


TOWN OF PERU

SUBDIVISION ORDINANCE

(Includes Mobile Home Parks)

Date passed: 06/09/09
A true copy attest:


Vera Parent, Town Clerk

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SECTION I. Purpose

The purpose of this Ordinance is to assure the comfort, convenience, safety, health and welfare of the people of the Town of Peru, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Peru, Maine, the Planning Board shall consider the following criteria and, before granting approval, shall make findings of fact that the provisions of this Ordinance have been met and that the proposed subdivision will meet the criteria of Title 30-A, M.R.S.A., Section 4404.

SECTION II. Authority and Administration

A. Authority

1. This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-Part 2 Section 1 of the Maine Constitution and Title 30-A, M.R.S.A., Section 3001.
2. This Ordinance shall be known and cited as the Subdivision Ordinance for the Town of Peru, Maine.

B. Administration

1. This Ordinance shall be administered by the Planning Board for the Town of Peru, Maine, hereafter referred to as the Board.
2. The provisions of this Ordinance shall apply to all of the land area of all proposed subdivisions, as defined, located in the Town of Peru, Maine.
3. No person, firm, corporation or other legal entity may sell, lease, develop, build upon or convey for consideration, offer or agree to sell, lease, develop, build upon or convey for consideration any land or dwelling in a subdivision which has not received Board approval and recorded in the Registry of Deeds. No public utility, water district, sanitary district or any utility company of any kind shall install services to any lot or dwelling in a subdivision which has not received Board approval and recorded in the Registry of Deeds. A Subdivision Plan recorded without Board approval shall be void. Any person violating any provision of this Ordinance shall be fined a minimum of \$100 and a maximum of \$2,500 for each violation. Each day a violation exists shall be considered as a separate violation.
4. Construction Prohibited: Utility installations, ditching, grading or construction of roads, 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 recorded in the Oxford County Registry of Deeds.

C. Enforcement

1. Enforcement is the responsibility of the board of Selectmen.

SECTION III. Pre-application Meeting

Applicants shall schedule a meeting with the Board prior to formal submission, to present a sketch plan and make a verbal presentation regarding the site and the proposed subdivision.

A. **Submissions**

The Pre-application Sketch Plan shall show, in simple sketch form, the proposed development area, and other features in relation to existing conditions. The Sketch Plan, may be a freehand penciled sketch and will be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. When a proposed subdivision will encompass ten (10) acres or more or five (5) or more lots, the applicant shall submit sketch plans of both a traditional subdivision layout and open space subdivision layout. The sketch plan shall be accompanied by a written narrative of the advantages and disadvantages of both subdivision techniques in relation to the particular site. The sketch plan for an open space subdivision will show how the following applicable provisions will be incorporated in subdivision design.

1. The desire to manage development so that Peru's valued characteristics including large tracts of forest land, surface waters, scenic views, natural resources, rural road corridors and open spaces are maintained and the tax rate remains stable;
2. The desire that the type and location of development be compatible with municipal services including the transportation system; and
3. The parcels unique features that may include, but not be limited to, agricultural land, forest land, fields, ridges, stone walls, tree lines, streams, wetlands, wildlife habitat, and scenic views and how such features will be conserved and integrated into the subdivision design. The Board shall within thirty (30) days of receiving the sketch plans, inform the applicant of the type of subdivision that will be developed (traditional or open space) based on the intent of the comprehensive plan and the nature of the site.

- B. **Ownership Interest:** The applicant will furnish the Planning Board with written evidence showing right, title or interest (option, contract for sale, etc.) in the property to be developed.

SECTION IV. Preliminary Plan

- A. The applicant shall submit fourteen (14) copies of the Preliminary Plan and fourteen (14) copies of the application for the proposed subdivision (as detailed in Section VI. A and B) to the Town Office fourteen (14) days prior to the Board meeting. The Board shall forward copies to the Board of Selectmen, Fire Chief and Road Commissioner for review and comment. The Board shall issue a dated receipt to the applicant at the Board meeting where the preliminary plan is first presented and heard by the Board. Within thirty (30) days from the date of receipt, the Board shall notify the applicant in writing either that the Preliminary Plan and application are complete, or if incomplete, the specific additional material needed to make them complete. Determination by the Board that the Preliminary Plan and Application are complete in no way commits or binds the Board as to the adequacy of the Plan to meet the criteria of Title 30-A, M.R.S.A., Section 4404, and the provisions of this Ordinance are met.

B. **Informational Sign**

1. Upon submission of the preliminary plan the applicant shall install, in a conspicuous location, a 4' x 4' sign that is legible and has professional quality on the parcel to be subdivided. The sign shall have a white background with contrasting lettering. The minimum lettering size shall be four (4) inches in height. The sign shall contain the following information.

- 1) Land Proposed to be Subdivided
 - 2) Number of Lots
 - 3) Name and Address of Person doing Subdivision
- For Application Information Contact: Town of Peru 562-4627

2. Within seven (7) days of action on the final plan, the applicant may remove the sign.
- C. Upon receipt of the Preliminary Plan, the Board shall notify in writing all owners of property within 500 feet to the proposed subdivision by Certified mail. In addition the Board shall cause notice of the date, time and place of the meeting to discuss the subdivision to be published in a newspaper of general circulation in Peru at least two (2) times; the date of the first publication shall be at least seven (7) days prior to the meeting. (Both of these items are done at the expense of the developer.)
- D. **Application Fee:** The following fee(s) shall be paid at the time of submission of any preliminary plan:
1. Review fee, \$150.00 per lot or dwelling unit and is non-refundable.
 2. Review escrow account, \$500.00 per lot (or dwelling unit for multiplex development(s) deposited in an escrow account established by the Town, which monies may be used by the Board to pay for professional reviews and advice related to the developers application as it deems necessary. The Board shall provide the applicant with notice of its intent to spend any portion of this account which notice shall specify the purpose for the proposed expenditures. If the balance in the applicant's portion of the Board Review Escrow Account shall be drawn down by 75%, the Board shall require that an additional \$100.00 per lot or dwelling unit be deposited by the applicant. The Board shall continue to notify the applicant and require an additional \$100.00 per lot or dwelling unit be deposited as necessary whenever the balance of the account is drawn down to 75% of the original deposit.

Those monies deposited by the developer and not spent by the Board in the course of its review shall be returned to the developer within thirty (30) days after the Board renders its final decision on the application.

- E. The Board may hold a public hearing on the Preliminary Plan. Regulations for such a hearing shall be according to State Law as provided in Section VII.
- F. The Board shall, within thirty (30) days of a public hearing, or within sixty (60) days of having received the complete Preliminary Plan and application, if no hearing is held, or within such other time limit as may be mutually agreed to, deny or grant approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in this Ordinance and in Title 30-A, M.R.S.A., Section 4404, and to preserve the public health, safety, and general welfare. In all instances, the burden of proof shall be upon the person doing the subdivision. In issuing its decision, the Board shall make a written finding of fact establishing that the Preliminary Plan does or does not meet the provisions of this Ordinance and Title 30-A, M.R.S.A., Section 4404. Approval of the Preliminary Plan in no way commits or binds the Board to approve the Final Plan.

