

Filing No. 2026-05

CERTIFICATION OF OFFICIAL TEXT TO AMEND AN ORDINANCE  
BY THE BOARD OF SELECTPERSONS  
OF THE TOWN OF RUMFORD  
[30-A M.R.S. § 3002(2)]

CHAPTER 303  
SUBDIVISION

To: BETH BELLEGARDE, *Town Clerk*:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text for the amendment of an ordinance entitled “SUBDIVISION” approved by the Board of Selectpersons and which is to be presented to the voters for their consideration on June 9, 2026.

Pursuant to 30-A M.R.S. § 3002(2), you will retain this copy of the complete text of the amended ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the Town Meeting/Polling Places on the day of the vote.

Dated: April 2, 2026

BOARD OF SELECTPERSONS OF THE TOWN OF RUMFORD

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CHRISTOPHER BRENNICK, Chair

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FRANK DICONZO, Vice-Chair

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JAMES THERIAULT, Selectperson

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JOHN PEPIN, SR., Selectperson

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KEVIN CAPPONI, Selectperson

SUBDIVISION REGULATIONS ORDINANCE

§ 303-1

Chapter 303 SUBDIVISION REGULATIONS

§ 303-1.	<u>Title and authority</u> ;	§ 303-76.	Waivers.
<u>definitions.</u>		§ 303-87.	Violations and penalties; enforcement.
§ 303-2.	<u>Definitions.</u>	§ 303-98.	Amendments.
§ 303-23.	Procedure for approval of subdivision plan.	§ 303-109.	Severability.
§ 303-43.	Design standards.		
§ 303-54.	Mobile home park standards.		
§ 303-65.	Required improvements.		

**[HISTORY: Adopted by the Planning Board of the Town of Rumford (Ch. 54-C of the 1952 Code); amended 6-10-1986; 6-8-2004; 6-14-2005; 6-8-2010; 6-13-2017; 4-26-2021; ~~XX-XX-XXX~~. Subsequent amendments noted where applicable.]**

**§ 303-1. Title ~~and authority;~~ definitions.**

~~A. These regulations shall be known as, and may be cited as, the "Rumford Subdivision Regulations Ordinance." Words used herein are defined as follows:~~

~~A.B. The Rumford Subdivision Regulations Ordinance is adopted pursuant to 30-A M.R.S. §§ 4401-4408, as amended.~~

**§ 303-2. Definitions.**

ABUTTER or ABUTTING PROPERTY — A property owner of record with the Town Assessor's office whose property borders the subject property before the Planning Board.

AGGRIEVED PARTY – An owner of land whose property is directly or indirectly affected by the granting or denial of a permit under this Chapter; a person whose land abuts land for which a permit was granted or any other person who has or group of persons who have suffered a particularized injury as a result of the granting or denial of such permit.

BOARD — The Town of Rumford Planning Board.

~~ENGINEER — A person licensed by the State of Maine to practice professional engineering designated by the Selectpersons to act in that capacity.~~

FRESHWATER WETLAND —

A. Freshwater swamps, marshes, bogs and similar areas which are:

- (1) Inundated or saturated by surface water or groundwater 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
- (2) Not considered part of great pond, river, stream or brook.

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

MANUFACTURED HOUSING — A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building that is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For purposes of this chapter, two types of manufactured housing are included. Those two types are:

~~A. Newer Mobile Homes. Those units constructed after June 15, 1976, commonly called "newer mobile homes," that the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, that~~

~~B. in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and that are built on a permanent chassis and designed to be used as dwellings, with or without permanent~~

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foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit, also including any structure that meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401 et seq; and

C.A. This term also includes any structure that meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401 et seq.

D.B. "Modular Hhomes," which are s Structures that the manufacturer certifies are constructed in compliance with Title 10, Chapter 951, of the Maine Revised Statutes and rules adopted under that chapter, and which are transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.

MOBILE HOME PARK — A parcel of land under unified ownership approved by the Planning Board for the placement of three or more manufactured homes. All mobile home parks shall be reviewed by the Planning Board pursuant to § 303-4 of this ordinance and 30-A M.R.S. § 4358, as amended.

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MOBILE HOME PARK LOT — The area of land on which an individual manufactured home is situated within a mobile home park and which is reserved for use by the occupants of that home. A mobile home park lot shall be designated on a mobile home park plan.

MOBILE HOME SUBDIVISION OR DEVELOPMENT — A parcel of land approved by the Planning Board for the placement of manufactured homes on individually owned lots. All mobile home subdivisions or developments shall be reviewed by the Planning Board pursuant to this chapter.

OPEN SPACE SUBDIVISION — A subdivision in which the minimum lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space.

PERMANENT FOUNDATION — For manufactured housing, means:

- A. For "nNewer mMobile hHomes," as defined in Subsection A of the definition of "manufactured housing" above, a foundation that conforms to the installation standards established by the Manufactured Housing Board; or
- B. For "Mmodular Hhomes," as defined in Subsection B of the definition of "manufactured housing," a foundation that conforms to the municipal building code or, in the absence of a municipal building code, a foundation that conforms to the International Building Code.

PITCHED, SHINGLED ROOF — For manufactured housing, means a roof with a pitch of two or more vertical units for every 12 horizontal units of measurement and which is covered with asphalt or fiberglass composition shingles or other materials, but specifically excludes corrugated metal roofing material.

PRIVATE WAY — A residential street or road used for vehicular traffic which is not intended to be dedicated as a public way.

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RIVER, STREAM or BROOK —

- A. A channel between defined banks. A channel is created by the action of surface water and has two or more of the following characteristics:

(1) It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological

Survey 7.5-minute series topography map or, if that is not available, a fifteen-minute series topography map.

(1)

~~(2)~~—It contains or is known to contain flowing water continuously for a period of at least three months of the year in most years.

(2)

(3) The channel bed is primarily composed of material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.

(4) The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present, in the streambed.

(5) The channel bed contains aquatic vegetation and is essentially devoid of upland vegetation.

B. ~~“River, stream or brook”~~ does not mean a ditch or other drainageway constructed and maintained solely for the purpose of draining stormwater or a grassy swale.

~~STREET~~ — A public way intended to be publicly dedicated and accepted by the Town way used for vehicular traffic, including highway, road, avenue, lane, or other designation, but excluding private ways and driveways serving not more than two or fewer contiguous lots.

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~~—ALLEY — A street used primarily for vehicular access to the back or side of a property otherwise abutting on a street.~~

A.

A.B. ARTERIAL STREET — A street used primarily for fast or heavy traffic.

B.C. COLLECTOR STREET — A street that carries traffic from minor streets to the major system of arterial streets.

D. MINOR STREET — A street used primarily for access to abutting properties.

C.

~~D.A. ALLEY — A street used primarily for vehicular access to the back or side of a property otherwise abutting on a street.~~

SUBDIVISION — For the purposes of ~~these regulations~~this ordinance, ~~“subdivision” shall be~~ shall be as defined in 30-A M.R.S.

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§§ 4401-4402. Lots of 40 or more acres shall not be counted as a lot, except when the lot or parcel from which it was divided is located entirely or partially within any shoreland area as defined in Chapter 304, Shoreland Zoning, of the Town Code.

SUBDIVISION, MAJOR — Any subdivision requiring new streets or private ways, extensions of existing streets or private ways; or construction and/or extension of public utilities, and provided that all lots meet minimum dimensional requirements.

SUBDIVISION, MINOR — Any subdivision not exceeding five lots or five dwelling units, in which all of the lots front on a street accepted by the Town and meet the minimum area and lot width requirements

URBAN AREAS — Areas designated as urban compact by the Maine Department of Transportation.

**§ 303-32. Procedure for approval of major and minor subdivision plan.**

Whenever a subdivision is proposed and before the sale of any part thereof, the subdivider shall apply to

the Board for approval. The Board shall ensure that any approved subdivision complies with all applicable state and local laws and regulations, including 30-A M.R.S. § 4404. After receiving an application for subdivision, the Board shall, when receiving subdivision for approval, find that the criteria set out in 30-A M.R.S. § 4404 and the standards contained herein have been met, in accordance with the following procedures:

A. Preapplication. Prior to filing an application for conditional approval, the applicant of a major subdivision shall, and the applicant for a minor subdivision may, submit to the Board a written description and simple sketch plan describing the proposed subdivision. The Board shall add a preapplication submission to its next meeting agenda. The Board shall notify all abutting property owners of the preapplication submission. Within 14 days of the meeting, the Board shall notify the subdivider that the plans do or do not generally conform to this ordinance. When the Board finds that they do not conform to this ordinance, it shall expressly state the reasons therefor.

