

CHAPTER 5

SUBDIVISIONS

Part

1. Short Title and Definitions
2. Prohibitions
3. Application Procedure
4. General Design Guidelines and Requirements
5. Approval-Standards
6. Appeals, Violations, Penalties and Waivers

PART 1

SHORT TITLE AND DEFINITIONS

Section

- §5-101 Short Title
- §5-102 Definitions

§5-101 SHORT TITLE

This Chapter shall be known and may be cited as "**Jay Environmental Control and Improvement Ordinance-Subdivisions**"

§5-102 DEFINITIONS

A. In this Chapter, unless the context otherwise requires, the following words and phrases shall have the following meanings:

- 1. Subdivision.** "Subdivision" means: a subdivision as defined in Title 30-A M.R.S.A. Section 4401 et seq. and as hereafter amended.
- 2. Tract or parcel of land.** "Tract" or "Parcel of Land" means all contiguous land in the same ownership, provided that lands located 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 after September 22, 1971.
- 3. Jay Subdivision Permit.** "Jay Subdivision Permit" means the permit issued by the Board under this Chapter and includes all items submitted to obtain the approval.

4. Permanent Marker. "Permanent Marker" means a granite or cement monument, an iron pin or a drill hole in ledge.

5. Permanent Monument. "Permanent Monument" means a granite or cement monument not less than four (4) inches square with an iron reinforced rod at least 5/8" across the top capped with a surveyor's name and number. The Permanent Monument shall be set at least four (4) feet in the ground; provided, however, the Board may alter this requirement when the conditions on the ground make it impractical or impossible to reach four (4) feet in the ground.

6. Angle Marker. "Angle Marker" means an iron reinforced rod or similar rod capped with a surveyor's name and number.

7. Applicant. "Applicant" means any person applying under Part 3 of this Chapter for a Jay Subdivision Permit.

8. Official Submittal Date. "Official Submittal Date" means the date upon which the Board determines that a subdivision application is complete.

9. Dwelling Unit. "Dwelling unit" means any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments.

10. Mobile Home. "Mobile Home" means those units constructed after June 15, 1976, commonly called "*newer* mobile homes," that the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, that in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and that are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit.

This term also includes any structure that meets all the requirements of this subparagraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.

11. Mobile Home Park. "Mobile Home Park" means a parcel of land under unified ownership used for the placement of 3 or more Manufactured Homes.

12. Modular Home. "Modular home" means manufactured homes commonly called "modular homes" that the manufacturer certifies are constructed in compliance with Title 10, chapter 951, and rules adopted under that chapter, meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.

13. Manufactured Housing. "Manufactured housing" means a structural unit or units designed for occupancy and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site where it is used for housing.

14. Mobile Home Park Lot. "Mobile Home Park Lot" means the area of land on which an individual

home is situated within a mobile home park and which is reserved for use by the occupants of that home.

15. New structure or structures. "New structure or structures" includes any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this subchapter.

16. Principal Structure. "Principal structure" means any building or structure in which the main use of the premises takes place.

17. Freshwater wetland. "Freshwater wetland" means freshwater swamps, marshes, bogs and similar areas which are:

A. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and

B. Not considered part of a great pond, river, stream or brook.

These areas may contain small stream channels or inclusions of land that do not conform to the criteria of this subsection.

18. Abutter. "Abutter" means any person who owns property contiguous to the Proposed Subdivision Parcel, or directly across any public or private street or way adjacent to the Proposed Subdivision Parcel. In the case of a revision or amendment to a previously approved subdivision, abutter shall include those abutters to the original subdivision as well as all current owners within the original subdivision.

19. Proposed Subdivision Parcel. "Proposed Subdivision Parcel" means all or a portion of any parcel(s) of land that the applicant is submitting for subdivision approval.

20. Multiple Unit Housing. "Multiple Unit Housing" means a structure or structures located on a single lot, which structures are designed or used to house 2 or more families.

21. Farmland. "Farmland" means a parcel consisting of 5 or more acres of land that is:

A. Classified as prime farmland, unique farmland or farmland of statewide or local importance by the Natural Resources Conservation Service within the United States Department of Agriculture; or

B. Used for the production of agricultural products as defined in Title 7 M.R.S.A. Section 152.2.

22. Infrastructure Improvements. "Infrastructure Improvements" means roads, drainage and stormwater systems, common water and sewer systems whether public or private.

23. Substantial Construction. "Substantial Construction" means completing of at least 30% of the required infrastructure improvements measured as a percentage of total estimated cost of improvements.

B. In addition, Chapter 1 contains general definitions applicable throughout this Chapter.

PART 2

PROHIBITIONS

Section

§5-201 Prohibitions

§5-202 Standards for Jurisdiction and Exemptions

§5-201 PROHIBITIONS

A. No person may sell, lease, develop, grade, build upon or convey for consideration, offer or agree to sell, lease, develop, build upon or convey for consideration any land or dwelling unit:

1. In any subdivision unless the subdivision (A) has been approved by the Board, (B) the subdivision has been approved, when applicable, by the M.D.E.P, pursuant to Title 38 M.R.S.A. Chapter 3, subsection I, article 6, and (C) the Final Plan and the Board Order evidencing the Board's approval and a permit evidencing approval under Title 38 M.R.S.A. Chapter 3, subsection I, article 6, have been recorded in the Franklin County Registry of Deeds; if the subdivision is exempt from Title 38 M.R.S.A. Chapter 3, subsection I, article 6 by the operation of Title 38 M.R.S.A. Section 488(5), the recorded subdivision plan must note the exemption.

