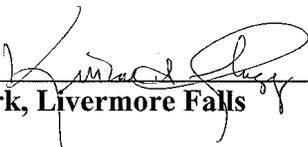


**SUBDIVISION ORDINANCE  
TOWN OF LIVERMORE FALLS**

**ATTEST: A True Copy of an ordinance entitled "Subdivision Ordinance of the Town of Livermore Falls" as certified to me by the Municipal Officers of the Town of Livermore Falls on the 9th day of March, 1981**

  
\_\_\_\_\_  
**Town Clerk, Livermore Falls**

**SUBDIVISION ORDINANCE  
TOWN OF LIVERMORE FALLS**

Section 1. Purpose

The purpose of this ordinance shall be: to assure the comfort, health, safety and general welfare of the people; to protect the environment; to provide for the orderly development of a sound and stable community; and to establish an administrative review process which will provide the Livermore Falls Planning Board with sufficient evidence, data and material to carry out its responsibilities as required in 30-A MRSA, Section 4401 et esq, and other ordinances adopted by the Town. The ordinance also has the purpose of providing a process by which the residents of Livermore Falls and others can evaluate the impact of the subdivision as well as providing a clear procedure which applicants for subdivision permits shall follow.

Section II. Authority and Administration

A. Authority

1. This ordinance is adopted pursuant to Home Rules Power as provided for in Article VIII-A of the Maine Constitution and Title 30 MRSA, Section 3001.
2. This ordinance shall be known and cited as the "Subdivision Ordinance for the municipality of Livermore Falls, Maine.

B. Administration

1. This ordinance shall be administered by the Planning Board for the Town of Livermore Falls, hereafter referred to as the "Board".
2. The provisions of this ordinance shall apply to all of the land area of all proposed subdivisions, as defined, located in the Town of Livermore Falls.
3. No plans of a subdivision of land within the municipal boundaries of Livermore Falls shall be hereafter filed or recorded in the County Registry of Deeds until a Final Plan thereof has been approved by the Board, in accordance with all of the requirements, design standards and specifications set forth in this ordinance, and Title 30-A MRSA Section 4404, and

approval shall have been entered on such Final Plan by a legal majority of the Board. The recording of a plan without the approval required by this ordinance is void.

4. Whenever any subdivision is proposed or before any contract for the sale of or offer to sell such subdivision or any part thereof shall have been negotiated, the subdividing owner or his authorized agent shall apply formally to the Board for approval of a final plan of such subdivision as provided by this ordinance and shall record an attested copy of the final plan so approved and so endorsed in the Androscoggin County registry of deeds.

### Section III. Definition of Terms

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

Comprehensive plan or policy statement: any part or element of the overall plan or policy for development of the Town as defined in Title 30-A, MRSA, Section 4301.

Dedicated Street: a street, alley, avenue, boulevard, highway, road, or right of way which is so designed, laid out and constructed to be accepted by the Town at some future date.

Freshwater: freshwater swamps, marshes, bogs and similar areas which are:

1. Inundated or saturated by surface or groundwater at a frequency and for duration sufficient to support, and under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and
2. Not considered part of a great pond, river, stream or.

Manufactured housing: A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site where it is used for housing and may be purchased or sold by a dealer in the interim.

Manufactured housing includes:

1. Those units constructed after June 15th, 1976 commonly called "newer mobile homes " which the manufacturer certifies are constructed in compliance with United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which and the travelling mode are 14 of body feet or more in width and 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with a without permanent foundations, when connected to the required utilities including the plumbing, heating, air-conditioning or electrical systems contained in the unit;

2. This term also includes any structure which meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq; and

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

Mobile Home Park: a parcel of land under unified ownership approved by the municipality for the placement of three or more manufactured homes.

Mobile Home Park lot: the area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home.

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

Planning Board: the Planning Board of the municipality created under title 30-A, MRSA, Section 4324 or Section 3001.

Preliminary subdivision plan: the preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

Resubdivision: the division of existing subdivision or any change of lot size therein with the relocation of any street or lot in a subdivision.

Street: The word "street" means and includes such ways as alleys, avenues, boulevards, highways, roads, streets and other rights-of-way. The term "street" shall also apply to areas on subdivision plans designated as "streets", etc.

Major streets: included are arterial streets which serve primarily as major traffic ways for travel through and within the municipality, and collector streets which serve as feeders to an arterial street, as collectors of traffic from minor streets, for circulation around a residential neighborhood, or for circulation and access in commercial or industrial areas.

