

TOWN OF
SOUTH THOMASTON, MAINE



SUBDIVISION REGULATIONS

Enacted by the Planning Board, 11 May 1989

Amended 29 March 2005

Amended 28 March 2006

Amended 25 March 2008

2008 EDITION

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Subdivision Regulations**

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HISTORY OF AMENDMENTS OR REVISIONS

November 16, 1989 - A proposal to Amend the South Thomaston Subdivision Regulations with regard to Application Fees.

Amended Section IV, Sub-Section B., Part 2. (Amended to current)

Amended Section V, Sub-Section A. Part 2. (Deleted).

Amended Section XIII, Sub-Section A. Definitions. (Deleted Fee Schedule definition).

The Amendments above were adopted December 7, 1989.

An amendment to the South Thomaston Subdivision Regulations to require a Hydrogeologic Assessment for certain subdivisions.

Amended Section VI. (Sub-Section J. Ground Water was added).

The Amendment above was adopted December 7, 1989.

Shall an ordinance entitled an “Ordinance to amend the Town of South Thomaston’s Subdivision Regulations-Fire Protection” be enacted? Said ordinance to create “Section VI, K. FIRE PROTECTION” of the Town of South Thomaston Subdivision Regulations.

Amended Section VI. (Ordinance created Sub-Section K. FIRE PROTECTION of the Town of South Thomaston’s Subdivision Regulations Section VI: General Performance Standards).

“Fire Protection Ordinance, Town of South Thomaston” enacted July 24, 1990 (repealed).

The Ordinance to Amend above was enacted February 24, 1997.

March 29th, 2005 – The following amendment was adopted this date.

Section IV. B. 2. This section amended to read: *All applications for preliminary plan approval shall be accompanied by an application fee of \$50.00 per lot or dwelling unit, payable by check to the Town. In addition the applicant shall pay a fee of \$75.00 per lot or dwelling unit to be deposited in a special account designated for that subdivision application, to be used by the Planning Board for hiring independent consulting services to review the application. If the balance in this special account shall be drawn down by 75%, the Board shall notify the applicant and require that an additional \$25.00 per lot or dwelling unit be deposited by the applicant. The Board shall continue to notify the applicant and require an additional \$25.00 per lot or dwelling unit be deposited as necessary whenever the balance of the account goes below 25% of the original deposit. Any balance in the account remaining after a final decision on the subdivision application by the Board shall be returned to the applicant. The Board shall furnish to the applicant a record of the nature and amount of any expenditure made from the account.*

March 28th, 2006 – The following amendment was adopted this date.

Amended Section IV: B. 4. page 6. by adding: *s. A proposed fire protection plan.*

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Section V: A. 4. page 6. amended to read: *The Planning Board shall notify the Road Commissioner, Fire Chief, and Ambulance Director of the proposed subdivision including the number of lots proposed, length of roadways, and proposed fire protection plan. The Planning Board shall request these officials provide the Planning Board with their written comment regarding the subdivision plan before the next monthly meeting. Failure to respond to the Planning Board's request shall be deemed as an approval.*

Repealed: Section VI: K. Fire Protection sections: 1, 2, 3, 4, 5, 6. being pages 14 through 17.

Amended to be replaced with the following: *Under Section VI: K. Fire Protection: 1. General Requirement: a. A fire protection plan must be presented with each proposed subdivision. The developer will submit a proposed fire protection plan as part of the Preliminary Plan submission requirements. 2. Consideration: a. Consideration for fire protection shall be given but not limited to the following. 1. Available fire suppression water supplies to include ponds, hydrants, streams, equipment, tanks, and sprinkler systems. 2. Available fire fighting equipment and personnel. 3. Mutual aid fire response agreements. 4. Proposed infrastructure of the subdivision and construction and configuration of proposed structures. 5. Size and number of lots. 6. Other methods of fire protection and/or fire suppression. 3. Approval: a. After consultation with the fire chief or designated representative, the developer and/or agent, and/or any consultant the Planning Board may request, the Planning Board will have final approval of the fire protection plan.*

The Amendments above was adopted March 28, 2006.

Amended by adding the following to Section I. G. as follows:

Solid Waste

If the additional solid waste from the proposed subdivision exceeds the capacity of the municipal solid waste facility, causes the municipal facility to no longer be in compliance with its license from the Department of Environmental Protection, or causes the municipality to exceed its contract with a non-municipal facility, the applicant shall make alternate arrangements for the disposal of solid waste. The alternate arrangements shall be at a disposal facility that is in compliance with its license. The Board may not require the alternate arrangement to exceed a period of five years. The applicant must obtain a written recommendation from the Board of the Owls Head, South Thomaston and Thomaston Solid Waste Corporation for subdivisions greater than five lots on a form on file with the Town

The Amendment above was adopted March 25, 2008.

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SECTION I: PURPOSES

The purposes of these regulations are to assure the comfort, convenience, safety, health and welfare of the people, of the Town of South Thomaston, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of South Thomaston, Maine, the Planning Board shall consider the following criteria and before granting approval shall make written findings of fact that the provisions of these regulations have been met and that the proposed subdivision will meet the following criteria from Title 30-A, M.R.S.A. 4551.

