

1 Draft Technical Amendments
2 Subdivision Ordinance, Zoning Ordinance, Conservation Ordinance

3
4 Subdivision Ordinance

5
6 **Sec. 16-2-6. Post Approval Requirements.**

7
8 **(c) Performance Guarantee.**

- 9
10 2. Amount. The Performance Guarantee amount shall be based on a detailed estimate
11 prepared by the applicant, broken down by unit cost and quantity, and reviewed by
12 the Town Engineer. Costs included in the estimate shall include, but not be limited
13 to, completion of all roads, sewer, water, drainage, open space, landscaping, lighting
14 and other required improvements shown on the approved plans. The cost estimate
15 shall also include a contingency amount equal to ten (10) percent of the
16 Performance Guarantee estimate for performance guarantees in the amount of five
17 hundred thousand dollars (\$500,000) or less, and a five (5) percent contingency
18 amount for performance guarantees in an amount exceeding five hundred thousand
19 (\$500,000) dollars.

- 20
21 **(d) Inspection Fee.** In addition to the Performance Guarantee, the applicant shall pay an
22 inspection fee. When the Performance Guarantee equals five hundred thousand dollars
23 (\$500,000) or less, the inspection fee amount shall be five percent (5%) of the amount
24 of the total performance guarantee, except that the minimum inspection fee amount
25 shall be one-thousand dollars (\$1,000). When the Performance Guarantee exceeds five
26 hundred thousand dollars (\$500,000), the inspection fee amount shall be two and one-
27 half percent (2.5%) of the cost of the total Performance Guarantee. The fee shall be
28 payable by certified check to the Town of Cape Elizabeth. The inspection fee shall be
29 held by the Town to defray the Town's cost for inspection by the Town Engineer and
30 Town staff. Any funds not disbursed for this purpose shall be returned to the applicant
31 upon release of the Performance Guarantee. If the costs for inspection exceed the
32 amount of the inspection fee, the applicant shall pay an additional fee to the Town,
33 which shall be recommended by the Town Engineer and approved by the Town
34 Manager based on the status of the development.

- 35
36 **(f) Record drawings.** Upon completion of construction, the subdivider shall present to the
37 Town one (1) set of reproducible mylar, one (1) hard copy, and one (1) electronic file of
38 record drawings indicating facilities as constructed. The record drawings shall be based on
39 the field logs of the construction monitor and of a quality acceptable to the Town. The record
40 drawings shall include an engineer's seal, distances, angles and bearings for complete and
41 accurate determinations of locations on the ground, right-of-way monuments and as set, as-
42 built profiles of the centerlines of traveled ways, ledge elevations encountered during
43 construction and information on the locations, size, materials and elevations of storm drains,
44 sanitary sewers and other underground utility lines, including but not limited to water,
45 electric, telephone, natural gas, cable television.

1
2 **Zoning Ordinance**
3

4 **SEC. 19-1-3. DEFINITIONS**
5

6 **Dwelling Unit:** A room or group of rooms designed and equipped exclusively for use as
7 permanent, seasonal, or temporary living quarters for only one (1) family at a time, and
8 containing living, sleeping, housekeeping accommodations, and sanitary cooking, sleeping,
9 and toilet facilities. The term shall include mobile homes and rental units that contain
10 living, sleeping, housekeeping accommodations, and sanitary cooking, sleeping, and toilet
11 facilities regardless of the time-period rented. Recreational vehicles are not residential
12 dwelling units.
13

14 **Moderate Income:** Family income which is between eighty percent (80%) and one
15 hundred twentyfive percent (150%) (120%) of median family income for the Portland
16 Metropolitan Statistical Area as established by the State Planning Office or the Greater
17 Portland Council of Governments.
18

19 **Structure:** Anything built for the support, shelter or enclosure of persons, animals, goods
20 or property of any kind, together with anything constructed or erected with a fixed location
21 on or in the ground, exclusive of fences. The term includes structures temporarily or
22 permanently located, such as decks and satellite dishes.
23 [note: need to meet with Code Enforcement Officer]
24
25

26 **SEC. 19-4-3. NONCONFORMANCE WITH ALL ZONING DISTRICTS EXCEPT**
27 **THE OUTSIDE OF SHORELAND AND RESOURCE PROTECTION DISTRICTS**
28