Minor streets: those streets which are used primarily for access to abutting residential properties.

Subdivider: an individual, partnership, corporation or any other legal entity that undertakes the activities governed by this ordinance. Inasmuch as the subdivision plat is merely a necessary means to the end of assuring a satisfactory development, the term "sub divider" is intended to include the term "builder" and "developer" even though the person involved in successive stages of the subdivision may vary.

Subdivision:

1. Subdivision shall mean the Division of a tract or parcel of land as defined in Title-30-A, MRSA, Section 4401 and as hereafter amended.
2. The term subdivision shall include developments were there are three or more units involved such as mobile home parks, multiple family dwellings, condominiums, shopping centers and industrial parks.

Section IV. Preapplication

A. The subdivider shall submit for informal discussion a Sketch Plan and other data relative to the proposed subdivision to the Board. The Sketch Plan shall show, in simple sketch form, the proposed layout of streets, lots, and other features in relation to existing conditions

## Section V. Procedure for Submission and Review of Preliminary Plan and Final Plan

### A. Submission and Review of the Preliminary Plan and Application

The procedure for submission shall be as follows:

1. The applicant shall submit four copies of the Preliminary Plan and four copies of the Application for the proposed subdivision as detailed in paragraphs C and D of this section to the Board at a regularly scheduled meeting. The preliminary plan shall be drawn to a scale of not more than 100 feet to the inch. In addition, one copy of the plan reduced to a size of 8 1/2 by 11 inches or 11 by 17 inches, and all accompanying information shall be mailed to each Board member no less than seven days prior to the meeting. The Board shall issue a dated receipt to the applicant. Within 30 days from the date of receipt, the Board shall notify the applicant in writing either that the Preliminary Plan and Application are complete, or if incomplete, the specific additional material needed to make them complete. After the Board had determined that the Preliminary Plan and applicant shall be notified. Determination by the Board that the Preliminary Plan and Application are complete in no way commits or binds the Board as to the adequacy of the plan to meet the criteria of Title 30-A, MRSA, Section 404 and this Ordinance.
2. The application shall be accompanied by a fee of \$25 plus \$10 per lot or unit for the first 10 lots or units and a fee of \$15 for each lot or unit over 10. All checks shall be made payable to the Town of Livermore Falls, stating the specific purpose of the fee.
3. The Board shall forward one copy of the completed preliminary plan and application to the Selectmen, the Plumbing Inspector, Road Commissioner, Fire Chief, Police Chief, Water District and Sewer District for their review and comments.

4. If after the board has determined that a complete application has been filed, it shall notify in writing in the applicant and all property owners within 500 feet of the boundaries of the subdivision. Said written notice shall briefly describe the proposed subdivision, state where the application may be inspected, and give notice that request for a public hearing must be filed in writing to the Chairperson of the Board within ten (10) days from the date of the notice.

5. Within fifteen (15) days of the notice of receipt of the complete application, the Board shall determine whether it shall hold a public hearing on an application. The decision to hold a public hearing is discretionary and in making its decision, the Board may consider the type of subdivision, community impact, as well as written requests for a public hearing.

In the event that the Planning Board determines to hold a public hearing, it shall hold such hearings within thirty (30) days of the notice of the receipt of a completed application, and shall cause written notice of the date, time and place of the hearing to be given to the applicant and all parties receiving the notice in Section V (3) all parties who requested a public hearing in writing and in addition shall cause a notice to be published in a newspaper of general circulation in Livermore Falls at least two (2) times, the date of the first publication to be at least seven (7) days prior to the hearing.

6. The Board shall, within thirty (30) days of a public hearing, or within sixty (60) days of having received the completed Preliminary Plan, if no hearing is held, or within such other time limit as may be mutually agreed to, deny or grant approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in this ordinance and in Title 30-A, MRSA, Section 4404, and to preserve the public's health, safety and general welfare. In all instances, the burden of proof shall be upon the subdivider. In issuing its decision, the Board shall make a written finding of fact establishing that the Preliminary Plan does or does not meet the provisions of this ordinance and Title 30 -A, MRSA, Section 4404. Approval of the Preliminary Plan in no way commits or binds the Board to approve the Final Plan.

