Section 400 – Definitions

Abutter: A person whose property shares all or part of a common lot line with the property under consideration or whose property is separated by a public or private road from the property under consideration and is located wholly or partly opposite the property under consideration.

Accessory Building or Structure: A subordinate building or a portion of the main building, the use of which is incidental to that of the main or principal building. Examples include, but are not limited to Garages, Barns, Workshops and Farm Stands. Accessory buildings and structures are subject to the setback and coverage requirements of the district in which they are located. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure. *Rev. 6/21*

Accessory Apartment: See definition for Accessory Dwelling. *Rev. 6/21*

Accessory Dwelling Unit: See Accessory Dwelling. *Rev. 6/21*

Accessory Dwelling: A dwelling, either attached (connected to principal dwelling) or detached which is located on the same lot as the principal dwelling. This definition includes, but is not limited to, guest houses, cabins and cottages. The accessory dwelling and/or the principal dwelling may be rented. The dwelling shall have living, sleeping, sanitary and kitchen facilities for the exclusive use of the unit occupants. The dwelling will have only one bedroom and one bathroom. The accessory dwelling unit cannot exceed 750 square feet. Only one accessory dwelling is permitted per lot. All current codes must be met and an Occupancy Permit must be obtained. Parking must be available on-site. *Rev. 6/21*

Accessory Use: A use customarily incidental and subordinate to the principal use and located on the same lot with such principal use. Accessory uses, when aggregated shall not subordinate the principal use of the lot.

Adjacent Grade: The natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Advanced Wastewater Treatment Disposal System: A wastewater treatment system that meets or exceeds the United States Environmental Protection Agency's secondary treatment guidelines for septic effluent when added to a septic tank and disposal field system.

Agriculture: The production, keeping or maintenance, for sale, lease of personal use, of plants and animals useful to people, including but not limited to: forage. sod, seed and grain crops, dairy animals and dairy products: poultry and poultry products; livestock including breeding and grazing of animals, bees, trees and forest products, fruits and vegetables, nursery, ornamental and greenhouse products; or lands devoted to soil conservation or forestry management programs. In the Shoreland Zone, agriculture does not include forest management and timber harvesting activities.

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

Antenna: Any structure or device used for the purpose of the wireless transmitting or receiving electromagnetic waves, digital signals, analog signals or other communication signals, including

1. Area required for streets or access.

2. Areas unsuitable for development in their natural state because of topography, drainage or subsoil conditions. Specific conditions include but are not limited to:

   a. Slopes in excess of 20% *Amended 6/18/18*

   b. Water table at the surface for all or part of the year.

   c. Unstable soils.

3. Land in rights-of-way or easements.

4. Land which is cut off from the main parcel by a road or waterway, which acts as a major barrier to common use. *Amended 6/18/18*

The Planning Board shall make the final determination of net residential acreage. Where the Planning Board determines that the extent of unsuitability in a specific case requires interpretation, it shall be guided by whether or not the potential unsuitable area in its natural state could be incorporated into a minimum size developable lot in a traditional subdivision. If it can be so incorporated, that area shall not be subtracted from the gross acreage.

~~**Net Residential Density:** Net residential density shall mean the number of dwelling units per net residential acre.~~

New Construction in a Floodplain Zone: structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

Non-Conforming Lot: a single lot of record which, at the effective date of adoption or amendment of the appropriate Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

Non-Conforming Structure: a structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is permitted solely because it was in lawful existence at the time the appropriate Ordinance or subsequent amendments took effect.

Non-Conforming Use: use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated, but which is permitted to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect. (There is another definition for N-C Use in the Zoning Ordinance)

Normal High-Waterline: that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.

Open Space: Any parcel or area of land or water, natural or improved and set aside, dedicated, designated, or reserved for the use and enjoyment of all the residents of the development or the public in general. *Rev. 6/21*

b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback: A defined perpendicular distance from property lines, boundary, stream, wetland protection zones, excess slope or other buffer areas that have been determined by the Planning Board or Board of Appeals. *Adopted 6/17/19.*

Shoreland Setback: For Shoreland Zoning Ordinance purposes, the nearest horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area. *Amended 6/17/19*

Shore Frontage: the length of a lot bordering on an eater body measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water elevation.

Shoreland Zone: the land area located within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland; or within seventy-five (75) feet of the normal high-water line of stream.

Sign: Any structure or part thereof attached thereto or painted or represented thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. The word 'sign' does not include the flag, pennant or insignia of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious campaigns, drive, movement, or event.

Significant Wildlife Habitat~~:—~~": "Significant wildlife habitat," as that term is defined in 38 M.R.S. § 480-B(10), as amended.

Single Lot: Any division of land that results in the creation of a new lot that is not:

1. part of an existing subdivision approved by the Town; or

2. a division that will cause a subdivision as defined by Title 30-A M.R.S.A. Section 4401.

