

ARTICLE 13 SUBDIVISIONS

[NEW ARTICLE JUNE 15, 2005]

SECTION 13.01 TITLE

This Article may be cited as the “City of Bath Subdivision Ordinance” and referred to herein as the “Ordinance.”

SECTION 13.02 AUTHORITY AND PURPOSE

This Ordinance has been adopted in accordance with the provisions of 30-A M.R.S.A. § 4403, and sets forth regulations by which the Bath Planning Board will review Applications for Subdivision Approval and amendments to subdivisions. The purpose of the Ordinance is:

- A. To provide for an expeditious and efficient process for the review of Applications for Subdivision Approval and Applications for Subdivision Amendment Approval;
- B. To provide specific standards of approval for the State Subdivision Review Criteria, found in 30-A M.R.S.A. § 4404;
- C. To assure that new development in the City of Bath meets the goals and conforms to the policies of the Comprehensive Plan. Compliance with ordinances based on the Comprehensive Plan constitutes a presumption that the provisions of the Comprehensive Plan have been met;
- D. To assure the comfort, convenience, safety, health, and general welfare of the inhabitants of the City of Bath;
- E. To protect the environment and conserve the natural and cultural resources identified as pertinent in the Comprehensive Plan;
- F. To assure that services and facilities are available to residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures;
- G. To minimize the potential impacts from new subdivisions; and
- H. To promote the development of an economically sound and stable community.

SECTION 13.03 NOTICES

When applicable, at least 7 days prior to the date when the Board is to review the Application, the Planning Office must send notices of the Board meeting by first-class mail to owners of contiguous properties, properties directly across the street, and properties within 200 feet of the applicant’s property, as shown by the most recent tax records of the City. Notices must indicate the time, date, and location of the Board meeting. The Planning Office must maintain a written certificate indicating those persons to whom notices were mailed, to what addresses, when mailed, by whom mailed, and from what location mailed. Failure to notify as required herein does not invalidate any action of the Board. Any appeal must be processed as an Administrative Appeal according to Section 4.13, C through G. A party is

required to demonstrate that he/she was materially prejudiced by the lack of knowledge of the Board meeting before the Zoning Board of Appeals may require reconsideration.

SECTION 13.04 ADMINISTRATION AND ENFORCEMENT PRIOR TO APPROVAL

- A. The Planning Board of the City of Bath, hereinafter referred to as “the Board,” is authorized to administer this Ordinance.
- B. The provisions of this Ordinance pertain to all land and buildings proposed for subdivision within the boundaries of the City of Bath.
- C. The grading or construction of streets, grading of land or lots, the clearing of land, or the construction of buildings in a subdivision is prohibited until such time as the Board has granted Subdivision Approval and the original copy of the Subdivision Plan so approved and endorsed has been duly recorded in the Sagadahoc County Registry of Deeds.
- D. No public utility, water district, or any utility of any kind may serve any lot in a subdivision where the Board has not granted Subdivision Approval and the approved Plan has not been recorded at the Sagadahoc County Registry of Deeds.
- E. No subdivision plan within the City of Bath may be recorded in the Sagadahoc County Registry of Deeds unless the Subdivision Plan meets the requirements of this Ordinance and is approved by the Board.
- F. No person may sell, lease, develop, build upon, convey, offer or agree to sell, lease, develop, or build upon any land or dwelling unit in a subdivision that has not been approved by the Board and the approved Plan has not been recorded at the Sagadahoc County Registry of Deeds.
- G. Any person who sells, leases, develops, builds on, conveys, offers or agrees to sell, lease, develop, or build on any land or dwelling unit in a subdivision that has not been approved as required by this Article is subject to the provisions of 30-A M.R.S.A. § 4452.

SECTION 13.05 DEVELOPMENTAL SUBDIVISION

A. Definition

A developmental subdivision is a development that meets the definition of subdivision in 30-A M.R.S.A. § 4401(4), but is on a single, undivided lot. Such development(s) include the construction or placement of 3 or more dwelling units on a single lot within a 5-year period and the division of an existing structure previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

B. Review procedure and approval criteria

An application for approval of a developmental subdivision may be processed and reviewed concurrently with an application for Site Plan Approval. As applicable, approval criteria are those in Article 10; Article 11; Section 13.13; and Section 13.14. Sketch plan review may be conducted concurrently with the site plan preapplication workshop. Subdivision review may be conducted concurrently with site plan review. Procedures for

notification, public hearing, and decision time limits contained herein must be met, as applicable.

SECTION 13.06 PRE-APPLICATION WORKSHOP

Prior to submitting a formal application, a developer may schedule a pre-application workshop with the Board. The pre-application workshop is informal and informational in nature and does not result in any formal action. There is no fee for a pre-application review, and the plan is not considered a pending application. No decision on the substance of the plan may be made at the pre-application workshop. The applicant is encouraged to meet informally with the Planning Director prior to the workshop. Notification must be done pursuant to Section 13.03.

SECTION 13.07 SKETCH PLAN REVIEW

A. Purpose

The purpose of Sketch Plan Review is for the applicant to present to the Board general information regarding the proposed subdivision and receive the Board's comments on the preparation of the complete Application for Subdivision.

B. Procedure

The applicant must submit a signed Application for Sketch Plan Review, the processing fee payable in a form acceptable to the City of Bath in an amount set by the City Council, 17 copies of the Sketch Plan and any supporting materials to the Planning Office 3 weeks prior to the Sketch Plan Review. At the Sketch Plan Review meeting, the applicant is to present the Plan and allow the Board to ask questions and make suggestions to be incorporated by the applicant into the application. The Board may not take any action on the plan, but may schedule a site inspection.

C. Notification to Owners of Property Near the Proposed Subdivision

Notification must be done pursuant to Section 13.03.

D. Submission Requirements

The Sketch Plan and/or the supporting materials must show, on a topographic map, the proposed layout of streets, lots, buildings, and other features in relation to existing conditions. The Sketch Plan should be supplemented with information to describe the existing conditions of the site and the proposed development. Existing site conditions such as steep slopes, wet areas, important or unique natural areas, significant trees and vegetative cover, rock outcrops, and stone walls must be identified in a general manner. It is recommended that the Sketch Plan be superimposed on, or accompanied by, a copy of the Tax Map(s) on which the land is located. The Sketch Plan must include the boundaries of the proposed subdivision and a general location of proposed utilities, a general description of any proposed covenants, and be accompanied by a copy of that portion of the county soil survey or other equivalent soils information covering the proposed subdivision.

E. Site Inspection

If the Board schedules a site inspection, it must be held within 30 days of the Sketch Plan Review meeting, unless circumstances, such as deep snow, render the site's conditions

unobservable. If the site conditions are unobservable, the site inspection must be postponed until such time the site's conditions are observable. Prior to site inspection, the applicant must place "flagging" at the centerline of any proposed streets and emergency roads, at the approximate intersections of the street centerlines, and at lot and any common area corners. The provisions of 1 M.R.S.A. §401, *et seq.*, apply to site inspections.

F. Rights not Vested.

The submittal of the Sketch Plan, the meeting to review the Sketch Plan, and/or the site inspection are not considered substantive reviews under 1 M.R.S.A. § 302.

SECTION 13.08 SUBMISSION OF APPLICATIONS FOR SUBDIVISION APPROVAL

- A. Within 6 months of the Sketch Plan Review meeting, the applicant must submit an Application for Subdivision Approval to the City of Bath Planning Office. Failure to do so within the 6 months may require resubmission of the Sketch Plan to the Board. Changes in development or public utilities in the area that may affect the proposed subdivision may require resubmission of the Sketch Plan.
- B. In order to establish an orderly, equitable, and expeditious procedure for reviewing subdivisions and to avoid unnecessary delays in processing of Applications for Subdivision Approval, Applications for Subdivision Approval must be received by the Planning Office 4 weeks prior to the meeting at which the Board is to review the application, or at such time set by the Board at Sketch Plan Review.
- C. The Subdivision Plan must generally conform to the layout shown on the Sketch Plan and must include any recommendations made by the Board.
- D. All Applications for Subdivision Approval must be accompanied by a processing fee payable in a form acceptable to the City of Bath, in an amount set by the City Council.

SECTION 13.09 PLANNING OFFICE PROCESSING OF APPLICATIONS FOR SUBDIVISION APPROVAL

- A. Upon receipt of an Application for Subdivision Approval the Planning Office:
 - 1. Must issue a dated receipt to the applicant.
 - 2. Must notify in writing owners of property within 200 feet of the applicant's property that an Application for Subdivision Approval has been submitted, specifying the location of the subdivision and including a general description of the project.
 - 3. Must notify the clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary.
 - 4. May, if City staff is not available or qualified to review the plans and supporting materials, and after notification to, and at the expense of, the applicant, employ 1 or more independent consultants to review the plans and supporting materials. The estimated costs of such consultants must be deposited with the City Treasurer prior to employing the independent consultant. Any amount not

spent must be returned to the applicant. If the cost of the review exceeds the amount deposited, the applicant must deposit additional funds with the City Treasurer before processing of the Application by the Planning Board may continue.

