ARTICLE 6 SUBDIVISION ORDINANCE

SECTION 1 PURPOSE

A. The purpose of these standards shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Pownal, Maine, the Board shall consider the following criteria and before granting approval shall determine that the proposed subdivision:

1. Will not result in undue water or air pollution. In making this determination it shall at least consider: The elevation of land above sea level and its relation to the flood plains; the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents, and the applicable State and local health and water resources regulations;

2. Has sufficient water available for the reasonable foreseeable needs of the subdivision;

3. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;

4. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

5. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;

6. Will provide for adequate solid and sewage waste disposal;

7. Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;

8. Will not place an unreasonable burden on the ability of the local governments to provide municipal or governmental services;

9. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas;

10. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any;

11. The subdivider has adequate financial and technical capacity to meet the above stated standards;

12. Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water;

13. Based on the Federal Emergency Management Agency’s flood Boundary and Floodway and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of a plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;
14. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district;

15. All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district;

16. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section “river, stream or brook” has the same meaning as in Title 38, Section 480-b, sub section 9;

17. The proposed subdivision will provide for adequate storm water management;

18. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;

19. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond’s phosphorus concentration during the construction phase and life of the proposed subdivision;

20. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located; and

21. Timber on the parcel being subdivision has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Agriculture, Conservation and forestry, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority’s request. If the bureau notifies the Planning Board may require a subdivision applicant to provide a determination certified by a licensed forester. For the purposes of this subsection, “liquidation harvesting” has the same meaning as in Title 12, section 8868, subsection 6 and “parcel” means a contiguous area within the Town owned by one person or a group of persons in common or joint ownership. This subsection takes effect of the effective date of rules adopted pursuant to Title 12, section 8869, subsection 14.

SECTION 2 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.

SECTION 3 PRE-APPLICATION

A. Procedure

1. In order that the Planning Board may be fully informed about the site and in a knowledgeable position to prescribe the contour interval to be employed on topographic maps and grading plans and to save himself the cost of needless changes at a later date, the subdivider shall arrange for a joint inspection of the site with the Planning Board, or individual appointed to act as the Board’s representative for such inspection. This inspection may be waived at the discretion of the Planning Board.

2. At the time of the pre-application inspection, the subdivider shall submit for informal discussion a Sketch Plan and other data relative to the proposed subdivision which may be of assistance to the Planning Board in making its determinations.

3. After such preliminary inspection, the Planning Board shall within 35 days inform the subdivider in writing of the contour interval which will be required for his subdivision plans; and will classify the Sketch Plan into one two categories as defined herein:
   - Minor Subdivision
   - Major Subdivision

B. Submissions

1. The Sketch Plan shall be submitted to the Planning Board at the time of or prior to the on-site inspection.

2. The Sketch Plan shall show, in simple sketch form on a topographic map the proposed layout of street, lots, and other features in relation to existing conditions including such data as the Planning Board determines is necessary for its consideration of the proposed sketch plan.

SECTION 4 REVIEW AND APPROVAL OF MINOR SUBDIVISION

A. Procedure

1. Within six months after classification of the Sketch Plan as a Minor Subdivision by the Planning Board, the subdivider shall submit an application for approval of a Final Plan. Failure to do so shall require re-submission of the Sketch Plan to the Planning Board for reclassification. The Final Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board.

2. All applications for Plan approval for Minor Subdivisions shall be accompanied by a fee (see fee schedule) for each lot payable by check to the Town of Pownal, Maine, stating the specific purpose of the fee.

3. The Planning Board shall, within forty-five (45) days from the date of submission (as deemed by the Planning Board), approve, modify and approve, or disapprove the Final Plan. The Board shall specify in writing its reasons for any such modification or disapproval.

B. Submission

1. The subdivision plan for a Minor Subdivision shall consist of one original and three copies of one or more maps or drawings drawn to a scale of not more than one hundred (100) feet to the inch. Space shall be reserved thereon for endorsement by all appropriate agencies.

   Additional information shall include:
a. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

b. The Planning Board may require an actual field survey of the boundary lines of the tract, giving complete descriptive data by bearing, and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments as herein required, and shall be referenced as shown on the Plan of with Planning Board approval this requirement may be modified to a scale drawing.

c. The Planning Board may require a soils report identify 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 each dwelling with septic sewage disposal is required.

d. All on-site sewerage and water supply facilities shall be designed to meet the minimum specifications of these standards and all pertinent State and local ordinances. Compliance shall be stated on the Plan and signed by a licensed site evaluator. (An onsite sewage system shall be shown on an HHE 200 form before a building permit is issued.) Amended 6/17/19

e. Proposed name of the subdivision or identify title, and the name of the Municipality in which it is located.

