

SECTION IV: CRITERIA OF APPROVAL

SECTION USER'S GUIDE: This section contains the criteria by which the Board will judge all applications submitted pursuant to this Ordinance.

In approving applications submitted pursuant to this Ordinance, the Board shall find that:

A. POLLUTION

The proposed subdivision will not result in undue water or air pollution. In making this determination, the Board 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 SUPPLY

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 utilized;

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 use of the highways or public roads existing or proposed;

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 municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

SECTION IV: CRITERIA OF APPROVAL (continued)

I. CONFORMITY WITH LOCAL ORDINANCES AND PLANS

The proposed subdivision conforms with this subdivision ordinance and any duly adopted comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority 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, and 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 potential 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 coastal 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.

SECTION IV: CRITERIA OF APPROVAL (continued)

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.

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 Maine the Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority 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.

U. STATE SUBDIVISION LAW CRITERIA

In addition to the criteria above, the Board shall find that the proposed subdivision meets any additional criteria added by the Legislature to Title 30-A, MRSA, Section 4404, from time to time.

V. WRITTEN FINDINGS OF FACT REQUIRED

In approving subdivisions under this Ordinance, the Board shall consider the criteria above; and before granting approval, shall make written findings of fact that the provisions of this Ordinance have been met.

W. BURDEN OF PROOF

In all instances the burden of proof of compliance with the above criteria shall be upon the person proposing the subdivision.