B. Code Enforcement Officer's Review

The Planning Office must forward the application to the Code Enforcement Officer (hereinafter "CEO"), who must review the application to determine whether the Space and Bulk Regulations of the zone are met. The CEO must report his/her determination in writing to the Planning Director. If the CEO finds that the Space and Bulk Regulations of the zone have not been met, the applicant must be notified in writing, and processing of the Application for Subdivision Approval will cease, unless the space and bulk nonconformancy is the subject matter of a Contract Rezoning amendment.

C. Planning Director's Review

Once the CEO has reported his/her determination to the Planning Director, the Planning Director must review the Application for Subdivision Approval and the supporting information. The Planning Director must send copies of the plans and supporting materials to appropriate City staff for review. If the Planning Director makes a preliminary determination that the application is complete, in accordance with the requirements of Section 13.11, the application must be placed on the agenda of the next available Board meeting. If the Planning Director makes a preliminary determination that the application is not complete, the applicant must be notified in writing and advised of the materials or information necessary to complete the application. The applicant may appeal the Planning Director's preliminary determination, in writing, to the Board. If appealed, the application will be placed on the agenda of the next available Board meeting. The Planning Director's review is not considered a substantive review process under 1 M.R.S.A. § 302.

SECTION 13.10 PLANNING BOARD'S PROCESSING OF APPLICATIONS FOR SUBDIVISION APPROVAL

- A. The meeting at which the Board considers the Application may not be combined with the Sketch Plan Review meeting for the same development.
- B. The Board must issue a dated receipt to the applicant for the Application at its first meeting for consideration of the Application.
- C. Within 30 days of the receipt of the Application, the Board must determine whether the application is complete pursuant to the provisions of Section 13.11, and, must notify the applicant in writing of its determination. If the application is not complete, the Board must cease review of the Application and notify the applicant in writing of the necessary material needed to complete the application.
- D. Upon a determination that the Application is complete, the Board must determine whether to hold a public hearing on the application. If the Board decides to hold a public hearing, it must hold the hearing within 30 days of determining that it has received a complete application, and must publish a notice of the date, time, and place of the hearing in a newspaper of general circulation in Bath at least 2 times, the date of

the first publication to be at least 7 days prior to the hearing. A copy of the notice must be mailed to the applicant and to owners of property near the proposed subdivision pursuant to Section 13.03.

E. Notification to Owners of Property Near the Proposed Subdivision

Notification must be pursuant to Section 13.03.

F. Review Procedure

The Board must use the following procedure when reviewing the Application to determine whether or not the Application meets the standards of this Ordinance and the provisions of 30-A M.R.S.A. § 4404, and as amended.

1. The applicant or his/her duly authorized agent or representative must present the application and demonstrate how the subdivision will conform to all applicable provisions of this Ordinance and the provisions of 30-A M.R.S.A. § 4404, and as amended.
2. Questions and comments from those present, including the Board members, the public, and the City staff, must be made through the Board Chair.
3. If the Board needs more time to review the application and the information presented, or if the applicant needs more time to present additional information to demonstrate that the application meets the standards of this Ordinance and the provisions of 30-A M.R.S.A. § 4404, and as amended, the Board may vote to continue review of the application to another Board meeting, to be held within 30 days of the public hearing, or within 60 days of determining a complete application has been received by the Board, if no public hearing is held. The Board and the applicant may mutually agree upon such other time as appropriate. The party requesting the continuance must state the reason for such continuance.
4. If necessary to determine that the subdivision will conform to applicable provisions of this Ordinance and the provisions of 30-A M.R.S.A. § 4404, the Board, after notification to, and at the expense of, the applicant may employ 1 or more independent consultants. The estimated costs of such consultants must be deposited with the City Treasurer prior to employing the independent consultant. Any funds not spent must be returned to the applicant. If the cost of the review exceeds the amount deposited, the applicant must deposit additional funds with the City Treasurer before review of the Application may continue.

G. Decision

Within 30 days of conclusion of a public hearing, or, if no public hearing is held, within 60 days of determining a complete application has been received by the Board, or such other time as may be mutually agreed upon by the Board and the applicant, the Board must make findings of fact and conclusions as to whether or not the application meets the provisions of 30-A M.R.S.A. § 4404, as amended, and the standards of Section 13.13. If the provisions of 30-A M.R.S.A. § 4404, as amended, and the standards of Section 13.13 have been met, Subdivision Approval must be granted. If any of the provisions of 30-A M.R.S.A. § 4404, as amended, or the standards of Section 13.13 have not been met, the Board must either deny the Application, or approve the Application with conditions to

ensure all of the provisions and standards will be met. The Board must issue a written notice of its decision to the applicant, including its findings of fact and conclusions.

SECTION 13.11 SUBMISSION REQUIREMENTS FOR APPLICATIONS FOR SUBDIVISION APPROVAL

The Application for Subdivision Approval must contain the following:

- A. A completed Application Form, signed by the applicant, along with the processing fee payable in a form acceptable to the City of Bath, in an amount set by the City Council.
- B. Seventeen (17) copies of a Location Map, drawn at a size adequate to show the relationship of the subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the City. The location map must show:
 - 1. Locations and names of existing and proposed streets.
 - 2. Boundaries and designations of zoning districts.
 - 3. An outline of the subdivision and any remaining portion of the owner's property if the Subdivision Plan submitted covers only a portion of the owner's entire contiguous holding.
- C. Three (3) copies of the subdivision plan drawn to a scale of not more than 100 feet to the inch. Fourteen (14) copies of the plan reduced to a size of 11 inches by 17 inches. Except for the reduced copies of the plan, plans for subdivisions containing more than 100 acres may be drawn at a scale of not more than 200 feet to the inch provided all necessary detail can easily be read. The full sized plans may be no larger than 24 inches by 36 inches in size, and must have a margin of 2 inches outside of the borderlines on the left side for binding and a 1-inch margin outside the border along the remaining sides. Space must be provided for endorsement by the 7 Board members.
- D. Two (2) full sized subdivision plans, on reproducible, stable-based transparent material, one to be recorded at the Sagadahoc Registry of Deeds, one to remain in the City files. The reproducible transparencies must be embossed with the seal of the individual responsible for preparation of the plan. This submission item is a necessary prerequisite to final approval and signing of the plan.
- E. The Application for Subdivision Approval must also include the following information, either on the plan(s) or in other written form. If the Board finds it necessary, in order to determine whether the provisions of 30-A M.R.S.A. § 4404 and the standards in this Ordinance are met, it may require additional information be submitted.
 - 1. Proposed name of the subdivision, or identifying title, the name of the municipality in which it is located, and the Tax Map and Lot numbers.
 - 2. Evidence of right, title, or interest in the property.
 - 3. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel must be located on the ground and marked by

monuments. The plan must indicate the type of monument found or to be set at each lot corner, pursuant to Section 13.14(I).

4. A copy of the most recently recorded deed for the subdivision property. A copy of any and all deed restrictions, easements, rights-of-way, or other prior encumbrances affecting the property.
5. A copy of any and all deed restrictions intended to cover all or any part of the lots or dwellings in the subdivision.
6. The type of sewage disposal to be used in the subdivision.
7. If sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses, prepared by a Licensed Site Evaluator and a map showing the location of all test pits dug on the site.
8. The type of water supply system(s) to be used in the subdivision.
9. If water is to be supplied by private well, a well driller or a hydrogeologist familiar with the area must provide evidence of adequate groundwater supply and quality.
10. The date the plan was prepared, north arrow, and graphic map scale.
11. The names and addresses of the record owner, applicant, and individual or company who prepared the plan.
12. The names of abutting property owners, shown on the plan(s).
13. A high intensity soil survey by a Certified Soil Scientist. Wetland areas must be identified on the survey, regardless of size.
14. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, significant trees and other vegetation including trees 18 inches or more at the base, and other essential existing physical features. On wooded sites, the plan must indicate the area where clearing for lawns and structures is proposed and/or any restrictions to be placed on clearing existing vegetation and the method of protecting the trees and other vegetation proposed to remain.
15. The location of all rivers, streams, and brooks, as defined by 38 M.R.S.A. § 480-B(9), and as amended, within or abutting the proposed subdivision.
16. Contour lines at a 2-foot interval, showing elevations in relation to mean sea level.
17. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.
18. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
19. The location, names, and present widths of existing streets, existing and proposed easements, building lines, parks, and other open spaces on or adjacent to the subdivision. The plan must contain sufficient data to allow the

location, bearing and length of every street line, lot line, and boundary line to be readily determined and able to be reproduced on the ground. These lines must be tied to reference points previously established.

