning Board, Code Enforcement Officer, or other designated inspection official finds that any of the public improvements have not been constructed in accordance with the plans and specifications filed as part of the application, they shall report this condition to the Selectmen. The Selectmen shall take any steps necessary to preserve the Town's rights.

O. Inspection Requirements:

1. The Code Enforcement Officer shall be responsible for conducting and/or coordinating all inspections with other municipal officials. The following municipal officials shall perform the following inspections:
  - a. The Road Commissioner shall inspect all roads including roads to be considered for public acceptance and private roads and associated drainage systems.

(All roads proposed for public acceptance shall also be inspected by a professional engineer as per the road performance standards contained in these Regulations)

- b. The Local Plumber Inspector shall inspect the installation of all subsurface waste water treatment systems.
  - c. The Code Enforcement Officer shall inspect all erosion control measures, stormwater management features, and all other site features.
2. The applicant shall be responsible for scheduling all inspections with the Code Enforcement Officer . The Code Enforcement Officer and all other inspection officials shall keep a record of all inspections and all deficiencies. It shall be the responsibility of the Code Enforcement Officer to notify the applicant in writing that a deficiency exist and the steps necessary to remedy the situation. The Code Enforcement Officer shall notify the Planning Board and the Selectmen whenever the applicant fails to remedy a deficiency. Upon completion of the subdivision and/or consideration of release of the performance guarantee, all inspection reports shall be made available to the Planning Board and the Selectmen.

## Section 5 Sketch Plan Review

### A. Purpose:

The purpose of the sketch plan submittal is for the applicant to present general information regarding the proposed subdivision to the Planning Board and to receive the Planning Board's comments prior to the expenditure of substantial sums of money for developing the subdivision plan.

### B. Procedure:

1. The applicant shall submit a complete sketch plan application to the Planning Board at least 7 days before a scheduled meeting of the Planning Board.
2. The applicant shall present the sketch plan application to the Planning Board and make a verbal presentation regarding the site and the proposed subdivision.
3. Following the applicant's presentation, the Planning Board may ask questions of the applicant regarding the application.

### C. Submissions:

1. The sketch plan shall show in simple sketch form the proposed layout of roads, lots, buildings, and other features in relation to existing site conditions. The sketch plan does not have to be an engineered plan and may be a free-handed penciled sketch.
2. The sketch plan shall be submitted on the application forms provided by the Planning Board and include the following:
  - a. A copy of the Tax Assessors map of the site and surrounding area.
  - b. A copy of the U.S.G.S. - 7.5min. topographic map of the area showing the outline of the proposed subdivision.
  - c. A copy of the County Soil Survey showing the area of the proposed subdivision.

## Section 6 Preliminary Plan Review

### A. Procedure:

1. The applicant shall, at least 7 days prior to a scheduled meeting of the Planning Board, submit a complete preliminary plan application to the Town Office, Town Clerk, and/or the Planning Board Secretary. The applicant shall be issued a dated receipt and the preliminary plan application shall be placed on the Planning Board's agenda in order to review for a complete application.
2. The application shall consist of 3 complete copies including all maps and related attachments. The Planning Board shall receive 2 copies and one shall be placed in the Town Office for public review.
3. Prior to submitting a Preliminary Plan Review to the Town Office, Town Clerk and/or Planning Board Secretary, the applicant for a proposed subdivision shall notify, by certified mail return receipt required, all abutters to the proposed subdivision that an application for a subdivision will be submitted to the Planning Board, specifying the location of the proposed subdivision and including a general description of the project. The notice shall also indicate that a copy of the application is available for public review at the Town Office. The Planning Board shall maintain a list of all abutters notified by certified mail return receipt required, specifying the date the notice was mailed along with certification numbers.
4. Within 30 days of the receipt of the preliminary plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the board shall notify the applicant of the specific material needed to complete the application.
5. The Planning Board shall hold a public hearing within 30 days of determining that it has received a complete application.
6. Within 30 days of the public hearing, or within another time period as may be mutually agreed to by the Board and the applicant, the Planning Board shall make a decision on the application.
7. Upon approval of the preliminary plan, the applicant is eligible to submit a final plan to the Planning Board for consideration. The approval of the 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 preparation of the final plan. The final plan shall be submitted for consideration upon fulfillment of the requirements of these Regulations and conditions of preliminary approval, if any.