- A. Will not result in undue water or air pollution. In making this determination, the Board shall at least consider the elevation of the land above sea level and its relation to the flood plains; the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for the disposal of effluents and the applicable state and local health and waste resource regulations.
- B. Has sufficient water available for the reasonable foreseeable needs of the subdivision;
- C. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;
- D. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
- E. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;
- F. Will provide for adequate solid and sewage waste disposal;
- G. Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;

Solid Waste

If the additional solid waste from the proposed subdivision exceeds the capacity of the municipal solid waste facility, causes the municipal facility to no longer be in compliance with its license from the Department of Environmental Protection, or causes the municipality to exceed its contract with a non-municipal facility, the applicant shall make alternate arrangements for the disposal of solid waste. The alternate arrangements shall be at a disposal facility that is in compliance with its license. The Board may not require the alternate arrangement to exceed a period of five years. The applicant must obtain a written recommendation from the Board of the Owls Head, South Thomaston and Thomaston Solid Waste Corporation for subdivisions greater than five lots on a form on file with the Town before Planning Board can grant final approval.

- H. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline; and
- I. The proposed subdivision complies with a duly adopted Subdivision Regulation or Ordinance, Comprehensive Plan, Development Plan or Land Use Plan, if any;

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- J. The subdivider has adequate financial and technical capacity to meet the above stated standards.
- K. Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water. Furthermore, when lots in a subdivision have frontage on an outstanding river segment, as defined in 30A M.R.S.A. 4551, the proposed subdivision plan shall require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of five hundred (500) feet;
- L. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water; and
- M. 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 will determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan shall include a condition of plat approval requiring that principal structures on lots in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

SECTION II: AUTHORITY & ADMINISTRATION

A. AUTHORITY

These regulations are enacted under the authority granted to the Town by the statutes of the State of Maine, and in accordance with the provisions of Title 30A of Maine Revised Statutes Annotated, Section 4551.

B. ADMINISTRATION

The provisions of these regulations shall apply to all of the land proposed for subdivision within the boundaries of the Town of South Thomaston and shall be administered by the Town of South Thomaston Planning Board.

SECTION III: PREAPPLICATION PROCEDURE (STEP ONE)

A. PLANNING BOARD AGENDA

At each stage of the process of subdivision review, an applicant shall request to be placed on the Planning Board's agenda at least seven 7 calendar days prior to the regularly scheduled meeting at which he wishes to be heard. Submission requirements shall be accompanied by the appropriate documentation as prescribed by the Planning Board and any required fee.

B. PRE-APPLICATION MEETING

- 1. Prior to the formal submission of a subdivision application the applicant may appear informally to discuss the proposed subdivision at a regular meeting of the Planning Board.

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2. At this meeting the applicant shall submit:

The Pre-Application Sketch Plan: This sketch may be a free hand drawing based on the Town tax map. It shall show the layout of lots and their approximate size, proposed roads and any areas unsuitable for building or subsurface sewage. It is recommended that the sketch be superimposed on a copy of the Town tax map.
3. On Site Inspection: The Planning Board Chairman at the pre-application meeting may schedule an on-site inspection of the land to be subdivided. This inspection shall be jointly attended by the Planning Board members and the applicant.
4. Purpose of Pre-Application Meeting and Site Inspection: The purpose of both the pre-application meeting and site inspection is to give the Planning Board a clear understanding of what is proposed, what is possible and what is acceptable. The purpose is also to inform the applicant of the requirements of other regulations.
5. Applicants Rights not Vested: Submissions and attendance at the pre-application meeting shall create no binding commitments between the applicant and the Planning Board. It shall not be considered the initiation of the review process for purposes of bringing the plan under the protection of 1 M.R.S.A. 302.

SECTION IV: PRELIMINARY PLAN PROCEDURE (STEP TWO)

A. PROCEDURE

1. The applicant shall request to be placed on the Planning Board agenda (7) calendar days prior to the next regularly scheduled meeting at which the applicant wishes to be heard, by notification to the Town Clerk.
2. Upon receiving an application for preliminary plan approval, at a regularly scheduled Planning Board meeting, the Planning Board shall issue the applicant a dated receipt.
3. Within thirty (30) days from the receipt of an application the Planning Board shall notify the applicant in writing that the application is either complete or incomplete. If the application is incomplete the Planning Board shall notify the applicant, in writing, of the specific steps necessary to make a complete application.
4. On Site Inspection: The Planning Board Chairman shall schedule an on-site inspection of the land to be subdivided. This inspection shall be jointly attended by the Planning Board and the applicant.
5. A public hearing shall be held within thirty (30) days of a complete preliminary plan application. The Planning Board shall give notice of the date, time and place of such a hearing to be published twice in a local newspaper with the date of the first publication at least seven (7) days prior to the hearing. The Planning Board shall notify in writing all property owners within 500 feet of the proposed subdivision, specifying the location and a general description of the project, and the date of the public hearing.

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6. The Planning Board shall within thirty (30) days after a public hearing either approve, approve with conditions, or disapprove the preliminary plan. In issuing its decision the Planning Board shall state in writing the conditions of such approval, specifically:
 - a. The changes it will require in the final plan.
 - b. The character and extent of the required improvements for which waivers have been requested and which, in the opinion of the Planning Board, may be waived without jeopardy to the public health, safety and general welfare.
 - c. The amount of improvement or the amount of the performance guarantee that the Planning Board will require as a prerequisite of Final Plan approval.
7. Approval of a preliminary plan shall not constitute approval of a final plan. Rather, it shall be viewed as a guide in the preparation of the final plan.
8. Prior to the approval of a final plan the Planning Board may require additional changes in the final plan as the result of new information.

