
III. ADMINISTRATION AND ENFORCEMENT

SECTION 3.1 CODE ENFORCEMENT OFFICER (CEO) [Amended 5/17/08]

The Code Enforcement Officer (CEO) shall interpret and enforce the provisions of this Ordinance and shall require compliance with its requirements and restrictions. The CEO shall adopt procedures to facilitate the handling of all matters and questions arising hereunder within the scope of the CEO's authority and duties. Any decisions of the CEO denying a permit shall be in writing, a copy of which shall be given to the applicant. Appeals from decisions of the CEO shall be to the Zoning Board of Appeals (ZBA) in accordance with the provisions of Article VI. Variances and Appeals.

The CEO shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The CEO shall also investigate all complaints of alleged violations of this Ordinance.

The CEO shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of all records associated with essential transactions in the Residential Shoreland District and Resource Protection District shall be submitted to the Director of the Bureau of Land and Water Quality within the Maine Department of Environmental Protection.

SECTION 3.2 APPROVALS AND PERMITS REQUIRED [Amended 5/17/08]

Activities involving the use of land, the construction, structural alteration, repair, enlargement or relocation of a building or structure, or the demolition of a building or structure may require approvals and/or permits under the requirements of this Ordinance. All land use activities, including those that may not otherwise require a permit, that are located within the Groundwater Protection Overlay District must comply with Section 9.2. Groundwater Protection Overlay District: Best Management Practices. No activity subject to an approval and/or permit shall commence until after the issuance of all required approvals and permits. Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed. The following approvals or permits shall be required:

A. Building/Land Use Permit from the Code Enforcement Officer: No construction, structural alteration, enlargement, or relocation of a building or structure, or land use activity requiring a permit shall commence until after the issuance of a Building/Land Use Permit by the CEO in accordance with Section 3.3. Building Permits/Land Use Permits. A building or land use permit for new residential uses must meet the requirements of the Residential Growth Limitations in Section 3.3.E. No building or land use permit shall be issued until the proposed construction or alteration complies with the provisions of this Ordinance, approvals of the Planning Board or with a decision rendered by the Zoning Board of Appeals, as applicable.

B. Driveway/Road Entrance Permit from Code Enforcement Officer: No person may build or construct a driveway or road that provides access to a public street without first obtaining a Driveway/Road Entrance Permit from the CEO in accordance with Section 8.4 and the Roadway Ordinance. Driveway/Road Entrance Permit Requirements.

C. Demolition Permit from the Code Enforcement Officer: No demolition of a building or structure or major portion thereof, shall commence until after the issuance of a Demolition Permit from the CEO. **When demolition is proposed for a building or structure that was constructed prior to 1900**, the applicant must notify the North Yarmouth Historical Society in writing, and present evidence of such

notification, at least 30 days prior to demolition. This provision will allow the Historical Society time to contact the owner regarding voluntary preservation of any items or structures with historical significance.

D. Site Plan Review Permit from the Planning Board: No use of land, buildings or structures listed in Article VII. Zoning District Regulations, Table 7-1 and identified as requiring Site Plan Review shall commence until after Site Plan Review approval has been obtained from the Planning Board in accordance with Article IV. Site Plan Review and Conditional Use Procedures and the provisions of this Ordinance. Further, a Site Plan Review permit is required for all development proposals involving new construction, changes of use, or expansion of a structure or development, or expansion of a use by way of new construction. These provisions are also applicable to clearing and/or altering of land, construction of parking lots and roads and addition or alteration of accessory uses associated with land use activities listed in Table 7-1. Land Uses by District, requiring Site Plan Review. (See Article IV. Site Plan Review and Conditional Use Procedures, Article X. Performance and Design Standards for Site Plan Review and Subdivision, [the Roadway Ordinance](#), and other provisions of this Ordinance, as applicable.) [Amended 06/16/12]

E. Subdivision Approval from the Planning Board: Subdivision approval from the Planning Board is required for all land and buildings proposed for subdivision. (See Article V. Subdivision Review Procedures, Article X. Performance and Design Standards for Site Plan Review and Subdivision and other provisions of this Ordinance, as applicable.)

F. Conditional Use Approval from the Planning Board: No use of land, buildings or structures listed in Article VII. District Regulations, Table 7-1. Land Uses by District as requiring a Conditional Use Permit shall commence until after approval has been obtained from the Planning Board pursuant to Article IV. Site Plan Review and Conditional Use Procedures. Conditional uses require a Site Plan Review permit from the Planning Board.

