

PROPOSED AMENDMENTS TO THE LAND USE ORDINANCE

Annual Town Meeting Warrant Exhibit C

ARTICLE 26: *Shall the ordinance entitled “Town of North Yarmouth, Maine Land Use Ordinance” be amended to improve the formatting of the document and update the Table of Contents for corrections and or additions described and presented in **Exhibit C** of this warrant?*

Planning Board recommends approval.

Formatting Changes; Table of Contents:

Article VIII. General Requirements: Applicable To All Land Uses Subsection 8.4 ~~Driveway/Road Entrance Permit Requirements~~ Design and Construction Standards for Roads and Driveways

Article X. Performance and Design Standards for Site Plan Review and Subdivision Review ~~Subsection 10.31 Road Design and Construction Standards~~ Repealed and Reserved

ARTICLE 27: *Shall the ordinance entitled “Town of North Yarmouth, Maine Land Use Ordinance” Article III, Administration and Enforcement: Section 3.3, Building /Land Use Permits: E: Residential Growth Limitation (Cap) be amended as described and presented in Exhibit C of this warrant?*

Planning Board recommends approval.

Article III, Administration and Enforcement: Section 3.3, Building /Land Use Permits: E: Residential Growth Limitation (Cap)

1. ~~Calendar Years 2005 and 2006.~~ For calendar years 2005 and 2006, building permits granted for the construction of new residential units shall not exceed 30 dwelling units per year. No single person, entity, corporation or developer may apply for more than 3 new dwelling permits per year.

ARTICLE 28: *Shall the ordinance entitled “Town of North Yarmouth, Maine Land Use Ordinance” Article V, Subdivision Review Procedures and Criteria: Section 5.3, Pre-Application Meeting, Sketch Plan and Site Inspection: B: Procedure be amended as described and presented in Exhibit C of this warrant?*

Planning Board recommends approval.

Article V, Subdivision Review Procedures and Criteria: Section 5.3, Pre-Application Meeting, Sketch Plan and Site Inspection: B: Procedure

3. ~~North Yarmouth Conservation Commission:~~ The CEO shall notify the North Yarmouth Conservation Commission of all pre-application meetings. The Commission’s input will be particularly important if any portion of the subdivision is located within a high value open space area (Royal River Corridor, Knight’s Pond, Deer Brook and the Deer Brook wetland, Toddy Brook, Pratt’s Brook, or a high value wetland). The applicant shall provide a copy of the pre-

~~application sketch plan to the Conservation Commission at least one week prior to the pre-application meeting.~~

ARTICLE 29: Shall the ordinance entitled “Town of North Yarmouth, Maine Land Use Ordinance” Article V, Subdivision Review Procedures and Criteria: Section 5.4, Special Submission Requirements: B: North Yarmouth Conservation Commission Review Required be amended as described and presented in Exhibit C of this warrant?

Planning Board recommends approval.

Section 5.4, Special Submission Requirements: B: North Yarmouth Conservation Commission Review Required

~~**B. North Yarmouth Conservation Commission Review Required:** The applicant shall submit complete preliminary and final plans, as submitted to the Planning Board, to the North Yarmouth Conservation Commission, and request written comments from the Commission regarding the subdivision’s impact on high value open space areas and other significant natural resources. The Conservation Commission’s input shall be advisory.~~

ARTICLE 30: Shall the ordinance entitled “Town of North Yarmouth, Maine Land Use Ordinance” Article V, Subdivision Review Procedures and Criteria: Section 5.7, Final Plan for Major Subdivision: B: Submissions be amended as described and presented in Exhibit C of this warrant?

Planning Board recommends approval.

Section 5.7, Final Plan for Major Subdivision: B: Submissions

The final plan shall consist of one or more maps or drawings drawn to a scale of not more than 100 feet to the inch. Plans for subdivisions containing more than 100 acres may be drawn at a scale of not more than 200 feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of 2 inches outside of the borderline on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be reserved on the plan for endorsement by the Planning Board. The final plan submission shall consist of one reproducible, stable-based transparency to be recorded at the Cumberland County Registry of Deeds, and a paper copy for review by the Planning Board. Following approval of the Final Plan by the Planning Board, the applicant shall submit a copy of the Final Plan as recorded at the Cumberland County Registry of Deeds, to include all recording information and Planning Board signatures.

In addition, the applicant shall submit 12 copies of the final plan reduced to a size of 8¹/₂ by 11 inches or 11 by 17 inches, and all accompanying information. A copy of the final plan(s) and all accompanying information shall be mailed to each Planning Board member no less than 7 days prior to the meeting. If any portion of the subdivision is located within the Groundwater Protection Overlay District a reduced copy of the final plan and all accompanying information shall also be mailed to the Yarmouth Water District. ~~A reduced copy of the final plan and all accompanying information shall be mailed to the Chairperson of the Conservation Commission no less than 7 days prior to the meeting. The final plan shall include or be accompanied by the following information:~~

12. Road/street plans, meeting the requirements of Articles VIII & X. ~~Performance and Design Standards for Site Plan Review and Subdivision Review.~~

ARTICLE 31: Shall the ordinance entitled “Town of North Yarmouth, Maine Land Use Ordinance” Article V, Subdivision Review Procedures and Criteria: Section 5.12, Subdivision: B: Review Criteria be amended as described and presented in Exhibit C of this warrant?

Planning Board recommends approval.

Section 5.12, Subdivision: B: Review Criteria

~~17. Spaghetti-lots Prohibited: If any lots in the proposed subdivision have shore frontage on a river, stream, or brook, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 4 to 1;~~ Repealed and Reserved

ARTICLE 32: Shall the ordinance entitled “Town of North Yarmouth, Maine Land Use Ordinance” Article VII, Zoning District Regulations: Section 7.2, Zoning Map and Locations of Districts: B: Location of Resource Protection District, Residential Shoreland District, Royal River Corridor Overlay District, Groundwater Protection Overlay District and the FEMA 100-year Floodplain Boundaries be amended as described and presented in Exhibit C of this warrant?

Planning Board recommends approval.

