

SUBDIVISION REGULATIONS OF THE TOWN OF SHIRLEY

TOWN
OF
SHIRLEY

SUBDIVISION
REGULATIONS

Reviewed by the Shirley Planning Board October 18, 2021

SUBDIVISION REGULATIONS OF THE TOWN OF SHIRLEY

Section 1. Purpose

The purpose of these subdivision regulations shall be to assure the comfort, health, safety, and general welfare of the people of Shirley, to protect the environment, and to provide for the orderly development of a sound stable community.

Section 2. Authority and Administration

1. These regulations are adopted pursuant to and consistent with Title 30, M.R.S.A., Section 4956.

2. These regulations shall be known and cited as the "Subdivision Regulations for the Town of Shirley".

3. The conditions of this subdivision regulation shall not abrogate any more stringent ordinances, codes, regulations or requirements of the Town of Shirley, the State of Maine or the U.S. Government.

B. Administration

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

The provisions of these regulations shall apply to all of the land areas of all proposed subdivisions, as defined, located in the Town of Shirley.

Section 3. Definitions (**Amended 9-5-2002**)

A. Subdivision. "Subdivision" shall have the meaning provided in Title 30-A, section 4401 (4) of the Maine Revised Statutes Annotated, except that, for the purposes of this ordinance, lots of 40 acres or more shall not be counted when the parcel of land being divided is located entirely outside any shoreland area as defined in Title 38, section 435 and the Town of Shirley Shoreland Zoning Ordinance.

Section 4. Procedures for Subdivision Review

A. Introduction. The subdivider's application for subdivision approval will not be considered complete until a Final Plat Plan, based on survey, has been

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submitted to the planning Board. While a subdivider may submit a Final Plat Plan and all related materials to the Board without any prior contact with the Board, the subdivider is strongly advised against doing this, as any potential problems may not be resolved within the Statutory time limits for reviewing completed applications. This may result in a negative decision of the board and unnecessary expenses to the subdivider for revising the application materials and possibly for re-surveying of the land.

B. Pre-application Meeting and Submission of a Sketch Plan

1. Prior to submitting an application for subdivision approval and the Preliminary Plat Plan, the subdivider or his authorized agent should appear informally at a regular meeting of the Planning Board to discuss the proposed subdivision.

2. The subdivider shall present to the Board, for informal review and comment, a sketch plan to the proposed subdivision. The sketch plan shall consist of a rough outline of the proposed subdivision, and may be a freehand, penciled sketch of the parcel, showing the proposed layout of streets, lots and other features which may be of assistance to the Board in making its determinations.

3. No binding comments 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 expected.

C. Inspection of the Site

In order for the Planning Board to be more fully informed about the site, the subdivider shall arrange an inspection of the site with the Planning Board, or an individual appointed by the Chairman to act as the Board's representative for the inspection. The on-site inspection may be conducted at or shortly after the time of submission of the sketch plan. The pre-application phase of the application process will not be considered complete until such inspection can be made. The Planning Board will not conduct site inspection unless the ground is bare so that adequate inspection can be made. (No inspection during snow covered months.)

D. Submission of a Preliminary Plat Plan

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Upon submission of a sketch plan, and following an on-site inspection of the site, the Planning Board will outline, by checking specific items on an application form, the specific requirements for Preliminary Plat Plan submission. Specific requirements will vary according to the size and complexity of the subdivision proposal. The Planning Board may waive information submission requirements which are not relevant to the subdivision being proposed. In some instances, the Planning Board may waive the requirements for Preliminary Plat Plan, in which case the application form must be submitted with the Final Plat Plan. The Preliminary Plat Plan shall not be less than 8 ½" by 11", and shall be drawn to a scale of not greater than 1" equals 100' nor less than 1" equals 400" with contour lines as specified by the Board. One copy shall be reduced to an 8 ½" by 11" copy for distribution to the Planning Board. At least 3 copies shall be provided: one for the subdivider, one for the Planning Board, and one for the Board of Selectmen. Requirements for the Preliminary Plat Plan are indicated on an application form supplied by the Planning Board, and shall include the following:

Information on the Applicant

1. Name of Owner
2. Name of the Applicant (if other than owner).
3. If Applicant is a corporation, state whether the corporation is licensed to do business in Maine, and attach a copy of Secretary of State's Registration.
4. Name of Applicant's authorized representative.
5. Name, address, and number of Registered Professional Engineer, Land surveyor and/or Planner.
6. Address to which all correspondence from the Planning Board should be sent.
7. What interest does the Applicant have in the parcel to be subdivided (option, land purchase contract, record of ownership, etc.)?
8. What interest does the applicant have in any property abutting the parcel to be subdivided?
9. State whether preliminary plat plan covers entire, contiguous holdings of applicant or not.

