

Town of Deer Isle Subdivision Regulations

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TOWN OF DEER ISLE SUBDIVISION TABLE OF CONTENTS

SECTION 1. BASIC PROVISIONS.....	4
1.1 Purpose.....	4
1.2 Authority.....	4
1.3 Administration.....	4
1.4 Effective Date.....	4
1.5 Validity and Separability and Conflict with Other Ordinances.....	4
1.6 Amendments.....	4
1.7 Liability.....	5
SECTION 2. GENERAL REQUIREMENTS.....	5
2.1 Conformance with the Other Laws and Regulations.....	5
2.2 Relationship to Community Services.....	5
2.3 Retention of Open Space and Natural of Historic Features.....	6
2.4 Preservation of Natural and Historic Features.....	6
2.5 Land Not Suitable for Development.....	6
2.6 Lots.....	7
2.7 Easements.....	8
2.8 Utilities.....	9
2.9 Additional Requirements.....	9
SECTION 3. DESIGN STANDARDS.....	9
3.1 Monuments.....	9
3.2 Off-Street Parking.....	10
3.3 Roads.....	10
3.4 Street Signs.....	12
3.5 Storm Water Management.....	13
3.6 Water Supply.....	14
3.7 Sewage Disposal.....	15
SECTION 4. PERFORMANCE GUARANTEES.....	15
4.1 Types of Guaranties.....	15
4.2 Contents of Guarantee.....	16
4.3 Escrow Account.....	16
4.4 Performance Bond.....	16
4.5 Letter of Credit.....	16
4.6 Conditional Agreement.....	16
4.7 Phasing of Development.....	17
4.8 Release of Guarantee.....	17
4.9 Default.....	17
4.10 Private Roads.....	17
4.11 Improvements Guaranteed.....	17

SECTION 5. PREAPPLICATION REVIEW.....	18
5.1 Procedure.....	18
5.2 Submission.....	18
5.3 Contour Interval and On-Site Inspection.....	18
5.4 Rights Not Vested.....	18
5.5 Ownership.....	18
SECTION 6. PRELIMINARY PLAN FOR A SUBDIVISION.....	18
6.1 Procedure.....	18
6.2 Submissions.....	20
SECTION 7. FINAL PLAN FOR A SUBDIVISION.....	22
7.1 Procedure.....	22
7.2 Submissions.....	23
7.3 Inspection of Required Improvements.....	25
7.4 Final Approval and Filing.....	26
7.5 Expiration of Permit.....	26
SECTION 8. ENFORCEMENT.....	26
8.1 Inspection of Required Improvements.....	27
8.2 Violations and Enforcement.....	27
SECTION 9. WAIVERS.....	28
9.1 Waivers of Certain Submission Requirements Authorized.....	28
9.2 Waivers of Certain Improvements Authorized.....	29
9.3 Waiver of Procedural Steps.....	29
9.4 Conditions for Waivers.....	29
9.5 Waivers to be shown on final plan.....	29
SECTION 10. APPEALS.....	29
10.1 Appeals to Superior Court.....	30
SECTION 11. ASSURANCE OF COMPLIANCE.....	30
SECTION 12. CERTIFICATION OF COMPLIANCE.....	30
SECTION 13. DEFINITIONS.....	30

SUBDIVISION REGULATIONS OF THE TOWN OF DEER ISLE

SECTION 1. BASIC PROVISIONS

1.1 Purpose

The purpose of these subdivision regulations shall be to assure the comfort, health, safety, and general welfare of the people, to protect the environment, and to provide for the orderly development of a sound and stable community.

1.2 Authority

These standards have been prepared in accordance with the provisions of Title 30, M.R.S. A., Section 4956 (Subdivision Law) and Section 2151I (Home Rule) and Article VIII, Part 2, Section I of the Maine State Constitution.

1.3 Administration

- A. The Planning Board for the Town of Deer Isle, hereinafter called the Board, shall administer these regulations.
- B. The provisions of these regulations shall apply to all of the land area of all proposed subdivisions, as defined, located in the Town of Deer Isle.
- C. The Planning Board shall have the authority to adopt such forms as may be necessary or appropriate for the proper administration of these subdivision regulations.

1.4 Effective Date

The Ordinance shall take effect November 19, 1987.

1.5 Validity and Separability and Conflict with Other Ordinances

- A. Validity and Separability - Should any section or provision of this Ordinance be declared by any court to be invalid, such decisions shall not invalidate any other section or provision of this Ordinance.
- B. Conflict with Other Ordinances - Whenever the requirements of this Ordinance are inconsistent with the requirements of any other ordinance, code or statute, the more restrictive requirements shall apply.

1.6 Amendments

These regulations may be amended by a majority vote of the governing body.

1.7 Liability

The Town of Deer Isle agrees to defend and indemnify the Code Enforcement Officer, the Planning Board, the Board of Appeals, or any individual member of either board with regard to lawsuits filed against any or all of them based on their actions or inactions under this Ordinance.

SECTION 2. GENERAL REQUIREMENTS

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

2.1 Conformance with the Other Laws and Regulations

The proposed subdivision shall be in conformance with the Town's Comprehensive Plan and all pertinent local, State, and Federal ordinances, statutes, laws and regulations. In making this determination, the municipal reviewing authority is authorized to interpret these ordinances and plans. If the proposed subdivision meets the definition of subdivision as defined in the Site Location Act, Title 38, M.R.S. A., Section 482, the subdivider must secure the approval of the Board of Environmental Protection and the Planning Board. When a proposed subdivision requires approval of the Planning Board and the Board of Environmental Protection, each review may be conducted simultaneously. However, each review will be conducted independently, and the Planning Board may deny approval of the subdivision even though the Board of Environmental Protection has granted an approval under the provisions of the Site Location Act.

