

**SUBDIVISION ORDINANCE
FOR
THE MUNICIPALITY OF OXFORD**

Adopted, 2006

Added to Zoning Ordinance 2018

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Amended August 1, 2019

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**SUBDIVISION ORDINANCE
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Section I. PURPOSE

The purpose of this Ordinance is to:

1. Assure the comfort, health, safety and general welfare of the people;
2. Protect the environment;
3. Provide for the orderly development of a sound and stable community;
4. Establish an administrative review process which will provide the Municipality of Oxford Planning Board with sufficient evidence, data and material to carry out its responsibilities as required in 30 M.R.S.A. § 4956, and other Ordinances adopted by the Municipality of Oxford;
5. Provide a process by which the residents of the Municipality of Oxford and others can evaluate the impact of proposed subdivisions; and
6. Provide a clear procedure which applicants for subdivision permits shall follow.

Section II. AUTHORITY AND ADMINISTRATION

A. Authority

1. This Ordinance is adopted pursuant to Home Rules Powers as provided in Article VIII-A of the Maine Constitution and Title 30-A, M.R.S.A. (Maine Revised Statutes Annotated), § 3301 and §§ 4401 *et. seq.*
2. This Ordinance shall be known and cited as the Subdivision Ordinance for the Municipality of Oxford, Maine.

B. Administration

1. This Ordinance shall be administered by the Planning Board (hereafter called the Board) for the Municipality of Oxford.
2. The provisions of this Ordinance shall apply to all of the land area of all proposed subdivisions, as defined, located in the Municipality of Oxford.
3. No plans of a subdivision of land within the boundaries of the Municipality of Oxford shall be hereafter filed or recorded in the Oxford

County Registry of Deeds until a Final Plan thereof has been approved by the Board in accordance with all of the requirements, design standards and specifications set forth in this Ordinance and such approval shall have been entered on such Final Plan by a majority of the Board. The recording of a plan without the approval required by this Ordinance is void.

4. Whenever any subdivision is proposed or before any contract for the sale of or offer to sell such subdivision or any part thereof shall have been negotiated, or prior to the issuance of a building permit form for the erection of a structure within such subdivision, the subdividing owner or his authorized agent shall apply formally to the Board for approval of a Final Plan of such subdivision as provided by this Ordinance and shall record an attested copy of the Final Plan so approved and so endorsed at the Oxford County Registry of Deeds.
5. The Board of Selectmen shall establish application for subdivision or application for amendment of approved subdivisions and open space fees, as required in this ordinance. See Section VI. C.

Section III. EFFECTIVE DATE AND REPEAL OF FORMERLY ADOPTED SUBDIVISION ORDINANCE

1. This Ordinance shall be effective upon passage by a majority vote of a Town Meeting.
2. Upon approval of this Ordinance, all subdivision ordinances previously adopted are hereby repealed.

Section IV. DEFINITIONS OF TERMS

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

Comprehensive Plan or Policy Statement: Any part or element of the overall plan or policy for the development of the Municipality of Oxford containing the elements established under Title 30-A, M.R.S.A., § 4326, including the strategies for an implementation program which are consistent with established goals and guidelines.

Driveway: A vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling.

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

Person: Includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.

Planning Board: The Planning Board of the Municipality created under Title 30-A, M.R.S.A., § 3001.

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

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

Road: Means a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway, as defined.

Street: Means and includes alleys, avenues, boulevards, highways, roads, other rights-of-way, and areas on subdivision plans designated as street(s).

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

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

New Structure or Structures: Any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an

existing structure is deemed to be a new structure for the purposes of this ordinance.

Subdivider: An individual, partnership, corporation, or any other legal entity that undertakes the activities governed by these regulations.

Subdivision: The division of a tract or parcel of land as defined in Title 30A, M.R.S.A., §§ 4401 *et. seq.* and as subsequently amended, including developments where there are three or more units involved, such as mobile home parks, multiple family dwelling(s), condominiums, leased or rented dwelling units, divisions of structures for commercial or industrial use, shopping centers, and industrial parks.

