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STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

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COMMISSIONER

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EXECUTIVE DIRECTOR

PERMIT

SUBDIVISION PERMIT SP 4099

The Maine Land Use Planning Commission (LUPC or Commission), through its staff, after reviewing the application and supporting documents submitted by Spotted Mountain, LLC (Applicant or Permittee) for Subdivision Permit SP 4099, finds the following facts:

1. Applicant: Spotted Mountain, LLC
Attn: Michael A. Beck, Principal, Director and Trustee
70 Cross Hill Road
Cape Elizabeth, Maine 04107
2. Date of Completed Application: May 09, 2016
3. Location of Proposal: Dallas Plantation, Franklin County, Maine
Maine Revenue Service Map FRP02; Plan 02; Part of Lot 24
Franklin County Registry of Deeds: Book 3532, Page 339
4. Parcel Size: 20.91 Acres (owned)
5. Zoning: Community Residential Development Subdistrict (D-RS2)

PROPOSAL SUMMARY

6. The Applicant currently owns a 20.91 acre parcel off of Dallas Hill Road in Dallas Plantation. The lot has 443.84 feet of road frontage on Dallas Hill Road; the lot has no water frontage. The Applicant seeks approval to create a seven (7) lot Level 1 residential subdivision out of the entire parcel. The subdivision would be known as "North View Subdivision." The proposed lots, building envelopes, access road (North View Lane), shared driveways, common land/blueberry field, and phosphorus meadow and forested buffer areas are shown on the preliminary subdivision plan received by the Commission on May 09, 2016.

SUMMARY OF KEY STANDARDS

7. *Statutory Review Criteria.* Under the provisions of 12 M.R.S. § 685-B(4) of the Commission's Statutes, in approving applications submitted to it pursuant to this section, the commission may impose such reasonable terms and conditions as the [C]ommission may consider appropriate. The [C]ommission may not approve an application, unless:

- A. Adequate technical and financial provision has been made for complying with the requirements of the State's air and water pollution control and other environmental laws, and those standards and regulations adopted with respect thereto, including without limitation the minimum lot size laws, [Title 12,] sections 4807 to 4807-G, the site location of development laws, Title 38, sections 481 to 489-E [490], and the natural resource protection laws, Title 38, sections 480-A to 480-Z, and adequate provision has been made for solid waste and sewage disposal, for controlling of offensive odors and for the securing and maintenance of sufficient healthful water supplies; (*12 M.R.S. § 685-B(4)(A)*)
- B. Adequate provision has been made for loading, parking and circulation of land, air and water traffic in, on and from the site, and for assurance that the proposal will not cause congestion or unsafe conditions with respect to existing or proposed transportation arteries or methods; (*12 M.R.S. § 685-B(4)(B)*)
- C. Adequate provision has been made for fitting the proposal harmoniously into the existing natural environment in order to ensure there will be no undue adverse effect on existing uses, scenic character, and natural and historic resources in the area likely to be affected by the proposal; (*12 M.R.S. § 685-B(4)(C)*)
- D. The proposal will not cause unreasonable soil erosion or reduction in the capacity of the land to absorb and hold water and suitable soils are available for a sewage disposal system if sewage is to be disposed on-site; and (*12 M.R.S. § 685-B(4)(D)*)
- E. The proposal is otherwise in conformance with this chapter and the regulations, standards and plans adopted pursuant thereto. (*12 M.R.S. § 685-B(4)(E)*)

The burden is upon the applicant to demonstrate by substantial evidence that the criteria for approval are satisfied, and that the public's health, safety and general welfare will be adequately protected.

- F. The commission may not approve an application for a subdivision if the commission determines that timber on the parcel proposed for subdivision has been harvested in violation of rules adopted pursuant to section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the commission must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. The commission may request technical assistance from the Maine Forest Service to determine if a rule violation has occurred. For the purposes of this subsection, "liquidation harvesting" has the same meaning as in section 8868, subsection 6

and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership. This subsection takes effect on the effective date of rules adopted pursuant to section 8869, subsection 14. (12 M.R.S. § 685-B(4-A))

8. *Zoning Review Criteria.* Dallas Plantation is a prospectively zoned area included in the *Prospective Zoning Plan for the Rangeley Lakes Region*, adopted by the Commission on November 01, 2000 and effective on January 01, 2001.
9. *The Commission's Land Use Districts and Standards Review Criteria (Ch. 10 or Standards).*

A. Use.

- 1) Residential level 1 subdivisions may be allowed within a D-RS2 subdistrict upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, subject to the applicable requirements set forth in Sub-Chapter II. (*Ch. 10.21,L,3,c,(20)*)
- 2) Level C Road Projects are defined as construction of new roads, and relocations or reconstruction of existing roads, other than that involved in level A or level B road projects; such roads shall include both public and private roadways excluding land management roads. (*Ch. 10.02,(105)*)
- 3) Level C Road Projects may be allowed within a D-RS2 subdistrict upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, subject to the applicable requirements set forth in Sub-Chapter II. (*Ch. 10.21,L,3,c,(17)*)

B. Development Standards.

- 1) The applicant shall retain qualified consultants, contractors and staff to design and construct proposed improvements, structures, and facilities in accordance with approved plans. (*Ch. 10.25,C,1*)
- 2) The applicant shall have adequate financial resources to construct the proposed improvements, structures, and facilities and meet the criteria of all state and federal laws and the standards of these rules. (*Ch. 10.25,C,2*)
- 3) Access onto any roadway shall comply with all applicable Maine Department of Transportation safety standards. For subdivisions the following standards also apply: (*Ch. 10.25,D,2*)
 - a) The number and width of entrances and exits onto any roadway shall be limited to that necessary for safe entering and exiting. (*Ch. 10.25,D,2,a*)
 - b) Access shall be designed such that vehicles may exit the premises without backing onto any public roadway or shoulder. (*Ch. 10.25,D,2,b*)

- c) Shared access shall be implemented wherever practicable. (*Ch. 10.25,D,2,c*)
- d) Access between the roadway and the property shall intersect the roadway at an angle as near to 90 degrees as site conditions allow, but in no case less than 60 degrees, and shall have a curb radius of between 10 feet and 15 feet, with a preferred radius of 10 feet. (*Ch. 10.25,D,2,d*)
- 4) ...access roads shall be designed such that runoff water is discharged to a vegetated buffer as sheet flow or alternatively collected and allowed to discharge to a concentrated flow channel, wetland or water body at a rate similar to pre-construction conditions. If runoff water is discharged to a concentrated flow channel, wetland or water body, a sediment basin shall be constructed to collect sediment before the runoff water is discharged. (*Ch. 10.25,D,3,b*)
- 5) The Commission shall determine which roadway classification is most appropriate for a particular project. A Class 2 Roadway is generally appropriate for...and for residential subdivisions with fewer than 15 lots surrounded by a relatively sparse development pattern. (*Ch. 10.25,D,4,a,(2)*)
- 6) Where practicable, roadways shall be designed to minimize the use of ditching, fit the natural topography of the land such that cuts and fills are minimized, and protect scenic vistas while preserving the scenic qualities of surrounding lands. (*Ch. 10.25,D,4,c*)
- 7) Roadways shall adhere to the applicable standards of Section 10.27,D and Section 10.27,H and the roadway construction specifications outlined in this section. For this Class 2 Roadway the minimum roadway surface width shall be 14 feet, the minimum base (coarse gravel) shall be 12 inches, the minimum wearing surface shall be 3 inches of fine gravel or 2.5 inches of bituminous concrete, and the maximum sustained grade shall be 15 percent. (*Ch. 10.25,D,4,e*)
- 8) Road banks shall have a slope no steeper than 2 horizontal to 1 vertical. (*Ch. 10.27,D,1,b*) Drainage ditches shall be provided so as to effectively control water entering and leaving the road area. Such drainage ditches will be properly stabilized so that the potential for unreasonable erosion does not exist. (*Ch. 10.27,D,1,c*) Ditch relief (cross drainage) culverts, drainage dips and water turnouts will be installed in a manner effective in getting drainage onto unscarified filter strips before the flow in the road or its drainage ditches gains sufficient volume or head to erode the road or ditch. (*Ch. 10.27,D,1,f*) Drainage dips may be used in place of ditch relief culverts only where the road grade is 10% or less. (*Ch. 10.27,D,1,f,(1)*) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials. (*Ch. 10.27,D,1,f,(4)*) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along a roadway with a percent road grade between 6 and 10 percent at intervals no greater than 167 feet to 140 feet, respectively. (*Ch. 10.27,D,1,f,(5)*) Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads shall be maintained on a regular basis to assure effective functioning. (*Ch. 10.27,D,4*)

- 9) A shared driveway need not meet the minimum property line setback. (*Ch. 10.27,H,3,b,(1)*) The lot to be served by the driveway must have a minimum of 100 feet of road frontage. (*Ch. 10.27,H,4*) The entry must not be located on a curve and must be placed so as to allow adequate line of sight for safe entry onto the roadway. The driveway must be designed such that vehicles may exit the premises without backing onto the roadway or shoulder. If a driveway is to enter directly onto a state or state-aid highway, the person wishing to construct the driveway must first obtain written permission from the Maine Department of Transportation. (*Ch. 10.27,H,5*) All driveways must be located, designed and constructed so that: they will not erode or create any undue restriction or disruption of existing surface water drainage ways; (*Ch. 10.27,H,9,a,(1)*) they will divert runoff to a vegetated buffer strip so as to prevent it from directly entering a water body, mapped P-WL1 wetland, or roadway; and (*Ch. 10.27,H,9,b,(2)*) except for the travel surface of the driveway, all areas of disturbed soil must be promptly reseeded and mulched to prevent soil erosion. (*Ch. 10.27,H,9,b*)

- 10) The design of proposed development shall take into account the scenic character of the surrounding area. Structures shall be located, designed and landscaped to reasonably minimize their visual impact on the surrounding area, particularly when viewed from existing roadways or shorelines. (*Ch. 10.25,E,1,a*) To the extent practicable, proposed structures and other visually intrusive development shall be placed in locations least likely to block or interrupt scenic views as seen from traveled ways, water bodies, or public property. (*Ch. 10.25,E,1,b*) If a site includes a ridge elevated above surrounding areas, the design of the development shall preserve the natural character of the ridgeline. (*Ch. 10.25,E,1,c*)

- 11) If any portion of a subdivision or commercial, industrial or other nonresidential project site includes critically imperiled (S1) or imperiled (S2) natural communities or plant species, the applicant shall demonstrate that there will be no undue adverse impact on the community and species the site supports and indicate appropriate measures for the preservation of the values that qualify the site for such designation. (*Ch. 10.25,E,2,a*) If any portion of a subdivision or commercial, industrial or other nonresidential project site includes an archaeologically sensitive area or a structure listed in the National Register of Historic Places, or is considered by the Maine Historic Preservation Commission or other pertinent authority as likely to contain a significant archaeological site or structure, the applicant shall conduct archaeological surveys or submit information on the structure, as requested by the appropriate authority. If a significant archaeological site or structure is located in the project area, the applicant shall demonstrate that there will be no undue adverse impact to the archaeological site or structure, either by project design, physical or legal protection, or by appropriate archaeological excavation or mitigation. (*Ch. 10.25,E,2,b*)

- 12) Soil types shall be determined by a site-specific soil survey, according to the "Guidelines for Maine Certified Soil Scientists for Soil Identification and Mapping" Maine Association of Professional Soil Scientists, 2009. The soil survey class shall be determined as follows, unless the Commission finds that a lower intensity soil survey

will provide the information necessary or a higher intensity soil survey class is needed for the Commission's review. (*Ch. 10.25,G,1*) For both level 1 and 2 subdivisions, a Class B high intensity soil survey shall be used to identify soils within the proposed building envelopes and other disturbed areas, aside from proposed access roads, driveway locations, and utility lines. The Class B survey for this purpose must be completed with a minimum delineation of one acre for similar soils and ¼ acre for dissimilar soils. For proposed access roads, driveway locations and utility lines, a Class L soil survey shall be used. A Class C soil survey may be used to identify soils elsewhere within the project area. (*Ch. 10.25,G,1,a*)

- 13) Hydric soil map units, and map units with a low or very low development potential rating for low density development must be clearly identified on the soil survey map as being hydric soils or as having a low or very low development potential rating, respectively. (*Ch. 10.25,G,1,d*)
- 14) For all developments that include onsite subsurface wastewater disposal, a sufficient number of test pits must be provided within the footprints of all proposed wastewater disposal fields to adequately document that disposal fields can be installed entirely on soils and slopes in compliance with the Subsurface Wastewater Disposal Rules (10-144A CMR 241). (*Ch. 10.25,G,3*) At least one test pit shall be dug within the boundaries of each subdivision lot proposed to be served by a combined septic system. The applicant shall provide additional subsurface exploration data for certain soil conditions or disposal field designs, in accordance with the following requirements: (*Ch. 10.25,G,3,a*) Soil condition D (limiting factor depth less than 15 inches). A minimum of two test pits, one of which shall be in the area of the disposal field footprint where the most limiting condition is expected based on the best professional judgement of the Licensed Site Evaluator. (*Ch. 10.25,G,3,a,(3)*)
- 15) No permit will be issued for a project with subsurface waste water disposal unless an acceptable plan to construct the absorption area is prepared. Where waste water is to be disposed on-site by a subsurface waste water system, the system shall be designed by a licensed site evaluator or a Maine Licensed Professional Engineer, in accordance with the Subsurface Waste Water Disposal Rules. (*Ch. 10.25,I,1*)
- 16) Provision shall be made for the regular collection and disposal of site-generated solid wastes at a state-approved landfill or transfer station. (*Ch. 10.25,H,1*) Provision shall be made for the legal disposal of all construction debris, stumps, brush, wood wastes, asphalt and pavement products. (*Ch. 10.25,H,2*)
- 17) For subdivisions and commercial, industrial and other non-residential development, the applicant shall demonstrate that there is sufficient healthful water supply to serve the needs of the project. (*Ch. 10.25,J,4*)
- 18) A development, or reasonably foreseeable consequences of a development, shall not directly discharge any water pollutants to a surface water body which cause the surface water body to fail to meet its state classification (38 M.R.S.A. §464 et seq.); which

impart toxicity and cause a surface water body to be unsuitable for the existing and designated uses of the water body; or which otherwise would result in a violation of state or federal water quality laws. (*Ch. 10.25,K,1*) Appropriate best management practices of point and nonpoint sources of water pollutants shall be utilized, unless the Commission determines that alternative specifications will meet the needs of the activity and will cause no undue adverse impact to the surface water quality of the affected surface water body. (*Ch. 10.25,K,2*)