2.2 Relationship to Community Services

- A. The proposed subdivision shall not have an unsuitable adverse impact on community services. Any proposed subdivision shall be reviewed by the Board with respect to its effect upon existing services and facilities. The final Plan shall include a list of the construction items that will be completed by the developer prior to the sale of lots; and the list of construction and maintenance items that must be borne by the municipality, which shall include, but not be limited to:
1. Schools, including busing
 2. Road maintenance and snow removal
 3. Police and fire protection
 4. Solid waste disposal
 5. Recreation facilities
 6. Runoff water disposal drainage ways and/or storm sewer

Enlargement with sediment traps

- B. The Bond may further require the developer of a Subdivision to provide accurate cost estimates to the Town for the above services, and the expected tax revenue of the subdivision.

2.3 Retention of Open Space and Natural of Historic Features

- A. In any subdivision the Board may request the developer to provide up to ten percent of his total area as open space. The subdivider may instead make a payment in-lieu-of dedication into municipal land acquisition fund.
- B. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended. A site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry, have a total frontage on one or more streets of at least 200 feet, and have no major dimensions of less than 200 feet. Sites selected primarily for scenic or passive recreation purposes shall have suitable private access and no less than twenty-five 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.
- C. Reserved land acceptable to the Board and subdivider may be requested to be dedicated to the municipality.
- D. The Board may require the preservation of scenic, historic or environmentally significant areas.
- E. Where the proposed subdivision is located on a lake, pond, river, stream or shoreline, a portion of the waterfront area, when feasible, shall be included in the reserved land.

2.4 Preservation of Natural and Historic Features

The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees (10' or more), the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic, or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible.

2.5 Land Not Suitable for Development

- A. The Board shall not approve for the purpose of meeting lot size requirements such portions of any proposed subdivision that:
 1. Are situated below sea level;

2. Land which is part of a right-of-way, or easement, including utility easements;
 3. Are located on land which must be filled or drained or on land created by diverting a water course, except the Board may grant approval if a central sewage collection treatment system is provided. In no instance shall the Board approve any part of a subdivision located on filled wetlands or filled or drained great ponds (natural body of water 10 acres or more in size);
 4. Employs septic sewage disposal and is located on soils rated poor or very poor by the Soil Suitability Guide for Land use Planning in Maine. Lots used for on-site sewage disposal shall meet or exceed the lot size guidelines for soil types and slopes as specified in Appendix 1 of "State of Maine plumbing Code, Part II, Private Sewerage Disposal Regulations," as amended.
- B. Wherever situated, in whole or in part, within 250 feet of the high water line of any pond, lake, river or tidal waters, a proposed subdivision shall conform to the Shoreland Zoning Ordinance of the Town of Deer Isle, Maine.
- C. The subdivider will determine, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, 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. Whenever situated, in whole or in part, in a flood-prone area the subdivision shall conform to the Flood Management Ordinance for the Town of Deer Isle.

2.6 Lots

- A. Single family residential lots shall meet or exceed the minimum requirement of 2 acres. If more than one residential dwelling unit is constructed on a single parcel, the minimum lot size requirements shall be met for each additional principle (sic) structure.
- B. Multi-family, lodging units, and motels/hotels may be constructed and/or installed on parcels of land consisting of the aggregate of one half acre per each individual lodging unit and/or dwelling unit, provided that such construction and/or installation shall fully comply with the provisions of all the Town's ordinances, and further provided that the first lodging or dwelling unit shall be on a parcel consisting of at least two acres. By way of example, a three unit structure would require a lot of at least three acres (two acres for the first unit and one half acre each for the next two units). Commercial activities serving or open to persons other than persons occupying the lodging unit, which are constructed or include as part of apartments, boarding houses, hotels, and motels shall require a minimum

of one additional acre of additional land for each separate commercial activity.

- C. Mobile home parks shall have a minimum of 5,000 square feet (exclusive of roads) for each home if served by public sewer (or private central sewer system). If individual subsurface wastewater disposal systems are proposed, each site shall contain a minimum of 20,000 square feet with a minimum frontage of 50 feet. If an on-site cluster system or central subsurface disposal system is proposed, each site may have a minimum of 5,000 square feet provided that the entire parcel contains at least 20,000 square feet for each mobile home site. If soil characteristics require a larger lot size, then the Board shall mandate such in its approval process.

For sites that fall within the jurisdiction of the 250 foot mandatory Shoreland Zoning Act, the minimum site standards for that Act shall apply.

- D. The lot size, width, depth, shape and orientation, and the minimum building setback lines from streets, sidelines, or boundaries shall be appropriate for the location of the subdivision based on existing other land uses within the subdivision area and surrounding properties and consistent with all other Town ordinances.
- E. Depth and width of properties reserved or laid out for any purpose shall meet Section 3 Design Standards to provide for off-street parking and service facilities for vehicles required by the type of use and development contemplated.
- F. The subdividing of the land shall be such as to provide that all lots shall have a minimum frontage of 200 feet on a road and be consistent with all ordinances of the Town and all other requirements herein being complied with.
- G. Side lot lines shall be substantially at right angles or radial to street lines.
- H. Where a tract is subdivided into lots substantially larger than the minimum size required herein, the Board may require that roads and lots be laid out so as to permit future re-subdivision in accordance with the requirements contained in these standards.
- I. All corners of individual lots shall be marked with concrete, stone or iron pipe located in the ground

2.7 Easements

- A. Where a subdivision is traversed by a natural water course, drainage way, channel, or stream, there shall be provided a stormwater 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 easements be not less than 30 feet in width.

- B. The Board may require easements for sewage, drainage or other utilities.

2.8 Utilities

- A. The size, type and location of public utilities, such as streetlights, electricity, telephone, gas lines, fire hydrants, etc., shall be installed in a manner acceptable to the appropriate utility and/or municipal department.
- B. Utilities shall be installed underground except as otherwise approved by the Board.

