

Newcastle Planning Board Meeting
Clayton V. Huntley Jr. Fire Station • 86 River Road • Newcastle

Thursday, January 19, 2023
6:30 PM

AGENDA

- 1. Call to Order & Introductions**
- 2. Review of Minutes:** November 17, 2022
- 3. Applications:** None
- 4. Public Comments**
- 5. New Business:**
 - a.** Nomination & Election of Vice Chair
 - b.** Discussion of work plan for tackling identified ordinance amendments
 - c.** Discussion of draft amendments to Core Zoning Code, Article 7, Section 12:
Subdivision
- 6. Planner's Report**
- 7. Adjourn**

Newcastle Planning Board Meeting
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Thursday, November 17, 2022
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MINUTES

Board Members Present: Ben Frey – Chair, Peter McNaughton – Member, Kevin Houghton – Member, Lee Emmons – Member, Lucas Kostenbader – Member (arrived at 7:02PM)

Staff Present: Isabelle Oechsle – Town Planner

1. **Call to Order & Introductions:** Chair Ben Frey called the meeting to order at 6:31PM.
2. **Review of Minutes: October 20, 2022:** Lee Emmons moved to accept the minutes of the October 20, 2022 meeting as drafted. Ben Frey seconded, and the motion carried 3-0-1, with Kevin Houghton abstaining due to absence at the referenced meeting.
3. **Applications:** None.
4. **Public Comments:** As no members of the public were present, no public comments were provided on this item.
5. **New Business:**
 - a. **Discussion of Draft Memo & Findings of Fact Templates:** Isabelle Oechsle provided a brief overview of this item, which is being provided as a result of discussions that occurred during the previous meeting about expected work products of the Town Planner in relation to development review projects. The draft memo will be the Planner's recommendation to the Board based on her review of the project against all relevant standards. The Findings of Fact will serve as the legal basis for approval of a project. Isabelle will provide recommended Findings of Fact for the Board to consider (based on her review) and they can either adopt them as written or revise them based on their own reviews.

Isabelle noted that she would eventually like to discuss with the Board standard conditions of approval that will be applied to all projects in order to underscore various standards of review or to remind the applicants of otherwise agreed upon site/building improvements.

Ben Frey asked why the templates proposed wordy findings instead of simply having checkboxes that a standard was met. Isabelle responded that she is typically in favor of a sentence or two explanation so that any staff member or member of the public in the future can pick up a file and understand the discussion that the Planning Board had around a project and understand how they came to their decisions.

In general, the Board was supportive of the templates as written but requested a checklist or brief summary at the beginning of the memo of what standards are applicable, which have been met, and which have been flagged that will require additional discussion or review by the Planning Board. It was agreed that this would help expedite their reviews of the memo and of projects. Isabelle responded that she would revise the memo as noted and would send it to the Board as an informational item for the next meeting.

- b. **Discussion of Draft Planning Board By-Laws:** Isabelle summarized this item, which also arose out of a discussion from the previous meeting. Board members provided edits, including:
 - i. Related to attendance (on page 2), the Planning Board should vote to provide a recommendation to the Selectboard on whether or not to remove the member rather than the member being automatically removed by the Selectboard.
 - ii. Related to public hearing timeframe (on page 3), the Planning Board decided on a five minute speaking time, noting that the Chair could allow people to continue if needed
 - iii. Related to considering new business after a certain time (on page 4), the Planning Board requested that they not consider any new business without a vote after 8:30 rather than 9:00.

Lee Emmons moved to adopt the Planning Board By-Laws as revised during this meeting. Kevin Houghton seconded, and the motion carried unanimously.

- c. **Continued Discussion of Development Review Process / Timelines:** Isabelle provided a brief follow-up to the discussion had at the previous meeting regarding her recommendations for revising the development review process and timelines. Isabelle noted that if Planning Board members have not yet reviewed her memo on this (included in the previous meeting packet) that they should do so and come prepared with comments to the next meeting, where Isabelle will provide draft amendments to the Core Zoning Code related to the development review process for members to review.

Ben Frey also suggested that the Planning Board should have a discussion around a timeline for tackling their previously identified amendments to the Core Zoning Code and other policies. Isabelle responded that she would put together a draft work plan, based on the Board's list, for discussion during the next meeting.