f. The date, north point, graphic map scale, name and address of record owner and subdivider, and names of adjoining property owners on both sides of the street, within 500 feet of the entire parcel.

g. If the Planning Board in reviewing an application for a minor subdivision determines that the impact upon the community of such proposed subdivision will exceed the normal impact of a minor subdivision it may require as a condition of approval that such subdivision meet one or more of the requirements applicable to a major subdivision.

h. If a private road that is a minor dead-end street or road 600 feet or less is part of a proposed Minor Subdivision, the subdivider shall obtain, as a condition of approval by the Planning Board, a permit for the private road from the Codes Enforcement Officer. The permit (as it may be amended from time to time by the Planning Board) is herein adopted by reference by this Article. Amended 6/17/19

h.1 The Planning Board may allow minor modification to the 600’ standard for minor dead end streets to accommodate aesthetics and topography as long as the minimum 300’ road frontage requirement is maintained and the maximum four lots allowed is upheld. Amended 6/17/19

h.2 Prior to any building permit issued the road must be constructed to town approved specifications in length long enough to satisfy the road frontage requirements of that lot. Adopted 6/17/19

C. Final approval, Filing and Revisions after Approval

1. Upon completion of the requirements in Section 4.A. and B., and notation to that effect upon the Plan, it shall be deemed to have final approval and shall be properly signed by a majority of the members of the Planning Board and shall be filed by the applicant with the Municipal Officers. The applicant shall be responsible for having the Plan files with the Cumberland County registry of Deeds. The applicant shall be responsible for presenting evidence to the Planning Board of the filing. Any subdivision Plan not so filed or recorded within ninety (990) days of the date upon which such Plan is approved and signed by the Planning Board as herein provided shall become null and void, unless the particular circumstances
of said applicant warrant the Planning Board to grant an extension which shall not exceed two additional periods of ninety (90) days.

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

SECTION 5 PRELIMINARY PLAN FOR MAJOR SUBDIVISION

A. Procedure

1. Within six months after classification of the Sketch Plan as a Major Subdivision by the Planning Board, the subdivider shall submit an application for the consideration of a Preliminary Plan for a major Subdivision. Failure to do so shall require resubmission of the Sketch Plan to the Planning Board for reclassification. The Preliminary Plan shall conform to the layout shown on the Sketch plan plus any recommendations made by the Planning Board.

2. The application for conditional approval of the Preliminary Plan shall be accompanied by a fee (see fee schedule) for each lot payable by check to the Town of Pownal, Maine, stating specific purpose of the fee.

3. 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.

4. 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.

B. Submissions

1. Location Map. The Preliminary Plan shall be accompanied by a Location Map drawn at a scale 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 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.

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

j. 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.

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

l. Date, true north point and graphic scale.

m. Deed description and map of survey of tract boundary made and certified by a registered land surveyor, tied into established reference points.
n. Connection with existing water supply or alternative means of providing water supply to the proposed subdivision.

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

p. 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.

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

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

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

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

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

   a. Any Major Subdivision must provide an alternative water source for fire suppression operations under the following circumstances:
      1. the furthest building is more than 1500 feet from a public water system capable of handling large flows needed for fire suppression.
      2. The furthest building is more than 1500 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.

   3. The subdivider shall provide adequate and reliable water for firefighting purposes, such as underground cisterns or fire ponds with dry hydrants, in accordance with the recommendation of the Fire Chief. The water supply shall be installed by the subdivider, shall be in working order and shall be approved by the Fire Chief or his/her designee prior to the issuance of any certificate of occupancy for structures in the subdivision. All fire protection water supplies shall be equipped with a dry hydrant system that is designed, located and installed in accordance with the guidelines adopted by the Fire Chief, which guidelines shall be kept on file at the town hall. A detailed plan of the required pond or cistern, dry hydrant, piping and/or access road shall be submitted as part of the application. The Planning Board and Fire Chief shall approve the design of all storage facilities.

   b. Underground Cisterns
      1. A minimum storage capacity of 10,000 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 2000 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.
2. 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.

3. 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.

4. 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.

5. 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”.

c. Fire Ponds

1. Fire ponds may be allowed in lieu of holding tanks if the water source is approved by the Fire Chief. A fire ponds shall be constructed with a2:1 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.

2. 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.

3. All prior dry hydrant specifications shall apply.

SECTION 6 FINAL PLAN FOR MAJOR SUBDIVISION

A. Procedure

1. The subdivider shall, within six months after the preliminary Plan, file with the Planning Board an application for approval of the Final Subdivision Plan in the form described herein. If the Final Plan is not submitted to the Planning Board within six months after the approval for the Preliminary Plan, the Planning Board may refuse without prejudice to act on the Final Plan and require re-submission of the Preliminary Plan.