G. Variance from the Zoning Board of Appeals: Requests for a variance must be made to the Zoning Board of Appeals in accordance with Article VI. Variances and Appeals.

H. Temporary Housing Permit: The CEO may issue permits for temporary housing for a period not to exceed 6 months with one 6-month renewal possible. This provision is limited to the intended occupants of a permanent dwelling unit that is being constructed or repaired and for which a Certificate of Occupancy will be sought. [Amended 5/13/06]

SECTION 3.3 BUILDING/LAND USE PERMITS [Amended 5/17/08]

All applications for building/land use permits shall be submitted to the CEO on forms provided for that purpose.

A. Submissions: The application shall be accompanied by the following information:

1. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant. All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit, hereunder, certifying that the information in the application is complete and correct.
2. Receipt of the application fee, payable to the Town of North Yarmouth
3. A schedule of construction, including beginning and completion dates.

5. The date the plan was prepared, north point, graphic map scale.
6. The names and addresses of the record owner, applicant, and individual or company who prepared the plan.
7. The location of any zoning boundaries affecting the subdivision.
8. If different than those submitted with the preliminary plan, a copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
9. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
10. The location, names, and present widths of existing and proposed streets, roads, easements, buildings, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The location, bearing and length of street lines, lot lines and parcel boundary lines shall be certified by a Maine registered land surveyor. The original reproducible plan shall be embossed with the seal of the Maine registered land surveyor and be signed by that individual.
11. In order to facilitate the addition of the subdivision into the town property records and geographic information system, the applicant shall submit subdivision plans in electronic format in AutoCAD, GIS or other similar format (if available). Survey grade GPS data (specifically pin locations, wetland boundaries, etc.) when available, should also be submitted; these data should be clearly attributed so a user knows what the points/lines are referring to.
12. Road/street plans, meeting the requirements of Articles VIII & X, [and the Roadway Ordinance](#).
13. A storm water management plan, prepared by a Maine registered professional engineer in accordance with Section 10.21 Storm Water Control.
14. An erosion and sedimentation control plan prepared by a Maine registered professional engineer in accordance with Section 10.6 Erosion and Sedimentation Control.
15. The width and location of any streets or public improvements or open space shown upon the official map and the comprehensive plan, if any, within the subdivision.
16. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the town of all public ways and open spaces shown on the Plan, and copies of agreements or other documents, such as homeowner's association bylaws, showing the manner in which open spaces and/or facilities to be retained by the developer or lot owners are to be maintained shall be submitted. If any of the open space and/or facilities are to be reserved by the individual unit owners as common open space, the developer shall be required prior to final subdivision plan approval to incorporate a homeowners' association consisting of the individual unit owners, which incorporation must comply with Section 11.10. Home Owner/Property Owners' Associations. The Planning Board may require written evidence from an attorney that the required documents are legally sufficient to preserve and maintain common open space, recreation land and other common facilities. If proposed streets and/or open spaces or other land is to be offered to the town, written evidence that the Selectmen are satisfied with the legal sufficiency of the written offer to convey title shall be included.

specifications, requirements, and conditions of approval are met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

- b. Deposit with the Selectmen a check made out to the town of North Yarmouth for the amount of 2 percent of the estimated costs of the required improvements. These funds shall be used by the town to hire the services of a Maine registered professional engineer to review the specifications for all improvements, and to inspect the construction, including, but not limited to: roads, streets, lighting, sidewalks, storm water facilities, water lines, sewer lines, etc. and all conditions of final approval. If these funds are sufficient to cover the cost of said review and inspection, the remaining funds shall be returned to the developer after satisfactory completion of the improvements, including cleanup. If the funds are not enough to cover said review and inspection, the developer shall pay all costs over and above the 2 percent directly to the reviewing engineer as billed.
2. 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 developer, he shall so report in writing to the CEO and the developer. The town shall take any steps necessary to assure compliance with the approved plans.
3. If at any time it appears necessary or desirable to modify the required improvements before or during the construction of 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 CEO and the Planning Board. Revised plans shall be filed with the Planning Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1 percent, etc., the subdivider shall obtain permission from the Planning Board to modify the plans.
4. At the close of each summer construction season in which the development has occurred, the town shall, at the expense of the developer, have the site inspected by a qualified individual. By October 1 of each year during which construction was done on the site, the inspector shall submit a report to the CEO and the Planning 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. The report shall also include a discussion and recommendations on any problems that were encountered.
5. Prior to the sale of any lot, the developer shall provide the Planning Board with a letter from a Maine registered land surveyor, stating that all monumentation shown on the plan has been installed.
6. Upon completion of road construction and prior to acceptance of the road by the town ([Roadway Ordinance, Section 6](#)), a written certification signed by a Maine registered professional engineer shall be submitted to [the Town Manager for the Selectmen Select Board review](#) at the expense of the applicant, certifying that the proposed street meets or exceeds the design and construction [requirements of these regulations requirements of the Roadway Ordinance](#). If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. "As built" plans shall be submitted to the Selectmen.
7. The developer shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the town or control is placed with a lot owners' association.

