

**TOWN OF DEXTER
REGULATIONS FOR REVIEWING LAND SUBDIVISIONS**

Article I. Purpose.

1.1. The purpose of these standards shall be to ensure the comfort, convenience, safety, health and welfare of the people; to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Dexter, Maine, the planning board shall consider the following criteria and before granting approval shall determine that the proposed subdivisions:

(a) Will not result in undue water or air pollution. In making this determination, it shall at least consider:

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

(b) Sufficient water. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;

(c) Municipal water supply. The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used;

(d) 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;

(e) 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;

(f) 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;

(g) Municipal solid waste and sewage disposal. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste and sewage, if municipal services are to be utilized;

(h) 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 identified by the department of inland fisheries and wildlife or the municipality, or rare and irreplaceable natural areas of any public rights for physical or visual access to the shoreline;

(i) Conformity with local ordinances and plans. The proposed subdivision conforms with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any, In making this determination, the municipal reviewing authority may interpret these ordinances and plans;

(j) Financial and technical capacity. The subdivider has adequate financial and technical capacity to meet the standards of this section;

(k) Surface waters; outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within two hundred fifty (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.

1. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high water mark of five hundred (500) feet.

a. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than two hundred fifty (250) feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.

b. The frontage and setback provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning. Title 38, chapter 3, subchapter I, article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of section 4401, subsection 1, on September 23, 1983;

(l) Groundwater. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;

(m) Flood areas. Based on the Federal Emergency Management Agency's flood boundary and floodway maps and flood insurance rate maps, and information presented by the applicant, whether the subdivision is in a flood-prone area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plat approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one (1) foot above the 100-year flood elevation; and

(n) Freshwater wetlands. All potential freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

(o) 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.

(p) Stormwater. The proposed subdivision will provide for adequate stormwater management.

Article II. Authority and administration.

2.1 Authority.

2.1.1. These standards have been prepared in accordance with the provisions of Title 30-A M.R.S.A. § 4401-4407.

2.1.2 These standards shall be known and may be cited as "Subdivision Regulations of the Planning Board of the Town of Dexter, Maine."

Article III. Definitions.

3.1. In general, words and terms used in these standards shall have their customary dictionary meanings. More specifically, certain words and terms used herein

are defined as follows:

Affordable Housing: Housing units which will meet the sales price and/or rental targets established by the Comprehensive Plan for housing affordability.

Applicant: The person applying for subdivision approval under these regulations.

Average Daily Traffic (ADT): The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

Buffer Area: A part of a property or an entire property, which is not built upon and is specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources.

Capital Improvements Program (CIP): The municipality's proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

Capital Investment Plan: The identification of the projects which need to be considered for inclusion within the capital improvements program, together with an estimate of the order of magnitude for the cost of each project.

Cluster Subdivision: A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space.

Common Open Space: Land within or related to a subdivision, not individually owned, which is designed and intended for the common use or enjoyment of the residents of the development or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the open space, such as for outdoor recreation.

Complete Application: An application shall be considered complete upon submission of the required fee and all information required by these regulations, or by a vote by the Board to waive the submission of required information. The Board shall issue a written statement to the applicant upon its determination that an application is complete.

Complete Substantial Construction: The completion of no less than thirty percent of the costs of the proposed improvements within a subdivision. The documented costs associated with the preparation of the subdivision prior to approval shall account for an amount not to exceed 10% of the total cost of the proposed physical improvements. Following approval, all documented costs associated with the physical improvements to

the subdivision shall be included. If the subdivision is to consist of individual lots to be sold or leased by the subdivider, the cost of construction of buildings on those lots shall not be included. If the subdivision is a multi-family development, or if the applicant proposes to construct buildings within the subdivision, the cost of building construction shall be included in the total costs of proposed improvements.

Comprehensive Plan: A document or interrelated documents adopted by the Legislative Body, containing an inventory and analysis of existing conditions, a compilation of goals for the development of the community, an expression of policies for achieving these goals, and a strategy for implementation of the policies.

Conservation Easement: A nonpossessory interest in real property imposing limitations of affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

Contiguous lots: Lots which adjoin at any line or point, or are separated at any point by a body of water less than fifteen (15) feet wide.

Density: The number of dwelling units per acre of land.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

Direct Watershed of a Great Pond: That portion of the watershed which drains directly to the great pond without first passing through an upstream great pond. For the purposes of these regulations, the watershed boundaries shall be as delineated in the comprehensive plan. Due to the scale of the map in the comprehensive plan there may be small inaccuracies in the delineation of the watershed boundary. Where there is a dispute as to exact location of a watershed boundary, the Board or its designee and the applicant shall conduct an on-site investigation to determine where the drainage divide lies. If the Board and the applicant can not agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the applicant to provide the Board with information from a registered land surveyor showing where the drainage divide lies.

Driveway: A vehicular access-way serving two dwelling units or less.

Dwelling unit: A room or suite of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, bathing and sanitary facilities; includes single-family houses, and the units in a duplex, apartment house, multifamily dwelling, and residential condominiums.

