SUBDIVISION REGULATIONS
TOWN OF WAYNE

Adopted 1/17/87

SECTION A - AUTHORITY

1. This ordinance is adopted pursuant to the provisions of Section 4956, Title 30 of the Revised Statutes of Maine, as amended.

SECTION B - TITLE

1. This ordinance shall be known and cited as the "Subdivision Regulations of the Town of Wayne."

SECTION C - PURPOSE

1. The purpose of this ordinance shall be to promote the general health and welfare of the Town of Wayne; to assure, in general, development of areas in harmony with the Comprehensive Plan of the community; to assure proper arrangement and coordination of streets and ways within a subdivision in relation to other or planned streets and utilities by the subdivider; to prevent unsound or unsafe development of land by reason of the lack of water supply, drainage, sewage disposal, transportation or other public services, and to promote the amenities of the town through provisions for parks, playgrounds, and other recreation areas, preservation of trees and natural features in the Town of Wayne.

SECTION D - DEFINITIONS

1. For the purpose of this ordinance, certain terms used herein are defined as follows:

Subdivision shall mean the division of a tract or parcel of land in a manner defined by Title 30, Section 4956, MRSA, Paragraph 1, Titled "Land Subdivisions," as amended.

Street shall mean and include any street, avenue, boulevard, road, alley and any other right of way, excluding driveways serving not more than one lot, constructed within the boundaries of a subdivision to serve interior lots and connecting them to an access road or public way.

Access Road shall mean any public easement, private road, or private right of way connecting a subdivision to a public way.

Reserve Strip shall mean and include any area for which future public use is intended for street connections or for pedestrian ways.

Re-subdivision shall mean the relocation of any street or lot line in a subdivision, or a change in restrictive covenants or agreements required for Final Approval, at any time after the approval of a Final Plan has been granted by the Planning Board.

SECTION E - JURISDICTION

1. This ordinance shall pertain to all land within the boundaries of the Town of Wayne.

2. This ordinance shall be in effect from the time of its adoption by the vote of a majority of the voters present and voting at a Town Meeting and repeals and supercedes the Subdivision Regulations of the Town of Wayne, Maine, adopted March 13, 1971 with subsequent amendments.

3. In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance, regulation, code or covenant in effect in the Town of Wayne the provision which imposes the higher standard or is more restrictive shall apply.

4. The invalidity of any section, sub-section, paragraph, sentence, clause, phrase, or word of this ordinance shall not be held to invalidate any other section, sub-section, paragraph, sentence, clause, phrase or word of this ordinance.

SECTION F - ADMINISTRATIVE REGULATIONS

1. The Planning Board of the Town of Wayne, hereinafter called the Board, shall administer this ordinance and is the approval authority.

2. Whenever any subdivision or re-subdivision is proposed or before any contract for the sale of or offer to sell such subdivision or resubdivision or any part thereof shall have been negotiated and before any permit for the erection of a structure shall be granted, the subdividing owner or his agent shall obtain final approval of such subdivision or re-subdivision from the Board.

3. No transfer of ownership shall be made of any land in a proposed subdivision or re-subdivision until a Final Plan of such subdivision or re-subdivision has been approved by the Board nor until a duly approved copy of such Final Plan has been filed with the Planning Board and recorded by the County Register of Deeds.

4. The Register of Deeds shall not record any plan of a proposed subdivision or re-subdivision until it has been approved by the Board and approval is attested by the signatures of a majority of the members of the Board on the original tracing of the Final Plan of such subdivision or re-subdivision.

5. Application Fees - A minimum fee shall be charged for processing subdivision or re-subdivision applications as follows: $30.00 per application for a 3 lot subdivision; $40 per application for a 4-10 lot subdivision; $40 plus an additional $10 for each lot over 10 for a subdivision of more than 10 lots; payable to the Town of Wayne upon application or resubmission of an application to the Planning Board. Fees for re-subdivision shall be based on the number of new lots proposed in the re-subdivision. The Planning Board may establish a schedule of fees greater than this minimum for subdivision applications.

SECTION G - PENALTIES

In addition to any penalties that may be imposed under Title 30, MRSA, Sections 4956 and 4966, or amendments thereto, or any other state law, any person who conveys or agrees to convey any land by reference to a plan which has not been approved as required by this ordinance and recorded by the proper Register of Deeds, shall be punished by a fine or not more than $200 for each lot conveyed or agreed to be conveyed, except that nothing herein contained shall be deemed to bar any legal or equitable action to restrain or enjoin any act in violation of these regulations.