- 19) For subdivisions located within the direct watershed of a body of standing water 10 acres or greater in size: (*Ch. 10.25,L,1,a*) Provision shall be made to limit the export of phosphorus from the site following completion of the development or subdivision so that the project will not exceed the allowable per-acre phosphorus allocation for the water body, determined by the Commission according to the "Maine Stormwater Best Practices Manual, Volume II, Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development" Maine Department of Environmental Protection, 2008. (*Ch. 10.25,L,2,a*) Phosphorus control measures and their maintenance shall meet the design criteria contained in the "Maine Stormwater Best Practices Manual, Volume III. BMP Technical Design Manual, Chapter 11. Designing for Operation and Maintenance" Maine Department of Environmental Protection, 2008. (*Ch. 10.25,L,4,a*)
- 20) The applicable *General Standards* for Erosion and Sedimentation Control. (*Ch. 10.25,M,1*) The applicable *Design Standards* for Erosion and Sedimentation Control. (*Ch. 10.25,M,2*)
- 21) For development that occurs when the ground is frozen or saturated or that creates a disturbed area of one acre or more, the applicant must submit an erosion and sedimentation control plan for Commission approval in accordance with the requirements of Section 10.25,M,3,b,(2). (*Ch. 10.25,M,3,a*) A Commission approved erosion and sedimentation control plan in conformance with these standards shall be implemented throughout the course of the project, including site preparation, construction, cleanup, and final site stabilization. The erosion and sedimentation control plan shall include the following: (*Ch. 10.25,M,3,b*) For activities that create a disturbed area of less than one acre: a drawing illustrating general land cover, general slope and other important natural features such as drainage ditches and water bodies; (*Ch. 10.25,M,3,b,(1),(a)*) a sequence of construction of the development site, including clearing, grading, construction, and landscaping; (*Ch. 10.25,M,3,b,(1),(b)*) A general description of all temporary and permanent control measures; and (*Ch. 10.25,M,3,b,(1),(c)*) and provisions for the continued maintenance of all control devices or measures. (*Ch. 10.25,M,3,b,(1),(d)*)
- 22) For subdivisions and commercial, industrial or other non-residential development that occurs when the ground is frozen or saturated or that creates a disturbed area of one acre or more, provision shall be made for the inspection of project facilities, in accordance with Section 10.25,M,4,a,(1) or (2) below: (*Ch. 10.25,M,4*) the applicant shall hire a contractor certified in erosion control practices by the Maine Department of

Environmental Protection to install all control measures and conduct follow-up inspections; or (*Ch. 10.25,M,4,a,(1)*) the applicant shall hire a Maine Registered Professional Engineer to conduct follow-up inspections. (*Ch. 10.25,M,4,a,(2)*)

- 23) The development shall not pose an unreasonable risk that a discharge of pollutants to a groundwater aquifer will occur. (*Ch. 10.25,N,1*)
- 24) If a proposed activity requires a permit and will alter 15,000 or more square feet of wetland area, or 1 acre or more of overall land area, the applicant must delineate on the ground and in a site plan all wetlands within the general project area using methods described in the "Corps of Engineers Wetlands Delineation Manual." U.S. Army Corps of Engineers. (1987) and the "Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region." U.S. Army Corps of Engineers. (Version 2.0, January 2012). (*Ch. 10.25,P,2,a,(1),(a)*) In determining the area of wetland alteration or overall land alteration, all components of a proposed activity, including all phases of a multiphased project, are treated together as constituting one single and complete project. (*Ch. 10.25,P,2,a,(1),(b)*)
- 25) Subdivisions shall be designed to harmoniously fit into the natural environment and shall cause no undue adverse impact on existing surrounding uses. When determining "harmonious fit", the Commission shall consider the existing character of the surrounding area, potential for conflict with surrounding uses, proposed driveway and roadway locations, and proposed lot sizes, among other factors. (*Ch. 10.25,Q,3,a*)
- 26) Subdivisions shall be designed to avoid the linear placement of lots and driveways along roadways or shorelines. To the extent practicable, subdivision lots shall be placed so as to create a distinct community center or expand an existing neighborhood, as long as the expansion is no further than 1,320 feet from the center of the existing neighborhood. (*Ch. 10.25,Q,3,b*)
- 27) To the extent practicable, subdivisions shall be designed to reduce the number of driveway access points onto roadways through the utilization of shared driveways and interior roads. (*Ch. 10.25,Q,3,c*)
- C. Dimensional Requirements. The applicable dimensional requirements for residential uses within this subdivision include: a minimum lot size of 40,000 square feet per dwelling unit; (*Ch. 10.26,A,1*) a minimum road frontage of 100 feet per dwelling unit as measured along the traveled portion of the road between the points of intersection of side lot lines with the traveled portion of the road; (*Ch. 10.26,C,1,a and Ch. 10.26,C,4*) minimum setbacks for structures and residential parking areas of 50 feet from the traveled portion (edge) of the all roadways and 15 feet from side and rear property boundary lines; (*Ch. 10.26,D, c and f*) a maximum lot coverage of 30%; and (*Ch. 10.26,E,1*) a maximum structure height of 35 feet. (*Ch. 10.26,F,4,a*)
- D. Vegetative Buffering Standards (administered during individual building permit review).

- 1) All principal and accessory buildings in a D-RS2 subdistrict shall be visually screened by a vegetative buffer made up of native trees and shrubs. Wooded buffers shall be comprised of both under- and over-story material that can be either maintained using existing vegetation or established where no such buffer exists. (*Ch. 10.25,B,2,a*) The minimum widths for the vegetative buffer in a D-RS2 subdistrict include a 50 foot buffer of roadways and a 15 foot buffer of side and rear property lines. (*Ch. 10.25,B,2,b*)
- 2) An exception to the property line buffering requirement is allowed from adjacent development that is of a similar type, use, and intensity where adjacent landowners provide written agreement that a property line buffer is not needed. (*Ch. 10.25,B,2,c,(1)*)
- 3) An exception to the buffering requirements is allowed for new development where the establishment of buffers would eliminate or interfere with existing scenic views. (*Ch. 10.25,B,2,c,(3)*)

SUMMARY OF APPLICABLE INFORMATION AND DESIGN CONSIDERATIONS

10. The Applicant provided "Notice of Filing of Subdivision Application" to all abutting property owners, all owners within 1000 feet, the plantation assessors and the county commissioners on January 22, 2016.
11. *Proposed Residential Development Lots.* The proposed single family, year-round subdivision lots would range in size from 2.06 acres to 5.05 acres; road frontage on either Dallas Hill Road or North View Lane for the lots range from 143 feet to 411 feet; three lots have no road frontage but utilize shared driveways. Building envelopes would be designated on each proposed lot as shown on the Applicant's proposed subdivision plan received by the Commission on May 09, 2016. The building envelopes would maintain setbacks of at least 50 feet from Dallas Hill Road and North View Lane and at least 15 feet from other property boundary lines.
12. *Technical Capacity.* The Applicant retained Jones Associates, Inc. to design and permit the proposed subdivision. The company's principal has over 25 years of environmental permitting, forest and land use issues experience.
13. *Financial Capacity.* Spotted Mountain, LLC is a domestic, limited liability company in good standing. Michael A. Beck, Principal, Director and Trustee of Spotted Mountain, LLC provided evidence of sufficient resources available to directly finance the design, construction, and maintenance of the proposed subdivision.
14. *Access Management.*
 - A. Main Subdivision Access Point. The Applicant would construct one main subdivision entrance, reference Maine Department of Transportation (MaineDOT) Driveway/Entrance Permit number 16608, and a 615 foot by 14 foot Class 2 Roadway to access Lots #2 through #7 (a.k.a. North View Lane). The main entrance would exit directly onto Dallas Hill Road with an intersect angle of 90 degrees, a curb radius of between 10 and 15 feet, and a sight triangle of 25 feet. One hammerhead turn around area at the end of North View Lane would

provide a safe, un-congested area to turn vehicles so they could exit the subdivision without backing onto Dallas Hill Road.

North View Lane has been designed to run perpendicular to the slope in a curvilinear manner along the existing natural topography; cut and fill areas have been minimized where practical. North View Lane's construction specification include a 14 foot travel surface with a 12 inch gravel base layer with a 3 inch gravel wearing surface; the maximum sustained grade of the roadway would be 8%. Ditches, where applicable, would be limited to a maximum side slope of two to one (2:1) and would be approximately 4 feet in width.

- B. Shared Driveways. The Applicant would construct two shared driveways. Lot #3 and Lot #4, and Lot #5 and Lot #6 would utilize shared driveways off of North View Lane. These shared driveways would be constructed within a 20 foot wide and a 30 foot wide right-of-way, respectively. Each shared driveway would be constructed with 12 inches of base gravel topped with 3 inches of wearing surface gravel. The average sustained grade of the driveways would be between 3 and 8 percent.
- C. Individual Driveways. The Applicant proposes that the individual driveway for Lot #1 exit directly onto Dallas Hill Road with an intersect angle of 90 degrees, a curb radius of between 10 and 15 feet, and a sight triangle of 25 feet, reference MaineDOT Driveway/Entrance Permit number 16607. Lot #2 and Lot #5 would utilize individual driveways off of North View Lane. These three driveways would be constructed by individual lot owners and not the Applicant; however, the Applicant proposes to limit the width of these driveways to an 8-foot travel surface and the maximum length of the individual driveways to 150 feet.
- D. Maintenance. The Applicant would be responsible for maintenance of all shared driveways, North View Lane, all level lip spreaders, all culverts, and all permanent erosion control measures until at least 50 percent of the lots (4 lots) have been sold. Once 50% of the lots have sold, the Homeowner's Association would be responsible for maintenance of North View Lane, level lip spreaders #1 and #3, culverts #1, #2 and #3, and all permanent erosion control measures. Once 50% of the lots have sold, the owners of Lot #3 and #4 would be responsible for maintenance of their shared driveway, level lip spreader #2 and culvert #4. Once 50% of the lots have sold, the owners of Lot #5 and #6 would be responsible for maintenance of the shared driveway and level lip spreader #4.
- E. Parking. No parking areas are proposed for the subdivision.

15. *Scenic Character, Natural and Historic Features.*

- A. Scenic Character. The subdivision would be designed with evenly spaced building envelopes that would not be located on a ridgeline. To minimize the visual impact on the surrounding area and visually screen all principal and accessory buildings from roadways, individual lot owners would be required to maintain the 50 foot wooded buffer from Dallas Hill Road, maintain the 50 foot vegetated buffer from North View Lane, and a 15 foot vegetated buffer from side and rear property lines in accordance with Section 10.25,B of the

Commission's standards and the final subdivision plan. Individual lot owners would not be required to establish a wooded buffer from North View Lane because the establishment of trees within the existing blueberry fields would eliminate or interfere with existing scenic views.

B. Natural Features.

- 1) Field observations at the site by a qualified professional indicated that there are no critically imperiled (S1) or imperiled (S2) natural communities or plant species located within the bounds of the proposed subdivision.
- 2) On February 18, 2016, the Maine Natural Areas Program reviewed the proposal and searched the Natural Areas Program's Biological and Conservation Data System files for rare or unique botanical features in the vicinity of the proposed site and indicated that according to their current information there are no rare botanical features that would be disturbed within the project site.
- 3) On February 22, 2016, the Maine Department of Inland Fisheries and Wildlife (MDIFW) reviewed the proposal in consideration of the proposal's probable effect on the environment and on the agencies programs and responsibilities and stated that there are no mapped resources in the project area.

C. Historic Features. On January 08, 2016, the Maine Historic Preservation Commission (MHPC) reviewed the proposal concluded that there would be no historic properties affected by the proposed undertaking, as defined by Section 106 of the Natural Historic Preservation Act. Consequently, pursuant to 36 CFR 800.4(d)(1), no further Section 106 consultation would be required unless additional resources are discovered during project implementation pursuant to 36 CFR 800.13.

16. Soil Suitability. On December 23, 2014 and April 24, 2015, a site-specific Class A high intensity soil survey, completed according to the *Guidelines for Maine Certified Soil Scientists for Soil Identification and Mapping*, Maine Association of Professional Soil Scientists, February 1995, as amended, was conducted at the proposal site by Maine Certified Soils Scientist #213. The soil scientist provide at least one test pit, with a soil profile log, within the boundaries of each proposed lot and provided two test pits, with soil profile logs, on one lot which has areas of soil condition D (limiting factor depth less than 15 inches).

The onsite investigation indicated that the soils at the site were Chesuncook (ChC) comprised of moderately well drained soils with a perched water table 1.5 to 3.0 feet beneath the existing soil surface in March through May and during periods of excessive precipitation and Telos (TfC) comprised of somewhat poorly drained soils with a seasonal water table generally 9 to 15 inches beneath the soil surface in the spring and during wettest seasons; both soils are in "Hydrologic Soil Group B and C" with moderate slopes existing throughout a majority of the site ranging from 0 to 8 percent, with small isolated areas reaching 8 to 15 percent.

All building permit envelopes are located on soils with a soil potential rating class of medium (range from 60 to 82). Medium potential soils are considered suitable for the proposed development.

17. *Subsurface Wastewater Disposal.* On December 23, 2014 and April 24, 2015 a preliminary soils evaluation to determine the suitability of the sites for individual on-site subsurface wastewater disposal was conducted by Licensed Site Evaluator #237. On January 14, 2016, the licensed site evaluator stamped a tabulated soil log which outlined that each lot has the area required for the installation of a 3-bedroom system.

The limiting factor for development on Chesuncook soils with subsurface wastewater disposal is wetness due to the presence of a perched water table 1.5 to 3.0 feet beneath the soil surface for some portion of the year. Proper foundation drainage is recommended for construction. Chesuncook soil is suitable for subsurface wastewater disposal in accordance with the State of Maine Rules for Subsurface Wastewater Disposal. Chesuncook soil requires a 12-inch separation distance between the seasonal high groundwater table and the bottom of the disposal area, and also requires 4.0 and 2.0 sq.ft/gpd for disposal beds and chamber area, respectively.