Article VII, Zoning District Regulations: Section 7.2, Zoning Map and Locations of Districts: B: Location of Resource Protection District, Residential Shoreland District, Royal River Corridor Overlay District, Groundwater Protection Overlay District and the FEMA 100-year Floodplain Boundaries:

1. Upon written request by a property owner, town board or a town staff person, the CEO shall determine, in writing, the location of the district boundaries based on the Zoning Map, this Ordinance, ~~consultations with the Conservation Commission~~, Yarmouth Water District or other experts, documents cited in this Ordinance and similar materials and on-site field verification, as applicable. If a requesting property owner believes that an initial determination by the CEO is in error or if reasonable doubt exists regarding the existence, classification or location of the district, the property owner may submit information on soils, vegetation or other pertinent information, and request a meeting with the CEO to reconsider the determination. If the property owner does not concur with the reconsidered determination, the CEO shall refer the issue to the Planning Board for its review and determination, to be made with the advice of the ~~Conservation Commission~~, Yarmouth Water District, or other experts, as appropriate.
3. In determining the existence and boundaries of particular wetland areas, district boundaries and buffer areas, the CEO or the Planning Board may request the ~~Conservation Commission~~, Yarmouth Water District, or other expert to inspect the site and submit recommendations in writing.
4. In evaluating wetland, 100-year floodplain, shoreland or groundwater overlay boundaries, the CEO, ~~or Planning Board or Conservation Commission~~ may consult with expert persons or agencies.

Section 7.6, Space and Dimensional Requirements: B: Calculation of Lot Size and Dimensions

~~7. Ratio of Lot Length to Lot Width: No newly created lot shall have a ratio of length to width greater than four to one. Lot width shall be measured at the front lot line, except for lots with frontage on cul-de-sacs where lot width shall be measured at the building setback~~

~~line. New flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited.~~

ARTICLE 33: Shall the ordinance entitled “Town of North Yarmouth, Maine Land Use Ordinance” **Article VIII, General Requirements: Applicable to all Land Uses: Section 8.3, Back Lots and Street Access Requirements: A** be amended as described and presented in Exhibit C of this warrant?

Planning Board recommends approval.

Article VIII, General Requirements: Applicable to all Land Uses: Section 8.3, Back Lots and Street Access Requirements: A

5. **Private Roads Serving Three or More Residential Units and/or Non-residential Uses:** This subsection is applicable to situations that do not meet the definition of a subdivision. Any access road serving three or more lots shall be constructed within a right-of-way with a minimum width of 50 feet, and with a minimum traveled way width ~~of 18 feet~~ meeting **Table 8.2 in section 8.4 H.4**. Drainage culverts at the intersection of the access road and the public street shall be no less than 15 inch aluminized corrugated metal pipe or equivalent as determined by the Road Commissioner. The access road shall be built to maintain a minimum depth also described in **Table 8.2 in section 8.4 H.4**.

ARTICLE 34: Shall the ordinance entitled “Town of North Yarmouth, Maine Land Use Ordinance” **Article VIII, General Requirements: Applicable to all Land Uses: Section 8.4, Driveway/Road Entrance Permit Requirements** be amended as described and presented in Exhibit C of this warrant?

Planning Board recommends approval.

Note: If Article 33 did not pass Article 34, if passed, will pass with the exclusion of Table 8.2.

Note: If Article 34 does not pass, Articles 36 through 38 require no action be taken.

SECTION 8.4 ~~Driveway/ Road Entrance Permit Requirements~~ Design and Construction Standards for Roads and Driveways

~~**A. Applicability:** No person may build or construct a driveway or road that provides access to a public road with out first obtaining a Driveway/Road Entrance Permit from the CEO in accordance with this section. Any driveway or road serving a subdivision or development listed in Article VII, Zoning District Regulations, Table 7-1, Land Uses by District as requiring Site Plan Review must meet the requirements of Article X, Performance and Design Standards for Site Plan Review and Subdivision Review.~~

A. Purpose Applications for new private roads after the effective date of this amendment shall not be approved by the Code Enforcement Officer unless the proposed road construction meets the design and other standards set forth in section 8.4 and elsewhere in this Ordinance, as applicable, excluding the minimum roadway widths set forth in Table 2 in this section. However, if the applicant requests waiver of the roadway width otherwise applicable to new private roads, the Planning Board may apply a lesser roadway width per Table 2 to applications for new private roads after the effective date of this amendment if the waiver standards set forth in this section have been met. On or after the effective date

of this amendment, applications for extensions of private roads in existence as of the effective date of this amendment are subject to this section, including Table 8.2.

~~**B. Maine Department of Transportation (MDOT) Permit:** A copy of a MDOT Driveway or Entrance Permit, if applicable, must be presented with any application for a town Driveway/Road Entrance Permit.~~

B. Classification.

Streets are classified according to the average daily traffic (ADT) they are intended to serve, as calculated by the number of average daily trips, as follows:

- 1. Average daily trip.** “Average daily trip” shall be defined as the anticipated number of daily vehicle trips generated by a use as established by the Trip Generation Manual, published by the Institute of Transportation Engineers, 1991. If the applicant disagrees with the estimated number of trips per day generated by a particular use as listed by the Trip Generation Manual published by the Institute of Transportation Engineers, then the applicant may request a waiver of these standards if information is submitted demonstrating that the Trip Generation Manual estimate is inaccurate. Table 8.1 lists the estimated number of average weekday trips for residential uses. Table 8.1

Table 8.1
Average Weekday Trip Generation Rates

Housing Type	Trips per Dwelling Unit
Single- family detached	10
Duplex, Multiplex, Townhouse, Apartments, Condominium	8
Mobile Home	5.5
Retirement Home	3.5

Arterial streets and highways serve primarily as major traffic ways for travel between and through towns.

Private streets serve as feeders to access, sub collector, and collector residential streets and may be the principal entrance streets of a residential development these streets are defined as having (3) or more dwelling units or uses.

Residential access streets serve primarily for access to abutting residential properties and as feeders to other residential streets of equal or greater capacity. Access streets are intended to serve developments with average daily trips less than 199.

Residential sub collector streets serve as collectors from access or private streets and as feeders to collector streets; they are intended to serve developments with average daily trips of 200 to 500.

Residential Collector Street serve as collectors from sub collector streets and as feeders to arterial streets; they are intended to serve developments with average daily trips greater than 500.

Commercial access streets serve commercial and industrial developments with average daily trips less than 2,000.

Commercial collector streets serve commercial and industrial developments with average daily trips of 2,000 or more.