SECTION H - APPLICATION PROCEDURES & PRELIMINARY PLAN

1. The Planning Board is authorized and directed to develop an application form which requires the submission of information and plans which it deems necessary in order to adequately review an application under the terms of the Wayne Zoning Ordinance, these regulations, and other applicable State or Local ordinances and/or regulations.

2. The Applicant shall:

a. Submit a written application, the form and substance of which having been adopted by the Planning Board, to the Board at a regular meeting.

The written application shall be accompanied by:

1. A Preliminary Plan, which plan shall be at a scale of not less than 100'=1", and other plans and documents as specified by the application form.

2. A copy of the USGS Topographical Map or a Town of Wayne Map, with the area outlined of the proposed subdivision, and has contour lines indicated at a contour interval of 10 feet.

3. A supplementary map showing the relationship of the parcel to be subdivided to abutting properties, and public ways, or access roads at a scale of not less than 500'=1".

b. Pending Application: An application for subdivision review shall be considered "pending" upon its submission at a regular meeting of the Planning Board, provided that the application form itself is fully filled in with the complete information required and is accompanied by the plans, documents, and maps required by the application form and these regulations; and after an on-site inspection has been made.

3. The Board shall:

a. Within 30 days of receipt of a fully filled-in application and the documents required by the application form, schedule an on-site inspection. An on-site inspection by the Board is required to consider an application complete. The on-site inspection must be held at a time when the land is not covered by snow, or at any time that the Board cannot readily observe lot boundaries, location of soils test areas, character of the land, and/or other physical features of the parcel. If such conditions exist to prevent an adequate inspection in the opinion of the Board, the applicant shall be notified in writing and any time limits imposed by these regulations for review shall be extended accordingly until an on-site inspection can be made.

b. At its next regular meeting following the on-site inspection, the Board shall determine and so notify the applicant in writing of any additional information, documentation, plans, or reports of consultants it may require to consider the application complete. For subdivisions of greater than 10 lots and/or those requiring access road construction, the Board may require additional plans drawn at different scales than 100'=1" to adequately visualize and review the proposed subdivision. If no additional information, documents, and/or plans are required, the Board shall determine the completeness of the application at this meeting.

c. Consultation with Other Agencies Required: When deemed necessary to adequately review the application, the Board may consult, at any time in the review process, with agencies or persons of recognized special authority in the fields of traffic engineering, environmental protection, land use, fish and wildlife management, geology, air or water quality, solid or liquid waste disposal, or other such fields. Consultation from sources without fee shall be employed first, if available. If not, any fees incurred for such consultation shall be the responsibility of the applicant who will be notified by the Board of the estimated costs of the consultation in advance. The amount of said fees shall be paid by the applicant before preliminary approval is granted, and time limits for review and approval extended accordingly, until such reports are obtained.

d. A complete application shall be one which contains all of the information, documents, plans, proposed detail of restrictive covenants, and/or proposed forms of maintenance agreements for roads, streets, and common areas, as required by the application form or the Board. The Board shall formally determine an application complete at a regular meeting, and so notify the applicant in writing.

e. Within 30 days of determination that an application is complete, the Board may hold, at its discretion, a public hearing. Notice of said hearing shall be published at least seven (7) days prior to the hearing date.

f. Within 30 days of a public hearing, or within 60 days of determination of a complete application, if no hearing is held, or within some other time limit as is mutually agreed upon between the applicant and the Board, The Board shall issue an order of findings and fact either granting, granting with conditions, or denying preliminary approval based upon its review of the application under the following review standards.