2. If the proposed subdivision:
   a. Occupies a land area in excess of 20 acres, or
   b. Involves a structure or structures, having in excess of 60,000 square feet of ground area coverage, or
   c. Requires a license from the Department of Environmental Improvement under some other regulation such as waste discharge or air quality, or
   d. In any other way falls within the jurisdiction of and is subject to review by the State of Maine Department of Environmental Improvement, then:

       The approval of the DEP shall be secured in writing before official submission of the Final Plan.
3. Water supply system proposals contained in the Subdivision Plan shall be approved in writing by:
   a. The servicing Water Department if existing public water service is to be, or
   b. The State of Maine Department of Health and Welfare if the subdivider proposes to provide a central water supply system, or
   c. A civil engineer registered in the State of Maine if individual wells serving each building site are to be used. The Board may also require the subdivider to submit the results of water quality tests as performed by the Maine Department of Health and Welfare.
   d. In any other way falls within the jurisdiction of and is subject to review by the State of Maine Department of Environmental Improvement, then:
      The approval of the DEP shall be secured in writing before official submission of the Final Plan.

4. Sewage disposal system proposals contained in the Subdivision Plan shall be properly endorsed and approved in writing by:
   a. The servicing sanitary sewer district of existing public disposal systems are to be used, or
   b. The DHHS if a separate central sewage collection and treatment system is to be utilized or if individual septic tanks are to be installed by the developer, or
   c. The DEP is the municipal system to be utilized is inadequate by State Standards and the waste generated is of a “significant” nature, or if the waste is to be discharged, treated or untreated, into any body of water.
   d. Such approval shall be secured before official submission of the Final Plan.

B. Submission

1. The Final Plan shall consist of four copies of one or more maps or drawings. Space shall be reserved thereon for endorsements by all appropriate agencies. The Final Plan shall show:
   a. All of the information presented on the Preliminary Plan and Location Map and any amendments thereto suggested or required by the Board.
   b. The name, registration number and seal of the land surveyor, architect, engineer or planning consultant who prepared the plan.
   c. Street names, land lines, pedestrian ways, lots, easements and areas to be reserved for or dedicated to public use.
   d. Sufficient data acceptable to the Municipal Engineer to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. Where practical these should be tied to reference points previously established.
   e. The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves tangent distances and tangent bearings, for each street.
   f. By proper designated, all public open space for which offers of cession are made by the subdivider and those spaces to which title is reserved by him.
   g. Lots and blocks within the subdivision numbered in accordance with local practice.
   h. Permanent reference monuments shown thus: “X” They shall be constructed in accordance with specifications herein and their location noted and referenced upon the Final Plan.

2. There shall be submitted to the Board with the Final Plan:
   a. Written offers of cession to the Municipality of all public open space shown on the Plan, and copies of agreements or other documents showing the manner in which spaces, title to which is reserved by the subdivider are to be maintained.
   b. Written evidence that the Municipal Officers are satisfied with the legal sufficiency of the documents referred to in Paragraph (1), above. Such written evidence shall not constitute an acceptance by the Municipality of any public open space referred to the Paragraph (1), above.
c. A performance bond to secure completion of all improvements required by the Planning Board and written evidence that the Select Boardmen is satisfied with the sufficiency of bond.

3. A public hearing shall be held by the Planning board within thirty (30) days after the time of submission of the Final Plan for approval. This hearing shall be advertised in a newspaper of local circulation at least ten (100 days before such hearing and notice of said hearing shall be posted in at least three (3) prominent places at least ten days prior to the hearing.

4. The Planning board shall, within forty-five (45) days from the public hearing, approve, modify and approve or disapprove the Final Plan. the reasons for any modification required or the grounds for disapproval shall be stated upon the records of the Planning Board.

C. Inspection of Required Improvements

1. Before the Building Inspector issues any building permit and before any work begins on improvements in or related to the subdivision, the subdivider shall, in an amount set by the Planning board, either file with the town Treasurer a certified check, performance bond or a letter of credit from a bank, acceptable to the town to cover the full cost of the required improvements. A period of one year (or such other period as the Planning Board may determination appropriate, not to exceed three years) shall be set forth in performance guarantee within which required improvements must be completed. The performance guarantee shall include an amount required for recreation land or improvements as specified.