Easement: The authorization of a property owner for the use by another and for a specified purpose of any designated part of his property.

Engineered Subsurface Waste Water Disposal System: A subsurface waste water disposal system designed, installed, and operated as a single unit to treat 2000 gallons per day or more; or any system designed to treat wastewater with characteristics

significantly different from domestic wastewater.

Final Plan: The final drawings on which the applicant's plan of subdivision is presented to the Board for approval and which, if approved, may be recorded at the Registry of Deeds.

Freshwater Wetland: Areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and are not part of great pond, coastal wetland, river, stream or brook. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the above criteria.

Great Pond: Any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has surface area in excess of thirty acres, except for the purpose of these regulations, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

High Water Mark:

~~*Coastal Waters:* The elevation at which vegetation changes from predominantly salt tolerant to predominantly non-salt tolerant. By way of illustration, salt tolerant vegetation includes, but is not limited to: salt marsh grass, salt meadow hay, black arrowgrass, seaside lavender, silverweed, salt marsh bullrush, seaside plantain, orach, salt marsh sedge, salt marsh aster. In places where vegetation is not present, the high water mark shall be the identifiable debris line left by non-storm tidal action. On a sand dune, the high water mark shall be the mean seaward limit of salt tolerant vegetation.~~

~~*Inland Water:* That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers, streams, brooks, or ponds, the normal high water mark is the upland edge of the wetland, and not the edge of the open water.~~

High intensity soil survey: A soil survey conducted by a certified soil scientist, meeting the standards of the National Cooperative Soil Survey, which identifies soil types down to one eighth acre or less at a scale equivalent to subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to seasonal high water table or bedrock at that point. Single soil test pits and their evaluation for suitability for subsurface waste-water disposal systems shall not be considered to constitute high intensity soil surveys.

~~*Level of Service:* A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the Highway Capacity Manual, 1985 edition, published by the National Academy of Sciences, Transportation Research Board. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.~~

Multifamily Development: A subdivision which contains three or more dwelling units on land in common ownership, such as apartment buildings, condominiums or mobile home parks.

Municipal Engineer: Any registered professional engineer hired or retained by the municipality, either as staff or on a consulting basis.

Net Residential Acreage: The total acreage available for the subdivision, as shown on the proposed subdivision plan, minus the area for streets or access and the areas which are unsuitable for development as outlined in Section 12.11.C.3

Net Residential Density: The average number of dwelling units per net residential acre.

Normal high water elevation of inland waters: That line on the shores of banks on nontidal water which is apparent because of the contiguous different character of the soil or the vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (by way of illustration, aquatic vegetation includes, but is not limited to the following plants and plant groups: water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses; and terrestrial vegetation includes but is not limited to the following plants and plant groups; upland grasses, aster lady slipper, wintergreen, partridgeberry, sarsaparilla, pines, cedars, oaks, ashes, alders, elms and maples). In places where the shore or bank is of such character that the high water mark cannot be easily determined (rock slides, ledges, rapidly eroding or slumping banks), the normal high water elevation shall be estimated from places where it can be determined by the above method.

Official submittal date: The date upon which the board issues a receipt indicating a complete application has been submitted.

100 Year Flood: The highest level of flood that, on the average, is likely to occur once every 100 years (that has a one percent chance of occurring in any year).

Person: Includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

Planning Board: The planning board of the Town of Dexter created under Title 30-A M.R.S.A. § 4964.

Preliminary Plan: A preliminary drawings indicating the proposed layout of the sub-division to be submitted to the Planning Board for its consideration.

Professional Engineer: A professional engineer, registered in the State of Maine.

Public Water System: A water supply system that provides water to at least fifteen service connections or services water to at least 25 individuals daily for at least thirty days a year.

Recording Plan: An original of the Final Plan, suitable for recording at the Registry of Deeds and which need show on information relevant to the transfer of an interest in the property, and which does not show other information presented on the plan such as sewer and water line locations and sizes, culverts, and building lines.

Reserved Affordable Housing: Affordable housing which, is restricted by means of deed covenants, financing restrictions, or other binding, long term methods to occupancy by households making 80% of the area median household income.

Sight Distance: The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in these regulations as a reference for unobstructed road visibility.

Sketch Plan: Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for sub-division approval. May be used by the applicant as the basis for preparing the sub-division plans as part of the application for subdivision approval.

Street: Public and private ways such as alleys, avenues, boulevards, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way.

Street Classification:

Arterial street: A major thoroughfare which serves as a major traffic way for travel between and through the municipality. The following roadways shall be considered arterial streets:

Collector street: A street servicing at least fifteen (15) lots or dwelling units, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.

Cul-de-sac: A street with only one outlet and having the other end for the reversal of traffic movement.

Industrial or commercial street: Streets servicing industrial or commercial uses.

Minor street: A street servicing less than fifteen (15) lots or dwelling units.

Minor Residential Street: A street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.

Private Right of Way: A minor residential street not intended to be dedicated as a public way.

Subdivision: The division of a tract or parcel of land into three (3) or more lots within any five-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into three (3) or more dwelling units within a five-year period, the construction of three (3) or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into three (3) or more dwelling units within a five-year period.