B. PRELIMINARY PLAN SUBMISSION REQUIREMENTS

The complete preliminary plan submission requirements shall consist of the following information:

1. The Subdivision Application: The applicant shall complete and sign five (5) copies of the subdivision application.
2. All applications for preliminary plan approval shall be accompanied by an application fee of \$50.00 per lot or dwelling unit, payable by check to the Town. In addition the applicant shall pay a fee of \$75.00 per lot or dwelling unit to be deposited in a special account designated for that subdivision application, to be used by the Planning Board for hiring independent consulting services to review the application. If the balance in this special account shall be drawn down by 75%, the Board shall notify the applicant and require that an additional \$25.00 per lot or dwelling unit be deposited by the applicant. The Board shall continue to notify the applicant and require an additional \$25.00 per lot or dwelling unit be deposited as necessary whenever the balance of the account goes below 25% of the original deposit. Any balance in the account remaining after a final decision on the subdivision application by the Board shall be returned to the applicant. The Board shall furnish to the applicant a record of the nature and amount of any expenditure made from the account.
3. Location Map: The Preliminary plan shall be accompanied by five (5) copies of a location map showing the relationship of the proposed subdivision to adjacent properties and the surrounding area. The location map shall show all the area within five hundred (500) feet of any property line of the proposed subdivision. The location map shall show:
 - a. Names of existing and proposed roads.
 - b. Boundaries of land use districts.

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- c. Names of all owners of property abutting or directly across a road from the proposed subdivision.
 - d. The outline of the proposed subdivision together with its probable access and an indication of the future street system.
4. PRELIMINARY PLAT PLAN: The Preliminary plan shall be submitted in five (5) copies which may be printed or reproduced on paper drawn to a scale of not more than one hundred (100) feet to the inch. Where practical the sheet size of the drawings shall be 24" X 36" inches. In addition seven (7) copies of the plan reduced to a size of 8 1/2" by 11" inches shall be submitted. The following information shall either be shown on the preliminary plan or accompany the application for preliminary approval.
- a. Proposed name of the subdivision, and the Tax Assessor's Map 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 to be set or found at each lot corner.
 - c. A copy of the deed from which the survey was based. A copy of all covenants or deed restrictions, easements, right-of-way, or other encumbrances currently affecting the property.
 - d. A copy of any covenants or deed restrictions proposed to cover all or part of the lots
 - e. Contour lines at the interval specified by the Planning Board, showing elevations in relation to Mean Sea Level.
 - f. The number of acres within the proposed subdivision, all land defined as not suitable for development, location of property lines, existing buildings, watercourses, vegetative cover type, and other essential existing physical features.
 - g. Indication of the type of sewage disposal to be used in the subdivision.
 - 1. When sewage disposal is to be accomplished by subsurface sewage disposal systems, test pit analyses, 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.
 - h. Indication of the type of water supply system(s) to be used in the subdivision.
 - i. The date the Plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner, subdivider, and person who prepared the plan.
 - j. The names, addresses and telephone numbers of all property owners within five hundred (500) feet of the proposed subdivision.

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- k. The location of any land use District boundaries affecting the subdivision.
- l. The location and size of existing and proposed sewers, water mains, culverts and drainage ways on or adjacent to the property to be subdivided.
- m. The location, name and widths of existing and proposed roads, easements, parks and other open spaces on or adjacent to the subdivision.
- n. The proposed lot lines with approximate dimensions and lot areas.
- o. All parcels of land proposed to be dedicated to public use and a copy of the proposed deed of gift.
- p. The location of open space to be preserved within the subdivision and a copy of the proposed legal document to accomplish this end.
- q. A soil erosion and sedimentation control plan.
- r. If any portion of the subdivision is in a flood prone area, the boundaries of any flood hazard areas and the one hundred (100) year flood elevation shall be delineated.
- s. A proposed fire protection plan.

SECTION V: FINAL PLAN REVIEW PROCEDURES (STEP THREE)

A. PROCEDURE

- 1. Within nine (9) months after approval of a preliminary plan, the applicant shall submit the final plat and supporting documentation for Final Plan review. If the Final Plan is not submitted to the Planning Board within this period, the Planning Board may refuse, without prejudice, to act on the Final Plan and may require resubmission of the preliminary plan.
- 2. Prior to submittal of the Final Plan application, the following approvals shall be obtained, in writing, where appropriate.
 - a. Maine Department of Human Services, if the applicant proposes to provide a central water supply system.
 - b. Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.
- 3. The applicant, or his duly authorized representative, shall attend a regularly scheduled meeting of the Planning Board to discuss the Final Plan.
- 4. The Planning Board shall notify the Road Commissioner, Fire Chief and Ambulance Director of the proposed subdivision including the number of lots proposed, length of roadways, and proposed fire protection plan. The Planning Board shall request these officials provide the Planning Board with their written comment regarding the subdivision plan before the next monthly meeting. Failure to respond to the Planning Board's request shall be deemed as an

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approval.

B. SUBMISSION REQUIREMENTS - FINAL PLAN

The final plan shall be submitted in two (2) reproducible, stable based transparent originals, and three (3) copies. One original will be recorded at the registry of deeds and one filed at the Town Office. The plans shall be drawn to a scale of not more than one hundred (100) feet to the inch. Where practical the sheet size of the drawings shall be 24" x 36" inches. Space shall be reserved on the drawing for conditions the Planning Board may impose and the endorsement of the Planning Board. In addition seven (7) copies of the Final Plan reduced to a size of 8 1/2" x 11" inches shall be submitted. The application for Final Plan approval shall include the following:

1. All of the information presented on the preliminary plan and location map and any amendments thereto as required by the Planning Board.
2. The name, registration number and seal of the land surveyor, architect, engineer, or planning consultant who prepared the plan.
3. Road names, pedestrian ways, lots, easements, open spaces and other areas to be reserved for or dedicated to public use and/or ownership.
4. Sufficient data acceptable to the Code Enforcement Officer to readily determine the location, bearing and length of every street line, lot line, easement, and boundary line and to reproduce such lines upon the ground. Where practical these should be tied to reference points previously established.
5. A copy of such covenants or deed restrictions, if any, as are intended to cover all or part of the tract.
6. The Planning Board may require construction drawings for roads, sanitary sewers, and storm drainage systems, designed and prepared by a professional engineer registered in the State of Maine.
7. Lots and blocks within the subdivision numbered in accordance with local practice.
8. Permanent monuments at all outside corners of the subdivision tract and referenced in the Final Plan.
9. Written offers of cession, in a form certified as satisfactory by the Town Attorney, of all land proposed to be dedicated to the Town.
10. A performance bond or guarantee in a form and amount meeting the requirements of Section IX to secure the completion of all improvements required by the Planning Board, and written evidence that the Board of Selectmen has approved the bond or guarantee.