29 The following provisions shall govern the use and modification of nonconforming lots,
30 structures, and uses in all areas of the Town that do not comply with Zoning District
31 requirements are not located within a , except for the Shoreland Performance Overlay
32 District or a Resource Protection District. Nonconformities within the Shoreland
33 Performance Overlay District shall be governed by the provisions of Sec. 19-4-4,
34 Nonconformance Within the Shoreland Protection Overlay District, and nonconformities in
35 the Resource Protection Districts (RP1-CW, RP1-CW Buffer Overlay, RP2-WP, and RP3-F)
36 shall be governed by the provisions of Sec. 19-4-5, Nonconformance Within the Resource
37 Protection Districts.
38

39 **SEC. 19-4-4. NONCONFORMANCE WITHIN THE SHORELAND**
40 **PERFORMANCE OVERLAY DISTRICT**
41

42 The following provisions shall govern nonconformance with provisions of within the
43 Shoreland Performance Overlay District. Nonconforming conditions in existence before the

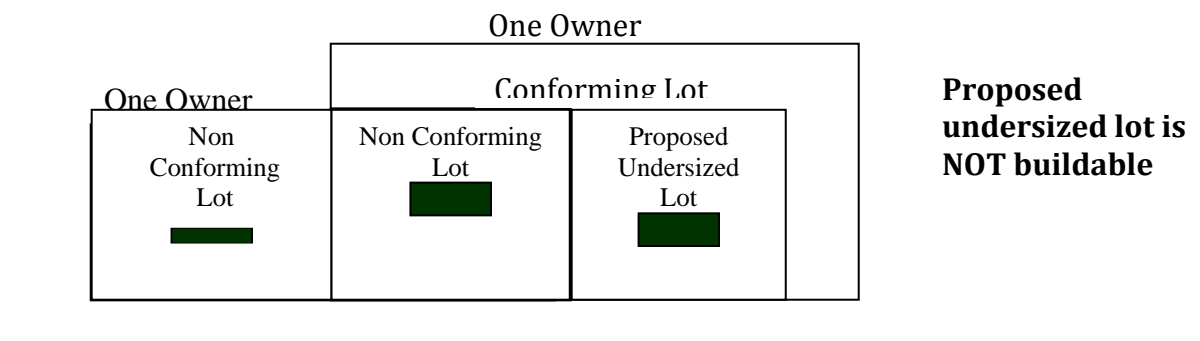
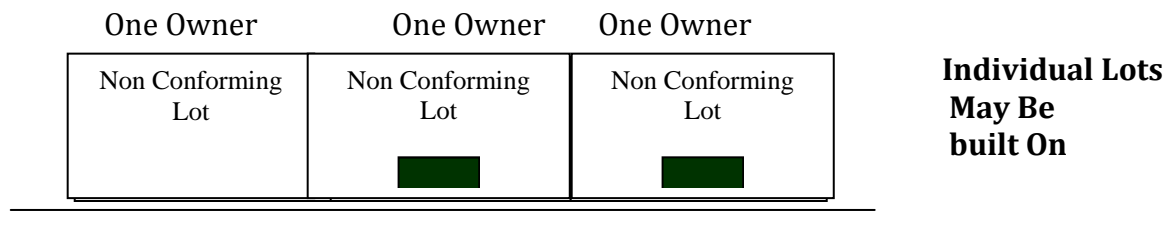
effective date of this district, or amendments thereto, shall be allowed to continue, subject to the requirements set forth in this section.

A. Nonconforming Lots

The following provisions shall govern the development of lots that are nonconforming because they do not meet the minimum lot area, net lot area per dwelling unit, minimum street frontage, or similar requirement of the district within which they are located.

1. Vacant Nonconforming Lots

- a. Buildability. Vacant nonconforming lots may be built upon in conformance with the provisions of the district in which they are located even though the lots do not meet the minimum lot area, net lot area per dwelling unit, street frontage, or similar requirements as long as the requirements of the chart below are met. **(Effective August 11, 1999 and revised effective July 4, 2001)**



- b. Space and Bulk Standards. The Code Enforcement Officer may issue a building permit and related permits and approvals for a principal structure and related accessory buildings and structures that do not comply with the setbacks and other Space and Bulk Standards that would otherwise be required in the district in which it is located as long as the following standards are met: **(Effective August 11, 1999)**

	RA District	RC District	TC District
Front setback for principal structure			
- local roads	25'	As required by Sec. 19-6-3.E	As required by Sec. 19-6-4.D
- other roads	As required by Sec. 19-6-1.E	As required by Sec. 19-6-3.E	As required by Sec. 19-6-4.D
Side setback	25'	10'	As required by Sec. 19-6-4.D
Rear setback	20'	15'	As required by Sec. 19-6-4.D
Minimum lot area - with public sewerage - with on-site sewage disposal	10,000 sq.ft. 20,000 sq.ft.*	10,000 sq.ft. 20,000 sq.ft.*	As required by Sec. 19-6-4.D
Maximum building coverage - with public sewerage - with on-site sewage disposal	25% 20%	25% 20%	NA NA