The limiting factor for development on Telos soils with subsurface wastewater disposal is wetness due to the presence of a groundwater table 1.0 to 1.5 feet below the soil surface for some portion of the year. Proper foundation drainage is recommended for construction. Telos soils (with groundwater 12 inches to 15 inches below the mineral soil surface, outside the Shoreland Zoned areas) may meet the minimum requirements for subsurface wastewater disposal as defined in State of Maine Rules for Subsurface Wastewater Disposal. The required separation distance between the bottom of the proposed disposal system and the seasonal high groundwater table is 18 inches.

18. *Solid Waste Disposal.* The Applicant stated that either the Homeowners Association would contract for private municipal solid waste pickup or that individual homeowners would be responsible for disposal of their own municipal solid waste. A letter from Rangeley Public Service Director was submitted which states that the Town of Rangeley's Solid Waste Transfer Station facility accepts municipal solid waste and recyclable materials from Dallas Plantation residents. The Applicant further stated that stumps from clearing activities would be ground on-site and used for soil stabilization and erosion control mix and that solid waste produced during construction of the subdivision would be disposed of following State rules and regulations.
19. *Water Supply.* The Applicant submitted locations of existing bedrock wells in the vicinity of Dallas Hill Road and a letter from a local well driller, both sources indicate that there should be sufficient healthful water supply to serve the subdivision. Individual landowners would be responsible for drilling their own drinking water wells.
20. *Phosphorus Control and Surface Water Quality.* The proposed subdivision would be within the Haley Pond watershed. The Applicant submitted and would implement a Phosphorus Control Plan for the subdivision. The plan was completed based on the Standard Review Method for phosphorus exports in accordance with "Maine Stormwater Best Practices Manual, Volume II, Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development"

Maine Department of Environmental Protection, 2008. The allowable phosphorus export for Haley Pond is 0.042 pounds per acre per year; the allowable project phosphorus budget is 0.8778 pounds per year.

The Applicant proposes to mitigate phosphorus export through the use of: clearing limitations; shared driveways; road reductions; ditch turnouts with level lip spreaders constructed in compliance with the "Maine Stormwater Best Practices Manual, Volume III. BMP Technical Design Manual, Chapter 11. Designing for Operation and Maintenance" Maine Department of Environmental Protection, 2008; and forested and meadow vegetated buffers. The total development phosphorus export for the subdivision would be approximately 0.8742 pounds per year to Haley Pond which the Applicant states meets the standard.

21. *Erosion and Sediment Control and Surface Water Quality.* The construction of North View Lane and the two shared driveways, all of which would be constructed by the Applicant, would create a disturb area of approximately 0.50 acres. The Applicant has stated that any soil disturbance when the ground is frozen or saturated shall be avoided or minimized to the greatest extent possible. Because these features are located on soils with a perched water table and a high seasonal water table that could create saturated ground conditions, and because there is a potential for minimal work during frozen conditions, the Applicant submitted an "Erosion and Sedimentation Control Plan" (the Plan). The Plan, in combination with Exhibit D-1, "Existing Conditions", Exhibit D-2, "Proposed Subdivision Plan", Exhibit N, "Phosphorus Control Plan" and Exhibit O "Road Plan and Profile", includes existing conditions, a sequence of construction, a description of all temporary and permanent control measures, and a provision for continued maintenance and repair of all temporary and permanent control devices.
22. *Groundwater Quality.* The proposed subdivision is not located over a groundwater aquifer or within a mapped Aquifer Protection Subdistrict (P-AR).
23. *Protected Natural Resources.* On December 23, 2014, a review of the site was conducted for the presence of protected natural resources; the Applicant states that no wetlands or evidence of vernal pools were found.
24. *Layout and Design for the Subdivision.*
 - A. The Applicant stated that the subdivision would fall within a relatively small area in Dallas Plantation that has been zoned to promote residential living and neighborhoods with a limited range of services. The proposal would be an extension of the existing nearby pattern of residential uses; not only are there multiple residential dwelling and other residential subdivision in the vicinity of the proposal but the proposal also would abut an existing 26 lot subdivision to the north. Further, the Applicant stated that elements of the subdivision, such as the curvilinear configuration of North View Lane which runs perpendicular to the slope, the limited lot count and lot sizes, and the building envelope layout, have been designed to minimized visual intrusiveness on the landscape.
 - B. The Applicant has designed the subdivision so that 6.61 acres of "Common Land/Blueberry Fields" outside of individual building envelopes act as the community center aspect of the

subdivision. The Common Land/Blueberry Fields would be owned by the respective lot owners but reserved for common usage of all lot owners and blueberry production. The Common Land/Blueberry Fields would be protected by restrictive covenants to remain undeveloped, except that driveways, and drinking water wells in order to comply with setbacks from wastewater disposal systems for the individual lots, may be located within the Common Land/Blueberry Fields. The Common Land/Blueberry Fields would be open to any subdivision lot owner. All building envelopes have been configured to be within walking distance of the Common Land/Blueberry Fields. Maintenance of the Common Land/Blueberry Fields shall be the responsibility of the Homeowner's Association.

25. Public's Health, Safety and General Welfare.

- A. Fire protection would be provided by the Rangeley Co. #1 fire station, which is located 5 miles from the subdivision.
- B. Each lot owner would have deeded rights to install electrical and telephone services within a utility right-of-way that would be designated within the same right-of-way as North View Lane.
- C. An unlit stop sign and street name sign would be placed in the appropriate location on North View Lane.

26. *Liquidation Harvesting.* The Applicant provided a liquidation harvesting certification signed by Maine FI #3802 that outlined that the project meets one or more liquidation harvesting rule exemptions.

27. The Applicant submitted a draft sample Deed, a draft Declarations of Restrictive Covenants, Common Easements, Exceptions and Reservations in North View Subdivision, and a draft Lot Owners Association Bylaws. In addition to other items, the documents require that structures be located within the building envelopes, prohibits further division of the residential lots, requires payment of fees to cover road maintenance, outlines restrictions on forested and meadow phosphorus buffers and outlines restrictions on the Common Land/Blueberry Fields.

28. The facts are otherwise as represented in Subdivision Permit application SP 4099 and supporting documents.

Based upon the above FINDINGS and the following ANALYSIS, the Commission CONCLUDES that AS LONG AS the Applicant implements the proposal with the CONDITIONS outlined below:

- 1. Residential level 1 subdivisions and Level C Road Projects are allowed uses, upon issuance of a permit from the Commission, within the D-RS2 subdistrict.
- 2. The Applicant has demonstrated that the proposal will comply with 12 M.R.S. § 685-B(4)(A) of the Commission's Statutes, and Sections 10.25,C,1 and 2 of the Commission's Standards. Specifically, the Applicant has retained qualified professionals to design and implement the

proposal and has provided evidence of adequate financial resources available to complete the proposal.

3. The Applicant has demonstrated that the proposal will comply with 12 M.R.S. § 685-B(4)(B) of the Commission's Statutes, and the applicable Sections of 10.25,D, 10.27,D and 10.27,H of the Commission's Standards. Specifically, North View Lane and the shared driveways have been designed in accordance with the applicable development standards for vehicular circulation, access, road and water crossings, and driveways associated with residential structures and uses.
4. The Applicant has demonstrated that the proposal will comply with 12 M.R.S. § 685-B(4)(C) of the Commission's Statutes, and Sections 10.25,E,1, 10.25,E,2, Ch. 10.25,N,1, Ch. 10.25,P,2,a,(1),(a) and (b), and 10.25,Q,3,a of the Commission's Standards. The subdivision has been designed to harmoniously fit into the natural environment so that there will be no undue adverse effect on existing uses, scenic character, and natural and historic resources. Specifically, the proposal is of modest scale, is not located on a ridgeline, and elements of the proposal such as North View Lane and the building envelopes have been designed to minimized visual impact on the surrounding uses in the area. Further, no groundwater aquifers, critically imperiled (S1) or imperiled (S2) natural communities or plant species, wetlands, vernal pools, mapped resources administered under the Maine Department of Inland Fisheries and Wildlife, or historic properties are located in the proposal area.
5. The Applicant has demonstrated that the proposal will comply with 12 M.R.S. § 685-B(4)(D) of the Commission's Statutes, and the applicable Sections of 10.25,G and 10.25,I of the Commission's Standards. Specifically, the Applicant has shown with a site specific soil survey, test pit logs, and a preliminary soils evaluation that the soils within the building envelopes have a soil potential rating class of medium and that all the lots have a suitable site for the installation of a 3-bedroom sewage disposal system in compliance the Subsurface Wastewater Disposal Rules.
6. The Applicant has demonstrated that the proposal will comply with Sections 10.25,H,1 and 2 of the Commission's Standards. Specifically, provisions have been outlined for municipal solid waste and construction debris disposal.
7. The Applicant has demonstrated that the proposal will comply with Section 10.25,J,4 of the Commission's Standards. The Applicant has submitted data showing that there is sufficient healthful water supply in the area.
8. The Applicant has demonstrated that the proposal will comply with the applicable Sections of 10.25,K and 10.25,L of the Commission's Standards. Specifically, the Applicant submitted a Phosphorus Control Plan that outlines the protection of surface water quality and the water quality of Haley Pond. "Forested" and "Meadow" buffer areas outlined in the Phosphorus Control Plan will be clearly identified on the subdivision plats and protected from alteration or development by deed restrictions/covenants.
9. The Applicant has demonstrated that the proposal will comply with the applicable Sections of 10.25,M of the Commission's Standards. Specifically, the Applicant submitted an Erosion and

Sedimentation Control Plan in conformance with the Commission's erosion and sedimentation control standards. The plan includes a description and design of all temporary and permanent control measures and provisions for the continued maintenance of all control devices.

10. The Applicant has demonstrated that the proposal will comply with 12 M.R.S. § 685-B(4-A) of the Commission's Statutes. The Applicant provided a certification that outlined that the project meets one or more liquidation harvesting rule exemptions.
11. The Applicant has demonstrated that the proposal will comply with the applicable Sections of 10.26,D of the Commission's Standards. The proposed residential development lots and building envelope boundaries conform to the applicable Commission's minimum dimensional requirement.
12. The Applicant has demonstrated that the proposal will comply with Sections 10.25,Q,3,b and c of the Commission's Standards. Specifically, the subdivision has been designed to create a "community center" with Common Land/Blueberry Fields and avoids the linear placement of lots along Dallas Hill Road and North View Lane with the use of two shared driveways. The Applicant designed the subdivision such that 6.61 acres of Common Land/Blueberry Fields outside of individual building envelopes will act as the community center aspect of the subdivision; the Common Land/Blueberry Fields are within walking distance of all building envelopes, which advances the opportunity for community interactions. The Common Land/Blueberry Fields will be clearly identified on the subdivision plats and protected from alteration or development by deed restrictions/covenants. Driveways, drinking water wells, and visual screening vegetation buffers will be allowed within the Common Land/Blueberry Fields. Maintenance of the Common Land/Blueberry Fields, except the visual screening vegetation buffers, will be the responsibility of the Homeowner's Association.
13. The Applicant has demonstrated that the public's health, safety and general welfare will be adequately protected. Provision are in place to provide fire protection, safe traffic circulation, and electrical and telephone services.
14. The Applicant has proposed that the vegetative buffering standards of Section 10.25,B of the Commission's Standards be administered during individual building permit review process because there are currently no principal or accessory building on the lots. Individual lot owners will be responsible for maintaining the 50 foot wooded buffer from Dallas Hill Road, maintaining the 50 foot vegetative buffer from North View Lane, and maintaining the 15 foot side and rear property line vegetative buffers in accordance with 10.25,B and the final subdivision plan.
15. The Applicant has demonstrated that the proposal is otherwise in conformance with 12 M.R.S. § 685-B(4)(E). As long as the Applicant implements the proposal with the CONDITIONS outlined below, the proposal will meet the applicable requirements outlined in the Commission's Statutes, regulations, standards and plans.

Therefore, the Commission, through its staff, APPROVES Subdivision Permit SP 4099 submitted by Spotted Mountain, LLC for a seven (7) lot Level 1 residential subdivision as proposed and with the following CONDITIONS:

1. The *Standard Conditions of Approval for Subdivision Permits*, version April 2004, a copy of which is attached.
2. The Permittee shall construct North View Lane and any associated drainage ditches and erosion control devices to meet the roadway construction specifications of a Class 2 Roadway as outlined in Section 10.25,D, Section 10.27,D, Section 10.25,L and Section 10.25,M, of the Commission's Standards, version May 09, 2016, copies of which are attached.
3. The Permittee shall construct the shared driveways and any associated drainage ditches and erosion control devices as proposed and to meet the construction specifications as outlined in Section 10.25,D, Section 10.27,D, Section 10.27,H, Section 10.25,L and Section 10.25,M, version May 09, 2016, copies of which are attached.
4. A Homeowner's Association shall be created once 50 percent of the lots (4 lots) have been sold.
5. The Permittee shall be responsible for maintenance of all shared driveways, North View Lane, all level lip spreaders, all culverts, all seeded and mulched areas, and all permanent erosion control measures until at least 50 percent of the lots (4 lots) have been sold and a Homeowners Association has been formed. Once 50% of the lots have sold and the Homeowners Association has been formed, the Homeowner's Association shall be responsible for maintenance of North View Lane, level lip spreaders #1 and #3, culverts #1, #2 and #3, and all permanent erosion control measures. Once 50% of the lots have sold and the Homeowners Association has been formed, the owners of Lot #3 and #4 shall be responsible for maintenance of their shared driveway, level lip spreader #2 and culvert #4. Once 50% of the lots have sold and the Homeowners Association has been formed, the owners of Lot #5 and #6 shall be responsible for maintenance of the shared driveway and level lip spreader #4.
6. The Declaration of Restrictive Covenants, Common Easements, Expectations and Reservations in the North View Subdivision (the "Subdivision Declarations") shall include provisions that protect the forested and meadow phosphorus control plan, vegetated buffers. The provision shall include the driveway length limits utilized in the Phosphorus Control Plan.
7. The Subdivision Declarations shall include provisions that require level lip spreaders to be maintained in accordance with the Maine Stormwater Best Practices Manual, Volume III, Chapter 8.3, Section 3, a copy of which is attached.
8. The Subdivision Declarations shall include provisions for the protection, use and maintenance of the Common Land/Blueberry Fields. Specifically, the provisions shall include that: the 6.61 acre area is conserved and reserved for common usage by the homeowners in the subdivision and may not be further divided; structural development is prohibited within the area; maintenance of the area, except vegetation buffers outlined in Condition #9 below, shall be the sole responsibility of the Homeowner's Association; residential driveways may be constructed across the area to building envelopes in the shortest possible manner and in compliance with the Phosphorus Control Plan; and drinking water wells may be located within the areas if there is no other practical alternative to meet the wastewater disposal setback regulations.