- 6. **Planner's Report:** Isabelle will add this item to upcoming agendas to report out to the Board items that may be upcoming or to report on things that she has been working on. Since they last met, Isabelle has been updating both the Planning Board and the Planning Department website to be more up to date / current on policies. Additionally, the CEO, Ben, and Isabelle have been collaborating on updated application forms which should be available in advance of the next meeting.
- 7. **Adjourn:** The meeting adjourned without objection at 7:28PM.



Isabelle Oechsle
Town Planner
(207) 563-3441
IOechsle@newcastlemaine.us

MEMORANDUM

To: Planning Board
From: Isabelle Oechsle, Town Planner
RE: Draft Work Plan for Identified Ordinance Amendments

When I began working in Newcastle, I was provided a list of identified projects that the Planning Board has expressed desire in working on by the Planning Board Chair. It is the understanding of Town staff that these policy projects were intended to be undertaken either as a response to identified goals within the [Comprehensive Plan](#) or as responses to identified deficiencies within [Core Zoning Code](#), adopted on November 3, 2020.

The attached, draft Work Plan incorporates the list of identified policy projects as I understand them. Additionally, I have recommended some projects as being “high priority” projects that we should endeavor to undertake within the next year or so. On some of these projects, I have provided a recommended Planning Board workshop date.

During the meeting on December 15th, I will be requesting that the Planning Board provide some guidance related to the identified priority projects. Specifically, do my recommendations for high priority projects match up with your own priorities?

If the Planning Board is in agreement with the work plan as drafted, a formal motion to accept it is not necessary, but I will begin working on your projects in the order that I have identified them.

Planning Board - Policy Project Work Plan

Item	Estimated Staff Time (including meetings)	Recommended Priority Level	Notes	Planning Board Workshop Date	Planning Board Public Hearing Date	Selectboard Public Hearing on Warrant	Town Meeting
Update Subdivision section to latest State standards	12	HIGH	To include 2018 State Law exemption for multi-family dwellings (to require only Large Project Plan review rather than full subdivision review - Large Project Plan review standards may need to be updated to allow a positive finding to be met); should also be an opportunity to discuss additional standards related to subdivisions that community may want to see	12/15/2022 (initial)			
Miscellaneous updates related to development review administration, typos	16	HIGH	Based on conversation at October and November PB meetings regarding development review process, and to establish clear boundaries between the CEO, the Planner and the Planning Board	1/19/2023			
Update Shoreland Zoning Ordinance to State's Chapter 1000 standards	16	HIGH	See: https://www.maine.gov/sos/cec/rules/06/096/096c1000.docx ... Ordinance also needs to be reformatted to match format of Core Zoning Code				
Update standards related to short-term rentals	4	HIGH	Would create varying categories for short-term rentals (short term rental, commercial and short-term rental, residential). May be an opportunity to discuss further regulation, if desired?	1/19/2023			
Historic Preservation Ordinance	28	HIGH	Intended to be a separate, standalone Ordinance separate from the Core Zoning Code that would apply only in SD - Historic. Would need to revisit and revise demolition section of the Core Zoning Code as well and update references as needed (and also require demo permits for the demolition of both historic and non-historic structures). Recommend adopting something that would be consistent with MHPC CLG guidelines in order to be eligible to apply for the CLG program and receive grant funds	3/16/2023 (initial), though staff recommends coming up with a separate public engagement strategy related to this item			
Amend existing Sign Ordinance (adopted 2014) to complement the Core Zoning Code	20	HIGH	Formatting would also need to be updated to match the Core Zoning Code (references to zones do not match). This could also be an opportunity to revisit maximum allowed signage to understand if it is working	3/16/2023 (initial)			
Standards related to traffic generation as a result of proposed developments; standards for when a Traffic Assessment is required and what is to be included	24	MEDIUM	Need to establish which it may be applicable to (or which subset of projects, e.g. a Large Project Plan estimated to generate more than 30 peak hour trips), add relevant standards of review				