Any single lot that falls within this definition is subject to the requirements of the Single Lot Ordinance, §605.

Site Built Structures: A structure which is constructed on the site where it will be located as opposed to a structure which is wholly constructed away from the site and later transported to the site where it will be permanently affixed. Site built structures may include prefabricated sections such as walls or roof trusses, but not fully finished sections such as the two sections of a double wide manufactures home which must be joined together at the site.

Solar Collector: A device or combination of devices, structures, or part of a devise or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes to a building's, properties or community's energy supply. *Rev. 6/21*

Solar Energy System: A complete system or assembly consisting of a solar energy collector, an energy storage facility (when used) and any related components for converting and distribution of sunlight into electricity. *Rev. 6/21*

Special Exception: A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighbors, would promote the public health, safety, welfare, morals, order, comfort,

decks and satellite dishes. For floodplain management purposes: a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

Subdivision: "Subdivision means the division of a tract or parcel of land in single ownership into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period. The term "subdivision" also includes all additional criteria pursuant to Title 30-A, Section 4401

Subdivision, Conservation~~Major~~: Any subdivision containing ~~more than~~ five (5) or more lots, or any subdivision requiring any new public street extension, or the extension of municipal facilities.

Subdivision, Minor: Any subdivision containing not more than four~~five~~ (4~~5~~) lots.

Substantial Damage: damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the community's Board of Appeals.

Substantial Reconstruction of a Road: Any activity related to reclaiming and restoring a sub-par functioning, dilapidated or unsafe road to a safe state of repaid to support normal speeds for all types of vehicles for local access travel. Substantial reconstruction may include excavation, recycling or re-grading or roadway base materials and the collection, re-grinding, re-layment or re-grading of roadway surface materials.

Substantial Start: Completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface Sewage Disposal System: A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA Section 414, any surface wastewater disposal system licensed under 38 MRSA Section 413 Subsection 1-A, or any public

Variance: A relaxation of the terms of these codes where such relaxation will not be contrary to the public interest where, owing to conditions peculiar to the property, and not the result of the actions of the applicants, a literal enforcement of the code would result in undue hardship. Amended 6/18/18

Vegetation: all live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 ½ feet above ground level.

Volume of a Structure: - the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Waiver: The intentional and voluntary giving up of something, such as a right, either by an express statement or by conduct (such as not enforcing a right).

Waste: Waste is any garbage, refuse, sludge or solid, liquid, semi-solid or contained gaseous material resulting from industrial, commercial or mining operations, or from community activities, which is discarded or stored prior to being discarded, is disposed of, or is a manufacturing or mining by-product.

Water body new wording: Any natural or artificial body of water, whether permanent or temporary.

Water Crossing: Any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings.

Watershed: The land area that drains, via overland flow, drainageways, waterbodies, or wetlands to a given waterbody or wetland. A watershed includes both the land and the body of water into which the land drains. Watershed condition reflects a range of variability from natural pristine (functioning properly) to degraded (severely altered state or impaired). The three watersheds regulated by this Ordinance include Chandler Brook, East Branch Chandler Brook, and the Cousins River watersheds.

Wetland: A freshwater wetland.

Wireless Telecommunications Facility: A facility that transmits, receives, distributes, provides or offers telecommunications services, radio or television signals, or any other spectrum-based transmissions/receptions, together with the facility's associated antennas, microwave dishes, horns, cables, wires, conduits, ducts, lighting roads, electronics and other types of equipment for the transmission, receipt, distribution or offering of such signals; wireless telecommunication towers, antenna support structures and other structures supporting said equipment and any attachments to these structures including guy wires and anchors, equipment buildings, generators, parking areas, utility services, driveway and roads and other accessory features.

Wireless Telecommunication Facility {Co-Located) (Regulation of Wireless Telecommunications Facilities Ordinance): A wireless telecommunications facility that includes a telecommunication tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity.

Wireless Telecommunication Tower {"Tower") (Regulation of Wireless Telecommunications Facilities Ordinance): Any new or existing ground mounted or structure mounted pole, spire, structure, or combinations thereof, designed and constructed primarily for the purpose of supporting, fixing or attaching one or more antennas, including supporting lines, cables, wires, brace and masts. The term includes, but is not limited to, radio and television transmission towers,

[612 RESERVED]

~~612 Special Provisions for Cluster Subdivision~~

~~These special provisions, related to space and bulk, allow for innovative approaches to housing and environmental design in construction.~~

~~A. Notwithstanding other provisions of this ordinance relating to space and bulk, the Planning Board, in reviewing and approving proposed residential subdivisions, may modify said provisions related to space and bulk in order to allow for innovative and environmental approach and design with the following standards. This shall not be construed as granting Variances to relieve hardship:~~

~~1. The purpose and intent of this Zoning Ordinance shall be upheld.~~

~~2. There shall be compliance with all State and local codes and ordinances.~~

~~3. There shall be no approval of any proposed development which exceeds that net residential density allowable in the district in which it is located.~~

