

CHAPTER 188 – SUBDIVISION OF LAND

PLANNING STAFF NOTE: Recommended revisions are below in red font. Text to be removed is struck through and new text is underlined.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

~~§ 188-202 Subdivisions fronting on existing streets.~~

~~If a subdivision has all of the frontage on an existing street, then the project can go through site plan review rather than the full subdivision review process.~~

§ 188-20~~3~~² Master Planned developments.

If a subdivision is either a Master Planned development or a subdivision with an internal road network then it must go through the subdivision review process.

§ 188-20~~3~~⁴ Multifamily dwellings and multiunit projects.

Sections 202 and 203 above notwithstanding, a multifamily dwelling, or a multiunit residential project consisting of 15 or more units shall be subject to both site plan review and subdivision review.

§ 188-402 Preliminary plan review.

- A. Application. Applicants shall submit a completed application form, a preliminary plan, accompanying documents, and application fee to the Planning Department ~~no less than four weeks~~ prior to being scheduled for a public hearing by the Planning Board following the Planning Department's submission schedule. [Amended 12-19-2022]
- B. Notice of Application. When an application is received, the Planning Department shall: [Amended 12-19-2022]
 - (1) Give a dated receipt to the applicant.
 - (2) Provide a Notice of Application sign to the applicant. This sign shall be installed on the property proposed for subdivision by the applicant in a location that is readily visible and easily accessible for City staff and members of the public. The sign shall be installed within 14 days of submitting the application to the Planning Department. Documentation of sign installation shall be provided to the Planning Department. The costs to manufacture and procure the sign shall be paid by the applicant in accordance with Chapter 83 of Saco's City Code. The sign shall be removed by the property owner following approval or denial of the application by the Planning Board.
 - (3) Notify by mail all abutting property owners of the proposed subdivision, and the Clerk and the Planning Board of municipalities that abut or include any portion of the subdivision, specifying the location of the proposed subdivision and including a general description of the subdivision.
 - (4) Notify a public drinking water supplier if the subdivision is within its source water protection area.
- C. Presentation. The applicant, or the applicant's duly authorized representative, shall attend the Planning Board meeting to present the preliminary plan.
- D. Consideration of completeness. Within 30 days of receipt of an application, the Planning Board shall determine whether the application is complete and shall notify the applicant, in writing, of its determination. If the application is incomplete, the Planning Board shall identify the additional materials that would make the application complete and will so notify the applicant.

- E. Public hearing. Within 30 days of the Planning Board's determination that the application is complete, the Planning Board shall hold a public hearing. Public hearings shall be noticed according to § 188-404. **[Amended 12-19-2022]**
- F. Substantive review. After the Planning Board concludes that an application is complete, the Planning Board will begin its substantive review of the merits of the application. That review may begin at the same meeting in which the application is declared complete, provided notification requirements of § 188-404 have been met.
- G. Professional and technical review. The Planning Board may, at the applicant's expense, retain such additional professional, engineering or technical assistance as the Planning Board deems necessary to assist with its review of the application and preliminary plan.
- H. Site walk. The Planning Board may schedule a site walk. If streets are proposed, the applicant shall place flagging at the center line of proposed streets and the approximate intersections of street center lines.
- I. Review by commissions. The Planning Board may invite comments from the Conservation Commission as to the impact on wetlands, shoreland, floodplains, open space, and other pertinent environmental matters. The Planning Board may invite comments from the Historic Preservation Commission as to the impact on historic resources.
- J. Within 30 days of the public hearing closure, or within another time limit as may be otherwise mutually agreed to by the Planning Board and the applicant, the Planning Board shall issue a written order approving, approving with conditions, or denying the preliminary plan. The Planning Board shall include in its order findings of fact and conclusions of law in support of its decision.
- K. Approval of a preliminary plan shall not constitute approval of the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. Prior to approval of the final plan, the Planning Board may require revisions to the plan.
- L. Upon request of the Planning Board or City Planner (usually made during sketch plan review), the applicant shall convene a neighborhood meeting. When requested, neighborhood meetings shall be noticed according to the requirements of Article III of the Site Plan Review Ordinance.
- M. The preliminary plan shall be null and void if a final plan is not submitted within six months. The applicant may request the Planning Board issue an extension but must file that request before the end of the six months. If the plan requires state or federal permits, licenses or approvals and the applicant has diligently pursued the federal and state permits, preliminary approval is valid for 12 months.