Subdivision means the division of a tract or parcel of land 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.

In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:

1. Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence that has been the subdivider's principal residence for a period of at least 5 years immediately preceding the 2nd division; or
2. The division of the tract or parcel is otherwise exempt under Title 30-A, M.R.S.A., §§ 4401 *et. seq.* or under this Ordinance.

The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this Ordinance, do not become subject to this Ordinance by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The Planning Board shall consider

the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.

A lot of 40 or more acres shall not be counted as a lot for the purposes of this Ordinance when the parcel of land being divided is located entirely outside any shoreland area as defined in the Shoreland Zoning Ordinance for the Municipality of Oxford.

A division accomplished by the following does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this Ordinance:

1. Devise,
2. Condemnation,
3. Order of Court, or
4. Gift to a person related to the donor of an interest in property held by the donor for a continuous period of 5 years prior to the division by gift. If the real estate exempt under this section is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this section, then the previously exempt division creates a lot or lots for the purposes of this Ordinance. "Person related to the donor" means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption. A gift under this paragraph cannot be given for consideration that is more than 1/2 the assessed value of the real estate.
5. Gift to a municipality, if the municipality accepting the gift does not create a lot or lots for the purposes of this definition.
6. Transfer of any interest in land to the owners of land abutting that land that does not create a separate lot. If the real estate exempt under this paragraph is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this subsection.
7. Division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971.
8. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision hereunder, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest.
9. In determining the number of dwelling units in a structure, these provisions regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.

10. Leased dwelling units.

Tract or Parcel of Land: All contiguous land in the same ownership provided that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road.

Section V. PREAPPLICATION

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

Section VI. PROCEDURE FOR SUBMISSION AND REVIEW OF PRELIMINARY PLAN AND FINAL PLAN

A. Submission and Review of the Preliminary Plan and Application Procedures for Submission shall be as follows:

1. The applicant shall submit to the Board or its designee (the Code Enforcement Officer) at least 14 days before a regularly scheduled, non-work meeting of the Board seven copies of the Application for the proposed subdivision as detailed in Paragraphs C and D of this section. The Board or its designee shall issue a dated receipt to the applicant. Within thirty (30) days from the date of receipt, the Board or its designee shall notify the applicant in writing either that the Preliminary Plan and Application are complete, or if incomplete, the specific additional material needed to make them complete or, if the Planning Board requires further review by experts for design questions pertaining to slopes, phosphorous runoff, wetland impacts, or other design factors, the Planning Board shall notify the applicant as such. The applicant shall be responsible for and pay all fees associated with any such expert review. After the Board has determined that the Preliminary Plan and Application are complete, the applicant shall be notified. Determination by the Board that the Preliminary Plan and Application are complete in no way commits or binds the Board as to the adequacy of the Plan to meet the criteria of Title 30-A, M.R.S.A., §§ 4401 *et seq.* and of this Ordinance.

2. The Board shall forward copies of the completed Preliminary Plan and Application to the Selectmen, the Town Manager and Road Commissioner, Fire Chief, and the Code Enforcement Officer for their review and comments.
3. After the Board has determined that a complete application has been filed, it shall notify in writing the Applicant, all property owners within 500 feet of the boundaries of the subdivision and to the Town Manager and Road Commissioner, Fire Chief, the Code Enforcement Officer and any public drinking water supplier if the subdivision is within its source water protection area. Said written notice shall briefly describe the proposed subdivision, state where the application may be inspected; and give notice that request for a public hearing must be filed in writing to the Chairperson of the Board within ten days from the date of the notice.
4. Within fifteen days of the notice of receipt of the complete application, the Board shall determine whether it shall hold a public hearing on an application. The decision to hold a public hearing is discretionary and in making its decision, the Board may consider the type of subdivision, community impact, as well as written requests for a public hearing. Notwithstanding the above, all subdivisions with 4 or more lots, or within the Shoreland Zone shall have a public hearing.

