

SUBDIVISION ORDINANCE TOWN OF CLINTON

PREPARED BY:
COMPREHENSIVE PLAN IMPLEMENTATION
COMMITTEE

ASSISTED BY MAINE TOMORROW
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SUBDIVISION REGULATIONS FOR THE TOWN OF CLINTON

ARTICLE 1 - PURPOSES

To implement the State Subdivision Law, Title 30-A M.R.S.A., Sections 4401 – 4406

ARTICLE 2 - AUTHORITY AND ADMINISTRATION

2.1 Authority

This Ordinance has been prepared in accordance with the provisions of Title 30-A M.R.S.A., Section 4403

2.2 Administrator

The Planning Board of the Town of Clinton, hereafter called the Board, shall administer this Ordinance.

2.3 Amendments

- A. This ordinance may be amended at an Annual or Special Town Meeting of the Town of Clinton.
- B. A public shall be held prior to the adoption of any amendment. Notice of the hearing shall be provided a t least seven (7) days in advance of the hearing.

ARTICLE 3 - DEFINITIONS

In general words and terms used in this Ordinance shall have their customary dictionary meanings. More specifically, any word or term defined in the Clinton Land Use Ordinance shall have the definition contained in that Ordinance, unless defined differently below, other words and terms used herein are defined as follows:

Applicant: The person applying for subdivision approval under this Ordinance.

Buffer Area: A part of a property or an entire property, which is not built upon and is specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources.

Cluster Subdivision: A development consisting exclusively of residential dwelling units, planned, developed as a whole or in a programmed series of developments, and controlled by one developer on *a tract of 5 or more lots* which contemplates an innovative, more compact grouping of dwelling units. Cluster developments treat the developed area as an entirety to promote flexibility in design, architectural diversity, the efficient use of land, a reduction in the size of road and utility systems, the creation of permanent, common open space, and the permanent retention of the natural characteristics of the land.

Common Open Space: Land within or related to a subdivision, not individually owned, which is designed and intended for the common use or enjoyment of the residents of the development or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the open space, such as for outdoor recreation.

Complete Application: An application shall be considered complete upon submission of the required fee and all information required by this Ordinance, or by a vote by the Board to waive the submission or required information. The Board shall issue a written statement to the Applicant upon its determination that an application is complete.

Complete Substantial Construction: The completion of no less than thirty percent of the costs of the proposed improvements within a subdivision. If the subdivision is to consist of individual lots to be sold or leased by the subdivider, the cost of construction of buildings on those lots shall not be included. If the subdivision is a multi-family development. or if the Applicant proposes to construct the buildings within the subdivision. The cost of building construction shall be included in the total costs of proposed improvements.

Conservation Easement: a non-fiduciary interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

Density: The number of dwelling units per acre of land.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

Driveway: A vehicular access-way serving two dwelling units or less.

Dwelling Unit: A room or suite of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, facilities; includes single family houses, and the units in a duplex apartment house, multi-family dwellings, and residential condominiums.

Engineered Subsurface Waste Water Disposal System: A subsurface waste water disposal system designed, installed, and operated as a single unit to treat 2000 gallons per day or more; or any system designed to treat wastewater with characteristics significantly different from domestic wastewater.

Final Plan: The final drawings on which the applicant's plan of subdivision is presented to the Board for approval and which, if approved, may be recorded at the Registry of Deeds.

Freshwater Wetland: Areas which are 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 are not part of a great pond, coastal wetland, river, stream or brook. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the above criteria.

Great Pond: Any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has surface area in excess of thirty acres, except for the purposes of these regulations, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

High Intensity Soil Survey: A map prepared by a Certified Soil Scientist, identifying the soil types down to 1/8 acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to seasonal high water table or bedrock at that point. Single soil test pits and their evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys.

100 Year Flood: The highest level of flood that, on the average, is likely to occur once every 100 years (that has a one percent chance of occurring in any year).

High water Mark: That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or change in vegetation, and which distinguishes between predominantly aquatic and predominately terrestrial land. In the case of wetlands adjacent to rivers, streams, brooks, or ponds, the normal high-water mark is the upland edge of the wetland, and not the edge of the open water.

Multi-family Development: A subdivision which contains three or more dwelling units on land in common ownership, such as apartment buildings, condominiums or mobile home parks.

Net Residential Acreage: The total acreage available for the subdivision, as shown on the proposed subdivision plan, minus the area for streets or access and the areas which are unsuitable for development as outlined in Section 10.14 C. 2.

Net Residential Density: The average number of dwelling units per net residential acre.

On-Site Inspection: An On-Site Inspection is a visit to the proposed subdivision by a quorum of the Planning Board and the Applicant or an authorized representative or agent.

Person: Includes a firm, association, organization, partnership, trust, company, or corporation. as well as an individual.

Planning Board: The Planning Board of the Town of Clinton

Pre-application Sketch Plan: The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

Professional Engineer: A professional engineer, registered in the State of Maine.

Public Water System: A water supply system that provides water to at least fifteen service connections or services water to at least 25 individuals daily for at least thirty days a year.

Recording Plan: An original of the Final Plan, suitable for recording at the Registry of Deeds and which need show on information relevant to the transfer of an interest in the property, and which does not show other information presented on the plan such as sewer and water line locations and sizes, culverts, and building lines.

Sight Distance: The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in this Ordinance as a reference for unobstructed road visibility.

Sketch Plan: Conceptual maps, renderings, and supportive data describing the project proposed by the Applicant for initial review prior to submitting as application for subdivision approval. May be used by the Applicant as the basis for preparing the subdivision plans as part of the application for subdivision approval.