B. No person who has a Jay Subdivision Permit shall sell or convey any land in the subdivision unless a minimum of two (2) Permanent Monuments have been set within the subdivision and permanent markers have been set at all lot corners of the lots to be sold or conveyed and angle markers have been placed at all angles on the subdivision perimeter.

C. No public utility, as defined in Title 35-A M.R.S.A. Section 102.13, shall install or deliver services to any lot or dwelling unit in a subdivision unless the subdivision is an Exempt Division or has been approved by the Board and such approval is recorded in the Franklin County Registry of Deeds.

D. The violation of any of the conditions of a Jay Subdivision Permit shall be considered a violation of this Ordinance and subject to Chapter 4B.

E. A building official may not issue any permit for a building or use within a subdivision unless the subdivision has been approved under this Chapter and under Title 38, Chapter 3, Subchapter I, Article 6, where applicable.

§5-202 STANDARDS FOR JURISDICTION AND EXEMPTIONS

In determining whether the division of a tract or parcel of land into three (3) or more lots or dwelling units is a division creating a subdivision see Title 30-A M.R.S.A. Section 4401.4.

PART 3

APPLICATION PROCEDURE

Section

- §5-301 Pre-application Meeting
- §5-302 Jay Subdivision Permit Application
- §5-303 Board Action Upon Submission
- §5-304 Board Action After Completed Application has been Submitted
- §5-305 Board Action After Approval of the Preliminary Application
- §5-306 Conditions of Jay Subdivision Permit

§5-301 PRE-APPLICATION MEETING

Applicants may request to be placed on Board's agenda for a pre-application meeting at least ten (10) days in advance of a regularly scheduled meeting by contacting the Code Enforcement Officer. The purpose of the pre-application meeting is to meet with the Board prior to formal submission, to present a sketch plan and make a verbal presentation regarding the site and the proposed subdivision. The pre-application meeting is an optional step for the applicant and is not required.

- A. Submissions:** The Pre-application Sketch Plan shall show, in simple sketch form, the proposed subdivision, and other features in relation to existing conditions. The Sketch Plan, which may be a freehand penciled sketch, will be supplemented with general information to describe or outline the existing conditions of the site and the proposed subdivision.
- B. On-Site Inspection:** Within thirty (30) days of the pre-application meeting, the Board may conduct an on-site inspection of the property.
- C. Ownership Interest:** The applicant shall furnish written evidence showing right, title or interest (option, contract for sale, etc.) in the property to be subdivided.
- D. Liquidation Harvesting:** The applicant shall submit a statement concerning timber harvesting resulting in any violation of the Liquidation Harvesting Rule.

§5-302 JAY SUBDIVISION PERMIT APPLICATION

A. General.

1. Application for a Jay Subdivision Permit shall be made in accordance with Chapter 3 of this Ordinance and shall contain such additional information relating to the subdivision as required by this Section.

2. The submission of an application for a Jay Subdivision Permit shall not be considered to initiate the review process for the purpose of bringing the application under the protection of Title 1 M.R.S.A. Section 302 as amended.

3. **Fees.** The following Filing Fees and Review Fees shall be assessed against all applicants for Jay Subdivision Permit approval, including amendments or revisions to previously approved plans:

a. **Filing Fee.** All applications for Subdivision approval, including amendments or revisions to previously approved plans, shall be accompanied by a nonrefundable filing fee. The filing fee for new subdivisions shall be \$100 per lot or dwelling unit and the filing fee for amendments or revisions to previously approved plans shall be \$50 per lot or dwelling unit. Filing fees shall be made payable by check to the Town of Jay.

b. **Review Fee.** The applicant shall pay all direct costs specifically related to the application, including, legal, engineering, environmental consulting, survey, architectural, land use planning, other professional fees, preparation of information and materials for the Board, and other costs specifically related to the application (collectively "Review Costs"). The JAY SUBDIVISION REVIEW ACCOUNT is hereby established. All applications for Subdivision approval, including amendments or revisions to previously approved plans, shall be accompanied by an additional payment of \$150 for each lot or dwelling unit, which shall be deposited in the SUBDIVISION REVIEW ACCOUNT. The Review Fee may be used by the Board for Review Costs.

If the initial amount of the Review Fee is inadequate or anticipated to become inadequate, the Board shall make a reasonable estimate of the additional fee required to complete review and issue a notice to the applicant containing the following: (i) a request for payment of the additional Review Fee, and (ii) the general nature of the Review Costs expected to be incurred.

The Board and the Code Enforcement Officer may suspend activity regarding the application until any additional Review Fee has been paid. If an additional Review Fee is not paid within 60 days after notice, the Board may deny an application. Final payment of the Review Fee shall occur before issuance of the approval, disapproval, or approval with conditions.

When no further review is required for an application, any remaining Review Fee in the SUBDIVISION REVIEW ACCOUNT shall be refunded to the applicant. Such refund shall be complete no later than 60 days after the approval, denial, or approval with conditions of the application. Such refund shall be accompanied by a final accounting of expenditures from the SUBDIVISION REVIEW ACCOUNT specifically related to the application.

4. The review process for a Subdivision Permit application shall commence when the Board determines that such application is complete and has issued a receipt indicating that a completed application has been submitted.

5. A determination by the Board that a completed application has been submitted in no way commits or binds the Board to issue a Jay Subdivision Permit.