SECTION V. Final Plan

- A. The applicant shall submit the original and three copies of the Final Plan to the Board at a regularly scheduled meeting within one (1) year from the date of approval of the Preliminary Plan. The Board shall issue a dated receipt to the applicant at the Board meeting where the final plan is first presented and heard by the Board. The Final Plan shall include all the information requested in Section VI.B. and will also include all changes recommended by the Board in their approval of the Preliminary Plan. There shall be no other substantial changes between the Preliminary Plan and the Final Plan. The Final Plan shall be drawn on reproducible, stable based transparent material suitable for permanent recording in the Oxford County Registry of Deeds.
- B. The Board has the option of holding a public hearing on the Final Plan. Regulations for such a hearing shall be according to State Law as provided in Section VII.
- C. The Board shall, within thirty (30) days of a public hearing or within sixty (60) days of having received the complete Final Plan, if no hearing is held, or within such other time limit as may be mutually agreed to, deny or grant approval of the Final Plan or grant approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in this Ordinance and in Title 30-A, M.R.S.A., Section 4404, and to preserve the public health, safety, and general welfare. In issuing its decision, the Board shall make a written finding of fact establishing that the Final Plan does or does not meet the provisions of this Ordinance and Title 30-A, M.R.S.A., Section 4404.

SECTION VI. Submission Requirements

A. Application

The application form shall be furnished by the Board, filled out by the applicant and shall include the following information: (Items marked with an "X" shall be required in all instances; items without an "X" may be required at the discretion of the Board.)

- 1. Name and address of owner.
- 2. Name and address of applicant (if other than owner).
- 3. If the applicant is a corporation, state whether the corporation is licensed to do business in Maine, and attach a copy of Secretary of States Registration.
- 4. Name of applicants authorized representative.
- 5. Name, address and number of Licensed Professional Engineer, Professional Land Surveyor or Planner who prepared the plan.
- 6. Address where all correspondence from the Board should be sent.
- 7. Indication of any interest the applicant has in the parcel to be subdivided (option, land purchase contract, recorded ownership, etc.).
- 8. Indication of any interest the applicant has in any property abutting the parcel to the subdivided.
- 9. State whether the subdivision covers the entire or contiguous holdings of applicant.

- 10. Location of property: Book and Page (from Registry of Deeds).
- 11. Location of property: Map and Lot (from Assessors Office).
- 12. Current zoning of property.
- 13. Acreage of parcel to be subdivided.
- 14. Proposed method of sewage disposal and the results of an on-site soil investigation for each lot.
- 15. Soils report for entire area.
- 16. Indication of type of water supply to be used. Evidence of adequate ground water supply and quantity shall be submitted by a well drilling person or a hydro-geologist familiar with the area.
- 17. Names and mailing address of all property owners within 500 feet of the proposed subdivision including those across any road.
- 18. Proposed restrictive covenants to be placed on the deeds.
- 19. A statement of financial and technical capability.
- 20. A written statement from the Fire Chief and Road Commissioner as to each departments capacity to serve the proposed subdivision along with their recommendations as to any improvements necessary to provide for fire protection.
- 21. A phosphorus impact analysis and control plan when located in the direct water shed of a great pond.
- 22. A ground water impact analysis.
- 23. The applicant shall provide a municipal service impact analysis that includes a list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the Town of Peru or quasi municipal districts. This list shall include but not be limited to: schools including busing; road reconstruction, maintenance, and snow removal; solid waste disposal; and fire protection. The applicant shall provide an estimate of the net increase in taxable assessed valuation upon build out of the subdivision.
- 24. Storm-water control plan designed to accommodate the 25-year storm.
- 25. Maine Department of Transportation Driveway/Entrance Permits if the subdivision will have access to Route 108 (Auburn Road / Oxford Road) and Green Woods Road.
- 26. Other local, State or Federal permits as required.
- 27. A statement concerning timber harvesting resulting in any violation of the Liquidation Harvesting Rule.

- ____28. Waivers requested accompanied by reasons and justification.
- ____29. The amount and type of performance bond approved by the selectmen/road commissioner.

B. Subdivision Plan

The Subdivision Plan shall be a map of the tract to be subdivided, certified by a Professional Land Surveyor and tied to established reference points. The plan shall not be less than 18" by 24" and shall be drawn to a scale of 1" equals not more than 100'. The Subdivision Plan shall include the following information: (Items marked with an "X" shall be required in all instances; items without an "X" may be required at the discretion of the Board.)

	Preliminary Plan	Final Plan	
1.	<u>X</u>	<u>X</u>	Name of proposed subdivision; location of subdivision; name of person doing subdivision; and signature and seal of Professional Land Surveyor.
2.	<u>X</u>	<u>X</u>	Lot numbers.
3.	<u>X</u>	<u>X</u>	Date, magnetic north point and graphic map scale.
4.	<u>X</u>		Proposed lot lines with approximate dimension and lots areas and total area of land to be subdivided.
5.		<u>X</u>	Proposed lot lines with dimensions, bearings, deflection angles, radii and central angles sufficient to reproduce any line on the ground and lot areas and total area of land to be subdivided.
6.	<u>X</u>		Location of temporary markers to enable the Board to locate each lot readily and appraise the basic lot layout in the field.
7.		<u>X</u>	Location of permanent markers, both natural and man-made.
8.	<u>X</u>	<u>X</u>	Location of all parcels to be dedicated to public use and the conditions of such dedication.
9.	<u>X</u>	<u>X</u>	Names of abutting property owners and subdivisions. Reference to recorded subdivision plans of adjoining lands by Registry Book and Page number.
10.	<u>X</u>	<u>X</u>	Location of wetlands and if any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazards areas and the 100-year flood elevation shall be delineated on the plan.
11.	<u>X</u>		Location of all required soils investigation test pits. (Test pits for subsurface sewage disposal systems shall be in the area where such a system would likely be placed.
12.	<u>X</u>	<u>X</u>	Location and size of existing buildings.