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(1) Prior to filing an application for conditional approval, the subdivider may submit a written description and simple sketch plan describing the proposed subdivision. Within 30 days from the date of such submission, the Board shall inform the subdivider that plans do or do not generally conform to these regulations. When the Board finds that they do not conform to these regulations, it shall express the reasons therefor.

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B. Preliminary subdivision plan. Upon the subdivider determining his general program, the applicant of a proposed major subdivision shall prepare a preliminary subdivision plan, with accompanying data, and submit a written application, on a form kept on file in the office of the Town Clerk-Treasurer, to the Board and an application fee established by the Selectpersons in the Schedule of License, Permit and Application Fees.<sup>1</sup> In addition, the subdivider shall pay an additional fee established by the Selectpersons in the Schedule of License, Permit and Application Fees for notifying each abutting property owner to the proposed subdivision who must be notified by the Town. Upon receipt by the Board of the preliminary subdivision plan and the application and notice fees, the Board shall provide a dated receipt to the subdivider and notify by mail all abutting property owners of the proposed subdivision.

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(1) Editor's Note: The Schedule of License, Permit and Application Fees is on file in the office of the Town Clerk-Treasurer.

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(1) subdivision.

(2)(1) The preliminary data shall contain three prints with a scale of not less than 100 feet to the inch or other scale as mutually agreed upon. The size shall be 24 inches by 36 inches maximum and shall contain the following information and conditions:

- (a) Name and title of subdivision.
- (b) Graphic map scale, date, and magnetic North point.
- (c) Boundaries of tract based on an actual field survey made and certified by a professional land surveyor accompanied by a copy of the deed from which the survey was based.
- (d) Name of owner(s) and engineer(s) or surveyor(s).
- (e) Names and addresses of abutting owners.
- (f) Name, location, width, profile, and cross section of all existing and proposed streets and private ways.
- (g) Kind, location, profile and cross section of all existing and proposed drainage.
- (h) Location of features, natural and man-made, affecting the subdivision, including water bodies, rivers, streams, brooks, wetlands, wooded areas, significant wildlife habitats,

location and elevation of any 100-year floodplains, location of farmland, location of known or potential archaeological or historic resources, location of documented rare or endangered species, location of direct watersheds of great ponds, location of scenic sites or views as identified in the Town of Rumford Comprehensive Plan, railroads, ditches, building, etc.

- (i) Location of utilities: water, electrical lines, etc.
- (j) Sanitation: existing and proposed location, size, profile, and cross section of sanitary sewers or description plan, location or other means of sewage disposal with evidence of soil suitability (soils analysis).
- (k) Lines and dimensions of lots.
- (l) Topographic map if ground slope is more than five or less than one.
- (m) Soil erosion and sediment control plan.
- (n) The cost of the proposed subdivision and a statement of the applicant's technical and financial capacity to carry out the project as proposed.

~~(3)~~(2) Other studies to be made when required. In addition to the preliminary plan, the Board may cause to be undertaken by the subdivider or by ~~an~~the Town-Engineer or others any studies it deems necessary or desirable to protect and assure the health, safety and welfare of the citizens of the Town of Rumford, including the future occupants of such subdivision, whether residential, commercial or industrial.

~~(4)~~(3) Within 30 days of the Board issuing a dated receipt of a preliminary major subdivision plan application, the Board shall notify the applicant, in writing, whether or not the application is complete and what, if any, additional submissions are required for a complete application and determine whether to hold a public hearing on the preliminary plan.

~~(5)~~(4) If the Board decides to hold a public hearing, it shall hold the hearing within 30 days of receipt

of a complete application and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. Notice of the public hearing shall be mailed to the applicant by registered or certified mail. Public hearings shall be held in accordance with Subsection D below.

~~(6)~~(5) The Board shall, within 30 days after conclusion of ~~within 30 days of~~ a public hearing, or within 60 days ~~of~~after receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, make findings of fact on the application and approve, approve with conditions, or deny the preliminary major subdivision plan. The Board shall specify, in writing, its findings of facts and reasons for any conditions or denial. Approval, if granted, shall not constitute approval of the final subdivision major subdivision plan but a conditional approval of the preliminary major subdivision plan only. This may serve as a guide in the preparation of the final major subdivision plan, which must be submitted in accordance with ~~these regulations~~this ordinance and the conditions of preliminary plan approval.

C. Final major and minor subdivision plan. All final major or minor subdivision plan applications must consist of the components below.

(1) ~~The~~Any final major subdivision plan application and data shall be submitted ~~with application~~ within six months after approval of the preliminary subdivision plan; otherwise, such approval shall become null and void. ~~The~~Such final major subdivision plan shall substantially conform ~~substantially~~ to the preliminary subdivision plan as approved.

(2) Any final minor subdivision plan application and date shall be submitted within six months after receiving notice of the Board's findings on the preapplication submission, if any. The applicant shall prepare a preliminary subdivision plan, with accompanying data, and submit a written application, on a form kept on file in the Code Enforcement Office, to the Board and an application fee established by the Selectpersons in the Schedule of License, Permit and Application Fees. In addition, the subdivider shall pay an additional fee established by the Selectpersons in the Schedule of License, Permit and Application Fees for notifying each abutting property owner to the proposed subdivision. Upon receipt by the Board of the preliminary subdivision plan and the application and notice fees, the Board shall provide a dated receipt to the subdivider and notify by mail all abutting property owners of the proposed subdivision.

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(2)

(3) The final plan submitted by the subdivider shall consist of three prints and two reproducible, stable-based, transparent originals embossed with the seal of the professional who prepared the plan. The final subdivision plan shall contain the following information and be subject to the following conditions:

- (a) All information required for a preliminary subdivision plan.
- (b) Existing and final proposed lines of streets, private ways, lots, easements, and public or common areas within the subdivision.
- (c) Sufficient data to determine the location, direction and length of every street and private way line, lot line and boundary line, and to establish these lines on the ground.
- (d) Profiles of the center lines of proposed streets and private ways, on sheets separate from the plan diagram, at a horizontal scale of one inch equals 50 feet and a vertical scale of one inch equals five feet, with all elevations referred to USGS datum or other datum approved by the Board.
- (e) Location of all permanent monuments properly identified, ~~to~~ whether existing or proposed.
- (f) Suitable space to record, on the plan, final approval by the Planning Board, with conditions, if any, and also the date of such approval as follows:

Certificate of Approval: The Planning Board of the Town of Rumford, Maine, hereby approves this plan in accordance with the provisions of the Rumford Subdivision Regulations-Ordinance and the Statutes of Maine.

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Members of the Planning Board of the Town of Rumford, Maine

(4) Accompanying data. The final plan shall be accompanied by a statement from the Rumford Water District Superintendent of conditions on which the district will supply water, and approving the size and locations of mains, valves and hydrants proposed, and a statement from the Fire Chief approving the number, size and location of hydrants proposed.

(5) Within 30 days of the Board issuing a dated receipt of a final plan application, the Board shall notify the applicant, in writing, whether or not the application is complete and what, if any,

additional submissions are required for a complete application and determine whether to hold a public hearing on the final plan application.

- (6) If the Board decides to hold a public hearing, it shall hold the hearing within 30 days of receipt of a complete application and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. Notice of the public hearing shall be mailed to the applicant by registered or certified mail. Public hearings shall be held in accordance with Subsection D below.
- (7) The Board shall, within 30 days ~~of after conclusion of~~ a public hearing or within 60 days ~~of after~~ receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, make findings of fact on the application and approve, approve with conditions, or deny the final plan. The Board shall specify, in writing, its findings of facts and reasons for any conditions or denial.
- (8) Performance guarantee. As a condition to final approval of any subdivision, a performance guarantee shall be submitted with the final plan. The performance guarantee shall be drafted such that the Town shall receive written notice at least sixty (60) days prior to its expiration.

(a) Certified check or surety bond.