Classification of street types will be made by the Planning Board within the considerations outlined above.

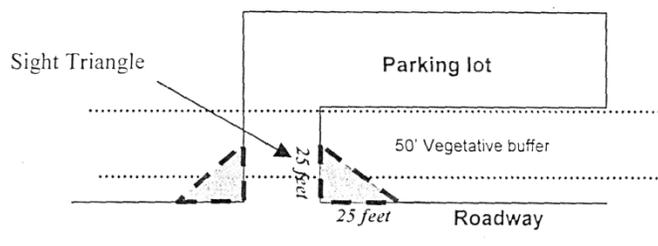
C. Safe Sight Distances:

- ~~1. Access shall be designed in profile and grading and located to achieve the required sight distance measured in each direction along the public road while maintaining adequate distances from adjacent driveways/roads and intersections.~~
- ~~2. Measurements: For purposes of the sight distance standards, the following provisions shall apply:

 - ~~a. The sight distance shall be based on the posted speed limit, or traffic speed study showing the 85th percentile speed (the speed at which 85 percent of the vehicles are traveling).~~
 - ~~b. Measurements shall be from the driver's seat of a vehicle that is 10 feet behind the curb (or edge of shoulder) line with the height of eye 3 ½ feet above the pavement and height of object 4 ¼ feet.~~~~
- ~~3. Driveway/road and intersection road placement shall be such that an exiting vehicle has an unobstructed sight distance according the following schedule:~~

Safe Sight Distances	
Highway Speed (MPH)	Minimum Sight Distance (Feet)
20	155
25	200
30	250
35	305
40	360
45	425
50	495
55	570
60	645
<i>Source: MDOT Access Management Standards</i>	

- ~~4. A “site triangle” shall be maintained 25 feet in length on each side of the intersection of the driveway and the public street or road right-of-way line, with the third side connecting the other two sides. Within each sight triangle, no landscape plants, trees, other than low growing shrubs shall be planted. These shrubs must be no more than 30 inches in height above the driveway elevation. Signage must not obstruct the view of oncoming traffic.~~



C. Layout.

1. All streets in the subdivision shall be so designed that, in the opinion of the Planning Board, they will provide safe vehicular travel while discouraging movement of through traffic over local streets.
2. The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing or planned streets, to topographical conditions, to public convenience and safety, and their appropriate relation to the proposed use of the land to be served by such streets. Grades of streets shall conform as closely as possible to the original topography.
3. In the case of dead-end streets, where needed or desirable, the Planning Board may require the reservation of a minimum thirty-foot-wide utility easement and/or minimum twenty-foot-wide right-of-way for pedestrian and/or bicycle traffic. The Planning Board may require that additional right-of-way widths be provided if it determines that future extension of the street may occur. Such additional widths shall be consistent with the right-of-way width of the dead-end street.
4. In front of areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated by the municipality, the street right-of-way and/or pavement width shall be increased by such amount on each side as may be deemed necessary by the Planning Board to assure the free flow of through traffic without interference by parked or parking vehicles and to provide adequate and safe parking space for such commercial or business district. In no case shall the street have a right-of-way width and pavement width less than that specified in Table 8.2
5. Where a subdivision borders on or contains a railroad right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land, as for park purposes in appropriate districts. Such distances shall also be determined with due regard for approach grades and future grade separations.
6. Where a subdivision borders an existing narrow road (below standards set herein), the applicant shall be required to show areas for widening or realigning such roads on the plan, marked "Reserved for Road Realignment (or Widening) Purposes." Land reserved for such purposes may not be counted in satisfying setback or yard or area requirements.
7. The extension or continuation of an existing street right-of-way less than that specified herein may be permitted with the approval of the Planning Board.
8. The design of subdivision streets shall provide for the continuation of streets to and from adjacent subdivisions and/or undeveloped land, where the Planning Board determines that interconnection of streets is physically feasible and would contribute to the safety and function on the street system. If connection to an existing street is not possible at the time of the subdivision, a temporary dead end street shall end in a hammerhead turn-around designed in accordance with section 8-4. A right-of-way shall be extended from the hammerhead turn-around to the neighboring property line for future extension. The right-of-way shall be dedicated to the town. This shall be labeled "Future Street Extension" on all plans of the project and noted in all deeds. Reserved street for future street connection to adjoining undeveloped property shall be dedicated to the town. The developer of the adjoining property can be required by the Planning Board to connect to and build over the

reserved strips. Reserved strips not to be used shall be dispensed with according to 23 M.R.S.A. Section 3027.

9. Entrances, either proposed driveways or streets, onto existing state aid or state highways must be approved by the Maine Department of Transportation. Copies of such approval shall be submitted to the Planning Board at the time of final review.
10. Utility location and type shall be shown on design drawings submitted and must be approved by the responsible utilities. Copies of written approval shall be submitted to the Planning Board at the time of final review.
11. If the Planning Board determines that future development will occur on land adjacent to or near a proposed subdivision, whether it is owned by the applicant or not, then the Planning Board shall retain the right to require the applicant to meet the requirements for collector street design and construction as specified herein at no cost to the Town.

~~**D. Access Management and Safety Standards:** Driveway/road and private right-of-way access points to public road shall be limited as follows:~~

- ~~1. Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.~~
- ~~2. The number of access/egress point to a public road (each side of the public road treated separately) shall be as follows:~~

~~a. Limited to one access/ egress point for every 200 feet or one access point per lot, in the **Farm and Forest District, Residential Shoreland District and Resource Protection** District, whichever is less.~~

~~b. Limited to one access point for every 150 feet, or one access point per lot, in the **Village Center District and Village Residential District**, whichever is less.~~

- ~~3. **Shared Driveways/Roads:** Shared driveways/roads shall be encouraged for adjacent sites, in order to minimize the number of driveways along public roads. The CEO may allow for a reduction in the minimum frontage requirement by 10 percent when the applicant agrees to provide a common driveway/right-of-way for multiple lots and/or uses.~~

- ~~4. **Corner Lot Access:** Where a lot has frontage on two or more streets, the access/egress to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians. This requirement may be waived where the applicant demonstrates that existing site conditions preclude the location of the driveway to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians, or that the location of the driveway/road to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians would negatively impact a predominately residential neighborhood.~~