9. The Subdivision Declarations shall include the following paragraph under “COVENANTS AND USE RESTRICTIONS”:

VISUAL SCREENING OF PRINCIPAL AND ACCESSORY BUILDINGS: Individual lot owners shall be responsible for visually screening their principal and accessory building from the Dallas Hill Road and non-excepted property boundary lines in accordance with Section 10.25,B of the Commission’s Standards, version May 09, 2016, a copy of which is attached. Visual screening shall consist of a vegetative buffer made up of native trees and shrubs. Buffers shall be comprised of both under- and over- story materials that can be either maintained using existing vegetation or established where no such buffer exists.

10. If soil disturbance is going to occur on frozen or saturated soils, the Permittee shall hire a contractor certified in erosion control practices by the Maine Department of Environmental Protection to install all control measures and conduct follow-up inspections or the Permittee shall hire a Maine Registered Professional Engineer to conduct follow-up inspections. Inspections shall be conducted in accordance with Section 10.25,M,4 of the Commission’s Standards, version May 09, 2016, a copy of which is attached.
11. All development shall be in compliance with the *Phosphorus Control Standards* of Sections 10.25,L, version May 09, 2016, a copy of which is attached.
12. All development shall be in compliance with the *Erosion and Sedimentation Control Standards* of Section 10.25,M, version May 09, 2016, a copy of which is attached.
13. All signs shall be placed in compliance with the *Sign Standards* of Section 10.27,J of the Commission’s Standards, version May 09, 2016, a copy of which is attached.
14. All exterior lighting shall be in compliance with the *Lighting Standards* of Section 10.25,F,2 of the Commission’s Standards, version May 09, 2016, a copy of which is attached.
15. All subdivision and lot boundary corners and angle points and all building envelopes shall be marked by suitable, permanent monumentation as outlined by the Maine Board of Registered Land Surveyors.
16. The Permittee shall submit for Commission review, approval and signature, a final plat for this subdivision. The final subdivision plat must be acceptable for recording in the Registry of Deeds and shall be created following the *Specifications for Final Subdivision Plats*, version January 2015, and Section 10.25,Q,3,d; d,(1); d,(2); and d,(3) of the Commissions Standards, copies of which are attached.
17. Prior to the sale or lease of any subdivision lot the Permittee shall:
- A. Record and cross-reference in the Franklin County Registry of Deeds all pages of this approved Subdivision Permit SP 4099 including all Conditions of Approval. Upon such recording the Permittee shall promptly submit to the Commission a copy of the recorded permit; the book, page and file numbers for the permit; and the date of such recordings;
 - B. Record and cross-reference in the Franklin County Registry of Deeds the final subdivision plat signed by the Director of the Commission. Upon such recording the Permittee shall

promptly submit to the Commission a copy of the recorded plat; the book, page and file numbers for the plat; and the date of such recordings;

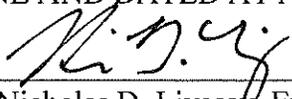
- C. Update the Subdivision Declarations to further include the provisions of Conditions #4, #5, #6, #7, #8 and #9 of this permit;
- D. Record and cross-reference in the Franklin County Registry of Deeds the updated Subdivision Declarations. Upon such recording the Permittee shall promptly submit to the Commission a copy of the document; the book, page and file numbers for the document; and the date of such recordings;
- E. Submit a signed and sealed engineers report that confirms all roadways, shared driveways, level lip spreaders, culverts, hammerhead turn-a-round, lot locations, flagged / blazed building envelopes and any other site work that is the responsibility of the Permittee, have been constructed, surveyed and marked and/or delineated in accordance with the this permit and all associated plans; and
- F. Obtain a Certificate of Compliance for this Subdivision Permit SP 4099 from the Commission.

18. Except for structures allowed without a permit in compliance with Maine Land Use Planning Commission's standards, no structure or other such construction may be undertaken on any lot without first obtaining an approved building permit from the Maine Land Use Planning Commission.

19. The lots may not be further divided or reconfigured without the prior review and approval of the Commission.

This permit is approved only upon the above stated CONDITIONS and remains valid only if the Permittee complies with all of these CONDITIONS. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT AUGUSTA, MAINE, THIS 13th DAY OF JULY, 2016.

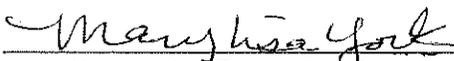
By: 
Nicholas D. Livesay, Executive Director

STATE OF MAINE
County of Kennebec, ss.

Date: July 13, 2016

Personally appeared the above named Nicholas D. Livesay, in his capacity as Executive Director of the Land Use Planning Commission, and acknowledged the foregoing to be his free act and deed in his said capacity and the free act and deed of the Land Use Planning Commission.

Before me,


Marylisa York, Notary Public-State of Maine
My Commission Expires: September 11, 2018

MARYLISA YORK
Notary Public • State of Maine
My Commission Expires September 11, 2018



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISION PERMITS

1. This permit is dependent upon and limited to the proposal as set forth in the application, plan and supporting documents, except as modified by the Commission in granting this permit. Any variation therefrom is subject to the prior review and approval of the Maine Land Use Planning Commission. Any variation from the application or the conditions of approval undertaken without approval of the Commission constitutes a violation of Land Use Planning Commission law.
2. The recipient of this permit ("permittee") shall secure and comply with all applicable licenses, permits and authorizations of all federal, state and local agencies, including, but not limited to natural resources protection and air and water pollution regulations of the Maine Department of Environmental Protection and the Maine Department of Health and Human Services.
3. The permittee shall promptly submit all information requested by the Commission to demonstrate compliance with the terms and conditions of approval.
4. In the event the permittee should sell or lease this subdivision in its entirety, the buyer or lessee shall be provided a copy of the approved subdivision permit and advised of the conditions of approval. The new owner or lessee must contact the Land Use Planning Commission to have the permit transferred into their name to reflect any changes they propose from the original application and permit approval.
5. The permittee may not advertise Commission approval without first obtaining Commission approval for such advertising. Any such advertising shall refer to this permit only, if it also notes that the permit is subject to Conditions of Approval.
6. The scenic character and healthful condition of the area of the project covered by this permit must be maintained. The area must be kept free of litter, trash, junk cars, and any other materials that may constitute a hazardous or nuisance condition.
7. Before leasing, selling or entering into a contract for sale of any lot in the subdivision herein permitted, the permittee must provide a copy of this permit to the potential buyer or lessee and must indicate all of the conditions of approval. The permittee must also inform the potential buyer or lessee that no structure may be constructed or installed without first obtaining permit approval from the Maine Land Use Planning Commission. Failure to give such notice is a violation of this approval and the Commission may initiate appropriate enforcement action.
8. Development and limited construction activities permitted in this permit must be substantially started within two years of date of issue and substantially completed within five years from date of issuance of this permit. If such activities are not begun and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
9. This subdivision permit authorizes **development and specified limited construction only**. No lots or other interests in the subdivision herein permitted shall be transferred until a **CERTIFICATE OF COMPLIANCE**, stating that the requirements and conditions of approval have been met, has been issued to the permittee. Once development and specified construction are complete, the permittee must notify the Commission so that the premises may be inspected and a **CERTIFICATE OF COMPLIANCE** issues.

Administrative Policy Revised 4/04

D. VEHICULAR CIRCULATION, ACCESS AND PARKING

1. **General circulation.** Provision shall be made for vehicular access to and within the project premises in such a manner as to avoid traffic congestion and safeguard against hazards to traffic and pedestrians along existing roadways and within the project area. Development shall be located and designed so that the roadways and intersections in the vicinity of the development will be able to safely and efficiently handle the traffic attributable to the development in its fully operational stage.
2. **Access management.** Access onto any roadway shall comply with all applicable Maine Department of Transportation safety standards. For subdivisions and commercial, industrial and other non-residential development, the following standards also apply:
 - a. The number and width of entrances and exits onto any roadway shall be limited to that necessary for safe entering and exiting.
 - b. Access shall be designed such that vehicles may exit the premises without backing onto any public roadway or shoulder.
 - c. Shared access shall be implemented wherever practicable.
 - d. Access between the roadway and the property shall intersect the roadway at an angle as near to 90 degrees as site conditions allow, but in no case less than 60 degrees, and shall have a curb radius of between 10 feet and 15 feet, with a preferred radius of 10 feet.
 - e. The Commission may require a traffic impact study of roadways and intersections in the vicinity of the proposed project site if the proposed development has the potential of generating significant amounts of traffic or if traffic safety or capacity deficiencies exist in the vicinity of the project site.
3. **Parking layout and design.** The following standards apply to all subdivisions and commercial, industrial and other non-residential development, except for parking areas associated with trailered ramps and hand-carry launches which are regulated under the provisions of Section 10.27,L:
 - a. Sufficient parking shall be provided to meet the parking needs of the development. The minimum number of parking spaces required shall be based on parking generation rates determined in accordance with standard engineering practices. In cases where it is demonstrated that a particular structure can be occupied or use carried out with fewer spaces than required, the Commission may reduce number of required spaces upon finding that the proposed number of spaces will meet the parking needs of the structure or use and will not cause congestion or safety problems.
 - b. Parking areas and access roads shall be designed such that runoff water is discharged to a vegetated buffer as sheet flow or alternatively collected and allowed to discharge to a concentrated flow channel, wetland or water body at a rate similar to pre-construction conditions. If runoff water is discharged to a concentrated flow channel, wetland or water body, a sediment basin shall be constructed to collect sediment before the runoff water is discharged.
 - c. **On-street parking.** In areas where on-street parking already exists, new development shall have on-street parking where practicable and if there are sufficient spaces available in the immediate vicinity. Otherwise, parallel or diagonal on-street parking is permitted where the

Commission finds that it will adequately meet the parking needs of the development and will not cause congestion or safety problems. Perpendicular on-street parking is prohibited.

- d.** Off-street parking for commercial, industrial and other non-residential development.
- (1) Where practicable, off-street parking shall be located to the side or rear of the principal structure.
 - (2) Notwithstanding the dimensional requirements of Section 10.26, the Commission may reduce the minimum road setback requirement by up to 50 percent for development utilizing on-street parking in accordance with Section 10.25,D,3,c or for development whose parking area is located to the rear of the principal structure, except where the Commission finds that such parking will cause an undue adverse impact to the natural resources or community character of the area.
 - (3) Off-street parking shall not be directly accessible from any public roadway. Ingress and egress to parking areas shall be limited to driveway entrances.
 - (4) Off-street parking areas with more than two parking spaces shall be arranged so that each space can be used without moving another vehicle.
- e.** Parking spaces shall not be placed in the required roadway vegetative buffer. However, a “sight triangle” shall be maintained 25 feet in length on each side of the intersection of the driveway and the roadway right-of-way, with the third side connecting the other two sides. Within each sight triangle, no landscape plants, other than low growing shrubs, shall be planted. These shrubs must be maintained to be no more than 30 inches in height above the driveway elevation.

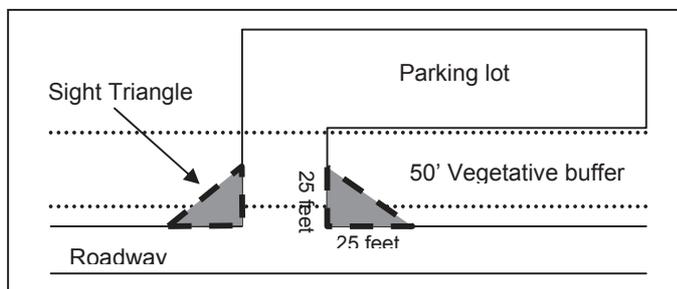


Figure 10.25,D-2. Sight triangle within a vegetative buffer.

- f.** Except for sight triangles, parking areas for commercial, industrial or other non-residential development shall be visually buffered from the roadway by planting and maintaining a vegetative buffer of trees and shrubs or by locating parking areas to the rear of the principal structure.
- g.** When parking areas associated with commercial, industrial or other non-residential development are adjacent to residential structures or uses, landscaping and/or architectural screens shall be used to provide an effective visual buffer and separation between property lines and the edge of the parking area.

- d. Roadways in towns and plantations within the Commission’s jurisdiction that are proposed to be dedicated to the town or plantation shall also comply with the town’s or plantation’s roadway construction and design standards. The applicant shall clearly specify the ownership of all roadways proposed to be dedicated and shall submit a maintenance plan that includes roadway construction and design standards in accordance with the Commission’s standards.
- e. Roadways shall adhere to the applicable standards of Section 10.27,D and Section 10.27,H and the roadway specifications outlined in Table 10.25,D-1, below, unless the applicant utilizes site-specific best management practices and the Commission determines that proposed alternative roadway specifications will meet the needs of the development and will not cause erosion or safety problems.

Maximum sustained grade for Class 1 roadways may be increased by up to five percent over that specified in Table 10.25,D-1 below, if no other option is practicable, provided that the roadway portion exceeding the maximum sustained grade standard is no longer than 300 feet in length and is greater than 150 feet from the next down-hill road intersection, and the Commission determines that the proposed alternative grade will not cause unreasonable drainage, erosion or public safety impacts.

	Class 1 Roadway	Class 2 Roadway	Class 3 Roadway
Minimum roadway surface width	18 ft. or 14 ft. with turnouts every 500 feet, on average.	14 ft. or 8 ft. with turnouts every 500 feet, on average.	8 ft.
Minimum base (coarse gravel)	18 in.	12 in.	As needed.
Minimum wearing surface	3 in. fine gravel or 2.5 in. bituminous concrete.	3 in. fine gravel or 2.5 in. bituminous concrete.	2 in. fine gravel.
Maximum sustained grade	10 percent	15 percent	15 percent

Table 10.25,D-1. Roadway construction specifications.

- f. Roadways that will be co-utilized for forest management purposes shall include turnouts that are large enough to accommodate wood haulers and other large vehicles.