~~4. Front yard setback requirement shall not be modified by a reduction of more than 50%.~~

~~5. Yard requirements between principal buildings shall not be modified to less than the height equivalent of the higher of any two adjacent principal buildings.~~

~~6. Frontage requirements shall not be modified by a reduction of more than 75 feet.~~

~~7. Each building shall be an element of an overall plan for site development.~~

~~8. Where possible, buildings shall be oriented with respect of scenic vistas, natural landscape features, topography, solar access and natural drainage areas.~~

~~9. Development proposals shall include a landscape program to illustrate the proposed treatment of space, roads, paths, service and parking areas. Screening devices shall not impair pedestrian and vehicular safety.~~

~~10. All utilities shall be installed underground insofar as practical. All transformer boxes, substations, pumping stations, and meters shall be located and designed as not to be unsightly or hazardous to the public.~~

~~11. Residential open space accumulated by modifying space, bulk, and dwelling type requirements within the allowable density limits shall be dedicated to the recreational amenity and environmental enhancement of the subdivision and shall be dedicated and protected as such. Such protections may include private deed covenants or arrangements to preserve the integrity of agricultural open spaces and their use for farming or conservation purposes, including, but not limited to, deeding as an easement or in fee to a land trust or similar not-for-profit organization.~~

~~12. After approval of a proposed subdivision there shall be no further subdivision of land within the proposed development which will exceed the allowable net density. This shall be guaranteed by restrictive covenants prepared by the developer who shall provide a draft copy as part of the approval of the subdivision by the Planning Board. The covenants shall be recorded and referred to in all lot deeds in the subdivision and the~~

developer shall provide evidence of the recording of the covenants prior to the issuance of the first building permit in the subdivision.

13. The developer shall file with the Town at the time of submission of final plans a performance guarantee. This may be tendered in the form of a certified check, performance bond or other accepted guarantee to ensure the completion of all required improvements and shall be issued to the Town. The conditions and amount of such check or other performance guarantee shall be determined by the Select Board with the advice of the various Town departments or agencies concerned. The amount shall be at least equal to the total cost of furnishing, installing, connecting and completing all of the street grading, paving, storm drainage or drainage ditches and utilities or other improvements specified in the final plan, and shall be conditioned on the satisfactory completion of all such specified improvements within a period agreed upon by the developer and the Planning Board.

14. For the purposes of this section, the tract or parcel of land involved must be either in single ownership or the subject of an application filed jointly by the owners of all the property included.

B. Corner clearances. For purposes of traffic safety, in all Districts, between the lines of intersecting streets and a line joining points on such lines, twenty feet distant from their point of intersection, or in the case of a rounded street corner, the point of intersection of their tangents, no building or structure may be erected and no vegetation other than shade trees may be maintained above a height of three feet above the plane through their curb grades. Shade trees shall be pruned to the height of eight feet above grade.

902 Authority and Administration

A. Authority

1. These standards have been prepared in accordance with the provisions of Title 30 M.R.S.A., Chapter 454, Section 4956.

2. These standards shall be known and may be cited as “Subdivision Standards of the Planning Board of the Town of Pownal, Maine.

B. Administration

1. The Planning Board of the Town of Pownal, hereinafter called the Board, shall administer these standards.

2. The provisions of these standards shall pertain to all the land proposed for subdivision as herein defined within the boundaries of the Town of Pownal.

C. Project Classification

1. Any subdivision of 4 lots or less shall be classified as a Minor Subdivision.

a. Conservation Subdivision procedures and performance standards are optional for Minor Subdivisions.

~~1.~~2. Any subdivision of 5 or more lots shall be classified as a Conservation Subdivision.

905 Review Procedure and Submission Requirements for Conservation Subdivision, Pre-application Requirements

A. All applicants submitting a Conservation Subdivision application shall meet with the Planner for an informal pre-application meeting. The applicant may bring a Site Context Map and Existing Features Map which shall conform to the requirements below. The purpose of the Pre-application Review Meeting is to provide an informal process to discuss the characteristics of the site and proposed plan for development in conceptual terms and to introduce the applicant and site designer(s) to the zoning and subdivision regulations and collaboratively discuss the applicant's objectives in relation to those requirements, and the applicant's intentions for the open space ownership.