2.9 Additional Requirements

- A. Street trees, esplanades, and open vegetated spaces may be required by the Planning Board to assure the subdivision will relate harmoniously to the existing environment that has a visual relationship to the proposed subdivision. Where such improvements are required, they shall be incorporated in the Final Plan and executed by the subdivider as construction of the subdivision progresses.
- B. The subdivision design shall minimize the possibility of noise pollution either from within or without the development by providing and maintaining a vegetated strip at least 20 feet wide between abutting properties that are so endangered.
- C. The Board shall consider the criteria set forth in the guidelines contained in the State of Maine's Subdivision Law, Title 30, M.R.S.A., Section 4956, as amended and shall, prior to granting approval, determine that the proposed subdivision will meet the criteria.

SECTION 3. DESIGN STANDARDS

3.1 Monuments

- A. Permanent monuments shall be set at all corners and angle points of the subdivision boundaries; and at all street intersections.
- B. Monuments shall be concrete, stone or iron pipe, located in the ground and indicated on the Final Plan.

3.2 Off-Street Parking

- A. Off-street parking, either by means of unenclosed suitable spaces each having a minimum area of 220 square feet plus necessary maneuvering space, or by enclosed garage space, shall be provided according to the following minimum requirements:
1. **Dwelling Units:** Two (2) spaces for each dwelling unit.
 2. **Commercial Establishments:**
Restaurant: One parking space for every four (4) seats;
Retail Store: One space for each one hundred (100) square feet of retail floor area;
All Other Commercial Establishments: One space for each 300 square feet of floor area.
 3. **Churches and Places of Assembly:** One space for each four (4) seats or for every 100 feet of assemblage space if no fixed seats.
 4. **Schools:** Five parking spaces for each room plus one space for each four (4) employees.
 5. **Health Institutions:** One parking space for every three (3) beds, plus one for each employee based on the expected average employee occupancy.
 6. **Professional Office and Public Buildings:** One parking space for every 200 square feet of gross leasable area, exclusive of cellar and bulk storage areas.
 7. **Other Commercial Recreation Establishments:** Minimum of thirty (30) parking spaces, or the number of spaces deemed appropriate by the Planning Board.
 8. **Industrial:** One parking space for each 1.5 employees, based on the highest expected average employee occupancy, plus visitor and customer parking to meet the needs of specific operations.

3.3 Roads

- A. Roads shall be located, constructed, and maintained so that erosion is kept to a minimum. Adequate provisions shall be made to prevent soil erosion and sedimentation of surface waters to the maximum extent possible as defined by MDOT's Standards of Practices.
- B. Additionally, all roads constructed shall conform to the following standards:
1. Road crossings of watercourses shall be kept to the minimum number necessary.
 2. Bottoms of culverts shall be a minimum of 12 inches and installed

at streambed elevation.

3. All cut or filled banks and at areas of exposed mineral soil shall be revegetated or otherwise stabilized as soon as possible.
4. When road crossings of watercourses are to be used on unfrozen surface waters, bridges or culverts of adequate size and design shall be provided so as to support a Gross Vehicle Weight of 63,000 pounds.
5. The arrangement, character, extent, width, grade, and location of all roads shall provide for safe access and egress based on their relation to existing or planned roads, to topographical conditions, to public convenience and to safety, and their relation to the proposed use of the land to be served by such roads. Grades of roads shall conform as closely as possible to the original topography.
6. All roads within the subdivision shall be constructed according to design specifications herein as overseen by the municipal road commissioner, appointed engineer, or agent.

Height clearance	13' 6"
Minimum width of right-of-way	66'
Minimum width of pavement	20'
Minimum grade	.5%
Maximum grade	6%
Maximum grade at intersection	3% within 50' at intersection
Minimum angle of intersection	60°
Minimum width of shoulder	3'
Minimum centerline radii on curves	200'
Minimum tangent length between reverse curves	200'
Minimum setback from shoreline boundary	75'
Road Base (minimum)	24"
Base (bank gravel)	18"
Gravel Surface Course (screened gravel)	6"

Bituminous paving	1 ½"
Road crown (minimum)	¼" / 1'
Sidewalks/walkways (minimum where required)	3' 6"
Base course (gravel)	12"
Dead-end or cul-de-sac right-of-way	
Minimum Width	66'
Length not more than:	1,000'
Radii of turn-around at enclosed end of property line (minimum)	80'
Pavement (minimum)	65'
Property line radii at intersections (minimum)	10'
Curb radii at intersections 90° intersections	25'
Less than 90° intersections	30'

7. Road intersections and curves shall be so designed as to permit safe access and egress for both pedestrian and vehicular traffic. That portion of any corner lot which is necessary to allow 25 foot sight lines between intersecting roads shall be cleared of all growth (except isolated trees) and obstructions above the level of three feet higher than the centerline of the road. When necessary to achieve visibility, ground shall be excavated.
8. A vehicle turnout shall be provided every 500 feet for emergency off-road parking. Each shall be a minimum of fifteen (15) feet wide, twenty-five (25) feet deep, and shall be approved by the Deer Isle Planning Board.
9. All dead-end streets shall be constructed to provide a cul-de-sac turnaround. If the subdivision covers only a portion of the subdivider's entire lot and the remaining portion is of sufficient size to be subdivided in the future and there has been no written statement by the developer not to further subdivide the remaining portion, the Board may require the reservation of a fifty (50) foot easement in line with the street to provide continuation of the road for future access.