In the event that the Planning Board determines to hold a public hearing, it shall hold such hearing within thirty days of the notice of the receipt of a completed application and it shall cause written notice of the date, time and place of the hearing to be given to the applicant and all parties receiving notice above, and all parties who requested a public hearing. In addition, the Board shall cause a notice to be published in a newspaper of general circulation in the Municipality of Oxford at least two times, the date of the first publication to be at least seven days prior to the hearing.

5. The Board shall, within thirty (30) days of a public hearing, or within sixty (60) days of having received the completed Preliminary Plan, if no hearing is held, or within such other time limit as may be mutually agreed to, deny or grant approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in these regulations; in Title 30-A, M.R.S.A., §§ 4404 *et. seq.*; and to preserve the public's health,

safety and general welfare. In all instances, the burden of proof shall be upon the subdivider. In issuing its decision, the Board shall make a written finding of fact establishing that the Preliminary Plan does or does not meet the provisions of this Ordinance and Title 30-A, M.R.S.A., §§ 4404 *et. seq.*. Approval of the Preliminary Plan in no way commits or binds the Board to approve the Final Plan.

B. Submission and Review of the Final Plan Procedures for Submission shall be as Follows:

1. The applicant shall submit the original and six copies of the Final Plan to the Board at a regularly scheduled meeting within six months after the date of approval of the Preliminary Plan. The Board shall issue a dated receipt to the applicant. The Final Plan shall include all the information requested in Section V, Paragraph D, and will also include all changes recommended by the Board in their approval of the Preliminary Plan. There shall be no other substantial changes between the Preliminary Plan and the Final Plan. The Final Plan shall be drawn in ink on linen or polyester film suitable for permanent recording in the Oxford County Registry of Deeds.
2. The Board has the option of holding a public hearing on the Final Plan. Such a hearing shall be in accordance with Title 30-A, M.R.S.A., § 4403 and as provided in Section V, A, 4, above.
3. The Board shall, within thirty days of a public hearing, or within sixty days of having received the completed Final Plan, if no hearing is held, or within such other time limit as may be mutually agreed, deny or grant approval as it may deem advisable to satisfy the criteria contained in this Ordinance and in Title 30-A, M.R.S.A., § 4404, and to preserve the public's health, safety and general welfare. In issuing its decision, the Board shall make a written finding of fact establishing that the Final Plan does or does not meet the provisions of this Ordinance and Title 30-A, M.R.S.A., § 4404.
4. Upon approval of the Final Plan by a majority of the Board, the Board shall sign the original and three copies of the Final Plan. The original shall be filed by the subdivider with the Oxford Country Registry of Deeds. One copy shall be retained by the subdivider, one copy shall be retained by the Board, and one copy stamped by the Registrar of Deeds

and returned to the Board by the subdivider. The Board shall maintain a permanent record of their action on the Final Plan.

C. Application:

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

Fees:

- Application for Subdivision fee: \$100.00. Engineering review, abutter notifications and publication at the applicant's expense.
- Application for amendment to Approved Subdivision; \$100.00. Abutters notifications, engineering review and publication at applicant's expense.
- Open space fee \$400/lot (see Section VIII. H.)

- X 1. Name and address of owner.
- X 2. Name and address of applicant (if other than owner).
- X 3. If applicant is a corporation, state whether the corporation is licensed to do business in Maine, and attach a copy of Secretary of State's Registration.
- X 4. Name of applicant's authorized representative.
- X 5. Name, address, and number of Registered Professional Engineer, Land Surveyor, or Planner who prepared the plan.
- X 6. Address to which all correspondence from the Board shall be sent.
- X 7. Interest the applicant has in the parcel to be subdivided (option, land purchase contract, record ownership, *etc.*).
- X 8. Interest the applicant has in any property abutting the parcel to be subdivided.
- X 9. State whether or not the subdivision covers the entire or contiguous holdings of applicant.

- X 10. Location of property: map and lot (from Assessor's Office).
- X 11. Current zoning of property.
- X 12. Acreage of parcel to be subdivided.
- X 13. Proposed method of sewage disposal and the results of an on-site soils investigation for each lot.
- X 14. Soils report for entire area.
- X 15. Names and mailing addresses of property owners within 500 feet of abutting parcel to be subdivided.
- X 16. Indicate the nature of any restrictive covenants to be placed on the deeds.
- X 17. Soil erosion and sediment control plan containing the endorsement of the Oxford County Soil & Water Conservation District.

