

WOOLWICH
SUBDIVISION ORDINANCE

Prepared by:

**Woolwich Town Officials:
Moratorium Committee
Selectmen
Planning Board**

And

**Southern Mid Coast Regional Planning Commission
52 Front Street, Bath, Maine 04530**

Financial assistance for the preparation of this document has been provided by the Coastal Zone Management Act of 1972, administered by the Office of Coastal Zone

Management, National Oceanic and Atmospheric Administration; conducted as part of the Coastal Program of the Maine State Planning Office.

**SUBDIVISION ORDINANCE
TOWN OF WOOLWICH**

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SECTION 1. PURPOSE

The purpose of these subdivision regulations is to assure the comfort, health, safety and general welfare of the people of Woolwich, to protect the environment, to provide for the orderly development of a sound and stable community and to provide uniform procedures for town review of subdivision, as required by Title 30, M.R.S.A., Section 4956.

SECTION 2. AUTHORITY AND ADMINISTRATION

A. Authority

1. These regulations are adopted pursuant to and consistent with Title 30, M.R.S.A., Section 4956, and as hereafter amended.
2. These regulations shall be known as the Subdivision Ordinance for the Town of Woolwich.

B. Administration

1. The Planning Board for the Town of Woolwich shall administer these regulations.

2. The provisions of these regulations shall apply to all of the land area of all proposed subdivisions, as defined by Title 30, M.R.S.A., Section 4956, located in the Town of Woolwich.

SECTION 3. DEFINITIONS

Densely Developed Area “Densely developed area” means any commercial, industrial or compact residential area of 10 or more acres with an existing density of at least one principal structure per 2 acres.

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

Freshwater Wetland “Freshwater wetland” means freshwater swamps, marshes, bogs and similar areas which are:

- A. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and
- B. Not considered part of a great pond, coastal wetland, river, stream, or brook.

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

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

Subdivision “Subdivision” means the division of a tract or parcel of land into 3 or more lots within any 5-years period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings, or otherwise. The term “subdivision” also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or

parcel of land, and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

- A. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:
 - (1) Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence or for open space land as defined in Title 36, section 1102, for a period of at least 5 years before the 2nd dividing occurs; or
 - (2) The division of the tract or parcel is otherwise exempt under this subchapter.
- B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this subchapter, do not become subject to this subchapter by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The municipal reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.
- C. A lot of 40 or more acres shall not be counted as a lot, except:
 - (1) when the lot or parcel from which it was divided is located entirely or partially within any shoreland area as defined in Title 38, section 435, or a municipality's shoreland zoning ordinance; or
 - (2) when a municipality has, by ordinance, or the municipal reviewing authority has, by regulation, elected to count lots of 40 or more acres as lots for the purposes of this subchapter when the parcel of land being divided is located entirely outside any shoreland area as defined in Title 38, section 435, or a municipality's shoreland zoning ordinance.
- D. A division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage, or adoption or a gift to a municipality or by the transfer of any interest in land to the owner of land abutting that land does not create a lot or lots for the purposes of this

definition, unless the intent of the transferor in any transfer or gift within this paragraph is to avoid the objectives of this subchapter. If the real estate, exempt under this paragraph by a gift to a person related to the donor by blood, marriage, or adoption, is transferred within 5 years to another person not related to the donor of the exempt real estate by blood, marriage, or adoption, then the previously exempt division creates a lot or lots for the purpose of this subsection.

- E. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.

- F. In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.

- G. Notwithstanding the provisions of this subsection, leased dwelling units are not subject to subdivision review if the municipal reviewing authority has determined that the units are otherwise subject to municipal review at least as stringent as that required under this subchapter.

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

- I. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraph D, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

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

Tract or Parcel of Land "Tract or parcel of land" means all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road

are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road.”

SECTION 3A ROAD AND STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS

A. Classification

In accordance with a Comprehensive Plan of the municipality and for the purposes of these standards, roads are classified by function as follows:

- (1) Major Roads. The term “Major Roads” includes Arterial Roads which serve primarily as major traffic ways for travel between and through towns; and Collector Roads, which serve as feeders to Arterial Roads, as collectors of traffic from minor roads and for circulation and access in commercial and industrial areas.
- (2) Subdivision Roads. Local roads which are used primarily for access for abutting subdivision properties and which are privately built and maintained right-of-ways providing access to two (2) or more properties.