- ~~5. **Driveway Turn-Around Area:** After the effective date of this Ordinance (June 14, 2005), all future driveways/roads shall be designed with sufficient vehicle turn-around area to enable a driver to exit the premises without backing into the public street.~~

- ~~6. **Driveway or Road Grades:** The grade of any proposed driveway or road must be not more than ± 3 percent for a minimum of 40 feet, from an intersection.~~

- ~~**7. Access way Location and Spacing:** Access ways must meet the following requirements:~~
- ~~a. New public and private access/egresses must be located at least 50 feet from the closest unsignalized intersection and 150 feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the access way. This requirement may be reduced if the shape of the site does not allow conformance with this standard and the applicant demonstrates a hardship as required in 7.c. below.~~
 - ~~b. New public and private accesses/egresses must be located at least 50 feet from existing private roads, as measured from the point of tangency for the corner to the point of tangency for the access way. This requirement may be reduced if the shape of the site does not allow conformance with this standard and the applicant demonstrates a hardship as required in 7.c. below.~~
 - ~~c. **Demonstration of Hardship:** The Board may approve a reduction in the access/egress way location and spacing requirements in 7.a. and/or 7.b when the applicant demonstrates that the shape of the lot and the location of existing roads does not allow conformance with the standards, and that there is no other alternative other than a reduction in the access way location and spacing requirements. The applicant must submit a site plan, done to scale, that demonstrates that all alternatives for meeting these requirements have been explored and that without a reduction in the location and spacing, driveway access would not be possible.~~

D. Street signs and names.

1. **Streets:** Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate nor bear phonetic resemblance to the names of existing streets within the Town and shall be subject to the approval of the Planning Board with recommendations from the Road Commissioner.
2. **Street name:** signs shall be furnished and installed by the Town but appropriate fees charged to the applicant to do so. The type, size and location shall be subject to the approval of the Road Commissioner.
3. **Traffic control devices:** The applicant shall furnish and place all appropriate signing and pavement markings required for the proper control of pedestrian, bicycle and vehicular traffic within the subdivision. The types and locations of all such devices shall be determined by the Planning Board and Road Commissioner, if appropriate, and shall be in conformance with the Manual on Uniform Traffic Control Devices, as currently revised.
4. **Street lighting:** The applicant shall coordinate with the appropriate servicing utility and the Road Commissioner the locating and placing of any lighting. Light poles and luminaires shall be a type approved by the Planning Board and said utility.

E. Design and construction standards.

All streets in the subdivision shall be designed and constructed to meet the following standards for streets according to their classification, including whether urban or rural standards apply, as determined by the Planning Board:

1. **Urban:** Urban standards shall apply to all roads that are constructed using subsurface

drainage and curbing. Urban standards may be applied to rural roads at the Planning Board's discretion if conditions so warrant, such as topography, soil conditions and aesthetics. Urban design standards shall be defined as paved streets with such appurtenances as curbs, esplanades, a byway, and an enclosed storm drainage system with catch basins, manholes, and associated piping.

a. The Planning Board shall require the provision of a byway under the urban design standards, which for purposes of this subsection E(1) shall include only a sidewalk or free walk; provided, however, that, a free walk may be substituted for a sidewalk if in the opinion of the Planning Board such substitution will not significantly lessen drainage efficiency, or the requirement of a byway may be waived altogether.

b. Road classifications as described in B(1) shall be used for all street designs in the Town, except as specified above. Road design standards shall be defined as paved streets with gravel shoulder, side ditches for the transportation of stormwater and a byway. The Planning Board shall require the provision of a byway under the road design standards, which for purposes of this subsection E(1) shall include only a free walk or paved shoulder; provided, however, a paved shoulder may be substituted for a free walk; or the requirement of a byway may be waived altogether.

2. **Rural:** Rural design standards as set forth herein shall be used for all other streets not classified under the urban street category. Rural shall be defined as paved or gravel streets with gravel shoulders, side ditches and a byway unless a waiver is granted at the time of application from the Planning Board.

a. The Planning Board shall require the provision of a byway under the rural design standards, which for purposes of this subsection E(2) shall include only a free walk or paved shoulder; provided however a paved shoulder may be substituted for a free walk, or the requirement of a byway may be waived altogether.

3. **Dimensions of street construction:** The dimensions for street construction shall be as shown Table 8.2.

4. **Dead-end streets:**

a. Presentation of special design, discussion and written permission by the Planning Board shall be required for those conditions that may require dead-end streets under the category of residential sub collector, residential collector, commercial access, or commercial collector.

b. The terminus of any dead-end street must have a cul-de-sac, with standards as listed below. Other types of turnaround may be approved by the Planning Board after receiving a recommendation by the Fire/EMS Chief and Road Commissioner. Cul-de-sac island area shall be restricted to pavement, or where the radius is large enough the Planning Board may permit other cover types.

c. Standards as listed under subsection B(1) shall be applicable for dead-end streets. In addition, the following requirements shall be fulfilled:

- 1) Maximum length of dead-end streets shall be limited to 2,000 feet measured from the center line of the feeder street to the center of the turnaround radius. However, the Planning Board may allow longer lengths because of property configuration and/or topographical constraints.
- 2) Radii at cul-de-sac with center island:
 - (a) Property Line: 70 feet
 - (b) Outer edge of pavement: 60 feet
- 3) Radii at cul-de-sac without center island:
 - (a) Property Line: 60 feet
 - (b) Outer edge of pavement: 50 feet

F. Roadway Construction Materials

1. General roadway construction materials as specified herein shall conform to the current specifications of the Maine Department of Transportation.
 - a. Standards and dimensions tabulated herein shall be considered as minimum. The applicant shall be required to investigate and determine the types and classifications of the soils.
 - 1) Computations shall be made to determine pavement design standards for construction, which shall be submitted to the Road Commissioner for review.
 - 2) If the existing native soil through the subbase course area can be defined as being equal in quality and thickness to the minimum requirements specified herein, the Planning Board may waive a portion or all of the minimum requirements for subbase courses. In any event, the ultimate density of any material left in place shall conform to the minimum requirements for compaction specified herein.
 - 3) If, during construction, subsurface soils vary from the original classification, the pavement design shall be modified to reflect the new soil types. Revised pavement designs shall be submitted to a third party engineer for approval at the owner's expense.