Street: Public and private ways such as alleys, avenues, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access other than driveways.

Subdivision: The division of a tract or parcel of land as defined by the State Division Law Title 30-A, M.R. S.A. Sections 4401-4407.

Tract or Parcel of Land: All contiguous land in the same ownership, whether or not the tract is separated at any point by: an intermittent or non-navigable stream, or a private road established by the abutting land owners.

Usable Open Space: That portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation, horticulture or agriculture. In order to be considered usable open space, the land must not be poorly drained or very poorly drained, have ledge outcroppings, or areas with slopes exceeding 10%.

ARTICLE 4 - ADMINISTRATIVE PROCEDURE

The Board shall prepare a written agenda for each regularly scheduled meeting. Applicants shall request to be placed on the Board's agenda at least ten days in advance of a regularly scheduled meeting by contacting the Chairman. Applicants who are not on the Board's agenda may be heard but only after all agenda items have been completed. However, the Board shall take no action on any application not appearing on the Board's written agenda.

ARTICLE 5 - INTRODUCTORY MEETING, PREAPPLICATION MEETING, AND SITE INSPECTION

1 PURPOSE

The purpose of the introductory meeting, pre-application meeting and on-site inspection is for the Applicant to present general information regarding the proposed subdivision to the Board and receive the Board's comments prior to the expenditure of substantial sums of money on surveying, soil identification, and engineering by the Applicant.

2 PROCEDURE

A. Introductory Meeting

1. At a regularly scheduled Planning Board meeting, the Applicant gives a basic idea of the proposed subdivision with or without a sketch.
2. The Board asks questions and makes suggestions.
3. The Applicant is given a copy of the Ordinance and an application.
4. The Applicant will be asked to provide to the Planning Board Secretary, the name and addresses of all abutting landowners at least ten days prior to the scheduled Pre-application meeting.
5. The Applicant's name is put on the agenda for the next Board meeting for a Pre-application meeting.
6. Any expenses incurred by the Planning Board for notification of abutting landowners will be the responsibility of the Applicant.

B. Pre-application Meeting

1. The Applicant presents the more detailed Pre-application Sketch Plan(s) and makes a presentation regarding the proposed subdivision.
2. The Board asks questions and makes suggestions to be incorporated into the application.
3. The date of the On-Site Inspection is selected.

C. On-Site Inspection

1. Within 30 days of the Pre-application meeting, the Board shall hold an On-Site Inspection of the property.
2. The Board shall inform the Applicant in writing of the required contour interval to be used on the Final Plan.
3. The Applicant may be required to place "flagging" at the center line of any proposed streets, and at the approximate intersections of the street centerlines and lot corners, prior to the On-Site Inspection.

5.3 Submission

- A. The Pre-application Sketch Plan shall show the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The Sketch Plan, which may be free-hand penciled sketch, should be supplemented with general information to describe the existing conditions of the site and the proposed development. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's Map (s). The Sketch Plan shall also be accompanied by a copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision, unless the proposed subdivision is less than ten acres in size.
- B. On a subdivision of five or more lots, the applicant shall submit two Pre-application sketch plans; a conventional subdivision plan with lots designed to meet the requirements of the Land Use Ordinance, and a clustered/open space plan showing how open space is to be preserved. The Board shall select the plan that best meets the goals of the Comprehensive Plan. The Planning Board may require that significant agricultural land and stream corridors be preserved as open space.

5.4 Rights Not Vested

The Introductory meeting, pre-application meeting, the submittal or review of the pre-application sketch plan or the on-site inspection shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, M.R.S.A., Section 302.

ARTICLE 6 - PLAN APPLICATION

- A. Within six months after the on-site inspection by the Board, the Applicant shall submit a Complete Application for approval of a Final Plan at least ten days prior to a scheduled meeting of the Board. If the Applicant fails to submit a Complete Application within the six month' period (s) he shall be required to resubmit the Sketch Plan. The Final Plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.

B. Final Plan

Within thirty days from the public hearing or within sixty days of determining a Complete Application has been submitted, if no hearing is held, or within such other time limit as may be otherwise mutually agreed to by the Board and the Applicant, the Board shall make findings of fact and conclusions relative to the criteria contained in Title 30-A M.R.S.A., Section 4404 and the standards in this Ordinance. If the Board finds that all the criteria of the Statute and the standards of this Ordinance have been met, the Board shall approve the Final Plan. If the Board finds that any of the criteria of the Statute or the standards of this Ordinance have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the criteria and standards will be met by the subdivision. The reasons for any denial or conditions shall be stated in the records of the Board.

6.2 Final Approval and filing

- A. No plan shall be approved by the Board as long as the subdivider is in violation of the provisions of a previously approved Plan within the Town of Clinton.
- B. Upon findings of fact and determination that all standards in Title 30-A M.R.S.A., Section 4404, and this Ordinance have been met, and upon voting to approve the subdivision, the Board shall sign the Final Plan. The Board shall specify in writing its findings of fact and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Board as part of its permanent records. Copies of the signed plan shall be forwarded to the Tax Assessor and the Code Enforcement Officer. Any subdivision not recorded in the Kennebec County Registry of Deeds within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void.
- C. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted and the Board approves any modifications.
- D. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance, by the Town of Clinton of any street, easement, recreation area or other open space shown on such plan. The Plan shall contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Selectmen covering future deed and title dedication, and provision for the cost of grading development, equipment, and maintenance of any such dedicated area.