20. The width and location of any streets, public improvements, or open space within the subdivision shown upon the Official Map, if any, or the Comprehensive Plan.
21. Proposed street plan meeting the requirements of Section 13.14.
22. The location of any open space to be preserved and a description of proposed improvements and management.
23. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to public open spaces to the City of Bath must be shown on the plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the lot owners are to be maintained must also be submitted.
24. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the City's Flood Boundary and Floodway Maps and Flood Insurance Rate Map.
25. A hydrogeologic assessment prepared by a Certified Geologist or Registered Professional Engineer experienced in hydrogeology, when the subdivision is not served by public sewer and:
 - (a). Any part of the subdivision is located over a sand and gravel aquifer, as shown on the map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers," by the Maine Geological Survey, 1985, Map No. 1, or latest edition and/or as amended; or
 - (b). The subdivision has an average density of more than one dwelling unit per 100,000 square feet.

The Board may require a hydrogeologic assessment in cases where site considerations or development design indicate greater potential for adverse impacts on groundwater quality. These cases include, but are not limited to, extensive areas of shallow to bedrock soils, cluster developments in which the average density is less than 1 dwelling unit per 100,000 square feet but the density of the developed portion is in excess of 1 dwelling unit per 80,000 square feet, or proposed use of shared or common subsurface waste water disposal systems. The hydrogeologic assessment must be conducted in accordance with the provisions of Section 13.13(L)(1)(a).

26. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used must be taken from *Trip Generation Manual*, 1991 edition, published by the Institute of Transportation Engineers, or latest edition, and/or as amended. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.

27. For subdivisions serving non-residential uses that will contain 20 or more parking spaces for residential subdivisions projected to generate 200 or more vehicle trips per day, and for other subdivisions as required by the Board, a traffic impact analysis, must be prepared by a Registered Professional Engineer with experience in traffic engineering. The analysis must indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets that may be affected, and recommended improvements to maintain the desired level of service on the affected streets.
28. A stormwater management plan, prepared by a registered professional engineer in accordance with the *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection (1995), or latest edition, and/or as amended. The Board may only waive submission of the stormwater management plan if the subdivision will not involve grading that changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the total area of the subdivision.
29. An erosion and sedimentation control plan prepared in accordance with the *Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices*, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, March 1991, or latest recent edition, and/or as amended. The Board may only waive submission of the erosion and sedimentation control plan if the subdivision will not involve grading that changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the total area of the subdivision.
30. Areas within or adjacent to the subdivision that have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or by the Comprehensive Plan. If any portion of the subdivision is located within an area designated as a critical natural area by the Comprehensive Plan, or the Maine Natural Areas Program, the plan must indicate appropriate measures for the preservation of the values, which qualify the site for such designation.
31. All areas within or abutting the subdivision that are either listed on, or eligible to be listed on, the National Register of Historic Places, or have been identified in the Comprehensive Plan as important historic or pre-historic sites.
32. The location and method of disposal for land clearing and construction debris.
33. An infrastructure construction plan including a blasting plan, an estimate of material to be removed or filled, routes for trucking of material, times of trucking, and duration of the construction activity.
34. A list of construction items, with cost estimates, that will be completed by the applicant prior to the sale of lots, and evidence that the applicant has financial commitments or resources to cover these costs.

35. A written request for any waivers from the Submission Requirements of Section 13.11, the Performance Standards of Section 13.13, or the Design and Construction Standards of Section 13.14, as allowed by Section 13.18.
36. A written report explaining how the plan and the supporting materials demonstrate that the provisions of 30-A M.R.S.A. § 4404 and the standards of Section 13.13 of this Ordinance have been, or will be, met.

SECTION 13.12 APPROVAL AND FILING

- A. No Application for Subdivision Approval may be approved by the Board if the applicant is in violation of the provisions of a previously approved Subdivision Plan or Site Plan within the City of Bath.
- B. Prior to the recording of the approved plan, where applicable, and as a condition of any Board approval, the following approvals must be obtained in writing:
 1. Maine Department of Environmental Protection, under the Site Location of Development Act.
 2. Maine Department of Environmental Protection, under the Natural Resources Protection Act or if a stormwater management permit or a wastewater discharge license is needed.
 3. Maine Department of Human Services, if the applicant proposes to provide a community water system.
 4. Maine Department of Human Services, if an engineered subsurface wastewater disposal system(s) is to be utilized.
 5. Maine Department of Transportation, if a Traffic Movement Permit is required.
 6. U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.
 7. Any and all other State or Federal permit(s) that may be required.
- C. If the provisions of 30-A M.R.S.A. § 4404 and the standards in this Ordinance have been met, the Board must vote to approve the application and sign the plan. If the Board finds that any provisions of 30-A M.R.S.A. § 4404, and/or the standards of this Ordinance have not been met, the Board must deny the application, unless the Board determines that the provisions and the standards would be met with appropriate conditions. The Board's findings of fact must be in writing. The subdivision plan must be recorded in the Sagadahoc County Registry of Deeds within 90 days of the date upon which the plan is approved and signed or the approval becomes void.
- D. At the time the Board grants Subdivision Approval, it may permit the development to be divided into 2 or more sections or phases subject to any conditions the Board deems appropriate in order to ensure the orderly development of the subdivision. If the City or the Bath Water District does not have adequate capital facilities to service the subdivision, the Board may require the development to be divided into 2 or more sections subject to any conditions the Board deems necessary in order to allow the orderly planning, financing, and provision of public services to the subdivision. If the

Superintendent of Schools indicates that there is less than 20% excess classroom capacity existing in the school that will serve the subdivision, considering previously approved but undeveloped subdivisions, the Board may require the development to be divided into sections to prevent classroom overcrowding. If the expansion, addition, or purchase of the needed facilities is included in the City's capital improvements program, the time period of the phasing may be no longer than the time period contained in the capital improvements program for the expansion, addition, or purchase.

- E. No changes, erasures, modifications, or revisions may be made to any Subdivision Plan after approval has been granted by the Board and endorsed in writing on the Plan, unless a revised Subdivision Plan is approved in accordance with this Ordinance. In the event that a Plan is recorded without complying with this requirement, Subdivision Approval must be terminated, and the Board must institute proceedings to have the plan stricken from the records of the Sagadahoc County Registry of Deeds, which proceedings the applicant must bear any and all costs of, including reasonable attorney's fees.
- F. Subdivision approval by the Board does not constitute acceptance by the City of Bath of any street, easement, park, playground, or other recreation or open space shown on any plan. Plans must contain appropriate notes to this effect. The Board may also require a written agreement between the applicant and the City with regard to any dedication, provisions for the cost of grading, development, equipment, and maintenance of any such dedicated area.
- G. Failure to substantially complete construction of the improvements for the subdivision within 5 years of the date of approval and signing of the plan terminates the Subdivision Approval. If a Subdivision Approval has been terminated, the Board must have a notice placed in the Registry of Deeds to this effect at the expense of the applicant. A phased development plan is not subject to this paragraph.
- H. Prior to recording of the approved plan, the applicant must provide the City with recorded electronic media, in a format approved by the Planning Director, containing the information shown on the plan to be recorded.

SECTION 13.13 PERFORMANCE STANDARDS

A. Applicability and Purpose

The performance standards in this Section are intended to clarify and provide specific standards of approval for the provisions of 30-A M.R.S.A. § 4404, and as amended. Any performance standard that is applicable during the construction of the subdivision infrastructure, including construction of the streets, stormwater management facilities, public sewage collection or disposal facilities, public water systems, and erosion and sedimentation control measures, or during the construction of any buildings, must be met during construction. The Board must review the application for conformance with the Performance Standards, below, and make findings that each has been met prior to granting Subdivision Approval. If the applicant meets the intent and purpose of a performance standard by an equivalent method, that equivalent method may be approved. The applicant bears the burden of proof as to whether or not the intent and

purpose of the performance standard is met. The Board may waive the requirement to meet a standard if the applicant requests a waiver in writing and the Board finds that, due to special circumstances, meeting the standard is not required in the best interests of the public health, including safety, and general welfare, or is otherwise inappropriate. Waivers must be granted in writing with written findings of facts and conclusions of law, and may be subject to conditions.

B. Pollution

The applicant must demonstrate that the subdivision will not result in undue water or air pollution.

To meet this requirement the following standards must be met:

1. The proposed subdivision must not discharge wastewater to a water body without a license from the Maine Department of Environmental Protection.
2. The proposed subdivision must have erosion and sedimentation control so that stormwater is treated to remove oil, grease, and sediment prior to discharge into surface waterbodies.