### B. Preliminary Plan Submissions:

1. The applicant is responsible for supplying all the necessary information to show that the proposed subdivision is in compliance with the review criteria, and requirements and performance standards contained in these Regulations. The preliminary plan submissions shall consist of the following:
  - a. A receipt from the Town indicating that the application fee has been paid.
  - b. A preliminary plan application form and all required attachments and maps.
  - c. Waiver request form, if applicable.
  - d. A location map, drawn at an appropriate scale to show the relationship of the proposed subdivision to adjacent properties.

The map shall show the following:

    - (1) Existing subdivisions in the proximity of the proposed subdivision.
    - (2) Locations and names of existing and proposed roads.
    - (3) Boundaries and designations of all shoreland zoning and other land use districts.
    - (4) An outline of the proposed subdivision and any remaining portion of the owner's property if not included in the subdivision proposal.

- e. The following general information:
  - (1) Name and address of the applicant and applicant's agent.
  - (2) Verification of right, title or interest in the property.
  - (3) A copy of the most recently recorded deed for the parcel.
  - (4) A copy of all existing and proposed, deed restrictions, rights-of-way, or other encumbrances affecting the property.
  - (5) The book and page and Map and lot information of the property.
  - (6) The names of all property owners abutting the property.
  - (7) Acreage of the proposed subdivision and acreage of any land not included in the subdivision.
- f. A subdivision plan consisting of one or more maps drawn to a scale of not more than 100 feet to the inch. The plan shall show the following:
  - (1) Name of the subdivision.
  - (2) Number of lots.
  - (3) Date, north point, graphic scale.
  - (4) Proposed lot lines with dimensions.
  - (5) A survey of the perimeter of the tract, giving complete descriptive data by bearing and distances, made and certified by a Registered Land Surveyor. The corner of the tract shall be located on the ground and marked by permanent markers. The plan shall indicate the type of permanent marker proposed to be set or found at each lot corner.
  - (6) Contour intervals.
  - (7) The location of all wetlands regardless of size.
  - (8) The location of all rivers, streams, brooks and ponds within or adjacent to the subdivision.
  - (9) The location of all slopes in excess of 20% slope.
  - (10) The number of acres within the subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing features.
  - (11) The location of any significant sand and gravel aquifers;
  - (12) The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the Town's most recent FIRM Map.
  - (13) The boundaries of all shoreland zoning districts.
  - (14) The location and boundaries of any significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife.
  - (15) The location of any site or structure listed on the National Register of Historic Places or any archeological site identified by the State Historic Preservation Commission.
  - (16) The location of all scenic areas and rare and endangered plants as identified in the Town's Comprehensive Plan.
  - (17) The location of all subsurface wastewater disposal system test pits and test data and appropriate documentation.
  - (18) The location of all existing and proposed wells and appropriate documentation.
  - (19) All erosion control features proposed for the site.
  - (20) All stormwater control features proposed for the site.
  - (21) All parcels of land proposed to be owned or held in common or joint ownership by the subdivision or individual lot owners. All land proposed to be offered for public acceptance to the Town.
  - (22) Phosphorus control measures, if the subdivision is located within the direct watershed of a great pond.
  - (23) Road plans and specifications and appropriate documentation.
  - (24) Traffic access data for the site including an estimate of the amount of vehicular traffic to be generated on a daily basis.
  - (25) The type and location of any proposed fire control features, and appropriate documentation.
- g. A statement indicating how the solid waste from the subdivision will be handled.
- h. Documentation indicating that the applicant has the financial and technical capacity to meet the requirements of these Regulations.
- i. Any other data necessary in order to meet the requirements of these Regulations.