B. Road Design Standards

1. These design standards shall be met by all roads within subdivisions, and shall control roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances. When underground utilities are provided they shall be reflected on the road design drawings. The Planning Board may require connection to water or sewage utilities if they are in reasonable proximity to the subdivision.
2. Proposed roads shall conform, as far as practical, to such Comprehensive Plan or policy statement as may have been adopted, in whole or in part, prior to the submission of a preliminary plan.
3. All roads in the subdivisions shall be so designed that, in the opinion of the Board, they will provide safe vehicular travel while discouraging movement of through traffic. Roads greater than 300 feet long shall be designed under the direction of an engineer qualified by the Maine State Board of Professional Engineers.
4. The arrangement, character, extent, width, grade, and location of all

roads shall be considered in their relation to existing or planned roads, to topographical conditions, to public convenience and safety, and their appropriate relation to the proposed use of the land to be served by such roads. Grades of roads shall conform as closely as possible to the original topography so that cut and fill minimized while maintaining the grade standards above.

5. Where a subdivision abuts or contains an existing or proposed arterial road, the Board may require reverse frontage (that is, frontage on a road other than the existing or proposed arterial road) with screen planting contained in a non-access reservation along the rear property line, or such other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
6. The Board may require that subdivisions containing fifteen (15) lots or more or with a road greater than 2500 feet shall have at least two road connections with existing public roads or roads shown on the official map if such exists, or roads on an approved Subdivision Plan for which a bond has been filled.
7. Design and Construction Standards. All roads in a subdivision shall be designed and constructed to meet the following standards for roads according to their classification as determined by the Planning Board.

DESIGN AND CONSTRUCTION STANDARDS FOR ROADS

SUBDIVISION ROADS

- | | |
|------------------------------------|------------------------------------|
| 1. Minimum right-of-way | 50' |
| 2. Minimum width of travel surface | 18' |
| 3. Minimum width of shoulder | 2' each |
| 4. Maximum grade | 10% Nominal |
| 5. Maximum grade at intersections | 5% within 50 feet of Intersections |
| 6. Minimum angle of intersection | 60→ |
| 7. Road base (minimum) gravel | 18" |

8. Surfacing Gravel	4”
9. Road Crown (minimum)	¼”/1 foot
10. Sidewalks – Width (minimum, where required)	5’
11. Dead-end or cul-de-sac Radii of turn-around at end	65’

8. The centerline of the roadway shall normally be the centerline of the right-of-way.

9. Intersections, and Sight Distances

1. Road intersections and curves shall be so designed as to permit adequate visibility for both pedestrian and vehicular traffic. That portion of any corner lot which is necessary to allow 25 foot sight lines between intersection roads shall be cleared of all growth (except isolated trees) and obstructions above the level three feet higher than the center line of the road. If directed, ground shall be excavated to achieve visibility.

2. Sight Distances at Subdivision Entrances and Exits

a. Driveways entrances and exits shall be located to achieve safe sight distances from the driver’s seat of a vehicle that is 10 feet behind the curb (or edge of the shoulder) with the height of the driver’s view at 3 ½ feet above the road surface and the height of the object viewed at 4 ½ feet.

b. The minimum sight distance will be 100 feet for every 10 miles per hour of traffic speed based upon the posted speed on the road.

c. In the event that insufficient frontage or other site constraints limit the ability of a property owner to meet the standard of paragraph L. 1.b. above, the applicant must demonstrate to the Planning Board that sight distances have been met to the maximum extent possible. Should other portions of this ordinance come into conflict with sight distances, sight distances shall take precedence.

3. Minimum Distance Between Driveways

The minimum distance between driveways shall be measured from the centerlines of the driveways. The minimum spacing of driveways for any lot created after the effective date of this ordinance shall be 200 feet except on existing lots of record which cannot meet the standard because of insufficient frontage. If frontage is insufficient, the applicant must show the Planning Board the constraints of the lot and provide the best remedy possible, for the Board's review. The minimum distance between driveway entrances on lots with insufficient frontage shall be 100 feet .

4. Number of Driveways

- a. One driveway is allowed per lot. Exceptions may be made on a case-by-case basis subject to Planning Board approval. The need for more than one driveway must be substantiated by traffic volume or other vehicular requirements consistent with MDOT standards.
- b. Non-conforming lots of record which, as of the effective date of this ordinance, have structures and multiple driveways are prohibited from expanding or converting such structures without reducing their access to a single driveway.
- c. Shared access to driveways is encouraged for adjacent sites.

5. Traffic Studies

Should a proposed development present apparent traffic safety or capacity concerns in the vicinity of the development, the Planning Board may require an access review and impose design standards such as those found in the Maine Department of Transportation design manuals. Designs and/or independent impact studies shall be conducted at the expense of the applicant.