6. As provided for in Chapter 2 § 2-110(C), no item of business or plan shall be placed on the Board agenda for any meeting unless such item or plan shall have been submitted to the Board not less than ten (10) days prior to the date of a meeting or other proceeding, provided, however, that the Board may, upon request or on its own motion, waive the 10 day advance submission requirement. All applications, plans and other materials shall be submitted to the Code Enforcement Officer ten (10) days prior to the date of the meeting or other proceeding for review and distribution to the Board.

B. Application Form. The applicant shall submit eleven (11) copies of the application for a Jay Subdivision permit which shall consist of the following subsections:

1. General Information (see Subsection C),
2. Preliminary Plan (see Subsection D),
3. Topographic, Soil Erosion and Phosphorus Control Plans (see Subsection E), and
4. Other (see Subsection F).

C. The applicant shall submit a written application containing the following general information in the following order:

1. Project name and the name and address and phone number(s) of applicant.
2. Name, address and phone number(s) of the owners of the tract or parcel of land or structure to be subdivided (if other than applicant).
3. If applicant is a corporation, state whether the corporation is authorized to do business in Maine, and attach a copy of a current Certificate of Good Standing from the Secretary of State of Maine.
4. Name, phone number(s) and address of applicant's authorized representative (if different than applicant). Attach letter of authorization signed by property owner that authorizes the owner's representative to act on behalf of the property owner.
5. Name, phone number(s) and address and number of Registered Professional Engineer, Land Surveyor or Planner who prepared the preliminary plan of the subdivision.
6. Address to which all correspondence from the Board should be sent.
7. The nature of the applicant's real estate interest in the parcel or structure to be subdivided and a copy of the instrument creating the applicant's interest.
8. A list of the owners of record of any land abutting the tract or parcel of the lot to be subdivided or the lot on which the structure to be subdivided sits.
9. A statement from the applicant as to whether the tract or parcel of land or structure to be subdivided is in the entire or contiguous ownership of applicant.
10. The map and lot number from the Jay Tax Assessors office that shows the location of the tract or parcel of land or structure to be subdivided.
11. A description of the current use of the tract or parcel of land or structure to be subdivided and whether it is within the jurisdiction of the Jay's Shoreland Zoning Ordinance and Floodplain Management Ordinance.
12. Total acreage of tract or parcel of land to be subdivided and the total number of lots proposed. For structures, the total square footage of the structure, the number of dwelling units proposed, and the total square footage of each dwelling unit.
13. Proposed method of sewage disposal and the results of any on-site soils investigation of the tract.

14. Proposed use of the tract or parcel of land or structure to be subdivided.
15. Proposed method of water supply system. Attach evidence of adequate ground water supply and quality submitted by a well driller or a hydro geologist familiar with the area.
16. Copies of any easement, restrictive covenants of record or other instruments on record affecting the property, including any proposed easements, restrictive covenants or other instruments to be recorded in connection with the subdivision.
17. A statement of applicant's financial and technical capability to complete the proposed subdivision improvements and to comply with the terms and conditions of this Chapter.
18. If the application constitutes a revision or amendment to a previously approved subdivision, a copy of the approved subdivision plan.
19. A copy of the approved Driveway or Entrance permit issued by the Maine Department of Transportation if a driveway or entrance will enter onto Route 4, Route 17, Route 133, Route 140, Route 156, the Maxwell Road, the Crash Road, or the Riley Road.
20. For applications containing roads, a copy of the Proposed Town Way Permit, if previously issued by the Planning Board, or, for applications proposing Private Roads, submittals requirements as outlined in §5-401(A)(6).
21. A statement concerning timber harvesting resulting in any violation of the Liquidation Harvesting Rule.
22. Municipal service impact analysis, if required by the Board.
23. The type and amount of a performance guarantee sufficient to defray all costs and expenses of the proposed infrastructure improvements resulting from the subdivision.

D. Preliminary Plan.

1. The preliminary plan for the proposed subdivision shall be submitted with five (5) copies and one copy of the plan reduced to a size of 8 1/2" by 11" to the Board and shall be embossed by a seal of a land surveyor registered in Maine with the Maine Board of Registration For Professional Land Surveyors. The surveyor shall certify that the survey is in accordance with the standards of the Maine Board of Registration For Professional Land Surveyors that the information shown on the plan has been obtained from the actual field survey on the ground, that it is correct, and that there are no encroachments either way across the property lines and no known easements except those as may be shown. The preliminary plan shall not be less than 18 inches by 24 inches and shall be drawn to a scale of 1 inch equals not more than 100 feet.
2. The preliminary plan shall include the following information:
 - a. Name of proposed subdivision; location of subdivision; name of applicant; and signature and seal of Professional Land Surveyor.
 - b. Lot/unit numbers.
 - c. Location of permanent monuments/markers and angle markers.