2. Materials

- a. The minimum thickness of the various materials courses shall be shown in Table 8.2.
- b. Curbing materials shall be either granite stone curbing, Type 1, or bituminous curbing, Type 3. Type 1 vertical circular curbing shall be used for radii at intersections.

G. Construction specifications.

All streets within a subdivision shall be constructed according to the specifications herein as overseen by the Road Commissioner.

1. **Grading:** All streets shall be graded to their full width by the applicant so that pavements and sidewalks can be constructed on parallel profiles. Due to special topographical conditions, deviation from the above will be allowed only with approval of the Planning Board.
 - a. **Preparation.** Before grading is started, the entire right-of-way area shall be cleared of all stumps, roots, brush, and other objectionable material and all trees not intended for preservation.
 - b. **Cuts:** Tree stumps, roots, and other organic materials shall be removed to a depth of two feet below the subgrade. Rock and boulders, when encountered, shall be removed to subgrade.
 - c. **Fill:** All materials used in the construction of embankments shall meet the standards for embankment construction, Sections 203.09 through 203.16 of the Maine Department of Transportation Standard Specifications. Excess material, including organic materials, etc., shall be removed from the street site. The fill shall be spread in layers not to exceed 12 inches loose and compacted. The filling of utility trenches and other such areas shall be mechanically tamped.
 - d. All **underground utilities** and their services shall be installed within the street right-of-way prior to placement of the aggregate base course (crushed gravel).
 - e. **Side Slopes:** All side slopes shall be a maximum slope of three horizontal to one vertical. All slopes shall be graded, loamed (four inches compacted), fertilized, limed and seeded as required.

2. Bases and Pavement

- a. The appropriate sections of the bases and pavements divisions of the Maine Department of Transportation Standard Specifications in effect at the date of submission of the application shall be applicable.
- b. **Bases:**
 - 1) Aggregate subbase course: gravel (Type D). Aggregate subbase shall not contain particles of rock exceeding six inches in any dimension.
 - 2) Aggregate base course: crushed (Type A). Aggregate base shall not contain particles of rock that will not pass a two-inch-square mesh sieve.
 - 3) Where pavement placed joins an existing pavement, the existing pavement shall be cut along a smooth line and to a neat, even, vertical, joint. Broken or raveled edges will not be permitted, nor deviation from grade.
 - 4) Gradation of aggregates for plant mix hot bituminous pavements shall be as specified in Division 700 of the Maine Department of Transportation Standard Specifications.

3. Curbing.

Section 609 of the Maine Department of Transportation Standard Specifications shall be applicable, except as follows:

- a. Curbing shall be limited to Type 1 and Type 3.
- b. Vertical or sloped curbing shall be used in accordance with the design standards set forth herein for the particular type of street. All curbs shall have a typical reveal of six inches.
- c. Type 1 curbing shall be used for radii at all intersections unless waived by the Planning Board.

4. **Byways.**

- a. **Sidewalk:** Sidewalk construction shall comply with Section 608 of the Maine Department of Transportation Standard Specifications. Sidewalks shall have typical cross slopes of 3/8 inch per foot.
- b. **Free walk:** A free walk shall be four feet wide, shall consist of two-inch-thick asphalt with an eight- inch gravel subsurface and shall be separated from the paved portion of the road by a grassy esplanade with a minimum width of four feet.
- c. **Paved shoulder:** A paved shoulder shall be constructed to the same road construction materials standards as the adjoining road. The paved shoulder shall be contiguous with the roadbed and shall be separated from the roadway by a painted, solid white line.

5. **Monuments:** All lot corners shall be marked with iron pipe not less than one inch in diameter and 48 inches long and driven so as to be flush with the finished grade.

H. Private Streets

1. **The private street application** shall be accompanied by a plan showing the private street(s), which plan shall be prepared by a registered land surveyor. The plan shall be drawn in permanent ink on permanent transparency material and shall be sealed by the surveyor preparing the plan. The plan shall be labeled "Plan for a Private Street" and shall provide an approval block for the signature of the Code Enforcement Officer, or the Planning Board members if waivers are requested, the date of the approval, and the words "Private Street, Approved by the Town of North Yarmouth." The plan shall show information sufficient to establish on the ground the exact location, direction, width, and length of the private street. Where a proposed private street contains severe slopes, stream crossings, or a significant amount of cut and fill, the applicant shall also provide a profile of the street. In addition, a street plan and cross section shall be submitted for each new private street serving three or more dwelling units. The plan shall also contain a note which shall read: "The Town of North Yarmouth shall not be responsible for the maintenance, repair, plowing, or similar services for the private street shown on this plan." The original plan(s) shall be recorded in the Cumberland County Registry of Deeds within 90 days of approval of the plan of the private street, and proof of such recording shall be submitted to the Code Enforcement Officer prior to the issuance of any building permit. If the plan is not recorded within this period, the approval shall be

void.

2. If the private street provides access to three or more dwelling units, the applicant shall prepare a maintenance agreement and shall submit this as part of the application. This maintenance agreement shall specify the rights and responsibilities of each lot owner with respect to the maintenance, repair and plowing of the private street. The applicant shall record this maintenance agreement in the Cumberland County Registry of Deeds within 90 days of approval of the plan of the private street by the Code Enforcement Officer or Planning Board and shall submit proof of such recording to the Code Enforcement Officer prior to the issuance of any building permit. Deeds to new lots located on private streets servicing three or more dwelling units shall include references to the required maintenance agreement.

3. Private streets shall have a minimum right-of-way width of 50 feet and a paved apron at least twenty feet in length commencing at the edge of pavement where it intersects with existing street unless existing street is unpaved. The paved apron shall be constructed to the following standards.
 - a. Fifteen inches of base gravel meeting MDOT Spec. 703.06 Type D.

 - b. Three inches of surface crushed gravel meeting MDOT Spec. 703.06 Type A.

 - c. The thickness of paving of the apron shall be a total thickness of three inches of hot bituminous pavement, with a surface course (Grading "C") of one inch and a base course (Grading "B") of two inches.

 - d. A negative two-percent grade from the existing edge of pavement to an appropriate drainage way, but in no case less than five feet from the travel surface of the public street it intersects.

 - e. Approach radius shall be specified by the Road Commissioner.