§ 188-403 **Final plan review.**

- A. The applicant shall submit a completed application form, a final plan, accompanying documents, and the appropriate fee ~~four weeks~~ prior to a regularly scheduled meeting of the Planning Board following the Planning Department's submission schedule.
- B. Within 30 days of receipt of an application, the Planning Board shall notify the applicant that the application is complete, or, if incomplete, the specific additional material needed to make the application complete.
- C. The applicant, or the applicant's duly authorized representative, shall attend the Planning Board meeting to present the final plan.
- D. Within 30 days of the Planning Board's determination that the application is complete, the Planning Board shall hold a public hearing. Public hearings shall be noticed according to § 188-404.

- E. Within 30 days of the public hearing, the Planning Board shall issue a written order approving the application, approving the application with conditions, or denying the application. The Planning Board shall include in its order findings of fact consistent with this chapter. The Planning Board and the applicant may extend these deadlines by mutual agreement.
- F. Failure of the Planning Board to act within the above-referenced time frame shall constitute denial of the final plan.

§ 188-404 **Public notification.**

[Amended 12-19-2022]

The City shall notify the applicant of and shall publish the place, date, and time of the hearing in a newspaper of general circulation at least twice, the date of the first publication to be at least seven days prior to the hearing. Property owners within ~~600~~ 800 feet of the subject property as shown on the City's current assessment records shall be notified by mail at least 14 days prior to the hearing. The City shall notify by mail a public drinking water supplier if the subdivision is within its source water protection area. The applicant shall verify that the signage installed in accordance with § **188-402B** remains installed at the subject property until the public hearing is closed by the Planning Board. In the event this signage is lost, stolen, or removed prior to a final decision, the Planning Board may require the applicant to purchase and install an additional Notice of Application sign from the Planning Department prior to closing the public hearing.

§ 188-502 **Preliminary plan.**

The applicant shall submit paper copies and a digital copy of the preliminary plan, a written narrative, a completed application form, and the application fee. Number of copies and digital format shall be determined by the City Planner. A preliminary plan shall contain the following:

- A. Two location plans showing neighboring areas within at least a 2,000-foot radius at scales of 800 feet to the inch and 200 feet to the inch, showing right-of-way lines of all proposed streets in the subdivision and their location in relation to existing streets.
- B. The preliminary plan must be designated as "preliminary plan," drawn at a scale not less than one inch equals 100 feet. Sheets shall be 24 inches by 36 inches. Plans shall be prepared by an engineer, architect, landscape architect, or land surveyor registered in Maine. Plans shall be stamped and signed.
- C. The preliminary plan shall be prepared using the following standards:
 - (1) Decimal feet, NAD83, Maine State Plane West, vertical datum NAVD1988.
 - (2) Features should be tied into state plane coordinates.
 - (3) Rotation of grid north maintained. Plan data should not be "rotated" in any way which might compromise data coordinate integrity. Alternately, a "DVIEW, twist" or similar CAD display operation will allow for convenient plotting/layout fitting while still properly maintaining spatial reference.
 - (4) Coordinates shall be shown on at least four corners of the plan. Coordinates shall be referenced to the Maine State Coordinate System.
- D. The preliminary plan shall contain the following information:
 - (1) Subdivision name, boundaries, acreage, Tax Map and lot numbers, date and graphic scale, and a magnetic and true North arrow.
 - (2) Name and address of record owner, subdivider, and engineer, surveyor, firm, and/or individual who prepared the plan.

- (3) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor.
- (4) Boundary lines of adjacent land and names of owners determined from the most recent Assessor's records.
- (5) Location, name, and present width of each street and public or private way bounding, approaching or within 500 feet of the subdivision,
- (6) Any easements within or adjacent to the subdivision.
- (7) Locations and outlines of all existing buildings and significant site features, such as stone walls, fences, large trees (twenty-four-inch diameter at breast height) or wooded areas, rock ridges and outcroppings, cemeteries, watercourses, wetlands and water bodies on the site.
- (8) Wooded areas, watercourses, wetlands and water bodies within 200 feet of the site shall also be identified, when possible.
- (9) Topography with two-foot contours of existing and proposed grades.
- (10) The demarcation of wetlands, 100-year flood elevations, and flood hazard areas.
- (11) The location, direction, and length of every proposed street line, lot line and boundary line established on the ground, the location of temporary markers adequate to enable the Planning Board to locate the layout in the field, and the names of proposed streets.
- (12) Lot lines with dimensions, zoning setback lines, and the area of each lot in square feet and acres, and lot numbers.
- (13) Locations of existing and proposed monuments, hydrants and the location and size of public utility facilities, sewers, culverts, drains, and water pipes.
- (14) Parks, open space, recreation, or common areas within a subdivision and a plan for any formal recreation area.
- (15) A plan for the management of surface drainage waters, including existing waterways and the proposed disposition of water from proposed subdivision to new or existing subsurface drainage systems with sufficient capacity to handle storm flows.
- (16) Locations and species of proposed street trees and/or wooded areas to be retained within the sidelines of each street, and other no-cut areas.
- (17) Street plans and profiles showing the percent slope of each grade; the radius, length, point of curvature and point of tangency of each curve; and proposed center-line grades and existing ground grades at fifty-foot stations. All existing and proposed elevations shall be based on USCGS datum.
- (18) Location of the following proposed improvements unless specifically waived, in writing, by the Planning Board: proposed monuments, parking areas, streetlights, sidewalks, street signs, all utilities above and below ground, curbs, gutters, street trees, storm drainage, and all easements, service buildings and structures, and dumpsters.
- (19) Erosion control plan showing the placement of all berms, silt fences, hay bales, sedimentation ponds and other erosion control devices, detention ponds, to the standards of [both Article XII of Chapter 230 and](#) the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, latest revision.