- d. Date, magnetic bearing date, north point and graphic map scale.
- e. Boundaries of the tract or subdivision, proposed lot lines with approximate dimensions and lot areas and total area of the tract or parcel of land to be subdivided.
- f. Location of temporary markers to enable the Board to locate each lot readily and appraise the basic lot layout in the field. At a minimum, temporary markers shall be set at all corners of survey and lot lines, including all angle points, and all subdivision perimeter survey lines shall be brushed out to make the line visible.
- g. Location of all parcels to be dedicated to public use.
- h. Names of Abutters and subdivisions. Reference to recorded subdivision plans adjacent to the project boundary, and to the name, and book and page number as recorded in the Franklin County Registry of Deeds of all abutters. This requirement may be relaxed by the Board for subdivision plan revisions submitted pursuant to Chapter 5, Section 5-306.A.4.
- i. Location of rivers, streams and brooks within or abutting the proposed subdivision, wetlands regardless of size, and areas subject to storm flooding.
- j. Location of all required soils investigation test pits.
- k. Location and size of existing or proposed structures.
- l. Location of significant wildlife habitat, archaeological sites, rare and endangered species, historic buildings and sites and scenic locations as identified in Comprehensive Plan.
- m. Location and size of any sewers and water mains and other utilities within or adjoining the subdivision; location and size of any culverts and drains.
- n. Location, names and widths of existing and proposed streets, highways, easements and rights-of-way within or adjoining the subdivision. All street names shown for proposed streets located in a subdivision shall be checked against local records to assure that none are duplicates of existing street names or so similar as to cause confusion. All roads in the subdivision shall comply with the Road Ordinance of the Town of Jay Maine.
- o. Type, location, profile and cross-section of all existing and proposed surface water drainage.
- p. The location of farmland.
- q. Location of watershed boundaries if located in the direct watershed of North, Parker, Pease, Robinson or Wilson Ponds.
- r. Location and type of any easements.
- s. Suitable space on the plan to record the date and conditions of approval, if any. This space shall be substantially similar to the following form:

APPROVED DATE: _____

NOTICE

This approval is limited to the requirements of Title 30-A M.R.S.A. Section 4401, et seq., and Chapter 5 of the Jay Environmental Control and Improvement Ordinance and the Jay Subdivision Permit recorded herewith. Roads and public open spaces shown on the Final Plan may only be accepted by a vote of the Town of Jay. This approval does not indicate compliance with any other federal, or state statutes or local ordinances.

The above Title Block and notice shall appear on all plans submitted for review and formal approval by the Board.

t. A reference to the book and page of the Board order approving the subdivision recorded in the Franklin County Registry of Deeds. The reference shall be similar to the following form:

See Town of Jay Planning Board Findings Recorded in the Franklin County Registry of Deeds in Book _____ , Page _____

E. Topographic, Soil Erosion and Phosphorus Control Plans.

1. The Topographic Plan for the subdivision shall show the topography of the tract or parcel to be subdivided at 20 foot contour intervals and shall show the location of the existing natural or man-made features influencing the layout of the subdivision. The Board may require other contour intervals if necessary to review a particular application.
2. The Soil Erosion Plan shall show the soil erosion, storm water run-off and sediment control plans for the subdivision, including how and where the applicant intends to control surface water, erosion and sediment.
3. A Phosphorus impact analysis shall be submitted if located in the direct watershed of North, Parker, Pease, Robinson or Wilson Ponds.

F. Other Information:

1. The applicant shall submit a written statement from any public utility or municipal department (including, but not limited to, where applicable, Town Sewer and Water Department, Well Drilling Company) that will service the subdivision stating that a sufficient or adequate supply of its product will be available to meet the needs of the subdivision and statements from the fire, police, recycling and transfer, highway and school departments concerning their review of the subdivision.

2. In areas where on site waste water disposal is proposed, the applicant shall submit a certification or an opinion from a licensed site evaluator which shall state that all lots proposed by the subdivision application have situated within their bounds a location suitable for a subsurface disposal system.
3. The applicant shall submit evidence demonstrating that there will be no substantial adverse effect on ground water quality, such as:
 - a. A comprehensive list, including physical and chemical characteristics and projected quantities of wastes to be disposed of or stored within the proposed development which may potentially contaminate the ground water.
 - b. Methods for preventing ground water pollution as the result of the disposal and/or storage of wastes.
 - c. An evaluation of the geological, hydrologic, and soils conditions of the development site.
 - d. Data establishing background water quality.
 - e. Proposed plan of action, and alternatives, to be followed in the event the proposed development results in ground water contamination.
4. Such other information as the Board may reasonably require pursuant to this Section and Section 5- 401, including revised submissions.
5. The applicant shall submit any other information that it determines will assist the Board in making its evaluations and its findings of the subdivision pursuant to Section 5-501.

G. Temporary Layout. The applicant shall lay out his proposed subdivision on the tract or parcel of land with sufficient temporary markings to enable the Board to make an on-site inspection of the proposed subdivision. The temporary markers shall also indicate where the permanent markers will be placed. At a minimum, temporary markers shall be set at all corners of survey and lot lines and all subdivision perimeter survey lines shall be brushed out to make the line visible.

§5-303 BOARD ACTION UPON SUBMISSION

- A. Upon receiving a subdivision application, the Board will issue the applicant a dated receipt and shall notify all Abutters by certified mail for new subdivisions and by regular mail for all amendments to previously approved plans, and the clerk and the reviewing authority of municipalities that abut or includes any portion of the proposed subdivision, specifying the location of the proposed subdivision, a general description of the project, and that abutters have five (5) days to request a public hearing. The Board will notify by mail a public drinking water supplier if the subdivision is within its source water protection area.
- B. Within thirty (30) days after receipt of an application the Board shall notify the applicant in writing either that the application is a complete application or, if the application is not complete, the specific additional information needed to make a complete application.
- C. The Board may schedule an on-site inspection of the proposed subdivision if it determines such inspection necessary to its review of the application.