D. Subdivision Plan:

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

- | | Prelim-
inary
Plan | Final
Plan | |
|----|--------------------------|---------------|--|
| 1. | <u>X</u> | <u>X</u> | Name of proposed subdivision; location of subdivision; name of subdivider; and signature and seal of Registered Land Surveyor. |
| 2. | <u>X</u> | <u>X</u> | Lot numbers. |
| 3. | <u>X</u> | <u>X</u> | Date, north point and graphic map scale. |

- 4. X X Proposed lot lines with approximate dimensions and lot areas, and total area of land to be subdivided.
- 5. X Proposed lot lines with dimensions, bearing, deflection angles, radii and central angles sufficient to reproduce any line on the ground, lot areas and total area of land to be subdivided.
- 6. Location of temporary markers to enable the Board to locate each lot readily and appraise the basic lot layout in the field.
- 7. X Location of permanent markers, both natural and man-made.
- 8. X X Location of all parcels to be dedicated to public use and the dedication.

Prelim-
inary Final
Plan Plan

- 9. X X Names of abutting property owners.
- 10. X X Location of wetlands and areas subject to storm flooding.
- 11. X X Location of all required soils investigation test pits.
- 12. X X Location and size of existing buildings.
- 13. X Suggested location of buildings or building envelope, subsurface sewage disposal systems and wells.
- 14. X Location of all natural features or site elements to be preserved.
- 15. X X Location of any existing water courses and other essential existing physical features.
- 16. X X Location and size of any existing sewer and water mains and other utilities location: location and size of culverts and drains.
- 17. X X Location, names and widths of existing and proposed streets, highways, easements and rights-of-way.

- 18. X X Contour lines at 5 foot intervals (or other interval as specified by the Board).
- 19. X X A soil erosion and sediment control plan for construction and for permanent control.
- 20. Proposed uses of property.
- 21. Other information not indicated above as required by the Board.
- 22. X X Suitable space to record on the approved Plan the date and conditions of approval, if any. This space shall be similar to the following example:

Approved by the Municipality of Oxford Planning Board:

Conditions: _____

Signed: _____

Date: _____

E. Accompanying Information or Documents

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

- 1. Statement of financial and technical capability.
- 2. Statement from the Fire Chief as to the ability to provide adequate fire protection.

3. Plans, profiles, and cross-sections for roadways, sidewalks, and storm drainage facilities.
4. Other information or documents not indicated above, as specified by the Board.

F. Plan Revision after Approval

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 re-submitted 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.

G. Public Acceptance of Streets, Recreation Areas

1. The approval by the Planning Board of a Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the Municipality of any street, easement, or other open space shown on such Plan.
2. When a park, playground, or other recreation area shall have been shown on the Plan, approval of the Plan shall not constitute an acceptance by the municipality of such areas. The Planning Board shall require the Plan to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Municipal Officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

Section VII: ENFORCEMENT

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

- B. No public utility, water district, sanitary district or any utility company of any kind shall install service to any lot in a subdivision for which a Final Plan has not been approved by the Board.
- C. Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this section shall be punished by a fine of not more than \$1,000 for each such conveyance, offering or agreement. The Attorney General, the municipality or the appropriate municipal officers may institute proceedings to enjoin the violation of this section.

Section VIII. GENERAL REQUIREMENTS

In reviewing applications for the subdivision of land, the Planning Board shall consider the following general requirements. In all instances, the burden of proof shall be upon the person proposing the subdivision.