- E. Except in the case of a phased development plan, failure to complete substantial construction of the subdivision within five years of the date of approval and signing of the Plan shall render the Plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Kennebec County Registry of Deeds to that effect.

6.3 FEES

- A.
 - 1) A fee is payable with an application for a Subdivision. See the current fee structures in paragraph 3 below.
 - 2) All land use permit fees shall be amended by the municipal officer (Board of Selectmen), based on recommendations by the Planning Board, the municipal officers (Board of Selectmen) will hold three public hearings soliciting input before adopting or amending land-use fees at any properly warned public hearing.
 - 3) All applications for Subdivision approval shall be accompanied by a non-refundable application fee of \$25.00 per lot or dwelling unit, payable by check to the Town of Clinton. In addition, the Board may require that the Applicant pay a fee of \$25.00 per lot or dwelling unit to be deposited in a special account designated for the application, to be used by the Planning Board for hiring independent consulting services to review the application, if necessary. If the balance in this special account shall be drawn down by 75%, the Board shall notify the Applicant, and require that an additional \$15.00 per lot or dwelling unit be deposited by the Applicant. The Board shall continue to notify the Applicant and require an additional \$15.00 per lot or dwelling unit be deposited as necessary whenever the balance of the account is drawn down by 75% of the deposit. Any balance in the account remaining after a decision on the final plan application by the Board shall be returned to the Applicant. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising and postal notification.
- B. The Applicant, or their duly authorized representative, shall attend the meeting of the Board to present all plans. Failure to attend the meeting to present the plans shall result in delay of the Board's receipt of the plan until the next meeting which the Applicant attends.
- C. Upon receipt of an application for Subdivision approval the Board shall issue a dated receipt to the Applicant, notify in writing all owners of abutting property that an application for subdivision approval has been submitted, and notify the review authority of the neighboring municipalities if any portion of the subdivision includes or crossed the Town boundary.
- D. Within thirty days of the receipt of the application, the Board shall determine whether the application is complete and notify the Applicant in writing of its determination. If the application is not complete, the Board shall notify the Applicant of the specific additional material needed to complete the application.

- E. Upon a determination that a Complete Application has been submitted for review, the Board shall determine whether to hold a public hearing on the Application. The Board shall also notify the Road Commissioner, Fire Chief, Selectmen and other public officials, as appropriate.
- F. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of determining it has received a Complete Application, and shall publish a notice of the date, time and place of the hearing in a newspaper of general circulation in Clinton at least two times, the date of the first publication to be at least seven days prior to the hearing. A copy of the notice shall be mailed to the Applicant.

ARTICLE 7 FINAL PLANS SUBMISSION

7.1 Submissions: the Final plan application shall consist of the following items.

- A. Application form (See Appendix).
- B. Location Map. The Location Map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality.

The Location Map shall show:

- 1. Locations and names of existing and proposed streets.
 - 2. An outline of the proposed subdivision and any remaining portion of the owner's property if the Final Plan submitted covers only a portion of the owner's entire contiguous holding.
- C. The application for approval of a Subdivision shall include the following information. The Board may require additional information to be submitted, where it finds necessary in order to determine whether the criteria of Title 30-A, M.R.S.A., Section 4404 are met.
 - 1. Proposed name of the subdivision, plus the Assessor's Map and Lot numbers.
 - 2. Verification of right, title or interest in the property.
 - 3. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel shall be located on the ground and marked by monuments. The plan shall indicate the type of monument found or to be set at each lot corner.

4. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
5. A copy of any covenants or deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
6. The date the Plan was prepared, north point, and graphic map scale.
7. The names and addresses of the record owner, subdivider, and individual or company who prepared the plan, and adjoining property owners.
8. The location of all rivers, streams, and brooks within or adjacent (within 300 feet), to the proposed subdivision.
9. Contour lines at the interval specified by the Board, showing elevations in relation to Mean Sea Level.
10. The location and size of existing and proposed water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
11. The location of any open space to be preserved and a description of proposed ownership, improvement and management.
12. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
13. Indication of the type of water supply system(s) to be used in the subdivision. When water is to be supplied by the Clinton Water District, a written statement from the District shall be submitted indicating there is adequate supply and pressure for the subdivision and approving the plans for extensions where necessary. Where the District IS supply line is to be extended, a written statement from the Fire Chief, stating approval of the location of fire hydrants, if any, and a written statement from the District approving the design of the extension shall be submitted.
14. A high intensity soil survey by a Registered Soil Scientist. Wetland areas shall be identified on the survey, regardless of size.

15. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetation cover type, and other essential existing physical features. On wooded sites, the plan shall indicate the area where clearing for lawns and structures shall be permitted and/or any restrictions to be placed on clearing of existing vegetation.

16. The location, names, and present widths of existing streets and highways, and existing and proposed easements, building lines, parks and other open spaces on or adjacent to the subdivision.

17. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100 year flood elevation, as depicted on the Town's Flood Insurance Rate Map, shall be delineated on the plan.

18. An erosion and sedimentation control plan, if required by the Board, prepared in accordance with the erosion and sedimentation control standards of the Department of Environmental Protection.

19. 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.

20. A hydro-geologic assessment, if required by the Board, prepared in accordance with the standards of the DEP.

21. A storm-water control plan, if required by the Board, prepared in accordance with the standards of the DEP.

22. In residential subdivisions of 10 or more lots, an analysis of the impact of the proposed subdivision on public facilities including roads, schools, police and fire protection, outdoor recreation, water supply, sewage disposal, and storm drainage.