SECTION I - REVIEW STANDARDS

1. Each complete application will be reviewed as follows:

a. General: The Board shall consider each complete application under the following standards, and shall grant preliminary approval, or preliminary approval with conditions, any complete application if it makes a positive finding that the proposed subdivision meets each of the standards of review. The applicant shall have burden of proof that the proposal meets each standard. The Board may attach such conditions, as it finds necessary, to make a positive finding that:

b. Standards of Review:

The proposed subdivision:

1. Will not result in degradation of land or water as evidenced by:

a. Compliance with the Town of Wayne Floodplain Management Ordinance, adopted June 24, 1987, and any subsequent amendments;

b. The nature of the soils and subsoils are able to absorb water preventing runoff into and/or phosphorus loading of ponds, lakes, streams, or rivers; and has incorporated all natural and constructed drainways and their easements so that no flooding occurs, and storm water can be adequately disposed of;

c. The degree of slope of the land will not prevent adequate erosion control measures and no part of the proposed use will cause soil erosion or sedimentation of surface waters;

d. Will not have an adverse effect on existing potable water supplies serving the subdivision or abutting properties;

e. Will not adversely affect significant ground water aquifers as defined in Section 482 of the Site Location of Development Act of the State of Maine as amended;

f. Will not adversely affect, and will not incorporate in any lot to meet minimum lot size or calculate residential density, land areas designated as resource protection areas by Article VI (Page 16) of the Wayne Zoning Ordinance; and will designate such areas as open space with no structural development allowed; and further designate as open space, a buffer strip of 100 feet in width, around the perimeter of such areas;

g. Will not incorporate in any lot, land which must be filled or drained because of the water table being at or within six inches of the surface at any time in order to meet minimum lot size;
h. Will provide for adequate waste water disposal according to the State Plumbing Code;

i. Will preserve and maintain natural features such as trees, watercourses, and scenic assets in the layout of lots, roads, open space and common areas;

2. Has adequate water supply for fire protection within comparative community standards for the location of the subdivision. Dry hydrants shall be installed, where water sources permit, according to specification of the Wayne Fire Department. Adequate easements shall be granted to the Town for their access by fire equipment and for maintenance.

3. Will not cause or aggravate highway, access road, street, or public road congestion or unsafe conditions with regard to their use;

4. Will provide for the year round maintenance of streets and access roads until such time as said streets and access roads may be accepted by the Town for such maintenance;

5. Will adequately provide for the cleanliness and maintenance of all common areas; and if such areas are permitted and within the Shoreland Zone, comply with the common shoreland access provisions of Article V, Section G, ss.6 (Page 15), of the Wayne Zoning Ordinance;

6. Is in conformance with all duly adopted local subdivision regulations, zoning ordinances, road ordinances, building ordinances, or other applicable ordinance or code, and applicable State laws and regulations;

7. Will construct all streets and roads according to the provisions of the Town of Wayne Road Ordinance, adopted May 25, 1982 and any subsequent amendments, or to standards permitted in these regulations;

8. Is in conformance with the Multiple Dwelling Unit Development provisions of the Wayne Zoning Ordinance, Article IX, Section K. (Page 24).

SECTION J - STREETS & ACCESS ROADS

1. All streets in any subdivision shall be constructed in accordance with the Town of Wayne Road Ordinance, adopted May 25, 1982 and any subsequent amendments, and meet all the minimum specifications of that ordinance, except:

a. The applicant may apply to the Board in writing, as a part of the application, for a waiver of provisions of the Road Ordinance. Said request for waiver shall include:

1. Reasons for the request.

2. Specifications of street construction proposed.

b. The Board may approve such a request with respect to width of travel ways, width of rights-of-way, and type of surface only. It may approve a request based on special circumstances relating to existing conditions in the location of the subdivision and not the action of the applicant. Any approval of such a request shall not diminish safe access to the subdivision as measured by other criteria.

2. Access Roads: The Board may require the applicant to reconstruct and/or improve access roads, as necessary, for adequate access to the subdivision, and participate until all lots are sold, along with owners of subdivision lots, in maintenance of said access roads. It shall be the responsibility of the applicant to make such agreements as necessary, which are fair and equitable, with the abutters of an access road, which abutters are not included in the subdivision, and which abutters are part of a shared maintenance agreement of any form of the access road. Proposed details of road maintenance agreements shall be submitted as a part of the application.

3. Town Acceptance of Streets and Access Roads: Acceptance by the Town of subdivision streets and roads, as town roads, is dependent upon a majority vote of the voters present at a legally called town meeting. Recommendation for acceptance or non-acceptance shall be made by the Planning Board at such meeting based on the provisions of the Town of Wayne Road Ordinance.