Information of Parcel to be Subdivided

1. Location of property: Book and page (from Shirley Tax Maps).

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2. Location of property: Map and Lot.
3. Map survey of tract to be subdivided, certified by a Registered Land Surveyor, tied to established reference points (attach to application).
4. Is this property in Shoreland Zoning; if so what Zone?
5. Acreage of parcel to be subdivided?
6. A soils report, identifying soil types and locations of soil test areas. Based on soil test results, certain modifications of the Preliminary Plat Plan may be required (attach copy of soils report to application). There shall be at least one soil test per lot.
7. Names of property owners abutting parcel to be subdivided, and on opposite side of any road from parcel to be subdivided (show on Plat).
8. Indicate the nature of any restrictive covenants on the original deed, or any restrictive covenants to be placed on the deeds.

Information of Subdivision

1. Proposed name of subdivision, if any.
2. Number of lots.
3. Date, magnetic north point, graphic map scale (show in Plat).
4. Proposed lot lines with approximate dimensions and suggested locations of buildings, subsurface sewage disposal systems, and wells (show on Plat).
5. Location of temporary markers adequately located to enable the Planning Board to locate lots readily and appraise basic lot layout in the field (show on plat).
6. Location of all parcels to be dedicated to public use, and the conditions of such dedication, and the location of all natural features or site elements to be preserved (show on plat).
7. A location map consisting of a USGS Topographical Map showing the relations of the proposed subdivision to adjacent properties and to the general surrounding area. The location map shall show all the area within 2000 feet of any property line of the proposed subdivision (attach to application).
8. Notification of abutting land owners by Planning Board by certified mail at applicants cost. The Planning Board will advertise the meeting at least 7 days prior to the meeting to discuss the request.

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9. Location and size of existing buildings, watercourses, and other essential existing physical features (show on plat).
10. Location and size of any existing sewers, water mains, culverts and drains.
11. Locations, names and widths of existing and proposed streets, highways, easements, building lines, parks, and other open spaces (show on plat).
12. The location and size of existing and proposed sewers, water mains, culverts, hydrant system, and drainage ways on and adjacent to the property to be subdivided.

The following may be required by the Planning board.

13. Contour lines at an interval of not more than (5, 10, 20) feet in elevation, unless otherwise specified by the Board, referred to US Coastal and Geodetic Survey benchmarks if such exists within 500 feet of the subdivision.
14. Typical cross-sections of proposed grading for roadways, sidewalks and storm drainage facilities (attach to application).
15. Other information not indicated above, as specified by the Board on the application form.

E. Issuance of Dated Receipt

Upon receipt of the Preliminary Plat Plan and the application form, the Planning Board shall issue the subdivider a dated receipt.

F. Planning Board Action on the Preliminary Plat Plan

If the subdivision is located in more than one municipality, the board shall have a joint meeting with the Planning Board of the adjacent municipality to discuss the plan. Town lines will be clearly marked on the Plat Plan and will be marked on the land of the subdivision.

If a Public Hearing is held the Planning Board shall within 30 days of this hearing notify the subdivider in writing of a decision based on one of the

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three options listed below. If a public hearing is not held the Board shall make this decision within 30 days of having issued a receipt for the Preliminary Plat Plan. If mutually agreed, this time table may be changed.

The Planning board shall notify in writing either that:

1. With the exception of the submission of a Final Plat Plan, the application is a complete application; or
2. In addition to the submission of a Final Plat Plan, there are a number of specific additional materials which will have to be submitted to make a complete application. The Planning Board shall indicate in writing the nature of these deficiencies. Submission of the Final Plat Plan without correcting these deficiencies shall be grounds for disapproval of the application for subdivision approval.

The Planning Board shall maintain a permanent record of their action of the Preliminary Plat Plan.