- (20) Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or by the Comprehensive Plan. If any portion of the subdivision is located within an area designated as a critical natural area by the Comprehensive Plan or the Maine Natural Areas Program, the plan shall indicate appropriate measures for preservation.
 - (21) The location of any identified historic and/or archaeological resources, together with a description of such features.
- E. Accompanying statements and data. The applicant shall submit each of the following statements:
- (1) Verification of subdivider's legal right, title, or interest in the property (deed, lease, purchase and sale agreement, or option agreement).
 - (2) A copy of the deed upon which the survey was based. A copy of all easements, covenants, and restrictions applying to the area proposed to be subdivided.
 - (3) Proposed arrangements for water supply and fire protection as required by the public water supply company, and a letter from the water company stating that the water supply is adequate to serve the subdivision. If public water is not feasible and an on-site water supply is proposed, the developer must submit an explanation of why a public water supply is not feasible and submit materials which will satisfy the Planning Board that each lot has the capability to support the well, the septic system, and a principal structure and will meet the minimum specifications of these standards, the Maine Rules Relating to Drinking Water (10-144 CMR Ch. 231) and all other pertinent state and local codes.
 - (4) Proposed arrangements for stormwater drainage, with supporting data and design analysis, including plans and profiles showing locations and sizes of drain lines and culverts, catch basins and manholes, and such other information as may be required to define the drainage provisions, stamped by an engineer registered in Maine, and an operation and maintenance plan. Stormwater drainage shall conform to the standards outlined in both Article XII in Chapter 230 and the TDCSM.
 - (5) Draft homeowners' association documents specifying responsible parties for future maintenance of stormwater facilities, roads, open space, and other common areas of proposed subdivision that are to remain with the homeowners' association.
 - (6) A copy of that portion of the County Soil Survey covering the subdivision superimposed on a copy of the plan. When the medium intensity soil survey shows soils that are questionable for the uses proposed, the Planning Board may require the submittal of a high intensity soil survey.
 - (7) An estimate of the amount and type of motor vehicle traffic to be generated daily and at peak hours. For developments projected to generate more than 200 one-way vehicle trips per day, a traffic impact analysis, prepared by a licensed professional engineer with experience in traffic engineering, shall be submitted. The study area should extend, at a minimum, to intersections where traffic attributable to the subdivision equals or exceeds 35 vehicles in a peak hour. The analysis shall show, at a minimum:
 - (a) The projected average number of one-way vehicle trips per day;
 - (b) Projected peak-hour volumes;
 - (c) Access conditions at the site;
 - (d) Distribution of site traffic and types of vehicles expected;
 - (e) Accident review;
 - (f) Effect upon the level of service of the study area intersections;