SECTION K - FINAL PLAN

1. A request for final approval of a subdivision shall be accompanied by a Final Plan of such subdivision legibly and clearly drawn in ink at a scale of one hundred (100) feet to the inch (100'=1") or at some other scale required by the Board; three (3) on stable base translucent material suitable for reproduction and two dark line copies. Size of sheets shall not measure more than two feet by three feet (2' X 3'), or as required by the Board.

The Final Plan shall show:

a. All changes required by the Board for preliminary approval.

b. The name of the subdivision, location and boundaries of the land to be subdivided, scale, north arrow, name and address of the owner of record, subdivider, and designer.

c. Street lines, lot lines, rights-of-way, reservations for public purposes, and drainage easements.

d. Dimensions in feet and decimals of feet. Acreage of each lot.

e. Lot numbers and lot letters in accordance with the prevailing policy on existing tax maps.

f. Prominent reference monuments on all street corners and angles and street lines where, in the opinion of the Board, such monuments are necessary to properly determine the location on the ground.

g. Designation of the location, size and dimension, landscaping and planting of all parks, esplanades, common areas, buffer strips, and/or open spaces as required by the Board for preliminary approval.

h. The seal and certification by a registerd land surveyor in the State of Maine, attesting that such Final Plan is substantially correct per the standards of the State Board of Registration for Land Surveyors, Title 32, Chapter 24, M.R.S.A, as amended.

i. An area for signatures of the Wayne Planning Board indicating approval of the Plan and the date.

j. An area to indicate the presence of and reference to any conditions of approval.

2. A request for Final Approval shall be accompanied by typewritten document(s) in four (4) copies, referencing the plan and detailing any conditions of approval of the plan, the restrictive covenants to be included in deeds, copies of articles of incorporation or formation of lot owners associations, road maintenance and common area agreements, or any other document relating to conditions of approval of the plan. Space shall be provided for signatures of the members of the Planning Board. One copy shall be delivered by the subdivider to the Registry of Deeds and shall be recorded along with the Final Plan. Two (2) copies shall be retained by the Board, and one (1) returned to the applicant.

3. A request for Final Approval shall be accompanied by three (3) copies of the preliminarily approved road plan for streets and access roads, which plan shall show the information and be in the form required by the Town of Wayne Road Ordinance, Section 2, ss. B and C.

4. Performance Bonds: The subdivider shall file with the Board at the time of submission of the Final Plan, a bond in the amount sufficient to cover the cost of the construction of streets and access roads, and other required improvements. The Bond shall be approved as to form and surety by the Town's attorney, and conditioned upon the completion of such streets and access roads, and other improvements within two years of the date of such bond.

a. Waiver: The Board may waive the requirements to post a performance bond upon presentation by the Applicant of financial statements and supporting documents which clearly, in the judgement of the Board, indicate financial capability and may grant conditional final approval, providing that no lots be sold until specified streets and access roads and required improvements are satisfactorily constructed according to the approved plan. A release of these conditions shall be exectuted and delivered to the subdivider following satisfactory completion of the specified streets and access roads and other required improvements. An inspection by the Planning Board or its agent is required before releasing the conditions. Any fees required for such inspection shall be paid by the applicant before release of the conditions.

5. Time Limit of Approval of the Final Plan:

a. Upon submission of a request for approval of the Final Plan, which request shall be made at a regular meeting of the Board, and which request shall include the required documents and plans as above, the Board may have thirty (30) days, or some other mutually agreed upon time, in which to grant, conditionally grant, or deny approval. The Board shall not withhold final or conditional approval if all the conditions of the preliminary approval have been met, and the request for final approval or conditional final approval meets the requirements herein.

b. The approval of the Final Plan shall be attested on three copies suitable for reproduction. One shall be retained by the Board, one shall be delivered by the subdivider to the County Registry of Deeds, and one shall be returned to the subdivider.

c. The Board may approve upon request final approval of a section of an entire subdivision, which entire subdivison has been previously granted preliminary approval, which section contains the improved streets and access roads. The Board may approve only that portion so improved as shown on the Final Plan.

SECTION M - AMENDMENT

1. This ordinance may be amended by a majority of the legal voters present and voting at a Town Meeting. The Planning Board shall have at least two (2) months to review any proposed amendment prior to the calling of a Town Meeting to amend the Ordinance and shall make its recommendations at such Town Meeting. Amendments submitted by petition or voted on by referendum shall proceed under the requirements of law for such petitions or referendums.