- D. Final Plan. The Final Subdivision Plan shall consist of two reproducible, stable based transparencies, one to be recorded at the Kennebec County Registry of Deeds, the other to be filed at the Clinton Town Office, and three copies of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border lines on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. Three copies of all information accompanying the

plan shall be submitted. In addition, one copy of the Plan(s) reduced to a size of 8 1/2 by 11 inches or 11 by 17 inches, and all accompanying information shall be mailed to each Board member no less than seven days prior to the meeting.

ARTICLE 8 - REVISIONS TO APPROVED PLANS

8.1 Procedures

An applicant for revision to a previously approved plan shall, at least ten days prior to a scheduled meeting of the Board, request to be placed on the Board's agenda. If the revision involves the creation of additional lots or dwelling units, the procedure for final plan approval shall be followed.

8.2 Submissions

The applicant shall submit a copy of the approved plan, as well as three copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of this Ordinance and the criteria of the statute. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the book and page or cabinet and sheet on which the original plan is recorded at the Kennebec County Registry of Deeds.

8.3 Scope of Review

The Board's scope of review shall be limited to those portions of the plan which are proposed to be changed.

ARTICLE 9 - INSPECTIONS AND ENFORCEMENT

9.1 Inspection of Required Improvements

- A. At least five days prior to commencing construction of required improvements, the subdivider or builder shall notify the Code Enforcement Officer in writing of the time when (s)he proposes to commence construction of such improvements, so that the Selectmen can cause inspection to be made to assure that all Town specification, requirements, and conditions of approval shall be met during construction of required improvements and to assure the satisfactory completion of improvements and utilities required by the Board.
- B. Upon completion of street construction and prior to a vote by the Selectmen to submit a proposed public way to a Town Meeting, a written certification signed by a professional engineer shall be submitted to the Selectmen at the expense of the applicant, certifying that the proposed public way meets or exceeds the design and construction requirements of this Ordinance.

9.3 Violations and Enforcement

- A. No plan of a division of land within the Town of Clinton which would constitute a subdivision shall be recorded in the Kennebec County Registry of Deeds until a Final Plan has been approved by the Board in accordance with this Ordinance.
- B. A person, shall not convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Kennebec County Registry of Deeds.
- C. No public utility, water district, or any utility company of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Board.
- D. No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with this Ordinance up to and including the entire frontage of the lot.
- E. Violation of the above provisions of this section shall be punished in accordance with the provisions of Title 30-A M.R.S.A., Section 4452

ARTICLE 10 - GENERAL PERFORMANCE AND DESIGN STANDARDS

In reviewing a proposed subdivision, the Board shall review the application for conformance with the following performance and design standards and make findings that each has been met prior to the approval of a Final Plan. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance and design standards and statutory criteria for approval have been or will be met.

10.1 Sufficient Water

- A. The subdivider must demonstrate either that: the proposed public water system has the capacity to serve the proposed subdivision, or there is sufficient ground water available to provide individual wells with an adequate supply of potable water.
- B. The Board shall require either that: the applicant shall, where soil type and topography are appropriate, construct ponds and dry hydrants to provide for adequate water storage for firefighting purposes; or the applicant shall demonstrate that an adequate supply of naturally occurring water exists for firefighting purposes. An easement shall be granted to the Town granting access to the dry hydrants or naturally occurring water supply when necessary.
- C. In cases where ponds or dry hydrants cannot be installed, and where there is no naturally occurring water source, the Board may require the subdivider to present additional options for rapid water supply after discussion with the Fire Chief.

- D. The subdivider must demonstrate that the proposed subdivision will not contaminate or otherwise harm wells on adjacent property.

10.2 Soil Erosion

- A. The proposed subdivision shall not increase soil erosion that may enter water bodies, freshwater wetlands, or adjacent properties.
- B. A soil erosion control plan shall be required by the Board when slopes are between 8 and 20 percent.
- C. Slopes in excess of 20 percent shall be maintained as open space.
- D. A soil erosion plan shall be required for residential development of 10 or more lots and for commercial and industrial projects.

10.3 Sewage Disposal

- A. The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the Maine Subsurface Wastewater Disposal Rules.
- B. On lots in which the limiting factor has been identified as 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.
- C. Where a proposed subsurface sewage disposal system is to serve more than 5 dwelling units, 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.

10.4 Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline

- A. Preservation of Natural Beauty and Aesthetics.
 - 1. The Board may require that new developments blend in with the existing landscape and that existing land cover be maintained to the maximum extent possible.
 - 2. The Board may require that the application include a landscape plan that will show the preservation of any existing trees larger than 24" inches diameter breast height, the replacement of trees and vegetation, and graded contours.

3. Unless located in areas designated as a growth area in the Comprehensive Plan, a residential subdivision of 10 or more lots in which the land cover type at the time of application is forested shall maintain a wooded buffer strip no less than fifteen feet (15') in width along all existing public roads. All residential subdivisions shall maintain an open space buffer strip of 100 feet between the residences and active farming operations. The buffer may be broken only for driveways and streets.

4. The plan shall, by notes on the final plan and deed restrictions, limit the clearing of trees to those areas designated on the plan.

5. Unless located in areas designated as a growth area in the Comprehensive Plan, an open space buffer strip of at least 50 feet in width shall be maintained adjacent to moderate to high value waterfowl area as identified in the Comprehensive Plan.

B. Retention of Open Spaces

1. To the maximum extent possible, the following areas shall be retained as open space corridors: snowmobile trails, walkways, logging roads, abandoned and/or discontinued roads, deer wintering areas, historic and archaeological areas, and scenic views as seen from public roads.