3.4 Street Signs

- A. Streets, which join or are in alignment with streets of abutting or neighboring properties, shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality and shall be subject to the approval of the Board.
- B. Street name signs shall be furnished and installed by the subdivider. The type, size and location shall be as follows:
 - 1. Signs and billboards relating to goods and services sold on the premises shall be permitted, provided such signs shall not exceed six (6) square feet in area, and shall not exceed two (2) signs per premises. Billboards and signs relating to goods and services not rendered on the premises shall be prohibited.
 - 2. Name signs shall be permitted, provided such signs shall not exceed (2) signs per premise.
 - 3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
 - 4. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that such sign shall not exceed two (2) square feet in area.
 - 5. No sign shall extend higher than twenty (20) feet above the ground.
 - 6. Signs may be illuminated only by shielded, non flashing lights.

3.5 Storm Water Management

- A Adequate provisions shall be made for disposal of all storm water generated within the subdivision, and any drained groundwater through a management system of swales, culverts, underdrains and/or storm drains. Storm water shall be detained on-site if possible or practicable.
 - 1. All components of the storm water management system shall be designed to meet the criteria of a twenty-five year storm based on rainfall data for the Deer Isle area.
 - 2. The minimum pipe size for any storm drainage pipe shall be twelve inches. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be bedded in a fine granular material containing no stones larger than 3 inches, lumps of clay, or organic matter, reaching a minimum of six inches below the bottom of the pipe and extending to six inches above the top of the pipe.
 - 3. Catch basins shall be installed when necessary and located at the

curb line.

4. Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials to reduce storm water velocity.
- B. The storm water management system shall be designed to accommodate on-site drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of 25% to address unplanned increases in runoff.
 - C. Downstream drainage requirements must be studied to determine the effect of the proposed subdivision. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the subdivision. The subdivider shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.
 - D. Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality, streets or roads within and outside of the subdivision, soil erosion, watercourse or drainage way. The natural state of watercourses, swales, floodways or rights-of-way shall be maintained as nearly as possible. If it is not possible to detain water on-site, downstream improvements to the channel may be required of the subdivider to prevent flooding caused by the subdivider. Design period is 50-year storm.
 - E. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the Town allowing maintenance and improvement of the system.
 - F. Where soils require a subsurface drainage system, the drains shall be installed and maintained separately from the storm water drainage system.

3.6 Water Supply

- A. A public water supply system with fire hydrants shall be installed at the expense of the subdivider, or if it is proven not feasible by the subdivider, the Board may allow individual wells to be used, which shall be installed at the expense of the subdivider on lots containing dwellings erected by the subdivider or his agent.
- B. The Planning Board may require that storage be provided to meet fire protection needs of such a nature as the municipal fire chief deems necessary to provide for appropriate fire protection.
- C. Because they are difficult to maintain in a sanitary condition, dug wells shall be permitted only if it is not economically or technically feasible to develop other groundwater sources.

- D. If a central water supply system is provided by the subdivider, location and protection of the source, and design, construction and operation of the distribution system and appurtenances and treatment facilities shall conform to the recommendations included in the "Manual for Evaluating Public Drinking Water Supplies," Public Health Service No. 1180 (1969).

3.7 Sewage Disposal

A sanitary sewer system shall be installed at the expense of the subdivider, or if service to each lot by a sanitary sewer system is proven not feasible by the subdivider, the Board may allow individual septic tanks to be used, which shall be installed at the expense of the subdivider on lots containing dwellings erected by the subdivider or his agent. In no instance shall a septic disposal system be allowed in soils rated poor or very poor for such purpose by the Soil Suitability Guide for Land Use Planning in Maine or on lots below the minimum size shown for particular soil types in Appendix 1 of "State of Maine Plumbing Code, Part II, Private Sewerage Disposal Regulations," as amended

SECTION 4. PERFORMANCE GUARANTEES

4.1 Types of Guaranties

With submittal of the application for Final Plan approval, the subdivider shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-space of the construction schedule and the inflation rate for construction costs:

- A. Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account;
- B. A performance bond payable to the Town issued by a surety company, approved by the Municipal Officers.
- C. An irrevocable letter of credit (See Appendix B for sample) from a financial institution establishing funding for the construction of the subdivision, from which the Town may draw if construction is inadequate, approved by the Municipal Officers: or
- D. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed.

The conditions and amount of the performance guarantee shall be determined by the Board with the advice of the Town Engineer, Road Commissioner, Municipal Officers, and/or Town Attorney.

4.2 Contents of Guarantee

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

4.3 Escrow Account

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the subdivider, the municipality's endorsement shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the subdivider unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the subdivider and the amount withdrawn to complete the required improvements.

4.4 Performance Bond

A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the subdivider, and the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision for which approval is sought.

4.5 Letter of Credit

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

4.6 Conditional Agreement

The Board, at its discretion may provide for the subdivider to enter into a binding agreement with the municipality in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the Final Plan on the condition that no more than two lots may be sold or built upon until either:

- A. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with these regulations and the regulations of the appropriate utilities; or
- B. A performance guarantee, acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required

improvements at an amount adjusted for inflation and prorated for the portions of the required improvement already installed.

Notice of the agreement and any conditions shall be on the Final Plan, which is recorded at the Registry of deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Section 4.8.

4.7 Phasing of Development

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

4.8 Release of Guarantee

Prior to release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of the Town Engineer and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

4.9 Default

If, upon inspection, the Town Engineer or CEO finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he shall so report in writing to the Code Enforcement Officer, the Municipal Officers, the Board, and the subdivider or builder. The Municipal Officers shall take any steps necessary to preserve the Town's rights.

4.10 Private Roads

Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan:

"All roads in this subdivision are private roads to be maintained by the developer or the lot owners and shall not be maintained by the Town."

4.11 Improvements Guaranteed

The performance guarantees shall be tendered for all improvements required by

Section 9 of these regulations, as well as any other improvements required by the Board.

SECTION 5. PREAPPLICATION REVIEW

5.1 Procedure

Before submitting a formal application for approval, the applicant or his agent shall appear before the Planning Board to discuss the proposed development. A sketch plan should be presented for information review, and arrangements made for an inspection of the site with the Planning Board.