## Section 7 Final Plan Review

### A. Procedure:

1. The applicant shall, at least 7 days prior to a scheduled meeting of the Planning Board, submit a complete final plan application to the Town Clerk and/or Planning Board Secretary. The applicant shall be issued a dated receipt and the final plan application shall be placed on the Planning Board's agenda in order to review for a complete application.
2. The application shall consist of 2 stable-based transparencies and 3 paper copies. The Planning Board shall receive 2 original transparencies, and two paper copies. One paper copy shall be placed in the Town Office for Public review.
3. Within 30 days of the receipt of the final plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the board shall notify the applicant of the specific material needed to complete the application.
4. The Planning Board may decide to hold a public hearing on the proposed final plan. The Planning Board shall schedule a public hearing or a meeting to review the final plan within 30 days of determining that it has received a complete application.
5. Within 30 days of the public hearing or meeting, or within another time period as may be mutually agreed to by the Board and the applicant, the Planning Board shall make a decision on the application.
6. Upon voting to approve the final plan, the Planning Board shall sign the 2 stable-based transparencies. The Planning Board shall retain one copy and the other shall be provided to the applicant. The applicant shall file the approved final subdivision plan with the Register of Deeds, within 90 days of the date upon which the plan is approved. Failure to file the plan with the Register of Deeds, within 90 days, shall make the plan null and void. Final Plans not filed in the appropriate time period shall be re-submitted to the Board according to the requirements of Section 7 of these Regulations.

### B. Final Plan Submissions:

1. The applicant is responsible for supplying all the necessary information to show that the proposed subdivision is in compliance with the review criteria and requirements and performance standards contained in these Regulations.  
The final plan submissions shall consist of the following:
  - a. A receipt from the Town indicating that the application has been paid.
  - b. A final plan application form and all required attachments and maps.
  - c. All the submission materials required for a preliminary plan.
  - d. All conditions and modifications approved by the Planning Board for the preliminary plan shall be contained on the final plan.
  - e. All waivers approved by the Planning Board shall be shown on the final plan.
  - f. All additional studies and/or materials required by the Planning Board, as applicable.
  - g. A signature block shall be provided on the final plan.
  - h. A performance guarantee, if applicable.
  - i. The location and type of all permanent markers set at all lot corners.
  - j. Written copies of any documents of land dedication, and written evidence that the Board of Selectmen are satisfied with the legal sufficiency of any documents accomplishing such land dedication.
  - k. Any conditions placed on the final plan by the Planning Board shall be clearly listed on the plan. Planning Board imposed conditions shall be listed separately from any conditions or restrictions placed on the subdivision by the applicant.

## Section 8 Performance Standards

A. The performance standards contained in this section shall apply to all subdivision proposals in the Town of St. Albans.

B. General Lot Requirements:

1. The following general lot requirements shall be considered as minimum standards and shall not be eligible

Minimum Lot Size	2 acres
Minimum Road Frontage	200 feet
Side Property Line Setback	15 feet
Rear Property Line Setback	15 feet
Front Setback (measured from the road center-line)	75 feet
Multi-Family Density Standards	2 acre plus 20,000 Square Feet for each dwelling unit.

b. Land located in the following areas shall not be used to calculate the required minimum lot size: wetlands; rivers; streams; brooks; stormwater drainage features; resource protection areas as defined in the Town's Shoreland Zoning Ordinance; slopes in excess of 25%; areas within the floodway as defined in the Town's Floodplain Management Ordinance; and, areas within public and private rights-of way.

C. Monuments:

No person may sell or convey any land in an approved subdivision unless:

1. At least one permanent marker is set at one corner of the lot sold or conveyed. The term "permanent
2. All other subdivision boundary corners and angle points as well as lot boundary corners and angle points shall be marked by suitable Monumentation as required by the Maine Board of Registration of Land Surveyors.