- (g) The level of service for the site drives; and
 - (h) Recommended improvements to maintain the level of service or to mitigate degradation of level of service on the road.
 - (8) The names, addresses and Tax Map and lot numbers of owners of record of adjacent property, including any property directly across an existing street from the subdivision, and the names, addresses and Tax Map and lot numbers of owners of record of all property within ~~600~~ 800 feet of the subdivision.
 - (9) Description of how proposed open space will be owned and managed.
 - (10) Proposed arrangements for wastewater disposal. If connection to City sewer is proposed, a completed initial wastewater discharge application and a letter of capacity from the City's Water Resource Recovery Department. When sewage disposal is to be accomplished by subsurface 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. The Plumbing Inspector must be notified before test pits are dug. A hydrogeologic assessment shall be submitted per § **188-706** for those proposed subdivisions not served by public water and City sewer.
 - (11) Proof of financial and technical capacity, per § **188-602**.
 - (12) The anticipated amount of land to be covered by buildings and structures expressed in square feet and as a percentage of the site and lots.
 - (13) The anticipated amount of land to be covered by buildings, pavement, and other impervious coverage expressed in square feet, percentage of site, and percentage of lot.
 - (14) If the project is subject to stormwater quality standards per Chapter **230**, Zoning, Article **XII**, a stormwater quality management plan that includes the following:
 - (a) A narrative describing how the site is oriented within the watershed, identifying downstream water bodies, including wetlands, and addressing the potential effects of site runoff. The narrative shall identify and discuss the stormwater treatment methods proposed to be used on the site.
 - (b) A plan showing relevant existing contours, proposed contours, existing and proposed sub watersheds, proposed topographic features, and existing and proposed site features, including buildings and other facilities, natural and man-made drainageways, streams, channels, culverts, catch basins, and stormwater treatment facilities. The plan shall include detail drawings of the stormwater best management practices proposed to be used and the location of both structural and nonstructural BMPs.
 - (c) Calculations demonstrating that the proposed stormwater treatment facilities will meet City standards.
 - (15) A stormwater facilities management plan which sets forth the types and frequencies of proposed maintenance activities needed to maintain the efficiency of the stormwater treatment facilities and which identifies the party that will be responsible for carrying out each maintenance activity and for submitting the annual maintenance report and the proposed institutional arrangements that will assure that all maintenance occurs as proposed.
 - (16) Measures shall be taken, both during preparatory construction and cleanup stages, to prevent soil erosion and water pollution. A plan shall be prepared meeting the standards of both Article XII of Chapter 230 and the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, latest revision.
- F. Supplemental submission requirements for mobile home parks.
- (1) A copy of the proposed park rules and regulations.

§ 188-504 **Financial guarantee.**

~~Before approval of a final plan, t~~The applicant shall agree to meet all conditions of approval and to complete the required improvements specified in § 188-702 of this chapter for all lots in the subdivision. Such construction and installation shall be secured as follows:

- A. Financial guarantee. The applicant shall file a financial guarantee to cover the cost of the improvements specified in the conditions of approval and in § 188-702 of this chapter (the "required improvements").
- B. The financial guarantee shall be provided in an amount equal to 150% of the total construction costs of all required improvements.
- C. Such financial guarantee shall be approved as to form and manner of execution by the City Planner and by the City Attorney. The financial guarantee shall include:
 - (1) A construction schedule for all required improvements.
 - (2) Itemized cost estimates for each element of construction of all required improvements, taking into account inflation.
 - (3) A provision permitting the City to review the status and amount of the financial guarantee and to require an increase if warranted by changing economic conditions or other circumstances, said determination to be made in the sole judgment and discretion of the City.
 - (4) Provisions for inspections of each phase of construction of all required improvements.
 - (5) Provisions for the release of part or all of the financial guarantee to the developer. ~~While partial draws are permitted, the amount of each shall be no less than 20% of the original amount.~~ While partial draws may be requested upon completion of construction items, the City will determine in its sole judgment whether the requested release of funds shall be approved.
 - (6) Acknowledgement of the date, 36 months after the posting of the financial guarantee, by which the developer shall complete all required improvements (the "completion date") to the reasonable satisfaction of the City, or else after which the developer shall be in default, and at which time the City shall have access to the funds to finish construction of required improvements; the City shall have at least 90 days after the completion date to make a claim against the financial guarantee.
- D. The developer shall complete all required improvements within 36 months after the posting of the financial guarantee.
- E. The following types of financial guarantee are acceptable:
 - (1) ~~Eserow account~~ Project Deposit Account. A deposit to a federally or state-chartered U.S. financial institution (bank or credit union), or to the City of Saco (for an ~~an eserow project deposit account~~) to an ~~an eserow project deposit~~ account shall be made by cash or a certified check made out to the City.
 - (2) Letter of credit. A nonlapsing irrevocable letter of credit issued by a federally or state-chartered U.S. financial institution (a bank or credit union) in good standing in the name of the City of Saco shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.
- F. The City may draw from the ~~eserow project deposit~~ account or on the letter of credit if construction is inadequate or not complete before the completion date.
- G. The City shall have access to the site at all times to review progress of work and shall have the right, upon default in performing work on improvements secured by the financial guarantee, to enter onto the site and may perform work necessary to remedy default.

H. The City will determine in its sole judgment the adequacy of the letter of credit and the bank or credit union.

§ 188-701 Consistency with plans, ordinances, and statutes.

Subdivisions shall conform with the Comprehensive Plan, other policy statements of the City, the Zoning Ordinance, [the TDCSM](#) and all pertinent federal, state and local codes and ordinances.