2. At least five (5) days prior to commencing construction of required improvements the subdivider shall:
   a. Pay an inspection fee equal to two (2) percent of the cost of the required improvements, or
   b. Pay an inspection fee equal to the estimated cost of inspection by the Town Engineer, or consulting engineer
   c. The fee is payable by check to the Town of Pownal stating the purpose of the fee. The subdivider shall notify the Municipal Officers in writing of the time when s/he proposes to commence construction of such improvements so that the Municipal Officer can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

3. If the Town Engineer or consulting engineer shall find, upon inspection of the improvements performed before expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, s/he shall so report to the Select Boardmen, Building Inspector and the Planning Board. The Select Boardmen shall then notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Town’s rights under the performance bond guarantee.

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

5. The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the legislative body.
D. Final Approval and Filing
1. Upon completion of the requirements in Sections 5 and 6 above and notation to that effect upon the Plan, it shall be deemed to have final approval and shall be properly signed by a majority of the members of the Planning Board and shall be filed by the applicant with the Select Boardmen. The Plan shall then be filed with the Cumberland County Registry of Deeds. Any Subdivision Plan not so filed or recorded within ninety (90) days of the date upon which such Plan is approved and signed by the Planning Board as herein provided shall become null and void, unless the particular circumstances of said applicant warrant the Planning Board to grant an extension which shall not exceed two additional periods of ninety (90) days.

2. At the time the Planning Board grants Final Plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to insure the orderly development of the Plan. The applicant may file a section of the approved Plan with the Select Boardmen and the Registry of Deeds if said section constitutes at least 10% of the total number of lots contained in the approved Plan. In these circumstances, Plan approval of the remaining sections of the Plan shall remain in effect for three years of a period of time mutually agreed to by the Select Boardmen, Planning Board and the subdivider.

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

F. Public Acceptance of Streets, Recreation Areas
1. The approval by the Planning Board of a Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the Municipality of any street, easement, or other open space shown on such plan.

SECTION 7. ENFORCEMENT
A. No plan of a subdivision of land within the municipal boundaries which would constitute a subdivision as defined herein shall hereafter be filed or recorded in the Registry of Deeds until a Final Plan thereof shall have been approved by the Planning Board in accordance with all of the requirements, design standards, and construction specifications set forth elsewhere in these standards, nor until such approval shall have been entered on such Final Plan by the Planning Board.

B. No person, firm, corporation or other legal entity may convey, offer or agree to convey and land in a subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds.

C. Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this section shall be in violation of the provisions of these standards and shall be subject to enforcement under 30-A M.R.S.A. Section 4452. The Attorney General, the Town or the appropriate municipal officers may institute proceedings to enjoin the violation of this section.

D. No public utility, water district, sanitary district or any utility company of any kind serve any lot in a subdivision for which a Final Plan has not been approved by the Planning Board.
E. Not only is making a subdivision without Planning Board approval a violation of law, but so also within such a subdivision is grading or construction of roads, grading of land or lots, or construction of buildings until such time as a Final Plan of such subdivision shall have been duly prepared, submitted, reviewed, approved and endorsed as provided in these standards, and until the original copy of the Final Plan so approved and endorsed has been duly recorded in the Cumberland County Registry of Deeds and any required performance guarantee and fees have been paid to the Town.

SECTION 8 RELEASE OF GUARANTY CHECK OR BOND
A. Before a subdivider may be released from any obligation required by his guarantee of performance, the Board will require certification from the Town Engineer or consulting engineer and whatever other agencies and department may be involved, to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards, State and local codes and ordinances.

SECTION 9 VARIANCES AND WAIVERS
A. Where the Board of Appeals finds that extraordinary and unnecessary hardships may result from strict compliance with these standards or where there are special circumstances of a particular plan, it may vary these standards so that substantial justice may be done and the public interest secure; provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, or the Zoning Ordinance, where such exist.

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

2. In the case of Performance Standards, the Planning Board may modify provisions of the Zoning Ordinance relating to space and bulk as specified in Section 10 Special Provisions of the Pownal Zoning Ordinance.

3. The Planning Board may waive the standards in Article 8 Public and Private Roads Ordinance for 'Minor Dead-End Streets 600 feet or less so long as the Planning Board determines that the public health, safety and general welfare would be met by the modified standards.

4. The Planning Board may waive a standard or allowed modification or any standard or requirement of this ordinance if it is determined if such waiver or modification will not have the effect of nullifying the intent or purpose of the ordinance or have a negative impact on public health, safety or welfare. In granting variances and modifications, the Board of Appeals shall require such conditions as will, in its judgement, secure substantially the objectives of the requirement so varied or modified.

SECTION 10 APPEALS
A. An appeal from a decision of the Planning Board may be taken to the Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

SECTION 11 SEVERABILITY AND EFFECTIVE DATE
A. The invalidity of any provision of these standards shall not invalidate any other part.
B. These standards shall take effect immediately on adoption of the same by the Planning Board or legislative body.