[1] The subdivider shall tender either a certified check payable to the Clerk-Treasurer of the Town of Rumford or a faithful performance bond running to the Town of Rumford and issued by a surety company acceptable to the Board, ~~in an amount of money to be determined by the Board with the advice of the various Town departments and agencies concerned.~~

[2] The check or bond amount shall be ~~equal to the total of the costs of~~ determined by the Board with the advice of any Town departments and agencies concerned, equal to the total of the costs of all required improvements, as defined in § 303-6 of this ordinance, including furnishing, installing, connecting and completing all of the street and private way grading, paving, storm drainage and utilities specified in the final plan.

~~[2]~~[3] ~~The check or bond shall be~~ conditioned on the completion of all ~~such grading, paving, storm drainage, water main, fire hydrant, sewer and street installations~~ required improvements, within one year of the date of such check or bond, within the time limit specified by the Planning Board, which shall not exceed two (2) years from the date of approval ~~Extensions of date of completion may be made by the Board, but in no instance shall said extension be for a period exceeding three years.~~

(b) Release of check or bond. Before ~~voting to~~ deciding to release such check or bond, the ~~municipal officers~~ Town Manager shall determine to ~~their~~ his or her satisfaction in part by a written certification signed by the Town Clerk-Treasurer and by the Board Chairperson that ~~there have been submitted to them by~~ the subdivider or his agent has submitted to the municipal officers written statements signed by:

[1] ~~The Town~~ An Engineer, stating that the streets, private ways, and storm drainage have been constructed and completed in conformance with the final plan and that the sewerage or means of waste disposal have been constructed and are in place in conformance with the final plan.

[2] The Water District Superintendent, stating that the water mains and hydrants have been installed and are in place in conformance with the final plan.

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- [3] A professional land surveyor, paid for by the subdivider, that all permanent bounds or monuments on street and private way lines (and on lot lines, if any) have been installed and are accurately in place in the locations designated on the final plan.
- (9) Conditional agreement. The subdivider may substitute for the performance check or bond a properly executed conditional agreement with the Town of Rumford. Such agreement shall be endorsed, in writing, on the final plan and shall provide that the Board may approve the final plan or any part thereof on condition that no lot in such subdivision may be sold and that no permit shall be issued by the Building Inspector for any building on any lot on any street or private way in such subdivision until:
  - (a) It shall have been certified to the Town Clerk-Treasurer and the Planning Board in the manner set forth in Subsection C(6)(b), above, that all of the street, private way-and utility improvements required have been installed and completed at the expense of the subdivider in accordance with all applicable provisions of the final plan.
  - (b) A certificate of compliance covering the lots and streets or portions of streets involved has been signed by the Town Engineer and the Board Chairperson, and a copy of such certificate has been recorded with the Oxford County Registry of Deeds.
- (10) The subdivider shall deposit a Subdivision Review Fee in an amount equal to 1% of the cost of required improvements as determined by the Board, but in no event less than the amount stated in the Town fee schedule, with the Town Clerk-Treasurer to cover costs incurred by the Town for engineering inspection and legal expenses.
- (11) Required improvements shall be guaranteed against failures for a period of one year from the date of completion, the form of guarantee to be subject to approval by the Board.
- (12) The subdivider shall offer, by deeding to the Town, the dedication of all streets, parks, or other public open spaces as the improvements are completed as determined by the Board. Approval of the final subdivision plan by the Board, however, shall not constitute an acceptance by the Town of such dedication until said deeds have been accepted by the Town Meeting as streets.
- (13) No transfer or sale shall be made of any land in a proposed subdivision until the final subdivision plan has been approved by the Board, the approval noted on four copies of such plan and the plan filed in the office of the Town Clerk-Treasurer/Code Enforcement Office. Two copies of the approved plan shall be returned to the subdivider and the others retained by the Board. Unless the subdivider records the approved final subdivision plan in the Oxford County Registry of Deeds within 90 days after the date of approval, such approval shall expire (30-A M.R.S. § 4408).

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C.D. Public hearings. The Planning Board may hold a public hearing regarding any subdivision proposal if, in its judgment, the specific circumstances require such action.

(1) Public hearing procedures.

(a) Presiding officer.

[1] The presiding officer at any hearing shall be the Chairperson of the Board or, if he or she is not present, then either a member of the Board selected by those members present at the hearing or a qualified employee or representative of the Board, as designated by the Board.

[H]21 The presiding officer shall have the authority to:

[a] Rule upon issues of evidence.

- [b] Regulate the course of the hearing.
- [c] Rule upon issues of procedure.
- [d] Certify questions to the Board for its determination.
- [e] Take such action as may be ordered by the Board or that is necessary for the efficient and orderly conduct of the hearing, consistent with ~~these regulations~~this ordinance and applicable statutes.

~~[2]~~[3] In special cases, where good cause appears, the presiding officer may permit deviation from these procedural rules insofar as compliance therewith is found to be impractical or unnecessary.

~~(a)~~(b) General conduct.

- [1] Opening statement. The presiding officer shall open the hearing by describing, in general terms, the purpose of the hearing and the general procedure governing its conduct.
  - [2] Transcription of testimony. All testimony at hearings before the Board shall be recorded and, as necessary, transcribed.
  - [3] Witnesses. Witnesses shall be sworn. Witnesses will be required to state for the record their names, residence and who they represent, if anyone, for the purpose of the hearing.
  - [4] Testimony in written form. Any time prior to or during the course of the hearing, the presiding officer may require that all or part of the testimony to be offered at such a hearing be submitted in written form at such time and in such form as may be specified. All persons offering testimony in written form shall be subject to questioning. This Subsection D(1)(b)[4] shall not be construed to prevent oral testimony at a scheduled hearing by any member of the public who requests and is granted time to testify at a hearing.
- (2) Continuance. All hearings conducted pursuant to ~~these regulations~~this ordinance may be continued for reasonable cause and reconvened from time to time and from place to place by the Board or the presiding officer as circumstances require. All orders for continuance shall specify the time and place at which such hearing shall be reconvened. The Board or the presiding officer shall notify interested persons and the public in such a manner as is appropriate to ensure that reasonable notice will be given of the time and place of such reconvened hearing.
- (3) Regulation of certain devices. The placement and use of television cameras, still cameras, motion-picture cameras or microphones at Board hearings is permitted, but such activity must not interfere with the Board hearing and may be regulated by the Board or the presiding officer.
- (4) General evidence.
- (a) Evidence which is relevant and material to the subject matter of the hearing and is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs

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shall be admissible. Evidence which is irrelevant, immaterial or unduly repetitious shall be excluded. The Board's experience, technical competence and specialized knowledge may be utilized in the evaluation of all evidence submitted to the Board.

- (b) Official notice. The Board may, at any time, take official notice of relevant laws, official regulations and transcripts of other hearings, judicially recognizable facts, generally recognized facts of common knowledge to the general public and physical, technical or scientific facts within its specialized knowledge. The Board shall include in its final decision those facts of which it took official notice, unless those facts are included in the transcript of the record.
- (c) Documentary and real evidence.
  - [1] All documents, materials and objects offered in evidence as exhibits shall, if accepted, be numbered or otherwise identified. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. The presiding officer may require, after prior oral or written reasonable notice, that any person offering any documentary or photographic evidence shall provide the Board with a specified number of copies of such documents or photographs, unless such documents or photographs are determined to be of such form, size or character as not to be reasonably susceptible of reproduction.
  - [2] All written testimony and documents, materials and objects admitted into evidence shall be made available during the course of the hearing for public examination.
- (d) Record of application. ~~In any proceeding involving an application, t~~The application filed with the Board, including plans, exhibits and amendments thereto, shall be placed into evidence.
- (e) Objections. All objections to rulings of the presiding officer regarding evidence or procedure and the grounds therefor shall be timely stated during the course of the hearing. If during the course of or after the close of the hearing and during its deliberations the Board determines that the ruling of the presiding officer was in error, it may reopen the hearing or take such action as it deems appropriate to correct such error.
- (5) Offer of proof. An offer of proof may be made in connection with an objection to a ruling of the presiding officer excluding or rejecting any testimony or question on cross-examination. Such offer of proof shall consist of a statement of the substance of the preferred evidence or that which is expected to be shown by the answer of the witness.
- (6) Public participation. Any person may participate in a hearing by making oral or written statements of such person's position on the issues, and submit written or oral questions through the presiding officer, within such limits and on such terms and conditions as may be fixed by the Board or presiding officer.
- (7) Testimony and questions.
  - (a) Direct testimony. Direct testimony shall be offered in the following order:
    - [1] The applicant and representative and witnesses the applicant selects.
    - [2] Board staff members and consultants.
    - [3] State, municipal and other governmental agencies and representatives thereof.
    - [4] Other interested persons.