B. Conceptual Plan Meeting

1. Within six months following the Pre-Application Review Meeting, the applicant shall submit a completed subdivision application to the Planning Board for review. When the conceptual plan submission requirements have been submitted, the Planning Board shall hold a Conceptual Plan Meeting with the Applicant at which the applicant and the Planning Board may discuss the Conceptual Plan and its compliance with the standards and objectives of the Conservation Subdivision Ordinance. The purpose of this Conceptual Plan Meeting is to continue the informal, collaborative process of the conservation subdivision, to comply with the objectives of this ordinance, and to allow the Planning Board to become familiar with the applicant's objectives and the parcel proposed to be subdivided. No formal action shall be taken by the Planning Board at this Conceptual Plan Meeting and any comments or feedback provided by the Planning Board shall be wholly advisory (and non-binding) in nature.
2. The Subdivision application shall be accompanied by a fee (see fee schedule) payable by check to the Town of Pownal, stating the specific purpose of the fee.
3. On-Site Visit

   At the first meeting the application is presented and after the Existing Features Plan has been prepared, the Planning Board shall schedule an on-site visit to walk the property with the applicant and the site designer(s). The applicant shall bring a copy of the Existing Features Plan to the on-site visit. The purpose of this visit is to familiarize the Planning Board with the property's special features, and to provide them an informal opportunity to offer guidance (or at least a response) to the applicant regarding the location of Open Space to be preserved and potential house locations and street alignments.

~~B.~~C. Submission Requirements – Conceptual Plan Meeting

In advance of the Conceptual Plan Meeting, the applicant shall submit a Conceptual Plan containing at least the following information:

1. Site Context Map

The applicant shall submit a site context map. The site context map shall be drawn to a size adequate to show the relationship of the proposed subdivision to adjacent properties and to locate the subdivision within the municipality, e.g., 1 inch=400 feet. The site context map shall include the following:

a. An outline of the subject parcel along with abutting properties from a tax map and current uses on those properties.

b. Existing subdivisions within 500 feet of the subject parcel.

c. An outline of the subject parcel on a USGS topographic map.

d. Zoning district.

e. Tax map and lot number of subject parcel.

f. Location of the subdivision within the following three watersheds: Chandler Brook, East Branch Chandler Brook, and Cousins River.

g. Location and names of existing streets.

h. Location of circle showing features within half mile of subject parcel on Beginning with Habitat High Value Habitats map.

2. Existing Features (Site Inventory) Map(s)

The applicant shall submit an Existing Features (Site Inventory) Map of the subject parcel which shall be at a scale of one-inch equals 100 feet (unless another scale is mutually agreed upon) and shall involve an individual or team with the necessary training in natural resources, preferably a landscape architect, and who shall certify the information submitted. The inventory and map(s) shall include, at a minimum, the following:

a. The proposed name of the subdivision, north arrow, date, and scale.

b. The boundaries of the subject parcel based upon a standard boundary survey prepared by a registered land surveyor and giving the bearings and distances of all property lines.

c. A contour map based at least upon topographic maps published by the U.S. Geological Survey.

d. The location and delineation of the following:

   i. Existing buildings and unbuildable areas including rights-of-ways and easements, and portions utilized for storm water management facilities.

   ii. Identification of scenic views into and out from the property with accompanying photos.

   iii. The identification and location of vegetative cover on the property.

   iv. Abutting or nearby lots where linkage with nearby open space, conservation land, State parks, or public lands on other properties is not blocked, and when possible, where continuous corridors of natural vegetation are protected in alignment with any adopted local or regional open space plan.

v. The location and delineation of unbuildable areas that include steep slopes, hydric soils, wetlands, surface waters, and streams.

vi. The location and delineation of significant features that include open fields, stone walls, scenic views, high value natural areas and essential wildlife habitat as defined by the Maine Department of Inland Fisheries & Wildlife (MDIFW), prime agricultural soils as defined by Department of Agriculture, Conservation and Forestry (DACF), historic properties and resources as defined by Maine Historic Preservation Commission (MHPC).

vii. The location and delineation of any Ssignificant Wildlife Habitat on the subject parcel or within 250 feet of the subdivision.

e. The location and delineation of Open Space to be preserved.

The following elements are optional:

i. Location of Proposed House Sites. All house sites shall be located outside of unbuildable areas and to the maximum extent feasible outside those areas identified in subsection (d)(vii). above.

ii. Alignment of Roads, Common Driveways and Trails. The minimum length and network of road(s) necessary to access each house lot shall be identified. Common driveways shall be identified. Roads and common driveways shall be located in such a way that avoids or at least minimizes adverse impacts on features identified in subsection (d)(vii). above.

iii. Identification of Lot Lines and Building Envelopes. Lot lines and building envelopes for each house site, or group of homes on a common lot, shall be identified. The placement of lot lines and building envelopes shall give consideration to those features identified in subsection d. as well as conform to the natural features of the landscape to the greatest extent possible.

3. Lot Density Map

The applicant shall submit a Lot Density Map to show:

a. The number of lots that could be built using density and frontage requirements applicable to Minor Subdivisions pursuant Section 908(C)(2).

906 Review Procedure and Submissions for Conservation Subdivision, Preliminary Plan

A. Procedure

1. Within six months after the Conceptual Plan Meeting, the subdivider shall submit an application for the consideration of a Preliminary Plan for a Conservation Subdivision, which shall include all submissions from the Conceptual Plan. Failure to do so shall require resubmission of the Conceptual Plan to the Planning Board. The Preliminary Plan shall conform to the layout shown on the Conceptual Plan plus any recommendations made by the Planning Board.