2. Open space or outdoor recreational facilities shall be provided in all development of ten (10) or more lots regardless of whether or not such developments are cluster/open space developments. Depending on the size and location of the Subdivision, the Board may require the developer to provide up to ten percent (10%) of the total area for recreation. Land reserved for park and/or recreational purposes shall be of a character, configuration, and location suitable for the particular use intended. A site to be used for active recreational purposes, such as a playground or playfield, should be relatively level and dry. Sites selected for recreational purposes shall have such access as the board may deem suitable and shall be served by a right-of-way of at least thirty feet (30') in width.

C. Preservation of Significant Wildlife Habitat

1. Within 100 feet of any stream or river designated as a high or moderate value fishery by the Department of Inland Fisheries and Wildlife or in the Comprehensive Plan, no alteration shall be permitted.

2. Within 100 feet of the upland edge of a wetland designated as high or moderate value for waterfowl habitat by the Department of Inland Fisheries and Wildlife or in the Comprehensive Plan no alteration shall be permitted. Existing vegetative cover shall be maintained.

10.5 Conformance with Land Use Ordinance and Other Ordinances

All lots shall meet the minimum dimensional requirements of the Land Use Ordinance for the land use district in which they are located. The proposed subdivision shall meet all applicable performance standards or design criteria of the Land Use Ordinance.

10.6 Financial and Technical Capacity

A. Financial Capacity

The applicant shall have adequate financial resources to construct the proposed improvements, including buildings, if a part of the project, and meet the criteria of the statute and the standards of this Ordinance. In making the above determinations the Board shall consider the proposed time frame for construction and the effects of inflation.

B. Technical Ability

In determining the applicant's technical ability the Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations of previous approvals granted to the applicant.

10.7 Ground Water Quality

A. The Clinton Water District shall be notified of any subdivisions that are within 1000 feet of their well.

B. When the Planning Board determines that a hydro-geologic assessment is necessary, the assessment shall comply with the Department of Environmental Protection's guidelines for hydro-geologic assessments as set forth under the Site Location of Development Act.

10.8 Flood Plain Management

When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency, the plan shall include a statement that structures shall be located outside the flood hazard area.

10.9 Storm Water Management

- A. Adequate provisions shall be made for disposal of all storm water generated within the subdivision. and any drained ground water through a management system of swales, culverts, under-drains, and storm drains. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains, except where retention basins are' designed or ground water recharge is desirable.
- B. Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials which reduce water velocity.

10.10 Reservation or Dedication and Maintenance of Open Space and Common Land. Facilities and Services

- A. All open space common land • facilities and property shall be owned by: the owners of the lots or dwelling units by means of lot-,owners association; an association which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or the Town of Clinton.
- B. Further subdivision of the common land or open space and its use for other than non-commercial recreation, agriculture or conservation purposes, except for easements for underground utilities, shall be prohibited. When open space is to be owned by an entity other than the Town, there shall be a conservation easement deeded to the municipality prohibiting future development.
- C. The common land or open space shall be shown on the Final Plan with appropriate notations on the plan to indicate that it shall not be used for future building lots and which portions of the open space, if any, may be dedicated for acceptance by the Town of Clinton.
- D. The final plan application shall include the following:
 - 1. Covenants for mandatory membership in the lot owners association setting forth the owner's rights, interests, and privileges in the association and the common property and facilities, to be included in the deed for each lot or dwelling.
 - 2. Draft article of incorporation of the proposed lot owners association as a not-for-profit corporation.
 - 3. Draft by-laws of the proposed lot owners association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities.

In combination, the documents referenced in paragraph D above shall provide for the following. The homeowners association shall have the responsibility of maintaining the common property or facilities. The association shall levy annual charges against all owners of lots or dwelling units to defray the expenses connected with the maintenance, repair, replacement of common property and facilities and tax assessments. The association shall have the power to place a lien on the property of members who fail to pay dues or assessments.

10.11 Traffic Conditions

a. Access Control

1. Subdivisions of 10 or more lots located within the Rural District must front on interior roads.
2. Access to backland shall be retained as land is developed.

b. Street Design and Construction Standards

1. General Requirements

- a. The Board shall not approve any subdivision plan unless proposed streets are designed in accordance with the specification contained in this Ordinance. Approval of the Final Plan by the Board shall not be deemed to constitute or be evidence of acceptance by the Town of any street or easement.
- b. Subdividers shall submit to the Board, as part of the Final Plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed streets and existing streets within 300 feet of any proposed intersections. The plan view shall be at scale of one inch equals no more than fifty feet. The vertical scale of the profile shall be one inch equals no more than five feet. The plans shall include the following information:
 1. Date, scale, and north point, indicating, magnetic or true.
 2. Intersections of the proposed street with existing streets.
 3. Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, and curbs.

4. Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.

5. Complete curve data shall be indicated for all horizontal and vertical curves.

6. Turning radii at all intersections.

7. Center line gradients.

8. Size, type and locations of all existing and proposed overhead and underground utilities, to include but not be limited to water, electricity; telephone, lighting, and cable television.

c. Upon receipt of plans for a proposed street the Board shall forward one copy to the Selectmen, the Road Commissioner (s), and the Town Engineer for review and comment.

d. Where the subdivider proposes improvements within existing public streets, the proposed design and construction details shall be approved in writing by the Road Commissioner (s) or the Maine Department of Transportation, as appropriate.

e. Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan.