Update Erosion & Sediment Control Ordinance	20	MEDIUM	Recommend budgeting money and working with the Knox-Lincoln County Soil & Water District to update this during next year's budget cycle; larger projects (those that the Planning Board would review) should also be inspected by someone from the S&WD once erosion and sediment controls are in place but prior to the issuance of a permit by the CEO, and then on a monthly basis, if this is something that the community cares about (would require the applicants to escrow money with the Town); also needs to be updated to match formatting of Core Zoning Code	by 10/19/2023			
Update Tower Ordinance	8	MEDIUM	Has outdated references to old name for Core Zoning Code and various permits; also needs to be updated to match formatting of Core Zoning Code				
Update outdated references in Floodplain Management Ordinance	8	MEDIUM	Also needs to be updated to match formatting of Core Zoning Code				
Create Large-Scale Development/Neighborhoods/Master Planned Development Ordinance and applicable standards	30+	MEDIUM	Needs some analysis on which/how much land in Newcastle might be appropriate for something like this (generally reserved for land in common ownership of a minimum of 10 acres, but could be up to a minimum of 75 acres - need to understand where the community might want this and what should be included - see Great American Neighborhood design guidelines: https://www.maine.gov/dacf/municipalplanning/docs/guidetolivabledesign_greatamericanneighborhood_3-31-2005.pdf)				
Update references in Mobile Home Park Ordinance	8	MEDIUM	Also needs to be updated to match formatting of Core Zoning Code				
Repeal Seasonal Conversion Ordinance	4	MEDIUM	I believe this is already a requirement of State Law surrounding septic systems. Need to decide if there is value in understanding when dwellings are converted outside of the septic considerations - staff would posit probably not (outside of simply having that data) and that this can be repealed				
Establish a requirement for the provision of civic and/or common lands, buildings, or spaces within certain development review proposals (evaluate if a full Civic Lands, Building, and Spaces Ordinance is needed to regulate these areas or if it can be incorporated into the Core Zoning Code)	12	MEDIUM	Need consideration of which development review proposals this may apply to (e.g. Large Project Plan, Subdivision, Master Plan, etc)				
Visual Reference Guide (either as an Ordinance or as a separate Planning Board policy document as an addendum to the By-Laws)	12	MEDIUM	Discuss best way to incorporate this in policy (staff recommendation is as an addendum to by-laws)				



Isabelle Oechsle
Town Planner
(207) 563-3441
IOechsle@newcastlemaine.us

MEMORANDUM

To: Planning Board
From: Isabelle Oechsle, Town Planner
RE: Draft Subdivision Amendments
DATE: January 19, 2023

OVERVIEW

The attached, draft amendments to Article 7, Section 12: Subdivision are intended to:

- Remove the requirement for multi-family dwellings to go through subdivision review (pursuant to the 2018 State Law exemption which states, "Beginning July 1, 2018, a division of a new or existing structure into 3 or more dwelling units whether the division is accomplished by sale, lease, development or otherwise in a municipality where the project is subject to municipal site plan review in accordance with Title 38, section 488, subsection 19 or Title 38, section 489-A." See [Title 30-A, §4402](#))
- Allow the Planning Department staff to determine if an application is complete and schedule the application for Planning Board review (thereby expediting the review process)
- Make pre-application meetings with the Planning Board optional (in an effort to expedite the review process)
- Removal of the Town's Road Commissioner from the review process of new streets; require that the applicant provide an escrow for the Town to hire a third-party inspector to verify that work has been completed in accordance with the Town's Ordinances and the approved plans
- Removal of the Code Enforcement Officer's ability to approve de minimis changes to subdivision plans; there is case law around this issue stating that changes to lot lines, rearrangement of easements, or modifications of improvements cannot be approved as de minimis changes on an administrative basis. Since people buy into a subdivision as designed and recorded on the Registry of Deeds, you need to provide those owners within the subdivision an opportunity to comment on any amendments to the recorded plan (especially where easements, lot lines, etc. are concerned).

In addition, these draft amendments are to serve as an initial starting point for the purposes of discussion. If there is a desire to revisit subdivision approval standards, we can review those as well (either with this round of amendments or a subsequent round of amendments).

COMPREHENSIVE PLAN CONSISTENCY

In general, the amendments as drafted are intended to comply with the goal of the Comprehensive Plan to allow for an expedited permitting process.