§ 188-708 Easements.

A. All easements shown on the subdivision plan shall clearly identify, by name, the entity that is being granted the easement. All easements intended to be conveyed to the City shall be provided in a form acceptable to the City's Attorney before final plan approval and shall include the following language:

(1) The City of Saco has the right to access, repair and maintain public infrastructure (above and below ground surface) within the easement area. No building, structure, or permanent obstructions (i.e., fences, retaining walls, trees, etc.) shall be erected within said easement without prior consent by the City of Saco. The property owners shall be responsible for all costs to remove nonpermitted activities within the easement area.

B. Utility easement. Easements shall be provided where deemed necessary by the Planning Board and/or City staff.

C. Drainage easements. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, the Planning Board may require provision of an easement of adequate width to conform to substantially the lines of such watercourse, drainageway, channel, or stream, and to provide for construction or other necessary purposes. The easement shall be secured for the benefit of the City.

D. Access easements. Access easements to park, conservation, and potentially developable land shall be secured for the benefit of the City and shall be of a width determined by the Planning Board.

E. Footpath easements. Unless otherwise required by the Planning Board, easements for off-street footpaths shall be 20 feet in width.

F. All sewer pump stations, [and stormwater ponds](#) maintained and/or owned by the City shall have its own parcel designated in the subdivision.

§ 188-710 Street design.

Streets shall be designed to the following standards:

A. Street classification. During preliminary plan review, streets shall be classified for the purpose of establishing the applicable design and construction standards according to below definitions.

(1) Arterial streets. An arterial street is any street that carries or is designed to carry through traffic between parts of Saco, other arterial streets in Saco, between Saco and other communities, or industrial zones (100+ dwellings).

(2) Secondary City street. A secondary street is any City street used solely for access to the abutting lots (two to 100 dwellings).

(3) Mobile home parks. All streets within mobile home parks shall be built in conformance with the standards of this section. Streets within a park shall be designed by a professional engineer licensed in the State of Maine.

(a) Streets within mobile home parks shall meet the following design standards.

[1] Maximum right-of-way width: 23 feet.

- [2] Maximum paved width of traveled way: 20 feet.
 - [3] The standards of the Manufactured Housing Board.
- (b) The first 75 feet of any mobile home park street which intersects with a City street shall meet all geometric design standards except width, all standards related to sight distance, and all standards related to adequacy of access.
- (c) No individual lot within a park shall have direct vehicular access onto a numbered highway.
- B. Street design. Streets in subdivisions shall be designed to provide safe vehicular travel. Streets shall be designed as through streets or future through streets unless waived by the Planning Board. The design of streets shall conform to the City of Saco's Technical Design and Construction Standards Manual (TDCSM).
- C. Location and alignment.
- (1) Projections. Provisions satisfactory to the Planning Board shall be made for the proper projection of streets for access to adjoining property that is not yet subdivided, or for connection with future streets. The street right-of-way for such extension of any proposed street shall extend to the boundary of the subdivision, be labeled as reserved for street extension, and dedicated to the City at the time that the streets in the subdivision are dedicated and offered for public acceptance.
- (2) Reserve strips. Reserve strips of land prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Planning Board, such strips shall be in the public interest.
- (3) Dead ends.
- (a) Dead-end City streets shall not be longer than 1,000 feet, unless, in the opinion of the Planning Board, a greater length is necessitated by topography or other local conditions. In any instance, no more than 15 dwellings shall be allowed on a dead-end street.
- (b) Dead-end streets shall be constructed with an adequate turnaround in accordance with TDCSM.
- (4) Sidewalks.
- (a) Sidewalks in mobile home parks. Sidewalks are required on one side of mobile home park streets. Sidewalks shall have a five-foot-wide paved surface and a grassy esplanade at least five feet wide between the street and the sidewalk. A right-of-way at least as wide as the sidewalk and the esplanade shall be provided.
- (b) Sidewalks are required along all subdivision streets and along frontage of any street which abuts the subdivision or gives access to it. The Planning Board may require that the sidewalk be extended for a reasonable distance to connect with existing sidewalks or destinations, such as bus stops and/or schools.
- D. Street names. Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Applicants shall propose a street name to the City for review for any new streets that do not join, align with, or abut existing streets. The name of the street shall not be so similar to the name of other streets or locations in the City, as determined by the E-911 Addressing Officer. The City reserves the right to designate any name for the road, and number it in accordance with E-911 standards.
- E. Street name signs, stop signs, and other street signs shall be purchased from the Department of Public Works (DPW) and installed by the developer. The size and location shall be subject to DPW approval.
- F. Streetlighting shall be installed as required by the DPW and energized prior to street acceptance. All streetlighting is to be supplied and installed in conformance with TDCSM specifications.