2. Within forty-five (45) days after formal submission of a Preliminary Plan, the Planning Board shall take action to give preliminary approval, with or without modifications, or disapprove such Preliminary Plan. The reasons for any modifications or the grounds for disapproval shall be stated upon the records of the Planning Board. Prior to preliminary approval the Planning Board shall hold a public hearing.

3. When granting approval to a Preliminary Plan, the Planning Board shall state the conditions of such approval, if and with respect to: (1) the specific changes which it will require in the Final Plan; (2) the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, and general welfare; (3) the amount of improvement of the amount of all bonds therefore which it will require as prerequisite to the approval of the Final Subdivision Plan. The decision of the Planning Board plus any conditions imposed shall be noted on three (3) copies of the Preliminary Plan. One copy shall be returned to the subdivider, one retained by the Planning Board and one forwarded to the Municipal Officers.

~~A.~~B. Submissions

1. Preliminary Subdivision Plan

The Preliminary Subdivision Plan shall be submitted in four (4) copies of one or more maps or drawings which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to a scale of 1-inch equals not more than one hundred (100) feet, showing or accompanied by the following information:

a. Proposed subdivision name or identifying title and the name of the Municipality.

b. Name and address of record owner, subdivider and designer or Preliminary Plan

c. Number of acres within the proposed subdivision, location or property lines, existing easements, buildings, watercourses and other essential existing physical features.

d. The names of all subdivisions immediately adjacent and the names of owners or record of adjacent acreage.

e. The provisions of the Zoning Ordinance applicable to the area to be subdivided and any zoning district boundaries affecting the subdivision.

f. The location and size of any existing sewers and water mains, culverts and drains on the property to be subdivided.

g. Location, names and present widths of existing and proposed streets, highways, easements, building lines, parks and other public open spaces.

h. The width and location of any streets or other public ways or places shown upon the Official Map and the Comprehensive Plan, if any, within the area to be subdivided, and the width, location, grades, and street profiles of all streets or of the public ways proposed by the subdivider

i. The Planning Board may require contour lines at intervals of not more than five

j. (5) feet or at such intervals as the Planning Board may require, based on United State Geological Survey datum of existing grades where change of existing ground elevation will be five (5) feet or more.

k. The Planning Board may require a soils report identifying the soils boundaries and names in the proposed development with the soils information superimposed upon the plot plan in accord with the USDA Soil Conservation Service National Cooperative Soil Classification. The intensity of this study must identify changes in soil conditions down to one eighth acre. A lot-by-lot soils suitability determination for house building with septic sewage disposal, or if appropriate, house building with public sewage disposal, will be made in accord with Soil Suitability Guide for Land use Planning in Maine and will accompany the plot plan soils study.

l. Typical cross sections of the proposed grading for roadways and sidewalks.

m. Date, true north point and graphic scale.

n. Deed description and map of survey of tract boundary made and certified by a registered land surveyor, tied into established reference points.

o. Connection with existing water supply or alternative means of providing water supply to the proposed subdivision.

p. Connection with existing sanitary sewerage system or alternative means of treatment and disposal proposed.

q. If a private sewage disposal system is proposed, location and results of tests to ascertain subsurface soil and ground water conditions, depth to maximum ground water level, location and results of percolation test.

r. Provisions for collecting and discharging storm drainage, in the form of a drainage plan.

s. Preliminary designs of any bridges or culverts which may be required.

t. The proposed lot lines with approximate dimensions and suggested locations of buildings.

u. The location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field.

v. The location of all natural features or site elements to be preserved.

w. Identification of all designated Open Space.

2. Location Map

The Preliminary Plan shall be accompanied by a Location Map drawn at a scale of not over four hundred (400) feet to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The Location Map shall show all the area within two thousand (2,000) feet of any property line of the proposed subdivision. Within such area the Location Map shall show:

a. All existing subdivisions and approximate tract lines of acreage parcels together with the names of the record owner; of all adjacent parcels of land, namely those directly abutting or directly across any street adjoining the proposed subdivision.

b. Locations, widths and names of existing, filed or proposed streets, easements, building lines and alleys pertaining to the proposed subdivision and to the adjacent properties as designated in Paragraph (1), above.

c. The boundaries and designations of zoning districts, school districts and parks or other public spaces.

d. An outline of the proposed subdivision together with its street system, designated Open Space(s) and an indication of the future probable street system of the remaining portion of the tract, if the Preliminary Plan submitted covers only part of the subdivider's entire holding.

3. Written Submissions

The Preliminary Plan shall be accompanied by the following written submissions:

a. A narrative describing the project and design approach.

b. A draft Homeowner's Association declaration, with associated declaration of restrictive covenants, or letter of intent from a Land Trust for open space ownership.