A. In determining whether a tract or parcel of land is divided into three (3) or more lots, the first dividing of the tract or parcel is considered to create the first two (2) lots and the next dividing of either these first two (2) lots, by whomever accomplished, is considered to create a third lot, unless:

(1) Both dividings are accomplished by a subdivider who has retained one (1) of the lots for the subdivider's own use as a single-family residence ; that has been the subdivider's principal residence for a period of at least five (5) years immediately preceding the second division;

B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this subchapter, do not become subject to this subchapter by the subsequent dividing of that parcel of land or any portion of that tract or parcel. The municipal reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.

C. A lot of forty (40) or more acres shall not be counted as a lot, except:

(1) When the lot of parcel from which it was divided is located entirely or partially within any shoreland area as defined in Title 38, section 435, or Dexter's Shoreland Zoning Ordinance (included as Appendix A of this volume); or

(2) When a municipality has by ordinance or the municipal reviewing authority has by regulation elected to count lots of forty (40) or more acres as lots for the purposes of this subchapter when the parcel of land being divided is located entirely outside the shoreland area as defined in Title 38, section 435, or Dexter's Shoreland Zoning Ordinance.

D.1. A division accomplished by devise does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D.2. A division accomplished by condemnation does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D.3. A division accomplished by order of court does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives

of this subchapter.

D.4. A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a continuous period of 5 years prior to the division by gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of this subsection. "Person related to the donor" means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption. A gift under this paragraph can not be given for consideration that is more than 1/2 the assessed value of the real estate.

D.5. A division accomplished by a gift to a municipality if that municipality accepts the gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

D.6. A division accomplished by the transfer of any interest in land to the owners of land abutting that land that does not create a separate lot does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this subchapter.

E. The division of a tract or parcel of land into three (3) or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971, is not a subdivision.

F. In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.

G. Notwithstanding the provisions of this section, leased dwelling units are not subject to subdivision review if the municipal reviewing authority has determined that the units are otherwise subject to municipal review at least as stringent as that required under this subchapter.

H. Nothing in this subchapter may be construed to prevent a municipality from enacting an ordinance under its home rule authority that :

- (1) Expands the definition of subdivision to include the division of a structure for commercial or industrial uses; or
- (2) Otherwise regulates land uses activities.

A municipality may not enact an ordinance that expands the definition of subdivision except as provided in this subchapter.

I. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraphs D-1 to D-6, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

~~*Subdivision, Major:* Any subdivision containing more than four lots or dwelling~~

~~units, or any subdivision containing a proposed street.~~

~~——— *Subdivision, Minor:* Any subdivision containing four lots or dwelling units or less, and in which no street is proposed to be constructed.~~

Tract or Parcel of Land: All contiguous land in the same ownership, provided that lands on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

Usable Open Space: That portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation, horticulture or agriculture. In order to be considered usable open space, the land must not be poorly drained or very poorly drained, have ledge outcroppings, or areas with sloped exceeding 10%.

Cross reference - Definitions and rules of construction generally, § 1-2.

Article IV. Instructions to applicant.

4.1. Procedure. *The review of a subdivision shall consist of three(3) steps as outlined below:*

~~4.1.1. A final plat plan, base on a survey, must be submitted to the planning board before final subdivision approval will be granted. You are advised to meet with the planning board prior to completing an application form as it may be necessary to complete all items on the form. The review of your subdivision should consist of three (3) steps, as outlined below:~~

4.1.1 Submission of a sketch plan. The sketch plan shall consist of a rough outline of the proposed subdivision and may be a freehand, penciled sketch of the parcel, showing the proposed layout of streets, lots, and other features which may be of assistance to the planning board in making its determinations. In order for the planning board to be more fully informed about the site, the subdivider shall arrange a joint inspection of the site with the planning board, or an individual appointed by the chairman to act as the board's representative. The on-site inspection may be conducted at, or shortly after the submission of the sketch plan, but this phase of the application process will not be considered complete until such inspection has been made.

4.1.2 Submission of a preliminary plat plan. Upon submission of a sketch plan, and following an on-site inspection, the planning board will outline, by checking specific items on this application, the specific requirements for preliminary plat submission. Specific requirements will vary according to the size and complexity of the subdivision proposal. In some instances, the planning board may waive the requirement for a preliminary plat plan submittal, in which case this application form must be submitted with the final plan. Within thirty (30) days of receipt of application, the board will determine that the application is complete, or if incomplete, will request additional information. If requested information is not provided within ninety (90) days the application will be deemed to have been withdrawn. ~~Within sixty (60) days of determining that the application is complete the board will approve or deny the application. If a public hearing is held, it must take place within thirty (30) days of the determination of having a complete application, with the final decision to be made within the sixty day time period.~~

Within thirty(30) days of determining that the application is complete, the Board will hold a public hearing. The preliminary plan may be approved at the same meeting as the public hearing, or within thirty (30) days of the public hearing. This time period maybe extended by mutual agreement of the Board and the Subdivider if the public hearing uncovers a need for additional information.