(b) Questions. At the conclusion of the testimony of each witness, questioning of witnesses shall be in the following order:

- [1] Board members, counsel, staff and consultants may be permitted by the presiding officer to ask questions at any time.
- [2] The applicant.
- [3] Federal, state and other governmental agency representatives.
- [4] All other persons may have the opportunity to question such witness by oral or written questions through the presiding officer.

(c) The presiding officer may require that all examination, either written or oral, be conducted at the conclusion of the testimony of each category of witnesses rather than at the conclusion of the testimony of each individual witness.

~~(d) Varying order of appearance. When circumstances warrant, the presiding officer may vary the order in which witnesses appear and the order in which testimony is given or witnesses are questioned.~~

(8) Conclusion of hearing. At the conclusion of the hearing, no other evidence or testimony will be allowed into the record, except as specified by the presiding officer.

(9) Reopening the record. At any time prior to a final decision, the Board may reopen the record for further proceedings consistent with regulations; provided, however, that the Board shall give notice of such further proceeding, in writing, to the applicant at least 10 days prior to such proceedings, and further provided that the Board shall notify other interested persons and the public in such manner as is appropriate.

(10) Record. The record of the hearing shall consist of the application, the transcript of the hearing, all admitted exhibits, and proposed findings of fact and conclusions of the ~~presiding officer, if any~~ Board.

~~(11) Petitions to correct misstatements of fact. The Board may also receive written petitions to correct misstatements of fact in draft orders.~~

~~Representatives. The first document filed by any person in a proceeding shall designate the name and address of a person on whom service shall be made and to whom all correspondence from the Board and staff shall be sent.~~

~~Rulings. The Chairperson or presiding officer may be overruled by a majority vote of the Board members present or on any decision or ruling relating to a hearing.~~

~~(12) Computation of time. All computations of time under these rules shall be in the same manner as provided by Maine Rules of Civil Procedure, Rule 6(a), (b) and (c).~~

~~(11)~~

~~(13) Appeals. An applicant or an abutting property owner aggrieved party may file an appeal of the decision of the Planning Board to the Board of Appeals, in writing, by sending it to the Town Manager's office within 10 days of after the date of the Planning Board's written decision. The Town Manager shall notify the Board of Appeals Chairperson upon receipt of the appeal. The Chairperson of the Board of Appeals or his or her agent will establish a hearing date for the matter and send out a written notice of the date of the hearing to the appellant no later than 10 days from after the date the request for appeal was received.~~

~~(12)~~ Notice of the hearing shall be in the same manner as described below in § 303-54(O)(3)(b). The

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Board of Appeals shall ~~conduct a de novo review of the application and~~ use the same procedure for administration of the hearing as is established in **Subsection D** above ~~and as provided in § 4-3 of the Town Code~~. A written decision of the Board of Appeals shall be sent to the appellant and filed with the Town Clerk-Treasurer no later than 30 days after the hearing date.

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**§ 303-34. Design standards.**

All required improvements in a subdivision shall be constructed in accordance with the following design standards ~~and 30-A M.R.S. § 4404, as amended outlined below and in the appropriate schedule established by the Board.~~

A. ~~General.~~ All subdivision applications must meet the following general requirements shall consist of the following:

- (1) Land to be subdivided shall be of such character that it can be used for building purposes without danger to health or public safety.
- (2) Minimum lot size for lots served by municipal water and sewer shall be 5-10,000 square feet with 100-50 feet of frontage on the a street that is not a private way for lots with municipal sewerage; and minimum lot size for lots in rural areas without not served by municipal water and sewerage shall be 240,000 square feet with 150-75 feet on of frontage on the a street that is not a private way. The use of lots within the subdivision shall conform to the requirements of all applicable health and Town ordinances and regulations.
- (3) Where a proposed park, school or other public use shown in the Comprehensive Plan is located in whole or in part in a subdivision, the Board may require the dedication or reservation of such area to the Town when the Board deems such requirements to be proper and reasonable.

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B. Pollution. The proposed subdivision will not result in undue water or air pollution. In making this determination, the Board shall at least consider:

- (1) The elevation of the land above sea level and its relation to the flood plains;
- (2) The nature of soils and subsoils and their ability to adequately support waste disposal;
- (3) The slope of the land and its effect on effluents;
- (4) The availability of streams for disposal of effluents; and
- (5) The applicable state and local health and water resource rules and regulations.

C. Water supply. The proposed subdivision must have sufficient water available for the reasonably foreseeable needs of the subdivision and must not cause an unreasonable burden on an existing water supply, if one is to be used.

D. Sewage and solid waste disposal. The proposed subdivision must provide for adequate sewage waste disposal and not cause an unreasonable burden on municipal services if they are utilized and must not cause on not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are utilized.

E. Aesthetic and cultural values. The proposed subdivision must not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, or historic sites.

~~B-F.~~ Streets and private ways. The arrangement, type and location of all streets and private ways shall conform to the Comprehensive Plan or Official Map and shall be considered in relation to existing and planned streets and private ways, topography, public convenience and safety, and the uses of the land to be served by such streets and private ways. Streets and private ways shall be of such width as to provide an adequate system for present and future traffic needs with the minimum right-of-way

being 50 feet.

- (1) Where not shown in the Comprehensive Plan or Official Map, the arrangement of streets and private ways in a subdivision shall either:
  - (a) Provide for the continuation of an existing street or private way; or
  - (b) Conform to a plan approved by the Board to meet a particular situation where topographical or other conditions make continuance of existing street or private way impracticable.
- (2) Minor streets and private ways shall be so laid out ~~that to discourage~~ their use by through traffic ~~will be discouraged~~.
- (3) The street or private way giving access to the subdivision and neighboring streets which can be expected to carry traffic to and from the subdivision shall have traffic-carrying capacity and be of such physical condition to accommodate the amount and types of traffic generated by the proposed subdivision.
- (4) Where the subdivision lots will be accessed by ~~off-site~~ public streets, the use of common private ways or driveways shall be ~~used where appropriate~~ designed to minimize the number of entrances to public streets.
- ~~(5) Where a subdivision will be accessed from Route 2, it shall be limited to two points of access through the use of by private ways, common access or shared driveways.~~
- ~~(5)~~
- (6) Where a lot has frontage on two or more streets, the access to the lot shall, where practical, be provided ~~to the lot~~ across the frontage and from the street where there is ~~lesser~~ potential for traffic congestion and hazards to traffic and pedestrians.
- (7) Where a subdivision abuts or contains a railroad right-of-way or arterial street, the Board may require ~~marginal access~~ minor streets, private ways, or such other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (8) Reserve strips controlling access to streets shall be prohibited except where their controls are in accordance with conditions approved by the Board.
- ~~(9) Dead-end streets and dead-end private ways shall be avoided. Where unavoidable and designed to be dead end so streets permanently, their length shall be as approved by the Board and dead-end streets and dead-end private ways shall terminate in a turnaround with a diameter of at least 65 feet.~~
- ~~(10)~~ (9) Where any plan includes a dead-end street or dead-end private way, not designed to be so permanently, the subdivider shall make such temporary provisions for turnaround as the Board deems necessary.
- ~~(11)~~ (10) Street and private way names shall not duplicate the names of existing streets and private ways in the Town and shall be subject to approval by the Board.
- ~~(12)~~ (11) Streets and private ways shall conform to the following minimum design and construction:
  - (a) Minimum wWidth of rights-of-way.
    - [1] Collector streets: 60 feet.
    - [2] ~~Local residential street~~ Minor streets and private ways: 50 feet ~~to 60 feet~~.

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(b) Minimum width of pavements.

[1] Collector and minor streets: two ~~ten~~ 10-foot traffic lanes, and one ~~eight~~ 8-foot parking lane or paved shoulder.

[2] Local street: two ten foot traffic lanes, and one eight foot parking lane or paved shoulder. Private ways: 20-foot travel way and one 4-foot parking lane or shoulder.

(c) Angle of street or private way at intersection shall not be less than 60°.

(d) Street and private way grades shall be minimum of 1.0%.

(e) Property lines at intersections shall be rounded with a minimum radius of 20 feet.