- A. Conformance with Other Laws, Regulations:** The proposed subdivision shall be in conformance with all pertinent local, state and federal ordinances, statutes, laws and regulations. If the proposed subdivision meets the definition of a development of state or regional significance that may substantially affect the environment (Site Location Act, Title 38, M.R.S.A., § 482, *et. seq.*) the subdivider must secure the approval of the Board of Environmental Protection and the Board before any construction activity may begin in the subdivision.
- B. Conformance with Comprehensive Plan:** Any proposed subdivision shall be in conformity with the Comprehensive Plan or policy statement as adopted by the Municipality of Oxford.
- C. Buffer Strip:** The Board may require a buffer strip, such as natural vegetation, where separation is desirable.
- D. Easements:** The Board may require 30 foot or wider easements for sewerage, drainage or other utilities.
- E. Impact on Community Services and Facilities:** Any proposed subdivision shall be reviewed by the Board with respect to its effect upon existing

community services and facilities including schools and recreational areas. The Board shall advise the Selectmen and the developer regarding the designation of space for future community facilities and may withhold approval of the final plans pending such designation.

F. Land not Suitable for Development: The total lot area of any lot shall satisfy the minimum requirements of the Minimum Lot Size Ordinance of the Municipality of Oxford, and the minimum shall not include:

1. Wetlands, whether or not filled or drained;
2. Land created by diverting a water course; and
3. Land created on filled or drained Great Ponds.

G. Subdivision Names: The name of the proposed subdivision shall not duplicate or closely approximate the name of any other subdivision within the Municipality.

H. Open Space Provisions:

1. The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic, or environmentally desirable areas.
2. The Board may require that the subdivider reserve an area of land as an **open space and/or recreational area** for use by property owners in the subdivision. Depending on the size and location of the subdivision, the Planning Board may require the developer to provide up to 10% of his total area for recreation. It is desirable that area reserved for recreation be at least 5 acres in size and easily accessible from all lots within the subdivision.
 - a. Land reserved for park and/or recreational purposes shall be of a character, configuration, and location suitable for the particular use intended. A site to be used for active recreation purposes, such as a playground or playfield, should be relatively level and dry, have a total frontage on one or more streets of at least 200 feet, and have no major dimension of less than 200 feet. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board may deem suitable and shall have no less than 25 feet of road frontage.

The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, *etc.* where necessary and appropriate.

- b. Where the proposed subdivision is located on a lake, pond, river or stream, a portion of the waterfront area, when feasible, shall be included in the reserved land. The land so reserved shall be at least 200 feet wide measured perpendicularly from the normal high water mark.
 - c. If such an area is reserved, the Final Plan shall provide how title to the reserved land shall be held and how costs of development, maintenance, and taxes shall be met.
 - d. Included in the instrument of conveyance to each property owner of the subdivision shall be a statement of:
 - i. The manner of providing for the cost of development and maintenance and for property taxes of the reserved land, and
 - ii. If appropriate, the individual property owner's pro-rata share of development cost, maintenance cost and property taxes of the reserved land.
 - e. Land designated for public use shall not be subdivided for any other purpose. This prohibition does not apply to land areas designated for later development if the subdivision plan includes provision for development in discrete stages.
3. If the Planning Board determines that the reservation of land for parks and/or recreational purposes would be inappropriate, the Board may waive the requirement of land reservation on the condition **that the subdivider (applicant) deposits a cash payment in lieu of land reservation with the town clerk.** Such payment shall be placed in a trust fund to be used exclusively for the purchase and development of neighborhood sites for parks, playgrounds, and other recreational purposes. **The amount of such payment shall be \$400 for each lot approved on the Final Plan.**

I. Lots:

1. The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and

for the type of development and use contemplated. In all instances, lot size, width, and depth shall conform with the Minimum Lot Sizes in the Zoning and Shoreland Zoning Ordinances for the Municipality of Oxford.

2. Depth and width of properties reserved or laid out for industrial or commercial purposes shall be adequate to provide for off-street parking facilities required by the type of use and development contemplated.
3. Where a tract is subdivided into lots substantially larger than the minimum sizes required in the Minimum Lot Standards Tables in the Zoning and Shoreland Zoning Ordinances for the Municipality of Oxford, the Board may require that streets and lots be laid out so as to permit future subdivision in accordance with the requirements contained in these standards.
4. Side lot lines shall be substantially at right angles or radial to street lines.
5. Where practical, the Board may request the subdivider to make provisions in the subdivision plan to allow for each lot to have access to direct sunlight for solar energy systems.