908 Performance Standards Conservation Subdivision

A. Purpose and Review Criteria

To encourage development that preserves Pownal's rural character and protects natural and culturally important resources and is consistent with the 2020 Comprehensive Plan.

To provide for development that is consistent with historic land use patterns where residences are grouped and surrounded by areas of open space used for agriculture, forestry, recreation and similar purposes.

Diversity and originality in lot layout and individual building site design shall be encouraged to achieve the best possible relationship between the proposed development and the land under consideration. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, solar energy and natural drainage areas.

In approving a conservation subdivision, the Board shall consider the following additional criteria before granting approval:

1. The arrangement of roads, lots, dwelling units, stormwater facilities, wastewater and other utilities will be harmonious with the natural environment and will not harm rural character and surrounding natural resources.
2. The Conservation Subdivision will minimize undue adverse effect on wetlands, vernal pools, stream corridors, significant wildlife habitat, or scenic resources.
3. All buffers in the Conservation Subdivision will protect natural resources and adequately screen new homes from the public road.

-Open Space will be permanently protected, in a manner acceptable to the Town, and will be contiguous to other Open Space within the larger parcel.

B. Applicability

The provisions of this ordinance shall apply to all Conservation Subdivisions and shall be optional for Minor Subdivisions.

C. Performance and Design Standards

Wherever possible, Conservation Subdivisions shall adhere to the standards below. The Board may consider waiver requests from any of the performance standards in order to support the design philosophy and collaborative process. All waiver requests shall be discussed at the pre-application meeting and made in writing to the Planning Board.

1. Open Space

a. Open Space Design

i. At least 60% of the total area of the subject parcel shall be preserved as permanently protected common open space.

ii. All common open space areas shall be part of a larger contiguous and integrated open space system within the parcel being developed. At least 75% percent of common open space shall be contiguous to another common open space area. Areas shall be considered contiguous if they are no more than 100 feet of each other and there are no impediments to access between these areas.

iii. Common open space shall be at least 50 feet in its smallest dimensional width and at least 10,000 square feet in total area.

iv. Common open space shall, to the greatest extent possible, protect site features identified in the site plan analysis.

v. Natural features shall generally be maintained in their natural condition, but may be modified to improve their appearance, or restore their overall condition and natural processes.

b. Open Space Ownership and Maintenance

Open space shall be owned, preserved, and maintained as required by this section by any of the following mechanisms or combinations thereof and shall be drafted and reviewed by the Planning Board:

i. Dedication of Open Space to a suitable land trust.

ii. Dedication of development rights of Open Space to a suitable land trust with ownership by a private individual or homeowners association.

iii. Ownership of the Open Space by a homeowners' association which assumes full responsibility for its maintenance with open space protection deed restrictions enforceable by any landowner in the subdivision, any owner of separate land parcels abutting the Open Space, or the Municipality.

If a homeowner's association is to be formed it shall be incorporated by the developer prior to final subdivision approval. Covenants for mandatory membership in the association shall be approved by the Planning Board and included in the deed for each lot or unit. Draft by-laws of the proposed lot owners' association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities shall also be subject to Planning Board approval. The association's documents shall specify that:

i. The association shall have the responsibility of maintaining the designated Open Space and other private facilities dedicated to the use in common by the development's resident.

ii. The association shall levy annual charges against all property owners to defray the expenses, if any, connected with maintenance of the common Open Spaces and facilities.

iii. The association shall have the power to place a lien on the property of members who fail to pay dues or assessments.

iv. The developer shall maintain control of designated Open Spaces and facilities and be responsible for their maintenance until at least 51% of the development lots or units have been conveyed, with evidence of such completion and sales

submitted to and approved by the Planning Board.

v. Each residential lot shall be subject to open space protection deed restrictions enforceable by any landowner within the subdivision, any owner of separate land parcels abutting the open space, or the Town of Pownal. This option may apply only if open space is part of an existing farm, working or not, if there is a future intent to farm by the owner and no land trust is willing to accept dedication of development rights of the Open Space.

c. Open Space Management Plan

The Open Space shall be managed according to a management plan for the designated Open Space and facilities. The Management Plan is subject to the approval of the Planning Board, and must meet the following criteria:

i. Identifies the entity assuming responsibility for stewardship and management of the designated open space, including regular inspections to confirm continued compliance with the terms of the subdivision approval and conservation easement or deed restrictions.

ii. Includes detailed standards and schedules for maintenance of the designated open space, including maintenance of vegetation.

iii. Allows for municipal maintenance in the event that the maintenance specified under the agreement is not completed and recovery of costs incurred from the designated management entity or the owners of the designated open space within the subdivision.

iv. Provides that any amendments to the plan shall be reviewed and approved by the Planning Board.