D. ROADS AND WATER CROSSINGS

Roads and water crossings not in conformance with the standards of this section may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of this section, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

The following road and water crossing requirements shall apply in P-WL1, P-WL2, P-SL, P-FP, P-GP subdistricts and all development subdistricts:

1. The following requirements shall apply to construction and maintenance of roads:
 - a. All cut or fill banks and areas of exposed mineral soil outside the roadbed within 75 feet of a flowing water, body of standing water, coastal wetland, or freshwater wetland shall be revegetated or otherwise stabilized so as to prevent erosion and sedimentation of water bodies or wetlands;
 - b. Road banks shall have a slope no steeper than 2 horizontal to 1 vertical;
 - c. Drainage ditches shall be provided so as to effectively control water entering and leaving the road area. Such drainage ditches will be properly stabilized so that the potential for unreasonable erosion does not exist;
 - d. In order to prevent road surface drainage from directly entering water bodies or wetlands, roads and their associated drainage ditches shall be located, constructed, and maintained so as to provide an unscarified filter strip, of at least the width indicated below, between the exposed mineral soil of the road and the normal high water mark of a surface water body or upland edge of a wetland:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (Feet Along Surface of the Ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

Table 10.27,D-1. Unscarified filter strip width requirements for exposed mineral soil created by roads and their associated drainage ditches.

This requirement shall not apply to road approaches to water crossings or wetlands.

- e. Drainage ditches for roads approaching a water crossing or wetland shall be designed, constructed, and maintained to empty into an unscarified filter strip, of at least the width indicated in the table set forth in Section 10.27,D,1,d above, between the outflow point of the ditch and the normal high water mark of the water or the upland edge of a wetland. Where such filter strip is impracticable, appropriate techniques shall be used to reasonably

avoid sedimentation of the water body or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed so as to reasonably avoid sedimentation of the water body or wetland;

- f. Ditch relief (cross drainage) culverts, drainage dips and water turnouts will be installed in a manner effective in getting drainage onto unscarified filter strips before the flow in the road or its drainage ditches gains sufficient volume or head to erode the road or ditch.
 - (1) Drainage dips may be used in place of ditch relief culverts only where the road grade is 10% or less;
 - (2) On roads having slopes greater than 10%, ditch relief culverts shall be placed across the road at approximately a 30 degree angle downslope from a line perpendicular to the center line of the road;
 - (3) Ditch relief culverts, drainage dips and water turnouts shall direct drainage onto unscarified filter strips as required in Section 10.27,D,1,d and e above;
 - (4) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials; and
 - (5) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

Road Grade (Percent)	Spacing (Feet)
0-2	500-300
3-5	250-180
6-10	167-140
11-15	136-127
16-20	125-120
21+	100

Table 10.27,D-2. Spacing requirements for drainage dips and associated water turnouts.

- 2. The following requirements shall apply to water crossings when surface waters are unfrozen:
 - a. Bridges and culverts shall be installed and maintained to provide an opening sufficient in size and structure to accommodate 10 year frequency water flows or with a cross-sectional area at least equal to 2 ½ times the cross-sectional area of the flowing water.
 - b. Culvert and bridge sizes may be smaller than provided in Section 10.27,D,2,a if techniques are employed such that in the event of culvert or bridge failure, the natural course of water flow is reasonably maintained and sedimentation of the water body is reasonably avoided; such techniques may include, but are not limited to, the effective use of any or all of the following:
 - (1) Removing culverts prior to the onset of frozen ground conditions;
 - (2) Using water bars in conjunction with culverts; or
 - (3) Using road dips in conjunction with culverts.

- c. Culverts utilized in water crossings shall:
 - (1) Be installed at or below stream bed elevation;
 - (2) Be seated on firm ground;
 - (3) Have soil compacted at least halfway up the side of the culvert;
 - (4) Be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater; and
 - (5) Have a headwall at the inlet end which is adequately stabilized by rip-rap or other suitable means to reasonably avoid erosion of material around the culvert.

- 3. The design and construction of land management road systems through wetlands, other than those areas below the normal high water mark of standing or flowing waters, must avoid wetlands unless there are no reasonable alternatives, and must maintain the existing hydrology of wetlands.

To maintain the existing hydrology of wetlands, road drainage designs shall provide cross drainage of the water on the surface and in the top 12 inches of soil in wetlands during both flooded and low water conditions so as to neither create permanent changes in wetland water levels nor alter wetland drainage patterns. This shall be accomplished through the incorporation of culverts or porous layers at appropriate levels in the road fill to pass water at its normal level through the road corridor. Where culverts or other cross-drainage structures are not used, all fills shall consist of free draining granular material.

To accomplish the above, the following requirements apply:

- a. **Road construction on mineral soils or those with surface organic layers up to 4 feet in thickness.**
 - (1) Fill may be placed directly on the organic surface compressing or displacing the organic material until equilibrium is reached. With this method, culverts or other cross-drainage structures are used instead of porous layers to move surface and subsurface flows through the road fill material.
 - (a) For road construction on mineral soils or those with surface organic layers less than 16 inches in thickness, culverts or other cross-drainage structures shall be appropriately sized and placed at each end of each wetland crossing and at the lowest elevation on the road centerline with additional culverts at intermediate low points as necessary to provide adequate cross drainage. Culverts or other cross-drainage structures shall be placed at maximum intervals of 300 feet.
 - (b) For road construction on surface organic layers in excess of 16 inches but less than 4 feet in thickness, cross drainage must be provided by placing culverts at each end of each wetland crossing and at the lowest elevation on the road centerline with additional culverts at intermediate low points as necessary to provide adequate cross drainage. Culverts or other cross-drainage structures shall be placed at maximum 300-foot intervals. Culverts shall be a minimum of 24 inches in diameter, or the functional equivalent, and buried halfway below the soil surface.

- (c) Where necessary to maintain existing water flows and levels in wetlands, ditches parallel to the road centerline shall be constructed along the toe of the fill to collect surface and subsurface water, carry it through the culvert(s) and redistribute it on the other side. Unditched breaks shall be left midway between culverts to prevent channelization.
 - (2) Alternatively, a porous layer may be created to move surface and subsurface flows through the road fill materials. If a porous layer is used, geotextile fabric must be placed above and below fill material to increase the bearing strength of the road and to preserve the bearing strength of fill material by preventing contamination with fine soil particles.
 - b. Road construction on soils with organic layers in excess of 4 feet in thickness.**
 - (1) Such construction shall only take place under frozen ground conditions.
 - (2) Geotextile fabric shall be placed directly on the soil surface. Road fill or log corduroy shall then be placed on the geotextile fabric.
 - (3) Cross drainage shall be provided by either a continuous porous layer or appropriate placement of culverts or other cross-drainage structures and ditching as specified below:
 - (a) A continuous porous layer or layers shall be constructed by placement of one or more layers of wood corduroy and/or large stone or chunkwood separated from adjacent fill layers by geotextile fabric placed above and below the porous layer(s) such that continuous cross drainage is provided in the top 12 inches of the organic layer; or
 - (b) Cross drainage culverts or other cross-drainage structures shall be placed at points where they will receive the greatest support. Culverts or other cross-drainage structures shall be a minimum of 24 inches in diameter, or the functional equivalent, and buried halfway below the soil surface. Where necessary to maintain existing water flows and levels in wetlands, ditches parallel to the roadbed on both sides shall be used to collect surface and subsurface water, carry it through the culvert(s) and redistribute it on the other side. Such ditches shall be located three times the depth of the organic layer from the edge of the road fill. Unditched breaks shall be left midway between culverts to prevent channelization.
4. Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads shall be maintained on a regular basis to assure effective functioning.

5. Maintenance of the above required water control installations shall continue until the road is discontinued and put to bed by taking the following actions:

a. Water bars shall:

(1) Be constructed and maintained across the road at intervals established below:

Road Grade (Percent)	Distance Between Water Bars (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

Table 10.27,D-3. Spacing requirements for water bars.

- (2) Be constructed at approximately 30 degrees downslope from the line perpendicular to the center line of the road;
- (3) Be constructed so as to reasonably avoid surface water flowing over or under the water bar; and
- (4) Extend sufficient distance beyond the traveled way so that water does not reenter the road surface.

b. Any bridge or water crossing culvert in such road shall satisfy one of the following requirements:

- (1) It shall be designed to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows;
- (2) It shall be designed to provide an opening with a cross-sectional area at least 3 ½ times the cross-sectional area of the flowing water; or
- (3) It shall be dismantled and removed in a fashion so as to reasonably avoid sedimentation of the water body.

6. Provided they are properly applied and used for circumstances for which they are designed, methods including but not limited to the following are acceptable to the Commission as means of calculating the 10 and 25 year frequency water flows and thereby determining crossing sizes as required in Section 10.27,D,2 and 5:

- a. The USDA Soil Conservation Service (SCS) Methods; specifically: "Urban Hydrology for Small Watersheds," June 1986 Soil Conservation Service Technical Release #55.
- b. The United States Geological Survey Series; specifically: U.S.G.S. Maine Water Science Office. 1999. "Estimating the Magnitude of Peak Flows for Streams in Maine for Selected Recurrence Intervals." WRI 99-4008.

7. Extension, enlargement or resumption of use of presently existing roads, which are not in conformity with the provisions of Section 10.27,D, are subject to the provisions of Section 10.11.

8. Publicly owned roads may be constructed in a fashion that is not in strict conformity with the provisions of this section, provided that other measures are applied that are effective in reasonably avoiding sedimentation of surface waters.
9. Except that Section 10.27,D,10 below always applies, trail crossings of minor flowing waters shall be exempt from the standards of Section 10.27,D, provided such crossings are constructed in a manner that causes no disturbance to the stream bed, and no substantial disturbance to the banks or shoreland areas in the vicinity of the crossing, and provided such crossings do not impede the flow of water or the passage of fish. If properly undertaken, acceptable methods may include but not be limited to the laying of logs from bank to bank, or placement of bed logs and stringers with decking. This exemption shall not extend to the construction of abutments or piers.

Trail crossings not so exempted shall be subject to the water crossing standards of Section 10.27,D, including specifically Sections 10.27,D,2, 4, 5, 6, 10 and 11.

10. In addition to the foregoing minimum requirements, provision shall otherwise be made in the construction and maintenance of roads and water crossings in order to reasonably avoid sedimentation of surface waters.
11. Written notice of all road and water crossing construction activities, except level A road projects and exempt trail crossings as provided in Section 10.27,D,9 above, shall be given to the Commission prior to the commencement of such activities. Such notice shall conform to the requirements of Section 10.16 and shall state the manner in which the water crossing size requirements of this section will be satisfied.

H. DRIVEWAYS ASSOCIATED WITH RESIDENTIAL STRUCTURES AND USES

Driveways not in conformance with the standards of this section may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of this section, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

1. Applicability.

The following requirements apply to the construction of driveways for single family and two family dwelling units in all subdistricts where driveways associated with residential uses are allowed without a permit. These standards, along with the standards of Section 10.25,D,4, may be used as guidance in processing an application for driveways to be located in those subdistricts where driveways require a permit from the Commission.

- a. **Other Permits.** If a permit has been issued for the development of the lot to be served by the driveway or if the lot is part of a subdivision for which a permit has been issued, conditions of the building permit or subdivision permit regarding construction of driveways supersede provisions of this subsection.
- b. **Length.** If the length of a proposed driveway is greater than 1,000 feet, it is regulated as a road and requires a permit from the Commission unless it qualifies as a land management road.

2. Water Body Setback.

- a. **Minimum Setback.** The minimum water body setback for a driveway which accesses an undeveloped lot or a lot having residential structures is:
 - (1) 100 feet from the nearest shoreline of a flowing water draining 50 square miles, and a body of standing water greater than 10 acres in size;
 - (2) 75 feet from the nearest shoreline of a coastal wetland; and
 - (3) 50 feet from the upland edge of minor flowing waters and mapped P-WL1 wetlands.
- b. **Exceptions to Water Body and Wetland Setback Requirements.**
 - (1) The water body and wetland setback requirements do not apply to approaches to water body or wetland crossings.
 - (2) A lesser setback may be allowed with a permit in the following instances provided no other reasonable alternative exists and appropriate techniques are used as needed to prevent sedimentation of the water body.
 - (a) In the case of legally existing nonconforming structures located in the shoreland area, the driveway may extend to the portion of the principal structure farthest from the normal high water mark of the water body, but in no case closer than 50 feet from the normal high water mark of the water body; or
 - (b) To allow access to permitted facilities located nearer to the shoreline due to an operational necessity as described in Section 10.26,G,5.

3. Property Line Setback.

a. Minimum Setback. The minimum property line setback for a driveway is 15 feet.

b. Exceptions to Property Line Setback.

- (1) A shared driveway need not meet the minimum setback.
- (2) The minimum setback standard does not apply to authorized approaches to and crossings of property lines or to crossings along easements or rights of way established in deed or lease.
- (3) A lesser setback may be allowed with a permit upon written permission of the abutting landowner.

4. Road Frontage. The lot to be served by the driveway must have a minimum of 100 feet of road frontage.

5. Entry onto Roadways, including State Highways. The entry must not be located on a curve and must be placed so as to allow adequate line of sight for safe entry onto the roadway. The driveway must be designed such that vehicles may exit the premises without backing onto the roadway or shoulder. If a driveway is to enter directly onto a state or state-aid highway, the person wishing to construct the driveway must first obtain written permission from the Maine Department of Transportation.

6. Crossings of Flowing Waters. If a driveway will cross a flowing water, the crossing must be accomplished in accordance with the standards for installation of water crossings set forth in Section 10.27,D,2.

7. Wetlands Alteration. The driveway must not alter any portion of a mapped P-WL1 subdistrict or more than 4,300 square feet of a mapped P-WL2 or P-WL3 subdistrict without a permit.

8. Maximum Slope. The driveway must not have a sustained slope of more than 8%.

9. Erosion and Sedimentation Control.

a. The driveway must be located, designed and constructed so that:

- (1) It will not erode or create any undue restriction or disruption of existing surface water drainage ways;
- (2) It will divert runoff to a vegetated buffer strip so as to prevent it from directly entering a water body, mapped P-WL1 wetland, or roadway.

b. Except for the travel surface of the driveway, all areas of disturbed soil must be promptly reseeded and mulched to prevent soil erosion.

10. Fill Material. Fill material used in the construction of a driveway must not contain demolition debris, trash, rubbish, or hazardous or toxic materials.