G. Submission of a Final Plat Plan

Within 6 months of the date of Planning Board action on the Preliminary Plat Plan, the subdivider shall submit the Final Plat Plan, to the Planning Board with a check for \$100.00 per residential lot in addition to the \$250.00 application fee. In the case of housing units; (hotels, condos, motels, trailer parks, etc.), a check for \$25.00 per residential dwelling unit shall be submitted. Campgrounds will be \$5.00 per site. The check shall be payable to the Town of Shirley. Failure to submit the Final Plat Plan within the designated time period shall require the submission of a new subdivision application. The fee, upon final subdivision approval will be \$100.00 per lot and a copy of the filed and registered plan.

The Final Plat Plan shall consist of 1 original transparency and three copies of one or more maps or drawings similar copy of these plans for distribution of the Planning Board, at least one week prior to the Planning Board meeting in which the Final Plat Plan will be discussed. In addition to all of the items required on the Preliminary Plat Plan, unless otherwise indicated by the Planning Board, the following items shall be required as part of the Final Plat submission:

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1. Registered Land Surveyor. The name, registration number, and seal of the registered land surveyor who prepared the Final Plat (show on Plat).
2. Street and Roads. The names and lines, lengths of all straight lines, the deflection of angles, radial, lengths of curves, and central angles of all curves, and tangent distances and bearings (show on plat).
3. Open spaces. The designation of all easements, areas reserved for or dedicated to public use, and areas reserved by the subdivider.
4. Lots. The locations, bearings, and length of every line, with all lots to be numbered in accordance with local practices.
5. Permanent Reference Monuments. The location of permanent markers set at all corners, as shown on the plat. Monuments shall also be set at all street intersections.
6. Performance Bond. A performance Bond to secure completion of all public improvements required by the Planning Board and written evidence that municipal officers are satisfied with the legal sufficiency of such bond.
7. Escrow Account. A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the subdivider, the Town of Shirley shall be named as co-owner, and the consent of the municipal officers shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the subdivider unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the subdivider and the amount withdrawn to hire attorneys, or professional consultants as the Town may require.
8. Land Dedication. Written copies of any documents of land dedication, and written evidence that the municipal officers are

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satisfied with the legal sufficiency of any documents conveying such land dedication

9. Planning Board Certificate. The Final Plat Plan to be signed by the Planning Board shall include the following language:

This is to certify that after reviewing the subdivision shown by this plan and considering each of the criteria set forth in Title 30 MRSA, Section 4956, as amended, the undersigned have made a finding of fact established that the subdivision shown by this plan meets all the criteria set forth and therefore the subdivision is approved. By approval the board does not certify the quality of survey or the accuracy of lines shown. There shall be no further subdivision without prior approval by this Planning Board.

Date:

Planning Board of Shirley

State of Maine
Piscataquis, ss

_____ 20

Personally appeared the above named _____
and acknowledged the foregoing to be of his free act and deed and the free
act and deed of the majority of said Board.

Notary Public

H. Notification of Completed Subdivision Application

After the Planning Board has received the Final Plat Plan and all of the information required to be submitted with it, the Planning Board shall notify the subdivider in writing that a completed subdivision application has been filed, and shall begin its evaluation.

I. Public Hearing

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In the event that the Planning Board determines to hold a public hearing on the proposed subdivision, it shall hold such a public hearing within 30 days of having received a complete subdivision application, and shall cause notice of the date, time and place of such hearing to be given to the subdivider and to be published in a newspaper of general circulation in the municipality in which the subdivision is proposed to be located at least two times; the date of the first publication shall be at least 7 days prior to the hearing. The decision to hold a public hearing is discretionary, and in making its decision, the Planning Board may consider the size and type of subdivision, the community impact, and whether any written requests

J. Planning Board Decision on Final Plat Plan

1. No plan shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plan.
2. The Planning Board shall, within 30 days of public hearing, or within 60 days of having received a completed application, if no hearing is held, or within such other time limit as may be mutually agreed to, issue an order denying or granting approval of the proposed subdivision, or granting a approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in these regulations and in Title 30 MRSA, Section 4956, and to preserve the public's health, safety and general welfare. In all instances, the burden of proof shall be upon the subdivider. In issuing its decision, the Planning Board shall make findings of fact establishing that the proposed subdivision does or does not meet the provisions of these regulations and Title30, MRSA, Section 4956.
3. Upon approval of the Plan, a majority of the Board shall sign all four copies. The original transparency shall be filed with the Registrar of Deeds. One copy shall be retained by the subdivider, one copy shall be retained by the Planning Board, and one copy shall be filed with the Selectmen. The Planning Board shall maintain a permanent record of their action on the Final Plat Plan.