~~i.~~v. Prior to the commencement of any timber harvesting a forest management and harvest plan defined by Title 36 MRSA section 573.3-A shall be submitted to the Planning Board. The plan must be prepared by a licensed professional forester or a landowner and be reviewed and certified by a professional forester.

d. Legal Review

Prior to final approval by Planning Board the applicant shall submit for review by the ~~municipal a~~Town Attorney any restrictive covenants, conservation easement, deed restrictions, homeowners' association documents or other legal agreements proposed for use in the Conservation Subdivision. The Town Attorney shall advise the Planning Board of the adequacy of such legal provisions. The applicant shall pay all associated costs of the legal review.

e. Open Space Use and Trails

Wherever possible in areas of potential trail connectivity, provisions shall be made for the creation of a trail system within the common Open Space to provide access from the subdivision homes to the open space network created by the subdivision.

The designated Open Space created by the subdivision shall be:

i. Shown on the subdivision plan with the following notation: "Designated Open Space shall not be further subdivided or used for future building lots";

ii. Shown on the subdivision plan including boundaries of designated Open Space areas, active recreation area if any, agricultural area, and naturally, undisturbed vegetated areas and marked in the field with signage approved by the Planning Board to distinguish these areas from private property; and.

iii. Accessible to the owners or residents of the development, subject to any necessary limitations in connection with the uses of land (e.g., farming), which may be permitted.

f. Uses

i. Uses of open space shall be limited to passive recreation, or other passive outdoor activities, agriculture, forest management, and uses that preserve the natural features of the site. The use of any open space may be further limited or controlled at the time of final subdivision approval as necessary to protect adjacent properties.

ii. Passive recreation includes, but is not limited to walking, hiking, cross country skiing, snow shoeing, mountain biking, and horseback riding. Active recreation, such as hunting, snowmobiling or other motorized activity may be allowed based on the discretion of the owner of the open space. Access for the general public (i.e., those who are not lot owners or guests/invitees of lot owners) may be prohibited or may be limited to passive recreation on trails created within the designated open space.

2. Lot Density

a. The number of lots in a Conservation Subdivision shall not exceed the number of lots that would be allowed pursuant to the maximum net residential density requirements of the zoning district in which the subdivision is located, including the dimensional requirements applicable to road frontage. The Applicant shall submit a Lot Density Map showing that the parcel could be subdivided into the number of proposed lots on buildable land in a manner that meets the density and frontage requirements applicable to Minor Subdivisions.

b. Only 600 feet of each buildable private road(s) the applicant proposes shall be used in calculating the maximum number of lots on the Lot Density Map.

3. Minimum Lot Size

a. The minimum lot size may be reduced to ½ acre as long as the applicant submits a plan for an Advanced Wastewater Treatment Disposal System.

4. Lot Setbacks

a. Setback requirements for a conservation subdivision shall be the same as those required in the zoning district in which the subdivision is located.

5. Frontage

a. Minimum road frontage for residential (but not open space) lots shall be no less than

75 feet.

b. All Conservation Subdivisions shall have at least 650 feet of public road frontage.

6. Buffers

a. The purpose of a buffer shall be to maintain natural features and viewsheds as well as minimize any adverse impacts or nuisances on the site or on adjacent properties.

b. The buffer may include a mix of native trees, shrubs, and other native vegetation that provides a year-round screen. Planting of invasive vegetation shall not be allowed. Invasive vegetation is defined in the Maine Natural Areas Program Invasive Plants List as amended.

i. Natural features shall be maintained wherever possible to provide a buffer between the proposed development and incompatible abutting properties and the public road.

ii. For non-wooded buffer areas, evergreens can be used as screening provided; they are planted in two (2) rows of staggered plantings. The rows should be seven (7) feet apart and the evergreen planted six (6) feet on center.

iii. All buffers shall be maintained by the property owner or Homeowner's Association.

c. New lots shall be set back a minimum 150 feet from existing public roads.

d. New homes shall be set back a minimum of 200-feet from existing public roads.

e. A 75-foot buffer shall be provided around the entire property.

f. The Board may require additional buffering around new roads to protect existing viewsheds and views from the public road.

7. Private Roads

a. New private roads in Conservation Subdivisions shall be designed with creativity and sensitivity to minimize impacts on scenic, open space, archaeological, social, cultural, and environmental resources. Cisterns are required per Section 903 of the Ordinance.

b. New private roads shall be designed to fit harmoniously with the existing topography.

c. Any new driveways shall be located off new private roads only.

d. No private road can have two points of entry from an existing road.

e. New private roads shall be spaced at least 750 feet apart. New private roads in a Conservation Subdivision shall comply with the standards of Appendix 16 of the Ordinance:

i. Minimum width ROW shall be 60 feet.

ii. Minimum width of pavement shall be 20 feet.

iii. Width of shoulders shall be 4 feet.

iv. Maximum road length shall be 1,000 feet. The Board shall have the ability to

grant waiver requests from maximum road length on a case-by-case basis.

f. Cul de sacs are allowed on a case-by-case basis upon review from the road commissioner and are subject to the following dimensional standards:

i. Cul de sac turnaround radii at the property line shall be 75 feet.

ii. The outer edge of the pavement shall be 64 feet.

iii. If a vegetated center is proposed, the inside radius of pavement shall be 40 feet

iv. The area of transition from street to cul de sac shall be designed with a turning radius of no less than 50 feet.