	Preliminary Plan	Final Plan	
13.			Suggested location of buildings, subsurface sewage disposal systems and wells.
14.			Location of all natural features or site elements to be preserved.
15.	<u>X</u>	<u>X</u>	Location of any existing watercourses and other essential existing physical features.
16.			Location and size of any existing sewers and water mains and other utilities; location and size of culverts and drains.
17.	<u>X</u>	<u>X</u>	Location, names and widths of existing and proposed roads, highways, easements and rights-of-way.
18.	<u>X</u>	<u>X</u>	Plan profiles and cross-sections for roadways, sidewalks and storm drainage facilities.
19.	<u>X</u>	<u>X</u>	A soil erosion and sediment control plan for construction and for permanent control.
20.	<u>X</u>	<u>X</u>	Contour lines at minimum 10-foot intervals.
21.			Other information not indicated above as required by the Board.
22.	<u>X</u>	<u>X</u>	The location and nature of significant wildlife habitats identified by the Maine Department of Inland Fisheries and Wildlife.
23.	<u>X</u>	<u>X</u>	Any portion of the subdivision that is located in the direct watershed of a great pond shall be identified.
24.	<u>X</u>	<u>X</u>	The location of archaeological and historic sites, scenic areas as identified in the Comprehensive Plan and rare and natural areas
25.	<u>X</u>	<u>X</u>	Suitable space to record on the approved plan, the date and conditions of approval, if any. This space shall be similar to the following example:

Preliminary Plan Final Plan

Approved by the Town of Peru Planning Board on _____ . (date)

Signed: _____

Conditions: _____

Approved by the Town of Peru Board of Selectmen on _____ . (date)

Signed: _____

Conditions: _____

SECTION VII. Public Hearing

The decision to hold a public hearing is discretionary, and in making its decision, the Board may consider the size and type of subdivision, the community impact and whether any written requests for such a hearing have been received. In the event that the Board determines to hold a public hearing on either the Preliminary Plan or the Final Plan of the proposed subdivision, it shall hold such a public hearing within thirty (30) days of having notified the applicant in writing that a complete Subdivision Plan has been received and shall cause notice of the date, time and place of such hearing to be given to the person doing the subdivision, and published in a newspaper of general circulation in Peru at least two (2) times; the date of the first publication shall be at least seven (7) days prior to the hearing. Public hearings shall be conducted in accordance with the procedures in Title 30-A M.R.S.A., Section 2691, Subsection 3 a, b, c, d and e. The Board shall provide Notice of the Public Hearing to all property owners within five-hundred (500) feet of the boundaries of the Proposed Subdivision.

SECTION VIII. General Requirements

- A. **Buffer Strips:** The Board may require buffer strips, to protect water bodies and streams from sedimentation, to provide space for movement of wildlife between important habitats and to shield adjacent users from unsightly development, noise and lighting. The Board will consider the following in establishing audio/visual buffer strips.

1. Plant materials shall be a least four feet in height and be of such evergreen species that will produce ultimately a dense audio/visual screen at least eight feet in height. Alternatively, a six-foot high wooden fence, without openings wider than 1", may be substituted.
2. The buffer will be maintained permanently, and any plant material which does not live shall be replaced within one (1) year.
3. The plantings of the buffer shall be so placed that at maturity it will be no closer than three (3) feet from any property line and 25' from the center line of any roadway.
4. The buffer will be broken only at points of vehicular/ pedestrian access. When the buffer is broken by pedestrian access it shall be designed to not allow direct visual access to the adjacent property.

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 any proposed subdivision meets the definition of a subdivision as defined in the Site Location of Development Act, Title 38, M.R.S.A., Section 482, or requires a Stormwater Permit the person doing the subdivision must secure the approval of the Dept. of Environmental Protection and the Board before any construction activity may begin in the subdivision.

C. **Impact on Community Services and Facilities:** Any proposed subdivision shall be reviewed by the Board with respect to its effect upon existing community services and facilities. When the Board finds, based on a recommendation of the Selectmen and the results of any municipal impact analysis, that municipal services do not have the capacity to provide services to the proposed subdivision, the Board will require one or more of the following.

1. A payment to the Town of Peru to mitigate the direct impact to municipal services that has been identified as the consequence of the proposed subdivision. Any such payment shall be subject to the following provisions.
 - a. The Board, with advice from the Selectmen, shall find that the money will mitigate the identified direct impact of the subdivision.
 - b. The payment shall be held in a reserve account and may only be expended to fund capital improvements agreed to by the applicant and Board to mitigate the identified direct impacts.
 - c. The payment in all cases shall be expended within five (5) years of collection, unless otherwise agreed upon by the Board and applicant.
 - d. Any payment not expended shall be refunded to the property owner(s) of record at the time of the refund with interest as earned by the Town of Peru for the period the payment was held by the Town.
2. The applicant will construct or pay to construct the required improvements necessitated by the subdivision.
3. Require phasing of the subdivision or limiting the number of lots that can be developed at any one time to allow the expansion of municipal services over time.
4. Deny the Subdivision.



D. **Lots**

1. Lot sizes shall be in conformance with the following dimensional requirements:
 - a. A minimum lot size of 40,000 sq. ft. shall be required for each dwelling unit. Each dwelling unit shall have 150 (one hundred fifty) feet of frontage facing any road. Each lot must be able to completely contain, within its boundaries, an area as would be defined by a circle with a minimum diameter 150 (one hundred fifty) feet. A lot abutting a lake, pond, river, stream or wetland as defined in the Town of Peru's Shoreland Zoning Ordinance shall have a minimum shore frontage of 200 (two hundred) feet for each dwelling unit.
 - b. If more than one dwelling unit is constructed on a single lot, all dimensional requirements shall be met for each dwelling unit, except as provided for in this section. **VIII.D.1.C.**
Note: Does this section conflict with the provisions of section VIII.H?
 - c. Lots for Planned Developments and multi-family structures shall contain a minimum of 20,000 sq. ft. of land area per dwelling unit. Each 10 (ten) dwelling units within a Planned Development shall be located on its own 5-acre parcel of land. Where there is less than 10 (ten) units, the required parcel size shall be determined by multiplying the number of units by 20,000 sq. ft.
 - d. Flag lots and other odd-shaped lots in which narrow strips are joined to other parcels in order meet minimum lot size requirements are prohibited. The ratio of lot length to width shall not be more than three to one.
 - e. All structures shall be backed at least 20 (twenty) feet from all property lines and at least 53 (fifty-three) feet from the center-line of roads and rights-of-way.
 - f. There shall be a minimum area of 50 (fifty) feet of shoreland frontage by 200 (two hundred) feet in depth of common shore area for each lot or residential dwelling unit that has access to the common area and for each right of use granted to the common area. Shore frontage shall be measured in a straight line between the points of intersection of the side lot lines. Depth shall be measured from the Normal High Water Line.
2. When lots will be in wooded locations the Board, with advice of the Fire Chief, shall require building envelopes that will provide defensible space against forest fires.

E. **Lot Access:** Any proposed subdivision shall be so designed that every lot has access to a public or privately owned road.