The planning board may request the applicant to pay into a special account the cost to the town of hiring independent consulting services for assistance in reviewing applications and to provide project inspection as needed. The fee shall be determined after the planning board has secured an estimate of the cost of the services and the applicant has seen the estimate. If the balance in the special account established for the purpose is drawn down by seventy-five (75) percent the board shall notify the applicant and require an additional amount. Any balance in the account remaining after a final decision on the application shall be returned to the applicant.

4.1.3 Submission of a final plat plan. After any apparent deficiencies in the

preliminary plan have been corrected, a final plat plan must be submitted to the planning board. Your application for subdivision approval will not be considered complete until the final plat plan has been submitted. The board may place a condition on the final approved plan that any necessary DEP permits be obtained prior to the start of development, and that subdivisions that fall under the Site Location Act (Title 38 M.R.S.A. § 481-490) obtain necessary permits prior to the start of development. The final plat plan shall consist of one (1) original and three (3) copies of all maps or drawings similar to the maps or drawings prepared for preliminary plat submission, except that space should be reserved on the plat plan for the endorsement of all appropriate agencies, and for the attachment of specific conditions of approval. In addition, items checked on the form entitled "Notification of Requirements for Final Plat Plan" will be considered complete. Specific details concerning the drafting of the plat plan may be found in Appendix 1. All applications for final plan approval for subdivisions shall be accompanied by an application fee of eighty dollars (\$80.00) plus twenty dollars (\$20.00) per lot or dwelling unit, payable by check to the Town of Dexter. An additional fee to cover the additional costs of advertising and postal service if the application reaches the public hearing stage will be required.

4.1.4 The planning board shall, within forty-five (45) days, from the date of submission, approve or disapprove the final plan. The board shall specify in writing the reasons for any disapproval.

Article V. General requirements.

(5.1 Contents, approval of plan.)

5.1.1. Water supply system proposals contained in the subdivision plan shall be approved in writing by:

- (a) The Dexter Utility District if existing public water service is to be used;
- (b) The State of Maine Department of Health and Welfare if the subdivider proposes to provide a central water supply system; or
- (c) At the request of the planning board, the subdivider may be required to provide the results of tests by a civil engineer registered in the State of Maine relative to the quantity and quality of water to be furnished by individual wells serving each building site. The board may also require the subdivider to submit the results of water quality test as performed by the Maine Department of Health and Welfare. Such approval shall be secured before official submission of the final plan.

If water lines from the Dexter Utility District are located within three hundred (300) feet of the property line of a new residence, it is mandatory that the residence be served by the Dexter Utility District lines.

5.1.2. Sewage disposal system proposals and/or storm drainage systems contained in the subdivision plan shall be properly endorsed and approved in writing by:

- (a) the Dexter Utility District if existing public disposal systems are to be used;
- or
- (b) When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analysis, prepared by a licensed site evaluator shall be provided. A map showing the location with the soil types named of all test pits on each lot shall be submitted. If the index rating on the Soils Potentials Index is below 60 the board may require a high intensity soil survey.

5.1.3. A public hearing may be held by the planning board within thirty (30) days after the ~~time of submission of the final plan for approval~~, *finding of a completed application* and the public hearing must be advertised at least two (2) time in the newspaper before the hearing date. This hearing shall be advertised in a newspaper of local circulation at least ten (10) days before such hearing and notice of this hearing shall be posted in at least three (3) places, prominently displayed, at least ten (10) days prior to the hearing. In addition, notice of the hearing shall be forwarded to the regional planning commission, of which such municipality is a member and to the clerk of the appropriate adjacent municipality in the case of a plan located within five hundred (500) feet of a municipal community, at least ten (10) days prior to the hearing. It will be the responsibility of the subdivider to *reimburse the municipality for notifying* ~~notify~~ all abutting property owners by registered mail of the upcoming public hearing. If the subdivision is located in more than one (1) municipality, the board shall have a joint meeting with the planning board of the adjacent municipality to discuss the plan.

~~5.1.4. Before the planning board grants approval of the final plan, the subdivider shall, in an amount set by the planning board, either file with the municipal treasurer a certified check to cover the full cost of the required improvements, or the subdivider shall file with the municipal treasurer a performance bond to cover the cost of required improvements. Any such bond shall be satisfactory to the municipal officers and municipal attorney as to form, sufficiency, manner of execution and surety. A period of one (1) year (or such other periods as the planning board may determine appropriate, not to exceed five (5) years shall be set forth in the bond time within which required improvements must be completed. The certified check or bond shall include an amount required for recreation land or improvements as specified.~~

Before the planning board grants approval of the final plan;

(1) The subdivider shall provide guaranties in one of the following methods approved by the planning Board and acceptable as to form by the Town Attorney

(a) Completion of construction of all improvements prior to the final plan approval.

(b) Posting of a surety bond in an amount sufficient to cover costs of the proposed improvements.

(c) Placing of cash in escrow in an amount sufficient to cover costs of the proposed improvements.

(d) Submittal of a letter of credit from an established banking institution guaranteeing sufficient funds to cover costs of the proposed improvements and recognizing the Town's interest in such improvements.