D. Water Supply:

1. Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of pollution. The lot design shall permit the placement of wells, subsurface wastewater disposal systems and reserve areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.
2. The water supply for the subdivision and each lot shall be adequate to supply all the potable and other water requirements of the development. The applicant shall submit documentation from a Hydrologist or a Well Driller familiar with the area, stating that adequate water is available to supply the subdivision.

E. Fire Protection:

1. The subdivision shall be designed so that the Town of St. Albans Fire Department shall have unrestricted access to all developed areas within the subdivision and adequate provisions are made for a supply of water for fire suppression. The applicant shall review the proposed subdivision with the Fire Chief and shall obtain a written statement from the Fire Chief approving the plans fire protection measures. This statement shall be submitted with the preliminary plan application.
2. The Fire Chief in making his/her determination that adequate provisions are made for fire protection shall consider the following:
  - a. The road is adequate for the passage of fire equipment.
  - b. An adequate water supply is available near or within the subdivision to serve the density of the development.

The Fire Chief shall approve the fire protection measures proposed for the subdivision or shall make

specific recommendations to improve the fire protection measures. In making recommendations the Fire Chief may recommend that the Planning Board require the installation of fire ponds or other similar features .

F. Subsurface Wastewater Disposal Systems:

1. As proof that each lot in the proposed subdivision will sustain its own separate subsurface wastewater disposal system the applicant shall submit evidence of site suitability for a subsurface wastewater disposal system in compliance with the Subsurface Wastewater Disposal Rules of the State of Maine, prepared by a State Licensed Site Evaluator. With the exception of duplexes, common or shared subsurface wastewater disposal systems shall not be allowed. All test pit locations shall be shown on the subdivision plan and be accompanied by a HHE-200 Form or other format which shows the appropriate soils data.
2. The applicant shall submit the test pit data to the Town of St. Albans LPI for review. The LPI shall review the data for conformance with State Law and these Regulations and issue the applicant a written statement. The LPI shall state whether that the data submitted is sufficient to make a reasonable determination that the soils will accommodate a subsurface system or indicate if additional data or site analysis is needed. The applicant shall submit the LPI's statement with the preliminary plan application.

G. Erosion Control:

1. All activities which involve filing, grading, excavation or other similar activities which result in unstabilized soil conditions shall comply with the following:
  - a. The site shall be developed so as to prevent soil erosion from entering waterbodies, wetlands, stormwater drainage features, and adjacent land. All temporary and permanent erosion control measures shall be designed in accordance with the "Maine Erosion and Sedimentation Control handbook for Construction: Best Management Practices", published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environment Protection, March 1991.
  - b. All temporary and permanent erosion features shall be shown on the subdivision plan.

H. Phosphorus Control:

1. The following standards for phosphorus shall apply to all subdivisions located in the direct watershed of the following waterbodies: Indian Pond, Little Indian Pond, Game Management Pond, Halfmoon Pond, Weymouth Pond, and Great Moose Lake.
2. A phosphorus control plan shall be developed in accordance with the design criteria contained in the "Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development", published by the Maine Department of Environmental Protection, revised September, 1992.

I. Stormwater Control:

1. All construction and development shall be designed to minimize storm water runoff from the site. Where possible existing natural runoff control features shall be retained in order to reduce runoff and encourage infiltration. A storm water control plan shall be developed for the site according to the following standards:
  - a. A storm water control plan shall be developed to limit peak discharges from the site to predevelopment levels through a system of swales, culverts, and best management practices equivalent to those described in the "Stormwater Management for Maine: Best Management Practices", published by the Maine Department of Environmental Protection, 1995.
  - b. Peak discharges shall be limited to the predevelopment levels for the 2-year, 10-year and 25-year frequency, 24-hour duration storm.
  - c. A storm water control plan that is developed according to the requirements of the Department of Environmental Protection Regulations, Chapter 500, Stormwater Management, and Chapter 502,



Direct Watersheds of Waterbodies Most at Risk from New Development, shall be deemed to be a suitable equivalent to these standards.