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

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

Section IX. GENERAL STREET REQUIREMENTS FOR ALL STREET CONSTRUCTION

A. Existing streets shall be extended at the same or greater width, and in no case shall they be extended at less than the original width.

B. Street names shall require the approval of the Board of Selectmen. Streets that are obviously in alignment with streets already existing and named, shall be

given the name of the existing street. Names of new streets shall not duplicate or closely approximate those of existing streets.

- C.** All street intersections shall be at angles as close to 90 degrees as possible. In no instances shall street intersections be at an angle less than 60 degrees.

- D.** The curb line radius at street intersections shall be at least 25 feet. Where the angle of a street intersects is less than 90 degrees, a longer radius may be required.

- E.** All dead-end streets shall be provided at the closed end with a turn-around having a property line diameter of at least 130 feet and a traveled way radius of at least 50 feet. The use of a T-shaped turn-around will be permitted as an alternative when it is at least 24 feet wide, forty feet long and located between 50 and 100 feet from the end of the street. All dimensions cited for the T-shaped turn-around are for the traveled way.

- F. Drainage:** Adequate provisions shall be made for disposal of all surface water and underground water through ditches, culverts, under drains, and or storm water drainage systems. Provisions must be made for natural watercourses.
 - 1. Catch-basins shall be built where necessary and culverts of proper size and capacity (at least 15 “ in diameter) will be installed at all watercourses with necessary headers.
 - 2. Culverts or galvanized corrugated steel, concrete, aluminum or approved equivalent.
 - 3. Slopes and ditches shall slope away from the shoulders of the road at a ratio of at least four horizontal feet to one foot vertical and never steeper than 2 to 1. In cases where this is not possible or practical, all cuts shall be made so that adjacent slopes shall not slide. The tops and sides shall be cleared of all trees, stumps and boulders for an adequate distance to prevent such material from sliding into the ditches. Banks will be loamed seeded and mulched.

- G.** All streets shall be rough graded to the full width of the traveled way and the shoulders.
- H.** Sidewalks: The Planning Board shall have the authority to designate whether sidewalks shall be required only in those subdivisions where the sub-divider proposes to pave the subdivision streets.
- I.** Utilities: Longitudinal runs of water and or sewer mains shall be laid outside of the travel lanes and clear of any present or designated sidewalks. Utility poles shall be so placed that any present or designated sidewalks may be contained within the boundaries of the street or right of way without obstructions by poles or appurtenances.

SECTION X: CLASSIFICATION OF STREETS

- A.** Major Streets: Streets that carry through traffic from community to community, or to and from major traffic generators within a community.
- B.** Collector Streets: Streets that carry traffic to and from the major streets to the local streets. Collector streets also provide access to business, commercial and industrial areas.
- C.** Local Streets; Streets which provide access to residential properties where through traffic is desired.

SECTION XI: DESIGN AND CONSTRUCTION STANDARDS

A. Streets: Streets shall conform to Minimum Street Requirements in the following table:

ITEM	MAJOR	COLLECTOR	LOCAL
1. Minimum width of Right of Way	80'	60'	60'
2. Minimum Width of Pavement	44'	24'	20'
3. Minimum Grade	.5%	.5%	.5%
(con't) ITEM	MAJOR	COLLECTOR	LOCAL

4. Maximum Grade	5%	8%	12%
5. Maximum Grade at Intersections	3% within 50 feet of Intersections		
6. Minimum Angle of Intersections	90	60	60
7. Width of Shoulders	9'	8'	8'
8. Minimum Center line Radii	800'	200'	200'
9. Minimum Tangent Length Between Reverse Curves	300'	200'	100'
10. Road Base (minimum)	24"	18"	14"
Sub Base	18"	12"	8"
Upper Base	6"	6"	6"
11. Paving	2 1/2 "*"*	2 1/2 "*"*	2 "*"*
12. Road Crown Minimum	1/4"/1'	1/4"/1'	1/4"/1'
13. Sidewalks (where required)			
Base	12"	12"	12"
Pavement	2 "*"*	2 "*"*	2 "*"*
14. Dead End Street (width)	N/A	N/A	60'
Radii of property line at end	N/A	N/A	65'
Radii of pavement at turn-around end	N/A	N/A	50'
15. Property Line Radii at Intersection	26'	15'	10'
16. Curb Radii: At 90 degree intersections	25'	25'	25'
At less than 90 degree intersections	30'	30'	30'
17. Minimum Distance between Intersections	200'	200'	200'

* BITUMINOUS HOT TOP, chip seal, concrete or other hard surface acceptable to the Planning Board.