STAFF RECOMMENDATION

I have flagged within the document a couple of questions for discussion purposes for us to review together during the meeting. I recommend discussion of the questions and any additional guidance that you may have to move forward. If the draft is ready to move forward to a public hearing at this point, a suggested motion is: ***"I move to schedule a public hearing on the Subdivision Amendments as drafted during the next meeting of the Planning Board on February 16th."***

ADMINISTRATION

of development review, the Code Enforcement Officer must issue a Zoning Permit or transmit in writing to the Applicant the reasons for failure to issue such permit.

4. If the Code Enforcement Officer forwards the application to the Planning Board, the Planning Board will proceed as follows:
 - a. Within 30 days after receiving an application for Large Project Plan approval, the Planning Board must review the application for completeness and hold a public hearing.
 - b. Within thirty 30 days of the closing of the public hearing, the Planning Board must make a decision to approve, approve with conditions, deny, or grant withdrawal of the application in accordance with this section.
5. Zoning permits for large project plans will not be issued for applications that require any additional development review until that review has been completed in accordance with the standards of this Article.

APPROVAL STANDARDS

1. The Code Enforcement Officer must approve a Large Project Plan application and issue findings of fact upon verifying consistency to the following:
 - a. The standards of this Code.
 - b. The adopted Comprehensive Plan of the Town of Newcastle.
 - c. Any/all prior approvals for the subject property.
 - d. Any additional type of development review required by this Code has been completed in accordance with the standards of this Article.
 - e. Considerations indicated elsewhere in this Code for the required Large Project Plan approval.

CONDITIONS

1. The Code Enforcement Officer may grant Large Project Plan approval with conditions only to the extent that conditions specify the actions necessary to bring the application into complete compliance with applicable standards of this Code or where additional conditions have been agreed to by the applicant.

AMENDMENTS

1. Amendments to approved Large Project Plan applications may be approved as follows:
 - a. Amendments must be submitted to the Office of the Code Enforcement Officer, including a written description of the proposed change, the reason for such change, and a revised plan with notation of changes to the approved plan.
 - b. When considering a revision to a previously approved application for a Large Project Plan, the Code Enforcement Officer must limit their review to

the proposed changes to the previously approved application.

- c. Within 30 days of submission, the Code Enforcement Officer must issue revised findings and issue a Zoning Permit or transmit in writing the reasons for failure to issue such permit.

COMPLIANCE

1. The Code Enforcement Officer may require the posting of a bond or other performance guarantee to assure compliance with the Large Project Plan and/or conditions, as approved.

SUBDIVISION

PURPOSE

1. To allow for the orderly development of a parcel of land into new ~~dwelling units and lots, and roads that provide access to them.~~
2. To comply with MRSA, Title30-A, Chapter187, Section 4401 et.seq.

APPLICABILITY

1. ~~The provisions of this chapter shall apply to all land proposed for subdivision within the boundaries of the Town of Newcastle as defined in Title 30-A M.R.S.A. § 4401 et seq. e- division of a parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971.~~
2. ~~The division of structures into 3 or more dwelling units.~~
3. ~~The construction or placement of 3 or more dwelling units.~~
4. ~~The division of an existing structure used for commercial or industrial use into 3 or more dwelling units.~~
5. ~~Construction of roads.~~
6. ~~Installation of utility services.~~

AUTHORITY

1. Application for Subdivision must comply with all other ~~applicable~~ standards in this code.
2. The Planning Board reviews and approves all applications for Subdivision Plan approval ~~and enforces this Article.~~
3. ~~The Office of the Code Enforcement Officer~~ Planning Department administers the Subdivision Plan approval review process.
4. The Road Commissioner and Code Enforcement Officer oversees the subdivision construction phase.
5. When a Subdivision Plan application requires review and approval of the Maine Department of Environmental Protection ~~or other state or federal agency~~, each review may be conducted simultaneously.
6. ~~Upon approval of a Subdivision Plan, the Code Enforcement Officer issues a Zoning Permit for the installation of all required site improvements. Upon approved of a Subdivision Plan, the Office of the Code Enforcement Officer may accept applications for Roads, Driveways or Entrances in accordance with the provisions of the Town of~~

Commented [IO1]: Removed due to the 2018 subdivision exemption as provided in MRSA, Title30-A, Chapter187, Section 4402

Commented [IO2]: If we see value in keeping these in, we need to be more specific that these apply when proposed *in conjunction with a subdivision*. Subdivision review would not apply to these things on their own (which is how this reads currently IMO).