#### B. Submission and Review of the Final Plan

The procedure for submission shall be as follows:

1. The applicant shall submit the original and three (3) copies of the Final Plan to the Board at a regularly scheduled meeting, within two (2) years after the date of approval of the preliminary plan. The Board shall issue a dated receipt to the applicant. The Final Plan shall include all the information requested in Section V, paragraph D., and will also include all changes recommended by the Board in their approval of the Preliminary Plan. There shall be no other substantial changes between the Preliminary Plan and a Final Plan. The Final Plan shall be drawn in ink on a reproducible stable-based transparent original embossed with the seal of the Surveyor or engineer who prepared the plan suitable for permanent recording in the Androscoggin County Registry of Deeds. The final plan shall be drawn to scale of not more than 100 feet to the inch. In addition, one copy of the plan(s) reduced to a size of eight and a half by 11 inches or 11 by 17 inches, and all accompanying information shall be mailed to each board member no less than seven days prior to the meeting.

2. The Board has the option of holding a public hearing on the Final Plan. Regulations for such a hearing shall be according to State Law as provided in Section V, paragraph A-4.

3. The Board shall, within thirty (30) days of a public hearing, or within sixty (60) days of having received the completed Final Plan, if no hearing is held, or within such other time limit as may be mutually agreed to, deny or grant approval of the Final Plan or grant approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in this ordinance and in Title 30-A, MRSA, Section 4404, and to preserve the public's health, safety and general welfare. In issuing its decision, the Board shall make a written finding of fact establishing that the Final Plan does or does not meet the provisions of this ordinance and Title 30-A, MRSA, Section 4404.

4. Upon approval of the Final Plan by a majority of the Board, the Board shall sign the original and three (3) copies of the final plan. The original shall be filed by the subdivider with the Androscoggin County Registry of Deeds . One copy shall be retained by the subdivider, one copy shall be retained by the Board, the one copy shall be filed with the Selectmen. The Board shall maintain a permanent record of their action on the Final Plan.

### C. Application

The application form shall be furnished by the Board, filled out by the applicant and shall include the following information: (Items marked with an "X" shall be required in all instances; items without an "X" may be required at the discretion of the Board.)

### C. Application

The application form shall be furnished by the Board, filled out by the applicant and shall include the following information: (Items marked with an "X" shall be required in all instances; items without an "X" may be required at the discretion of the Board.)

- 1. Name and address of owner
- 2. Name and address of applicant (if other than owner).
- 3. If applicant is a corporation, state whether the corporation is licensed to do business in Maine, and attach a copy of Secretary of State's registration.
- 4. Name of applicants authorized representative.
- 5. Name, address and number of registered professional engineer, land surveyor or planner who prepared the plan.
- 6. Address to which all correspondence from the Board shall be sent.
- 7. What interest does the applicant have in the parcel to be subdivided (option, land purchase contract, record ownership, etc.)?
- 8. What interest as the applicant have in any property abutting the parcel to be subdivided?
- 9. State whether the subdivision covers the entire or contiguous holdings of applicant or not.
- 10. Location of property: book and page (from Registry of Deeds).
- 11. Location of property: map and lot (from Assessor's Office).
- 12. Current zoning of property if applicable.

- X 13. Acreage a parcel to be subdivided.
- X 14. Proposed method of sewage disposal and the results of an on-site soils investigation for each lot.
- X 15. Soils report for entire area.
- X 16. Names and mailing addresses of property owners within 500 feet of abutting parcel to be subdivided.
- X 17. Indicate the nature of any restrictive covenants to be placed on the deeds.

D. Subdivision Plan

The subdivision plan shall be a map of the tract to be subdivided, certified by a registered land surveyor and tied to established reference points. Plan shall not be less than 12"X 22" or more than 24" by 36" and shall be drawn to scale of 1" equals not more than 100 feet. The subdivision plan shall include the following information: items marked with an "X" shall be required in all instances; items without an "X" may be required at the discretion of the Board.)