(f) All streets and private ways shall be crowned in accordance with good engineering practices, and be provided with adequate drainage. Type of base course and wearing surface shall be approved by the Superintendent of Public Works with a minimum of 24 inches gravel for street base.

(g) ~~All~~ Streets shall be developed to the full width of the right-of-way.

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(h) Sidewalks may be required at the ~~discretion of the Board's~~ discretion and, if required, shall be at least four feet minimum widthwide.

(i) The Standard Specifications, Highway and Bridges, as used by the Maine Department of Transportation, shall be the standard specifications to govern the building of streets and private ways in subdivisions in the aforementioned subdivisions.

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~~(13)~~ (12) Alleys shall be provided in commercial and industrial districts, except where provisions are made for other approved access, adequate for the uses proposed.

E.G. Easements. Easements, preferably centered on lot lines, shall be provided for utilities where necessary.

Where a subdivision contains a stream or drainageway, a stormwater or drainage easement conforming substantially to the lines of such watercourse shall be provided, ~~conforming substantially to the lines of such watercourse, and of and shall be of~~ adequate width with a minimum drainage easementwidth of 20 feet. Proper provisions shall be made for protective flood-control measures.

H. Open space subdivisions.

~~(1)~~ Purpose. It is the policy of the Town of Rumford to encourage the development of open space subdivisions in order to preserve a sense of space, provide for agriculture, forestry, and recreational land uses, preserve other resources identified in the Town of Rumford Comprehensive Plan, and blend new development with the traditional open and wooded, agricultural and village landscapes of Rumford. ~~This standard is intended to implement that policy by providing incentives that afford flexibility in street, private way and lot layout and design and street frontage requirements to the subdivider. It also allows the Board to waive or reduce certain otherwise applicable standards and provisions of these regulations this ordinance if such subdividers commit to the permanent preservation of important open space resources. These incentives are designed to encourage greater flexibility and more innovative approaches to housing development and environmental design that will promote the most appropriate use of land, preservation of permanent open space, or agricultural land, forestland, important natural features, wildlife habitat, water resources, ecological systems, and historic and scenic areas for the benefit of present and future residents.~~

~~(2)~~ (1) ~~An open space subdivision achieves the purposes of this performance standard by reducing the lot size, frontage and setback requirements. It locates housing and accompanying uses in those areas where they have the smallest impact on identified environmental, wildlife,~~

~~agricultural, forest and other open space resources. These resources are then permanently preserved by covenants and restrictions or conservation easements.~~

~~(3)(2)~~ Timing. An applicant may apply for approval of an open space subdivision either after sketch plan review of a conventional subdivision or by initially filing an application for an open space subdivision. In either case, the Board shall review the application in accordance with 30-A

M.R.S. § 4404 and ~~these regulations~~this ordinance.

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~~(4)(3)~~ Preapplication procedure. Any applicant for a subdivision with open space is encouraged, but not required, to submit at the preapplication stage a complete build-out plan for the entire parcel.

~~(5)(4)~~ Application procedure. Required plans. The submissions for a subdivision with open space shall include all plans and materials required for a conventional subdivision under ~~these regulations~~this ordinance.

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~~(6)(5)~~ General requirements. In Board review and approval of a subdivision with open space, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of ~~these regulations~~this ordinance and other Town of Rumford ordinances.

(a) Allowable density.

[1] Allowable density shall be based upon one of the following methods as determined by the applicant:

[a] Net residential density method, which is calculated in the following manner: Determine the net residential acreage of the parcel by taking the total area of the parcel and subtracting in order the following, then divide the buildable area by the minimum lot size required:

[i] Area in proposed rights-of-way;

[ii] Area of two or more contiguous acres with sustained slopes of 20% and greater;

[iii] Area of wetlands identified as Class I, II and III under the Natural Resources Protection Act;<sup>2</sup>

[iv] Area shown to be in floodway as designed in the Flood Boundary and Floodway Map prepared by the Federal Emergency Management Agency; and

[v] Area of the lot covered by surface waters.

[b] Simplified method, which is calculated in the following manner: Determine the number of allowable dwelling units by taking 65% of the total lot area divided by the minimum lot size requirement.

[2] The Board may grant a density bonus of one lot or dwelling unit for each 10 lots or dwelling units when it makes a written finding that the open space subdivision satisfies the policies of the Comprehensive Plan.

~~(7)(6)~~ Layout and siting standards. ~~In planning the location and siting of residential structures in a subdivision with open space, priority should be given to the preservation of the open space for its natural resource value. Human habitation activity should be located and sited on the least valuable natural resource portion of a parcel, taking into account the contours of the land and the~~

~~steepness of slopes. The building lots on a parcel shall be laid out and the residential structures shall be sited according to the following principles. The Board in its discretion shall resolve conflicts between these principles as applied to a particular site. The building lots on a parcel shall be laid out and the residential structures shall be sited as follows:~~

- (a) ~~Buildings shall be sited~~ Upon soils least suitable for agricultural use and in a manner that maximizes the usable area remaining for the designated open space use, ~~where-if~~ agricultural, forestry, or recreational, whether existing or future, uses are ~~particularly~~ targeted for preservation.
- (b) ~~Buildings shall be sited w~~Within woodlands, or along the ~~far~~ edges of open agricultural fields adjacent to any woodland, in order to reduce encroachment upon agricultural soils and to ~~enable new residential~~ allow development to ~~be visually absorbed by~~ blend in with the natural landscape features.
- (c) ~~In such manner that the b~~Boundaries between residential lots and active agricultural use, commercial forest land, and/or wildlife habitat ~~are shall be well~~ buffered by vegetation, topographic features~~y~~, streets, private ways or other barriers in order to minimize potential conflict between residential and agricultural and forestry uses.
- (d) ~~In locations where~~Where possible and in accordance with the overall plan for site development, buildings shall~~may~~ be oriented ~~with respect toward~~ scenic vistas, natural landscape features, topography and natural drainage areas, ~~in accordance with an overall plan for site development.~~

~~(8)(7)~~ Space standards.

- (a) Shore frontage and shore setback requirements shall not be reduced below the minimum shore frontage or shore setback required.

2. Editor's Note: See 38 M.R.S. § 480-A et seq.

- (b) The required minimum land area per dwelling unit for the building envelope may be reduced to 20,000 square feet. The building envelope shall contain a minimum of 20,000 square feet of land area that does not include 100-year floodplains, areas of two or more acres of sustained slopes greater than 20%<sub>2</sub> or wetlands as defined by the Natural Resources Protection Act. If the lot area is reduced, the total open space in the development shall equal or exceed the sum of the areas by which the building lots are reduced below the minimum lot area required by ~~these regulations~~ this ordinance.
- (c) Minimum street frontage requirements contained in ~~§ 303-43(A)(2)~~ § 303-43(A)(2) may be waived or modified by the Board, provided that:
  - [1] Any applicable provisions regarding streets and private ways in Subsection ~~D(8)~~ D(8) below are satisfied; and
  - [2] Adequate access and turnaround to and from all parcels by emergency vehicles can be ensured by private streets ways and/or common driveways.
- (d) A reduction of required setback distances may be allowed at the discretion of the Board, based upon the public benefits to be achieved from the design, provided that the front and rear setbacks shall be no less than 25 feet.
- (e) No individual lot or dwelling unit shall have direct vehicular access onto a public street existing at the time of development.

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(9) ~~Streets and private ways.~~ The Board shall require ~~private streets~~ all streets and private ways to comply with the design standards set forth in

(10) ~~§ 303-43(FB)~~ except as provided in ~~Subsection D(8)(a)~~ below.

~~(11)(8)~~ ~~Travel ways and shoulders of that the pavement width of privately owned streets~~ways within open space subdivisions shall meet the following minimums:

- (a) ~~Streets-Private ways~~ serving ~~three-3~~ to 10 units: ~~sixteen-20~~-foot travel way and ~~one-four-4~~-foot shoulders.
- (b) ~~Streets-Private ways~~ serving 11 to 50 units: ~~twenty-20~~-foot travel way and ~~two-four-4~~-foot shoulders.

~~(12)(9)~~ Open space requirements. In Board review and approval of a subdivision with open space, the following requirements shall apply and shall supersede any inconsistent or more restrictive provision of this chapter.