4. Private streets Table 8.2

The construction of private streets shall meet the following minimum standards: All newly created private streets after the adoption of this ordinance amendment must meet the standards of column 3 unless granted a waiver through the Planning Board. The Planning Board may apply Table 8.2 to new private streets when the waiver standards in section 8.4 I are met and approved by the Planning Board at the time of application.

Table 8.2

1 2 3

Number of Dwelling Units Served	3 to 5	6 to 10	11 or more
Minimum roadway width (feet)	16*	18*	20
Minimum base (inches)	15	15	15
Wearing surface (inches)	3	3	3
Maximum length	None	None	None
Maximum grade	10%	10%	10%
Minimum grade	0.5%	0.5%	0.5%
Minimum center-line radius (feet)	100	100	100
Minimum tangent between curves of reverse alignment (feet)	50	50	50
Minimum angle at street intersections	75°	75°	75
Turnaround at dead end	T	T	T

*** For columns 1 and 2 in Table 2:**

- 1) Vehicle turnout(s) or turnaround providing space for two vehicles to pass or turnaround shall be specified by the Road Commissioner/Code Enforcement Officer if necessary due to the length of the private way or configuration of the travel way.
- 2) Existing private streets must conform to the chart as the number of dwellings increases on the private street working from the last residence to the start of the private street.
 - a. Where a proposed private street will be located adjacent to lots with existing structures that are not part of the development that will be served by the proposed private street, the traveled portion of the private street shall be located in a manner that retains an undeveloped portion of the street adjacent to the existing structures, with such undeveloped portion including an effective landscaped buffer.
 - b. Private streets shall be inspected by the Road Commissioner or Code Enforcement officer, unless it is determined physical conditions such as stream crossings or wetland areas require inspection by a registered professional engineer or other qualified land use professional. Prior to the issuance of building permits for lots served by a private street, the Road Commissioner shall certify to the Code Enforcement Officer that the private street(s) has been constructed in accordance with this section. The applicant shall be responsible for the cost of each inspection by a registered professional engineer.
 - c. To help recover costs incurred by the Town in the review, administration, site inspection, and public notice associated with the private street application, at the time of filing the private street application, the applicant shall pay to the Town fees and deposits in such amount(s) and for such purpose(s) as the Board of Selectman may from time to time establish.
 - d. The Code Enforcement Officer and the Road Commissioner shall review and approve applications for private streets in writing to ensure they meet all standards when they do not trigger a Planning Board review. Such decisions may be appealed by filing a written notice of appeal stating the reasons therefor with the North Yarmouth Zoning Board of Appeals within 30 days of the date of decision.
 - e. The provisions of this section shall not apply to private roads within a mobile home

park.

I. New and Existing Private Road Waiver Requirements: The Planning Board may waive private road requirements if the following items apply:

1. The applicant can provide substantial proof to the Planning Board that the road being constructed on the parcel being developed can never and will never be expanded in any manner due to a unique situation and the proposed road can serve the developed property and its full potential; and
2. The waiver, if granted, does not and will not adversely affect the continuing development of community or surrounding parcels of land as a direct result of the waiver.
3. Or, if a 20' roadway would have a negative environmental impact on the property being developed or surrounding properties, The Planning Board may reduce the width of those portions of the road that are creating the negative environmental impact. This item must be supported by a design professional.
4. A waiver will be limited to road width and dimensional standards per Table 8.2 of this section.
5. This applies to all private streets proposed to be created after the effective date of this amendment and to existing private streets upon which one more new dwelling units are proposed to be constructed after the effective date of this amendment.

J. Road and Driveway Entrances

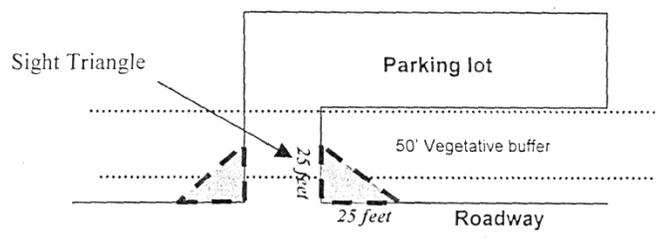
1. **Applicability:** No person may build or construct a driveway or road that provides access to a public road without first obtaining a Driveway/Road Entrance Permit from the Code Enforcement Officer in accordance with this section. Any driveway or road serving a subdivision or development listed in Article VII. Zoning District Regulations, Table 7-1. Land Uses by District as requiring Site Plan Review must meet the requirements of Article VIII & X.
2. **Maine Department of Transportation (MDOT) Permit:** A copy of a MDOT Driveway or Entrance Permit, if applicable, must be presented with any application for a town Driveway/Road Entrance Permit.
3. **Safe Sight Distances:**
 - a. Access shall be designed in profile and grading and located to achieve the required sight distance measured in each direction along the public road while maintaining adequate distances from adjacent driveways/roads and intersections.
 - b. Measurements: For purposes of the sight distance standards, the following provisions shall apply:
 - 1) The sight distance shall be based on the posted speed limit, or traffic speed study showing the 85th percentile speed (the speed at which 85 percent of the vehicles are traveling).

- 2) Measurements shall be from the driver's seat of a vehicle that is 10 feet behind the curb (or edge of shoulder) line with the height of eye 3½ feet above the pavement and height of object 4¼ feet.
- c. The intersection placement of the road/driveway shall meet the following Safe Sight Distance Table 8.3.

Table 8.3

Safe Sight Distances	
Highway Speed (MPH)	Minimum Sight Distance (Feet)
20	155
25	200
30	250
35	305
40	360
45	425
50	495
55	570
60	645
<i>Source: MDOT Access Management Standards</i>	

- 4. **Site triangle** shall be maintained 25 feet in length on each side of the intersection of the driveway and the Public Street or road right-of-way line, with the third side connecting the other two sides. Within each sight triangle, no landscape plants, trees, other than low growing shrubs shall be planted. These shrubs must be no more than 30 inches in height above the driveway elevation. Signage must not obstruct the view of oncoming traffic.