B. Violations and Enforcement:

1. No plan of a division of land within the town, which would constitute a subdivision, shall be recorded in the Cumberland County Registry of Deeds until a final plan has been approved by the Planning Board in accordance with these regulations.
2. A person shall not convey, offer or agree to convey any land in a subdivision, which has not been approved by the Planning Board and recorded in the Cumberland County Registry of Deeds.
3. A person shall not sell, lease or otherwise convey any land in an approved subdivision, which is not shown, on the plan as a separate lot.
4. No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a final plan has not been approved by the Planning Board.
5. Development of a subdivision without Planning Board approval shall be a violation of law. Development includes: cutting of trees, grading or construction of roads; grading of land or lots; or construction of buildings; which require a plan, approved as provided in these regulations and recorded in the Cumberland County Registry of Deeds.
6. No lot in a subdivision may be sold, leased, or otherwise conveyed before the road or street upon which the lot fronts is completed in accordance with these regulations up to and including the entire frontage of the lot. No unit in a multiplex development shall be occupied before the road or street upon which the unit is accessed is completed in accordance with these regulations and the Roadway Ordinance.
7. Violations of the above provisions of this section are a nuisance and shall be punished in accordance with the provisions of Title 30-A M.R.S.A., Section 4452, and any other appropriate statutes.

SECTION 5.11 WAIVERS

A. Waivers of Submission Requirements: Where the Planning Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, it may waive portions of the submission requirements, unless otherwise indicated in the regulations, provided the applicant has demonstrated that the standards of this Ordinance and the criteria of the subdivision statute have been or will be met, and provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan or this Ordinance.

B. Waivers of Required Improvements: Where the Planning Board makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to compliance with this Ordinance or the state subdivision statute, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan or this Ordinance, and further provided the performance standards of these regulations and the criteria of the subdivision statute have been or will be met by the proposed subdivision.

C. Conditions: Waivers may only be granted in accordance with Sections A. and B., above. When granting waivers, the Planning Board shall set conditions so that the purposes of this Ordinance are met.

TABLE 7.2 SPACE AND DIMENSIONAL REQUIREMENTS (Continued from prior page)

District	Minimum Lot Size (Acres)	Maximum Residential Density ¹ (Acres)	Maximum Lot Coverage	Street Frontage	Structure Setback From Property Lines	Maximum Structure Height
Royal River Corridor Overlay	3 acres	Same as underlying district	Same as underlying district			
Groundwater Protection Overlay	Single lots not part of a subdivision must meet the minimums for the underlying district; no reduction in lot size shall be permitted.	Same as underlying district	Same as underlying district			

Cross Reference Notes for other provisions with dimensional requirements:

Section 7.5 Special Exception for Single Family Dwellings and Accessory Structures in a Resource Protection District: Restrictions on building location and setbacks, etc.

Section 8.3 Back Lots and Street Access Requirements - Back lots must be served by a right-of-way of at least 50 feet in width. The 50-foot right-of-way serving a back lot shall not be counted for the purpose of meeting the minimum street frontage requirements for the adjacent lots that have frontage on a public street.

~~**Section 8.4 Driveway/Road Entrance Permit Requirements** – Minimum site distance and driveway/road entrance spacing requirements, etc. for access to a state highway or town road.~~

Section 9.1 Residential Shoreland District and Resource Protection District Performance Standards – Minimum shore frontage requirements; minimum setbacks from rivers, streams, wetlands and tributary streams.