C. FINAL PLAN APPROVAL AND FILING

1. No Final Plan shall be approved by the Planning Board as long as the applicant is

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in default on a previously approved plan.

2. Upon findings of fact and determination that all standards in 30-A M.R.S.A. 4551, and these regulations have been met, and upon voting to approve the subdivision, the Planning Board shall sign the Final Plan. The Planning Board shall specify congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;
3. At the time the Planning Board grants Final Plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Planning Board deems necessary in order to insure the orderly development of the Plan.
4. 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 Planning Board approves any modifications. The Planning Board shall make findings that the revised plan meets the standards of 30A M.R.S.A 4551, 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 Planning Board shall institute proceedings to have the Plan stricken from the records of the Registry of Deeds.
5. The approval by the Planning Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the Town of any road, 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 Town, approval of the Plan shall not constitute an acceptance by the municipality of such areas. The Planning Board shall require the Plan to contain appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Municipal Officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.
6. Failure to commence substantial construction of the subdivision within two (2) years of the date of approval and signing of the Plan shall render the Plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Planning Board shall have a notice placed in the Registry of Deeds to that effect. The developer may apply for a two—year extension to commence construction. The performance guarantee or conditional agreement shall also be extended by two years if an extension is granted.

D. REVISIONS TO APPROVED PLANS

1. An applicant for a revision to a previously approved plan shall, at least twenty-one (21) days in advance, ask to be placed on the Planning Board agenda. If the revision involves the creation of additional lots, the applicant shall follow the procedure for preliminary and final plan approval.
2. The applicant shall submit one (1) copy of the approved plan, as well as seven (7) copies of the proposed revision.
3. The Planning Board shall use the criteria in Section I in approving the revised plan.

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4. Appropriate fee.

SECTION VI: GENERAL PERFORMANCE STANDARDS

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

A. CONFORMANCE WITH COMPREHENSIVE PLAN

Any proposed subdivision shall be in conformity with the Comprehensive Plan of South Thomaston and with the provisions of all pertinent state laws and local ordinances and regulations.

B. PRESERVATION OF NATURAL AND HISTORIC FEATURES

1. The Planning Board shall require that the proposed subdivision include a landscape plan that will show the preservation of scenic, historic or environmentally desirable areas.
2. The road and lot layout shall be adapted to the topography.
3. Extensive grading and filling shall be avoided as far as possible. Except for surplus topsoil from roads, parking areas and building excavations, topsoil shall not be removed from the site.
4. Land in the subdivision to be reserved as open space or natural area shall be so labeled, with the notation, "Open space not to be developed," on the Final Plan.

C. LAND NOT SUITABLE FOR DEVELOPMENT

The Planning Board shall not approve for development such portions of any proposed subdivisions that:

1. Are located within the one hundred (100) year floodplain as identified by an authorized Federal or State agency, unless the applicant shows proof through the submission of material prepared by a registered land surveyor which show that the property in question lies at least two (2) feet above the one hundred (100) year floodplain.
2. Are located within a Resource Protection District.

D. LOTS:

1. All lots shall meet the minimum requirements of the Zoning Ordinance for the zoning district in which they are located. The lot configuration should be designed to maximize access to solar energy on building sites with suitable orientation.
2. Where a tract is subdivided into lots substantially larger than the minimum size required by the Land Use Ordinance, the Planning Board in its review may consider the potential effect of future resubdivision.

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3. If a lot on one side of a road, or other similar barrier fails to meet the minimum lot size required, it may not be combined with a lot on the other side of the barrier to meet the minimum lot size or for the purposes of subsurface waste disposal.
4. Odd-shaped lots in which narrow strips are joined to other parcels to meet minimum lot size requirements are prohibited. The ratio of lot length to width shall be no more than 4:1.
5. Any proposed subdivision shall be so designed that every lot has frontage upon a way, granting legal access, and so that no part of the tract is landlocked.
6. Minimum lot size shall be one acre.

E. EASEMENTS FOR NATURAL DRAINAGE WAYS

Easements for existing water courses or proposed drainage ways shall be provided through a right of way at least thirty (30) feet wide, conforming substantially with the lines of existing drainage.

F. UTILITIES

Utilities shall be installed in a timely manner during road construction to prevent reexcavation of the finished road.

G. MONUMENTS

1. Permanent monuments shall be set at all corners and angle points of subdivision boundaries.
2. All monuments shall be referenced on the final plan. They shall be secured according to the standards of the Maine Board of Land Surveyors.
3. All corners shall be marked with iron rod not less than five eighths (5/8) inch in diameter. Such rods shall be driven securely so that removal or vandalism is discouraged. Rods shall extend at least 24" above the ground in wooded rural area and be clearly painted or marked for ease of locating. In residential and village areas, rods may be driven flush with the finished grade. In ledge or stone, all rods will be set in borings.