	Preliminary Plan	Final Plan	
1.	X	X	Name of proposed subdivision; location of subdivision; name of subdivider; and embossed seal and signature of Registered Land Surveyor.
2.	X	X	Lot numbers.
3.	X	X	Date, magnetic north point and graphic map scale.
4.	X	X	A standard boundary survey of the parcel made and certified by a

			registered land surveyor and proposed lot lines with approximate dimensions and lot areas, and total area of land to be subdivided.
5.	X	X	Proposed lot lines with dimensions, bearings, deflection angles, radii and central angles sufficient to reproduce any line on the ground, and lot areas and total area of land to be subdivided.
6.	X		Location of temporary markers to enable the Planning Board to locate each lot rapidly and appraise the basic lot layout in the field.
7.		X	Location of permanent markers, both natural and manmade.
8.	X	X	Location of all parcels to be dedicated to public use and the conditions of such dedication.
9.	X	X	Names of abutting property owners and subdivisions. Reference to record subdivision plans of adjoining lands by book and page number.
10.	X	X	Location of freshwater wetlands and any portion of the subdivision that is in the boundaries of any flood hazard area and the 100 year flood elevation.
11.	X	X	Location of all required soil investigation test pits.
12.	X	X	Location and size of existing buildings.

13.	X	X	Suggested location of buildings, subsurface sewage disposal systems and wells.
14.	X	X	Location of all natural features or site elements including significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife, historic or rare and irreplaceable natural areas to be preserved.
15.	X	X	Location of any existing river, stream or brook within or abutting the subdivision and other essential existing physical features.
16.	X	X	Location and size of any existing sewer and water mains and other utilities, location and size of culverts and drains.
17.	X	X	Location, names and widths of existing and proposed streets, highways, easements and rights-of-way.
18.	X		Contour lines at 5 foot intervals (or other interval as specified by the Board).
19.	X		Proposed uses of property.
20.	X	X	Other information not indicated above as required by the Board.
21.	X	X	Soil erosion and sediment control plan.

- |     |   |   |  |
|-----|---|---|--|
| 22. | X | X | A plan for the disposal of surface water run-off prepared by a Registered Professional Engineer.   |
| 23. | X | X | Any portion of the subdivision located in the direct watershed of a great pond.  |
| 24. |   |   | Phosphorous impact analysis.   |
| 25. | X | X | The cost of the proposed subdivision and a statement of the applicant's technical and financial capacity to carry out the project.               |
| 26. | X | X | A statement of the type of water supply and availability.  |
| 27. | X | X | Suitable space to record on the approved Plan and date the conditions of approval, if any. This space shall be similar to the following example: |

Approved by the Town of Livermore Falls Planning Board:

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Conditions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## E. Accompanying Information Documents

The Board may require the following accompanying documents or information to be included with the Plan:

- \_\_\_\_\_ 1. Traffic impact analysis.
- \_\_\_\_\_ 2. Statement from the Fire Chief as to the ability to provide adequate fire protection.
- \_\_\_\_\_ 3. Plans, profiles and cross-sections for roadways, sidewalks and storm drainage facilities.
- \_\_\_\_\_ 4. A soil erosion and sediment control plan for construction and for permanent control.
- \_\_\_\_\_ 5. Other information or documents not indicated above, as specified by the Board.

## F. Plan Revision After Approval

1. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Planning Board and endorsed in writing on the Plan, unless the Plan is first resubmitted and the Planning Board approves any modifications. In the event that a final plan is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the records of the Municipal Officers and a Registry of Deeds.

## G. Public Acceptance of Streets, Recreation Areas

1. The approval by the Planning Board of a Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the Municipality of any street, easement, or other open space shown on such Plan.
2. When a park, playground or other recreation area shall have been shown on the plan, the approval of the plan shall not constitute an acceptance by the Municipality of such areas. The Planning Board shall require the plan to be endorsed with appropriate notes to this effect. The Planning Board may also

require the filing of a written agreement between the applicant and the Municipal Officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

## Section VI. Enforcement

A. No person, firm, corporation or other legal entity may sell, lease or convey for consideration, offer or agreed to sell, lease, or convey for consideration any land in a subdivision which has not been approved by the Board and recorded in the Androscoggin County Registry of Deeds.

B. No public utility, water district, sanitary district or any utility company of any kind shall install services to any lot in a subdivision for which a final plan has not been approved by the Board.

C. Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this section are a nuisance and shall be punished in accordance with the provisions of Title 30-A MRSA, Section 4452.

## Section VII. Performance Standards

In receiving applications for subdivision approval the Board shall consider the following standards. In all instances the burden of proof shall be upon the person proposing the subdivision.