C. Sufficient Water.

The applicant must demonstrate that the proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision. To meet this requirement the following standards must be met:

1. Water Supply.
 - (a) All subdivisions, except those in the R3 or GC zones and those in the R2 zone that are more than 1,000 feet from existing public water line, must be served by the public water system.
 - (b) When a subdivision is to be served by a public water system, the complete supply system within the subdivision including fire hydrants must be installed at the expense of the applicant. The size and location of mains, gate valves, hydrants, and service connections must be reviewed and approved in writing by the Bath Water District and the Bath Fire Chief.
 - (c) The subdivision must not cause an unreasonable burden on an existing water supply system of the Bath Water District, including the source, treatment facilities, or distribution system, beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the subdivision. Unless paid for by the City or the Bath Water District, the applicant is responsible for paying the costs of system improvements to the District's system as necessary to alleviate deficiencies.
 - (d) When a subdivision is not served by public water supply service, water supply may be from individual, drilled wells or a private community water system.

- (i) Individual wells must be sited and constructed to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of potential contamination.
- (ii) Lot design must allow for placement of wells, subsurface wastewater disposal areas, and reserve sites for subsurface wastewater disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules, and as amended.
- (iii) If a central water supply system is provided by the applicant, the location and protection of the source, the design, construction and operation of the system must conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231), and as amended.
- (iv) If the Bath Fire Chief determines that there is need for additional water storage capacity for fire fighting purposes, the applicant must provide adequate water storage facilities. Facilities may be ponds with dry hydrants, underground storage reservoirs or other methods acceptable to the Bath Fire Chief. Where necessary, an easement must be granted to the City granting access to, and maintenance of, dry hydrants or reservoirs. The Board may waive the requirement for water storage only upon submittal of evidence that the soil types in the subdivision will not permit construction or installation and that the Bath Fire Chief has indicated in writing that alternate methods of fire protection are available.
- (v). In areas where the subdivision is not served by public water supply, buildings must have sprinkler systems approved by the CEO and the Bath Fire Chief.

2. Water Quality

Water supplies must meet the primary drinking water standards contained in the Maine Rules Relating to Drinking Water, and as amended. If existing water quality contains contaminants in excess of the secondary drinking water standards in the Maine Rules Relating to Drinking Water, that fact must be noted on the Plan that is to be recorded in the Sagadahoc County Registry of Deeds.

D. Soil Erosion.

The proposed subdivision must not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results. To meet this requirement the following standards must be met:

- 1. The subdivision must be designed so as to prevent soil erosion from entering waterbodies, wetlands, and adjacent properties.
- 2. The procedures outlined in the erosion and sedimentation control plan must be implemented during the site preparation, infrastructure construction, building construction, and clean-up stages, and must continue in effect.

3. Topsoil is considered part of the subdivision and must not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations, or as required by the Maine Department of Environmental Protection.

E. Traffic Conditions.

The subdivision must not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed. To meet this requirement the following standards must be met:

1. Access and circulation:
 - (a) The vehicular access to the subdivision must be arranged to discourage through-traffic use of the proposed streets.
 - (b) The street giving access to the subdivision and neighboring streets and intersections that can be expected to carry traffic generated by the subdivision must have the capacity or be suitably improved to provide capacity so that the subdivision does not reduce the Level of Service of the street giving access to the subdivision and neighboring streets and intersections to "E" or below, unless the Comprehensive Plan has indicated that Levels of Service "E" or "F" are acceptable for that street or intersection.
 - (c) To safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision must be made for turning lanes, traffic directional islands, frontage roads, sidewalks, bicycle ways, and traffic controls within existing public streets.
 - (d) Access drives to non-residential subdivisions or to multifamily developments must be designed to avoid queuing of entering vehicles on any street. Left lane storage capacity must be provided to meet anticipated demand. An analysis to determine the need for a left-turn storage lane may be required by the Board.
 - (e) Where topographic and other site conditions allow, provision must be made for access to adjoining lots of similar existing or potential use, when such access will:
 - (i) Facilitate fire protection services as required by the Bath Fire Chief;
 - (ii) Enable the public to travel between existing or potential uses, generally open to the public, without need to travel upon an existing public street;
 - (iii) Allow for proper urban growth patterns.
 - (iv) Will reduce the number of intersections with existing streets.
 - (f) Where a subdivision abuts or contains an existing or proposed arterial street (as defined by the Comprehensive Plan), no residential lot may have vehicular access directly onto that arterial street. This requirement

must be noted on the Subdivision Plan and in the deed of any lot with frontage on the arterial street.

- (g). Where a lot has frontage on 2 or more existing streets, the access to the lot must be provided to the lot across the frontage and to the street with less potential for traffic congestion and for hazards to traffic and pedestrians. This restriction must appear as a note on the Plan and as a deed restriction to the affected lots.
 - (h). Where a lot has frontage on an existing street and a proposed street, the lot must access only the proposed street. This restriction must appear as a note on the Plan and as a deed restriction to the affected lots.
- 2. Streets must be designed and constructed in accordance with the Design and Construction Requirements of Section 13.14.
 - 3. The applicant must demonstrate that the public streets used by construction equipment, including those used to transport material to or from the site of the subdivision, are safe and adequate to accommodate the size, weight, and number of vehicles to be used during construction of the subdivision infrastructure as well as the construction of any buildings in the subdivision. If the public streets are not safe and adequate to accommodate such construction vehicles, the applicant must repair or rebuild such public streets and provide such safety measures as required by the Police Chief so that such streets are able to accommodate such construction vehicles. The Board may also require the applicant to post a bond for the repair of any damage done to public streets by construction vehicles.

F. Sewage Disposal.

The proposed subdivision must provide for adequate sewage waste disposal and must not cause an unreasonable burden on the City's sewage collection or treatment services, if utilized. To meet this requirement the following standards must be met:

- 1. Public System.
 - (a) A subdivision, except in the R3 or GC zones, or if located within the area designated in the Comprehensive Plan for no future public sewerage service, must be connected to the public sewerage system.
 - (b) When a subdivision is proposed to be served by the public sewerage system, the complete collection system within the subdivision, including manholes and pump stations, must be installed at the expense of the applicant.
 - (c) The Public Works Director and the Superintendent of the Wastewater Treatment Plant must certify that providing service to the subdivision is within the capacity of the system's existing collection and treatment system, or improvements planned to be completed, prior to the construction of the subdivision.

- (d) The Public Works Director must review and approve the construction drawings for the sewerage system, including the size and location of laterals, collectors, manholes, and pumps.
- (e) When a subdivision is proposed to be served by the public sewerage system, and when any portion of the public sewerage system that would serve the subdivision has combined sewer overflows, the applicant must pay the impact fee as required by the City's Sewer Ordinance. If the City's Sewer Ordinance does not require an impact fee, the applicant must pay a fee to the City equal to the cost to remove an amount of stormwater from the City's sewerage system based upon the estimated sewage generated by the subdivision plus the estimated amount of potential future infiltration into the sanitary sewer pipes within the subdivision.

2. Private Systems.

- (a) When a subdivision is not proposed to be serviced by the public sewage disposal system, sewage disposal must be by private subsurface wastewater disposal systems or a private treatment facility with surface discharge.
- (b) The applicant must submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator, and in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.
 - (i) The site evaluator must certify in writing that all test pits that meet the requirements for a new system represent an area large enough for a disposal area on soils that meet the Disposal Rules.
 - (ii) On lots where the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils must be shown as a reserve area for future replacement of the disposal area. The reserve area must be shown on the subdivision plan and must not be built upon.
 - (iii) A disposal area must not be on a site that requires a New System Variance from the Subsurface Wastewater Disposal Rules.

G. Solid Waste

The subdivision must not cause an unreasonable burden on the City's ability to dispose of solid waste. If the additional solid waste from the subdivision will exceed the capacity of the Solid Waste Facility, or detrimentally affect the Facility's State or Federal licensure, or will cause the City to exceed any contract with a solid waste facility, the applicant must make alternate arrangements for the disposal of solid waste. The alternate arrangements must be at a licensed disposal facility that is in compliance with its license.

H. Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline

The proposed subdivision must not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the City, rare and irreplaceable natural areas, or any public rights for access to the shoreline. To meet this requirement the following standards must be met:

1. Preservation of Natural Beauty and Aesthetics.

- (a) The plan must, by notes on the plan and deed restrictions, limit the clearing of trees to those areas designated on the plan.
- (b) The applicant must, by notes on the plan and a report written by a Licensed Maine Arborist, Certified Forester, or other duly qualified professional, describe the preservation and protection of significant trees and other vegetation, including, but not limited to, trees 18 inches or more in diameter at the base and rare or endangered plants. The plan and report must also describe the replacement of trees and vegetation. The limits of clearing must be shown on the plan, marked on site, and field checked with the City Arborist.
- (c) In the R3 or GC zones the subdivision must be designed to minimize the visibility of buildings from existing public streets.
- (d) When a proposed subdivision street traverses open fields, the plans must include the planting of street trees.