- (a) Open space uses. On all parcels, open space uses shall be appropriate to the site. Open space should include natural features located on the parcel(s), such as, but not limited to, agricultural land, forested acreage, wildlife habitat and historic features and sites. Open space shall be preserved and maintained subject to the following, as applicable:
  - [1] On parcels that contain significant portions of land suited to agriculture or commercial forestry, open space shall be preserved for agricultural or forestry, other compatible open space uses such as wildlife habitat recreation (active or passive), and resource conservation.
  - [2] When the principal purpose of preserving portions of the open space is the protection of natural resources such as wetlands, steep slopes, wildlife habitats, and stream corridors, open space uses in those portions may be limited to those which are no more intensive than passive recreation.
- (b) Notations on plan. Open space, common lands, streets, private ways, or facilities must be clearly labeled on the final plan as to its use or uses with respect to the portions of the open space that such use or uses apply, ownership, management, method of preservation, and the rights, if any, of the owners in the subdivision to such land or portions thereof. The plan shall clearly show that the open space land is permanently reserved for open space purposes, and shall contain a notation indicating the book and page of any conservation easements or deed restrictions required to be recorded to implement such reservations.
- (c) Ownership of open space land. Open space land may be held in private ownership or owned in common by a homeowners' association; transferred to a nonprofit organization such as a conservation trust or association, acceptable to the Board; or held in such other form of ownership as the Board finds adequate to achieve the purposes set forth in this Subsection. The Board shall, in its review, require as a condition of approval provisions for the ongoing maintenance and associated costs for such maintenance of the open space.

D.I. Homeowners' associations or agreements. Where any portion of a subdivision is proposed or required to be held in common by owners of lots or owned in common by a homeowners' association or similar entity, covenants for mandatory membership in the association setting forth the owners' rights, interest privileges, responsibilities for maintenance, and obligations in the association and the common land, street, private way or open space shall be approved by the Board and included in the deed for each lot.

E.J. Surface drainage.

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- (1) Where a subdivision is traversed by a stream, river, or surface water drainageway, or where the Board has determined 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 within the subdivision and over other properties. This stormwater management system shall be designed by a qualified professional knowledgeable in surface drainage.
- (2) The applicant shall provide a statement from the designing professional that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or with respect to adjoining properties. Where the peak runoff from the subdivision onto abutting properties is increased either in volume or duration, easements allowing such additional discharge shall be obtained from abutting property owners.
- (3) Erosion and sediment control. The Board shall require the applicant to take measures as contained in Maine Erosion and Sediment Control Best Management Practices, Manual for Designers and Engineers, October 2016, as amended, to correct and prevent soil erosion in the proposed subdivision.

F.K. Phosphorous export. Subdivisions proposed within the direct watershed of Davis Pond, Joes Pond or the Mt. Zircon Reservoir shall be designed to limit phosphorus runoff.

- (1) Phosphorus export from a proposed subdivision shall be calculated according to the procedures defined in the Maine Phosphorus Control Manual, March 2016, as amended. Copies of all worksheets and calculations shall be submitted to the Board.
- (2) Phosphorus control measures shall meet the design criteria contained in the Maine Phosphorus Control Manual, March 2016, as amended. The Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimizing street and private way lengths, and shall encourage the use of other nonstructural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.

G.L. Construction in flood hazard areas. When any part of a subdivision is in a special flood hazard area as identified by the Federal Emergency Management Agency, ~~the plan shall indicate that~~ all principal structures on lots in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. Such a restriction shall be noted on the plan for and included in the deed to any lot which is included or partially included in the flood hazard area.

H.M. Groundwater quality. The proposed subdivision shall not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

- (1) Where a developer elects to rely on individual, private wells for water supply to the proposed subdivision, the developer shall:
  - (a) provide a registered hydrogeologist's report showing that sufficient water may reasonably be expected on the subdivided lots to support the uses intended; or
  - (b) agree to provide a well which will yield an adequate supply of potable water on each lot before that lot is offered for sale
- (2) In any event, the Board may require the applicant to submit a hydrogeological assessment of the proposed subdivision or the results of water quality tests as performed by the Maine Department of Human Services or another certified laboratory if it determines the proposed subdivision may adversely affect the ground water quality or quantity.

~~(4)(3)~~ When the Board requires the applicant to submit a hydrogeological assessment is

submitted, by request of the Board, the assessment shall contain at least the following information:

- (a) A map showing the basic soils types;
- (b) The depth to the water table at representative points throughout the subdivision;
- (c) Drainage conditions throughout the subdivision;
- (d) Data on the existing groundwater quality, either from test wells in the subdivision or from existing wells on neighboring properties;
- (e) An analysis and evaluation of the effect of the subdivision on groundwater resources, and in the case of residential developments, the evaluation shall include, at a minimum, include a projection of post-development nitrate-nitrogen concentrations at any wells within the subdivision, or at the subdivision boundaries, or at a distance of 1,000 feet from potential contamination sources, whichever is a shorter distance;
- (f) A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 100 feet of the subdivision boundaries.

(2)(4) The subdivision will shall not result in the existing groundwater quality becoming to be inferior to the physical, biological, chemical, and radiological levels for raw and untreated drinking water supply sources specified in the Maine State Drinking Water Regulations.

(3)(5) Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the hydrogeological assessment. If construction standards for drinking water wells or other measures to reduce groundwater contamination and protect drinking water supplies are recommended in the hydrogeological assessment, those standards shall be included as a note on the final plan, and as restrictions in the deeds to the affected lots.

N. Protection of significant wildlife habitat. Applicants proposing to subdivide land in or within 75 feet of wildlife resources identified by the Maine Department of Inland Fisheries and Wildlife shall consult with a recognized wildlife or fisheries consultant or the Maine Department of Inland Fisheries and Wildlife and provide their written comments to the Board. Any conditions to the approval to wildlife habitat preservation shall appear on the plan and as deed restrictions to the affected lots.

O. Endangered and threatened species. The Board shall consider a proposed subdivision's impact on state documented endangered species.

P. Spaghetti-lots prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in 38 M.R.S. § 480-B, as amended, none of the lots created within the subdivision may have a lot depth to shore frontage ratio greater than 5 to 1.

Q. Crosses municipal boundary. The proposed subdivision must not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing streets or private ways in an adjoining municipality in which part of the subdivision is located, as required by 30-A M.R.S. § 4404, as may be amended.

R. Lands subject to liquidation harvesting. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to 12 M.R.S. § 8869(14). If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Agriculture, Conservation and Forestry, Bureau of Forestry to determine whether a rule violation has occurred, or

the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76, of the Maine Revised Statutes. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority's request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a licensed forester. For the purposes of this subsection, "liquidation harvesting" has the same meaning as in 12 M.R.S. § 8868(6), as amended, and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership.

**§ 303-54. Mobile home park standards.**

- A. ~~T~~These standards shall apply to all development proposals for new mobile home parks and to any expansion of existing mobile home parks.
- B. Lot size, width and density. Lots in a mobile home park shall meet the following minimum lot size, width and density requirements. Minimum requirements shall be based on 30-A M.R.S. § 4358, as amended.
  - (1) Lots served by public sewer:
    - (a) Minimum lot area: ~~56,050~~500 square feet.
    - (b) Minimum lot width: 50 feet.
  - (2) Lots served by individual subsurface sewage disposal systems:
    - (a) Minimum lot area: 20,000 square feet.
    - (b) Minimum lot width: 100 feet.
  - (3) Lots served by a central subsurface wastewater disposal system:
    - (a) Minimum lot area: 12,000 square feet.
    - (b) Minimum lot width: 75 feet.
  - (4) The overall density of a mobile home park served by a central subsurface wastewater disposal system approved by the Department of Health and Human Services shall be no greater than one unit per 20,000 square feet of total park area. The overall density shall be computed using the combined area of its mobile home lots, plus:
    - (a) The area required for road rights-of-way; and
    - (b) The area required for buffer strips, if any; and
    - (c) The additional area for open space, storage or recreation applicable to other residential developments within the municipality for mobile home parks that are served by a public sewer, provided that the area is not greater than 10% of the combined area of the individual lots within the mobile home park; and
    - (d) The area of any setbacks required by Title 38 of the Maine Revised Statutes.
  - (5) Where lots front on a curved right-of-way or are served by a driveway, the frontage requirement shall be measured in a straight line perpendicular to the setback line.

- (6) Lots within the shoreland area shall meet the lot area, lot width, setback and shore frontage requirements for that district.