Section 5. General Requirements

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A. Buffer Strip. The Planning Board may require a buffer strip when the proposed subdivision will be located adjacent to a use where separation is desirable.

B. Conformance with other Laws & Regulations. The proposed subdivision shall be in conformance with all pertinent local, State, and Federal Ordinances, Statutes, laws and regulations. If the proposed subdivision meets the definition of subdivision as defined in the Site Location Act, Title 38, MRSA, Section 482, the subdivider must secure the approval of the Board of Environmental Protection and the Planning Board. When the proposed subdivision requires approval of the Planning Board and The Board of Environmental Protection, each review will be conducted independently, and the Planning Board may deny approval of the subdivision even though the Board of Environmental Protection has granted an approval under the provisions of the Site Location Act.

C. Construction Prohibited. No utility installations, no ditching, grading, or construction of roads, no grading of land or lots, and no construction of building shall be done on any part of the subdivision until a Final Plat Plan of the subdivision has been prepared, submitted, reviewed, approved and endorsed as provided by these regulations and not until an attested copy of the Final Plat Plan so approved and endorsed has been recorded by the subdivider in the Registry of Deeds. Plans for road construction, grading and ditching shall be reviewed by the Code Enforcement Officer and the Road Commissioner for their Recommendations prior to Planning Board approval.

D. Water Supply. When a subdivision is to be served by a public water system, the complete supply system, including fire hydrants, shall be installed at the expense of the subdivider.

a. The subdivider shall provide a written statement from the servicing water company or district that adequate water supply and pressure for both domestic and fire fighting purposes can be provided without placing an undue burden on the source, treatment facilities or distribution system involved. The subdivider shall be responsible for paying the costs of system improvements necessary to serve the subdivision.

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b. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed by the servicing water company or district and the Fire Chief.

E. When drawing water from a ground aquifer for domestic and fire fighting purposes the subdivider shall:

a. Provide the Planning Board with data and evaluation of data on the vulnerability of the aquifer which will be affected. Such evaluation shall be performed by a consulting Geologist.

b. Provide a completed plan showing size and location of mains, gate valves, and hydrants, which shall be reviewed by the Fire Chief and a Registered Professional Engineer.

c. A statement from a consulting geologist of cumulative impacts of development in the area on the affected aquifer.

d. The subdivider shall be responsible for paying the costs of establishing a dry hydrant system meeting N.F.P.A. standards and State Fire Code Standards for the proposed subdivision. The subdivision hydrant system shall be designed by a Registered Professional Engineer.

e. The subdivider shall construct ponds to provide for adequate water storage for fire fighting purposes. An easement shall be granted to the Town of Shirley granting access to the dry hydrants where necessary. The Board may waive the requirement for fire ponds only upon submittal of evidence that the soil types in the subdivision will not permit their construction.

F. Sewerage Disposal

a. When sewage disposal is to be accomplished by connection to a public sewer, a letter from the Sewer District or Company indicating there is adequate capacity within the system to transport and treat the sewage shall be submitted.

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b. The Planning Board may require, when there is a public sanitary sewer line located within 1000 feet of the proposed subdivision at its nearest point, that at the expense of the subdivider, existing sewer lines be extended and connected to the subdivision. Plans for such extension and connection shall be submitted and approved by the Sanitary District.

G. Surface Water Drainage: The Planning Board may require the installation of ditches, catch basins, piping systems, and other appurtenances for the conveyance, control and disposal of surface waters. Adequate drainage shall be provided so as to reduce the danger of flooding and erosion. The Planning Board may require a plan for the disposal of surface drainage waters prepared by a Registered Professional Engineer. In addition, the Planning Board may require the following information:

a. Where a subdivision is traversed by a stream, river or surface water drainage way, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water management system shall be designed by a Registered Professional Engineer.

b. Drainage easements for existing watercourses or proposed drainage ways shall be provided and indicated on the plan at least thirty feet wide, conforming substantially to the lines of existing natural drainage.

c. The developer shall provide a statement from the designing engineer that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or in other properties. Where the peak run off from the subdivision onto other properties is increased either in volume or in duration, easements from the abutting property owners, allowing such additional discharge shall be obtained.

d. A storm water drainage plan, showing ditching, culverts, storm drains, easements, and other proposed improvements.