C. Road Construction

1. All organic materials shall be removed 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 roadway. On soils which are not suitable for roadways, the subsoil shall be removed from the road site. All organic materials shall be removed to a depth of two feet below the sub grade and replaced with material meeting the specifications for

gravel aggregate sub-base below.

2. Side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan.
3. Road construction will start within one year of Planning Board granting of the sub division approval and will be completed within 2 years. If these requirements are not met the Planning Board may require a new approval or may grant an extension.
4. All completed roads are to be inspected by the cognizant Professional Engineer and inspection findings are to be conveyed in writing to the Planning Board. Road construction and final inspection (report) shall be completed prior to sale of any lot in the subdivision. Partial release of larger subdivisions may be allowed if the phased road development is called out on the subdivision application and Platte Plan.

D. Storm Water Management Design Standards

1. Adequate provision 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 drain, and storm drains. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains.
 1. All components of the storm water management system shall be designed to meet the criteria of a 25-year storm, based on rainfall data for Portland, Maine.
 2. The minimum pipe size for any storm drainage pipe shall be 12 inches.
 3. Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials to reduce storm water velocity.
2. The storm water management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of 25% for potential increases in upstream runoff.
3. Downstream drainage requirements shall be studied to determine the

effect of the proposed subdivision. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the subdivision. The subdivider shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.

4. Wherever the storm drainage system is not within the right-of-way of a public road, perpetual easements shall be provided to allow maintenance and improvement of the system.

E. **Additional Improvements and Requirements**

1. **Erosion Control.** The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.
2. **Clean-up.** Following road construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire road right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the Plan, and be suitably covered with fill and topsoil, limed, fertilized and seeded.
3. **Road Names, and Signs.** Roads shall be named in accordance with 911 requirements. Names of new roads shall not duplicate, nor bear phonetic resemblance to the names of existing roads within the Municipality, and shall be subject to the approval of the 911 coordinator. The developer shall reimburse the Municipality for the costs of installing road name, traffic safety and control signs.

SECTION 4. FEES

A. Application Fee

Every application for a subdivision permit shall be accompanied by an application fee of one hundred dollars (\$100.00) plus fifty dollars (\$50.00) per lot to be paid by a check made payable to the Town of Woolwich.

B. Performance Bond

1. The Planning Board shall require that the subdivider file with the Board at the time of submission of the Final Plan a performance guarantee in an

amount sufficient to defray all expenses of the proposed public improvements. This may be tendered in the form of a certified check payable to the Treasurer of the municipality, or a performance bond running to the municipality and issued by a surety company acceptable to the municipality. The conditions and amount of such certified check or performance bond shall be determined by the Planning Board of the municipality with the advice of the Municipal Officers. The amount shall be at least equal to the total cost of furnishing, installing, connecting and completing all of the street grading, paving, storm drainage and utilities or other improvements specified on the Final Plan within two years of the date of the certified check or performance bond.

2. The Planning Board may recommend a maximum extension of 12 months to the guaranteed performance period when the subdivider can demonstrate, to the satisfaction of the Board and the Municipal Officers, good cause for such extension. Such recommendation shall be referred to the Municipal Officers for official action.
3. Before a subdivision may be released from any obligation requiring his guarantee of performance, the Planning Board will require certification from appropriate municipal officers and consultants, if any, to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards (State, Federal, and local codes, ordinances, laws, and regulations).

C. Consultant Fees

1. The Planning Board may obtain an independent evaluation on the proposed subdivision site, to assist them in making necessary findings of fact as specified in Section 5 (F) (4) of this ordinance. If the Planning Board deems such study necessary, it will request a reasonable additional sum from the applicant to defray the cost of such study or studies. Such request shall be made no later than thirty (30) days following submission of a formal application. Any funds not utilized for consultant studies will be returned to the developer.
2. In making the determination of need for consultant services, the Board shall specify in writing the specific information needed and shall list the review criteria in Section 5 (D) (5) of this ordinance to which the study or studies will apply.

SECTION 5. PROCEDURES FOR SUBDIVISION REVIEW

INTRODUCTION

No utility installations, no ditching, grading or construction of roads, no grading of land or lots and no construction of buildings shall be done on any part of the subdivision until a Final Plan of the subdivision has been prepared, submitted, reviewed, approved and endorsed as provided by these regulations, nor until an attested copy of the Final Plan so approved and endorsed has been recorded by the subdivider in the Registry of Deeds.

To protect the interest of the town, comply with the review requirements of Title 30, M.R.S.A., Section 4956, and provide timely response to subdivision applicants, the following review sequence has been established.