A. Conformance with Other Laws, Regulations: The proposed subdivision shall be in conformance with all pertinent local, state and federal ordinances, statutes, laws and regulations. If the proposed subdivision meets the definition of a subdivision as defined in the Site Location of Development Act, Title 38, MRSA, Section 482, the subdivider must secure the approval of the Board of Environmental Protection and the Board before any construction activity may begin in the subdivision.

B. Conformance with Comprehensive Plan: Any proposed subdivision shall be in conformity with the Comprehensive Plan or policy statement as adopted by the Town of Livermore Falls.

C. Buffer Strip: The Board may require such as natural vegetation, where separation is desirable.

D. Easements: The Board may require 30 foot or wider easements for sewerage, drainage or other utilities.

E. Impact on Community Services and Facilities: Any proposed subdivision shall be reviewed by the Board with respect to its effect upon existing community services and facilities including schools and recreational areas. The Board shall advise the Selectmen and the developer regarding the designation of space for future community facilities and may withhold approval of the final plans pending such designation.

F. Land Not Suitable for Development: The total lot area of any lot shall satisfy the minimum requirements of the Minimum Lot Size Ordinance of Livermore Falls and the minimum shall be outside:

1. Freshwater wetlands, whether or not filled or drained;
2. Land created by diverting a watercourse; and
3. Land created on filled and drained "great ponds".

G. Subdivision Names

The name of the proposed subdivision shall not duplicate or to close approximate the name of any other subdivision within the municipality.

H. Open Space Provisions

1. The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas.
2. The Board may require that a subdivider reserve an area of land as open space and/or recreational area for use by property owners in the subdivision.
  - a. If such an area is reserved, the final plan shall provide how title to the reserve land shall be held and how costs of development, maintenance and taxes shall be met.

b. Included in the instrument of conveyance to each property owner of the subdivision shall be a statement of:

i. The manner of providing for the cost of development and maintenance and for property taxes of the reserved land.

ii. If appropriate, the individual property owners pro-rata share of development cost, maintenance cost and property taxes of the reserved lands.

c. Land designated for public use shall not be subdivided for any other purpose. This prohibition does not apply to land areas designated for later development if the subdivision plan includes provision for development in discreet stages.

d. Any area designated for common use shall be so arranged that each property owner has access to it.

#### I. Lots

1. The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated. In all instances, lot size, width, and depth shall conform with the Livermore Falls Minimum Lot Size Ordinance and Shoreland Zoning Ordinance and as hereafter amended. The minimum building setback lines shall be determined with due regard to the recommended minimum of 25-foot setback for all street rights-of-way.

2. Depth and width of properties reserved or laid out for commercial purposes shall be adequate to provide for off-street parking facilities required by the type of use and development contemplated.

3. Where a tract is subdivided into lots substantially larger than the minimum size required in the Minimum Lot Size Ordinance, the Board may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in these standards.

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

5. The Board may request the subdivider to make provisions in the subdivision plan to allow for each lot to have access to direct sunlight for solar energy systems.

#### J. Lot Access

Any proposed subdivision shall be so designed that every lot has frontage on a public or dedicated street.

#### K. Easements for Natural Drainage Ways

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

#### L. Mobile Home Parks

Mobile home parks and expansions of existing mobile home parks shall conform to the following standards:

##### 1. Lot Size, Width and Density

- a. All lots will be designated on a mobile home park plan.
- b. Lots served by public sewer shall have a minimum lot area of 6500 square feet. The lots will have a minimum lot width of 50 ft.
- c. Lots served by individual subsurface sewage disposal systems will have a minimum lot area of 20,000 square feet and minimum lot width of 100 ft.
- d. Lots served by a central subsurface wastewater disposal system will have a minimum lot area of 12,000 square feet and minimum lot width of 75 ft.

- e. The overall density of a mobile home park served by a central subsurface sewage disposal system shall be no greater than one unit per 20,000 square feet of total park area.
- f. Where lots front on a curved right-of-way or area served by a driveway, the frontage requirement shall be measured in a straight line perpendicular to the setback line.
- g. Lots within a shoreland zoning area as defined in the Shoreland Zoning Ordinance shall meet the lot area, lot width, setback and shore frontage requirements for that district.
- h. The overall area of the mobile home park shall be the combined area of the mobile home lots plus:
  - 1. The area required for road rights-of-way,
  - 2. The area required for buffer strips, if any,
  - 3. The area required for open space, and
  - 4. The area within the municipality's shoreland setback.