L. PHOSPHORUS CONTROL

1. The standards set forth below must be met for:

- a. Subdivisions located within the direct watershed of a body of standing water 10 acres or greater in size; and
- b. Commercial, industrial or other non-residential development that creates a disturbed area of one acre or more within the direct watershed of a body of standing water 10 acres or greater in size.

2. General Standards.

- a. Provision shall be made to limit the export of phosphorus from the site following completion of the development or subdivision so that the project will not exceed the allowable per-acre phosphorus allocation for the water body, determined by the Commission according to the “Maine Stormwater Best Practices Manual, Volume II, Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development” Maine Department of Environmental Protection, 2008, and hereafter cited as the Phosphorus Design Manual.
- b. **Impact Analysis.** The phosphorus impact analysis and control plan for a proposed subdivision or development on a water body shall be prepared using the procedures set forth in the Phosphorus Design Manual, including all worksheets, engineering calculations, and construction specifications and diagrams for control measures as may be required by the manual, except as allowed in Section 10.25,L,2,d, below.
- c. **Erosion Control.** All filling, grading, excavation or other similar activities that result in unstabilized soil conditions must meet the standards of Section 10.25,M.
- d. **Alternative Standard Option.** In lieu of meeting the general standard in Section 10.25,L,2,a, and conducting a phosphorus impact analysis according to Section 10.25,L,2,b, an applicant with a project that includes less than three acres of impervious area and less than five acres of developed area in a watershed of a body of standing water that is not severely blooming (as identified in 06-096 CMR 502, Appendix A), may choose to limit the export of phosphorus from the site by meeting the alternative buffer standard in Section 10.25,L,3. For the purposes of Section 10.25,L,2,d, developed area means all disturbed area, including, in the case of a subdivision, all proposed building envelopes, but excluding area that within one calendar year of being disturbed is returned to a condition with the same drainage pattern that existed prior to the disturbance and is revegetated, provided the revegetated area is not mowed more than once per year.

3. Alternative Buffer Standard.

- a. To meet the alternative standard, a project must include treatment measures that will provide for effective treatment of phosphorus in stormwater. This must be achieved by using vegetated buffers to control runoff from no less than 95 percent of the impervious area and no less than 80 percent of the developed area that is impervious, landscaped or otherwise disturbed, except as provided in Section 10.25,L,3,d below.
- b. **Vegetated Buffers.** Vegetated buffers for phosphorus control are undisturbed strips of dense vegetation located adjacent to and down gradient of developed areas, and that provide storage and treatment for stormwater that enters them in diffuse overland flow. Five types of

vegetated buffers are allowed under the alternative standard as listed in Section 10.25,L,3,b,(1) through (5) below. All vegetated buffers must be appropriately used, located, designed, sized, constructed, and maintained as specified in the “Maine Stormwater Best Practices Manual, Volume III. BMP Technical Design Manual, Chapter 5. Vegetated Buffers” Maine Department of Environmental Protection, June 2010, and hereafter cited as the Technical Design Manual. Where the Technical Design Manual allows for a variation in the design specification with approval from the Department of Environmental Protection, approval from the Land Use Planning Commission is required for projects located in the unorganized and deorganized areas of Maine.

- (1) Buffers adjacent to residential, largely pervious or small impervious areas;
 - (2) Buffers with stone bermed level lip spreaders;
 - (3) Buffers adjacent to the downhill side of a road;
 - (4) Ditch turn-out buffers; and
 - (5) Buffers down gradient of a single family residential lot.
- c. Deed Restrictions and Covenants.** Areas designated as vegetated buffers, not otherwise protected as open space in accordance with Section 10.25,S, must be clearly identified on the subdivision plat and plans, and protected from alteration by deed restrictions and covenants.
- d. Exception for Linear Portions of a Project.** For a linear portion(s) of a project, runoff control may be reduced to no less than 75 percent of the impervious area and no less than 50 percent of the developed area that is impervious, landscaped or otherwise disturbed.

4. Design and Maintenance Standards.

- a.** Phosphorus control measures and their maintenance shall meet the design criteria contained in the “Maine Stormwater Best Practices Manual, Volume III. BMP Technical Design Manual, Chapter 11. Designing for Operation and Maintenance” Maine Department of Environmental Protection, 2008, and hereafter cited as the Technical Design Manual.
- b. Structural Measures.** High maintenance structural measures, such as wet ponds and runoff infiltration systems, shall not be used as part of any proposed phosphorus control plan unless:
 - (1) Other measures, such as increasing the width of vegetated buffers, greater limits on clearing, reducing road lengths, and clustering of lots to achieve less disturbed area are clearly demonstrated to be insufficient to allow the proposed development to meet the standards of this section; and
 - (2) The Commission finds that the applicant has the technical and financial capabilities to properly design, construct, and provide for the long-term inspection and maintenance of the facility in accordance with the procedures in the Technical Design Manual.

M. EROSION AND SEDIMENTATION CONTROL

The standards set forth below must be met for all development that involves filling, grading, excavation or other similar activities which result in unstabilized soil conditions.

1. General Standards.

- a. Soil disturbance shall be kept to a practicable minimum. Development shall be accomplished in such a manner that the smallest area of soil is exposed for the shortest amount of time possible. Operations that result in soil disturbance shall be avoided or minimized in sensitive areas such as slopes exceeding 15% and areas that drain directly into water bodies, drainage systems, water crossings, or wetlands. If soil disturbance is unavoidable, it shall occur only if best management practices or other soil stabilization practices equally effective in overcoming the limitations of the site are implemented.
- b. Whenever sedimentation is caused by stripping of vegetation, regrading, or other construction-related activities, sediment shall be removed from runoff water before it leaves the site so that sediment does not enter water bodies, drainage systems, water crossings, wetlands, or adjacent properties.
- c. Soil disturbance shall be avoided or minimized when the ground is frozen or saturated. If soil disturbance during such times is unavoidable, additional measures shall be implemented to effectively stabilize disturbed areas, in accordance with an approved erosion and sedimentation control plan.

2. Design Standards.

- a. Permanent and temporary erosion and sedimentation control measures shall meet the standards and specifications of the “Maine Erosion and Sediment Control BMPs” (Maine Department of Environmental Protection, March 2003) or other equally effective practices. Areas of disturbed soil shall be stabilized according to the “Guidelines for Vegetative Stabilization” (Appendix B of this chapter) or by alternative measures that are equally effective in stabilizing disturbed areas.
- b. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all sedimentation control devices have been installed and stabilized.
- c. Existing catch basins and culverts on or adjacent to the site shall be protected from sediment by the use of hay bale check dams, silt fences or other effective sedimentation control measures.
- d. If streams will be crossed, special measures shall be undertaken to protect the stream, as set forth in Section 10.27,D.
- e. Topsoil shall not be removed from the site except for that necessary for the construction of roads, parking areas, building excavations and other construction-related activities. Topsoil shall be stockpiled at least 100 feet from any water body.
- f. Effective, temporary stabilization of all disturbed and stockpiled soil shall be completed at the end of each workday.

- g.** Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.
- h.** All temporary sedimentation and erosion control measures shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been implemented.

3. Erosion and Sedimentation Control Plan.

- a.** For development that occurs when the ground is frozen or saturated or that creates a disturbed area of one acre or more, the applicant must submit an erosion and sedimentation control plan for Commission approval in accordance with the requirements of Section 10.25,M,3,b,(2).
- b.** A Commission approved erosion and sedimentation control plan in conformance with these standards shall be implemented throughout the course of the project, including site preparation, construction, cleanup, and final site stabilization. The erosion and sedimentation control plan shall include the following:
 - (1) For activities that create a disturbed area of less than one acre:
 - (a) A drawing illustrating general land cover, general slope and other important natural features such as drainage ditches and water bodies.
 - (b) A sequence of construction of the development site, including clearing, grading, construction, and landscaping.
 - (c) A general description of all temporary and permanent control measures.
 - (d) Provisions for the continued maintenance of all control devices or measures.
 - (2) For activities that create a disturbed area of one acre or more:
 - (a) A site plan identifying vegetation type and location, slopes, and other natural features such as streams, gullies, berms, and drainage ditches. Depending on the type of disturbance and the size and location of the disturbed area, the Commission may require a high intensity soil survey covering all or portions of the disturbed area.
 - (b) A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
 - (c) A detailed description of all temporary and permanent erosion and sedimentation control measures, including, without limitation, seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
 - (d) Provisions for the continued maintenance and inspection of erosion and sedimentation control devices or measures, including estimates of the cost of maintenance and plans for meeting those expenses, and inspection schedules.

4. Inspection.

- a.** For subdivisions and commercial, industrial or other non-residential development that occurs when the ground is frozen or saturated or that creates a disturbed area of one acre or more, provision shall be made for the inspection of project facilities, in accordance with Section 10.25,M,4,a,(1) or (2) below:
 - (1) The applicant shall hire a contractor certified in erosion control practices by the Maine Department of Environmental Protection to install all control measures and conduct follow-up inspections; or
 - (2) The applicant shall hire a Maine Registered Professional Engineer to conduct follow-up inspections.
- b.** The purpose of such inspections shall be to determine the effectiveness of the erosion and sedimentation control plan and the need for additional control measures.
- c.** Inspections shall be conducted in accordance with a Commission approved erosion and sedimentation control plan and the following requirements.
 - (1) Inspections shall be conducted at least once a week and after each rainfall event accumulating more than ½ inch of precipitation, until all permanent control measures have been effectively implemented. Inspections shall also be conducted (a) at the start of construction or land-disturbing activity, (b) during the installation of sedimentation and erosion control measures, and (c) at the completion of final grading or close of the construction season.
 - (2) All inspections shall be documented in writing and made available to the Commission upon request. Such documentation shall be retained by the applicant for at least six months after all permanent control measures have been effectively implemented.
- d.** Notwithstanding Section 10.25,M,4,a, development may be exempt from inspection if the Commission finds that an alternative, equally effective method will be used to determine the overall effectiveness of the erosion and sedimentation control measures.

Section 8.3

LEVEL SPREADER

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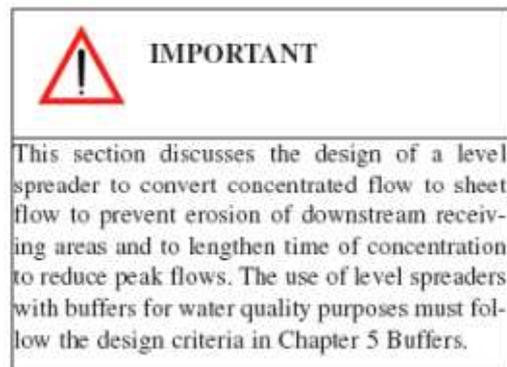
A level spreader is a vegetated or mechanical structure used to disperse or "spread" concentrated flow thinly over a receiving area. Level spreaders reduce erosion and movement of sediment and also assist to filter sediment, soluble pollutants, and sediment-attached pollutants. They are generally used where concentrated flows are discharged to the ground and serve to convert the concentrated flow to sheet flow to prevent erosion of the downstream receiving area. They are generally used to disperse flows over a relatively flat receiving area such as a buffer or swale to ensure uniform distribution of flow and minimize the channelization of water. Level spreaders are not designed to remove pollutants from stormwater; however, some suspended sediment and associated phosphorus, nitrogen, metals and hydrocarbons will settle out of the runoff by settlement filtration, infiltration, absorption, decomposition and volatilization.

8.3.1 Site Suitability Criteria

1. Drainage area: The maximum drainage area to the spreader may not exceed 0.10 acre per foot length of level spreader lip if the level spreader is not discharging directly to a buffer and is only used to dissipate flow volume and velocity. The drainage area served by the spreader discharging directly cannot be

more than half the size of the receiving buffer area.

2. Slope: The maximum slope of the receiving area below a level spreader should be no more than 30%. If the slope is greater than 30%, the discharge will need to be brought by a conduit and velocity dissipator to an area that is suitable.



8.3.2 Design and Construction Criteria

These standards are not applicable for level spreaders discharging runoff to buffers used to meet the Department's General BMP Standards. Requirements for these level spreaders can be found in Chapter 5 for buffers.

1. Discharge to a Level Spreader: The peak stormwater flow rate to a level spreader due to runoff from a 10-year, 24-hour storm must be less than 0.25

cubic feet per second (0.25 cfs) per foot length of level spreader lip.

2. Length of Level Spreader: The level spreader length may not be more than 25 feet unless approved by the department.

3. Sitting of Level Spreader: The level spreader must be sited so that flow from the level spreader will remain in sheet flow until entering a natural or man-made receiving channel.

4. Capacity: The capacity of each level spreader shall be based on the allowable velocity of the receiving soil. The flow area upstream of the level spreader shall be sufficient to ensure low approach velocities to the level "lip". The minimum flow area shall be equal to the flow area of the delivery channel.

5. Buffer: Each level spreader shall have a vegetated receiving area with the capacity to pass the flow without erosion. The receiving area shall be stable prior to the construction of the level spreader. The receiving area shall have topography regular enough to prevent undue flow concentration before entering a stable watercourse but it shall have a slope that is less than 30%. If the receiving area is not presently stable, then the receiving area shall be stabilized prior to construction of the level spreader. This will limit construction to the growing season.

6. Berm: The berm of the level lip should consist of crushed rock with a three-quarter to three inches in diameter size gradation that will allow flows to slowly seep through the berm, a minimum of 18 inch high and 3 feet wide. The berm should have a 6 to 12

inch deep header channel with a 3-foot bottom width to trap sediments and reduce lateral flow velocities behind the berm. The bottom and back of the spreader channel should be lined with erosion control matting.

7. Installation: A level spreader must be installed correctly with 0% grade on the spreader base and lip to ensure a uniform distribution of flow; otherwise the structure may fail and become a source of erosion.

8. Upstream Velocity: The flow area upstream of the level spreader shall be controlled to ensure low approach velocities to the level "lip." The minimum flow area of level spreader shall be equal to the flow area of the delivery channel. The base and lip shall be installed at a 0% grade (level).

9. Receiving Area: Level spreaders shall blend smoothly into the downstream receiving area without any sharp drops or irregularities to avoid channelization, turbulence and hydraulic jumps. The receiving area below the level spreader shall be protected from harm during construction. Sodding and/or netting in combination with vegetative measures shall stabilize disturbed areas. The receiving area shall not be used by the level spreader until stabilization has been accomplished. A temporary diversion may be necessary in this case.