2. Protection of Historic, or Prehistoric Features.

If any portion of the subdivision is designated a site of historic or prehistoric significance by the Comprehensive Plan or the Maine Historic Preservation Commission, appropriate measures for the protection of the historic or prehistoric resources must be included in the plan.

3. Protection of Unique Natural Areas and Sites.

If any portion of the subdivision is located within an area designated as a unique natural area by the Comprehensive Plan, the Maine Natural Areas Program, or by the Department of Inland Fisheries and Wildlife, appropriate measures must be taken for the preservation of the values that qualify the site for such designation.

4. Preservation of Open Space and the Creation of Recreation Areas

- (a) If the average (mean) lot size in the proposed subdivision is less than 12,000 square feet, the applicant must reserve sufficient undeveloped land to provide for the recreational and/or open space needs of the subdivision residents. The amount of recreation or open space land to be reserved must be determined by the Comprehensive Plan's identified needs in the portion of the City in which the subdivision is located, the Community Recreation Standard established by the Comprehensive Plan, the proposed lot sizes within the subdivision, the expected demographic makeup of the residents of the subdivision, and the specific

site characteristics. The recreational and/or open space must be shown on the Subdivision Plan. In the absence of the Comprehensive Plan's identification of need and creation of the Community Recreation Standard, the Board must base the amount of recreational and/or open space land on the proposed lot sizes within the subdivision, the expected demographic makeup of the residents of the subdivision, and the specific site characteristics, but may not require more than 5% of the total area of the subdivision or, if there is a payment in lieu of dedication of land as allowed in Section 13.13(H)(4)(b), the payment may not be more than 5% of the of the projected market value of the developed land at the time of the subdivision, as determined by the City's Tax Assessor. The reserved land must be of a character, configuration, and location suitable for the particular use intended. The land used for recreation or open space may be dedicated to the City, deeded to a land trust, reserved for ownership by a formal organization composed of the owners of lots in the subdivision, deeded to some other entity, or maintained by the developer, as approved by the Board. Further subdivision of the recreation or open space land and its use for other than non-commercial recreation, gardening, or conservation purposes, except for easements for underground utilities, is prohibited. Structures or buildings accessory to non-commercial recreational, gardening, or conservation uses may be erected. [Explanatory note: The "Community Recreation Standard" in the Comprehensive Plan includes all recreation and open space in Bath to which there is legal access for Bath residents divided by the population of Bath according to the most recent US Census. This inventory of available recreation and open space areas includes land owned by the City, land owned by a land trust, land to which the City has a permanent easement, and land that is programmed in the Capital Improvements Plan to be purchased and developed as recreation and/or open space in the next 6 years.]

- (b) Where land within the subdivision is not appropriate for recreation or open space land because of topographic or other site conditions, where the applicant prefers, or where suggested by the Comprehensive Plan, a payment in lieu of dedication may be substituted for some or the entire recreation or open space land requirement. Payments in lieu of dedication must be determined by the amount of land that the Community Recreation Standard would require in the subdivision pursuant to the estimated population of the subdivision, and the City Tax Assessor's determination of that percentage of the projected market value of the developed land at the time of the subdivision. The payment in lieu of dedication must be deposited into a Bath Open Space or Outdoor Recreation Facility Acquisition or Capital Improvement Fund and must be expended for recreation and/or open space land acquisition or capital improvements in the City of Bath within 6 years, or be returned to the applicant.

- 5. Protection of Significant Wildlife Habitat.
If any portion of a proposed subdivision lies within:

- (a) Two Hundred Fifty (250) feet of the areas identified and mapped by the Department of Inland Fisheries and Wildlife or the Comprehensive Plan as:
 - (i) Habitat for species appearing on the official state or federal lists of endangered or threatened species;
 - (ii) High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;
 - (iii) Shorebird nesting, feeding, staging areas, and seabird nesting islands; or
 - (iv) Critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission; or
- (b) One Thousand Three Hundred Twenty (1,320) feet of an area identified and mapped by the Department of Inland Fisheries and Wildlife as a high or moderate value deer wintering area or travel corridor;
- (c) Or other important habitat areas identified in the Comprehensive Plan including coastal wildlife concentration areas,

the applicant must demonstrate that there will be no adverse impacts on the habitat and species it supports. A report prepared by a wildlife biologist certified by the Wildlife Society with demonstrated experience with the wildlife resource being impacted must be submitted. This report must assess the potential impact of the subdivision on the significant habitat and adjacent areas that are important to the maintenance of the affected species and must describe appropriate mitigation measures to ensure that the subdivision will have no adverse impacts on the habitat and the species it supports.

6. Rights to Shoreline

Any existing public rights of access to the shoreline of a water body must be maintained, or must be included in the reserved open space with provisions made for continued public access. The applicant must identify any views or view corridors identified by the Comprehensive Plan and take measures to protect such views or view corridors, or demonstrate how such measures are not practical for the applicant.

I. **Conformance with Ordinances and Plans.**

The proposed subdivision must conform to this Ordinance, the Comprehensive Plan, and the Land Use Code. To meet this requirement the following standards must be met:

- 1. All lots must meet the Space and Bulk Regulations of the Land Use Code for the zoning district, including any overlay or Contract Zone, in which they are located.
- 2. If the proposed subdivision is required to have Site Plan Approval, the proposed subdivision must meet all applicable Performance Standards and design criteria of the Land Use Code.

J. Financial and Technical Capacity.

The applicant must have adequate financial and technical capacity to meet the provisions of 30-A M.R.S.A. § 4404, and as amended, and the standards of this Ordinance. To meet this requirement the following standards must be met:

1. Financial Capacity.

The applicant must have adequate financial resources to construct the proposed improvements and meet the provisions of 30-A M.R.S.A. § 4404 and the standards of this Ordinance. When the applicant proposes to construct the buildings as well as the subdivision improvements, the applicant must have adequate financial resources to construct the total development. In making the above determinations the Board must consider the proposed time frame for construction and the effects of inflation.

2. Technical Ability.

- (a) The applicant must retain qualified contractors and consultants to supervise and construct the required improvements in the subdivision.
- (b) In determining the applicant's technical ability the Board must consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of any violations of previous approvals granted to the applicant.

K. Impact on Water Quality or Shoreline

Whenever situated entirely or partially within 250 feet of any wetland or river as defined in 38 M.R.S.A. § 435, *et seq.*, the proposed subdivision must not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water. To meet this requirement the following standards must be met:

- 1. Within a strip of land extending 75 feet from any river, stream or brook as defined in 38 M.R.S.A § 435, *et seq.*, or the upland edge of a wetland, a buffer strip of vegetation must be preserved. Deeds to any lot(s) that include any such land must contain the following restrictions:
 - (a) There must be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed 10 feet in width as measured between tree trunks is permitted, provided that a cleared line of sight to the water through the buffer strip is not created.
 - (b) Selective cutting of trees within the buffer strip is permitted, provided that a well-distributed stand of trees and other vegetation is maintained. No more than 40% of the total volume of trees 4 inches or more in diameter, measured at 4.5 feet above ground level may be removed in any 10-year period. Pruning of tree branches, on the bottom third of the tree, is permitted.
 - (c) Cutting or removal of vegetation along waterbodies is not allowed if such cutting or removal increases water temperature, or results in shoreline erosion or sedimentation of waterbodies.

2. The proposed subdivision must not lower the quality of the water in the Kennebec River or Merrymeeting Bay to below the Water Quality Classification provisions of 38 M.R.S.A. § 464, *et seq.*

L. Impact on Groundwater Quality or Quantity

The proposed subdivision must not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water. To meet this requirement the following standards must be met:

1. Groundwater Quality.
 - (a) When a hydrogeologic assessment is required pursuant to Section 13.11(E)(25), the assessment must contain at least the following information:
 - (i) A map showing the basic soils types.
 - (ii) The depth to the water table at representative points throughout the subdivision.
 - (iii) Drainage conditions throughout the subdivision.
 - (iv) Data on the existing groundwater quality, either from test wells in the subdivision or from existing wells on neighboring properties.
 - (v) An analysis and evaluation of the effect of the subdivision on groundwater resources. In the case of residential development(s), the evaluation must, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, at the subdivision boundaries, or at a distance of 1,000 feet from potential contamination sources, whichever is the shortest distance.
 - (vi) A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision, and within 200 feet of the subdivision boundaries.
 - (b) Projections of groundwater quality must be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
 - (c) The subdivision must not increase any contaminant concentration in the groundwater to more than one half of the Primary Drinking Water Standards. The subdivision must not increase any contaminant concentration in the groundwater to more than the Secondary Drinking Water Standards.
 - (d) If groundwater contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site groundwater supplies, the applicant must demonstrate how the water will be treated so that the primary standards are met.