B. Water Supply:

1. Where a public water main is within 1,500 feet of the subdivision at its nearest point, the subdivider may be required to connect with such water main.

2. Where a public water line is not reasonably accessible as defined by the said water district, the subdivider shall insure sufficient water is available for the reasonably foreseeable needs of the subdivision.

C. Sewage Disposal:

1. Where a public sanitary sewer line is within 1,500 feet of the subdivision at its nearest point, the subdivider shall connect with such sanitary sewer lines meeting the specifications of the Sewer District.
2. Where a public sewer is not reasonably accessible as determined by the Board, the subdivider shall provide proof of soils suitable for subsurface sewage disposal in accordance with the Maine State Plumbing Code.

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

Section XII. GUARANTEE, SECURITY, OR PERFORMANCE BOND:

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

- B.** The Board may recommend a maximum extension of 12 months to the guaranteed performance period when the subdivider can demonstrate, to the satisfaction of the Board and other interested officials or agencies, good cause for such extension. Such recommendation for extension shall be referred to the Board of Selectmen for official action.
- C.** The Board may, at its discretion, waive the requirement of a guarantee, security, or performance bond and recommend a properly executed conditional agreement with the Municipality of Oxford. Such agreement executed with the municipality shall be endorsed in writing and shall provide that no lot in such subdivision may be sold and no permit shall be issued for construction of any building on any lot on any street in such subdivision until all agreed upon improvements have been made.

Section XIII. INSPECTION OF REQUIRED IMPROVEMENTS:

- A.** At least ten (10) days prior to commencing construction of improvements or alteration of roads and utilities, the subdivider shall notify the Town Manager in writing of the time when he proposes to commence construction of such improvements so that the municipal officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements and to assure the satisfactory completion of improvements and utilities required by the Planning Board. At this time the subdivider shall pay to the Municipality of Oxford, an inspection fee equal to 2% of the estimated cost of the required improvements or a deposit for inspection by an engineer appointed by the Planning Board. This deposit for inspection by an engineer shall be increased as determined by the Planning Board. The deposit shall be used solely for the engineer fees, and any excess of deposit(s) over the total inspection shall be returned to the subdivider promptly upon completion of all inspections by the Municipality of Oxford.
- B.** If the Code Enforcement Officer (CEO), Road Commissioner or appointed engineer shall find, upon inspection of the improvements performed before expiration date of the guarantee, security arrangement or performance bond required by Section X that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the CEO, Road Commissioner, Planning Board, and municipal officers. The municipal officers shall then notify the subdivider and if necessary, the bonding company, and take all necessary

steps to preserve the municipality's rights under the guarantee, security, or bond. No plan shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plan.

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

- D. The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the Municipality of Oxford or by a road association to be formed by subdivision property owners to maintain a private road.

Section XIV. RELEASE OF GUARANTEE, SECURITY, OR PERFORMANCE BOND:

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

Section XV. WAIVERS:

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

and impose conditions it deems appropriate, or recommended by any plan review engineering firm or appointed project engineer.

Section XVI. VALIDITY AND SEVERABILITY

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

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

Section XVII. AMENDMENTS: This Ordinance may be amended by a majority vote of the Town Meeting. Amendments may be initiated by a majority vote of the Planning Board or by request of the Board of Selectmen to the Planning Board or on petition of 10% of the votes cast in the last gubernatorial election in the Town. The Planning Board may conduct a public hearing on any proposed amendment.