5.2 Submission

The Preapplication Sketch Plan shall show, in simple sketch form, the proposed layout of streets, lots, and other features in relation to existing conditions. The Sketch Plan, which may be a free-hand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. The Sketch Plan shall be accompanied by a copy of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision.

5.3 Contour Interval and On-Site Inspection

Within thirty days, the Board shall determine and inform the applicant in writing of the required contour interval, specific requirements for Preliminary Plot Plan submission, and hold an on-site inspection of the property.

5.4 Rights Not Vested

The submittal or review of the preapplication sketch plan shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, M.R.S.A., subsection 302.

5.5 Ownership

A copy of the deed or binding Purchase and Sales Agreement or option to purchase showing ownership of the proposed subdivision shall be submitted.

SECTION 6. PRELIMINARY PLAN FOR A SUBDIVISION

6.1 Procedure

A. Within six months after the on-site inspection by the Board, the subdivider shall submit an application for approval of a Preliminary Plan at least

fourteen days prior to a scheduled meeting of the Board. Failure to do so shall require resubmission of the Sketch Plan to the Board. The Preliminary Plan shall approximate the layout shown on the Sketch Plan, plus the specific requirements checked by the Planning Board on the application.

- B. All applications for Preliminary Plan approval for a Subdivision shall be accompanied by a \$10.00 application fee and an additional \$50.00 per lot or dwelling unit, payable by check to the municipality. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising and postal notification. The Planning Board reserves the right to obtain an independent evaluation of a proposed development to assist them in making necessary findings of fact. If the Planning Board deems such study necessary, it will request a reasonable additional sum from the applicant to defray the cost of such study or studies. Any funds not utilized for consultant studies will be returned to the developer.
- C. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Preliminary Plan.
- D. Upon receiving an application, the municipal reviewing authority shall issue to the applicant a dated receipt. Upon receiving an application, the municipal reviewing authority shall notify by mail all abutting property owners of the proposed subdivision, specifying the location of the proposed subdivision and a general description of the project.
- E. Within thirty days of receipt of Preliminary Plan application form and fee, the Board shall notify the applicant in writing if the application is complete, or what additional submissions are required for a complete application.
- F. The Board shall determine whether to hold a public hearing on the Preliminary Plan application. If the Board decides to hold a public hearing, it shall notify the applicant, in writing, of its decision and hold the hearing within thirty days of receipt of a complete application, and shall post notice of the date, time, and place of the hearing in the local newspaper at least two times, that date of the first publication to be a least seven days prior to the hearing.
- G. The Board shall, within thirty days of a public hearing, or within sixty days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, make findings of fact on the application, and approve, approve with conditions, or deny Preliminary Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.
- H. When granting approval to a Preliminary Plan, the Board shall state the conditions of such approval, if any, with respect to:

1. The specific changes which it will require in the Final Plan,
 2. The character and extent of the required improvement for which waivers may have been requested and which the Board's opinion may be waived without jeopardy to the public health, safety, and general welfare; and
 3. The amount of improvements or the amount of all performance guarantees which it will require as prerequisite to the approval of the Final Plan.
- I. Approval of a Preliminary Plan shall not constitute approval of the Final Plan or intent to approve the Final Plan but rather it shall be deemed an expression of approval of the design of the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Board upon fulfillment of the requirements of the regulations and the conditions of the preliminary approval, if any. Prior to the approval of the Final Plan, the Board may require additional changes as result of the further study of the subdivision or as a result of new information received.

6.2 Submissions

- A. Location Map. The Preliminary Plan shall be accompanied by a Location Map drawn to scale adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The Location Map shall show:
1. Existing subdivisions in the proximity of the proposed subdivision
 2. Locations and names of existing and proposed streets
 3. Boundaries and designations of zoning districts
 4. An outline of proposed subdivision and any remaining portion of the owner's property if the Preliminary Plan submitted covers only a portion of the owner's entire holding
- B. Preliminary Plan. The Preliminary Plan shall be submitted in four copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimal of a foot. The Preliminary Plan shall be drawn to a scale of not more than one hundred feet to the inch. The Board may allow plans for subdivision containing more than seventy-five acres to be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. In addition, one copy of the Plan(s) reduced to a size of 8-1/2 x 11 inches shall be mailed to each Board member no less than seven days prior to the meeting. The following information shall either be shown on the Preliminary Plan or accompany the application for preliminary approval in conjunction with any additional specific requirements checked by the Planning Board on the application.

1. Proposed name of the subdivision and the name of the municipality in which it is located, plus Lot numbers.
2. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings 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. The plan shall indicate the type of monument set or found at each lot corner.
3. A copy of the deed from which the survey was based. A copy of all covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
4. A copy of any covenants or deed restriction intended to cover all or part of the lots in the subdivision, including road maintenance and snow removal agreements.
5. Contour lines at the interval specified by the Planning Board, showing elevations in relation to Mean Sea Level.
6. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, vegetative cover type, shoreline boundaries, and other essential existing physical features.
7. Indication of the type of sewage disposal to be used in the subdivision.
 - a. Overboard discharge sewage disposal systems shall not be permitted for new systems. Overboard discharge sewer disposal systems shall not be permitted for an existing subsurface sewage disposal system unless site conditions do not permit any acceptable alternative.
 - b. When sewage disposal is to be accomplished by subsurface sewage disposal systems, test pit analysis, prepared by a Licensed Site Evaluator, shall be provided. A map showing the location of all test pits dug on the site shall be submitted.
8. Indication of the type of water supply system(s) to be used in the subdivision.
9. The date the Plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan.
10. The names and addresses of owners of record of adjacent property, including any property directly across an existing road from the subdivision.