- D. When the Board has determined that an application is complete, it shall issue the applicant a receipt stating the Official Submittal Date.
- E. After the Official Submittal Date, the Board shall begin its consideration and evaluation of the application and shall determine whether it will hold a public hearing. The public hearing date shall be within 30 days after the official submittal date. A public hearing, if ordered, shall be held in accordance with Chapter 3 of this Ordinance.
- F. If the Board decides to hold a public hearing, the Board shall cause notice of the date, time and place of the hearing to be given to the applicant and to be published in a newspaper of general circulation, in Jay at least two (2) times in advance of the hearing. The first date of publication shall be at least seven (7) days prior to the hearing.
- G. If any portion of a subdivision crosses municipal boundaries, all meetings and hearings to review an application shall be held jointly by the reviewing authority from the other municipality and the Board. All meetings and hearings to review an application for a revision or amendment to a subdivision that crosses municipal boundaries must be held jointly by the reviewing authorities from each municipality. In addition to other review criteria, the reviewing authorities shall consider and make a finding of fact regarding the impact on the adjoining municipality. The reviewing authorities in each municipality, upon written agreement, may waive the requirement under this subsection for any joint meeting or hearing.
- H. The Board may not accept or approve final plans or final documents prepared by a licensed professional land surveyor that are not sealed and signed by the professional land surveyor under whose responsible charge they were completed.
- I. The Board shall review all requests for subdivision approval. On all matters concerning subdivision review, the Board shall maintain a permanent record of all its meetings, proceedings and correspondence.

§5-304 BOARD ACTION AFTER A COMPLETED APPLICATION HAS BEEN SUBMITTED

- A. Within 30 days of a public hearing, or if no hearing is held, within sixty (60) days after the Official Submittal Date, or within such other time limit as has been mutually agreed by the Board and the applicant, the Board shall approve, deny, or approve upon any terms and conditions that it considers advisable to satisfy the standards in Section 5-501; satisfy any other regulations adopted by the Board; and protect and preserve the public's health, safety and general welfare.
- B. In all instances, the burden of proof shall be upon the applicant.
- C. The Board shall issue its decision in writing, stating the Boards findings of fact establishing that the application does or does not meet the provisions of this Ordinance and shall state its conclusions of law, including a plain statement of the appropriate rights for reconsideration and judicial review pursuant to Section 5-601 and the time within which rights must be exercised.

§5-305 BOARD ACTION AFTER APPROVAL OF THE PRELIMINARY APPLICATION

A. In the event that the Board approves the preliminary application, the applicant shall submit a Final Plan within 6 months after the date of the Board's approval.

B. The Final Plan:

1. Shall include all changes ordered by the Board when it approved the preliminary subdivision application.
2. Shall have no substantial changes except as provided in paragraph 1 hereof, between the preliminary plan and the final plan;
3. Shall be drawn in ink on mylar suitable for recording in the Franklin County Registry of Deeds;
4. Shall be submitted with one (1) original for recording and three (3) copies;
5. Shall include the following:
 - a. Name of proposed subdivision; location of subdivision; name of applicant; and signature and embossed seal of Professional Land Surveyor.
 - b. Lot/unit numbers.
 - c. Location of permanent monument/marker and angle markers. A minimum of two (2) Permanent Monuments shall be placed on each subdivision and permanent markers shall be set at all lot corners of the lot sold or conveyed. Angle markers shall be placed at all angles on the subdivision perimeter. Within thirty (30) days of approval, or in no event later than May 1 for approvals granted after November 15, the Applicant shall provide the Board with a letter from a professional land surveyor that all permanent monuments/markers and-angle markers have been set in the ground in accordance with the approved Final Plan.
 - d. Date, magnetic bearing date, north point and graphic map scale.
 - e. The final lot lines with dimensions bearing deflection angels, radius and control angles, sufficient to reproduce them on the ground and showing total lot acreage of each lot of the subdivision.
 - f. Location of all parcels to be dedicated to public use.
 - g. Location and type of any easements.
 - h. Location of rivers, streams, brooks and wetlands.
 - i. The boundaries of any flood hazard areas and the 100-year flood elevation. The plan shall indicate that all principle 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
 - j. Location of all required soils investigation test pits.

- k. Location and size of existing or proposed structures.
- l. Location, names and widths of existing and proposed streets and rights-of-way.
- m. Type and location, of all existing and proposed surface water drainage.
- n. Suitable space on the approved plan to record the date and conditions of approval, if any. This space shall be substantially similar to the following form:

APPROVED DATE:

NOTICE

This approval is limited to the requirements of Title 30-A M.R.S.A. Section 4401, et seq., and Chapter 5 of the Jay Environmental Control and Improvement Ordinance and the Jay Subdivision Permit recorded herewith. Roads and public open spaces shown on the Final Plan may only be accepted by a vote of the Town of Jay. This approval does not indicate compliance with any other federal, or state statutes or local ordinances.

The above Title Block and notice shall appear on all plans submitted for review and formal approval by the Board.

- o. A reference to the book and page of the Board order approving the subdivision recorded in the Franklin County Registry of Deeds. The reference shall be similar to the following form:

See Town of Jay Planning Board Findings Recorded in the Franklin County Registry of Deeds in Book _____ , Page _____

C. Upon approval of the Final Plan by the Board, the Board shall sign the original and three copies. The applicant shall have the original Final Plan and the Board Order approving the plan recorded in the Franklin County Registry of Deeds within ninety (90) days of approval. One signed copy shall be given to the applicant and two signed copies shall remain with the Board as part of its permanent records. The applicant shall notify the Board within ten (10) days after the recording in the Franklin County Registry of Deeds of the following: the Book and Page where the Board order is recorded, and the plan number where the Final Plan is recorded.