- G. Street access. Provision shall be made for vehicular access to the subdivision in such a manner as to safeguard against traffic hazards and danger to pedestrians in the subdivision and in existing streets, to minimize congestion, to provide safe and convenient circulation, and to provide for efficient access by the City's public safety vehicles. All lots in all subdivisions shall have frontage and access from a public street or from a proposed street shown on a subdivision plan and designed to City specifications, intended for future acceptance by the City, or by a private road designed to standards outlined in [Article XI of Chapter 230 and](#) the TDCSM. The following standards and design criteria shall also be followed:
- (1) Where a lot has frontage on two or more streets, access to the lot shall be provided from the street with less potential for traffic congestion and hazard.
 - (2) The street giving access to the subdivision and neighboring streets which carry traffic to the subdivision shall have capacity or be suitably improved to accommodate the amount and type of traffic generated by the proposed subdivision. No subdivision shall decrease the level of service (LOS) below D at study area intersections. However, at signalized intersections where the level of service is already below LOS D, or at signalized intersections predicted to drop below LOS D where physical improvements cannot be made to attain LOS D, or, at unsignalized intersections, where physical improvements cannot be made to improve the level of service to LOS D, and provided that warrants for a traffic signal are not met, or signal installation is not desirable, the Planning Board may approve the subdivision if it finds that adequate provisions for safety can be attained through imposing conditions of approval, such as upgrades in signalization, one-way driveways, prohibiting certain turning movements, construction of turning lanes, or other improvements, or through a program of transportation demand management measures, or a traffic mitigation fee is assessed for a future improvement project, or monitoring is to be performed.
 - (3) Where necessary to safeguard against hazards to vehicles and pedestrians and to avoid congestion, provision shall be made for turning lanes, traffic islands, frontage roads, and traffic lights within public streets, or other necessary improvements.
 - (4) Road accesses shall be designed with sufficient capacity to avoid causing stacking in the travel way of an arterial.
 - (5) Unless otherwise specified in these regulations, road improvements shall conform with TDCSM. Where a subdivision borders a public street having a right-of-way that is less than that identified in [Table 57-2](#), the subdivider shall set aside 1/2 of the additional right-of-way required to bring the street up to this standard. The area to be set aside shall be shown on the subdivision plan, labeled "reserved for road realignment (or widening) purposes," and dedicated to the City for use as a public street. Land reserved for such purposes may not be counted in satisfying setback or yard or area requirements of the Zoning Ordinance.

Table 57-2 - Right-of-Way Width for Roadway Classes

Roadway Class	Right-of-Way (feet)
Arterial or collector or rural collector as identified in the Comprehensive Plan	70

Table 57-2 - Right-of-Way Width for Roadway Classes

Roadway Class	Right-of-Way (feet)
Local street	50

- (6) Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Board may require frontage and reverse frontage, with screen planting in a nonaccess reservation along the property line, or other treatments if they are necessary to afford separation of through and local traffic.
- (7) The capacity of a road to move traffic is related inversely to the amount of access provided to abutting properties. To maintain capacity of the City's principal road network, creation of new residential lots as part of a subdivision which front on or obtain their vehicular access from any of the following roads in Table 67-3 is prohibited except as provided below. Vehicular access to any new residential lot shall be limited to the street frontage used to meet the requirements of this section, unless alternate access is approved by the Planning Board.

Table 67-3 - Roads Which New Residential Subdivision Lots May Not Front Or Use For Vehicular Access

Ash Flag Jenkins Old
Swamp Pond Orchard

Bradley Hearn Louden Portland
Road

Buxton Heath Mast Ferry
Hill Road

Cascade Holmes New
County

- (8) Waiver of access limitation. Any lot shown on property Tax Maps of the City of Saco as of October 13, 1988, shall be permitted one vehicular access point to any adjacent public road notwithstanding the provisions of the section above. No residential lot created after the adoption of this section, that is part of a subdivision, shall have its required street frontage on a road listed above unless the Planning Board determines that conditions particular to the parcel justify allowing access to the road. Access shall be granted only if the Planning Board finds that one of the following conditions is met:
 - (a) There is too little road frontage to reasonably allow for the creation of a local street or private road; or
 - (b) The shape or physical condition of the parcel does not permit access to or the creation of a local street or private road; or
 - (c) There will be no further subdivision of the parcel.