- (e) If groundwater contains contaminants in excess of the secondary standards, the subdivision must not cause the concentration of the contaminants in question to exceed 150% of the ambient concentration.
 - (f) Subsurface wastewater disposal systems and drinking water wells must be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce groundwater contamination and protect drinking water supplies are recommended in the assessment, those standards must be included as a note on the plan, and as restrictions in the deeds to the affected lots.
- 2. Groundwater Quantity.
 - (a) Groundwater withdrawals by wells in the subdivision must not lower the water table beyond the boundaries of the subdivision.
 - (b) The subdivision must not result in a lowering of the water table at the subdivision boundary by increasing runoff with a corresponding decrease in infiltration of precipitation.

M. Floodplain Management.

If the proposed subdivision is in an area of special flood hazard as defined in Article 15, Section 15.14, the following standards must be met:

- 1. Plan must indicate the 100-year flood elevation and flood hazard boundaries within the subdivision.
- 2. The plan must include a note requiring that principal structures in the subdivision be constructed with their lowest floor, including the basement, at least 1 foot above the 100-year flood elevation. Such a restriction must be included in any deed, lease, purchase and sale agreement, or any document intending to transfer any interest in real estate or structure(s).
- 3. All public utilities and facilities, such as sewer, gas, electrical, and water systems must be located and constructed to minimize or eliminate flood damages.
- 4. Adequate stormwater management must be provided so as to reduce exposure to flood hazards.

N. Identification of Freshwater Wetlands

Freshwater wetlands must be identified on the Plan in accordance with the *1987 Corps of Engineers Wetland Delineation Manual*, published by the United States Army Corps of Engineers, or latest editions, and/or as amended.

O. Stormwater Management.

The proposed subdivision must provide for adequate stormwater management. To meet this requirement the following standards must be met:

- 1. Adequate provision must be made for the management of the quantity and quality of all stormwater generated within the subdivision and any drained groundwater, during construction of the subdivision infrastructure and any

buildings, and continue after construction, through a system of swales, culverts, under drains, storm drains, and best management practices equivalent to those described in *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection, 1995, or latest edition, and/or as amended. The stormwater management system must be designed to meet the following standards:

(a) Quantity.

Peak discharge rates must be limited to the predevelopment levels for the 2-year, 10-year, and 25-year frequency, 24-hour duration storm unless stormwater from the subdivision will drain directly into the Kennebec River or Merrymeeting Bay.

(b) Quality.

Stormwater run-off must be treated by the use of best management practices equivalent to those described in the *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection, 1995, or latest edition, and/or as amended, to achieve, by design, 40% reduction in total suspended solids.

2. If necessary to achieve the above standards, easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties must be provided. If the storm drainage system is not within the right-of-way of a public street, there must be restrictions, by means of notes on the plan and deed restrictions, to prohibit the filling of such drainage areas, and perpetual easements must be granted to the City allowing maintenance and improvement of the system.

P. Spaghetti-lots Prohibited

If any lots in the subdivision have shore frontage on a river, stream, brook, or coastal wetland, as these features are defined pursuant to 38 M.R.S.A. § 480-B, and as amended, none of the lots created within the subdivision may have a lot depth to shore frontage ratio greater than 5 to 1.

Q. Impact on Adjoining Municipalities

For any subdivision that crosses municipal boundaries, the subdivision must not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in any adjoining municipality.

SECTION 13.14 DESIGN AND CONSTRUCTION REQUIREMENTS

A. Applicability

The Board must review an Application for Subdivision Approval to ascertain compliance with the requirements of this Section, and must issue findings that the requirements have been met prior to granting Subdivision Approval. If the applicant is able to demonstrate and meet the intent and purpose of these requirements by an equivalent method, that equivalent method may be approved. The applicant bears the

burden of proof as to whether or not the requirements and the intent and purposes of the requirements are met. The Board may waive a requirement if the applicant requests a waiver, in writing, and the Board finds that, due to special circumstances, meeting the requirement is not in the best interests of public health, safety, and general welfare, or is inappropriate. Waivers may be granted only in writing with written findings of facts and conclusions of law, and may be subject to conditions.

B. Street Design Criteria

1. General Requirements.

- (a) The Board must not approve the Subdivision Plan if the proposed streets are not designed in accordance with the provisions of this Ordinance. Board approval of a Subdivision Plan does not constitute, nor is evidence of, acceptance by the City of Bath of any street or easement.
- (b) Applicants must submit to the Board, as part of the Application for Subdivision Approval, detailed construction drawings showing a plan view, profile, and typical cross-section of proposed streets, including a plan showing existing streets and underground utilities within 300 feet of any proposed intersections. The plan view of the proposed streets must be at a scale of 1-inch equals no more than 50 feet. The vertical scale of the profile of the proposed streets must be 1-inch equals no more than 5 feet. The plans of the proposed streets must include the following information:
 - (i) Date, scale, and north arrow, indicating magnetic or true north.
 - (ii) Intersections of proposed street(s) with existing streets.
 - (iii) Street and right-of-way limits, including edge of pavement, edge of shoulder, sidewalks, and curbs.
 - (iv) Kind, size, location, material, profile, and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
 - (v) Complete curve data for all horizontal and vertical curves.
 - (vi) Turning radii at all intersections.
 - (vii) Centerline gradients.
 - (viii) Size, type, and locations of all existing and proposed overhead and underground utilities, to include, but not be limited to, water, sewer, electricity, telephone, lighting, and cable television.
- (c) If the applicant proposes improvements within existing public streets, the proposed design and construction details must be approved in writing by the Public Works Director and/or the Maine Department of Transportation, as appropriate.

- (d) The applicant must dig test pits prior to construction to confirm the location and elevations of existing underground utilities.

2. Specific Design Requirements

- (a) These design requirements control the street, shoulders, curbs, drainage systems, culverts, and other appurtenances associated with the street, and all streets within a subdivision must comply with these design requirements.
- (b) If a subdivision proposed for industrial, commercial, or multi-family use borders an existing narrow street (not meeting the width requirements of Major Streets in this Section), or where a change of zoning to a zone that permits industrial, commercial, or multi-family use is contemplated, the street right-of-way and/or pavement width must be increased on each side by half of the amount necessary to bring the street into compliance with the standards for Major Streets in these regulations.
- (c) If a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in this Section) the plan must indicate reserved areas for widening or realigning the street marked “Reserved for Street Realignment (Widening) Purposes.” Land reserved for such purposes must not be included in computing lot area or setback requirements of Article 8. When such widening or realignment is included in the City’s Capital Improvements Plan, the reserve area must not be included in any lot, but must be reserved to be transferred to the City or State, as appropriate.
- (d) **Connectivity**
Connectivity is provided by a system of streets with multiple routes and connections serving the same origin and destination, and not having street bottle-necks. Subdivisions on dead-end street systems should be avoided whenever possible. Connecting new subdivision streets to existing public streets in multiple locations and designing new subdivision street systems with multiple intersections—creating blocks—will have numerous efficiency, service delivery, and safety benefits to the residents of the new development as well as to the general public. These benefits include: decreased traffic on existing collector and arterial streets; continuous and more direct routes that facilitate walking and bicycle travel, and more efficient delivery of public services such as school busing and trash collection; greater emergency vehicle access, reduced emergency vehicle response time, and multiple evacuation routes for residents; and improved quality of the public water supply service. The longer the dead-end street system and the more dwelling units or non-residential buildings served solely by this dead-end street system, the greater the inconvenience and costs for deliveries, school busing, and trash collections, and the greater the chance for public safety crises caused by a single emergency-vehicle access and a single evacuation route. It is the intent of these regulations, therefore, to

require street connectivity whenever possible, while discouraging unnecessary through-traffic.

- (i) The applicant must demonstrate to the Board how the design of the subdivision has achieved connectivity, if feasible.
- (ii) When connectivity is not feasible, to reduce the risk to public safety, the Board, must require at least one or more of the following measures be incorporated into the design of the subdivision: Notwithstanding the requirements of Section 13.14 (B)(2)(e), the grade of the street bottle-neck must be 5% or less; the new buildings in the subdivision must have sprinkler systems approved by the Fire Chief and the CEO; the street bottle-neck must be built with 2 travel lanes separated by a median strip at least 10 feet wide, and parking must be prohibited on such travel-lane-separated street bottle-neck; or the subdivision served by the dead-end street system must not generate average daily traffic of 100 trips or more.
- (iii) The Board, based upon the recommendation from the Bath Water District, may require the water supply line to be looped, preventing dead-end water supply lines.
- (iv) If the proposed subdivision abuts an existing subdivision street, connections from one to the other must be made.
- (v) Reserve strips controlling access to streets are prohibited, except where such control is with the City.
- (vi) Dead-end street systems must have an easement of a width appropriate to the size of the potential future street, as indicated in the table in Section 13.14(B)(2)(e), in line with the proposed street to provide the possibility of connecting the street to the abutting property.