Commented [IO3]: The Code Enforcement Officer *enforces* the provisions of the Core Zoning Code, even in situations where the Planning Board has reviewed the project.

ADMINISTRATION

Newcastle Road, Driveway, and Entrance Ordinance.

7. Upon approval of a Subdivision Plan, the Office of the Code Enforcement Officer or the Planning Department (as applicable) may accept applications for development, including but not limited to Small and Large Project Plans for new buildings.

Commented [I04]: For discussion: I can foresee instances where someone is coming for a subdivision application and would also need a Large Project Plan application for a proposed development on one of the lots being subdivided. Is there value in allowing applicants to go through those processes simultaneously?

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D PHASING

1. The Planning Board may permit a subdivision to be completed in phases. The Planning Board may include any requirements or conditions on such phasing plan it deems necessary to ensure orderly development.

E PROCEDURE

1. The review and approval of an application for Subdivision Plan approval is conducted at a public hearing of the Planning Board.
2. ~~Applicants are required to if desired, applicants may~~ attend a pre-submittal meeting with the Planning Board.
3. ~~Within 30 days after receiving an application for Subdivision Plan approval, the Planning Board Planning Department staff must determine if the application is complete and ready for review at a public hearing. In making this determination, a copy of the Subdivision Plan application will be circulated to the following departments for review and comment:~~
 - ~~a. Road Commissioner~~
 - ~~b. Fire Chief~~
 - ~~c. Life Safety Officer~~
 - ~~a-d. Great Salt Bay Sewer and Water District~~
3. ~~A copy of the application for Subdivision Plan approval will be circulated to the following departments for review and comment. Each entity must forward any comments to the Planning Board in a timely manner for consideration during the public hearing process:~~
 - ~~a. Road Commissioner~~
 - ~~b. Fire Chief~~
 - ~~c. Life Safety Officer~~
 - ~~d. Great Salt Bay Sewer and Water District~~
 - ~~e. Once the application is deemed to be complete, Planning Department staff will schedule the application for a public hearing with the Planning Board at the next available meeting.~~
4. ~~Within 30 days after determining application completeness, the Planning Board must hold a public hearing. The Planning Board shall hold a public hearing~~ and make a decision to approve, approve with modifications, deny, or grant withdrawal without prejudice the application for final plat approval.
5. Within 30 days, the Planning Board must issue findings of fact and provide a copy ~~of the findings~~ to the applicant and the Office of the Code Enforcement Officer.
6. The applicant must submit 3 ~~full-sized (24" x 36") paper-mylar~~ copies of the final plat plan for Planning Board signatures.

F APPROVAL STANDARDS

1. The Planning Board must approve a Subdivision Plan application and issue findings of fact upon verifying consistency to the following:

- a. The standards of this Code.
- b. The Newcastle Road, Driveway, and Entrance Ordinance.
- c. Pollution: The proposed subdivision will not result in undue water or air pollution. In making this determination, ~~the Planning Board~~ it will at least consider:
 - i. The elevation of the land above sea level and its relation to the flood plains;
 - ii. The nature of soils and subsoils and their ability to adequately support waste disposal;
 - iii. The slope of the land and its effect on effluents;

ARTICLE 7

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Commented [I05]: Registry of Deeds no longer requires mylar copies.

- iv. The availability of streams for disposal of effluents; and
- v. The applicable state and local health and water resource rules and regulations.
- d. Sufficient Water: The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.
- e. Municipal water supply: The proposed subdivision will not cause an unreasonable burden on an existing water supply and the project can be served as planned; ~~if one is to be used; if connection to the municipal water supply is proposed.~~
- f. Erosion: The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
- g. Traffic: The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed. If the proposed subdivision requires driveways or entrances onto a state or state aid highway, the Department of Transportation has provided documentation indicating that the driveways or entrances meet Title 23, Section 704.
- h. Sewage Disposal: The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services, if they are utilized.
- i. Municipal Solid Waste Disposal: The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized.
- j. Aesthetic, Cultural, and Natural Values: The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat (as identified by the Department of Inland Fisheries and Wildlife or the municipality), or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
- k. Financial and Technical Capacity: The subdivider has adequate financial and technical capacity to meet the standards of this section.
- l. Surface Waters: Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond, or river as defined in Title 38, Chapter 3, Subchapter I, Article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.
- m. Ground Water: The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
- n. Flood Areas: Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, if the

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subdivision, or any part of it, is in such an area, the subdivider will determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least three feet above the 100-year flood elevation.