H. REQUIRED IMPROVEMENTS

All required improvements, such as roads, sidewalks, storm water drainage systems, utilities, and where appropriate, centralized water supply and sanitary sewage systems, shall be installed at the expense of the developer.

I. CLUSTER DEVELOPMENT

1. The purpose of cluster development is to encourage innovative approaches to housing and environmentally sound design by a modification of space and dimensional requirements of lots. A good cluster design should result in:

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- a. A choice in the types of housing available;
- b. The preservation of open space and recreation areas;
- c. The conservative use of farm land, fields, and open space;
- d. A pattern of development that will work in harmony with the natural features of the land.
- e. Efficient use of the land and natural resources through a smaller network of utilities and roads.

2. Performance Standards

- a. Each lot and building in a cluster development must meet all the standards of this and other town ordinances except those standards dealing with lot density and set backs.
- b. Each building shall be an element in an overall plan in the cluster development.
- c. The use, of the land must conform to the uses permitted in the district in which the land is located.
- d. No cluster development shall be approved which exceeds the net residential density of the district in which it is proposed.
- e. Net residential density is defined as the residual land available for development after subtracting roadways and land not suitable for building because of wetlands, substandard drainage or other natural impediments.
- f. If the cluster development is individual lots for detached one or two dwelling units then:
 - 1. The Planning Board may reduce the lot size to 25% of district requirements per dwelling unit; where on-site subsurface waste disposal is used.
 - 2. The Planning Board may reduce lot size to 25% of district requirements per dwelling unit where common waste disposal systems are proposed and approved by D.H.S.
 - 3. The Planning Board may reduce setbacks to 50% of district requirements.
- g. The land proposed for cluster development shall have a minimum lot area of 3 acres.
 - 1. The land proposed for cluster development shall have a minimum lot

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area of 3 acres.

2. No structure shall be located within 25' of any property line.
3. Attached dwelling units shall include no more than three dwelling units per structure.
 - h. The design process of cluster development should utilize the services of landscape architects, engineers and other trained specialists to create a development in harmony with the natural surroundings.
 - i. The infrastructure for the cluster development (roads, sidewalks, utilities, potable water and sewage) shall all be shown on the plat plan.
 - j. Common water supply and waste water systems shall be approved by the appropriate state agency.
3. Open Space
 - a. The common open space shall be shown on subdivision plat plan by metes and bounds labeled "Not to be developed."
 - b. The common open space shall be accessible to residents of the development.
 - c. The common open spaces can be used agriculture, woodlands and outdoor recreational activities such as a ball field. Further uses of open spaces may be limited at the time of final subdivision approval to protect neighboring properties.
 - d. As a condition of final plan approval, the applicant shall form and incorporate a Homeowner's Association. The Homeowner's Association shall include:
 1. Covenants for mandatory membership to be included in the deed for each lot or unit.
 2. The Homeowner's Association shall have the responsibility for maintaining the common open space.
 3. The Homeowner's Association shall levy annual charges against all property owners to maintain the open space.

4. Site Considerations

In designing a cluster development, the developer must consider the following items and show them on the plat plan and supporting drawings.

- a. Orientation: The orientation of buildings shall consider natural features and solar access.
- b. Roads: All roads in the cluster development shall be designed for safety and the proper access for emergency equipment.

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- c. Drainage: A drainage system shall be designed for groundwater runoff. Particular concern shall be shown for effluent draining from the site.
- d. Sewage Disposal: Adequate provision shall be made for sewage disposal.
- e. Water Supply: Adequate provision shall be made for potable water supply.
- f. Landscaping: A landscape design shall be created to integrate the cluster development with the surrounding landscape.

J. GROUND WATER:

- 1. A hydrogeologic assessment of the impact of the proposed development on ground water quality shall be submitted prior to final approval of the subdivision. Such an assessment is required for developments proposing on-site subsurface wastewater disposal which meet any of the following criteria:
 - a. Any proposed lot is less than two (2) acres.
 - b. Combined or /'community'' subsurface wastewater disposal systems are proposed servicing two (2) or more housing units.
 - c. A large "engineered" system is proposed to dispose of two thousand gallons per day or more of wastewater.
 - d. Any subsurface wastewater disposal system is proposed to be located within three hundred (300) feet of a proposed or existing downgradient well or existing boundary of the project.
 - e. The development area proposed is within 1/2 mile of a public water supply.
 - f. Any proposed lot is less than five (5) acres and either of the following geologic conditions apply:
 - i. Development is on soils that are three (3) feet or less to bedrock..
 - ii. The project is on low-permeability soil such as glacio-marine or glacio-lacustrine clay and silt.
- 2. The assessment shall be prepared by a Certified Geologist or registered Professional Engineer and shall include the following:
 - a. A map showing the basic soil types.
 - b. The depth to the water table at representative points throughout the development.
 - c. Drainage conditions throughout the development.
 - d. Data on the existing ground water quality either from test wells in the subdivision or from existing wells on neighboring properties.
 - e. An analysis and evaluation of the effect of the subdivision on ground water resources. The evaluation shall, at a minimum, include a projection of post

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development nitrate-nitrogen concentration at any wells within subdivision, at the subdivisions boundaries or at a distance of one thousand (1000) feet from potential contamination sources, whichever is the shorter distance. For subdivisions within one thousand (1000) feet of tidal waters the evaluation shall include an estimate of the shift that would occur in the salt-water/fresh-water interface of the water table and the potential for saltwater intrusion into the water supply.

- f. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within two hundred (200) feet of the subdivisions boundaries.
3. The subdivision shall meet the following standards for preserving groundwater quality:
- a. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
 - b. No subdivision shall increase any contaminant concentration in the. ground water to more than one half of the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water to more than the Secondary Drinking water Standards.
 - c. If the ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
 - d. If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.
4. Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the plan.