## 2. Lot Setbacks

Mobile homes in a mobile home park, adjacent to a public road, shall be set back from the road a distance equal to the setback requirements for other residential developments.

## 3. Open Space Requirements

The Board may require that within mobile home parks on a public sewer an area of land be reserved as open space and/or recreational area for use by all residents of the park. This requirement will be in accordance with provisions relating to other residential developments. No more than 10 percent of the total area devoted to individual lots shall be set aside for open space and/or recreation.

## 4. Buffer Strips

The Board may require a buffer strip to 50 ft. in width, such as natural vegetation, where separation is desirable. The width of the buffer strip must

comply with the requirements of Title 30-A, MRSA, Section 4358, Regulation of Manufactured Housing.

## 5. Parking Requirements

For each mobile home lot, there shall be provided and maintained at least two off-street parking spaces. Each parking space shall contain a minimum area of 200 square feet with minimum dimensions of 10 feet by 20 feet. This requirement may be waived if an equivalent number of spaces is provided by a parking lane.

In addition to occupant parking, off-street guest and service parking shall be provided within the boundaries of the park at a ratio of one space for each four mobile home lots. This requirement shall be waived if the parking lane provides an equivalent number of spaces.

## 6. Road Standards

The main entrance of the mobile home park shall be from a state, state aid or town road. All mobile home park lots shall abut on a roadway designed in accordance with the Town of Livermore Falls Streets and Ways Ordinance (see Section XIII, Privately Owned Roads - Mobile Home Parks). Parks generating more than 500 vehicle trips per day will require a traffic impact analysis by a professional engineer, registered in the State of Maine.

## 7. Street Lights

Mobile Home Park Street shall be illuminated by street lighting installed at regular intervals of 300 +/-feet. These lights shall be provided and maintained by the mobile home park owner.

## 8. Ground Water

For mobile home parks not served by public sewer, an assessment of the impacts of park development on ground water quality shall be submitted prior to final approval of the park. The assessment shall be prepared by a certified geologist or registered professional engineer.

## 9. Utility Requirements

All mobile home parks shall provide permanent electrical, water and sewage disposal connections to each mobile home in accordance with applicable state and local rules and regulations.

- a. An adequate and potable supply of water, with a minimum of 30 pounds per square inch pressure at all times, shall be provided for each mobile home space or lot. The water source shall be capable of producing 300 gallons of potable water per mobile home lot per day.
- b. All mobile homes in a mobile home park shall be connected to the municipal sewer system or a centralized private system by means of an approved system of collector and interceptor sewer lines.
- c. Where municipal sewer or centralized private sewer system is not used, an approved septic sewage disposal system shall be provided for each lot in a mobile home park.

#### 10. Refuse

The storage, collection and disposal of refuse in the mobile home park shall be so handled or managed by the permittee as to create no health hazards, rodent harborage, insect breeding areas, accident hazards or area pollution. One refuse can with a tight fitting cover for each occupied mobile home lot or space shall be furnished by the mobile home owner.

#### 12. Aesthetics

- a. Skirting. An underskirt of a substantial material must be installed within 90 days from installation of mobile homes.
- b. Storage. At least 300 cubic feet of enclosed tenant storage facilities shall be conveniently provided on or near each mobile home lot for the storage of materials and equipment.

#### 13. Records

Each committee shall keep a written record, subject to inspection at any reasonable time by a duly authorized Officer of the Town of Livermore Falls, which shall contain the date of arrival, the name, make, year, model, serial number (where applicable) and length of mobile home, and also the

names of the occupants thereof. A complete list of the above shall be furnished to the assessor's office on April 1st of each year.

#### 14. Certification of Payment of Sales Tax

No municipality may allow the construction or location of any new manufactured housing within the municipality by any person other than a dealer licensed by the state with a sales tax certificate, without:

- a. A bill of sale indicating the name, address, dealer registration number and sales tax certificate number of the person who sold or provided the manufactured housing to the buyer locating the housing in the municipality; or
- b. If no such bill of sale is presented, evidence of certification of payment of the sales tax in accordance with Title 36, Section 1760, Subsection 40 and Title 36, Section 1952-B.

The permit is deemed to be not approve or valid until payment of the sales tax has been certified.

#### Section VII. Blocks

A. The length of blocks shall not exceed 1,400 ft. or be less than 400 ft. and the width sufficient to provide for two tiers of lots, but irregularly shaped lots indented by cul-de-sac streets and containing interior parks will be acceptable when properly designed and provision made for maintenance of interior parks.