- o. Freshwater Wetlands: All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application.
- p. River, Stream, or Brook: Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, Section 480-B, subsection 9.
- q. Storm Water: The proposed subdivision will provide for adequate storm water management and comply with State Stormwater Management Law 38 M.R.S.A. Section 420-D.
- r. Spaghetti-Lots: If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision may have a lot depth to shore frontage ratio greater than 5 to 1.
- s. Lake Phosphorus Concentration: The long-term cumulative effects of the proposed subdivision will not unreasonably increase the phosphorus concentration in a Great Pond, (as defined in M.R.S.A. Title 38 Section 480-B), during the construction phase and life of the proposed subdivision, or in the absence of a Great Pond, otherwise cause phosphorous concentration in fresh water bodies.
- t. Impact on Adjoining Municipality: For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
- u. Lands Subject to Liquidation Harvesting: Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, Section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Planning Board must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel.

CONDITIONS

1. The Planning Board may attach conditions and/or limitations that it deems necessary in order to ensure compliance to the findings and/or standards applicable to development requiring Subdivision Plan approval.

AMENDMENTS AND MODIFICATION

1. ~~The Code Enforcement Officer may determine that the following modifications to an approved plat are de minimis in nature, and do not constitute an amendment to the approved final plat:~~
 - a. ~~Moving of lot lines and rearrangement of easements, provided that the lots meet the minimum requirements of this Code and all other applicable regulations, and the number of lots remains the same; and;~~
 - b. ~~Modification of design of improvements as result of unforeseen conditions or field adjustments during construction, as recommended by the Road Commissioner;~~
- 2.1 All other modifications to an approved plat will constitute a new application to the Planning Board, subject to the procedures of Article 7.B.4.C Procedure.
- 3.2 Where a revision causes need for a new plan mylar to be signed by the Planning Board for recording at the Lincoln County Registry of Deeds, the Planning Board must make itself available as a board or as individuals to sign mylars in a timely manner. After obtaining necessary signatures, the applicant must file the signed mylar-plan with the Lincoln County Registry of Deeds in accordance with the standards of this Code.

COMPLIANCE

1. The Planning Board ~~may~~ shall require the posting of a security agreement (performance bond, irrevocable letter of credit or other performance guarantee), plus inspection fees made payable to the ~~Treasurer of the~~ Town of Newcastle to assure compliance with the Subdivision plan and/or conditions, as approved, within 2 years from the date of approval of the final plat.
2. The Planning Board may recommend to the Board of Selectmen an extension of the performance guarantee period up to twelve months where the applicant can demonstrate good cause for extension.

RECORDING OF PLAT

1. The applicant will file a copy of the approved subdivision plat at the Lincoln County Registry of Deeds within 6 months of approval by the Planning Board.

MONUMENTS

1. Following final plat approval, survey monuments and markers must be laid out as indicated in the final plat ~~and~~ as follows:
 - a. Monuments must be made of granite or concrete cylinders covered with suitably marked bronze plates;
 - b. The tops of monuments and their location and grade ~~in relation to proposed streets~~ must be set as established by the ~~Town's third-party inspector~~ ~~Road Commissioner~~;
 - c. The monuments must be of sufficient depth to reach

Commented [I06]: Have asked Peter to weigh in on this. I don't think we are allowed to review changes to lot lines, rearrangement of easements, or modifications of improvements as de minimis changes on an administrative basis (as it is currently written). I think there may be case law around this issue basically saying that, since people buy into a subdivision as designed and recorded on the Registry of Deeds, you need to provide those owners within the subdivision a public hearing on any and all amendments to the recorded plan.