K. FIRE PROTECTION:

1. GENERAL REQUIREMENTS

- a. A fire protection plan must be presented with each proposed subdivision. The developer will submit a proposed fire protection plan as part of the Preliminary Plan submissions requirements.

2. CONSIDERATION

- a. Consideration for fire protection shall be given but not limited to the following.
 - 1. Available fire suppression water supplies to include ponds, hydrants, streams, equipment, tanks, and sprinklers systems.

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2. Available fire fighting equipment and personnel.
3. Mutual aid fire response agreements.
4. Proposed infrastructure of the subdivision and construction and configuration of proposed structures.
5. Size and number of lots.
6. Other methods of fire protection and/or fire suppression.

3. APPROVAL

- a. After consultation with the fire chief or designated representative, the developer and/or agent, and/or any consultant the Planning Board may request, the Planning board will have final approval of the fire protection plan.

SECTION VII: ROAD DESIGN & CONSTRUCTION STANDARDS

A. GENERAL REQUIREMENTS

1. The proposed subdivision shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number and location of access points with respect to sight distances, intersections, schools and other traffic generators.
2. Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to lots.
3. The Planning Board shall not approve any subdivision plan unless proposed roads are designed in accordance with the specifications contained in these regulations. Approval of a Final Plan by the Planning Board, shall not be deemed to constitute or be evidence of acceptance by the Town of any road or easement.
4. Applicants shall submit to the Planning Board, as part of their Final Plan, detailed construction drawings showing the profile and typical cross-section of the proposed roads. The plans shall include the following information:
 - a. Date, scale, and magnetic or true north point.
 - b. Intersections of the proposed road with existing roads.
 - c. Roadway and right-of-way limits including edge of pavement and edge of shoulder.
 - d. Complete curve data and road profile shall be indicated for all roads.
 - e. Turning radii at all intersections.
 - f. Locations of all existing and proposed utilities.

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B. ROAD DESIGN STANDARDS

1. These design standards shall be met by all roads within subdivisions reviewed under these regulations, and shall control the roadway, shoulders, drainage systems, culverts, and other appurtenances.
2. Roads shall be designed to discourage through traffic through a subdivision.
3. The following design standards apply according to road classification:

DESCRIPTION	PUBLIC RIGHT-OF-WAY	PRIVATE RIGHT-OF-WAY
Minimum Right-of-Way Width	50'	50'
Minimum Pavement Width	18'	18'
Shoulder Width	3'	N/A
Minimum Grade	N/A	N/A
Maximum Grade	12%	12%
Minimum Centerline Radius	150'	150'
Roadway Crown	1/4" /ft.	1/4" /ft.
Minimum angle of road intersections	90 degrees	90 degrees
Maximum grade within 75 feet of intersection	2%	2%
Minimum r/o/w radii at intersections	10'	10'
Minimum width or shoulders (each Side)	3'	3'

4. The center line of the roadway shall be the center line of the right-of-way.
5. Dead End Roads: In addition to the design standards above, dead-end roads shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii: Sixty five (65) foot property line radii and fifty (50) foot outer edge of travel way radii. The planning Board may require the reservation of a twenty foot easement in line with the dead end road to provide continuation of pedestrian traffic or utilities to the next road. The Planning Board may also require the reservation of a fifty (50) foot easement in line with the dead end road to provide continuation of the road where future subdivision or development is possible.
6. Grades, Intersections, and Sight Distances:
 - a. Grades of all roads shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.
 - b. All changes in grade shall be connected by vertical curves to provide for the minimum sight distances.

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- c. Within a subdivision, cross (four-cornered) road intersections shall be avoided insofar as possible. A minimum distance of two hundred (200) feet shall be maintained between centerlines of side roads.

C. ROAD CONSTRUCTION STANDARDS:

- 1. Minimum thickness of material after compaction:

MINIMUM REQUIREMENTS		
ROAD MATERIALS	PUBLIC RIGHT-OF-WAY	PRIVATE RIGHT-OF-WAY
Subbase course - Bank run gravel (Maximum stone size 4")	12"	12"
Base course - crushed gravel (Maximum stone size 2-1/2")	6"	6"

- 2. Preparation:

- a. Before any clearing has started on the right of way, the center line and side lines of the new road shall be staked or flagged at (50) foot intervals.
- b. Side slopes shall be no steeper than a slope of three (3) feet horizontal to one (1) foot vertical, and shall be graded, limed, fertilized, and seeded.

D. CLEANUP:

Following road construction, the subdivider/applicant shall conduct a thorough cleanup of stumps and debris from the entire road right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the Plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.

E. CERTIFICATION OF CONSTRUCTION:

Upon completion of road construction a written certification signed by CEO and road commissioner shall be submitted to the Planning Board certifying that the proposed way meets or exceeds the design and construction standards of these regulations.

SECTION VIII: DRAINAGE DESIGN & CONSTRUCTION STANDARDS

A. GENERAL PROVISIONS:

- 1. The public storm drainage system will not adversely affect neighboring properties, downstream water quality, or cause soil erosion. Whenever possible, on-site absorption of run-off waters shall be utilized to minimize discharges from the site.
- 2. Excessive surface water run-off shall be minimized and detained on-site if possible. If it is not possible to detain water on-site, downstream improvements

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to the channel may be required by the applicant to prevent flooding caused by the project. The natural state of watercourses, swales, floodways or rights-of-way shall be maintained as neatly as possible.