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H. Soil Erosion and Sedimentation Control. The subdivider shall submit a soil erosion and sedimentation control plan. The Planning Board may require that the plan be endorsed by the County Soil Water Conservation District or that the plan be prepared by a Registered Professional Engineer. Top soil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.

I. Easements. The Planning Board may require easements for sewage, drainage, or other utilities.

Guidelines for Reviewing Subdivisions in Subdivisions Law. In reviewing any proposed subdivision, the Planning Board shall consider the criteria set forth in the Guidelines contained in the Subdivision Law, Title 30, MRSA, Section 4956, and before granting approval shall determine that they have been, or will be, met. In all instances, the burden of proof shall rest with the applicant.

J. Lots and Density

1. The lot size, width, shape and orientation and the minimum setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

2. Where individual, on-site sewage disposal systems are to be utilized; the size of each lot shall be based on soil characteristics, and shall conform to the minimum lot Size guide contained in Appendix 1 of the Minimum Plumbing Code, Part 11, dated April 25, 1975.

3. The subdivision of tracts into parcels which can be further subdivided shall be laid out in such a manner as either to provide for or preclude future re-subdivision. Where public utilities and road could be extended to the subdivision in the foreseeable future, the subdivision shall be designed to accommodate the extensions of utilities.

K. Land Not Suitable for Development. The Planning Board shall not approve such portions of any proposed subdivision that are within 100 year frequency flood plains (governed by Shirley Flood plan

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Management Ordinance) or on land which must be filled or drained or on land created by diverting a watercourse.

L. Open Space and Retention of Natural Feature Provision.

1. The Planning Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees (10" or more in diameter), the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic, or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as much as possible.

2. In any subdivision larger than thirty five acres, or more than twenty lots of dwelling units the Planning Board, when it deems necessary, may require the developer to provide up to ten percent of total area as open space. The Planning Board may approve a payment of cash in lieu of all or a portion of the land designated as open space to the Town of Shirley for recreational purposes.

3. Where the proposed subdivision abuts a lake, pond, river or perennial stream, the Planning Board may require, where feasible and appropriate, that the subdivider reserve an area of land abutting the water body or water course as an open space and/or recreational area for use by property owners in the subdivision. The instruments of conveyance (deeds) from the subdivider to the property owner in the subdivision shall provide for an access right of way to this reserved land. The cost of maintenance and development of the reserve land shall be born by the property owners of the subdivision. The manner of providing for the cost of development and/or maintenance of the reserved open space shall be included in the instrument of conveyance to each property owner of the subdivision.

M. Street Design and Construction Standards

1. These design standards shall be met by all streets within the subdivision, and shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances.

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2. The Board may require that streets be designed to discourage through traffic within a residential subdivision.
3. Where a subdivision borders an existing narrow street (not meeting the width requirement of the standards for streets in these regulations), or when the Comprehensive Plan indicates 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 marked "Reserved for Road Realignment (widening) Purposes". When such widening or realignment is indicated on the Official Map, the reserved area shall not be included in any lot, but shall be reserved to be deeded to the Municipality or State or other appropriate ownership (camp association, etc.).
4. Where a major subdivision abuts or contains an existing or proposed arterial street, no residential lot may have vehicular access directly on to the arterial street. This requirement shall be noted on the Plan in the deeds of any lot with frontage on the arterial street.
5. The Following street classification definitions apply to Street Design and Construction:
 - a. Arterial Roads: "Arterial Roads" means major traffic ways for travel between and through towns.
 - b. Collector Roads: "Collector Roads" means major feeders to arterial roads, collecting traffic from minor roads for circulation and access.
 - c. Local Roads: "Local Roads" means roads used primarily for access to abutting residential properties.
 - d. Industrial/Commercial roads: "Industrial/Commercial Roads" means roads primarily for access to abutting industrial and commercial properties.
 - e. Private Right-Of-Way: means vehicular access way servicing no more than two dwelling units.

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6. The following design standards apply according to street classification: Page 23-24
7. The Center line of the roadway shall be the center line of the right-of-way.
8. Dead End Streets. In addition to the design standards on page 24, dead end streets shall be constructed to provide a cul-de-sac turn around with the following requirements for radii: Property line 65 ft.; outer edge of travel way 50'. The Board may require the reservation of a twenty foot 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 fifty foot easement in line with the street to provide continuation of the road where future subdivision is possible.
9. Grades, 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 (see page 23-24)
 - b. All changes in grade shall be connected by vertical curves to provide for the minimum sight distances below.
 - c. Where new street intersections 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.