ADMINISTRATION

below the frost line;

- d. The ~~Road Commissioner~~Town's ~~third-party~~ ~~inspector~~ may modify or exempt the installation of monuments based on the nature of the proposed subdivision.

~~inspector~~ files a certificate with the ~~Office of the Code Enforcement Officer~~Planning Department certifying that all improvements have been constructed or installed as

L REQUIRED IMPROVEMENTS

1. Installation of Improvements must be made in accordance with the final plat, within 2 years from the date of approval of the final plat. Improvements may include, but are not limited to: site grading, streets (including any street trees, sidewalks, curb and gutter), sanitary sewers, water mains and services, stormwater management facilities, fire services, street lighting, and signage.
2. ~~Prior to start of construction of any required improvements,~~ the applicant must provide the ~~Road Commissioner~~Town ~~Planner~~ with a copy of specifications included in any contract entered into by the applicant for construction. The applicant must notify the Town at least five days prior to the start of construction or installation of any improvements and at least 24 hours prior to the completion of these improvements.

Commented [I07]: What are we attempting to get at with this? The copy of contracts as in a construction schedule or something different?

M INSPECTION OF IMPROVEMENTS

1. The construction of all required improvements must be ~~supervised~~inspected by a Maine State licensed engineer, contracted by the Town of Newcastle at the expense of the applicant. After completion of construction, the supervising engineer must certify to the Road Commissioner that all required improvements have been constructed as required.
- ~~2. The Road Commissioner must inspect required improvements during and at the completion of construction to ensure their satisfactory completion.~~
- ~~3.2.~~ If the ~~Road Commissioner~~inspector finds, upon inspection, that any of the required improvements have not been constructed per the approved plans and specifications, he/she must instruct the applicant to correct any discrepancies or deficiencies.

N CONVEYANCE OF IMPROVEMENTS

1. If any plat contains public rights-of-way, parks, or easements which are to be dedicated ~~to the Town~~ as such, the approval of the plat does not constitute an acceptance by the Town of Newcastle of the improvements constructed or installed in the subdivision, irrespective of any acts by an officer, agent, or employee of the Town of Newcastle with respect to these improvements.
2. Every right-of-way, park, or easement shown on a plat filed or recorded in the Lincoln County Registry of Deeds will be deemed to be a private improvement until it has been formally dedicated and accepted by the Town of Newcastle. Until such dedication and acceptance, the Town of Newcastle is not responsible for maintenance.
3. The acceptance of improvements may be made only by the adoption of a Board of Selectmen resolution after the ~~Department of Public Works~~Town's ~~third party~~.

Adopted: November 3, 2020

Newcastle Core Zoning Code | 85

ADMINISTRATION

required. All accepted easements must be filed with the plat and copies forwarded to the ~~Commissioner of Public Works, Parks, and Streets~~ Planning Department for the Town's records.

DEFAULT OF SECURITY AGREEMENT

1. If any required improvements have not been installed as provided in this section within the terms of the security agreement, the Board of Selectmen may declare the security agreement to be in default and collect the sum remaining payable thereunder; and upon receipt of the proceeds, the Town of Newcastle must install the improvements as are covered by the security, and as commensurate with the extent of building development that has taken place in the subdivision but not exceeding in cost the amount of such proceeds.

MODIFICATION OF SECURITY

1. The ~~Road Commissioner~~ Planning Department, at the recommendation of the Town's third-party inspector, may decide at any time during the term of the security agreement the following:
 - a. That the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered in the security agreement, and the amount of security agreement should be increased; or,
 - b. That the required improvements have been installed in accordance with the approved final plat in sufficient amount to warrant reduction in the amount of security agreement.

ISSUANCE OF ~~OTHER ZONING~~ PERMITS FOR NEW BUILDINGS

1. No ~~Zoning~~ Permit will be issued for a new building until the final plat is recorded with the Lincoln County Registry of Deeds, and a copy provided to the Office of the Code Enforcement Officer.
2. If any declarations, covenants and restrictions are associated with any land in the subdivision, no ~~Zoning~~ Permit will be issued until all declarations, covenants and restrictions have been executed and filed with the Lincoln County Registry of Deeds, and a copy provided to the Office of the Code Enforcement Officer.

Commented [IO8]: Ensure appropriate verbiage / references to Town staff

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