F. **Planned Development**

1. A planned development is a residential or mixed-use land development that is developed under unified management; is planned as a whole according to comprehensive and detailed plans, including roads, utilities, lots or building sites, open space and preserved natural features, recreational facilities, and design principles for proposed buildings, is reviewed and approved as a subdivision by the Board and in addition is subject to the requirements of this section, may be developed in clearly identified stages; and provides for the operation and maintenance of common facilities.
2. Purpose: The purpose of this section is to allow for large-scale, well-planned developments that:

- a. are in accordance with the Towns Comprehensive Plan;
 - b. are reasonably self-sufficient in the provision of necessary services such as sewerage, water supply, off-road parking, recreational amenities, and long-term management of common facilities;
 - c. integrate a variety of residential, commercial, and recreational uses;
 - d. preserve open space;
 - e. incorporate a pattern of development that is in harmony with the natural features of the land; and
 - f. provide for efficient use of the land, minimizing the required networks of roads and utilities.
3. Proposed planned developments shall be reviewed as subdivisions under this Ordinance and shall be reviewed by, and final decisions shall be made by the Board. The tract or parcel of land proposed for planned unit development must be in single ownership or the subject of an application filed jointly by the owners of all the property included. The applicant must demonstrate right, title, or interest in the land that is the subject of the application.
4. Standards:
- a. A planned development shall contain the required buildable land area in single ownership and may be a mix of residential and nonresidential uses. The acreage shall be contiguous unless the Board finds that noncontiguous acres are part of a common, overall scheme of development.
 - b. The planned development shall be served by centralized sewerage and water supply facilities.
 - c. Lots which may be created for nonresidential uses shall include sufficient land area to support any proposed structures, the required off-road parking for the uses, whether or not the parking actually is located on the lots, and safe pedestrian circulation.
 - d. The maximum height of any residential structure shall not exceed 35 (thirty-five) feet at the highest point measured from the average grade.
 - e. Where possible, buildings shall be oriented with consideration for scenic vistas, natural landscape features, topography and potential solar access.
 - f. All utilities in a planned development shall be installed underground unless specifically waived by the Board.
 - g. Adequate provision shall be made for erosion control and management of storm-water runoff with particular concern for the effects of effluent draining from the site. Drainage facilities shall be designed to accommodate the 25-year storm.
 - h. Planned developments shall conform to the standards of subdivision approval.

G. Open Space Provisions

- 1. The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas.

2. The Board may require that the person doing the subdivision reserve an area of land as an open space and/or recreational area for use by property owners in the subdivision.
 - a. If such an area is reserved, the Final Plan shall provide how title to the reserved land shall be held and how costs of development, maintenance and taxes shall be met.
 - b. Included in the instrument of conveyance (deed) to each property owner of the subdivision shall be a statement of:
 - 1) The manner of providing for the cost of development and maintenance and for property taxes of the reserved land.
 - 2) If appropriate, the individual property owners pro rata share of development costs, maintenance cost and property taxes of the reserved land.
 - c. Land designed for public use shall not be subdivided for any other purpose. This prohibition does not apply to land areas designated for later development if the Subdivision Plan includes provision for development in discrete stages.
 - d. Any area designated for common use shall be so arranged that each property owner has access to it.

H. Open Space Subdivisions

1. It is the policy of the Town of Peru to encourage the development of open space subdivisions in order to preserve a sense of space, provide for forestry, and recreational land uses, preserve other resources identified in the Town of Peru Comprehensive Plan, and blend new development with the traditional open and wooded landscapes of Peru.

This standard is intended to implement that policy by providing incentives that afford flexibility in road and lot layout and design and road frontage requirements to the landowner. It also allows the Board to waive or reduce certain otherwise applicable standards and provisions of this Ordinance and other Town of Peru Ordinances if such landowners commit to the permanent preservation of important open space resources. These incentives are designed to encourage greater flexibility and more innovative approaches to development and environmental design which will promote the most appropriate use of land, preservation of permanent open space, or forest land, important natural features, wildlife habitat, water resources, ecological systems, and historic and scenic areas for the benefit of present and future residents.

2. An open space subdivision achieves the purposes of this performance standard by reducing the lot size, frontage and setback requirements. It locates structures and accompanying uses in those areas where they have the smallest impact on identified environmental, wildlife, forest, and other open space resources. These resources are then permanently preserved by the uses of covenants and restrictions or conservation easements.
3. 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 Title 30-A M.R.S.A. Section 4404 and this Ordinance.

a. Pre-application Procedure

- 1) Any applicant for a subdivision with open space is encouraged, but not required to submit at the pre-application stage a complete build out plan for the entire parcel.

b. Application Procedure

- 1) Required Plans: The submissions for a subdivision with open space shall include all plans and materials required for a conventional subdivision under this Ordinance.

c. 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 this Ordinance and other Town of Peru Ordinances.

1) Allowable Density

- a) Allowable density shall be based upon one of the following methods as determined by the applicant:

- (1) Net residential density method that 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:

- (a) area in proposed rights-of-way;
- (b) area of 2 (two) or more contiguous acres with sustained slopes of 20% and greater;
- (c) area of wetlands identified as Class I, II and III under the Natural Resource Protection Act;
- (d) area shown to be in floodway as designed in the Flood Boundary and Floodway Map prepared by the Federal Emergency Management Agency; and
- (e) area of the lot covered by surface waters.

Then divide the buildable area by the minimum lot size required.

- (2) Simplified method, which is calculated in the following manner:

Determine the number of allowable dwelling units by taking eighty-five percent (85%) of the total lot area divided by the minimum lot size requirement.

- b) The Board may grant a density bonus of one (1) lot or dwelling unit for each ten (10) lots or dwelling units when it makes a written finding that the open space subdivision satisfies the policies of the comprehensive plan, achieves the application purposes contained in Section H.1. and provides for adequate subsurface wastewater disposal.

2) 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. Structures and other disrobed areas shall be located and sited on the least valuable natural resource portion of a parcel, taking into account the contours of the land and how steep the slopes are. 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 discretion, shall resolve conflicts between these principles as applied to a site.

- a) In such manner that the boundaries between residential lots and commercial forest land, and/or wildlife habitats are well-buffered by vegetation, topography, roads or other barriers in order to minimize potential conflict between residential and agricultural and forestry uses.
- b) Lots and/or structures will be oriented with respect to scenic vistas, natural landscape features, topography and natural drainage areas, in accordance with an overall plan for site development.

3) Space Standards

- a) Shore frontage and shore setback requirements shall not be reduced below the minimum shore frontage or shore setback required in the Town of Peru Shoreland Zoning Ordinance.
- b) The required minimum land area per dwelling unit for the building envelope may be reduced to 20,000 square feet. The Board may further reduce this standard when the development will be served by a central sewage treatment system. The building envelope shall contain a minimum of 20,000 square feet of land area which does not include 100-year floodplains, areas of two or more acres of sustained slopes greater than twenty percent (20%), or wetlands as defined by the Natural Resource 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 normally required in the district.
- c) Minimum road frontage requirements contained in other ordinances may be waived or modified by the Board provided that:
 - (1) Any applicable provisions regarding roads in Subsection 4 below are satisfied; and
 - (2) No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of development.

4) Roads

The Board shall require private roads and common driveways to comply with the design standards set forth in Section VIII.L, except as provided in Subsection 4.a. below.

- a) Ways of travel and shoulders of privately-owned roads and common driveways within open space subdivisions shall meet the following minimums:

- (1) Common driveways serving two (2) or fewer dwelling units: twelve-foot (12') travel way.
- (2) Roads serving three to ten (3 to 10) units: sixteen-foot (16') travel way and four-foot (4') shoulders.
- (3) Roads serving eleven to fifteen (11 to 50) units: twenty-foot (20') travel way and four foot (4') shoulders.

5) 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 Ordinance.

- 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, forested land and wildlife habitat. Open space shall be preserved and maintained subject to the following, as applicable:
 - (1) On parcels that contain significant portions of land suited to commercial forestry, open space shall be preserved for 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, roads 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 (HOA); transferred to a non-profit 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 subparagraph 2.a and b above and under the other requirements of this Section. 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.