- 5. **Access Management and Safety Standards.** Driveway/ road and private-right-of-way access points to public road shall be limited as follows:
 - a. Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.
 - b. The number of access/egress points to a public road (each side of the public road treated separately) shall be as follows:

- 1) Limited to one access/egress point for every 200 feet or one access point per lot, in the **Farm and Forest District, Residential Shoreland District and Resource Protection District**, whichever is less.
 - 2) Limited to one access point for every 150 feet, or one access point per lot in the **Village Center District and Village Residential District**, whichever is less.
- c. **Shared Driveways/Roads:** Shared driveways/roads shall be encouraged for adjacent sites, in order to minimize the number of driveways along public roads. The CEO may allow for a reduction in the minimum frontage requirement by 10 percent when the applicant agrees to provide a common driveway/right-of-way for multiple lots and/or uses.
- d. **Corner Lot Access:** Where a lot has frontage on two or more streets, the access/egress to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians. This requirement may be waived where the applicant demonstrates that existing site conditions preclude the location of the driveway to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians, or that the location of the driveway/road to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians would negatively impact a predominately residential neighborhood.
- e. **Driveway Turn-Around Area:** After the effective date of this Ordinance (June 14, 2005), all future driveways/roads shall be designed with sufficient vehicle turn-around area to enable a driver to exit the premises without backing into the public street.
- f. **Driveway or Road Grades:** The grade of any proposed driveway or road must be not more than ± 3 percent for a minimum of 40 feet, from an intersection.
- g. **Access way Location and Spacing:** Access ways must meet the following requirements:
- 1) New public and private accesses/egresses must be located at least 50 feet from the closest unsignalized intersection and 150 feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the access way. This requirement may be reduced if the shape of the site does not allow conformance with this standard and the applicant demonstrates a hardship as required in 5.g.3) below.
 - 2) New public and private accesses/egresses must be located at least 50 feet from existing private roads, as measured from the point of tangency for the corner to the point of tangency for the access way. This requirement may be reduced if the shape of the site does not allow conformance with this standard and the applicant demonstrates a hardship as required in 5.g.3) below.
 - 3) **Demonstration of Hardship:** The Planning Board may approve a reduction in the access/egress way location and spacing requirements in 5.g.1) and 2) above when the applicant demonstrates that the shape of the lot and the location of existing roads does not allow conformance with the standards, and that there is no other alternative other than a reduction in the access way location and spacing requirements. The applicant must submit a site plan, done to scale, that demonstrates that all alternatives for meeting these requirements have been

explored and that without a reduction in the location and spacing, driveway access would not be possible.

ARTICLE 35: Shall the ordinance entitled “Town of North Yarmouth, Maine Land Use Ordinance” Article X, Performance and Design Standards for Site Plan Review and Subdivision Review: Section 10.2, General Layout of Development: B: Lots be amended as described and presented in Exhibit C of this warrant?

Planning Board recommends approval.

Article X, Performance and Design Standards for Site Plan Review and Subdivision Review: Section 10.2, General Layout of Development: B: Lots

5. ~~Ratio of Lot Length to Lot Width:~~ The ratio of lot length to width shall not be more than four to one. Lot width shall be measured at the front lot line, except for lots with frontage on cul-de-sacs where lot width shall be measured at the building setback line. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited in subdivisions and discourage in other land divisions.
7. **Interconnected Development:** Where possible, developments shall be designed to facilitate future interconnected street, pedestrian (sidewalks and trails), bicycle, and open space networks pursuant to Articles VIII & X. ~~Performance and Design Standards for Site Plan Review and Subdivision Review.~~

ARTICLE 36: Shall the ordinance entitled “Town of North Yarmouth, Maine Land Use Ordinance” Article X, Performance and Design Standards for Site Plan Review and Subdivision Review: Section 10.29, Subdivision Street Connectivity Required in the Village Center & Village Residential Districts: C: Requirements be amended as described and presented in Exhibit C of this warrant?

Planning Board recommends approval.

Section 10.29, Subdivision Street Connectivity Required in the Village Center & Village Residential Districts: C: Requirements

5. If connection to an existing public road is not possible at the time of the subdivision, a temporary dead end road shall end in a cal du sac as described in Article 8 section 4 (most current version). A right-of-way shall be extended from the hammerhead turn-around ~~with the Town of North Yarmouth Roadway Criteria and Specifications (most current version)~~ to the neighboring property line for future extension. The right-of-way shall be dedicated to the town. This shall be labeled “Future Street Extension” on all plans of the project and noted in all deeds.
7. Waivers:
 - b. All dead end streets shall end in a hammerhead turn-around designed in accordance with ~~the Town of North Yarmouth Roadway Criteria and Specification~~ Article VIII Section 8.4 Design and Construction Standards for Roads and Driveways.

ARTICLE 37: Shall the ordinance entitled “Town of North Yarmouth, Maine Land Use Ordinance” **Article X, Performance and Design Standards for Site Plan Review and Subdivision Review: Section 10.30, Subdivision Street Length & Connection Requirements in the Farm & Forest District & Residential Shoreland District: B: Standards** be amended as described and presented in Exhibit C of this warrant?

Planning Board recommends approval.

Section 10.30, Subdivision Street Length & Connection Requirements in the Farm & Forest District & Residential Shoreland District: B: Standards

1. No more than 12 residential units or lots shall be constructed or created on a dead end street unless there is an emergency second access street to a public through road. Emergency second access streets shall be on rights-of-way that are at least 50 feet wide. The emergency second access street shall have a traveled way of at least 18 feet wide. The Planning Board may allow a narrower traveled way width to mitigate environmental impacts, such as impacts on wetlands, but may not reduce the required traveled way width to less than 12 feet. The emergency second access street must be adequate to allow for snow plowing and emergency access by fire trucks. Gravel may be used as a road surface. The emergency second access street shall be suitable for year-round use, and shall meet or exceed the applicable construction standards (materials and depths) for rural streets in the ~~Town of North Yarmouth Roadway Criteria and Specifications~~, *Article VIII Section 8.4 Design and Construction Standards for Roads and Driveways*. Emergency second access streets shall be plowed and maintained year-round by a Homeowner’s Association or the developer.
2. In no case shall a dead-end street with only one point of access to a public through road exceed ~~1,500–2,000~~ feet in linear length including the hammerhead portion of the road. Loop portions of dead end streets shall not be included for purposes of computing the linear length of the dead end street.
3. **Connectivity Requirements:** The design of subdivision streets shall provide for the continuation of streets to and from adjacent subdivisions and/or undeveloped land, where the Planning Board determines that interconnection of streets is physically feasible and would contribute to the safety and function on the street system. If connection to an existing street is not possible at the time of the subdivision, a temporary dead end street shall end in a hammerhead turn-around designed in accordance with the, ~~Town of North Yarmouth Roadway Criteria and Specifications~~ *Article VIII Section 8.4 Design and Construction Standards for Roads and Driveways* most current version. A right-of-way shall be extended from the hammerhead turn-around to the neighboring property line for future extension. The right-of-way shall be dedicated to the town. This shall be labeled “Future Street Extension” on all plans of the project and noted in all deeds. Reserved street for future street connection to adjoining undeveloped property shall be dedicated to the town. The developer of the adjoining property can be required by the Planning Board to connect to and build over the reserved strips. Reserved strips not to be used shall be dispensed with according to 23 M.R.S.A. Section 3027.