(e) Streets in the subdivision must meet the following standards:

<u>Design Element</u>	<u>Type of Street</u>			
	<u>Major</u> ¹	<u>Residential</u>		
		<u>High Volume</u> ²	<u>Medium Volume</u> ³	<u>Low Volume</u> ⁴
Minimum right-of-way width	62'	50'	45'	38'
Minimum traveled way width	30'	24'	20'	18'
Minimum right-of-way width for travel-lane-separated street bottle-necks	72'	60'	55'	48'
Minimum traveled way width, each lane, for travel-lane- separated street bottle- necks	15"	12'	12'	12'
Minimum width of shoulders ⁵				

(each side)	5'	3'	3'	3'
Sidewalk width	5'	5'	5'	5'
Minimum grade	.5%	.5%	.5%	.5%
Maximum grade	5%	6%	8%	8%
Minimum centerline radius without superelevation	400'	280'	280'	175'
with superelevation	350'	175'	175'	110'
Street crown ^{6,7}	.25"/ft	.25"/ft	.25"/ft.	.25"/ft.
Minimum angle of street intersections ⁸	90°	90°	75°	75°
Maximum grade within 50 ft. of intersection	3%	3%	3%	3%
Minimum curb radii at intersections ⁹	30'	25'	20'	20'
Minimum r/o/w radii at intersections	20'	10'	10'	10'

¹ Major Street is a street that will serve travel through the City, travel to industrial or commercial land uses, or a residential street that is expected to serve 1,500 or more vehicle trips per day.

² Residential High Volume Street is a street that is expected to serve 500 but fewer than 1,500 vehicle trips per day.

³ Residential Medium Volume Street is a street that is expected to serve more than 200 but fewer than 500 vehicle trips per day.

⁴ Residential Low Volume Street is a street that is expected to carry 200 or fewer vehicle trips per day, and has no on-street parking.

⁵ For non-curbed streets.

⁶ Street crown is per foot of lane width.

⁷ Gravel surfaces must have a minimum crown of ¾ inch per foot of lane width.

⁸ Street intersection angles must be as close to 90° as feasible but no less than the listed angle.

⁹ Should be based on turning radii of expected commercial vehicles, but no less than 30 feet.

(f) Except to avoid topographical or other site conditions, the centerline of the street must be the centerline of the right-of-way.

(g) Dead End Streets.

In addition to the standards above, dead-end streets must be constructed to provide a circular turn-around with the following radii dimensions: Property line = 60 feet; outer edge of pavement = 50 feet; inner edge of pavement = 30 feet; or such smaller dimensions as required by the Fire Chief and the Public Works Director. A stand of trees must be maintained or planted in the center of the turn-around.

(h) Intersections and Sight Distances.

- (i) All changes in grade must be connected by vertical curves in order to provide the following minimum stopping sight distances based on the street design speed, as follows:

Design Speed (mph)	<u>15</u>	<u>20</u>	<u>25</u>	<u>30</u>	<u>35</u>
Stopping Sight Distance (ft.)	80	115	155	200	250

Stopping sight distance is calculated with a height of eye at 3.5 feet above the pavement and the height of object at 0.5 feet above the pavement.

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

Posted Speed Limit(mph)	<u>15</u>	<u>20</u>	<u>25</u>	<u>30</u>	<u>35</u>	<u>40</u>	<u>45</u>
Sight Distance (ft.)	80	115	250	300	350	400	450

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

- (iii) Cross-street (4-cornered) intersections must be avoided insofar as possible, except at important traffic intersections. A minimum distance of 125 feet must be maintained between centerlines of minor streets and 200 feet between collectors or a collector and minor street.

C. Street Construction Criteria.

1. Preparation.

- (a) To facilitate inspection by the City, before any clearing has started on a right-of-way, the centerline and sidelines of the new street must be staked or flagged at 50-foot intervals and the trees and other vegetation to be removed must be flagged or blazed.
- (b) Before grading, the entire area within the right-of-way necessary for traveled way, shoulders, sidewalks, drainage-ways, and utilities must be cleared of all stumps, roots, brush, and any other objectionable material. All shallow ledge, large boulders and tree stumps must be removed from the cleared area.
- (c) All organic materials or other deleterious material must be removed to a depth of 2 feet below the sub-grade of the street. Rocks and boulders must also be removed to a depth of 2 feet below the sub-grade of the street. If the Public Works Director identifies soils not suitable for street

construction, either the subsoil must be removed from the street site to a depth of 2 feet below the sub-grade and replaced with material meeting the specifications for gravel aggregate contained in the *Bath Public Works Department Street Handbook*, and as amended, or a Maine Department of Transportation approved stabilization geotextile must be used.

- (d) Except in a ledge cut, side slopes must not be steeper than a slope of 3 feet horizontal to 1 foot vertical, and must be graded, loamed, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan. Where a cut results in exposed ledge a side slope must not be steeper than 1 foot horizontal to 4 feet vertical.
- (e) All utilities including water, sewer, electricity, telephone, and cable television must be installed underground and must be installed prior to paving to avoid cuts in the pavement. Service connections for buildings must be installed to the edge of the right-of-way prior to paving.

2. Street Bases and Pavement.

- (a) The street base and sub-base must meet the specifications in the *Bath Public Works Department Street Handbook*, and as amended.
- (b) Where pavement joins existing pavement, the existing pavement must be cut along a smooth line and form a neat, even, and vertical joint.
- (c) The pavement must meet the specifications in the *Bath Public Works Department Street Handbook*, and as amended.

3. Curbing

Granite curbs must be installed in all subdivisions unless the Public Works Director allows non-curbed streets for proper stormwater management. Curbing must be installed on a thoroughly compacted gravel base of 6-inch minimum thickness. The required traveled way width is measured between the curbs.

4. Clean-up

Following street construction, the applicant is responsible for the thorough clean up of any and all stumps and debris from the entire street right-of-way. If on-site disposal of stumps and debris is proposed, the site and method must be shown on the Subdivision Plan, and, if buried, be suitably covered with fill and topsoil, limed, fertilized, and seeded.

D. Lot Numbering

The lots must be numbered pursuant to the City's street numbering system, and must be approved by the City's Addressing Officer.

E. Street Names

Streets that join and are in alignment with streets of abutting or neighboring properties must have the same name. Names of new streets must not duplicate, nor have phonetic resemblance to, the names of existing streets in the City, and are subject to the approval of the Board and the City's Addressing Officer.

F. Street Signs

The developer must install street name, traffic safety, and control signs meeting the City's specifications, or reimburse the City for the costs of such installation.

G. Street Lighting

Street lighting must be installed as approved by the Board.

H. Sidewalks

Sidewalks must be installed in all subdivisions in commercial or industrial zones and all other zones if the subdivision is expected to generate average daily traffic of 200 trips or more, and if the proposed street intersects with an existing street that has a sidewalk. Where installed, sidewalks must meet these minimum requirements:

1. Location.
Sidewalks may be located adjacent to the curb or shoulder, although it is recommended sidewalks be located a minimum of 2.5 feet from the curb facing, or edge of shoulder if the street is not curbed.
2. Sidewalks, whether bituminous or Portland cement concrete, must be constructed according to the *Bath Public Works Department Street Handbook*, and as amended.
3. Sidewalks must be designed to accommodate the planting of street trees.
4. If the Board, in their sole discretion, waives the requirement for the installation of sidewalks, the subdivision must be designed to accommodate the construction of sidewalks in the future, and the applicant must have the sidewalk engineered and the construction drawings and specifications must be a part of the application submission.

I. Monumentation

The purpose of requiring monuments is to ensure that lot lines and corners are, and remain, known. Monuments are also necessary to define the edge of the right-of-way when streets are built. Monuments must be permanent. The type(s) of monument(s) must be appropriate for the setting.

1. Granite or concrete monuments must be set at all street intersections and at points of curvature, but no further than 750 feet apart along street lines without curves or intersections.
2. Monuments must be set at all corners and angle points of the subdivision boundaries, and at all lot corners and angle points. In non-wooded locations, where lawns are anticipated, these monuments must be granite or concrete. In wooded locations, where lawns are not anticipated, these monuments may be granite, concrete, or an iron pin.
3. The granite or concrete monuments must be a minimum of 4 inches square at the top and 4 feet in length, and set in the ground at final grade level. After being set, a drill hole 2 inches deep must be made to locate the point or points described above.