"All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owner and shall not be accepted or maintained by the Town, until they meet the municipal street design and construction standards."

f. The Planning Board may require that land be reserved for a future connector road or street.

2. Street Design Standards

a. These design guidelines shall control the roadway, shoulders, curbs, drainage systems, culverts, and other appurtenances associated with the street, and shall be met by all streets within a subdivision, unless the Applicant can provide clear and convincing evidence that an alternate design will meet good engineering practice.

- b. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in this Ordinance), or when there are plans for realignment or widening of a road that would require use of some of the land in the subdivision, the plan shall indicate reserved areas for widening or realigning the road marker "Reserved for Road Realignment (Widening) Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements of the Land Use Ordinance.
- c. Any subdivision expected to generate average daily traffic of 200 trips per day or more, shall have at least two street connections with existing public streets, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted.
- d. The following design standards apply according to street classification:

TYPE OF STREET

Description	TYPE OF STREET		
	Collector	Minor	Private Right of Way
Minimum Width right-of-Way	50'	50'	30' *
Minimum Traveled Way Width	24'	20'	18'
Minimum Width of shoulders (each side)	3'	3'	3'
Minimum Center Line radius			
- Without banking	280'	280'	175'
- With banking	175'	175'	110'
Roadway Crown **	¼ " ft	¼ " ft	***
Minimum angle of street intersections****	90 °	90 °	75 °
Maximum grade within 75 ft. of intersection	3%	3%	N/A
Minimum curb radii at intersection	25'	20'	N/A
Minimum r/o/w radii at intersections	10'	10'	10'

*Serving only one or two dwelling units.

**Roadway crown is per foot of lane width.

***Gravel surface shall have a minimum crown of 3/4 inch per foot of lane width.

****Street intersection angles shall be as close to 90° as feasible but no less than the listed angle.

3. Dead End Streets

In addition to the design standards above, dead-end streets shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii: Property line: 60 ft.; outer edge of pavement: 50 ft.; inner edge of pavement: 30 ft. The Board may require the reservation of a 20 ft easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street The Board may also require the reservation of a 50 ft. easement in line with the street to provide continuation of the road where future subdivision is possible.

4. Intersections and Sight Distances

a. Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.

b. All changes in grade shall be connected by vertical curves in order to provide the following minimum stopping sight distances based. on the street design speed.

Design Speed (mph)	20	25	30	35
Stopping Sight Distance (ft)	125	150	200	250

Stopping sight distances shall be calculated with a height of eye at 3 1/2 feet and the height of object at 1/2 feet.

c. Where new street intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curb line or edge of shoulder with the height of the eye 3.5 feet, to the top of an object 4.25 feet above the pavement.

Posted Speed Limit (mph)	25	30	35	40	45	50	55
Sight Distance (ft)	250	300	350	400	450	500	550

Where necessary, corner lots shall be cleared of all growth and sight obstructions to achieve the required visibility.

- d. Cross (four-cornered) street intersections shall be avoided insofar as possible. A minimum distance of 125 feet shall be maintained between the center lines of streets.
5. Street Construction Standards
- a. The minimum thickness of material shall meet the specifications in the table below, after compaction.

MINIMUM REQUIREMENTS

Street Material	Public Street	Private Right of Way
Aggregate Sub-base Course (max. sized stone 6") -		
Without base gravel	18"	15"
With base gravel	15"	12"
Crushed Aggregate Base Course (if necessary)	3"	3"
Hot Bituminous Pavement		
Total Thickness	3"	N/A
Surface Course	1 ¼ "	N/A
Base course	1 ¾ "	N/A
Surface Gravel	N/A	3"

b. Preparation

1. Before any clearing has started on the right of way, the center line and side lines of the new road shall be staked or flagged at fifty foot intervals.
2. Before grading is started, the entire area within the right-of-way shall be cleared of all stumps, roots, brush, shallow ledge, large boulders and other objectionable material. All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.
3. All organic materials or other deleterious material shall be removed to a depth of 2 feet below the sub-grade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the sub-grade of the road. On soils which have been identified by a Licensed Professional Engineer as not suitable for roadways, the subsoil shall be removed from the street site to a depth of two feet below the sub-grade and replaced with material meeting the specifications for gravel aggregate sub-base below, or an HDOT approved stabilization geo-textile may be used.
4. Except in a ledge cut, side slopes shall be no steeper than a slope of 3 feet horizontal to 1 foot vertical, and shall be graded and properly seeded according to the specifications of an erosion and sedimentation control plan. Where a cut results in exposed ledge, a side slope no steeper than 4 feet vertical to 1 foot horizontal is permitted.
5. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

10.12 LOTS

- A. All lots shall meet the minimum lot size and dimensional requirements of the Land Use Ordinance.
- B. Wherever possible, side lot lines shall be perpendicular to the street.
- C. The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future division. Deed restrictions and notes on the plan shall either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the plan and shall require approval from the Board, subject to the criteria of the Subdivision Statute, the standards of this Ordinance and conditions placed on the original approval.

- D. If a lot on one side of a stream, road or other similar barrier fails to meet the minimum requirements for lot size. it may not be combined with a lot on the other side of the stream, or road to meet the minimum lot size.
- E. The ratio of lot length to width shall not be more than three to one. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited.

10.13 Monuments

- A. Stone or precast concrete monuments shall be set at all street intersections and points of curvature, but no further than 750 feet apart along street lines without curves or intersections.
- B. Stone or precast concrete monuments shall be set at all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135 degrees or less.
- C. All other subdivision boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable monumentation, as required by the Maine Board of Registration of Land Surveyors.