10. Undisturbed Soils: Level spreaders shall be constructed on undisturbed soil where possible.

11. Entrance Drainage Channel Design: The entrance channel to the

level spreader is constructed across the slope and consists of a combination of stone and existing natural vegetation used to disperse, filter and lower the runoff velocity into the level spreader. The entrance channel shall blend smoothly into the downstream receiving area without any sharp drops or irregularities, so to avoid turbulence and hydraulic jumps.

a. Shape: The entrance channel is typically trapezoidal in cross section, but may be parabolic as long as the soil bed design width is equivalent to the design bottom width for a trapezoidal section and is no more than 2 feet deep. Trenches shall be constructed along the existing contour and shall be 15-20 feet long and at least 7 feet wide across the top.

b. Bottom Width: Bottom width for a trapezoidal cross section of the entrance channel should be a minimum of two feet.

c. Side Slopes: Side slopes of the entrance channel shall be 2:1 or flatter to provide pretreatment of runoff entering the level spreader.

d. Longitudinal Slope: The longitudinal slope of the entrance channel should be 1% grade or less in order to avoid excessive velocity and deep water at the downstream end when ponding. If topography dictates a steeper net channel slope, the swale can be broken into relatively flat sections by check dams placed at no closer than 50 feet intervals.

e. Depth and Capacity: The swale should be designed to safely convey the 2 year storm with design velocities less than 4.0 to 5.0 feet per second. The swale should have sufficient total depth to convey the 10-year storm with 6 inches of freeboard.

8.3.3 Maintenance

Long term maintenance of the level spreader is essential to ensure its continued effectiveness. The following provisions should be followed. In the first year the level spreader should be inspected semi annually and following major storm events for any signs of channelization and should be immediately repaired. After the first year, annual inspection should be sufficient. Vegetated level spreaders may require periodic mowing. Spreaders constructed of wood, asphalt, stone or concrete curbing also require periodic inspection to check for damage and to be repaired as needed.

1. Inspections: At least once a year, the level spreader pool should be inspected for sand accumulation and debris that may reduce its capacity.

2. Maintenance Access: Level spreaders should be sited to provide easy access for removal of accumulated sediment and rehabilitation of the berm.

3. Sediment Removal: Sediment build-up within the swale should be removed when it has accumulated to approximately 25% of design volume or channel capacity. Dispose of the sediments appropriately.

4. Debris: As needed remove debris such as leaf litter, branches and tree growth from the spreader.

5. Mowing: Vegetated spreaders may require mowing.

6. Snow Storage: Do not store snow removed from the street and parking lot within the area of the level spreader.

7. Level Spreader Replacement: The reconstruction of the level spreader may be necessary when sheet flow from the spreader becomes channeled into the buffer.

J. SIGNS

Signs not in conformance with the standards of this section may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed sign, which is not in conformance with the standards of this section, shall be erected and maintained in a manner which produces no undue adverse impact upon the resources and uses in the area.

1. Signs Not Requiring a Permit.

The following signs do not require a permit from the Commission, provided such signs are in conformance with the requirements of Section 10.27,J,1 and 2, below. The following limitations may be exceeded only under the provisions of a permit from the Commission:

- a. Signs identifying stops or fare zone limits of common carriers;
- b. Signs erected and maintained outside the highway right-of-way, by a governmental body, showing places of interest (other than commercial establishments), the place and time of services or meetings of churches and civic organizations. Not more than two such signs may be erected and maintained which are readable by traffic proceeding in any one direction on any one highway in any one township;
- c. Residential directional signs, each of which does not exceed 4 square feet in area, along roadways other than limited access highways;
- d. Traffic control signs or devices;
- e. Signs displayed for the direction, instruction or convenience of the public, including signs which identify rest rooms, freight entrances, posted areas, property boundaries, trails, fire precautions, campsites, or the like, with a total surface area not exceeding 12 square feet. This exemption shall not apply to signs visible from any public roadway promoting or advertising commercial enterprises;
- f. Signs to be maintained for not more than six weeks announcing an auction, public supper, lawn sale, campaign drive or other like event of a public, civic, philanthropic or religious organization;
- g. Memorial signs or tablets;
- h. Signs erected by county fairs and expositions for a period not to exceed six weeks;
- i. Directional signs visible from a public roadway with a total surface area not to exceed 4 square feet providing directions to places of business offering for sale agricultural products harvested or produced on the premises where the sale is taking place;
- j. Signs displayed in building windows, provided that the aggregate area of such signs does not exceed 25% of the area of the window; and
- k. Official business directional signs as defined and authorized by 23 M.R.S.A. §21.
- l. Sign kiosks near trail intersections that do not exceed 128 square feet of surface area used for the placement of multiple individual signs including those advertising a place of business. No more than one sign kiosk may be located near any trail intersection and

individual signs (other than maps) on such kiosks shall not exceed 4 square feet in size. No other signs advertising a place of business shall be located at such intersections. Such kiosks shall not be visible from a public roadway.

- m. Signs containing only a symbol or design identifying gas, food or lodging services and the distance and/or direction to such services at trail intersections without a sign kiosk. Such signs are not to exceed 4 square feet in size.
- n. Signs identifying a particular place of business offering gas, food, or lodging at the intersection of a local feeder trail leading directly to that place of business. Such signs are not to exceed 4 square feet in size and shall not be visible from a public roadway.
- o. **On-Premise Signs.** Owners or occupants of real property may erect and maintain on-premise signs, except roof signs, advertising the sale or lease thereof or activities being conducted thereon. Such signs shall be subject to the following requirements and the regulations set forth in Section 10.27,J,2 below:

- (1) On-premise signs shall not exceed in size the area limitations set forth below:

Subdistricts	Maximum Size for Each Individual Sign (square feet)	Maximum Aggregate Area of all Signs for Facility Being Advertised (square feet)
D-CI, D-ES, D-GN, D-GN2, D-GN3, D-MT, D-PD, M-GN, M-HP	32	64
D-RS, D-RS2, D-RS3, M-NC and All Protection Subdistricts	8	16

Table 10.27,J-1. Size limitations for on-premise signs.

- (2) On-premise signs shall not be located more than 1,000 feet from the building or other particular site at which the activity advertised is conducted;
- (3) Signs advertising the sale or lease of real estate by the owner or his agent shall not have an area of more than 6 square feet, except signs advertising a subdivision which shall be limited in size as provided by Section 10.27,J,1,o,(1);
- (4) On-premise signs, other than wall or projecting signs, shall not extend more than 15 feet above ground level, and shall not have a supporting structure which extends more than two feet above such sign;
- (5) Projecting signs must be at least 9 feet above pedestrian level and may project no more than 2 feet from the building; and
- (6) Signs attached to a wall shall not extend above the top of the wall.

On-premise signs which are not in conformance with the preceding requirements and all roof signs may be allowed only under the provisions of a permit from the Commission.

2. Regulations Applying to All Signs.

Notwithstanding any other provisions of this chapter, no sign may be erected or maintained which:

- a. Interferes with, imitates or resembles any official traffic control sign, signal or device, or attempts or appears to attempt, to direct the movement of traffic;
- b. Prevents the driver of a motor vehicle from having a clear and unobstructed view of official traffic control signs and approaching or merging traffic;
- c. Contains, includes, or is illuminated by any flashing, intermittent or moving light, moves or has any animated or moving parts, except that this restriction shall not apply to a traffic control sign;
- d. Has any lighting, unless such lighting is shielded so as to effectively prevent beams or rays of light from being directed at any portion of the main traveled way of a roadway, or is of such low intensity or brilliance as not to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with the operation thereof;
- e. Is in violation of, or at variance with, any federal law or regulation, including, but not limited to, one containing or providing for conditions to, or affecting the allocation of federal highway or other funds to, or for the benefit of, the State or any political subdivision thereof;
- f. Is in violation of, or at variance with, any other applicable State law or regulation;
- g. Advertises activities which are illegal under any state or federal law applicable at the location of the sign or of the activities;
- h. Is not clean or in good repair; or
- i. Is not securely affixed to a substantial structure.

Any sign which is a combination of exempt and/or non-exempt signs shall be regulated by the most protective standards applicable.

3. Criteria for Sign Approval.

In approving, conditionally approving, or denying any application for a sign permit, the Commission shall require that the applicant demonstrate that the proposed sign complies with those criteria set forth in 12 M.R.S.A. §685-B(4) as well as the following:

- a. That the sign is compatible with the overall design of the building height, color, bulk, materials and other design and occupancy elements;
- b. That the color, configuration, height, size, and other design elements of the sign will fit harmoniously into the surrounding natural and man-made environment;
- c. That the sign will not constitute a hazard to the flow of traffic; and
- d. That the applicant sufficiently demonstrates the need for any non-conformity with the size, height, and other limitations set forth in Section 10.27,J,1.

F. NOISE AND LIGHTING

1. Noise.

- a. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any commercial, industrial and other non-residential development shall be as established by the time period and type of land use subdistrict listed below. Sound pressure levels shall be measured at all property boundary lines, at a height of at least 4 feet above the ground surface. The levels specified below may be exceeded by 10 dB(A) for a single period, no longer than 15 minutes per day.

Subdistrict	7:00 AM to 7:00 PM	7:00 PM to 7:00 AM
D-CI, D-MT, and D-ES	70 dB(A)	65 dB(A)
D-GN, and D-GN2	65 dB(A)	55 dB(A)
D-PD	As determined by the Commission.	
All Other Subdistricts	55 dB(A)	45 dB(A)

Table 10.25,F-1. Sound pressure level limits.

- b. The following activities are exempt from the requirements of Section 10.25,F,1,a:
 - (1) Sounds emanating from construction-related activities conducted between 7:00 A.M. and 7:00 P.M.;
 - (2) Sounds emanating from safety signals, warning devices, emergency pressure relief valves, and other emergency activities; and
 - (3) Sounds emanating from traffic on roadways or other transportation facilities;
- c. Control of noise for a wind energy development as defined in Title 35-A, Section 3451, subsection 11, with a generating capacity greater than 100 kilowatts is not governed by this section and instead is governed solely by the provisions of 12 M.R.S.A. §685-B(4-B)(A).

2. Lighting standards for exterior light levels, glare reduction, and energy conservation.

- a. All residential, commercial and industrial building exterior lighting fixtures will be full cut-off, except for incandescent lights of less than 160 watts, or any other light less than 60 watts. Full cut-off fixtures are those that project no more than 2.5% of light above the horizontal plane of the luminary’s lowest part. Figure 10.25,F-1 illustrates a cut-off fixture as defined by the Illuminating Engineering Society of North America (IESNA).

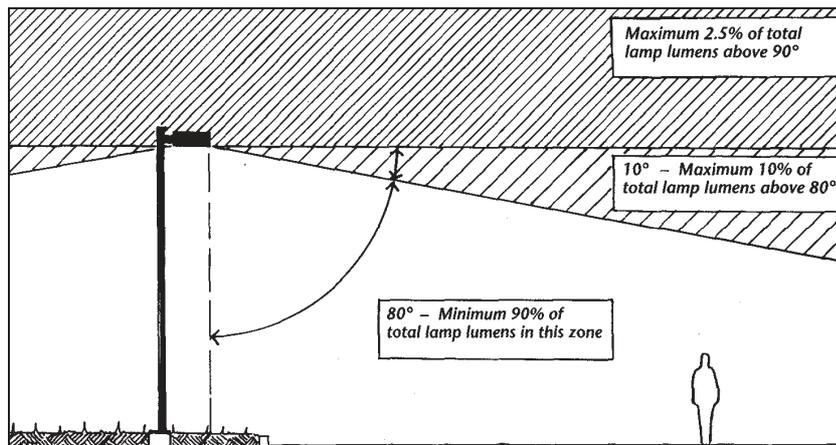


Figure 10.25,F-1. Cut-off fixture as defined by IESNA.

Light fixtures mounted on gasoline station or convenience store canopies shall be recessed so that fixtures are flush with the canopy. Alternatively, canopies may be indirectly lit using light beamed upward and then reflected down from the underside of the canopy. In this case light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.

- b. All exterior lighting shall be designed, located, installed and directed in such a manner as to illuminate only the target area, to the extent practicable. No activity shall produce a strong, dazzling light or reflection of that light beyond lot lines onto neighboring properties, onto any water bodies with a significant or outstanding scenic resource rating, or onto any roadway so as to impair the vision of the driver of any vehicle upon that roadway or to create nuisance conditions.
- c. For commercial, industrial and other non-residential development, all non-essential lighting shall be turned off after business hours, leaving only the minimal necessary lighting for site security. The term “non-essential” applies, without limitation, to display, aesthetic and parking lighting.
- d. In addition to the lighting standards in Section 10.25,F,2, lighted signs shall also comply with the standards in Section 10.27,J.
- e. The following activities are exempt from the lighting standards of Section 10.25,F,2,a through d:
 - (1) Roadway and airport lighting, and lighting required by the Federal Aviation Administration for air traffic safety;
 - (2) Temporary fair, event, or civic uses;
 - (3) Emergency lighting, provided it is temporary and is discontinued upon termination of the work;
 - (4) Lighting that is activated by motion-sensors; and
 - (5) Lighting that was in place on April 1, 2004.

SPECIFICATIONS FOR FINAL SUBDIVISION PLATS

Once you have been notified by the Commission's staff that your subdivision permit application is acceptable, you should then have a final subdivision plat prepared by a Licensed Architect, Professional Engineer, or Professional Land Surveyor, in accordance with the requirements listed below.

REQUIREMENTS FOR SUBDIVISION PLATS

The final plats must be drawn to the same scale as the site plans submitted with your subdivision permit application (generally, a scale of 1 inch = 100 feet (or less)). The plats must be at least 12 x 18 inches in size and no larger than 24 x 36 inches in size. If more than one sheet is required, match lines must be included on each sheet. The plats must be drawn on strong linen cloth, mylar or other polyester film with archival photographic image. You will need to prepare one mylar, polyester or linen plat and five paper copies of each sheet of your final subdivision plats.