4. A drill hole in ledge, with iron pin, may be substituted for the monuments required in 1 and 2, above, where appropriate.

SECTION 13.15 AMENDMENTS TO APPROVED PLANS

A. Procedure

Subdivision Amendment Approval is required before any and all changes, at any time, are made to the approved plan. Changes include: modifications to lot lines; easements; road layout and other infrastructure such as stormwater and erosion and sedimentation control facilities, except as allowed in Section 13.17(B)(3); conditions of approval; and landscaping and planting. An applicant for an amendment to a previously approved plan must, at least 3 weeks prior to the meeting at which the application is to be reviewed by the Board, submit an application for Subdivision Amendment Approval to the Planning Office. If the amendment involves the creation of additional lots or dwelling units, the procedures for Subdivision Approval must be followed. If the amendment involves only modifications of the approved Plan, without the creation of additional lots or dwelling units, the procedures for Subdivision Amendment Approval must be as follows:

B. Submissions

The applicant must submit a copy of the approved plan and 12 copies of the proposed amendment(s). The application must also include adequate supporting information to allow the Board to make a determination that the proposed amendment(s) meet the standards of this Ordinance and the provisions of 30-A, M.R.S.A. § 4404. The amended plan must indicate that it is the amendment to a previously approved and recorded plan and show the title of the subdivision and the book and page, or cabinet and sheet, on which the original plan is recorded at the Sagadahoc County Registry of Deeds.

C. Scope of Review

The Board's scope of review is limited to only those portions of the plan that are proposed to be changed.

SECTION 13.16 PERFORMANCE GUARANTEES

A. Types of Guarantees

Upon submittal of an Application for Subdivision Approval, or as a condition of approval, the applicant must provide one of the following performance guarantees in an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs:

1. A certified check payable to the City or an escrow account in the form of a savings account or certificate of deposit, naming the City of Bath as owner;
2. An irrevocable letter of credit in a form provided by the City from a financial institution establishing funding for the construction of the subdivision, from which the City may draw if construction is inadequate or incomplete, approved by the City Solicitor; or
3. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed.

The form, conditions, and amount of the performance guarantee must be approved by the Board with the advice of the Public Works Director, City Solicitor, and Planning Director.

B. Contents of Guarantee

The performance guarantee must contain a construction schedule, cost estimates for each major phase of construction, taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the applicant, and a date after which the applicant will be in default and the City will have permission to enter the site, access the funds, and finish construction.

C. Interest from the Escrow Account

Any interest earned on the escrow account must be returned to the applicant, unless necessary to fund required improvements.

D. Letter of Credit

An irrevocable letter of credit from a bank or other lending institution must indicate that funds have been set aside for the construction of the subdivision and must not be used for any other project or loan.

E. Conditional Agreement

The Board, in its sole discretion, may provide for the applicant to enter into a binding agreement with the City in lieu of the other financial performance guarantees. Such an agreement must provide for approval of the Subdivision Plan on the condition that no lots may be sold, or built upon, until either:

- (1) The Board certifies that all of the required improvements have been installed in accordance with these regulations and the regulations of the appropriate utilities; or
- (2) A performance guarantee, acceptable to the Board, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.

Notice of the agreement and any conditions must be on the Subdivision Plan to be recorded at the Sagadahoc County Registry of Deeds. Release from the agreement must comply with the procedures for release of performance guarantees contained in Paragraph G, below.

F. Phasing of Development

The Board may approve plans to develop a subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street that is covered by a performance guarantee. When development is phased, street construction must commence from an existing public way. Final approval of lots in subsequent phases must be given only upon satisfactory completion of all requirements pertaining to previous phase(s).

G. Release of Guarantee

Prior to the release of the performance guarantee, or any part thereof, the Board must determine, based in part upon the report of the Public Works Director and Planning Director or other qualified individual who may be retained by the City, that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the subdivision for which the release is requested.

H. Default

If the Public Works Director finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he/she must so report in writing to the CEO, the Planning Director, the Board, and the applicant. The City must take any steps necessary to preserve the City's rights.

SECTION 13.17 INSPECTIONS AND ENFORCEMENT

A. Improvements Guaranteed

Performance guarantees must cover all improvements required to meet the standards of these regulations and for the construction of the streets, stormwater management facilities, public sewage collection or disposal facilities, public water systems, and erosion and sedimentation control measures.

B. Inspection of Required Improvements

1. At least 5 days prior to commencing construction of required improvements, the applicant must:
 - (a) Notify the Planning Office in writing the time when he/she proposes to commence construction of improvements so that the City can arrange for inspections to assure that all requirements, and conditions of approval, are met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.
 - (b) Deposit with the City Treasurer funds equal to 2% of the estimated required improvement costs to pay an inspector to be hired by the City. If, upon satisfactory completion of construction and cleanup, there are funds remaining, the surplus funds must be refunded to the applicant. If the inspection account is drawn down by 90%, the applicant must deposit an additional 1% of the estimated required improvement costs.
2. If upon inspection it is found that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the applicant, the inspector must so report in writing to the Planning Director, the Public Works Director, the Board, and the applicant. The City may take any steps necessary to assure compliance with the approved plans.
3. If at any time it appears necessary to modify the required improvements before or during construction of the required improvements, approval must be granted by both the Public Works Director and Planning Director, but only for any minor modifications due to unforeseen circumstances, such as encountering hidden outcrops of bedrock or natural springs. The Planning Director and Public Works

Director must issue any approval under this section in writing and a copy must be maintained in the Planning Office. Revised plans must be filed with the Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the applicant must obtain approval from the Board pursuant to Section 13.15.

4. At the end of each summer construction season the City must, at the expense of the applicant, have the site inspected by the Public Works Director or an individual designated by the Public Works Director. If construction was done on the site, by October 1 of each year, the inspector must submit a report to the Planning Director and the Public Works Director based on the site inspection, addressing whether stormwater and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate. The report must also include discussion and recommendations on any problems encountered.
5. Prior to the sale of any lot, the applicant must provide the Planning Director, CEO, and Public Works Director with a letter from a Registered Land Surveyor, stating that all of the monuments on the plan have been installed.
6. Upon completion of street construction, and prior to a vote by the City Council to accept the street, the applicant must submit a written certification to the Public Works Director, signed by a professional engineer, certifying that the street meets or exceeds all of the design and construction requirements of this Ordinance. Any utility providing service must certify in writing that they have been installed in a manner acceptable to the utility. "As-built" plans must be submitted to the Public Works Director and the Planning Director.
7. The applicant is required to maintain all improvements, provide for trash collection, and provide for snow removal on streets and sidewalks until such time the street is accepted by the City or control is transferred to a lot owners' or homeowners' association.

C. Violations and Enforcement

1. No land in an approved subdivision may be sold, leased, or otherwise transferred or encumbered if it is not shown on the approved Subdivision Plan as a conveyable lot.
2. The CEO must not issue a building permit, nor approve any use of land, on a lot in a subdivision that has not been approved by the Board and which plan has not been recorded at the Sagadahoc County Registry of Deeds.
3. No unit in a multi-family development may be occupied before the street upon which the unit is accessed is completed in accordance with this Ordinance.
4. Violation(s) of this Section are deemed a nuisance and may be subject to the provisions of 30-A M.R.S.A. § 4452.

SECTION 13.18 WAIVERS

A. Waivers Authorized

If the applicant is able to demonstrate that the intent and purpose of a submission requirement, performance standard, or design and construction requirement is met by an equivalent method, that equivalent method may be approved. The applicant bears the burden of proof as to whether the submission requirement, performance standard, or design and construction requirement is met. The Board may waive a standard or requirement if the applicant requests the waiver in writing, and the Board finds that, due to special circumstances, or inappropriateness, meeting the standard or requirement is not required in the best interest of the public health, safety, and general welfare. Waivers must be granted only in writing with written findings of facts and conclusions, and may be subject to conditions. Waivers must not nullify the intent and purpose of the Comprehensive Plan, the Land Use Code, or this Ordinance. The Board may set any necessary conditions to insure that the purposes of this Ordinance are met. The Board must not allow any bulk or space requirement or any other requirement, the waiver of which should be considered a variance, except under Contract Rezoning authority in Article 8, Section 8.20.

B. Waivers to be shown on Subdivision Plan

If the Board grants a waiver under this Ordinance, the Subdivision Plan to be recorded at the Sagadahoc County Registry of Deeds must indicate the waiver(s) granted and the date granted.

SECTION 13.19 APPEALS

An aggrieved party may appeal any decision of the Board under this Ordinance to Sagadahoc County Superior Court within 30 days of the date the Board issues a written decision.