Section 9.3 Royal River Corridor Overlay District – Corridor consists of area 500 feet on both sides of the Royal River, Chandler Brook and the East Branch; single family dwellings (non-subdivision) must be set back at least 250 feet from the high-water line; subdivision dwellings and structures must be located outside the Corridor unless granted a waiver pursuant to the provisions of this Section.

Section 10.3 Brook, Pond, Vernal Pool and Wetland Buffers – Requires buffers and structure setbacks along streams, brooks, ponds, vernal pools and wetlands.

¹ See Subsection C. for calculation of “net residential acreage”, which is only applicable to subdivisions.

²Explanatory Note: Controlling residential density is most important issue. Therefore, single residential lot development must be kept at the 1 and 3-acre minimum lot sizes depending on the district. However, in subdivisions, individual lots can be as small as 20,000 sq.ft, but the overall (net) residential density must be maintained at 1 residential unit to 1 acre in the Village Residential District and the Village Center District, or 1 residential unit to 3 acres in the Farm and Forest District

VIII. GENERAL REQUIREMENTS: APPLICABLE TO ALL LAND USES

SECTION 8.1 PURPOSE AND APPLICABILITY

A. Purpose: The purpose of this Article is to encourage orderly growth and development, encourage development design that minimizes road access points to public roads and retains access to back land and protects the environment and adjacent properties.

B. Applicability: The provisions of this Article are applicable to all allowed and permitted land use activities, including those activities that require permits from the Code Enforcement Officer (CEO) as listed in Article III. Administration and Enforcement and Article VII. Zoning District Regulations, Table 7-1. Land Uses by District. This Article (other than section 8.4) is not applicable to land use activities that require Site Plan Review or Subdivision Review pursuant to Article VII. Zoning District Regulations, Table 7-1. Land Uses by District.

SECTION 8.2 UTILIZATION OF THE SITE

The plan for any development must reflect the natural capabilities of the site to support the development. Buildings, lots and support facilities must be located in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, 100-year floodplains, significant wildlife habitats and corridors, scenic areas, unique natural areas, and significant groundwater aquifers must be maintained and preserved to the maximum extent. Natural drainage areas must also be preserved to the maximum extent. A development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

SECTION 8.3 BACK LOTS AND STREET ACCESS REQUIREMENTS

A. Single– family dwellings, duplex dwellings and non-residential structures shall be permitted on back lots provided they are served by a private right-of-way no less than 50 feet wide, and subject to the following conditions:

1. Back lots must be served by a right-of-way of at least 50 feet in width. The street frontage on the 50-foot right-of-way serving a back lot shall not be included in calculating minimum street frontage for the adjacent lots fronting on a street.
2. All residential and non-residential lots and other lots with buildings for human occupation shall have adequate access roads for emergency vehicles to enter, turn around, and exit. (Roadway Ordinance, Section 7.5)
3. Where a lot is in existence and is provided by a private right-of-way recorded at the Cumberland County Registry of Deeds prior to the adoption of this Ordinance (June 14, 2005), and expansion of the right-of-way is not possible, a right-of-way of 50 feet will not be required.
4. Back lots shall be prohibited in subdivisions after the adoption of this Ordinance (June 14, 2005).
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 meeting Table 2 in section 8.4 H.4 and the Roadway Ordinance. Drainage culverts at the intersection of the access road and the public street shall be no less than ~~15-inch~~ 18-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 2 in section 8.4 H.4., and the Roadway Ordinance, section 6.5.B.

6. **In the Farm and Forest District, Residential Shoreland District and Resource Protection District**, back lots shall require a buildable lot containing no less than 4 acres for a single family dwelling unit or non-residential principal structure, and no less than 6 acres for a duplex or two non-residential principal structures, and a minimum lot width of 200 feet. No dwelling unit or other principal structure shall be erected on a back lot closer than 250 feet to an existing public street in these districts.
7. **In the Village Center District and Village Residential District**, residential back lots shall meet the dimensional requirements for the District, and non-residential back lots shall be a minimum of 1 acre in size.
8. **In the Water District service area**, the backlot owner may own the right-of-way in fee or by easement. [Amended 6/18/11]

SECTION 8.4 DESIGN AND CONSTRUCTION STANDARDS FOR ROADS AND DRIVEWAYS

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 the Roadway Ordinance and section 8.4~~section 8.4 and elsewhere in this ordinance~~, as applicable, ~~in~~excluding the minimum roadway widths set forth in Table 8.2 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 8.2 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- and the Roadway Ordinance.