§ 188-802 **Wastewater.**

A. Public system. A sanitary sewer system shall be installed at the expense of the applicant. This

requirement shall not be waived for subdivisions within 1,500 feet of an existing sewer line, if City agencies certify that the extension will not be a burden on the system.

- B. All lots shall be connected to the City sewer at the expense of the applicant, or if, in the opinion of the Planning Board, sewer service to each lot is not feasible, the Planning Board may allow septic systems to be used.
- C. A developer shall submit plans for sewers designed by a Maine licensed professional civil engineer, all in full compliance with the requirements of the TDCSM, State of Maine Plumbing Code and Department of Environmental Protection.
- D. The final plan shall provide for adequate sanitary sewer facilities to collect and convey sewage to the nearest available manhole on the City of Saco sanitary sewer system. The Planning Board shall require installation of sanitary sewer facilities, including sewer connections, to each lot if the City's sewer plan calls for sewers in the area.
- E. ~~The sanitary sewer system shall conform with the design specifications in the TDCSM.~~

F. E. Private systems.

- (1) If a private subsurface waste system is proposed, the developer shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine-licensed site evaluator in full compliance with the requirements of the State of Maine subsurface wastewater disposal rules. In addition, on lots in which the limiting factor has been identified as groundwater being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon. Logs for all test pits shall be provided.
- (2) In no instance shall a disposal area be permitted on soils on a lot which requires a new system variance from the subsurface wastewater disposal rules.
- (3) All septic systems shall be designed by a licensed soil evaluator to the standards of the state plumbing code and any additional local requirements.

§ 188-905 **Inspection of improvements.**

- A. Inspection of the required subdivision improvements shall be made by the Department of Public Works during the work and arrangements shall be made by the applicant with the City Planner and City Inspector prior to starting road construction.
- B. The City Inspector will furnish the developer with a copy of a checklist covering all required inspections. The original of such list shall be signed by the City Inspector after satisfactory completion of each stage of the construction, provided to the City Planner, and retained in the Planning Board files.
- C. Inspections shall be requested at least 48 hours in advance by written notice to the City Inspector.
- D. Required inspections. Inspections shall be required in all subdivisions during installation of the following required improvements:
 - (1) Marking of trees to be preserved in the street right-of-way;
 - (2) Installation of erosion control measures;
 - (3) Excavation of roadway and subgrade preparation;
 - (4) Installation of drainage pipes, conduits, catch basins, manholes and other below-grade drainage

facilities;

- (5) Installation of utility pipes and conduits located under roadway and sidewalk locations;
- (6) Installation of sanitary sewer systems and testing of systems for exfiltration, infiltration, vertical and horizontal alignment, and deflection;
- (7) Installation of catch basins and manhole frames, headwalls, and riprapping;
- (8) Filling, grading and compaction of the roadway and sidewalk subgrades;
- (9) Installation of curb and placement of bituminous binder course on roadways;
- (10) Placement of bituminous finish course on roadways;
- (11) Construction of sidewalks;
- (12) Installation of underground electric and telephone services;
- (13) Installation of streetlights;
- (14) Loaming, grading, and seeding of grass strips;
- (15) Installation of street signs;
- (16) Installation of street trees where required;
- (17) Installation of monuments;
- (18) Cleanup of debris in the right-of-way;
- (19) ~~Installation, filling, and testing of cisterns.~~

E. Posting.

(1) The applicant shall, upon beginning construction of a street which intersects with a public way, post a sign, of a size no smaller than two feet by three feet and with two-inch letters in black on a white background, which states the following: THIS IS NOT A PUBLIC WAY OWNED BY THE CITY OF SACO. This sign shall further identify the owner of the way and their address.

§ 188-907 **Submission of as-built plan.**

A. After all street construction is completed and before release of any financial guarantee, the developer shall file with the Planning Board one reproducible copy and two prints of the as-built plan corrected and certified by a licensed professional engineer or registered land surveyor to show the following:

- (1) Center-line elevations at fifty-foot intervals of all roadways as built;
- (2) Profiles of the drainage and sanitary sewer systems as installed;
- (3) Utilities as installed, including but not limited to water, sewer, gas, cable television, electricity and telephone;
- (4) Sideline locations of roadways and sidewalks as built;
- (5) Monuments as installed;

(6) Contour map at two-foot intervals.

B. The digital data shall be a DWG file and a PDF file. The following standards shall be followed:

(1) Decimal feet, NAD83, Maine State Plane West, vertical datum NAVD1988

(2) Drawing features should be tied into state plane coordinates.

(3) Rotation of grid north maintained. Plan data should not be "rotated" in any way which might compromise data coordinate integrity. Alternatively, a "DVIEW, twist" or similar CAD display operation will allow for convenient plotting/layout fitting while still properly maintaining spatial reference.