C. Lot setbacks.

- (1) The following lot setbacks shall apply to all manufactured housing units:
  - (a) Front setback: 20 feet; 10 feet on lots served by public sewer.
  - (b) Side setback: 10 feet.
  - (c) Rear setback: 20 feet.
  - (d) ~~If these requirements conflict with the requirements of lots within the shoreland area, the stricter standards shall apply.~~ If a lot has frontage on a public road, the setback shall conform with the residential setback requirements applicable to other residential dwelling units in the municipality.
- (2) For aesthetic purposes, the Planning Board may allow the front or rear setbacks on a private road within a mobile park to be varied, provided that no home may be closer than 10 feet to the right-of-way or the rear of any lot and the average distance is at least 20 feet for all units.
- (3) Carports of non-combustible materials are not subject to side setback requirements.
- (4) The Planning Board may allow lot side yard setbacks to be reduced to five feet provided a distance of 30 feet is maintained between manufactured housing units for the purpose of providing more usable yard space on one side of the home.

D. Lot coverage. All buildings on the lot, including accessory buildings and structures, but excluding open decks and parking spaces, shall not cover more than 50% of the lot area.

E. Buffer strips.

- (1) **A fifty-foot-wide buffer strip** shall be provided along all property boundaries that abut residential land which has a gross density of less than half of that proposed in the park or abut residential land that is zoned at a density of less than half of that proposed in the park. No structures, streets, private ways, or utilities may be placed in the buffer strip except that they may cross a buffer strip to provide services to the park.
- (2) Within 25 feet from the exterior boundaries of the mobile home park and within the buffer strip, visual screening and/or landscaping shall be provided. The visual screening may consist of fences, berms, landscaping (such as shrubs and trees) and/or undisturbed, natural, existing vegetation. This screening shall effectively screen at least 50% of the homes from view from the adjacent property and shall be maintained throughout the life of the project. ~~No structures, streets or utilities may be placed in the buffer strip except a utility may cross the buffer strip to provide service to the mobile home park.~~

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F. Parking. For each mobile home lot, there shall be provided and maintained at least two off-street parking spaces.

G. ~~Road Street~~ standards. Roads Streets and private ways in a mobile home park shall meet the standards contained in **§ 303-3(B)** and the provisions of this subsection. ~~Where the standards are in conflict, the stricter standard shall apply, unless it is in conflict with 30-A M.R.S. § 4358.~~

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- (1) Private roads ways. Privately-owned roads ways within the mobile home park shall be designed by a professional engineer who is licensed in the State of Maine, and shall be built according to accepted engineering standards, and shall comply with current standards adopted by the Maine Manufactured Housing Board. Mobile home park roads shall have a right-of-way of at least 23

feet, of which 20 feet must be paved. ~~On-street parking~~ Parking on streets or private ways shall be prohibited.

- (2) ~~Roads for public acceptance~~ Streets. ~~Roads-Streets~~ within mobile home parks ~~which are to be offered for acceptance by the Town of Rumford~~ shall meet the minimum road acceptance standards for ~~public roads-streets~~ as required by the Town.
- (3) Intersection with ~~public roads-streets~~. Mobile home park ~~roads-streets and private ways~~ that intersect with public ~~roads-streets~~ shall meet the following standards:
  - (a) Angle of intersection. The desired angle of intersection shall be 90°. The minimum angle of intersection shall be 75°.
  - (b) Grade. The maximum permissible grade within 75 feet of the intersection shall be 3%.
- (4) No mobile home lot may have vehicular access directly onto a ~~public street~~ street, unless such street is constructed in a manner which shall not impair the safety of the public.

H. Utility requirements. All mobile home parks shall provide permanent electrical, water and sewage disposal connections to each mobile home in accordance with applicable state and local rules and regulations.

I. Refuse disposal. The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

J. Skirting. The area between the platform and the bottom of the unit shall be fully enclosed by skirting. This skirting shall provide for access and adequate ventilation of the space under the unit. This skirting may consist of one of the following materials:

- (1) Approved vinyl or metal mobile home skirting;
- (2) A poured concrete wall;
- (3) A mortared or loose-laid masonry wall; or
- ~~(4) Painted wood or similar materials.~~

(4)

~~K.~~ Siding. All structures in a mobile home park shall have siding which provides a residential K. appearance. Tar paper, vapor barrier (e.g., TYPAR®), asbestos shingles and asphalt shingles shall be deemed not in compliance. Aluminum and vinyl siding are acceptable forms of siding. Anyone installing vapor barrier must have siding covering the vapor barrier within one year from the date of commencement of the installation of the vapor barrier.

~~L.~~ Roofing. All structures in a mobile home park shall have pitched, shingled roofs as described in L. § 303-1 of this ordinance. Tar paper is not an acceptable material for a roof.

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M. Permanent foundation. All structures in a mobile home park shall be on a permanent foundation as described above in § 303-1 of this ordinance.

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N. Standards for earlier built or noncompliant manufactured housing. The purpose of these standards is to establish a condition of safety that will allow manufactured housing to perform in a manner that will greatly reduce hazards that present an imminent and unreasonable risk of death or serious personal injury to its inhabitants or other residents of the park or their invitees. These standards shall apply to

all manufactured housing built before June 15, 1976, or not built according to the National Manufacturing Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70, to be located in a mobile home park.

- (1) All homes with roofs added after construction will require a professional engineer to inspect the roof to determine that the roof and home can withstand the rigors of State of Maine winter or wind uplifts that may occur.
- (2) A person holding a master's license issued by the State of Maine Fuel Board shall inspect and certify that the heating and fuel system meets the requirements of NFPA 31, Installation of Oil-Burning Equipment, as adopted by that Board, or other applicable standards hereafter revised or enacted.
- (3) A person holding a master's license issued by the State of Maine Electricians' Examining Board shall inspect and certify that the electrical system is safe and meets the National Electrical Code in effect at the time the home was constructed.

O. Approval process for mobile home park construction or alteration.

- (1) It shall be unlawful for any person to construct or alter a mobile home park as defined in § 303-1 unless such person shall first have obtained a building permit and an approved plan, as required by the Planning Board, from the Town Planning Board as hereinafter provided. It shall also be unlawful for any person to operate a mobile home park as defined by § 303-1 of this ordinance unless such person shall first have obtained a license from the State of Maine and filed a copy of same with the Town Clerk-Treasurer.
- (2) An application for construction, expansion or alteration of a mobile home park shall be obtained from the Town Manager's office and shall be filed with the Town Clerk-Treasurer. An expansion of an existing mobile home park shall be treated in the same manner as the new construction of a new mobile home park. The application shall be fully completed in typewriting or legible writing, signed by the applicant and shall contain the following, when applicable:
  - (a) Two Mylar plans prepared by an engineer or land surveyor licensed in the State of Maine which include the following information:
    - [1] Name and address of applicant;
    - [2] Name or title of mobile home park;
    - [3] Area and dimensions of the tract of land;
    - [4] Scale, date, direction of magnetic North;
    - [5] Location, ground-floor area and elevation of existing and proposed buildings and other structures, including use thereof;
    - [6] Number, size and location of all mobile home sites, including the location of the permanent foundation on each site;
    - [7] Name(s) of abutting owners;
    - [8] Name, location, width, profile, radius of all curves of all existing and proposed streets, roads or other rights-of way;
    - [9] Location and arrangement of proposed off-street parking and loading areas and their appurtenant drives and maneuvering areas;
    - [10] Location of features, natural and man-made, affecting the park such as water bodies,

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streams, swamps, wooded area, railroads, ditches, buildings, etc.;