8. Minimum Water Supply Standards for Fire Suppression Operations

a. The subdivider shall provide adequate and reliable water for firefighting purposes, as determined in the sole opinion of the Fire Chief or their designee, such as underground cisterns or fire ponds with dry hydrants. The water supply shall be installed by the applicant, shall be in working order, and shall be approved by the Fire Chief or their designee prior to the issuance of any Certificate of Occupancy for structures in the subdivision. All fire protection water supplies equipped with a dry hydrant shall be designed, located, and installed in accordance with guidelines adopted by the Town of Pownal. A detailed plan of the required pond or cistern, dry hydrant, piping, or access road, shall be submitted as a part of a subdivision application. The Fire Chief shall approve the design of all storage facilities.

b. Any Conservation Subdivision must provide an alternative water source for fire suppression operations under the following circumstances:

i. The furthest building is more than 1,500 feet from a public water system capable of handling large flows needed for fire suppression

ii. The furthest building is more than 1,500 feet from a certified water source with a dry hydrant installed. The water source must be certified in writing by a qualified hydrologist or engineer.

c. Underground Cisterns. When installed in a Conservation Subdivision, an underground cistern shall conform to the following specifications:

i. The cistern shall be constructed when the first house within the subdivision is started.

ii. The cistern shall be inspected by the Fire Department and CEO to ensure the correct storage capacity unit is installed to the standards of the Ordinance and/or Planning Board, fire department requirements.

iii. The cistern shall be tested by the fire department before it is covered with fill. If a cistern is covered before the fire department can inspect, a vacuum test must be done by the owner and must pass to be compliant with the Ordinance. The applicant must fill the cistern to comply with the Ordinance. Documentation of passing the test must be provided to the Fire Chief and Code Enforcement Officer within five (5) days of the test.

iv. The cistern shall be inspected and tested and ready for use before the first house

within the subdivision receives a home occupancy permit.

v. All fire cisterns for new development shall be vacuum tested by a third party using approved testing equipment.

vi. The cistern shall hold 10" hg vacuum for a period of no less than two (2) minutes. A drop of 0.5" or less in the mercury reading shall be considered a passing test. All tests exceeding a drop of 0.5" hg shall be considered a failing test and the contractor will need to re-seal all joints and re-test at the contractor's expense. The Town of Pownal or its designee reserves the right to witness the test and shall be provided with a copy of the test results in writing from the third-party testing contractor.

vii. A minimum storage capacity of 12,000 gallons shall be provided for a subdivision containing 5 lots. They shall be constructed of concrete or fiberglass and shall be buried fixtures. If there are more than 5 lots additional storage of 2,000 gallons per lot or principal building shall be provided. The Planning Board and Fire Chief may require additional storage capacity upon a recommendation from the Fire Chief that such additional capacity is necessary due to the specific conditions of the subdivision.

viii. Hydrants or other provisions for drafting water shall be provided to the specifications of the Fire Department. Minimum pipe size connecting dry hydrants to cisterns shall be 8 inches with a 6-inch hose connector. The cistern must also be provided with a 4-inch fill port and an appropriate size vent pipe.

ix. The dry hydrant shall be located so that fire trucks may connect to the hydrant by means of one 10-foot section of hard suction hose.

x. The applicant shall be responsible for the maintenance of the fire protection water supply for a period of one year following its installation and shall be responsible for any improvements determined to be necessary by the Fire Chief during this period to provide the required storage capacity and flows.

xi. Where the dry hydrant or other water source is not within the right-of-way or existing street and easement to the town shall be provided to allow access for use and maintenance. A suitable access way to the hydrant or other water source shall be constructed to the same standard as the subdivision road. The area within 37.5 feet each side of the hydrant, parallel to the road and extending to the roadway shall be kept clear of all obstacles and shall be posted "NO PARKING, FIRE LANE".

d. Fire Ponds

i. Fire ponds may be allowed in lieu of holding tanks if the water source is approved by the Fire Chief. A fire pond~~s~~ shall be constructed with a 2:1 sloped (horizontal: vertical) banking and minimum depth of 10 feet. The fire pond shall have a minimum capacity of 120,000 gallons as certified by a Maine registered professional engineer and shall be maintained at or above that volume at all times. An overflow system shall be installed and maintained.

ii. Where ponds are proposed for water storage the capacity of the pond shall be calculated based on the lowest water level less an equivalent of three feet of ice.

~~i.~~iii. All prior dry hydrant specifications shall apply.