#### Section IX. Design Standards

##### a. Monuments

The subdivider shall install two concrete or stone monuments at least 36 inches in length and 4 inches square with a suitable center point at each street intersection on the right-of-way line, and iron pan monument 5/8 inches in diameter and 36 inches long, at all points on boundary lines of lots where there is a change in direction and at all corner lots.

##### B. Street Names

Streets which joined or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of the streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality and shall be subject to the approval of the Board.

### C. Streets

1. In accordance with the Comprehensive Plan of the Municipality and for the purposes of the standards, streets are classified by function as follows:

a. Major Streets: The term "major streets" includes arterial streets which serve primarily as major traffic ways for travel between and through towns; and collector streets, which serve as feeders to arterial streets, as collectors of traffic from minor streets and for circulation and access in commercial and industrial areas.

b. Minor Streets: Local streets which are used primarily for access to abutting residential, commercial, or industrial properties.

### C. Layout

1. Proposed streets shall conform, as far as practical, to such Comprehensive Plan and to the Major Street Plan as may have been adopted prior to the submission of a Preliminary Plan.

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

3. The arrangement, character, extent, width, grade, and location of all streets shall be considered in relation to existing or planned streets, to topographical conditions to public convenience and safety, and their proper relation to the proposed use of the land to be served by such streets. Grades of streets shall conform as closely as possible to the original topography

4. Where a subdivision abuts or contains an existing or proposed arterial street, the Board may require marginal access street (parallel to arterial street providing access to adjacent lots), reverse frontage (that is, frontage on the street other than the existing or proposed arterial street) with screen planting

contained in a non-access reservation along the rear property line, or such other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

5. Entrances onto existing or proposed collector streets shall not exceed a frequency of one per 200 feet of street frontage. Entrances onto existing or proposed arterial street shall not exceed a frequency of one per 500 feet of street frontage.

#### D. Design and Construction Standards

All streets in a subdivision shall be designed and constructed to meet the standards of the Town of Livermore Falls Ordinance for the Acceptance of Streets and Ways and as hereafter amended, for streets according to their classification as determined by the Board. The Livermore Falls Road Commissioner or Engineer shall oversee the construction of all streets.

1. Intersections of streets shall be at angles as close to 90 degrees as possible and in no case shall two streets intersect at an angle smaller than 60 degrees. To this end, where one street approaches another between 60 - 90 degrees, the former street shall be curved approaching the intersection.

2. Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrian and vehicular traffic. A portion of any corner lot which is necessary to allow 25 foot sight lines between intersecting streets shall be cleared of all growth (except isolated trees) and obstructions above the level three feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.

3. Dead and or cul-de-sac streets shall be provided at the closed end with a turn-around having a property line radius of at least 60 feet with an outside pavement radius of at least 40 feet.

4. Jogs: Streets with center lines offset less than 125 feet shall not be permitted.

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

6. Curb radii at street intersections of 90 degrees or greater shall be at least 25 feet. Where the angle of street intersection is less than 90 degrees, a radius of at least 30 feet shall be required.

#### E. Sidewalks

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

#### F. Water Supply

1. Where a public water main is within 1500 feet of the subdivision at its nearest point, the subdivider shall connect with such water main with a line meeting the specifications of the Livermore Falls Water District.

2. Where a public water line is not reasonably accessible as defined by the said Water District, the subdivider shall provide a private water supply acceptable to the Town Health Officer.

#### G. Sewage Disposal

1. Where a public sanitary sewer line is within 1,500 ft. of the subdivision at its nearest point, the subdivider shall connect with such sanitary sewer lines meeting the specifications of the Sewer District.

2. Where public sewer is not reasonably accessible as determined by the Board, the subdivider shall provide proof of soils suitable for subsurface wastewater sewage disposal on each lot in accordance with the State of Maine Subsurface Wastewater Disposal Rules.

#### H. Storm Drainage

Adequate means of storm drainage shall be provided by the subdivider, and such drainage shall be kept separate from any sanitary sewer line.