6) 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 (HOA) or similar entities, covenants for mandatory membership in the association setting for the owners' rights, interest, privileges, responsibilities for maintenance, and obligations in the association and the common land, road or open space shall be approved by the Board and included in the deed for each lot.

- I. **Storm Drainage:** Adequate provision shall be made for disposal of all storm water generated within the subdivision through a management system of ditches, swales, culverts, under-drains, and/or storm drains. The storm water management system shall be designed to conduct storm water flows to existing water-courses or storm drains.
1. All components of the storm water management system shall be designed to meet the criteria of a 25 (twenty-five) year storm.
 2. Outlets shall be stabilized against soil erosion by stone rip-rap or other suitable materials to reduce storm water velocity.
 3. The storm water management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of 25% (twenty-five percent) for potential increases in upstream runoff.
 4. Downstream drainage requirements shall be studied to determine the effect of the proposed subdivision. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the subdivision. The person doing the subdivision shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.
- J. **Erosion and Sedimentation Control:** Erosion soil and sedimentation of watercourse and water bodies shall be minimized. The following measures shall be included, where applicable, as part of subdivision review and approval.
1. Stripping of vegetation, re-grading or other development shall be done in such a way as to minimize erosion.
 2. Development shall keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and so as to adequately handle surface water runoff.
 3. The disturbed area and the duration of exposure of the disturbed area shall be kept to a practical minimum.
 4. Disturbed soils shall be stabilized as quickly as practical. Temporary mulch will be placed on all disturbed areas where seeding or other construction or stabilization activities will not take place for over 14 (fourteen) consecutive days.
 5. Temporary vegetation or mulching shall be used to protect exposed critical areas during development.
 6. The permanent (final) vegetation and structural erosion control measure shall be installed in the time periods contained in the erosion and sediment control plan.
 7. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods.
 8. Whenever sedimentation is caused by stripping vegetation, re-grading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his or her expense.
 9. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

10. The standards set forth in the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices (March 1991 and as amended) shall be employed.
- K. **Peru Town Road Access:** Where a subdivision will be accessed from a public road a common access or shared driveways will be developed.
1. A subdivision to be accessed by a town road shall be limited to 1 (one) access point for the first lot and 1 (one) additional access point for each 300 (three hundred) feet of frontage beyond the first lot.
 2. Where a lot has frontage on two or more roads, the access to the lot shall be provided to the lot across the frontage and to the road there is lesser potential for traffic congestion and for hazards to traffic and pedestrians unless other factors make it not practical.
- L. **Roads**
1. Off site roads serving a proposed subdivision shall be in such condition and have the capacity to safely carry the traffic associated with the proposed subdivision. In making a determination that off site roads serving a proposed subdivision are in such condition and have the capacity to safely carry the traffic associated with the proposed subdivision the Board shall consider the following.
 - a. Subdivisions that will gain access via public roads or public easements closed to winter maintenance shall be prohibited unless the person doing the subdivision shall finance the cost of the necessary improvements to make the road or public easement suitable for winter maintenance. Such improvements shall be made by the Town or a contractor selected by the Town. The Board shall base the needed improvements upon the recommendation of the Inspecting Official.
 - b. Subdivisions that will gain access via public roads or private roads that are deemed by the Inspecting Official not to have adequate capacity to carry traffic associated with the proposed subdivision shall be prohibited unless the person doing the subdivision undertakes the necessary improvements to make the road suitable for the anticipated traffic. In determining adequate capacity the inspecting Official shall consider provisions for two way traffic, safe access by emergency vehicles and all season use. The Board shall base needed improvements to provide adequate capacity upon the recommendation of the Inspection Official. This Section shall not be interpreted to require improvements to comply with Section VIII.L.3.
 2. The design of proposed roads shall be in harmony and conformance with existing and proposed roads. Roads patterns shall give due consideration to contours and natural features. Every proposed road whether to be offered for town acceptance or to remain private shall be laid out and constructed as required by the following.
 - a. **Existing Road Extended:** Existing roads shall be extended at the same or greater width and in no case shall they be extended at less than the original width.
 - b. **Road Names:** Road names require the approval of the Board of Selectmen. Roads that are obviously in alignment with streets already existing and named, shall be given the name of the existing road. Names of new roads shall not duplicate or closely approximate those of existing roads.
 - c. **Intersections:** All road intersections shall be at angles as close to 90° (ninety degrees) as possible. In no instances shall road intersections be at an angle less than 60 (sixty degrees).
 - d. **Curb Line Radius:** The curb line radius at road intersections shall be at least 25 (twenty-five) feet. Where the angle of the street intersects is less than 90° (ninety degrees), a longer radius may be required.

- e. **Dead-end or Cul-de-sac Roads:** Dead-end or cul-de-sac roads shall be provided at the closed end with a turn-around having a property line radius of at least 60' (sixty feet) with an outside pavement radius of at least 50' (fifty feet).
- f. **Drainage:** Adequate provision shall be made for disposal of all surface water and underground water through ditches, culverts, under-drains, and/or storm water drainage systems. Provisions must be made for natural watercourses.
- g. **Catch Basins:** Catch basins (of standard design) shall be built where necessary and culverts of proper size and capacity will be installed at all watercourses with necessary headers.
- h. **Culverts:** Culverts will be tarred, galvanized, corrugated road, concrete, aluminum, ABS, or corrugated plastic. Culverts shall be sized to accommodate anticipated flows.
- i. **Slopes and Ditches:** Slopes and ditches shall slope away from the shoulders of the road at a ratio of at least 3 (three) horizontal feet to 1 (one) vertical foot and never steeper than 2 to 1 (two to one). In cases where this is not possible or practical as where the roadway cuts through the side of a hill, all cuts shall be made so that adjacent slopes will not slide. The tops and sides of all cuts shall be cleared of all trees, stumps and boulders for an adequate distance to as to prevent such material from sliding into the ditches. Loam will be placed on the banks; then seeded and mulched.
- j. **Driveway Entrances:** Subdivisions with lots fronting on existing arterial and collector roads shall minimize the number of driveways entering such roads. The Planning Board shall require shared driveways, marginal access roads or other acceptable technique to minimize the number of driveway entrances upon such roads.
- k. **Sidewalks:** The Board shall have the authority to designate whether sidewalks shall be required. Where the Planning Board requires the installation of sidewalks they shall meet these minimum requirements.
 - 1) Bituminous Sidewalks
 - a) The gravel aggregate sub-base course shall be no less than 10" (ten inches) thick.
 - b) The crushed aggregate base course shall be no less than 2" (two inches) thick.
 - c) The hot bituminous pavement surface course shall be no less than 2" (two inches) after compaction.
 - 2) Portland Cement Concrete Sidewalks
 - a) The sand base shall be not less than 6" (six inches) thick.
 - b) The Portland Cement concrete shall be reinforced with 6" (six inch) square, #10 (number ten) wire mesh and shall be no less than 4" (four inches) thick.
- l. **Utilities:** Longitudinal runs of water and/or sewer mains shall be laid outside of the travel lanes and clear of any present or designated sidewalks. Utility poles shall be so placed that any present or designated sidewalks may be contained within the boundaries of the road or way without obstructions by poles or appurtenances.
- m. **Intersections:** Where new road intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below. Sight distances shall be measured from the driver's seat of a vehicle that is 10' (ten feet) behind the curb or edge of shoulder line with the height of the eye 3 2 feet above the pavement and the height of object 4 ¼' (four and one quarter feet).