(4) Coordinates shall be specified on at least four corners of the site plan or subdivision plan. Coordinates shall be referenced via the Maine State Coordinate System.

(5) Any dependent external references ("xrefs") should be bound to the drawing file.

(6) Drawing layers should be named in a logical fashion to allow identification of features; preferably, all drawings should be accompanied by a file that describes the layer structure.

(7) Significant proposed features, such as building footprints, parking areas, driveways, should be closed 2D polylines (looped for closure).

(8) As-built plans for the electrical system shall be prepared or approved by a licensed electrician prior to submission to the Planning Department. The electrical as-built plan shall include:

(a) Cross sections every 50 feet.

(b) Cross sections where a substantial change in a conduit run occurs.

(c) Length, size and use of all conduit and conductors.

(9) Stormwater. Full compliance with all applicable provisions of Article XII (Stormwater and Erosion Control Standards) of the Zoning Ordinance. [4] Editor's Note: See Ch. 230, Zoning.

C. No ~~bond or~~ security for such work shall be released until the City Planner has received an as-built plan of the improvements and a report, in writing, from the Department of Public Works giving full approval of the work.

§ 188-908 **Evidence of satisfactory performance.**

Before release of the interest of the City in any financial guarantee, the applicant shall:

A. File with the Director of Public Works a certified copy of the actual layout plan of each street in the subdivision. Certification shall be by a registered engineer and shall indicate that streets, storm drains, sewers, water mains and their appurtenances have been constructed, and monuments have been installed, in accordance with the as-built plan and they are accurately located as shown thereon.

B. Ten percent of the deposit of money or negotiable instruments will not be released until an as-built plan showing the precise location of water valves, shutoff, manholes, and sewer elevations, as constructed, is presented to the Director of Public Works.

C. Professional services. The Planning Board may at its discretion obtain or require the applicant to obtain, at the applicant's expense, additional professional engineering advice as to the satisfactory completion of the construction of each street or way in the subdivision, all storm drains, water mains and their

appurtenances, and completion of the installation of all other services required according to the as-built plan.

- D. Final cleanup. Upon completion of the roadways and other required improvements, the developer shall remove from the right-of-way and adjoining property all temporary structures, logs, brush, rubbish, loose stones and boulders, surplus earth, gravel, and other materials which may have accumulated during construction, shall sweep the streets, and shall leave the subdivision in a neat and sightly condition.
- E. All road and infrastructure construction shall be completed per the approved plan no later than 36 months after the posting of the financial guarantee as described in Article VIII of this chapter. After that date, the applicant shall be considered to be in default, and the City, at its discretion, shall have access to the funds to finish construction.
- F. If, upon inspection, the City Engineer or Director of Public Works find that any of the required improvements have not been constructed in accordance with plans and specifications filed as part of the application, they shall so report in writing to the City Inspector, and to the applicant or builder. The City shall take all legal steps necessary to preserve its rights according to the terms of the ~~bond or~~ surety.

§ 188-909 Release of financial guarantee.

Upon completion of the improvements to the reasonable satisfaction of the City, the applicant shall send to the City Planner a written statement that the construction or installation in connection with which a ~~bond or~~ deposit has been given meets the requirements of these standards and the conditions of approval. Prior to release of any part of the financial guarantee, the City Planner, subject to approval of the City Administrator, shall determine to their satisfaction, in part upon the report of the City Engineer and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed design and construction requirements for that portion of the improvements for which the release is requested. If the City Planner determines that the construction or installation has been completed to their satisfaction, the City Planner, subject to approval of the City Administrator, shall release the interest of the City ~~in the bond~~ or deposit, and return the ~~bond or~~ deposit to the person who furnished it. If the City Planner determines that the construction or installation has not been completed to the City's satisfaction, they shall specify to the applicant, in writing, how the construction and installation fails to comply with the requirements.

§ 188-910 Applicant responsible for basic services.

The applicant shall be responsible for providing the following basic services until street acceptance:

- A. Snow plowing of all ways.
- B. Trash pickup from all inhabited units.
- C. Maintenance of all roadway surfaces, drains, sewers and other utilities.
- D. Installation of street signs and lights; lights are to be energized.
- E. The costs of performing the provisions of this section shall be added into the ~~bond or~~ surety.
- F. The applicant shall, prior to the sale or transfer of a lot, notify the grantee that the applicant is responsible for providing the basic services as outlined above until the street is accepted to City standards and accepted by the City. Nothing herein shall be interpreted as requiring the applicant to provide these services to streets or utilities duly accepted by the City of Saco.