B. STORM WATER MANAGEMENT DESIGN STANDARDS:

1. Adequate provision shall be made for disposal of all storm water generated within the development, and any drained ground water through a management system of swales, culverts, underdrain, and water courses. The storm water management system shall be designed to conduct storm water flows to existing watercourses.
2. The minimum pipe size for any storm drainage pipe shall be twelve (12) inches. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two (2) feet. Pipe shall be bedded in a fine granular material, containing no stones larger than three (3) inches, or organic matter, reaching a minimum of six (6) inches below the bottom of the pipe extending to six (6) inches above the top of the pipe. Minimum culvert size is 15”.
3. Inlets and outlets shall be stabilized against soil erosion by stone riprap or other suitable materials to reduce storm water velocity.
4. The storm water management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of twenty-five (25) percent for potential increases in upstream runoff.
5. Downstream drainage requirements shall be studied to determine the effect of the proposed development. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the development. The applicant shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.
6. Where soils require a subsurface drainage system, the drains shall be installed and maintained separately from the storm water drainage system.

SECTION IX: PERFORMANCE GUARANTEES REQUIRED

A. TYPES OF PERFORMANCE GUARANTEES:

A performance guarantee may be tendered in one of the following forms:

1. A certified check payable to the Town of South Thomaston;
2. A savings account passbook issued in the name of the Town of South Thomaston;
3. An irrevocable letter of credit from a financial institution acceptable to the Planning Board;
4. A faithful performance bond running to the Town of South Thomaston and issued by a surety company licensed to do business in the State of Maine.

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B. AMOUNT OF GUARANTEES:

The amount of the guarantee shall be one hundred twenty five (125) percent of the cost of furnishing; installing, connecting and completing in good working condition all of the road grading, storm drainage, utilities, and other similar improvements, as specified in the Final Plan. All guarantees shall be conditioned upon the completion of all such improvements within two (2) years from the date of the approval of the Final Plan, as recorded on the subdivision plat. If a performance guarantee as described in paragraph (A) above has been satisfactorily filed with the Town, building permits may be issued for construction within the subdivision prior to completion of required improvements but prior to occupancy of a building or dwelling unit, the improvements serving that building or dwelling unit shall be in place and serviceable. The performance guarantee may be reduced in proportion to the construction completed.

C. CONDITIONAL AGREEMENTS:

A conditional agreement, if acceptable to the Planning Board in lieu of a performance guarantee, shall be endorsed by the Planning Board on the Final Plan, and shall provide that no lot or parcel of land may be conveyed, and that no permit may be issued by the Code Enforcement Officer, for any building or other permanent structure within the subdivision until the completion of the road construction paving, storm drainage, utilities, and other similar improvements as specified in the Final Plan. The agreement shall be conditioned upon the completion of all such improvements within two (2) years from the date of the approval of the Final Plan, recorded on the subdivision plat.

D. INSPECTION OF REQUIRED IMPROVEMENTS:

1. Completion of required improvements shall be determined by the Planning Board to its satisfaction, which shall receive written and signed certifications by the Code Enforcement Officer or other qualified person that all improvements assured by the performance guarantee or conditional agreement have been constructed in accordance with the Final Plan and all applicable codes and regulations. Before construction of required improvements begins, the subdivider shall provide the Planning Board with adequate written notice and a proposed schedule of construction.
2. The Planning Board may require periodic construction reports from the developer and/or the developer's engineer. The CEO shall confirm the report. If the developer does not provide such a report, the Planning Board may hire a professional engineer at the developer's expense. The report shall be a monthly status report certifying what work has been done and that it has been done in conformance with the Final Plan.
3. Monitoring by the Town shall not in any way cause the Town to be liable for the improvement. All grades, materials, engineering, and construction techniques are the responsibility of the applicant.

E. RELEASE OF GUARANTEE:

The performance guarantee shall be released by the Planning Board upon the request of the applicant only after:

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1. The Board receives the certifications of completion required in paragraph D (1) above.
2. The applicant has furnished the Town with an accurate record plan and profile (which may be the original reproducible drawing with corrections, provided the Town has been provided with a print of the unaltered originals approved by the Planning Board) of all roads including drainage lines, sanitary sewerage lines, water mains, and all other utilities as actually installed, with sufficient ties for proper identification.
3. The applicant has presented to the Planning Board a petition for the laying out and acceptance as a town way of the dedicated roads in the subdivision or portion thereof for which release of the performance guarantee is sought.

SECTION X: WAIVERS

A. WAIVER OF SUBMISSION REQUIREMENTS:

Where the Planning Board makes written findings of facts that there are special circumstances of a particular site proposed to be subdivided, it may waive portions of the submission requirements to permit a more practical development provided that the public health, safety and welfare are protected. The waivers should not have the effect of nullifying the intent and purpose of the comprehensive plan or any ordinance or regulation.

B. WAIVERS OF STANDARDS CONDITIONALLY GRANTED:

Where the Planning Board makes written findings of facts that there are special circumstances of a particular site proposed to be subdivided, it may waive portions of these regulations. The Planning Board shall require such conditions as will assure that the objectives of these regulations are met. When the Planning Board grants a waiver to the above standards it shall indicate such waiver on the Final Plan approval.

SECTION XI: APPEALS

Any aggrieved party having proper standing may appeal any decision of The Planning Board under these regulations to the Knox County Superior Court within 30 days.

SECTION XII: ENFORCEMENT

A. VIOLATIONS AND ENFORCEMENT:

1. No subdivision plan shall be recorded in the Registry of Deeds until a Final Plan has been approved and signed by the Planning Board in accordance with these regulations.
2. No person, corporation or other legal entity may sell or offer to sell any land in a subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds.
3. No public utility shall serve any lot in a subdivision for which a Final Plan has not been approved by the Planning Board.
4. No development of the infrastructure of a subdivision may begin until Final Plan

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approval by the Planning Board and recording in the Registry of Deeds. Development includes the grading and construction of roads, the grading of lots and construction of buildings.