ARTICLE 38: Shall the ordinance entitled “Town of North Yarmouth, Maine Land Use Ordinance” **Article X, Performance and Design Standards for Site Plan Review and Subdivision Review: Section 10.31, Road Design and Construction Standards** be amended as described and presented in Exhibit C of this warrant?

Planning Board recommends approval.

SECTION 10.31 Road Design and Construction Standards—Repealed and reserved

A. General Requirements:

- ~~1. The Planning Board shall not approve any subdivision or other development plan unless proposed streets are designed and built in accordance with the *Town of North Yarmouth Roadway Criteria and Specifications* (most current version) and the specifications contained in these regulations. Approval of the final plan by the Planning Board shall not be deemed to constitute or be evidence of acceptance by the town of any road, street or easement.~~
- ~~2. Applicants shall submit to the Planning Board, as part of the final plan, detailed construction drawings showing plan view, profile, and typical cross section of the proposed streets. The plan view shall be at a scale of one inch equals no more than 50 feet. The vertical scale of the profile shall be one inch equals no more than five feet. The plans shall include the following information:
 - ~~a. Date, scale, and north point, indicating magnetic or true~~
 - ~~b. Intersections of the proposed street with existing streets~~
 - ~~c. Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, bikeways (if applicable), and curbs~~
 - ~~d. Kind, size, location, material, profile, and cross section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways~~
 - ~~e. Complete curve data shall be indicated for all horizontal and vertical curves~~
 - ~~f. Turning radii at all intersections~~
 - ~~g. Centerline gradients~~
 - ~~h. Size, type and locations of all existing and proposed overhead and underground utilities, to include but not be limited to water, sewer, electricity, telephone, lighting, and cable television~~~~
- ~~3. Applicants shall submit to the Planning Board, as part of the final plan, the follow information on existing streets within 300 feet of the proposed subdivision street: plan view drawings showing the following:
 - ~~a. Topography at contour intervals consistent with the overall plan~~
 - ~~b. Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, bikeways (if applicable), and curbs~~
 - ~~c. Size and location of all existing drainage structures and their location with respect to the existing natural waterways~~~~

- ~~d. Size and location of all existing overhead and underground utilities, to include but not be limited to water, sewer, electricity, telephone, lighting, and cable television~~
- ~~4. Upon receipt of plans for a proposed public street the Planning Board shall forward one copy to the Selectmen, Road Commissioner, Town Engineer, and Safe Walk and Bikeways Committee (as appropriate) for review and comment.~~
 - ~~5. Where the applicant proposes improvements within existing public streets, the proposed design and construction details shall be approved in writing by the North Yarmouth Road Commissioner and the Maine Department of Transportation (MDOT), as appropriate. MDOT review shall be required for all improvements associated with state roads, including routes 231, 9, and 115, and North Road, as applicable~~
 - ~~6. Where subdivision/development roads are to remain private roads, the following words shall appear on the recorded plan: "All roads in this subdivision/development shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the town, until they meet the *Town of North Yarmouth Roadway Criteria and Specifications* in effect as of the date that a complete application for street acceptance is made, and until the aforementioned private roads have been formally accepted by the Board of Selectmen or town meeting." The following words shall also appear on the recorded Plan, as applicable: "the Board of Selectmen shall have the authority to accept private roads as public roads in the Village Center District and the Village Residential District; and/or "A town meeting vote to accept private roads as public roads is required in the Farm and Forest District. Residential Shoreland District and Resource Protection District."~~

~~B. Road Design Standards:~~

- ~~1. These design guidelines and the most current *Town of North Yarmouth Roadway Criteria and Specifications* shall control the roadway, shoulders, curbs, sidewalks, bicycle paths, drainage systems, culverts, and other appurtenances associated with the road, and shall be met by all roads within a subdivision/development.~~
- ~~2. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in these regulations), or when the Comprehensive Plan indicates plans for realignment or widening of a street that would require use of some of the land in the subdivision, the plan shall indicate reserved areas for widening or realigning the street marked "Reserved for Street Realignment (Widening) Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements of the Land Use Ordinance. When such widening or realignment is included in the town's capital investment plan, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the town or state.~~

ARTICLE 39: *Shall the ordinance entitled "Town of North Yarmouth, Maine Land Use Ordinance" Article XI, Standards for Specific Activities: Section 11.3, Clustered Housing Development and Open Space Development: E: Dedicated Open Space Land be amended as described and presented in Exhibit C of this warrant?*

Planning Board recommends approval.

Article XI, Standards for Specific Activities: Section 11.3, Clustered Housing Development and Open Space Development: E: Dedicated Open Space Land

3. **Fee Simple Dedication to the Town, State, the ~~Friends of the Royal River~~ Royal River Conservation Trust, or Other Conservation Organization:** Fee simple dedication of protected open space land to the town state, the ~~Friends of the Royal River~~, Royal River Conservation Trust, or another conservation approved by the Planning Board is an acceptable method of protection.
4. Dedication of Conservation Easement to ~~Friends of the Royal River~~ Royal River Conservation Trust, theTown, State or Federal Agency, or Other Conservation Organization:
 - a. A perpetual conservation easement restricting development may be granted to a qualified non-for-profit conservation organization or land trust, such as the ~~Friends of Royal River~~ Royal River Conservation Trust, the town, the state or a federal agency.
 - b. Such conservation easement shall be approved by the Planning Board, with review by the ~~Conservation Commission and the~~ Town Attorney, and shall be required as a condition of approval by the Planning Board.