1. Informal pre-application meeting and submission of sketch plan;
2. Planning Board inspection of site;
3. Submission of formal application and subdivision plan;
4. Planning Board review of application and determination of completeness;
5. Public hearing;
6. Planning Board decision;
7. Final approval and filing;
8. Inspection of required improvements.

A. Step 1. Pre-application Conference

1. Before submitting a formal application for approval, the subdivider or his agent shall appear before the Planning board to discuss the proposed subdivision. A sketch plan should be presented for informal review and arrangements made for an inspection of the site with the Planning Board.
2. The sketch plan should include a rough outline of the proposed subdivision showing the proposed layout of streets, lots and other features which may be of assistance to the Board in understanding the proposal.
3. No binding commitments shall be made between the subdivider and the Board at this stage. The purpose of the pre-application meeting shall be to understand what is proposed, what is possible, and what is acceptable.

4. A formal application will not be accepted unless a pre-application conference has been held within the previous four (4) months.
5. The Chairman shall also notify the Selectmen, the Code Enforcement Officer and abutters of the proposed subdivision.

B. Step 2. Planning Board Inspection of Site

The chairman of the Planning Board will appoint one or more individuals to inspect the site, preferably accompanied by the sub-divider. The purpose of this inspection is to more fully inform the Board of the characteristics of the site, and a formal application will not be accepted until the inspection has taken place.

C. Step 3. Submission of Formal Application and Subdivision Plan

1. The Planning board will outline, by checking items on an application form, the specific requirements for the formal application. This form will be provided to the subdivider by the Planning board subsequent to the site visit.
2. The formal application will be accompanied by a subdivision Plat Plan. This plan will be drawn to generally accepted engineering standards however the Planning Board may require specific details on the plan after the preliminary review of the sketch plan and the site visit. The Plat Plan will include the road and road arrangement details and a profile showing grades, culverts, finish depth to exposed ledge and entrance to existing roads. Typical road and shoulder cross section will be detailed. Where underground utilities are to be provided in the subdivision they shall be located on the plan. The Plat Plan will show Storm Water Management and Erosion Control features including clearly marked wetlands and resource protection setbacks and drainage ditches, sheet flow areas, silt fence locations and details.
3. The Planning Board will issue a dated receipt to the subdivider upon receiving the formal application and Plan.

D. Step 4. Review of Application

1. The Planning Board shall review the formal application and Plat Plan to determine if they provide sufficient information for a final Board decision on the subdivision application. The Board will decide within thirty (30) days of receipt of the application whether or not the application is complete, subject to provisions of Section 5 (D) (3) of this Ordinance.
2. A determination of completeness does not in any way imply or indicate that

the application will be approved; not does it remove the burden of proof from the applicant. Additional information may be required from the Planning Board before it reaches a final decision on the application.

3. If the Board determines that the application is not complete, the subdivider will be informed in writing what specific additional information would be required to make the application complete. The applicant has six (6) months to complete the application, or a new application must be made. Upon receipt of additional information, the Board has thirty (30) days to decide if the application is complete.
4. If the Board determines that the application is complete, it will inform the subdivider in writing of that fact.
5. In making its determination of completeness, the Board shall be guided by the review criteria listed in subsection 3 of Title 30, M.R.S.A., Section 4956, and by such review criteria or standards which the Board may adopt. In all instances the burden of proof shall be upon the persons proposing the subdivisions. In issuing its decision, the Board shall make findings of fact establishing that the proposed subdivision does or does not meet the forgoing criteria:
 - a. will not degrade the water resources of the town. In making this determination, the Board shall consider, at a minimum, the existing quality of water resources; the elevation of land above sea level and its and its relation to the floodplains; the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; and the applicable state and local health and water resource regulations
 - b. will not degrade the quality of air in the town; nor cause unreasonable levels or types of noise
 - c. has sufficient potable water for the reasonably foreseeable needs of the subdivision
 - d. will have no adverse effect upon the water supplies of neighboring properties
 - e. will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result
 - f. 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 and meet the requirements and standards of Section 3A.

- g. will provide for adequate on-site waste water disposal
- h. will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized
- i. will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas
- j. is in conformance with the town's subdivision ordinance and comprehensive plan
- k. the subdivider has adequate financial and technical capability to meet the the above stated standards
- l. whenever situated in whole or in part within 250 feet of any pond, lake, or tidal waters, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water
- m. will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater
- n. will not adversely affect access of adjacent properties to direct sunlight or wind for the purposes of energy generation

E. Step 5 Public Hearing

The Planning Board shall hold a public hearing on the proposed subdivision within 30 days of having determined that a subdivision application is complete. Notice of the date, time and place of such hearing shall be given to the subdivider and be published in a newspaper of general circulation in the town at least two times. The date of the first published notice shall be at least seven (7) days prior to the hearing. The Planning board shall also notify all abutters of the date, time and place of the hearing at least seven (7) days prior to the hearing.