The final plat must contain the following information:

- A magnetic north reference pointer and true north reference pointer.
- All boundaries of the land to be subdivided, including ownership of any abutting properties.
- Individual lot lines, including designated public or common use areas and any other areas that are to remain undeveloped. Each lot must be labeled with exact length and direction, a unique lot number, and total acreage.
- Individual building envelopes for any lots where structural development will be permitted.
- Existing and final proposed lines and widths of all roads, cul-de-sacs, right of ways, and easements for utilities. Each line must be labeled with exact length and direction.
- The location and identification of all permanent monuments marking lot boundaries, easements, etc., and boundaries of the tract to be subdivided.
- Location and identification (with names if applicable) of any lakes, ponds, rivers, streams, wetlands or other waters.
- If any lots have been sold from the parcel within the past five years, include those property boundary lines as you would other lots within the subdivision and identify present lot owners and dates of sales.
- A title block which identifies the subdivision. The title block must be located in the lower right corner of each page of the final plat and must include the following information:

Subdivision Name Town, Township or Plantation and County where the subdivision is located Street Name or Route Number where the subdivision is located Name of Subdivider (include name of Landowner, if different) Name of Registry of Deeds and book and page reference where title to land is recorded Total number of acres in subdivision Total number of subdivision lots Scale 1 inch = _____ feet (include scale bar) Name and Address of person preparing the plat Title and Registration Number of person preparing the plat Signature of person preparing the plat Date plat was prepared	
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- A signature block for signature by the Director of the Maine Land Use Planning Commission. The signature block must be located in the lower left corner of each page of the final plat and must include the following information:

This plat has been approved with conditions by the Maine Land Use Planning Commission in accordance with 12 M.R.S.A. Section 685-B(6) of the Commission's laws. Approved lots within this subdivision may be sold or leased only in accordance with terms and conditions of Subdivision Permit SP _____ as recorded in the _____ County Registry of Deeds in Book _____ on Page _____. No structure may be constructed or placed on any lot without an approved Building or Development Permit issued by the Maine Land Use Planning Commission.	
By: _____	Date: _____
<small>Director, Maine Land Use Planning Commission</small>	
This plat has been recorded in the _____ County Registry of Deeds in Book _____ on Page or File _____.	
Date: _____	Time: _____
Attested by: _____	<small>Registrar</small>

* * Please be sure to read the instructions on the next page for filing and recording the subdivision plat * *

FILING AND RECORDING YOUR SUBDIVISION PLAT

1. Submit one mylar, polyester or linen copy and five paper copies of each sheet of the subdivision plat to the Commission for approval and signature by the Director. Mail the copies to the regional office serving your area (see below for the office locations and contact information). After signature, two paper copies will be retained by the Commission as part of the subdivision permit file; one paper copy will be forwarded by the Commission to the Maine Revenue Service or the town or plantation assessor's office; and two paper copies along with the mylar, polyester or linen copy will be returned to you.
2. Upon receiving the signed copies of the subdivision plat from the Commission, you must immediately record the signed mylar, polyester or linen copy; one signed paper copy; and the original subdivision permit approval with the appropriate Registry of Deeds. You should retain the second signed paper copy and a copy of the subdivision permit approval to show to prospective subdivision lot buyers.
3. Within one week of the recording of the plat and subdivision permit, you must submit a copy of the recorded plat and recorded subdivision permit approval to the Commission. The recorded plat and permit must identify the date, book and page numbers and file reference of the recording.
4. Please note that all subdivisions must receive a Certificate of Compliance and that the filing and recording requirements described above must be met prior to any issuance of a Certificate of Compliance. See the Commission's website, at www.maine.gov/dacf/lupc/application_forms/index.shtml for the necessary application form.

WHERE CAN I GET HELP TO COMPLETE THIS REQUIREMENT?

Call the LUPC office that serves your area and ask to speak to one of our regional representatives (see below for office locations and contact information). Also, go to the LUPC website at www.maine.gov/dacf/lupc/ to browse through our rules and regulations, recent publications and newsletters, Commission meeting agendas, and other valuable information.

MAILING YOUR FINAL PLAT

Submit the necessary plats to the LUPC office serving your area.

<u>AUGUSTA OFFICE</u>	<u>ASHLAND OFFICE</u>
18 Elkins Lane - Harlow Bldg. 22 State House Station Augusta, ME 04333-0022	<i>Serving most of Aroostook County, and portions of northern Penobscot and Piscataquis Counties</i> 45 Radar Road Ashland, ME 04732-3600
Tel. (207) 287-2631 FAX (207) 287-7439	Tel. (207) 435-7963 FAX (207) 435-7184
<u>BANGOR OFFICE</u>	<u>EAST MILLINOCKET OFFICE</u>
<i>Serving Hancock, Kennebec, Knox, Lincoln, Sagadahoc, and Waldo Counties; most of Washington County; and all coastal islands in the LUPC service area</i> 106 Hogan Rd, Suite 8 Bangor, ME 04401	<i>Serving southern Penobscot and Aroostook Counties, and portions of Piscataquis and northern Washington Counties</i> 191 Main Street East Millinocket, ME 04430
Tel. (207) 941-4052 FAX (207) 941-4222	Tel. (207) 746-2244 Tel. (207) 731-4405 FAX (207) 746-2243
<u>GREENVILLE OFFICE</u>	<u>WEST FARMINGTON OFFICE</u>
<i>Serving Somerset County and most of Piscataquis County</i> 43 Lakeview Street P.O. Box 1107 Greenville, ME 04441	<i>Serving Franklin and Oxford Counties</i> 133 Fyfe Rd P.O. Box 307 West Farmington, ME 04992
Tel. (207) 695-2466 FAX (207) 695-2380	Tel. (207) 670-7492 OX Tel. (207) 670-7493 FR

3. Layout and Design for all Subdivisions.

- a. Subdivisions shall be designed to harmoniously fit into the natural environment and shall cause no undue adverse impact on existing surrounding uses. When determining “harmonious fit”, the Commission shall consider the existing character of the surrounding area, potential for conflict with surrounding uses, proposed driveway and roadway locations, and proposed lot sizes, among other factors.
- b. Subdivisions shall be designed to avoid the linear placement of lots and driveways along roadways or shorelines.

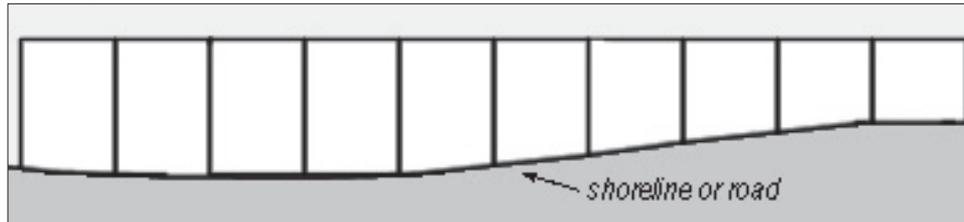


Figure 10.25,Q-3. Linear placement of lots along roadways or shorelines.

To the extent practicable, subdivision lots shall be placed so as to create a distinct community center or expand an existing neighborhood, as long as the expansion is no further than 1,320 feet from the center of the existing neighborhood.

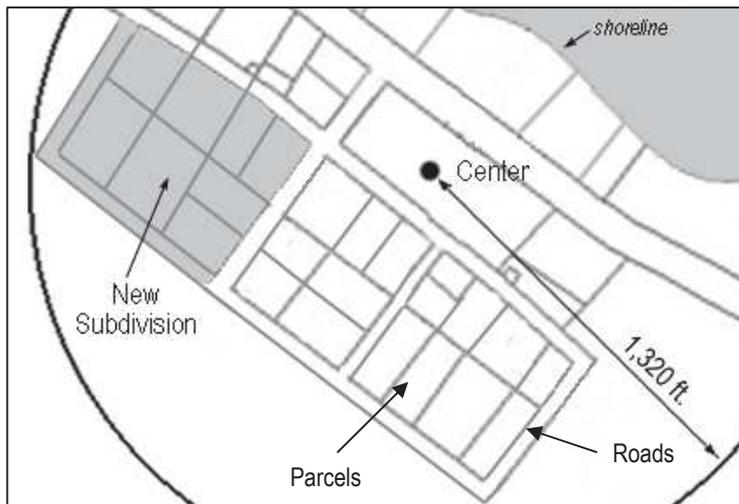


Figure 10.25,Q-4. Placement of subdivision lots within 1,320 feet of an existing neighborhood center.

Where such development is not practicable, lots shall be configured in such a manner so that groups of lots are separated by at least 500 feet of undeveloped land and the lots within a group do not extend more than 1,320 feet along any roadway or shoreline.

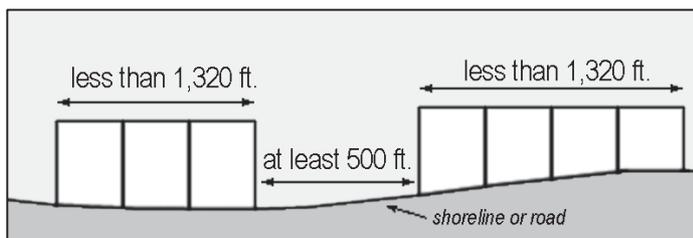


Figure 10.25,Q-5. Grouping of subdivision lots along a roadway or shoreline.

The provisions of this subsection, 10.25.Q.3.b., shall not apply to maple sugar processing subdivisions.

- c. To the extent practicable, subdivisions shall be designed to reduce the number of driveway access points onto roadways through the utilization of shared driveways and interior roads. Notwithstanding Section 10.26,C, the Commission may reduce the minimum road frontage for individual lots within subdivisions with shared driveways by up to 50 percent, as long as the Commission finds that reducing road frontage will not adversely affect resources or existing uses or that reducing road frontage will prevent the loss of important natural features.
- d. Building envelopes shall be marked and identified on the subdivision plat for each proposed lot in accordance with the following requirements:
 - (1) Building envelopes shall identify all areas within each subdivision lot where structural development may occur;
 - (2) Building envelopes shall be arranged to conform with the minimum water body, road and property line setback and maximum lot coverage requirements, as provided in Section 10.26; and
 - (3) Where practicable, building envelopes shall be arranged so as to avoid the placement of structures and driveways along ridge lines, on agricultural land, wetlands, slopes greater than 20 percent, or any other important topographic and natural features.
- e. Subdivisions proposed with mixed residential, commercial, or civic uses shall also meet the following requirements:
 - (1) Commercial uses must fit the size, scale and intensity of the surrounding residential uses; and
 - (2) A combination of residential, commercial, or civic uses on a single lot is allowed only if the most restrictive dimensional requirements, as provided in Section 10.26, are met and provided that the commercial or civic uses are otherwise compatible with residential uses.
- f. All subdivision and lot boundary corners and angle points shall be marked by suitable, permanent monumentation as required by the Maine Board of Registered Land Surveyors.
- g. Shorefront subdivisions with proposed permanent docks, trailered ramps, hand-carry launches or water-access ways shall comply with the requirements of Section 10.27,L,2.

4. Spaghetti-lots.

- a. A person may not divide any parcel of land in such a way as to create a spaghetti-lot. This prohibition does not apply to utility or transportation rights-of-ways, government purchases, or a parcel of land that the Commission determines has significant public benefit and cannot be configured in any other way in order to provide that benefit. 12 M.R.S.A. §682-A

5. Subdivision Redistricting Considerations.

Subdivisions are allowed only in appropriate subdistricts, as designated in Sub-Chapter II. However, the Commission may approve subdivisions which include land area designated as open space within subdistricts where subdivision is otherwise prohibited, provided the designated land area meets the requirements of Section 10.25,S.

6. Subdivision Filing with Registry of Deeds and Sale of Lots.

- a. **Filing requirements.** Following the approval of any subdivision by the Commission, the applicant must file the subdivision plat signed by the Commission's Director with the County Registry of Deeds where the real estate is located.

A registrar of deeds shall not record a copy of conditions or any plat or plan purporting to subdivide real estate located within the unorganized and deorganized lands of the State, unless the Commission's approval is evidenced thereon. 12 M.R.S.A §685-B(6)

- b. **Certificates of Compliance.** The sale of lots in any subdivision approved by the Commission may not proceed until a certificate of compliance has been issued. A certificate of compliance requires that, among other things, proposed deeds and plats be reviewed and approved by the Commission to ensure that permit conditions have been fulfilled. 12 M.R.S.A. §685-B(8)
- c. The fee interest in lots in maple sugar processing subdivisions, shall not be offered for sale except as part of a sale of the entire parcel originally so subdivided, or with a deed restriction requiring that the lot be used only for commercial maple syrup production unless the Commission, or its legal successor in function, releases the restriction and records such release in the registry of deeds. The subdivision plat, and any deed for lots in subdivisions created by lease for the purpose of establishing and operating maple sugar processing operations, shall contain conditions setting out such restrictions.
- d. For maple sugar subdivisions created after the effective date of this rule, deeds for each leased lot in maple sugar processing subdivisions must be created with a deed restriction requiring that the lot be used only for commercial maple syrup production unless the Commission, or its legal successor in function, releases the restriction and records such release in the registry of deeds. The deeds for each leased lot in maple sugar processing subdivisions shall be recorded with the registry of deeds at the time the subdivision is created.
- e. All subdivision lots permitted for rural businesses in the D-RB subdistrict shall include a condition requiring that the lot be used only for rural businesses unless the Commission, or its legal successor in function, releases the condition.

7. Recording of Large Lot Land Divisions.

- a. When 3 to 10 lots each containing at least 40 acres are created within a 5-year period and are located more than 1,320 feet from the normal high water mark of any great pond or river and more than 250 feet from the upland edge of a coastal or freshwater wetland as those terms are defined in 38 M.R.S.A. §436-A, a plan showing the division of the original parcel must be filed by the person creating the 3rd lot with the Commission within 60 days of the creation of that lot. The plan must state that the lots may be used only for forest management, agricultural management or conservation of natural resources. A "Guide to Certification of Plans for Large Lot Land Divisions" is available from the Commission that details submission requirements.
- b. The Commission shall determine whether the plan qualifies under 12 M.R.S.A §682-B, ordinarily within 15 days of receipt of plan.
- c. A copy of the certified plan must be filed, within 30 days of certification by the Commission, with the State Tax Assessor and the appropriate registry of deeds in the county in which the land is located. A register of deeds may not record any plan depicting these lots unless the Commission's certification that the division qualifies under 12 M.R.S.A §685-B is

evidenced on the plan. 12 M.R.S.A. §685-B(6-A)

Any subsequent division of a lot created from the original parcel within 10 years of the recording of the plan in the registry of deeds is considered a subdivision.

12 M.R.S.A §682-B