11. The location of any zoning boundaries affecting the subdivision.
12. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
13. The location, names, and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.
14. The proposed lot lines with dimensions and lot areas.
15. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
16. The location of any open space to be preserved and an indication of its improvement and management.
17. A soil erosion and sedimentation control plan endorsed by the County Soil and Water Conservation District may be required by the Planning Board.
18. A copy of that portion of the County Soil Survey covering the subdivision. When the medium intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Board may require the submittal of a report by a Registered Soil Scientist indicating the suitability of soil conditions for those uses.

SECTION 7. FINAL PLAN FOR A SUBDIVISION

7.1 Procedure

- A. The subdivider shall, within six months after the preliminary approval of 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 of the Preliminary Plan, the Planning Board shall refuse without prejudice to act on the Final Plan and require resubmission of the Preliminary Plan.
- B. The time of submission of the Subdivision Plan shall be the official submittal date.
- C. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan.
- D. Upon determination that a complete application has been submitted for review, the Board shall determine whether to hold a public hearing on the

Final Plan application.

- E. Prior to submittal of the Final Plan application, the following approvals shall be obtained in writing, where appropriate:
 - 1. Maine Department of Human Services, if the subdivider proposed to provide a central water supply system.
 - 2. Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.
- F. A public hearing may be held by the Planning Board within thirty days after the issuance of a receipt for the submittal of a complete application. Notice of the hearing shall be provided to the applicant in writing and posted at least two times in the local newspaper, to include the date, time and place, the date of the first publication to be at least seven days prior to the hearing.
- G. Before the Planning Board grants approval of the Final Plan, the subdivider shall, in an amount set by the Planning Board, either file with the Municipal Treasurer a certified check to cover the full cost of the required improvements, or the subdivider shall file with the Municipal Treasurer a performance bond to cover the full cost of the required improvements. Any such bond shall be satisfactory to the Municipal Officers and municipal attorney as to form, sufficiency, manner of execution and surety. A period of one year from the Planning board date of final approval shall be set forth in the bond as the time within which required improvements must be completed. The certified check or bond may include an amount required for recreation land improvements as specified.
- H. From the date of receipt of the Final Plan the Board shall have sixty (60) days plus the number of days until the next regular Board meeting to approve, modify and approve, or disapprove the Final Plan. The reasons for any modifications required or the grounds for disapproval shall be stated upon the records of the Planning Board and provided to the subdivider in writing.

7.2 Submissions

The Final Plan shall consist of one or more maps or drawings to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than seventy-five acres may be drawn at a scale of not more than two hundred feet to the inch. Plans shall be no larger than 24 x 36 inches in size, and shall have a margin of two inches outside of the border line on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by the Board. Five reproducible, stable based transparent copies and one original, the original and one copy are to be

recorded at the Registry of Deeds, the other to be filed at the Municipal Offices, and four copies of the plan shall be submitted. The subdivider may, instead, submit one reproducible stable based transparent original of the Final Plan, which may be reduced to a size of 8-1/2 x 11 inches, and all accompanying information shall be mailed to each Board Member no less than seven days prior to the meeting.

The application for approval of the final Plan shall include the following information:

- A. Proposed name of the subdivision and the name of the municipality in which it is located, and lot numbers.
- B. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings 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. The plan shall indicate the type of monument set or found at each lot corner.
- C. The number of acres within the proposed subdivision, location of property lines, existing shoreline boundary lines, existing buildings, watercourses, and other essential existing physical features.
- D. Indication of the type of sewage disposal to be used in the subdivision.
- E. Indication of the type of water supply system(s) to be used in the subdivision.
- F. The date the Plan was prepared, magnetic and true north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan.
- G. The location of any zoning boundaries affecting the subdivision.
- H. The location and size of existing and proposed sewers, culverts, and drainage ways on or adjacent to the property to be subdivided.
- I. The location, names, and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established.
- J. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers of cession to the municipality of all public open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If

open space or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer of cession shall be included.

- K. Approval Space. Suitable space to record on the approved plat plan the date and conditions of approval, if any. This space shall conform to the following example:

Approved	Town of Deer Isle	Planning Board Chair (Space for all members to sign)
Date		
Conditions		

- L. A list of the construction items that will be completed by the developer prior to the sale of lots shall be submitted.

7.3 Inspection of Required Improvements

- A. At least five (5) days prior to commencing construction of required improvements the subdivider shall notify the Municipal Officers in writing of the time when he proposes to commence construction of such improvements so that the Municipal Officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements and utilities required by the Planning Board.
- B. If the appointed engineer or Code Enforcement officer shall find, upon inspection of the improvements performed before the 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, he shall so report to the Municipal Officers, and Planning Board. 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 bond. No plan shall be approved by the Planning Board as long as the subdivider is in default on the 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 appointed engineer or Code Enforcement Officer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the inspecting official is authorized to approve minor modifications without the Planning Board's approval. This does not extend to the waiver of substantial alteration of the function of any improvements required by the Planning Board.
- D. The applicant may be required to maintain all improvements and provide

for snow removal.

7.4 Final Approval and Filing

- A. Upon findings of fact and determination that all standards in Title 30, M.R.S.A. 4956, and these regulations have been met, and upon voting to approve the subdivision, the Board shall sign the Final Plan. One copy of the signed plan shall be forwarded to the Tax Assessor. One copy of the signed plan shall be forwarded to the Code Enforcement Officer. The approved Final Plan will not be considered in effect until said Plan is filed with the Registry of Deeds and a certified copy received by the Planning Board.
- B. If any aspect of the Board approval is conditional, the specific conditions shall be stated on the Final Plan prior to signing by the Board.
- C. 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 revised Final Plan is first submitted and the Board approves any modifications, except in accordance with Section 7.3.C. The Board shall make findings that the revised plan meets the standard of Title 30, M.R.S.A. 4956, and these regulations. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the records of the Registry of Deeds.
- D. The approval by the 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. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the Plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the Plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Municipal Officers covering future deeds and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

7.5 Expiration of Permit

A permit granted under this ordinance shall expire if the work or change involved is not commenced within one (1) year of the date of issuance.