10.14 Cluster Developments/Two Plan Requirement

A. General

1. In accordance with the requirements of Article 5.3(B), the applicant shall submit a cluster plan designed to meet the requirements of the Land Use Ordinance, showing how open space is to be preserved. The purpose of the cluster plan is to allow for the creation of open space which provides recreational opportunities or protects important natural features from the adverse impacts of development, provided that the net residential density shall be no greater than is permitted in the district in which the development is proposed. Notwithstanding provisions of the Land Use Ordinance relating to dimensional requirements, the Board, in reviewing and approving proposed residential subdivisions, may modify the provisions related to dimensional requirements (i. e. lot size, frontage including zero lot line development) to permit flexibility in approaches to housing and environmental design in accordance with the following guidelines. This shall not be construed as granting variances. The Planning Board may allow conventional subdivision development if clustered development is determined not to be feasible or not to offer open space advantages.

B. Application Procedure

The Planning Board may allow lots within subdivisions to be reduced in area and width below the minimum normally required by this Ordinance in return for open space where the Board determines that the benefits of the cluster approach will decrease development costs, increase recreational opportunities or prevent the loss of natural features (i. e. significant agricultural and forest land and stream corridors) without increasing the net density of the development. Two sketch plans shall be submitted with one layout as a standard subdivision and the second as a cluster development indicating open space and significant natural features. Each lot in the standard subdivision shall meet the minimum lot size and lot width requirements of this Ordinance, and have an area sui table for subsurface wastewater disposal according to the Maine Subsurface Wastewater Disposal Rules. The number of buildable lots or dwelling units in the cluster development shall in no case exceed the number of lots or dwelling units in the standard subdivision.

Estimated costs of infrastructure development (roads, utilities, etc.) shall accompany the plan. The written statement shall describe the natural features which will be preserved or enhanced by the cluster approach. Natural features include, but are not limited to, moderate-to-high value wildlife and waterfowl habitats, important agricultural and forest land, moderate-to-high yield aquifers, and important natural or historic sites identified by the Comprehensive Plan as worthy of preservation.

Within ten days of receiving the application, the Board shall invite comments on the application from Selectmen, other appropriate town officials and abutters. Within thirty days of receiving the application, the Board shall determine whether to require that the subdivision be developed in accordance with the cluster standards of this section.

C. Basic Requirements for Cluster Developments

1. Cluster Developments shall meet all requirements of this Ordinance.
2. The net residential acreage shall be calculated by taking the total area of the lot and subtracting, in order, the following:

- a. Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for building purposes or for use in common with the remainder of the lot, as determined by the Planning Board.
 - b. Portions of the lot shown to be in a floodway as designated in the Flood Boundary and Floodway Map prepared by the Federal Insurance Administration.
 - c. Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to:
 - i. slopes greater than 20%
 - ii. organic soils
 - iii. wetlands soils
 - d. Portions of the lot subject to rights of way.
 - e. Portions of the lot located in the resource protection zone.
 - f. Portions of the lot covered by surface water.
3. In order to determine the maximum number of dwelling units permitted on a tract of land, the net residential acreage shall be divided by the minimum lot size required by the Land Use Ordinance. No building shall be sited on slopes steeper than 20%, or within 75 feet of any water body or wetland.
 4. The total area of reserved open space within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required by the Land Use Ordinance. No less than 30% of the reserved open space shall be usable open space.
 5. Every building lot that is reduced in area below the amount normally required shall be within 1000 feet of the common land.
 6. No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of development.
 7. Shore frontage shall not be reduced below the minimum normally required by the Land Use Ordinance.
 8. Where a cluster development abuts a body of water, a usable portion of the shoreline, as well as reasonable access to it, shall be a part of the common land.

ARTICLE 11 - PERFORMANCE GUARANTEE S

With submittal of the application for Final Plan approval, the Board may require the subdivider to provide a performance guarantee for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs.

ARTICLE 12 - WAIVERS

- 12.1 Where the Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, it may waive portions of the submission requirements, unless otherwise indicated in the regulations, provided the applicant has demonstrated that the performance standards of this Ordinance and the criteria of the Subdivision Statute have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Land Use Ordinance, or this Ordinance.
- 12.2 Where the Board makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Land Use Ordinance, or this Ordinance, and further provided the performance standards of this Ordinance and the criteria of the Subdivision Statute have been or will be met by the proposed subdivision.
- 12.3 In granting waivers to any of this Ordinance in accordance with Sections 12.1 and 12.2, the Board shall require such conditions as will assure the purposes of this Ordinance are met.
- 12.4 Waivers to be shown on Final Plan

When the Board grants a waiver to any of the improvements required by this Ordinance, the Final Plan. to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date on which they were granted.

ARTICLE 13 - APPEALS

13.1 An aggrieved party may appeal any decision of the Board under this Ordinance to the Board of Appeals, within thirty days of the date of the decision.

Derivation: Town Meeting June 9, 2009
Subdivision Ordinance Town of Clinton Article 13 – Appeals Section 13.1
Replaced the words “Kennebec County Superior Court” with “Board of Appeals”.