F. Step 6. Planning Board Decision on Subdivision

- 1. The Planning Board shall within thirty (30) days of the public hearing, and within sixty (60) days of having determined that an application is complete, issue in writing its approval, conditional approval, or denial.

2. The Board may attach such conditions as it deems advisable to satisfy the criteria of this ordinance and Title 30, M.R.S.A., Section 4956.
3. If the Planning Board determines that a fair and adequate review of an application will require longer than sixty (60) days, the review time limit may be formally extended for some specified time, if mutually acceptable to the subdivider and the Planning Board.
4. The Planning Board will make written findings of fact establishing that the proposed subdivision does or does not meet the provision of this ordinance and the guidelines of Title 30, M.R.S.A., Section 4956.

G. Step 7. Final Approval and Filing

1. Upon approval of the Plan, a majority of the board shall sign all five (5) copies of the Plat Plan. The original transparency shall be filed by the applicant with the Registry of Deeds within ninety (90) days of approval by the Planning Board.
2. No changes, erasures, modifications, or revisions shall be made in any Plan after approval has been given by the Planning board and endorsed in writing on the Plan, unless the Plan is first re-submitted and the Planning Board approves any modifications.
3. In the event that a Plan is not recorded within ninety (90) days after approval and endorsement, or if a Plan is changed prior to recording without Planning Board approval, the Plan shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the records of the Selectmen and the Register of Deeds.

H. Step 8. Inspection of Required Improvements

1. At least ten (10) days prior to commencing construction of required improvements the subdivider shall notify the First Selectman or the Planning Board Chairman in writing of the time when construction will commence, in order to facilitate inspection by the town.
2. If the town shall find, upon inspection of the improvements performed, that any of the required improvements have not been constructed in performance with the Plat Plan, the Selectmen shall notify the subdivider and take all necessary steps to preserve the town's rights. No Plan shall be approved by

the Planning Board as long as the subdivider is in default on a previously approved Plan.

3. If at any time before or during the construction of the required improvements unforeseen conditions make it necessary or preferable to modify the Plat Plan, the Planning Board may authorize and require such modifications provided that they are within the spirit of the original approved Plan.
4. Upon completion of all improvements to the satisfaction of the town, the Planning Board shall certify in writing that all the terms of the subdivision approval have been complied with.

SECTION 6. APPEALS

An appeal may be taken, within thirty (30) days from the Planning Board's Decision on the Final Plan, by any party or person aggrieved to Superior Court in accordance with rule 80B of the Maine rules of Civil Procedure.

SECTION 7. ENFORCEMENT

No person, firm, corporation, or other legal entity may sell, lease, develop, build upon, or convey for consideration, offer or agree to sell, lease, develop, build upon, or convey for consideration any land in a subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds, nor shall such person, firm, corporation, or other legal entity sell or convey any land in such approved subdivision unless at least one permanent marker is set at one lot corner of the lot sold or conveyed. The term "permanent marker" includes but is not limited to the following: A granite monument, a concrete monument, an iron pin, or a drill hole in ledge. No subdivision plat or plan shall be recorded by any Registry of Deeds which has not been approved as required. Approval for the purpose of recording shall appear in writing on the plat or plan. No public utility, water district, sanitary district or any utility company of any kind shall install services to any lot in a subdivision for which a plan has not been approved.

Any person, firm, corporation, or other legal entity who sells, leases, develops, builds upon, or conveys for consideration, offers or agrees to sell, lease, develop, build upon or convey for consideration any land in a subdivision which has not been approved as required by this section shall be punished by a fine of not more than \$1,000 for each such occurrence. The Attorney General, the town, the Planning Board, or the appropriate town officers may institute proceedings to enjoin the violations of this section, and if a violation is found by the court, the town, Planning Board or the appropriate town officers may be allowed attorney fees.

SECTION 8. AMENDMENTS

This ordinance may be amended by a majority vote of the town meeting. A copy of all amendments shall be filed with the Register of Deeds.

SECTION 9. VALIDITY

The validity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof.

SECTION 10. EFFECTIVE DATE

This Ordinance shall become effective on the date of adoption.

I certify this is a true test copy of the ordinance that was amended at the May 5, 2005 Special Town Meeting.

Attest:

Lloyd F. Coombs, Jr.
Clerk of Woolwich, Maine