J. Waterbody Protection:

1. The locations of all rivers, streams, brooks, and wetlands shall be identified on the subdivision plan. This shall include all perennial and intermittent streams and forested and non-forested wetlands.
2. Waterbodies shall not be developed or disturbed unless the applicant can provide evidence that no other alternative exist. Any development planned within 50 feet of the high-water line of any waterbody including wetlands shall require a plan which includes the following:
  - a. A description of the proposed development including the reasons why this is the only alternative.
  - b. Construction drawings of the disturbance area showing all structures, fill areas, vegetative disturbance, and erosion control measures.
  - c. A list of state and federal permits required, if applicable.

K. Ground Water:

1. Any development proposed within a Sand and Gravel Aquifer as identified in the Town's Comprehensive Plan, shall be designed and constructed so as not to cause any pollution or contamination of the aquifer.
2. The Planning Board may require the applicant to provide a plan developed by a hydrologist which shows that the proposed development will not have an adverse impact upon the aquifer. The Planning Board, in making the determination that a plan be required, shall consider the density of the development, and existing conditions or problems within the area .

L. Historic, Archeological, Wildlife Habitat, Scenic Areas, and Rare and Natural Areas:

1. The subdivision plan shall show the locations of any historic and archeological sites, wildlife habitat, scenic areas and rare and natural areas. If any of these areas are located on the site, a protection plan shall be developed in accordance with the following:
  - a. If any portion of the site is designated as a significant archeological or historic site by the Maine Historic Commission, Comprehensive Plan, or listed on the National Register of Historic Places, the applicant shall develop appropriate measures for the protection of these resources according to local, state and federal regulations.
  - b. If any portion of the site is located within an area designated as a scenic area or a unique natural area by the Maine Natural Areas program of the Comprehensive Plan, the applicant shall develop appropriate measures for the preservation of the values which qualify the site for such designation.
  - c. If any portion of the site is within a wildlife habitat area, the applicant shall consult with the Maine Department of Inland Fisheries and Wildlife or a qualified wildlife biologist and develop measures to protect these areas from environmental damage and habitat loss.

Wildlife habitat areas shall include the following:

- (1) habitat or endangered species appearing on the official state or federal list of endangered or threatened species.
- (2) High or moderate value waterfowl and wading bird habitats as defined by the Maine Department of Inland Fisheries and Wildlife.
- (3) Deer wintering areas as identified by the Maine Department of Inland Fisheries and Wildlife.

M. Financial and Technical Capacity:

1. The applicant shall submit evidence that he/she has adequate financial and technical capacity to design and construct the development in accordance with all applicable local, state and federal laws and regulations. Evidence of adequate financial and technical capacity shall consist of the following:
  - a. A list of all technical and professional staff involved with the proposal and preparation of the application including their qualifications and past experience with projects of similar size and scale.
  - b. A list of all persons with inspection and oversight responsibilities for the development and if available, the persons selected to construct the project, including their qualifications and past experience with projects of similar size and scale.
  - c. A letter from a financial institution such as a bank or other lending institution that states that the applicant has the necessary funds available or a loan commitment from this institution to complete the proposed development within the time period specified by the applicant.

N. Conformity With All Other Applicable Local Ordinances:

1. The applicant shall show that the subdivision meets all other applicable local ordinances including Shoreland Zoning and Floodplain Management.