STATE OF MAINE
MUNICIPALITY OF CLINTON PLANNING BOARD

DATE: _____
FEE: _____
BY: _____
APPLICATION
NUMBER: _____

APPLICATION FOR SUBDIVISION APPROVAL

Applicant:

Name: _____ Tel: _____

Address: _____

Interest in Property: _____

Interest in abutting property, if any: _____

Owner

Name: _____ Tel: _____

Address: _____

Name of Project: _____

Type of Proposed Activity:

- Minor Subdivision Review
- Major Subdivision Review – Preliminary Plan Review
- Site Plan Review
- Other _____

Project Type:

- Single Family Multi-Family Condominium Other

Location:

Street Address: _____

Registry of Deeds: Book _____ Page _____

Assessor's Office: Map _____ Lot _____

Other Project Information

Size of Parcel (acres) _____ Zoning District(s) _____

Proposed # of Lots: _____ Proposed # of Buildings: _____

Proposed # of Dwelling Units: _____

Does the applicant intend to request any waivers of Subdivision or Zoning Ordinance Provisions?

No Yes

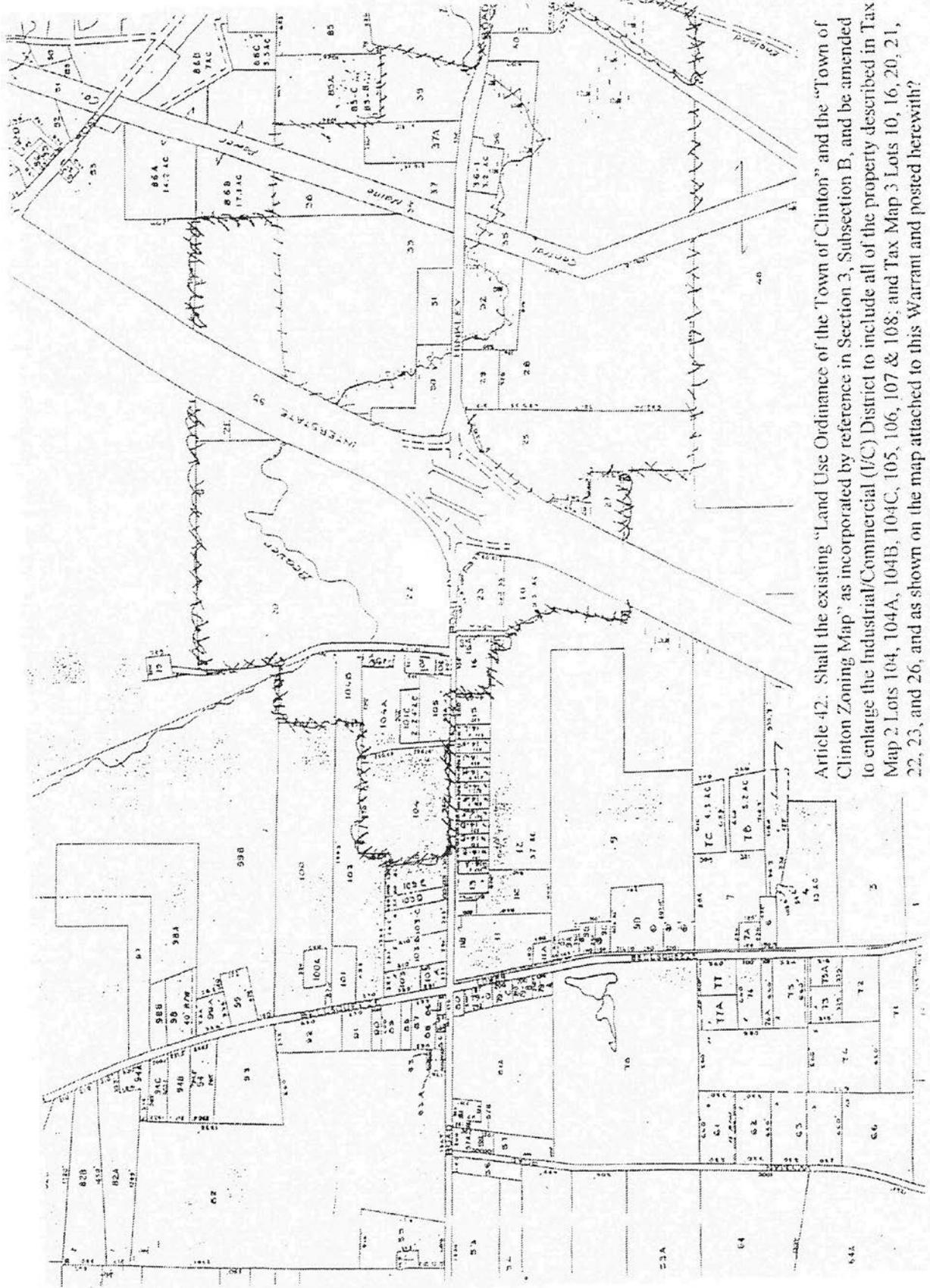
If yes, list the reasons why _____

Name and Address of Applicant's Engineer, Land Surveyor or Planner:

The undersigned, being the applicant, owner or legally authorized representative, states that all information contained in this application is true and correct to the best of his/her knowledge and submits the information for review by the town and in accordance with applicable ordinances, statutes and regulations of the Town, State and Federal governments.

Date

Signature of Applicant/Owner/Representative



Article 42. Shall the existing "Land Use Ordinance of the Town of Clinton" and the "Town of Clinton Zoning Map" as incorporated by reference in Section 3, Subsection B, and be amended to enlarge the Industrial/Commercial (I/C) District to include all of the property described in Tax Map 2 Lots 104, 104A, 104B, 104C, 105, 106, 107 & 108; and Tax Map 3 Lots 10, 16, 20, 21, 22, 23, and 26, and as shown on the map attached to this Warrant and posted herewith?

Selectmen Planning Board Recommend

Pass 0 6/12/01