SECTION 8. ENFORCEMENT

8.1 Inspection of Required Improvements

- A. At least five days prior to commencing each major phase of construction of required improvements, the subdivider or agent shall notify the Code Enforcement Officer in writing 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 Board.
- B. If the inspecting official finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, he shall so report in writing to the Municipal Officers, Planning Board, and the subdivider or agent. The Municipal Officer shall take any steps necessary to preserve the municipality's rights.
- C. If at any time before or during the construction of the required improvements, it appears to be necessary or desirable to modify the required improvements, the subdivider shall obtain permission in writing to modify the plans from the Planning Board or in accordance with Section 7.3.C of this ordinance.
- D. Prior to the sale of any lot, the subdivider shall provide the Board with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.
- E. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility.
- F. The subdivider, agent or property owner shall be required to maintain all improvements and provide for snow removal.

8.2 Violations and Enforcement

- A. No plan of a division of land within the municipality which would constitute a subdivision shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Board in accordance with these regulations.
- B. No person, firm, corporation, or other legal entity may convey, offer or agree to convey any land or dwelling unit in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds. A recorded copy of the subdivision, stamped by the Registry of Deeds, shall be returned to the Board within 30 days.
- C. No person, firm, corporation or other legal entity may convey, offer or agree to convey any land or dwelling unit in an approved subdivision which is not shown on the Final Plan as a separate lot or dwelling unit.

- D. Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land or dwelling unit in a subdivision which has not been approved as required by these regulations shall be punished by a minimum fine of \$100 and up to a maximum fine of \$2,500 for each such conveyance, offering or agreement.

The Attorney General, the municipality, the Planning Board of any municipality or the appropriate municipal officers may institute proceedings to enjoin the violations of this section and if a violation is found by the court, the municipality, municipal Planning Board or the appropriate municipal officers shall be allowed attorney fees. Each day in which a violation is proven to exist shall constitute a separate violation under this section.

- E. No public utility, water district, sanitary district or any utility company of any kind shall serve any lot or dwelling unit in a subdivision for which a Final Plan has not been approved by the Board.
- F. Development of a subdivision without Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a Final Plan approved as provided in these regulations and recorded in the Registry of Deeds.
- G. No lot or dwelling unit in a subdivision may be sold, leased, or otherwise conveyed before the road upon which the lot front is completed in accordance with these regulations up to and including the entire frontage of the lot. No unit in a multifamily development shall be occupied before the street upon which the unit is accessed is completed in accordance with these regulations.

SECTION 9. WAIVERS

9.1 Waivers of Certain Submission Requirements Authorized.

Where the Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, or that the application is simple and minor in nature, it may waive portions of the submission requirements, unless prohibited by these regulations or Maine statutes, provided the applicant has demonstrated that the performance standards of these regulations and the criteria of the subdivision statute have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the zoning ordinance, or these regulations.

9.2 Waivers of Certain Improvements Authorized.

Where the Board makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the zoning ordinance, or these regulations, and further provided the performance standards of these regulations and the criteria of the subdivision statute have been or will be met by the proposed subdivision.

9.3 Waiver of Procedural Steps

The Board may allow an applicant to combine the final plan and preliminary plan application steps into one procedure, upon making all of the following written findings of fact:

No new streets are proposed;

No approvals are required from the Maine Department of Environmental Protection under the Site Location of Development Act, Stormwater Law, or Natural Resources Protection Act, other than a "Permit by Rule;"

The Board agrees to approve a waiver from the requirement to submit a stormwater management plan and sedimentation and erosion control plan, as ordinarily required by sections 6 or 7; and

The application contains all other applicable submissions required for both the preliminary and final plan steps, except for those items for which a waiver of a required submission has been requested and granted.

9.4 Conditions for Waivers.

Waivers may only be granted in accordance with Sections 9.1, 9.2 and 9.3. When granting waivers, the Board shall set conditions so that the purposes of these regulations are met.

9.5 Waivers to be shown on final plan.

When the Board grants a waiver to any of the improvements required by these regulations, the final plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date on which they were granted.

SECTION 10. APPEALS

An appeal from a decision of the Planning Board regarding interpretation of the Ordinance may be taken to the municipal Board of Appeals in accordance with Title 30,

M.R.S.A , Chapter 213, Section 2411. Appeals on other issues including issue of fact shall be taken directly to the Maine Superior Court pursuant to Rule 80B of the Maine Rules of Court Procedure.

10.1 Appeals to Superior Court

An aggrieved party may appeal any decision of the Board under these regulations to Hancock County Superior Court, within thirty days of the date the Board issues a written order of its decision.

SECTION 11. ASSURANCE OF COMPLIANCE

The Planning Board, to assure that the subdivision complies with the Subdivision Ordinance and regulations, may contract outside services, at the subdivider's expense. Such services may include, but not be limited to, clerical costs, consulting engineering fees, architectural fees, attorney fees, recording fees, and appraisal fees.

SECTION 12. CERTIFICATION OF COMPLIANCE

No parcel, lot, or structure shall be conveyed, leased, or occupied, or offered for sale, conveyance, lease or occupancy without certification from the Planning Board that all the terms of the subdivision's approval have been complied with by the subdivider.

SECTION 13. DEFINITIONS

Adequate - Refer to Sufficient.

Alteration - A structural change, rearrangement, change of location, or addition to a building, or structure other than repairs and modification in building equipment whether horizontally or vertically, involving more than a three hundred (300) square foot increase in the overall floor space or bulk of the building or structure at any time or in total since the effective date of the Ordinance.

Appropriate - Refer to Sufficient.

Building - Any structure having a roof or partial roof supported by columns or walls used for the shelter or enclosure of persons, animals, goods or property of any kind.