(e) Such other guaranty as the planning board shall find acceptable and shall be approved by the Town Attorney and Town Manager

(2) Such guaranties shall be provided by the applicant within 120 calendar days of the date of approval by the planning board or the conditional approval shall lapse and the application shall be considered void. No subdivision plan shall be recorded in the Registry of Deeds unless and until the requirements of this subsection are met.

5.2. Inspection of required improvements.

5.2.1 At least five (5) days prior to commencing construction of required improvements, the subdivider shall:

(a) Pay an inspection fee equal to two (2) percent of the cost of the required improvements; or

(b) Pay an inspection fee equal to the estimated cost of inspection by the appointed inspector ; or

(c) Pay an inspection fee equal to the estimated cost of inspection by the inspector appointed by the planning board, payable by check to the Town of Dexter stating the purpose of the fee. The subdivider shall notify the municipal officers in writing of the time when he proposes to commence construction of such improvements so that the municipal officers can cause inspection to be made to ensure that all municipal specifications and requirements shall be met during the construction of required improvements, and to ensure the satisfactory completion of improvements and utilities required by the planning board.

5.2.2. To guarantee that the construction standards of Section 7.8 of this Ordinance are being complied with, during the construction of any and all proposed streets and roads in a subdivision the subdivider shall notify the municipal officers at the following stages :

1. When the subbase has been exposed, prior to the placing of the GEO-Textile Fabric.
2. When the base course has been placed and compacted.
3. When the surface course has been placed and compacted, prior to covering with bituminous paving (where applicable).
4. When the bituminous paving has been applied.

5.2.3 If the Public Works Director or other appointed inspector shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he or she shall so report to the municipal officers, code enforcement officer, and planning board. The municipal officers shall then notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the municipality's rights under the bond. No plan shall be approved by the planning board as long as the subdivider is in default on a previously approved plan.

———5.2.4 If at any time before or during construction of the required improvements it is demonstrated to the satisfaction of the appointed inspector that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the municipal inspector or his appointee may, upon approval of the planning board, authorize modifications provided these modifications are within the spirit and intent of the planning board's approval and do not substantially alter the function of any improvements required by the board. The appointed inspector shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the planning board at its next regular meeting.

5.2.5. The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the town council.

5.3. *Submission.*

5.3.1. There shall be submitted to the board with the final plan:

(a) Written offers of cession to the municipality of all public open space shown on the plan; copies of agreements showing the manner in which all open spaces reserved by the subdivider are to be maintained.

(b) Written evidence that the municipal officers are satisfied with the legal sufficiency of the documents referred to in paragraph (a) above. Such written evidence shall not constitute an acceptance by the municipality of any public open space referred to in paragraph (a) above.

(c) A performance bond to secure completion of all improvement required by the board and written evidence that the municipal officers are satisfied with the sufficiency of such bond.

(d) If any portion of the subdivision is in a flood prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.

5.4. *Final approval and filing.*

5.4.1. Upon completion of the requirements, it shall be deemed to have final approval and shall be signed by a majority of the members of the planning board and shall be filed by the applicant with the code enforcement officer. The plan shall then be filed with the Penobscot County Registry of Deeds. ~~Any subdivision plan not so filed or recorded within ninety (90) days of the date upon which such plan is approved and signed by the planning board shall become null and void, unless the particular circumstances of said applicant warrant the planning board to grant an extension which shall not exceed two (2) additional periods of ninety (90) days each. by the Town.~~ Failure to commence substantial construction of a subdivision plan within five (5) years from date of approval and signing of the plan shall render the plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the board shall have a notice placed in the registry of deeds to that effect.

5.5. Plan revisions after approval.

5.5.1. No changes, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the planning board and endorsed in writing on the plan, unless the plan is first resubmitted and the planning board approves any modifications. In the event that a final plan is recorded without complying with this requirement, the same shall be considered null and void, and the board shall institute proceedings to have the plan stricken from the records of the municipal officers and the registry of deeds.

5.6. Public acceptance of streets, recreation areas.

5.6.1. The approval by the planning board of a subdivision plan shall not be evidence of acceptance by the municipality of any street, easement or other open space shown of such plan.

5.6.2. When a park, playground, or other recreation area shall have been shown on the plan, approval of the plan shall not constitute an acceptance by the municipality of such areas. The planning board shall require the plan to be endorsed with appropriate notes to this effect. The planning board may also require the filing of a written agreement between the applicant and municipal officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment and maintenance of any such recreation areas.

Article VI. Enforcement

6.1 No plan of a subdivision of land within the municipal boundaries which would constitute a subdivision as defined herein shall be recorded in the registry of deeds until a final plan shall have been approved by the planning board in accordance with all of the requirements, design standards, and construction specifications set forth elsewhere in these standards, nor until such approval shall have been entered on such final plan by the planning board.

6.2. No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in a subdivision which has not been approved by the planning board and recorded in the registry of deeds.

6.3. Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this section shall be punished by a fine of not more than two thousand five hundred dollars (\$2500.00) for each conveyance, offering or agreement. The attorney general, the municipality or the appropriate municipal officers may institute proceedings to enjoin the violation of this section.