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 1 lists the estimated number of average weekday trips for residential uses.

Table 8.1

Average Weekday Trip Generation Rates	
Housing Type (trips per dwelling unit)	
Single- family detached	10
Duplex Duplex, Multiplex, Townhouse, Apartments, Condominium Condominium, etc	8
Mobile Home Mobile Home	5.5
Retirement 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. 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 2 [and the Roadway Ordinance \(Section 6.5\)](#).
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~~ with section 8.4 the Roadway Ordinance (Section 7.5). 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. 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 Road Commissioner and Fire Rescue Chief.
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.~~ follow section 4.10 of the Roadway Ordinance.
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 B(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) standards 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 [Roadway Ordinance road design standards](#), which for purposes of this subsection B(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 D(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 shown in Table 8.2 [and listed in the Roadway Ordinance](#).
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 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 1,500 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

E. 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.

3)4) All aspects of works using geo-textile shall be in conformance with MDOT.

2. Materials

- a. The minimum thickness of the various materials courses shall be shown in Table 8.2

Table 8.2

Number of Dwelling Units Served

	1	2	3
Minimum roadway width	3 to 5	6 to 10	11 or more
(feet)	16*	18*	
Minimum base (inches)	15 <u>18</u>	15 <u>18</u>	15 <u>18</u>
Wearing surface (inches) Gravel	3 <u>6</u>	3 <u>6</u>	3 <u>6</u>
Paving	2 <u>2</u>	2 <u>2</u>	2 <u>2</u>
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 <u>60</u> °	75 <u>60</u> °	75 <u>60</u> °
Turnaround at dead end	T	T	T

* For columns 1 and 2 in Table 8.2:

- 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 residences 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. Fees.
 - 1) 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.
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. A 20' roadway would have a negative environmental impact on the property being developed or surrounding properties. This item must be supported by a design professional.
4. A waiver will be limited to road width and dimensional standards per Table 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)1) 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.

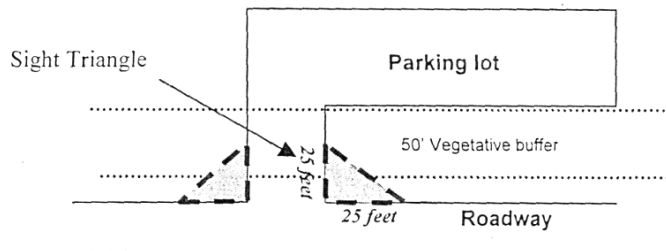
e.b. Driveway/ road and intersection road placement shall be such that an existing vehicle has an unobstructed sight distance according to the following schedule:

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

Source: MDOT Access Management Standards

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.

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 *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 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, *Article VIII Section 8.4 Design and Constructions Standards for Roads and Driveways* and the Roadway Ordinance Section 7.5. 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.

SECTION 10.31 PEDESTRIAN WAYS AND BICYCLE ACCESS, CIRCULATION AND FACILITIES

A. Applicability and Purpose: The provisions of this section are applicable to all subdivisions and developments. The purpose of these requirements is to provide networks of well-designed, connected pedestrian ways (sidewalks, path, trails) and bicycle ways that link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhoods or, when appropriate, to connect with amenities such as parks or open space on or adjacent to the site. Bicycles will be expected to share the road with automobiles in subdivisions and developments where traffic speeds are low. However, separate bicycle lanes are needed along Routes 115, 231, 9 and North Road. Other facilities, such as bicycle parking facilities, school bus stops, and park benches are also envisioned.

B. Standards:

1. **Village Center District and Village Residential District:** Sidewalks shall be provided on at least one side of the road in subdivisions and residential developments within the Village Center District and the Village Residential District. The Planning Board may waive this requirement for residential developments with less than 10 units/lots located on terminally; dead end roads where the applicant has demonstrated that future connection to other walkways (sidewalks, paths, trails) would not be possible.
2. **Farm and Forest District and Residential Shoreland District, Resource Protection District:** The Planning Board may require sidewalks, including paths and trails in major subdivisions with 10 or more lots or residential units, if the Planning Board makes a written finding that includes an explanation of the need. In determining the need for sidewalks, paths or trails, the Planning Board shall consider the location and density of the development and the need to connect with existing or future adjacent pedestrian ways, including sidewalks, trail systems and public land, and the need to provide safe walkways within the development.