- [11] Location of water lines, sewer lines, septic systems, etc.;
  - [12] Kind, location and profile of all existing and proposed drainage;
  - [13] Location and proposed uses of area proposed for outdoor recreation;
  - [14] Contour lines at intervals of 20 feet or less of existing grades for areas proposed to be excavated or filled;
  - [15] Location of existing and proposed pedestrian walkways;
  - [16] Location of existing natural drain ways and proposed storm drainage facilities, including dimensions of culverts, pipes, etc.;
  - [17] Location of existing and proposed fences, hedges, etc.;
  - [18] An on-site soils investigation by a Department of Health and Human Services licensed site evaluator shall be provided. The report shall contain the types of soil, location of test pits, and proposed location and design of the best practical subsurface disposal system for the site.;
  - [19] Evidence that the Maine Department of Health and Human Services has been provided with copies of the plan and all other submittals.
- (b) Copies of deeds establishing ownership in the parcel or parcels of land being developed.
  - (c) Copy of an existing license for operating the mobile home park if already in existence.
  - (d) An application fee established by the Selectpersons in the Schedule of License, Permit and Application Fees. In addition, the applicant shall pay an additional fee established by the Selectpersons in the Schedule of License, Permit and Application Fees for each abutter to the parcel who must be notified by the Town.
- (3) The Town Clerk-Treasurer, after determining that the provisions of **Subsection O(1) and (2)** of this section have been met, shall:
- (a) Notify the Code Enforcement Officer, Local Plumbing Inspector, Town Health Officer, Chief of Police and Chief of the Fire Department for the Town of such application and request each of these officials to make a recommendation, in writing, to the Planning Board as to the feasibility of any such mobile home park with respect to the areas of their responsibilities ~~to the Planning Board~~;
  - (b) Refer the application to the Planning Board, which shall forthwith set the matter for a public hearing to be held after notice of such application has been published in a newspaper of general circulation and after persons whose property abuts the proposed mobile home park are notified, in writing, by first class mail to the last known address of the abutter of the time, date and place of the public hearing. The hearing shall be conducted as in **§ 303-2(D)** above.
- (4) The Planning Board within 30 days after the conclusion of such hearing shall make its written determination known to the applicant as to whether the application approved, approved with conditions, or is denied ~~or granted~~. The Planning Board shall take into consideration whether:
- (a) The proposed mobile home park is in a location suitable for such park as determined with reference to the Comprehensive Plan and Chapter 304, Shoreland Zoning, of the Town Code.

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(b) The street and road patterns in the proposed mobile home park or alterations of same are adequate for use intended and for ingress and egress for the protection of the mobile home park inhabitants, their invitees, property and the public.

(b) —

(c) The proposed mobile home park or alterations to an existing mobile home park otherwise meet the requirements of good planning as determined under the laws of the State of Maine and the decisions of its courts.

(d) The proposed mobile home park or alterations to an existing mobile home park meet with the requirements of this section and the ordinances and laws of the Town.

(5) The Planning Board may request the applicant to provide any studies deemed necessary or advisable to protect and assure the health, safety and welfare of persons affected by the mobile home park, including future occupants of same.

(6) If the Planning Board grants final approval of said application, the plan shall be signed by the Planning Board, if a plan was required by the Planning Board. Upon being provided with a recorded copy of the signed plan by the applicant or the applicant's licensed surveyor or engineer, the Planning Board shall instruct the Code Enforcement Officer to issue a building permit for the construction of said mobile home park. In the event that a plan was not required by the Planning Board and the Planning Board approves the application, the Planning Board shall instruct the Code Enforcement Officer to issue a building permit. The Code Enforcement Officer and Building Inspector shall monitor the construction or expansion of the mobile home park or the alterations to an existing one.

(7) An ~~applicant or an abutter~~ aggrieved party may file an appeal of the decision of the Planning Board to the Board of Appeals, in writing, by sending it to the Town Manager's office within 10 days of the date of the Planning Board's written decision. The Town Manager shall notify the Board of Appeals Chairperson upon receipt of the appeal. The Chairperson of the Board of Appeals or his or her agent will set a hearing date for the matter and send out a written notice of the date of the hearing to the appellant no later than 10 days from the date the request for appeal was received. Notice of the hearing shall be in the same manner as described above in Subsection O(3)(b).

P. A plan which has been approved as a mobile home park may not be converted to another use without the approval of the Planning Board and shall meet the appropriate lot size, lot width, setback and other requirements the Town has established for that use. The plan to be recorded at the Registry of Deeds and filed with the municipality shall include the following restrictions as well as any other notes for conditions of approval:

(1) The land within the park shall remain in the unified ownership and the fee to lots or portions of lots shall not be transferred.

(2) No dwelling unit other than a manufactured housing unit shall be located within the park.

Q. No mobile home park existing at the time of the effective date of this section<sup>3</sup> shall be altered in any way except in compliance with the provisions of this section.

R. Violations.

(1) No manufactured home shall be located anywhere in the Town without certification of payment of Maine state sales tax. A person, corporation or other entity which has a mobile home located in the Town without having paid sales tax shall be subject to a fine of \$125 per day, up to a maximum fine of \$2,500.

- (2) A person, corporation or other entity operating a mobile home park in violation of this section shall be subject to a fine of \$125 per day for each violation, up to a maximum fine of \$2,500.

3. Editor's Note: Section 303-4, Mobile home park standards, was adopted 6-8-2004.

### § 303-65. Required improvements.

The Board shall specify what improvements shall be required to meet the needs of a proposed subdivision. Such improvements shall include streets, private ways, storm drainage, sanitary sewers and water mains. The required improvements shall conform to design standards set forth in ~~these regulations~~ this ordinance as follows:

- A. Streets and private ways as outlined in § 303-3(B) above.
- B. Storm drainage shall be installed with necessary manholes and catch basins to the grade, line, type of pipe, and size as determined by the Board.
- C. All sanitary sewers shall be installed with necessary manholes to the size, grade, line, type of pipe and type of joints as determined by the Board on the advice of the Town Engineer.
- D. Water mains. Town water mains with hydrants shall be provided. A minimum of six-inch water main is required for all streets and private ways and shall be installed in compliance with requirements of the Board of Trustees of the Rumford Water District.
- E. Construction by Town. The Town may agree to construct the sewer, storm drains and the wearing surface of ~~the streets or private ways;~~ if recommended by the Board, and approved by vote by the Town Meeting. In making its recommendation, the Board shall consider economic feasibility, cost of construction, cost per unit served, and benefits to the community.

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### § 303-76. Waivers.

The terms of ~~these regulations~~ this ordinance may be waived from time to time by the Board in accordance with the following:

- A. Where the Board makes written findings of fact that the applicant will suffer an undue economic or other hardship if the requirements of ~~these regulations~~ this ordinance are strictly applied, it may waive the necessity for strict compliance with the requirements of ~~these regulations~~ this ordinance in order to provide relief from the hardship in question and to permit a more practical and economical development. However, this shall not compromise the public health, safety, and welfare, and the waivers in question shall not have the effect of nullifying the effect of ~~these regulations~~ this ordinance or the Comprehensive Plan.
- B. In granting waivers to any of these standards in accordance with Subsection A, the Board shall require such conditions as will assure the objectives of ~~these regulations~~ this ordinance are met.
- C. When the Board grants a waiver to any of the improvements required by ~~these regulations~~ this ordinance, the final plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date that they were granted.

### § 303-87. Violations and penalties; enforcement.

- A. ~~These regulations~~ This ordinance shall be enforced by the Code Enforcement Officer.
- B. No plan of a division of land that 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~~ this ordinance.

ordinance.

~~C.~~ 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.

C.

- D. Any person, firm, corporation or other legal entity which conveys or offers or agrees to convey any land in a subdivision which has not been approved as required by ~~these regulations~~this ordinance shall be punished by a fine of not less than \$100 and not more than \$2,500 for each such conveyance, offering or agreement. The municipality may institute proceedings to enjoin the violation of ~~these regulations~~this ordinance and may collect attorneys' fees and court costs if it is the prevailing party. The Selectpersons, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of ~~these regulations~~this ordinance and recovering fines without court action. In considering the terms of any administrative consent agreement, the Selectpersons shall consult with the Board. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.
- E. Utility installations, ditching, grading or construction of streets or private ways, grading of land or lots, or construction of buildings shall not be started on any part of the proposed subdivision until the final plan has been approved and endorsed as provided for by ~~these regulations~~this ordinance.

**§ 303-98. Amendments.**

The Board may from time to time amend ~~these regulations~~this ordinance and ~~any policies adopted by the Board~~. The procedure for such ~~amendments or~~ amendment shall be the same as followed for the adoption of ~~these regulations or policies~~this ordinance.

**§ 303-109. Severability.**

If any article, section, subdivision, sentence, clause, or phrase of ~~these regulations~~this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portion of these regulations.

**§ 303-11. Conflicts.**

If any article, section, subdivision, sentence, clause, or phrase of this ordinance conflicts with another applicable provision of the Town Code or with an applicable statute or regulation, the stricter provision shall apply.