Commenced - Means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation; nor does it include the installation of streets and/or walkways; nor does it include excavation or erection of temporary forms; nor does it include the installation of accessory buildings.

Commercial - Any business, housed in a permanent structure, engaging primarily in the sale of goods or services to the consumer for direct consumption and/or use and/or sale, excluding home occupations.

Complete Application - An application shall be considered complete upon submission

of the required fee and all information required by these regulations for a Final Plan, or by a vote by the Board to waive the submission of required information.

Comprehensive Plan or Policy Statement - Any part or element of the overall plan or policy for development of the municipality as defined in Title 30, M.R.S.A., Section 4961.

Contiguous Lot - Lots which adjoin at any line, a point on a line, or are separated at any point by a body of water less than fifteen feet wide.

Developed Area - Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, etc.

Dwelling Unit - A room or group of rooms designed and equipped exclusively for use as living quarters for one family including provisions for living, cooking and eating. This includes any part of a structure through sale or lease intended for human habitation, including single family and multi family housing, condominiums, time share units and apartments.

Final Plan - The final drawings on which the applicant's plan of subdivision is presented to the Board for approval and which, if approved, may be recorded at the Registry of Deeds.

Industrial - The assembling, fabrication, finishing, manufacturing, packaging or processing of goods or the extraction of minerals.

Institutional - A building devoted to public, governmental, educational, charitable, medical or similar purpose.

Lodging Unit - A dwelling or part thereof, in which sleeping accommodations are furnished and meals or other services may be furnished by the owner or operator to more than three (3) individuals other than a member of the family. Lodging units shall include bed and breakfast, inn, boarding house or rooming house. A structure which is used as a hotel or motel and licensed by the State to accept transients shall be considered as a commercial establishment.

Major Road - A road which signals at important intersections and stop signs on the side roads and which collects and distributes traffic to and from collector roads.

Multiple Family Dwelling - A building having three or more dwelling units.

100 Year Flood - The highest level of flood that, on the average, is likely to occur once every 100 years (that has a one percent chance of occurring in any year).

Official Submittal Date - The date upon which a complete application has been submitted to the Board.

Open Space Land - "Open space land" as defined in Title 36, Section 1102, means any area of land, including state wildlife and management areas, sanctuaries and preserves designated as such in Title 12, the preservation or restriction of the use of which would conserve scenic resources, enhance public recreation opportunities, promote game

management, or preserve wildlife.

Persons - Any person, firm, association, partnership, corporation, municipal or other local government entity, quasi-municipal entity, state agency, educational or charitable organization or institution or other legal entity.

Planning Board - The Planning Board of the Town of Deer Isle, created under Title 30 M.R.S.A., Subsection 4952.

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

Recording Plan - A copy of the Final Plan which is recorded at the Registry of Deeds.

Residential Dwelling Unit - A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one (1) family or person. The term shall include mobile or manufactured homes.

Re-subdivision - Any change in the plan of an approved subdivision which affects the lot lines, including land transactions by the subdivider not indicated on the approved plan.

Retail - The sale of goods to the ultimate consumer for direct use and consumption and not for trade.

Road - A vehicular way over 500 feet in length or a vehicular way serving more than one principal structure or more than one lot upon which dwellings could be built.

Shoreline Boundary - That line where terrestrial vegetation and soil ends and aquatic vegetation or shore material (such as ledge, rocks, stones, pebbles, or sand) begins.

Structure - Anything constructed, erected, or placed except a boundary wall or fence, the use of which requires location on the ground or attachment to something on the ground including, but not limited to building, mobile homes, recreational vehicles, piers and floats.

Subdivision - A subdivision is the division of a tract or parcel of land into three (3) or more lots within any five (5) year period, which period begins after September 22, 1971, whether accomplished by sale, lease development, buildings or otherwise, provided that a division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption or a gift to a municipality, unless the intent of that gift is to avoid the objectives of this section, or by transfer of any interest in land to the owner of land abutting thereon, shall not be considered to create a lot or lots for the purpose of these regulations.

The term "subdivision" shall also include 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 and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling, commercial and/or industrial units within a 5 year period. The area included in the expansion of an existing structure is deemed to be a

new structure for the purposes of this paragraph

In determining whether a tract or parcel of land is divided into three (3) or more lots, the first dividing of such tract or parcel, unless otherwise exempted herein, shall be considered to create the first two (2) lots and the next dividing of either of the first two (2) lots, by whomever accomplished, shall be considered to create a third lot, unless both those dividings are accomplished by a subdivider who shall have retained one of the lots for his own use as a single family residence or for open space land as defined in Title 36, Section 1102 for a period of at least five (5) years prior to that second dividing. Lots of forty or more acres shall be counted as lots.

In determining the number of dwelling units in a structure, the provisions regarding the determination of the number of lots shall apply, including exemptions from the definition of a subdivision of land.

For the purpose of these regulations, a tract or parcel of land is defined as all contiguous land in the same ownership, provided that lands location on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

A “densely developed area” is defined as any commercial, industrial or compact residential area of ten (10) or more acres with an existing density of at least one (1) principal structure per two (2) acres. A principal structure is defined as any building other than one, which is, used for purposes wholly incidental or accessory to the use of another building on the same premises.

The establishment of three or more dwelling units, lodging units and/or multi-use commercial, industrial, institutional or retail establishments on any one tract or parcel of land shall constitute a subdivision.

Sufficient - The term shall mean to do as much as needed to address any and all existing and/or potential negative impacts resulting from the proposed subdivision. The term “sufficient” shall include the terms “adequate,” “suitable,” and “appropriate.” In instances where there exists questions as to how much is needed, the subdivider and/or the Board may request a written determination from a consultant licensed in the State of Maine in the appropriate field to identify the sufficient action needed at the subdivider’s expense.

Suitable - Refer to Sufficient.