5. No lot may be built upon before the road on which the lot fronts is completed in accordance with these regulations.
6. Violations of these regulations shall be punishable in accordance with the standards promulgated in 30 M.R.S.A. 4966.

B. AMENDMENTS AFTER APPROVAL:

No changes, erasures or modifications shall be made in a Final Plan after approval has been given by the Planning Board unless the plan is first resubmitted and the Planning Board approves any modifications. The applicant is not required to go through the complete review process of a new subdivision, unless, in the judgment of the Planning Board the amendment substantially alters the character of the original, subdivision, or unless, the change constitutes a resubdivision. If an amended Final Plan is recorded without complying with this requirement, it shall be null and void. The Planning Board may institute proceedings to have the plan stricken from the Registry of Deeds.

SECTION XIII: DEFINITIONS

A. CONSTRUCTION OF LANGUAGE:

In general all words and terms used in these regulations shall have their customary dictionary meanings. More specifically, certain words and terms shall be described below.

RELATIONSHIP TO OTHER TOWN ORDINANCES:

Where there is a conflict between the language contained in these subdivision regulations and any other Town ordinances the stricter language shall apply for purposes of these subdivision regulations.

DEFINITIONS:

Cluster Development:

A subdivision or development in which the lot sizes are reduced below those normally required in return for the provision of permanent open space owned in common by lot and/or unit owners, the Town or a land conservation organization. Clustering shall not be used to increase the overall net residential density of the development.

Complete Final Plan Application:

An application presented to the Planning Board that includes (1) required fee; (2) completed application form and associated drawings; (3) Planning Board notification stating that all submissions required for Final Plan approval have been received by the Planning Board.

Comprehensive Plan:

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Any part or element of the overall plan for development of the Town as defined in 30 M.R.S.A. subchapters VI as the same may be amended from time to time.

Construction Drawings:

Drawings showing the location, profile, grades, size and type of drains, sewers, water mains, underground power and telephone ducts, pavements, cross section of roads, miscellaneous structures, drainage and other easements, and similar items.

Continuous Lots:

Lots in the same ownership which adjoin at any line or point, except that lots on opposite sides of a public or private road shall be each considered a separate tract or parcel unless such road was established by the owner of land on both sides thereof.

Driveway:

A private vehicular entrance from a road or right-of-way. The driveway itself shall not constitute the means of legal access along which frontage may be measured.

Final Subdivision Plan:

The final drawings on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, shall be filed for recording with the municipal officers and the County Registry of Deeds.

Frontage:

The linear distance between the sidelines of a lot, measured along the line that borders upon whatever right-of-way serves as legal access to the lot. For the purposes of these regulations, the following ways shall constitute legal access to a lot along which frontage may be measured:

1. A way accepted by or established as belonging to the Town of South Thomaston, or the State of Maine, provided access is not specifically prohibited;
2. A way, whether dedicated to public ownership or not, as shown on an approved subdivision plan;

Mobile Home Parks:

All mobile home parks shall comply with 30-A M.R.S.A. 4553 pertaining to the Regulations of Manufactured Housing and to the rules for Mobile Home Parks promulgated by the Maine Manufactured Housing Board, and comply with all ordinances of South Thomaston.

Official Submittal Date:

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The time of submission of a pre-application plan, preliminary plan, or Final Plan shall be considered to be the date of written acknowledgement by the Planning Board of the receipt of a completed application. Upon receipt of an application, the Planning Board shall issue a dated receipt. Within thirty (30) days of this receipt, the Planning Board shall notify the applicant in writing, either that the application is a complete application, or if it is incomplete, shall specify the additional material needed to complete the application. The date of notification of a complete application shall constitute the official submittal date.

Planning Board:

The Planning Board of the Town of South Thomaston as created by 30 M.R.S.A. 4964.

Preliminary Subdivision Plan:

The preliminary drawing for a subdivision indicating the proposed layout of the subdivision and such other information as may be required by these regulations. Approval of a preliminary subdivision plan shall not constitute approval of the final subdivision plan.

Resubdivision:

The division of an existing subdivision or any change in the plan for an approved subdivision which affects the lot lines, including land transactions by the subdivider not indicated on the approved plan.

Road:

Public and private way such as town roads, public rights of way and private rights of way.

Road Classification:

Town Road: Strip of land held by the Town for the passage and use of the general public by motor vehicle and for which the Town has a maintenance responsibility.

Private Rights-of-Ways: A way that the general public has no right to pass over by foot or by vehicle, and for which the Town has no maintenance responsibility.

Subdivider:

Assessed owner or owners of land to be subdivided or person with documented title, right, or interest in the land to be subdivided.

Subdivider's Representative or Agent:

That person who has written authorization to act for the subdivider.

Subdivision:

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As defined by 30-A M.R.S.A. 4551, as the same may be amended from time to time, namely:

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 such 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 purposes of this section.

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 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.

Nothing in this section may be construed to prevent a municipality from enacting an ordinance under its home rule authority which expands the definition of subdivision to include the division of a structure for commercial or industrial use or which otherwise regulates land use activities.

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, by whomever accomplished, unless otherwise exempted herein, shall be considered to create a 3rd lot, unless both such those dividings are accomplished by a subdivider who shall have retained one of such 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 such that 2nd dividing.

A lot of at least 40 acres shall not be counted as a lot, except where the lot or parcel from which it was divided is located wholly or partly within any shoreland zone.