D. In the event that the Final Plan and the Board order are not recorded in the Registry of Deeds within ninety (90) days after the date of their signing, the approval shall automatically be void.

E. In the event the applicant fails to comply with any provision of Subsection C above, the

Board may revoke its approval of the Final Plan by filing a notice of such revocation in the Franklin County Registry of Deeds. Not less than thirty (30) days prior to filing such notice of revocation, the Board must provide an applicant with written notice of the Board's intention to file such notice of revocation.

§5-306 CONDITIONS OF JAY SUBDIVISION PERMIT

A. The Board may impose any appropriate and reasonable conditions to insure compliance with this Chapter. However, every Jay Subdivision Permit shall be subject to the following standard conditions and conditions of Chapter 3.

1. Employees and authorized representatives of the Town of Jay shall be allowed access to the premises of the permit holder during normal business and operating times and at such other times as the Board deems necessary to perform such tests and inspections and examine all records relating to the subdivision.

2. The granting of the Jay Subdivision Permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.

3. Further division of approved lots by the applicant or future owners is specifically prohibited without prior approval of the board, and the applicant shall include deed restrictions to that effect.

4. Subdivision Plan Revisions After Approval under this Ordinance or a previous ordinance: No changes, erasures, modifications or revisions including further division of approved lots by the applicant or future owners shall be made to any subdivision plan approved under a previous Jay ordinance or to a Final Plan after Final Plan approval has been granted by the Board pursuant to subsection 5-305 hereof, unless the plan is resubmitted to the Board and the Board approves such modification. In the event that a plan is recorded without complying with this requirements, the plan shall be considered null and void.

Any application for subdivision approval which constitutes a revision or amendment to a subdivision plan which has been previously approved shall indicate that fact on the application and shall identify the original subdivision plan being revised or amended, including a reference to the book and page on which the original plan is recorded.

5. Each approved lot shall have not more than one dwelling unit unless otherwise approved by the Board.

6. The applicant shall secure and comply with all applicable federal, state, and Jay licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.

7. The applicant shall submit all reports and information requested by the Board demonstrating that the applicant has complied with or will comply with all terms and conditions of the Jay Subdivision Permit. All preconstruction terms and conditions must be met before construction begins.

8. The approval by the Board of the Final Plan shall not be deemed to constitute or be evidence of any acceptance by Jay of any street, easement, or other open space shown on such Final Plan. When a park, playground, or other recreation area shall have been shown on the Final Plan to be dedicated to Jay, approval of the Final Plan shall not constitute an acceptance by Jay of such areas. The Board shall require the Final Plan to contain appropriate notes to this effect.
9. If, upon inspection, any of the required Subdivision Permit conditions have not been completed in accordance with the plans and specification filed by the Permit holder, the Board shall take such steps as are necessary to enforce such Permit and the provisions of this Chapter.
10. The permit holder shall be required to maintain all subdivision improvements and shall provide for snow removal on all streets and sidewalks of the subdivision until acceptance of such streets by the Town of Jay.
11. Any applicant issued a permit pursuant to this Chapter in the direct watershed of North, Parker, Pease, Robinson or Wilson Ponds shall have a copy of the permit on site while work authorized by the permit is being conducted.
12. Failure to commence substantial construction of the required infrastructure improvements for the subdivision within two years of the date of approval and signing of the Plan shall render the Plan null and void. A statement of this effect must appear on any final plan. Upon good cause shown, the Board may extend the approval for additional two year periods. The extension request must be made to the Board at least thirty days prior to the time of expiration. Upon determining that a subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect.

PART 4

GENERAL DESIGN GUIDELINES AND REQUIREMENT

Section

§5-401 General Design

Guidelines

§5-402 Requirements

§5-401 GENERAL DESIGN GUIDELINES

A. General Design Guidelines: The Board shall consider the following general design guidelines before granting approval of a subdivision permit application:

1. Public Water and Sewer: Where available all subdivisions shall be served by public water and sewer.

2. Buffer Strip: The Board may require a buffer strip consisting of such elements as natural vegetation, where the Board finds a buffer strip to the subdivision desirable. The Board will consider the following in establishing buffer strips.

a. Plant materials shall be a least four feet in height and be of such evergreen species that will produce ultimately a dense audio/visual screen at least eight feet in height. Alternatively, a six-foot high wooden fence, without openings wider than 1", may be substituted.

b. The buffer will be maintained permanently, and any plant material which does not live shall be replaced within one year.

c. The plantings of the buffer shall be so placed that at maturity it will be no closer than three feet from any street or property line.

d. The buffer will be broken only at points of vehicular/ pedestrian access. When the buffer is broken by pedestrian access it shall be designed to not allow direct visual access to the adjacent property.

3. Lots: Each lot in any subdivision other than a Mobile Home Park shall comply with the provisions of the minimum lot size law, Title 12 M.R.S.A. Section 4807 et seq. and with the following dimensional requirements:

a. Private septic: The minimum lot size is 40,000 square feet except for any Multiple Unit Housing, for which the minimum lot size is 20,000 square feet per dwelling unit.

b. Town Sewer: The minimum lot size is 15,000 square feet except for any Multiple Unit Housing, for which the minimum lot size is 7,500 square feet per dwelling unit.

c. Private septic: A minimum of 150 feet road frontage per lot. Town sewer: A minimum of 100 feet road frontage per lot. Road frontage shall be on a public way established by or maintained under public authority or a private right of way, the description of which is recorded

in the Franklin County Registry of Deeds.

d. Lots may be laid out on turn-arounds or cul-de-sacs with a minimum 60 feet radius. Such lots shall have a 78 feet minimum chord distance on the road.