Posted/Legal Speed Limit (MPH)	25	30	35	40	45	50
Sight Distance (Feet)	155	200	305	360	425	495

3. **Classification of Roads:** In all new subdivisions, roads shall be classified as provided in Subsection d.

- a. The classification shall be based upon the projected volume of traffic to be carried by the road, stated in terms of the number of trips per day.
- b. The number of dwelling units to be served by the road may be used as a useful indicator of the number of trips but is not conclusive.
- c. Whenever a subdivision road continues on an existing road that formerly terminated outside the subdivision or it is expected that a subdivision road will be continued beyond the subdivision at some future time, the classification of the road will be based upon the road in its entirety, both within and outside of the subdivision.

d. The classification of roads shall be as follows. (See detailed listing at end of Ordinance.)

- 1) **Local.** A road whose function is to provide access to abutting properties and that may also collect traffic from minor roads that intersect it. A local road shall not be allowed when the Average Daily Traffic (ADT) volume will exceed five-hundred (500). Local roads shall be designed or designated to exclude external through traffic which has neither origin or destination on the local street or on its tributary minor roads.
- 2) **Collector.** A road whose principle function is to carry traffic for residential roads to higher order roads. Average Daily Traffic (ADT) shall not exceed three thousand (3,000). If the road exceeds 3,000 (three thousand) ADT, the municipality upon recommendation from an engineer shall determine the required design standards.
- 3) **Other Roads.** Roads proposed to service uses such as retail, office or industrial shall be designed by a Professional Engineer based upon detailed traffic analysis.

4) **Construction Standards**

	Item	Collector	Local
a.	Minimum width of right-of-way	60 ft.	60 ft.
b.	Minimum width of pavement	24 ft.	20 ft.
c.	Minimum grade	.5%	.5%
d.	Maximum grade	8%	12% ¹
e.	Maximum grade at intersections	3% within 100 ft. of intersection	
f.	Minimum angle of intersections	60°	60°
g.	Width of shoulders (per shoulder)	5 ft.	4 ft.
h.	Minimum center line radii on curves	200 ft.	200 ft.
I.	Minimum tangent length between reverse curves	200 ft.	100 ft.

	Item	Collector	Local
j.	Minimum thickness of street materials		
	Sub-base-maximum size stone 8"	18 in.	12 in.
	Upper base-maximum stone 3"	6 in.	4 in.
	Surface course-maximum stone 3/4"	2 in.	2 in.
	Note:		
k.	Road crown (minimum)	4"/10'	4"/10'
l.	Sidewalk width (where required)	4'	4'
m.	Property line radii (intersections)	15 ft.	10 ft.
n.	Travel surfaces of all roads constructed on slopes over 12% shall be paved with 2-inch of bituminous pavement.		
o.	All Roads designated for acceptance as Town roads and privately owned roads serving more the 10 dwelling units shall be paved with a minimum of 2 inches of bituminous pavement.		
p.	Curb radii at intersection (90°)	25 ft.	25 ft.
	Less than 90° intersections	30 ft.	30 ft.
q.	Minimum distance between intersections	200 ft.	200 ft.

¹12% (twelve percent) except that maybe up to 14% (fourteen percent) for no more than 300' (three hundred feet) per road if paved.

4. **Gravel Surface Roads:** The Selectmen, with advice from the Road Commissioner and Board, shall review requests for gravel surfaced roads. In reviewing requests for gravel surfaced roads, the following requirements shall be met, in addition to all other design standards.
 - a. The area has a low development density. Lots of more than 2 (two) acres in size and/or less than 20 (twenty) lots or dwelling units per development.
 - b. Dust from the road surface will not adversely affect adjacent properties.
 - c. The surface materials must support the traffic loads without detrimental deformation.
 - d. The surface materials must be capable of withstanding the abrasive action of traffic.
 - e. The surface materials shall shed rain that falls on the surface.
 - f. The surface material shall possess capillary properties in amounts sufficient to replace the moisture lost by surface evaporation.

5. **Privately-Owned Roads:** Where subdivision roads are to remain private roads, the following will be met in addition to the design standards above.
 - a. **Maintenance.** The person doing the subdivision shall demonstrate to the satisfaction of the Board that the private road will be properly maintained. The person doing the subdivision shall provide the proposed Road Owners Association Bylaws that defines the minimum requirements for road maintenance and how cost will be shared among the lot owners.

- b. **Deed Restriction.** The person doing the subdivision shall cause each property deed to clearly state that the road is a private road, and the Town of Peru will not be responsible for maintaining or plowing.
- c. **Plan Condition.** The recorded subdivision plat shall clearly state that such road is private and shall not be accepted as a public road.

M. **Mobile Home Parks**

- 1. Except as stipulated below, mobile home parks shall meet all the requirements for a residential subdivision, and shall conform to all applicable State laws and local ordinances or regulations. Where the provisions of this section conflict with specific provisions of this Ordinance, the provisions of this section shall prevail.
- 2. **Lot Area and Lot Width Requirements:** Notwithstanding the dimensional requirements located in Section VIII.O of this Ordinance, lots in a mobile home park shall meet the following lot area and lot width requirements.
 - a. Lots served by individual subsurface waste-water disposal systems:

Minimum lot area:	20,000 sq. ft.
Minimum lot width:	100 ft.
Minimum front setback	50 ft.
Minimum side and rear setback	25 ft.
 - b. Lots served by a central subsurface waste water disposal system approved by the Maine Department of Human Services:

Minimum lot area:	12,000 sq. ft.
Minimum lot width:	75 ft.
Minimum front setback	50 ft.
Minimum side and rear setback	15 ft.
 - c. The overall density of any park served by any subsurface waste water disposal system shall not exceed one dwelling unit per 20,000 (twenty thousand) sq. ft. of total park area
 - d. Lots located within any shoreland zoning district shall meet the lot area, lot width and shore frontage requirements for that district.
 - e. No lot in a mobile home park may have vehicular access directly onto an existing public road, unless a new road is constructed to town standards to serve the mobile home park.
- 3. **Road Design, Circulation and Traffic Impacts:** Streets within a park shall be designed by a Professional Engineer, registered in the State of Maine.
 - a. Roads shall be designed and constructed in accordance with the standards for roads in Section 8.L. of this Ordinance.
 - b. Any mobile home park expected to generate average daily traffic of 200 (two hundred) trips per day or more shall have at least two road connections with existing public roads. Any road within a park with an average daily traffic of 200 (two hundred) trips per day or more, shall have at least 2 (two) road connections leading to existing public streets, other roads within the park or other roads shown on an approved subdivision plan.