Section XVIII. APPEALS: An appeal may be taken within thirty days from the final decision of the Planning Board on the Preliminary Plan or Final Plan by any aggrieved person with standing to the Board of Appeals of the Municipality of Oxford.

Appendix I

Title 30-A M.R.S.A.

SUBDIVISIONS

§4404. Review criteria

1. **Pollution:** The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:
 - A. The elevation of the land above sea level and its relation to the flood plains;
 - B. The nature of soils and subsoils and their ability to adequately support waste disposal;
 - C. The slope of the land and its effect on effluents;
 - D. The availability of streams for disposal of effluents; and
 - E. The applicable state and local health and water resource rules and regulations;
2. **Sufficient Water:** The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;
3. **Municipal Water Supply:** The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used;
4. **Erosion:** The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;
5. **Traffic:** The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section;

- 6. Sewage Disposal:** The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;
- 7. Municipal Solid Waste Disposal:** The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized;
- 8. Aesthetic, Cultural and Natural Values:** The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the Municipality of Oxford, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;
- 9. Conformity with Local Ordinances and Plans:** The proposed subdivision conforms with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;
- 10. Financial and Technical Capacity:** The subdivider has adequate financial and technical capacity to meet the standards of this section;
- 11. Surface Waters and Outstanding River Segments:** Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, M.R.S.A., § 436-A, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.
 - a.** When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.
 1. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.

2. The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 38, M.R.S.A., §§ 435-449 (Mandatory Shoreland Zoning), or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of Title 30-A, M.R.S.A., § 4401, 1, on September 23, 1983;

12. Ground Water: The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;

13. Flood Areas: Based on the Federal Emergency Management Agency's Flood Boundary 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 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. Freshwater Wetlands: 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. River, Stream or Brook: Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application;

16. Storm Water: The proposed subdivision will provide for adequate storm water management;

17. Spaghetti Lots Prohibited: 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, M.R.S.A., § 436-A, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;

- 18. Lake Phosphorus Concentration:** 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;
- 19. Impact on Adjoining Municipality:** 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
- 20. Lands Subject to Liquidation Harvesting:** Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14 (adoption of rules to substantially eliminate liquidation harvesting). 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 Conservation, 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 a municipal reviewing authority that the Bureau will not provide assistance, the municipal reviewing authority 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 one municipality, township or plantation owned by one person or a group of persons in common or joint ownership. This subsection takes effect on the effective date of rules adopted pursuant to Title 12, section 8869, subsection 14.

Appendix II

Title 38, M.R.S.A.

Article 6: SITE LOCATION OF DEVELOPMENT

§ 481 Findings and Purpose

The Legislature finds that the economic and social well-being of the citizens of the State of Maine depends upon the location of state, municipal, quasi-municipal, educational, charitable, commercial and industrial developments with respect to the natural environment of the State; that many developments because of their size and nature are capable of causing irreparable damage to the people and the environment on the development sites and in their surroundings; that the location of such developments is too important to be left only to the determination of the owners of such developments; and that discretion must be vested in state authority to regulate the location of developments which may substantially affect the environment and quality of life in Maine.

The Legislature further finds that certain geological formations particularly sand and gravel deposits, contain large amounts of high quality ground water. The ground water in these formations is an important public and private resource, for drinking water supplies and other industrial, commercial and agricultural uses. The ground water in these formations is particularly susceptible to injury from pollutants, and once polluted, may not recover for hundreds of years. It is the intent of the Legislature, that activities that discharge or may discharge pollutants to ground water may not be located on these formations.

The purpose of this subchapter is to provide a flexible and practical means by which the State, acting through the department, in consultation with appropriate state agencies, may exercise the police power of the State to control the location of those developments substantially affecting local environment in order to insure that such developments will be located in a manner which will have a minimal adverse impact on the natural environment within the development sites and of their surroundings and protect the health, safety and general welfare of the people.

The Legislature further finds that noise generated at development sites has primarily a geographically restricted and frequently transient impact that is best regulated at the municipal level pursuant to a municipality's economic development and land use

plans. It is the intent of the Legislature that regulation of noise from developments be primarily the responsibility of local municipal governments.