Each lot in any Mobile Home Park subdivision shall comply with the provisions of Title 30-A M.R.S.A. Section 4358, sub. 3, and the following dimensional requirements:

a. The size of any mobile home park lot served by a public sewer system shall be a minimum of 6,500 square feet.

b. The size of any mobile home park lot with on-site subsurface waste water disposal shall be a minimum of 20,000 square feet.

c. The size of any mobile home park lot served by a central on-site subsurface waste water disposal system approved by the Department of Health and Human Services shall be a minimum of 12,000 square feet. The overall density of a mobile home park served by a central on-site subsurface waste water disposal system shall not be more than one home for every 20,000 square feet.

4. Stormwater-Management

a. Adequate provision shall be made for disposal of all stormwater generated within the subdivision and for any drained groundwater through a management system of ditches, swales, culverts, underdrains, and/or storm drains. The stormwater- management system shall be designed to conduct stormwater flows to existing watercourses or storm drains. All components of the stormwater-management system shall be designed to meet the criteria of a twenty-five-(25) year storm.

b. The stormwater 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 increase in upstream runoff.

c. Downstream drainage requirements shall 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 nor cause downstream erosion. The subdivider shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.

d. 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.

e. Where soils require a subsurface drainage system, the drains shall be installed and maintained separately from the stormwater-drainage system.

5. Erosion and Sedimentation Control: Erosion soil and sedimentation of watercourse and water bodies shall be minimized. The following measures shall be included, where applicable, as part of subdivision review and approval.

a. Stripping of vegetation, regrading or other development shall be done in such a way as to minimize erosion.

- b. Development shall keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and so as to adequately handle surface water runoff.
- c. The disturbed area and the duration of exposure of the disturbed area shall be kept to practical minimum.
- d. Disturbed soils shall be stabilized as quickly as practical. Temporary mulch will be placed on all disturbed areas where seeding or other construction or stabilization activities will not take place for over 14 consecutive days.
- e. Temporary vegetation or mulching shall be used to protect exposed critical areas during development.
- f. The permanent (final) vegetation and structural erosion control measure shall be installed in the time periods contained in the erosion and sediment control plan.
- g. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods.
- h. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense.
- i. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.
- j. The standards set forth in the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices (March 1991 and as amended) shall be employed.

6. Streets and Roads: The design and construction of all Proposed Town Ways shall be in accordance with the provisions of the Town of Jay, Maine — Town Way Ordinance. Private Roads proposed within a subdivision shall provide for, at a minimum, a Road Association comprised of property owners within the proposed subdivision. The applicant shall submit to the Planning Board for approval any of the following documents demonstrating at a minimum that the Road Association has the powers and duties to levy assessments upon its members to pay for Private Road repair, replacement and maintenance (including snow plowing); the Declaration establishing a lien process, Road Association's Articles of Incorporation, its organizing documents, its Bylaws, and/or its Operating Agreement.

The following words shall appear on any proposed subdivision plan containing a Private Road:

"All roads shall remain private, to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town of Jay until they meet the provisions of the Town Way Ordinance and are accepted by an affirmative vote at a Town meeting."

7. Groundwater Protection: The Board may impose, as a condition of subdivision approval, reasonable conditions to ensure that the proposed subdivision does not have an adverse effect on ground water quality. When appropriate, the Board may require that a subdivision ground water monitoring program be established by applicant and that regular reports be filed with the Town of

Jay at designated intervals.

8. Phosphorous Export:

a. Phosphorous export from a proposed subdivision development shall be calculated according to the procedures defined in *Phosphorous Control in Lake Watersheds: A Technical Guide for Evaluating New Development* (Maine DEP et. al., September 1989 with revision in 1992 and as may be amended). Projects proposed within the direct watershed of a pond listed below shall be designed to limit phosphorous runoff to the levels defined below. Upon request, copies of all worksheets and calculations shall be made available to the Board.

Lake Name	Protection Level	Lake Load Allocation (lbs/acre/yr) ¹
North Pond	Medium	0.050
Parker Pond	Medium	0.036
Pease Pond	Medium	0.040
Robinson Pond	Medium	0.044
Wilson Pond	Medium	0.038
Unnamed Pond (8789)	Medium	0.047
Unnamed Pond (8801)	Medium	0.044

Source: Maine Department of Environmental Protection November 8, 2010

¹Lake Watershed Load Allocation represents pounds (lbs) phosphorus per acre per year allocated to Jay's share of watershed per parts per billion (ppb).

b. Phosphorous-control measure shall meet the design criteria contained in *Phosphorous Control in Lake Watersheds: A Technical Guide for Evaluating New Development* (Maine DEP et. al., September 1989 with revision in 1992 and as may be amended). The Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimal road lengths and shall encourage the use of other nonstructural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds. Where buffers can be designed and maintained to remove 75% of the phosphorus in accordance with Table 6.1 of Stormwater Management for Maine: Best Management Practices, it will be assumed that the project meets this standard.

- 9. Protection of Significant Wildlife Habitat:** Applicants proposing to subdivide land in or within seventy-five (75) feet of significant wildlife resources identified by the Maine Department of Inland Fisheries and Wildlife shall consult with a recognized wildlife or fisheries consultant or the Maine Department of Inland Fisheries and Wildlife and provide their written comments to the Board. The Board shall consider any recommended measures provided to minimize impacts on such habitats. Any conditions to the approval to wildlife or fisheries habitat preservation shall appear on the plan and as deed restrictions to the affected lots.