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

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

- d. Cross (four-cornered) street intersections shall be avoided in so far as possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A minimum distance of two hundred feet shall be maintained between center lines of side streets.

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10. Minimum Thickness of material after compaction:

Street Materials	Minimum Requirements				
	Arterial	Collector	Minor	Right Ow	Com Ind
Aggregate Sub-base Course (Max size stone 6")	18'	18'	12'	12'	18'
Crushed aggregate Base course (Max size stone 3")	6'	6'	6'	6'	6'
Hot Bituminous Pavement--Total Thickness	3 ¼"	2 ½"	2 ½"		3"
Surface Course	1 ½"	¾"	¾"		1 ¼"
Base Course	1 ¾"	1 ¾"	1 ¾"		1 ¾"

11. Preparation

a. 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 100' intervals.

b. Before grading is started, the entire right of way shall be cleared of all stumps, roots, brush and other objectionable material. Whenever possible all ledge, large boulders, and tree stumps shall be removed from the right of way.

c. 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.

d. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building public sewers, hydrant systems,

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and water service connections shall be installed to the edge of the right of way prior to paving.

e. All gravel bases shall be placed in two layers with the top layer not exceeding a compacted depth line of nine (9) inches. If an excess of oversize stones are encountered they should either be removed by screening before delivery to the project or removed by other methods on the project during the process of spreading gravel. All stones exceeding maximum dimension shall be removed from each layer prior to the addition of the next course.

Each layer of gravel shall be placed uniformly over the full width of the sub grade. If existing traffic or other conditions restrict this operation, layers less than full width will be allowed.

f. Gravel Surface Course. Gravel surface course shall consist of a wearing course or leveling course of screened or crushed aggregate. This material should be uniformly graded with 100 percent passing the 3" screen. If selected bank run material meeting the above requirements is obtained, screening or crushing will not be required. The gravel surface course will have at least a 6" depth.

g. Type of Gravel. The aggregate sub base course and base course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other remains in the (surface) base course.

N. Re-vegetation

All exposed cut and filled banks, ditches, bridge abutments, culvert crossings, exposed soil, etc. will be stabilized to avoid unreasonable slumping, washing or erosion and sedimentation problems. Generally, these areas shall be graded, limed, fertilized and seeded. Sufficient re-vegetation must take place in a reasonable period of time to avoid the above problem otherwise other provisions (approved by the Planning Board) must be applied to avoid these problems. The Planning Board may require that the grading, seeding, lime and fertilizer application and other provisions be provided in the erosion and sedimentation plan.

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O. Maintenance Requirements of Road and Common Areas

If roads and open spaces or common areas are to be maintained by the residents of the subdivision the instruments of conveyance (deeds) shall provide a manner (such as an association with a set of by-laws) for providing for the cost of maintenance to each property owner of the subdivision. All such plans for providing this maintenance shall be submitted to the Planning Board prior to Final Plan Approval.

P. Parking

Adequate off street parking must be provided for all multi-family housing, condominiums, hotels, and motels. Parking stalls shall be at least 9' wide and 18'5" deep. At least 1½ stalls shall be provided for each housing or rental unit.

Q. Performance Bond

1. The Planning Board may require that the subdivider file with the Board at the time of submission of the Final Plat 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 Shirley, or a performance bond running to the Town and issued by Surety Company acceptable to the Board of Selectmen. The conditions and amount of such certified check or performance bond shall be determined by the Planning Board with the advice of the municipal consultants as may be necessary. 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, hydrant systems, and other utilities or other improvements specified on the Final Plat 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 Planning Board and the Selectmen, good cause for such extension. Such recommendation shall be referred to the Board of Selectmen for official action.

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3. Before a subdivider may be released from any obligation requiring his guarantee of performance, the Planning Board will require certification from the various municipal officers 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).

R. Plan Revisions after Approval

No changes, erasures, modifications, or revisions shall be made in any Final Plat Plan after approval has been given by the Planning Board and endorsed in writing on the plan unless the plan is first resubmitted and the Planning Board approves any modifications. In the event that the final plat plan is recorded without complying with this requirement, the same shall be considered null and void, and the Planning Board shall institute proceedings to have the Plat Plan stricken from the records of the Selectmen and the Registry of Deeds.