O. Road and Traffic Access Standards:

1. The purpose of the road and traffic access standards are to:
  - a. To establish minimum specifications for all public and private roads.
  - b. To establish procedures and standards for the acceptance of a public road.
  - c. To establish a review and inspection procedure for public and private roads.
  - d. To establish design and construction standards for safe traffic access.
  - e. To establish minimum standards for traffic safety and the carrying capacity of roads.
  - f. To establish standards for roadway drainage systems.
  - g. To establish standards for road durability and a reasonable service life.
2. General Requirements
  - a. Access to a maximum of 2 dwelling units may be provided by a driveway meeting the following requirements:
    - (1) The driveway shall serve not more than 2 dwelling units.
    - (2) The driveway shall have a minimum travel way width of 12 feet.
    - (3) A turn-around area shall be provided for every portion of the driveway in excess of 800 feet.
    - (4) The driveway shall provide the necessary road frontage requirement for the dwelling units served by the driveway, as specified in Section 8.B.1. of these Regulations.
    - (5) The driveway shall be considered a private way and shall not be considered for public acceptance.
  - b. A road meeting one of the road categories shall be constructed to access 3 or more dwelling units.
  - c. All roads shall be considered as public improvements and shall require a performance guarantee as per the requirements of Section 4.N of these Regulations.
  - d. All roads shall be constructed according to the standards and requirements listed in this section.
  - e. A dead-end road, defined as having only one access to an existing public road, shall not serve more than 20 dwelling units. A road shall have at least two access points to an existing public road in order to serve more than 20 dwelling units.
  - f. Cul-de-sac and dead-end streets shall have a minimum turning radius of 35 feet. Use of a T-shaped turnaround will be permitted as an alternative, in which case the turnaround shall be at

least 24 feet wide, 40 feet long, and shall be located between 50 and 100 feet from the end of the street. Dimensions are for the traveled way.

- g. To be eligible for public acceptance all roads shall have a bituminous pavement surface. Roads proposed for public acceptance shall also meet the inspection requirements of this section.

3. Road Drainage Requirements

- a. All roads shall have adequate drainage structures which shall be designed in accordance with the stormwater management plan as specified in sub-section I Stormwater Control of this Section.

4. Road Access Standards

- a. A privately owned road used to provide access to the proposed development shall meet the road standards as required by these Regulations. All necessary improvements shall be made at the expense of the subdivider.
- b. Roads that access onto a State Road shall comply with all applicable Maine Department of Transportation (MDOT) design requirements. The applicant shall submit a letter or other documentation to the planning Board that the MDOT has approved the road access design.
- c. The road access shall be located and designed in profile and grading to provide the required sight distance measured in each direction. Sight distance 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 curb line or edge of the shoulder, with the height of the eye 3 ½ feet, to the top of an object 4 ½ feet above the pavement. A minimum sight distance of 10 feet for each mile per hour of posted speed limit shall be provided.
- d. The road access shall be flat enough to prevent the dragging of any vehicle undercarriage. Accesses shall slope upward or downward from the gutter line on a straight slope of 3% or less for at least 75 feet. The maximum grade over the entire length shall not exceed 10%.
- e. Accesses shall be either one-way or two-way operation and shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 60 degrees.
- f. The curb radii will vary depending if the access has a one-way or two-way operation. On a two-way access the curb radii shall be between 25 feet and 40 feet, with the preferred radius of 30 feet. On one-way access, the curb radii shall be 30 feet for right turns into and out of the site, with a 5 foot radius on the opposite curb.
- g. On a two-way access the width shall be 26 feet. On a one-way access the width shall be 16 feet.
- h. On a two-way access the curb-cut width shall be a minimum of 86 feet. On a one-way access the curb-cut width shall be a minimum of 51 feet.
- i. Appropriate traffic control signage and road name signage shall be erected at the intersection of the access and the street, as determined by the Road Commissioner.
- j. Corner clearance shall be measured from the point of tangency for the corner to the point of tangency for the access. The maximum corner clearance, based upon site conditions should be provided. The minimum corner clearance shall be 50 feet.
- k. All roads with access onto an existing paved state or local road shall be paved with bituminous pavement a minimum distance of 75 feet as measured from the edge of the existing road onto the proposed road.

5. Road Design Standards

- a. The road design standards for each road are listed in Appendix A. These standards shall be

considered as minimum requirements.