- c. The intersection of any road within a park and existing public road shall meet the following standards.
 - 1) **Angle of Intersection.** The desired angle of intersection shall be 90°. The minimum angle of intersection shall be 85° (eighty-five degrees).
 - 2) **Maximum grade within 75' (seventy-five feet) of intersection.** The maximum permissible grade within 75' (seventy-five feet) of the intersection shall be 2% (two percent).
 - 3) **Minimum Sight Distance.** The minimum sight distance shall comply with Section VIII.L.2.m.
 - 4) **Distance from Other Intersections.** The center line of any road within a park intersecting an existing public road shall be no less than 125' (one hundred twenty-five feet) from the center line of any other road intersecting that public road.
4. No development or subdivision which is approved under this section as a mobile home park may be converted to another use without the approval of the Planning Board, and meeting the appropriate lot size, lot width, setback and other requirements. 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 or conditions of approval.
 - a. The land within the park shall remain in an unified ownership and the interest to individual lots or portions of lots shall not be transferred.
5. No dwelling unit other than a mobile home unit shall be located within the park.
- N. **Archaeological Sites:** Any proposed subdivision plan involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least 20 (twenty) days prior to action being taken by the Board. The Board shall consider comments received from the Commission prior to rendering a decision on the application.
- O. **Historic Locations:** The Board shall consider the proposed subdivisions impacts on historic buildings and sites as identified in the Peru Comprehensive Plan. When a proposed subdivision will include a historic building or site the applicant will design the subdivision to minimize the impacts on the historic building or site.
- P. **Scenic Locations:** The Board shall consider the existence of a scenic site or view location as identified in the Town of Peru Comprehensive Plan and the impact of the proposed subdivision on such a site or view. The Board may require the placement or visual qualities of structures on lots in such locations so to minimize the negative impacts of the subdivision on such sites and views.
- Q. **Phosphorous Export:** Phosphorus, a natural nutrient, stimulates algae growth that causes a significant decline in water quality. The primary source of new and increasing phosphorus loads in Maine lakes is development-residential, commercial, and industrial. Its impact on water quality is extremely long term. The following phosphorus control measures were created and designed to address this concern.
 1. Subdivisions proposed within the direct watershed of a lake or pond listed below shall be designed to limit phosphorus runoff to the levels defined below.

Post Development Phosphorous Export by Watershed

Note: Should check with DEP to confirm if these numbers are still correct

Lake Name	Level of Protection	Lake Load Allocation (lbs/ppb/yr) ²
Abbott Pond	Medium	0.107
Anasagunticook Lake	High	0.08
Big Concord Pond	High	0.056
Mud Pond	Medium	0.038
Worthley Pond	High	0.044

Source: Maine Department of Environmental Protection (DEP), Watershed Division, 1998 data.

- ¹ The pounds per year of phosphorus from the watershed that would produce an increase in phosphorus concentration by more than 1.0 parts per billion.
- ² The Board shall keep an accurate record of subdivision approvals granted by watershed using an appropriate record keeping system, and shall review actual development rates and recommend adjustments to the table at two-year intervals.
 2. Phosphorus export from a proposed subdivision shall be calculated according to the procedures defined in APhosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development (Maine DEP et.al., September 1989 with revision in 1992 and as may be amended). Copies of all worksheets and calculations shall be submitted to the Board.
 3. Phosphorus control measures shall meet the design criteria contained in Phosphorus Control in Lake Watersheds: A Technical Guide for Reviewing Development (Maine DEP et.al., September 1989 with revisions in 1992 or as may be amended). The Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimizing street 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.
- R. **Protection of Significant Wildlife Habitat:** Applicants proposing to subdivide land or within 75' (seventy-five feet) of significant wildlife resources or fisheries habitats 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 Planning Board. The Board shall consider any recommended measures provided to minimize impacts on such habitats. Any conditions to the approval to wildlife or fisheries habitat preservation shall appear on the plan and as deed restrictions to the affected lots.
- S. The Board shall consider the existence of endangered or threatened plants as may be identified by the Maine Natural Areas Program. As a condition of approval the Board may require the applicant to undertake protective measures as recommended by the Maine Natural Areas Program.

SECTION IX. Waiver and Modification of This Ordinance

- A. Where the Board finds that extraordinary and unnecessary hardships may result from strict compliance with this Ordinance, or where there are special circumstances of a particular plan, it may waive any provision of this Ordinance provided that such waiver will not have the effect of nullifying the purpose of this Ordinance, the Town of Peru Comprehensive Plan, or any other ordinance or law.

- B. In granting any waiver, the Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived.

SECTION X. Performance Bond

- A. Prior to the start of construction, the Board may require that the person doing the subdivision file with the Board 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 Town of Peru, and issued by a surety company acceptable to the Town of Peru. The conditions and amount of such certified check shall be determined by the Board with the advice of the various municipal officers concerned. The amount shall be at least equal to the total cost of furnishing, installing, connecting and completing all of the road grading, paving, storm drainage, and utilities or other improvements specified on the plan within two years of the date of the certified check.
- B. The Board may recommend a maximum extension of 12 (twelve) months to the guaranteed performance period when the person doing the subdivision can demonstrate, to the satisfaction of the Board and the municipal officers, good cause for such extension. Such recommendation shall be referred to the Board of Selectmen for official action.
- C. Upon approval of the Final Plan, the Board may, at its discretion, waive the requirements of a performance bond, under the condition that no lot in the subdivision may be sold and no permit shall be issued for construction of any building on any lots in the subdivision until it shall have been certified in the manner set forth in Section XI, that all improvements have been made. The Board shall set a reasonable completion date for said improvements, and approval of a Final Plan shall be voided if said improvements are not completed within the specified time. The Board may, upon request from the person doing the subdivision, extend the completion date.
- D. Before the person doing the subdivision may be released from any obligation requiring a guarantee of performance, the Board will require certification from the various municipal officers (Inspecting Official, Selectmen, Road Commissioner, Fire Chief) 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).

SECTION XI. Inspection of Required Improvements

- A. At least five days prior to commencing each major phase of construction of required improvements, the person doing the subdivision 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. The developer must deposit, with the municipal officers, a check for the amount of 2% (two percent) of the estimated costs of construction and improvements to pay for the costs of inspection. If upon satisfactory completion of construction and cleanup there are funds remaining, the surplus funds shall be refunded to the applicant within 30 (thirty) days. If the inspection account shall be drawn down by 90% (ninety percent), the applicant shall deposit an additional 1% (one percent) of the estimated costs of construction and improvements.
- 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 person doing the subdivision, he shall so report in writing to the Municipal Officers, Planning Board, and the person doing the subdivision or builder. The Municipal Officers shall take any steps necessary to preserve the municipality's rights.