§5-402 REQUIREMENTS

A. Conformance with Other Laws, Regulations: The proposed subdivision shall be in conformance with all applicable Jay, state and federal ordinances, statutes, and regulations. If the proposed subdivision meets the definition of a subdivision as defined in the Site Location Act, Title 38 M.R.S.A., Section 482, as amended, the applicant must secure the approval of the M.D.E.P. and the Board prior to any construction activity constituting a division of the tract or structure.

B. Phasing of Development: At the time the Board grants Final Plan approval, it may require the Plan to be divided into two or more sections subject to any conditions the Board deems necessary when it determines that police, fire and/or capacity will be exceeded.

C. Performance Bonds and Letters of Credit:

1. Prior to approval of the subdivision, the Board may require an applicant to file a performance guarantee with the Board in an amount sufficient to defray all costs and expenses of the proposed public improvements resulting from the subdivision. Such performance guarantee may be tendered in the form of a certified check payable to the Town of Jay, or a letter of credit payable to the Town of Jay or a performance bond running to the Town of Jay and issued by a surety company acceptable to the Town of Jay. The conditions and amount of such certified check, letter of credit or performance bond shall be established by the Board and which shall be in an amount not less than the total cost of furnishing, installing, connecting and otherwise completing all of the necessary street grading, paving, storm drainage, and utilities, including other infrastructure improvements specified on the Final Plan.

2. The Board may grant an extension of not greater than twelve (12) months to the guaranteed performance period upon petition from the applicant demonstrating good cause for such extension. The extension request must be made to the Board at least thirty days prior to the time of expiration.

3. Before an applicant may be released from its guarantee of performance as provided hereunder, the Board shall require certification from the municipal officers with jurisdiction over any aspect of the applicant's infrastructure improvements, that all improvements have been completed in accordance with all applicable standards (including state, federal and Jay codes, ordinances, laws and regulations).

4. The Board may, at its discretion, waive the requirement of a performance guarantee provided that no lot in the subdivision may be sold until it shall have been certified, in the manner set forth in Subsection 3 above, that all infrastructure improvements have been made. The Board, in consultation with the applicant, shall set a reasonable completion date for the improvements, and the subdivision approval shall be voided if such improvements are not completed within the specified time. The Board may, upon request from the applicant, extend the completion date as provided in subsection 2 above. The Board shall have the discretion of withholding approval of the Final Plan until all improvements are completed in accordance with subsection 3 above.

PART 5

APPROVAL-STANDARDS

Section

§5-501 Standards

§5-501 STANDARDS

The Board shall approve, deny, or approve with conditions, all applications for subdivisions in accordance with the provisions of this chapter. After submission of a completed application, the Board shall approve an application or approve it with conditions if the Board makes a positive finding based on the following criteria:

A. Pollution. The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:

1. The elevation of the land above sea level and its relation to the flood plains;
2. The nature of soils and subsoils and their ability to adequately support waste disposal;
3. The slope of the land and its effect on effluents;
4. The availability of streams for disposal of effluents; and
5. The applicable state and local health and water resource rules and regulations;

B. Sufficient water. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;

C. Municipal water supply. The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used;

D. Erosion. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;

E. Traffic. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section;

F. Sewage disposal. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;

G. Municipal solid waste disposal. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized;

H. Aesthetic, cultural and natural values. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the Town of Jay, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline; In making this determination the Board shall consider.

1. Maps and information provided by the Maine Historic Preservation Commission
2. Maps and information provided by the Maine Beginning with Habitat program into their review process.

I. Conformity with local ordinances and plans. The proposed subdivision conforms with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the Board may interpret these ordinances and plans;

J. Financial and technical capacity. The subdivider has adequate financial and technical capacity to meet the standards of this section;

K. Surface waters. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

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

M. Flood areas. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;

N. Freshwater wetlands. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district;

O. River, stream or brook. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, section 480-B, subsection 9;

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

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

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

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

T. Lands subject to liquidation harvesting. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, Board must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. The Board may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the Board may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If the Board requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the Board within 30 days of receipt of the Board's request. If the bureau notifies the Board that the bureau will not provide assistance, the Board may require a subdivision applicant to provide a determination certified by a licensed forester.

For the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12, section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership.

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

PART 6

APPEALS, VIOLATIONS, PENALTIES AND WAIVERS

§5-601 Appeals

§5-602 Violations and Penalties

§5-603 Waivers

§5-601 APPEALS

Any aggrieved party may appeal a decision of the Board with respect to the issuance of a Jay Subdivision Permit in accordance with the procedures outlined in Chapter 3 of this Ordinance.

§5-602 VIOLATIONS AND PENALTIES

Any violation of this Chapter shall be subject to penalties in accordance with Chapter 4B of this Ordinance.

§5-603 WAIVERS

Where the Board makes written findings of fact that extraordinary and unnecessary hardships may result to an applicant from strict compliance with this Chapter or that there are special circumstances of a particular tract or parcel of land or structure proposed to be subdivided, it may waive portions of the General Guidelines and Requirements, Submissions Requirements or the Standards of this Chapter in order to permit a subdivision, provided that the public health, safety, and welfare are protected, and provided that the waivers do not have the general effect of nullifying the intent and purpose of this Chapter. In granting waivers, the Board shall require such conditions consistent with the objectives of this Chapter. In accordance with 30-A M.R.S.A. Section 4406(1)(B), any such waiver shall be noted on the Final Plan.