6.4. 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.

6.5. Not only is making a subdivision without planning board approval a violation of the law, by so also within such a subdivision is ~~grading~~ or construction of buildings until such time as a final plan of such subdivision shall have been duly prepared, submitted, reviewed, approved and endorsed as provided in these standards, and until the original copy of the final plan so approved and endorsed has been duly recorded in the Penobscot County Registry of Deeds.

Article VII. Other requirements.

7.1. [*Generally*] In reviewing applications for the subdivision of land, the board shall consider the following general requirements. In all instances the burden of proof shall be upon the person proposing the subdivision. In no instance shall the planning board or its members, the municipality, or any of its officers be held liable for expenses or other costs which may be incurred by the Dexter Planning Board Standards for Reviewing Land Subdivisions.

7.2. *Subdivision plan shall conform to the comprehensive plan.* Any proposed subdivision shall be in conformity with the comprehensive plan or policy statement of this municipality and with the provisions of all pertinent state and local codes and ordinances. *All proposed lots shall meet the minimum lot size and frontage requirements of the Dexter Land Use Ordinance and the Dexter Shoreland Zoning Ordinance.*

7.3. *Relationship of subdivision to community services.* Any proposed subdivision shall be reviewed by the board with respect to the effect upon existing services and facilities. The final plan shall include a list of the construction items that will be completed by the developer prior to the sale of lots and the list of construction and maintenance items that must be borne by the municipality, which shall include but not be limited to:

- Schools, including busing
- Road maintenance and snow removal
- Police and fire protection
- Solid waste disposal
- Recreation facilities
- Runoff water disposal drainage ways and sewer enlargement with sediment traps

7.4. *Preservation of natural and historic features.* The board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees (ten (10) inches in diameter or more), the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible.

7.5. *Land not suitable for development.*

7.5.1. The following lands shall not be included in the calculations of lot area for the purpose of meeting the requirements of the minimum lot size law.

(a) Land which is situated below the high water mark of any water body.
(b) Land which is located within the 100-year frequency floodplain as identified by the Federal Emergency Management Agency or the Department of Housing and Urban Development, Flood Insurance Administration, unless the subdivider show proof through the submittal of materials prepared by a registered land surveyor which shows that the property in question lies at least two (2) feet above the 100-year flood level. The elevation of filled land shall not be considered.

(c) Land which is part of a right-of-way or easement including utility easements.

(d) Land which has a water table within ten (10) inches of the surface for at least three (3) months of the year as identified by the county soil survey. The board may use such lands in the lot area calculations if municipal sewage collection and treatment is provided and if the lot(s) are to be deed restricted to prohibit buildings with basements or require basement floor elevations one (1) foot above the seasonal water table.

(e) Land that has been created by filing or draining a pond or wetland.

7.5.2 Wherever situated, in whole or in part, within two hundred fifty (250) feet of the high water line of any pond, lake or river, or within three hundred fifty (350) feet of the high water line of Lake Wassookeag, a proposed subdivision shall conform to the shoreland zoning ordinance.

7.6. Utilities

7.6.1. The size, type and location of public utilities, such as streetlights, electricity, telephones, gas lines, fire hydrants, etc., shall be approved by the board and installed in accordance with the board's directives.

7.6.2. All sewage and water systems shall be installed underground except as otherwise approved by the board: Other utilities shall be installed in accordance with the board's directives.

7.7. Additional requirements.

7.7.1 Street trees, esplanades, and open spaces may be required at the discretion of the planning board. Where such improvements are required, they shall be incorporated in the final plan and executed by the subdivider as construction of the subdivision progresses.

7.7.2 The subdivision design shall minimize the possibility of noise pollution whether from within or without the development (from highway or industrial sources) by providing and maintaining a green strip at least twenty (20) feet wide between abutting properties that are so endangered.

7.7.3 For any subdivision proposed within the watershed of the Great Ponds in the Township of Dexter, A completed phosphorus run-off study will be required as part of the preliminary plan. According to the procedure in "Phosphorus Control in Lake Watershed: A Technical Guide to Evaluating New Development," published by the Maine Department of Environmental Protection, September 1989, the applicant will determine the subdivision's potential to export phosphorus into the lake in terms of:

- (1) The lake's ability to assimilate the phosphorus; and
- (2) The cumulative impact to other new additional phosphorus sources entering the lake over time.

7.8. Street design and improvement standards.

The purpose of these road and traffic standards are to :

1. Establish minimum specifications for all proposed roads in a subdivision.
2. Establish procedures and standards for the acceptance of a subdivision road as a public road.
3. Establish design and construction standards for safe traffic access.

4. Establish minimum standards for traffic safety and the carrying capacity of all proposed roads in a subdivision.
5. Establish standards for roadway drainage systems.
6. Establish standards for road durability and a reasonable service life.

7.8.1.a

Collector Roads shall have a minimum right-of-way of three and one half (3 ½) rods and all other streets and roads shall have a minimum right-of-way of three (3) rods. For the purposes of this section, a rod is defined as sixteen and one half (16 ½) feet.

7.8.1.b.