### Section X. Guarantee, Security or Performance Bond

A. The Board may require as a condition of approval that the subdivider file with the Board at the time of approval and prior to any construction a

performance guarantee in an amount sufficient to defray all expenses of the proposed improvements including, but not limited to, streets, sidewalks, utilities, storm drains, parks, and publicly held open spaces. This may be tendered in form of a certified check payable to the Municipality, a savings account or certificate of deposit assigned to the Municipality or a faithful performance bond running to the Municipality and issued by a surety company acceptable to the Municipality. The conditions and amount of such a security bond shall be determined by the Board of the Municipality with the advice of various Municipal Officers concerned. The amount shall be sufficient to ensure the furnishing, installing, connecting and completing all improvements specified on the approved plan within two years of the date of the certified check or performance bond. If the subdivision is to be completed in phases, the Board may require a performance guarantee for each phase rather than a single guarantee for the entire subdivision provided each phase conforms to the two-year completion requirement of this section.

B. The Board may recommend a maximum extension of 12 months to the guaranteed performance. When the subdivider can demonstrate, to the satisfaction of the Board and other interested officials or agencies, good cause for such extension. Such recommendation for extension shall be referred to the Board of Selectmen for official action .

C. The Board may, at its discretion, waive the requirement of a guarantee, security or performance bond and recommend a properly executed conditional agreement with the Municipality. Such agreement, if executed with the Municipality, shall be endorsed in writing and shall provide that no lot in such subdivision is sold and no permit shall be issued for construction of any building on any lot on any street in such subdivision until all agreed upon improvements have been.

## Section XI. Inspection of Required Improvements

A. At least 10 days prior to commencing construction of improvements or alteration of roads and utilities, the subdivider shall notify the Town Manager in writing of the time when he proposes to commence construction of such improvements so that the Municipal Officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements and utilities required by the Board.

B. If the Municipal Building Inspector or engineer or appointed engineer shall find, upon inspection of the improvements performed before expiration date of the guarantee where security arrangement or performance bond required by Section X that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Municipal Officers, Building Inspector and Board. The Municipal Officers shall then notify the subdivider and if necessary, the bonding company, but take all necessary steps to preserve the Municipalities rights under the guarantee, security or bond. No plan shall be approved by the board as long as the subdivider is in default on a previously approved plan.

C. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Municipal Building Inspector or engineer or appointed engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements the Municipal Building Inspector or engineer or appointed engineer may, upon approval of the Board, authorize modifications provided these modifications are within the spirit and intent of the Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Municipal Engineer or appointed engineer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Board at its next regular meeting.

D. The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the Town.

## Section XII. Release of Guarantee, Security or Performance Bond

Before a subdivider may be released from any obligation required by his guarantee of performance, the Board will require certification from the municipal engineer or appointed engineer and whatever other agencies and departments that may be involved, to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards, state and local codes and ordinances.

## Section XIII. Waivers

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

D. Where the Board finds that, due to special circumstances of a particular Plan, the provision of certain required improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.

C. In granting variances and modifications, the Board shall require such conditions as will, in its judgment, secure substantially the objective of the requirements to varied or modified.

#### Section XIV. Validity, Effective Date and Conflict of Ordinance

A. Should any section or provision of this ordinance be declared by the courts to be invalid, such decisions shall not invalidate any other section or provision of this ordinance, and to this end, the provisions of this ordinance are hereby declared to be severable.

B. This ordinance shall take effect and be enforced from and after the date of its official adoption by the governing body.

C. This ordinance shall not repeal, annul, or any way impair or remove the necessity compliance with any other rule, regulation, by-law, permit or provision of law. Where this ordinance imposes a higher standard for the promotion and protection of health and safety, the provisions of this ordinance shall prevail.

#### Section XV. Amendments

This ordinance may be amended by majority vote of the Town Meeting. Amendments may be initiated by majority vote of the Planning Board or by request of the Board of Selectmen to the Planning Board or on petition of

10% of the votes cast in the last gubernatorial election in the town. The Planning Board shall conduct a public hearing on any proposed amendment.

#### Section XVI. Appeals

An appeal may be taken within thirty (30) days from the Board's final decision in the Preliminary Plan or Final Plan by any party to Superior Court in accordance with Rule 80-B of the Maine Rules of Civil Procedure.

#### Section XVII. Repeal of Existing

Enactment of this ordinance shall constitute a repeal of the Ordinance entitled Subdivision Regulations, Town of Livermore Falls and Mobile Home Park Ordinance of the Town of Livermore Falls as amended.

Adopted March 9, 1981

Amended June 11, 1997