- 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 rights-of-way, property boundaries, changes of grade by more than 1%, (one percent) etc., the person doing the subdivision shall obtain permission to modify the plans from the Board.
- D. At the close of each summer construction season, the Town shall, at the expense of the person doing the subdivision, have the site inspected by the Inspecting Official. By December 1 of each year during which construction was done on the site, the Inspecting Official 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, are 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 person doing the subdivision shall provide the Board with a letter from a Registered Land Surveyor, stating that all monuments shown on the plan have been installed.
- F. Upon completion of road construction, a written certification signed by a professional engineer registered in the State of Maine shall be required by the Municipal Officers at the expense of the applicant, certifying that the proposed town way meets or exceeds the design and construction requirements. As-built plans shall be submitted to the Municipal Officers.
- G. The person doing the subdivision or builder shall be required to maintain all improvements, provide for snow removal and maintenance on roads and sidewalks.

SECTION XII. Plan Revisions After Approval

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

SECTION XIII. Initiation of Development Within Two Years

If construction of the public improvements have not begun within 2 (two) years from the approval date, the approval shall lapse and the applicant shall reapply to the Board for a new approval. Reapplication for approval shall state the reasons why construction was not begun and the reasons why the applicant will be able to begin the activity within 2 (two) years from the granting of a new approval, if granted. Reapplication for approval shall require the submission of all information and fees required by this ordinance.

SECTION XIV. Validity, Effective Date and Conflict of Ordinances

- A. Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance, and to this end, the provisions of this Ordinance are hereby declared to be severable.
- B. This Ordinance shall take effect and be in force from and after the date of its official adoption.

- C. This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulations, bylaw, permit or provision of law. Where this Ordinance imposes a higher standard for the promotion and protection of health and safety, the provisions of this Ordinance shall prevail.

SECTION XV. Amendments

This Ordinance may be amended by a majority vote of the Town Meeting. Amendments may be initiated by a majority vote of the Board or by request of the Board of Selectmen to the Board or on petition of 10% (ten percent) of the votes cast in the last gubernatorial election in the Town. The Board shall conduct a public hearing on any proposed amendments.

SECTION XVI. Appeals

An appeal may be taken within 30 (thirty) days from the Boards final decision on the Preliminary or Final Plan by any party to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

SECTION XVII. Definitions

In general, words and terms used in these regulations shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows:

Arterial Road: A major thoroughfare which serves as a major traffic way for travel between and through the municipality. (See last page of Ordinance for listing.)

Common Driveway: A vehicle access way serving two lots or dwellings.

Direct Watershed of Lake or Pond: Any land area that contributes storm-water runoff either by direct surface water or subsurface flow to a great pond without such runoff traveling through another great pond.

Driveway: A vehicle access way serving one lot or dwelling.

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.

Farm Road: A route or track consisting of a bed of exposed mineral soil, gravel or other surfacing material constructed for or created by the repeated passage of motorized vehicles and use primarily for farming activities, including crop management and harvesting.

Fresh Water Wetland: Means fresh water swamps, marshes, bogs and similar areas which are:

- A. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and
- B. Not considered part of great pond, river, stream or brook. These areas may contain small stream channels or inclusions of land that do not conform to the criteria.

Historic Building/Site: Building and sites on the National Register of Historic Places, identified as of historic importance in the Peru Comprehensive Plan.

Inspecting Official: An individual appointed by the Selectmen to inspect streets and other improvements during construction.

Lot Line: A line of record bounding a lot that divides one lot from another lot.

Lot Line, Front: The lot line separating a lot from the street right-of-way.

Lot Line, Rear: The lot line opposite and most distance from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line.

Logging Road: A route or track consisting of a bed of exposed mineral soil, gravel or other surfacing material constructed for or created by the repeated passage of motorized vehicles and used primarily for forest management activities, including associated log yards and winter haul roads.

Manufactured Housing Unit: Structures, transportable in one or more sections which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein.

Mobile Home: A manufactured housing unit designed and built to be moveable throughout its life, regardless of any modification during its life.

Mobile Home Park: A parcel of land under unified ownership designed and/or used to accommodate 3 (three) or more mobile homes.

Multi-unit Residential: a residential structure containing 2 (two) or more residential dwelling units.

Open Space Development: A subdivision in which the lot sizes are reduced below those normally required which in return for the provision of permanent open space owned in common by lot/unit owners, the Town, or a land conservation organization.

Privately Owned Road: A road not maintained by the Town of Peru and/or State of Maine

Public Improvements: Roads, drainage and stormwater systems, common water and sewer systems whether public or private.

Public Road: A road maintained by the Town of Peru and/or State of Maine.

Road: A vehicular way providing access to three or more lots or dwellings. The term does not include driveways, common driveways, farm roads or logging roads.

Setback: The horizontal distance from a lot line or road right-of-way to the nearest part of a building or structure.

Stream, River or Brook: River, stream or brook means a channel between defined banks. A channel is created by the action of surface water and has 2 (two) or more of the following characteristics.

- A. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5 (seven and one half) minute series topography map or if that is not available, a 15 (fifteen) minute series topography map.
- B. It contains or is known to contain flowing water continuously for a period of at least 3 (three) months of the year in most years.
- C. 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.

- D. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present, in the stream bed.
- E. The channel bed contains aquatic vegetation and is essentially devoid of upland vegetation. River, stream or brook does not mean a ditch or other drainage way constructed and maintained solely for the purpose of draining storm water or a grassy swale.

Structure: Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite dishes.

Subdivision: A subdivision shall mean the division of a tract or parcel of land as defined in Title 30-A M.R.S.A. Section 4401 and as hereafter amended.

Traditional Subdivision Layout: A subdivision design that creates individual lots without common open space or consideration of the parcels natural features.

Referencing: Section VIII, L-3-D:

Arterial roads: Auburn Road, Dickvale Road, East Shore Road, Green Woods Road, Main Street, Oxford Road, Ridge Road.

Collector roads: Ada Avenue, Annie Lane, Bird Farm Road, Brookside Drive, Brown Hill Road, Burbank Road, Byron Road, Coates Road, Dalot Road, Dolloff Street, Dow Brook Road, Elwin Avenue, Gammon Road, Garneau Road, Hamann Road, Hammond Hill Road, Harlow Road, High Street, Holland Road, Holman Road, Hutchinson Road, Irish Farm Road, Knox Road, LaCroix Road, Lake Shore Drive, LaPointe Road, Lovejoy Hill Road, Magoon Way, Marsh Road, Mary Turner Road, McFee Road, Meagan Drive, Mill Street, Miller Road, Mineral Springs Road, Monkey Lane, Mount Zircon Road, Mountain View Drive, Mud Pond Road, Narrow's Circle, North Main Street, Old Valley Road, Oldham Road, Packard Road, Paradis Road, Payne Road, Peru Center Road, Pleasant Street, Pulsifer Road, River Road, Sandy Lane, Sawyer Brook Drive, Serenity lane, Short Street, Sicotte Road, South Irish Farm Road, Spear Stream Road, Stage Coach Road, Teela Lane, Tower Road, Valley Road, Vaughn Heights, Veterans Street, Waleik Road, Walker Road, Wiken Road, Worthley Heights.

SUBORDAMENDFINAL: APR. 2009