Collector roads shall have a minimum travel way width of twenty-two (22) feet and all other streets and roads shall have a minimum travel way width of twenty (20) feet.

7.8.1.c.

All streets and roads shall have a minimum shoulder width of four (4) feet, with a shoulder grade of 1/4 ft.

7.8.1.d.

Collector roads shall have a minimum travel way width of twenty-two (22) feet and all other streets and roads shall have a minimum travel way width of twenty (20) feet.

7.8.2 New streets shall be laid out as to accommodate the potential continuation of a proposed principal street onto contiguous or adjacent properties and existing or potential public ways. This shall be accomplished by the creation of a right-of-way, of identical width required for the proposed principal street, extended from cul-de-sacs to the nearest adjacent property. In determining the location of the right-of-way intersection with an adjacent property line, the Planning Board shall consider impacts on the adjacent parcel, on existing land uses, the location of existing and potential roadways, and the carrying capacity of adjacent land areas to accommodate roadways without adverse impacts on surface waters, freshwater wetlands and flood areas.

Nothing in this subsection will be constructed to mean there would be any time limitation concerning the actual construction, and connection to adjacent properties, roadway improvements undertaken for an approved subdivision project.

7.8.3 To allow for an adequate turn around area, permanent dead-end streets shall be equipped at the closed end with a minimum diameter for the street line of not less than one hundred ten (110) feet.

7.8.4.a. To ensure proper drainage, all street grades shall not be less than one (1) percent; and to secure proper drainage and for public safety, not more than eight (8) percent, unless this requirement is specifically waived by the board

7.8.4.b. To ensure proper drainage, culverts installed on collector roads must be a minimum of eighteen (18) inches in diameter, and culverts installed on all other streets and roads must be a minimum of fifteen (15) inches.

7.8.4.c. In addition to the above subsection, the size and type of all culverts to be installed on any street or road must be approved in advance by the Town of Dexter Public Works Director.

7.8.5 Street intersections and curves (vertical and horizontal) shall be so designed as to

permit adequate visibility for both pedestrians and vehicle traffic. Curves in general shall have a minimum radius of one hundred seventy-five (175) feet and no interchange shall be acceptable at less than ninety (90) degrees (add) for collector roads and sixty (60) degrees for all other streets and roads. Street lines shall be drawn so that street intersections shall have a twenty (20) foot minimum curve radius. Also, any deflection angle in a street line greater than ten (10) degrees shall require a curved street right-of-way. Unless specifically approved otherwise by the board, the roadway shall be centered within the right-of-way.

7.8.6 Whenever the board finds need for the reservation of one (1) or more rights-of-way or one (1) or more reserve strips such reservations shall be made before final approval of a subdivision plan.

7.8.7.a. No street shall be recommended for public acceptance until it has been properly improved for a period of twelve (12) months and approved by the planning board and the appointed inspector in accordance with these regulations and other applicable standards adopted by the town.

7.8.7.b. In addition to the above subsection, to be eligible for consideration for public acceptance all streets and roads in a subdivision with access onto an existing paved state or local road shall be paved with bituminous pavement (defined as two (2) inch Grade B binder to M.D.O.T. specifications of Section 403.07, and one and one quarter (1¼) inch grade C surface to M.D.O.T. specifications of Section 403.08) a minimum distance of seventy-five (75) feet as measured from the edge of the existing road onto the proposed road.

7.8.8 Added extensions to existing subdivision streets may be submitted and accepted by the town in any length but will be surfaced in increments of not less than five hundred (500) feet.

7.8.9 The following steps for the preparation of streets shall be carried out at the expense of the developer under the supervision of the appointed inspector : Drainage facilities, sanitary and storm curbs and sidewalks, shall be provided to the extent deemed necessary by the board. The entire right-of-way of each street shall be cleared and graded so that no slope exceeds a ratio of 1 to 2 , with a minimum fill slope of 3-1. All loam and other yielding material shall be removed from the roadway area of each street or way and replaced with suitable compacted material.

7.8.10. All roadways shall be improved by the developer to the following minimums:

1. Subbase. The sub-base shall be compacted and free of vegetation or other deleterious substances, and the entire sub-base shall be covered over with a GEO-Textile Fabric, either Synthetic Industries # 401 or the equivalent;
2. Base. The base course shall be constructed of eighteen (18) inches of material specified in the Maine D.O.T. Standard Specifications for Highways and Bridges, section 703.6, compacted, in place, with no particle exceeding six (6) inches in diameter;
3. Width of base. No less than sixty (60) percent of the right-of-way width;
4. Surface Course. The surface course shall be constructed of twelve (12) inches of material specified in the Maine D.O.T. Standard Specifications for Highways and Bridges, section 703.6, compacted, in place, with no particle exceeding two

(2) inches in diameter.

5. Roadway Crown. The roadway shall be constructed with a cross slope of 1/4 inch per foot of paved road width.

7.8.11. All water and sewer (storm and sanitary) facilities to be provided by the developer or subdivider must be in accordance with the systems and specifications in effect in the Town of Dexter. Drainage systems in the subdivision shall be designed assuming full development of the entire drainage area, whether inside or outside the subdivision, and based upon a ten-year flow. A separate plan of the entire drainage area may be required.