Section 6: Waiver and Modification of These Regulations

A. Inspection and Enforcement

a. At least five days prior to commencing each major phase of construction of required improvements, the subdivider or builder shall notify the Code Enforcement Officer in writing of the time when he proposes to commence construction of such improvements, so that the Municipal Officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.

b. If the inspecting official finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, he shall so report in writing to the Municipal Officers, Planning Board, and the subdivider or builder. The Municipal Officers shall take any steps necessary to preserve the municipality's rights.

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c. If at any time before or during the construction of the required improvements, it appears to be necessary or desirable to modify the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Town. For major modifications, such as relocation of right of way, property boundaries, changes of grade by more than 1%, etc., the subdivider shall obtain permission to modify the plans from the Board.

d. At the close of each summer construction season the Town of Shirley shall, at the expense of the subdivider, have the site inspected by a qualified individual. By December 1 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, and properly installed, and appear adequate to do the job they were designed for. The report shall also include a discussion and recommendations on any problems which were encountered.

e. Prior to the sale of any lot, the subdivider shall provide the Board with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.

B. Violations and Enforcement

a. No plan of a division of land within the municipality which would constitute a subdivision shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Board in accordance with these regulations.

b. No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.

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c. No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in an approved subdivision which is not shown on the Final Plan as a separate lot.

d. Any person, firm, or corporation or other legal entity who conveys, or offers to convey any land in a subdivision which has not been approved as required by these regulations shall be punished by a fine of not less than \$100.00 and not more than \$2500.00 for each such conveyance, offering, or agreement. The Municipality may institute proceedings to enjoin the violation of this section, and may collect attorney's fees and court costs if it is the prevailing party.

e. No public utility, water district, sanitary 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.

f. Development of a subdivision without Board approval shall be a violation of law MRSA 4956 and 4966. Development includes grading or construction of roads, grading of land or lots or construction of buildings which require a Final Plan approved as provided in these regulations and recorded in the Registry of Deeds.

Section 7: Validity, Effective Date, Conflict of Ordinance and Filing

A. Should any section or provision of these regulations be declared by the court to be invalid, such decision shall not invalidate any other section or provision of these regulations, and to this end, the provisions of these regulations are hereby declared to be severable.

B. The effective date of these regulations shall be the following day after affirmative vote of the Town of Shirley Planning Board.

Section 8: Amendments

These regulations may be amended by the Planning Board after a public hearing.

Section 9: Appeals

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An appeal may be taken, within 30 days from the Planning Board's decision on the Final Plat Plan, by any party to Superior Court in accordance with Rule 80B of the Rules of Civil Procedure.

	Arterial	Collector	Local	Industrial Commercial	Pvt Right of way
Right of Way Width	80'	66'	66'	80'	50'
Travel Way	44'	32'	20'	44'	12'
Shoulder Width	9'	9'	8'	9'	6'
Minimum Grade	0.5%	0.5%	0.5%	0.5%	
Maximum Grade	5%	10%	10%	5%	
Min. Center line Radius on Curves	800'	200'	150'	800'	
Min. Tangent between Curves of Reverse Align.	300'	200'	100'	300'	
Roadway Crown	$\frac{1}{4}$ ' $\frac{1}{4}$ ' $\frac{1}{4}$ ' $\frac{1}{4}$ ' 4" crown from center line to shoulder on Rights-of- way, if not paved.				
Min. angle of intersection	60	60	60	60	60
Min. distance between street intersections:					
Same Side	1000'	400'	300'	400'	
Opposite Side	300'	250'	150'	300'	
Max. Grade within 75' of intersection	2%	3%	3%	2%	
Curb radii: (if Applicable)					
90 intersections	30'	20'	15'	30'	
60-90 intersections	30'	30'	30'	30'	
90-120 intersections	50'	40'	30'	50'	

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	Arterial	Collector	Local	Industrial Commercial	Pvt Right of Way
Min. Property line Radii at intersections	20'	10'	10'	20'	
Dead End Street Max. Length			600'	1000'	
Radii at Turn-around Property Line (min.)			65'	70'	
Pavement (min.) Travel way	44'	32'	20'	44'	
Sidewalk Width if Constructed	5'	5'	5'	5'(I) 6'(C)	
Aggregate Sub-base	18'	12'	12'	18'	
Crushed Aggregate base	6'	6'	6'	6'	
Hot Bituminous Pave	3'	2.5'	2'	3'	

Site Distance at intersection Rough 10 ' for every one mph of speed limit.

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