- b. The applicant shall submit detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed road. The plan shall be at a scale of one inch equals no more than 50 feet. The vertical scale shall be one inch equals no more than 5 feet. The plan shall include the following information:
- (1) Date, scale and north point.
  - (2) Intersections of the proposed road with existing roads.
  - (3) Roadway and right-of-way limits, including edge of pavement and edge of shoulder.
  - (4) Kind, size, location, material, profile and cross section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
  - (5) Complete curve data shall be indicated for all horizontal and vertical curves.
  - (6) Turning radii at all intersections.
  - (7) Centerline gradients.
  - (8) Size, type and locations of all existing and proposed utilities.
- c. Before any clearing is started in the right-of-way, the centerlines and sidelines of the road shall be flagged or staked at 50-foot intervals. The entire travel way including shoulders shall be cleared of all stumps, roots, brush and other unsuitable materials. All organic and unsuitable materials shall be removed from the road sub-grade. All rocks and boulders visible at the subgrade and exceeding 6 inches in size shall be removed. Except in a ledge cut all side slopes shall be no greater than a slope of three feet horizontal to one foot vertical, and shall be graded, loamed and seeded.

#### 6. Inspection Requirements for Roads Proposed for Public Acceptance

- a. In addition to the inspection requirements listed in Section 4, sub-section O, of these Regulations, all roads proposed to be considered for public acceptance shall meet the following inspection requirements:
- (1) The applicant shall at his/her expense hire a Professional Engineer licensed in the State of Maine to inspect the roadway construction. The engineer shall inspect the roadway during construction and certify in writing that the road was installed according to the subdivision plans and requirements of these Regulations.
  - (2) The applicant shall submit to the Selectmen and the Planning Board, the engineer's report certifying that the road meets or exceeds the subdivision plan and Ordinance requirements.
  - (3) Upon receipt of the engineer's certification and the inspection report from the Code Enforcement Officer and the Road Commissioner, the Selectmen may consider presenting to the Town meeting a warrant for public acceptance of the road.

#### P. Rural Design and Landscape Standards

1. Each subdivision proposal shall include a landscape plan which shows how the lots, building sites, structures and roads preserve the existing rural character of the community. The *landscape* plan shall incorporate the following standards into the overall development of the subdivision:
  - a. Building sites shall be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage areas.
  - b. Road and lot layout shall be adapted to the existing topography.
  - c. Existing trails shall be preserved.
  - d. Enough vegetation along front, side and rear lot property lines shall be incorporated into the landscape plan to prevent erosion.
  - e. Lots shall be designed so as to enhance the privacy and rural atmosphere of the development.
  - f. Trees located along the roads shall be preserved to the greatest extent practicable in order to maintain a rural road-scape.

- g. Existing vegetation along all lakes, streams, pond, and wetlands shall be preserved in accordance with the requirements of the Town of St. Albans Shoreland Zoning Ordinance.
  - h. Prime farmland soils as identified in the comprehensive plan are preserved to the greatest extent possible.
-

## SECTION 9. ENFORCEMENT

- A. It shall be the responsibility of the Code Enforcement Officer to enforce the provisions of these Regulations.
- B. No plan of a division of land within the Town which would constitute a subdivision shall be recorded in the Registry of Deeds until a final plan has been approved by the Planning Board in accordance with these Regulations.
- C. A person shall not convey or offer to convey any land in a subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds.
- D. A person shall not sell, lease, offer or otherwise convey any land in an approved subdivision which is not shown on the plan as a separate lot.
- E. No public utility, water district, sanitary district, or any utility company of any kind shall serve any lot in a subdivision for which a final plan has not been approved by the Planning Board.
- F. Development of a subdivision without Planning Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings, which require a plan approved as provided in these Regulations and recorded in the Registry of Deeds.
- G. No lot in a subdivision may be sold, leased or otherwise conveyed before the road upon which the lot fronts is completed in accordance with these Regulations up to and including the entire frontage of the lot.
- H. Violations of the above provisions of this section are a nuisance and shall be punishable in accordance with the provisions of Title 30-A, M.R.S.A., Section 4452.

[ 10/15/2020 revisions are underlined. ]