7.8.12. The ratio of lot length maximum to width shall not be more than three to one. 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.

7.8.13. Sewage disposal:

1. Public system.

a. A sanitary sewer system shall be installed at the expense of the subdivider when there is a public sanitary sewer located within one thousand (1,000) feet of the proposed subdivision at its nearest point. The sewer district shall certify that providing service to the proposed subdivision is within the capacity of the system's collection and treatment system.

b. The sewer district shall review and approve in writing the construction drawings for the sewage system.

2. Private System:

a. The developer shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules. In addition, on lots in which the limiting factor has been identified as being within twenty-four (24) inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.

b. In no instance shall a disposal area be permitted on soils or on a lot which requires a new system variance from the subsurface wastewater disposal rules.

c. If there are inadequate soils on any lot in the subdivision, but such lot can be serviced by a common subsurface disposal system located on adjacent property with adequate soil conditions for subsurface waste water disposal as specified in subsection 2(a) above, the requirement that each lot be serviced by a subsurface system located on that lot may be waived as to such lot, subject to the following:

1. When two (2) or more lots and/or buildings in different ownership are served by a single common subsurface disposal system, the system shall be owned, operated, and maintained in common by the owners of the lots and buildings serviced by the common system;

2. The developer shall reserve all necessary and appropriate easements across

said adjacent property for the location and operation of the common system and all sewer lines, prior to conveyance of any lot in the subdivision; and all common land, facilities and property shall be owned jointly or in common by the owners of the dwelling units by means of a homeowners association, by an association which has as its principal purpose the conservation or preservation of land in essentially its natural condition, or by the municipality Homeowners associations shall conform with the guidelines of section 7.8.14. and;

3. The developer shall impose covenants in the deeds to lots serviced by a common system that require adequate funding to ensure proper maintenance of the system.

7.8.14. (Common property:)

1. Further subdivision of the common land or its use for other than noncommercial recreation or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to noncommercial recreational or conservation uses may be erected on the common land.

2. The common open space shall be shown on the final plan with appropriate notation on the plan to indicated that:

(a) It shall not be used for future building lots; and

(b) A part of all of the common open space may be dedicated for acceptance by the municipality.

3. The bylaws of the proposed homeowners association shall specify maintenance responsibilities and shall be submitted to the board prior to final approval.

4. Covenants for mandatory membership in the homeowners association setting forth the owner's rights, interests, and privileges in the association and the common property, shall be reviewed by the board and included in the deed for each lot or dwelling.

5. The homeowners association shall have the responsibility of maintaining the common property of facilities.

6. The association shall levy annual charges against all owners of dwelling units to defray the expenses connected with the maintenance of common property and tax assessments.

7. The developer or subdivider shall maintain control of the common property and be responsible for its maintenance until development sufficient to support the association has taken place.

7.8.15. The board may require an erosion and sedimentation control plan, prepared in accordance with the latest revised edition of the Environmental Quality Handbook published by the U.S. Soil Conservation Service. If required by the board and accepted, the procedures outlined in the plan shall be implemented during the site preparation, construction, and clean-up stages.

Article VIII. Release of guaranty check or bond.

8.1 Before a subdivider may be released from any obligation required by his guarantee of performance, the board will require certification from the municipal engineer or appointed engineer and whatever other agencies and departments that may be involved, to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards, state and local codes and ordinances.

Article IX. Variances and waivers.

9.1. where the board makes written findings of fact that there are special circumstances of a particular lot proposed to be subdivided, it may waive portions of the submission requirements or the standards, unless otherwise indicated in the regulations, to permit a more practical and economical development, provided that public health, safety and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purposes of the comprehensive plan, the shoreland zoning ordinance or these regulations, and provided the criteria of the state subdivision law are met.

9.2. When the board grants a waiver to any of the standards of these regulations, the final plan shall indicate the waivers granted and the date on which they were granted.

9.3. The board must issue a certificate of any waiver granted to be filed with the registry of deeds within ninety (90) days of the final plan approval date.

Article X. Appeals.

10.1. Any appeal from a decision of the planning board may be taken to the board of appeals in accordance with the following :

a. Making an Appeal

(1) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Planning Board. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

(2) Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:

(i) A concise written statement indicating what relief is requested and why it should be granted.

(ii) A sketch drawn to scale showing the physical features of the lot pertinent to the relief sought.

(3) Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

(4) The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

b. Decision by Board of Appeals

(1) A majority of the board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.

(2) The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The board may reverse the decision, or failure to act, of the Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.

- (3) The person filing the appeal shall have the burden of proof.
- (4) The Board shall decide all appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
- (5) All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, and the appropriate order, relief or denial thereof.

10.2. Reconsideration

The Board of Appeals may reconsider any decision within thirty (30) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

- 10.3. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

Article XI. Separability and effective date.

11.1. The invalidity of any provision of these standards shall not invalidate any other part.

11.2. These regulations shall take effect upon adoption by the council in conformance with the Charter of the Town of Dexter.