*Or otherwise meet the requirements of Chapter 15, Sewer Ordinance, the State Subsurface Wastewater Disposal Rules and have received a waiver of the state minimum lot size requirement pursuant to 12 M.S.R.A. Section 4807-B. The issuance of a minimum lot size waiver by the Department of Human Services in connection with a lot created prior to January 1, 1970, shall be deemed valid. Provided however, in no event shall a building permit issue for a lot which contains less than 10,000 sq. ft. **(Effective July 4, 2001)**

[Note: State rule reference needs updating with CEO]

- c. Variance. If a principal structure cannot be sited on a lot in conformance with these setback requirements, the owner may seek a variance from the setback requirements from the Zoning Board of Appeals (see Sec. 19-5-2.B, Variances).

SEC. 19-7-9. PRIVATE ACCESS PROVISIONS

D. Private Accessway Procedures

5. Post Approval Procedures

- 1 a. Inspection: The applicant shall be responsible for demonstrating that the
2 construction of the private accessway meets the standards of this section.
3 The private accessway shall be inspected under the direction of a registered
4 professional engineer. Prior to the issuance of any building permits for the
5 lot served by a private accessway, (1) the engineer shall certify to the Code
6 Enforcement Officer that the private accessway has been constructed in
7 accordance with this section or (2) a performance guarantee shall be posted
8 in compliance with the provisions of Sec. 16-2-6 (c) of the Subdivision
9 Ordinance.

10
11 **ARTICLE IX. SITE PLAN REVIEW**

12
13 **SEC. 19-9-1. PURPOSE**

14
15 The site plan review provisions set forth in this section are intended to protect the public
16 health and safety, promote the general welfare of the community, preserve the
17 environment, and minimize improvements that must be paid for by the Town's taxpayers
18 by assuring that nonresidential, multiplex residential, eldercare, and similar facilities are
19 designed and developed in a manner which assures that adequate provisions are made for:
20 traffic safety and access; emergency access; water supply; sewage disposal; management of
21 stormwater, erosion, and sedimentation; protection of the groundwater; protection of the
22 environment; minimizing the adverse impact on adjacent properties; and fitting the project
23 harmoniously into the fabric of the community.
24

25 **SEC. 19-9-2. APPLICABILITY**

26
27 **A. Activities Requiring Site Plan Review**

28
29 The owner of a parcel of land shall obtain site plan approval prior to undertaking any
30 alteration or improvement of the site including grubbing or grading, obtaining a building or
31 plumbing permit for the activities, or commencing any of the following activities on the
32 parcel:
33

- 34 1. The construction of any nonresidential building or building addition
35
36 2. Any nonresidential expansion or change in use except that changes of use within the
37 Town Center District shall be governed by the provisions of Sec. 19-6-4.E, Site Plan
38 Review and uses within the Business A District shall be governed by the provisions
39 of Sec. 19-6-5. F. Site Plan Review. **(Effective June 10, 2010)**
40
41 3. Multiplex housing and eldercare facilities
42
43 4. Any other activity or use requiring Planning Board review in the Zoning Ordinance
44 5. New construction involving more than ten thousand (10,000) square feet of
45 impervious surface, paving, clearing, or vegetative alteration, or any combination

1 thereof. (The Planning Board shall review the proposal for control of stormwater
2 runoff under the terms of Chapter 18, Article II, Stormwater Control Ordinance.)
3
4

5 **B. Activities Not Requiring Site Plan Review**
6

7 The following activities shall **not** require site plan approval (certain of these activities may,
8 however, require the owner to obtain a building permit, plumbing permit, or other State
9 and local approvals):
10

- 11 **1.** The construction, alteration or enlargement of a single family or two-family
12 dwelling unit, including accessory buildings and structures, except as required in
13 the Town Center Core Subdistrict. **(Effective June 10, 2010)**
14
- 15 **2.** The placement of manufactured housing or mobile home on individual lots
16
- 17 **3.** Agricultural buildings as follows: **(Effective June 10, 2010)**
18
 - 19 a. Any temporary agricultural building, where temporary shall mean
20 that the structure remains in place no more than 3 months in any 12
21 month period.
22
 - 23 b. If sales shall be conducted from the building, the structure must be a
24 temporary structure and sales shall not be conducted from the
25 building for more than 3 months in any 12 month period.
26
 - 27 c. Any barn, greenhouse, or storage shed with a building footprint that
28 does not exceed 2,000 sq. ft. in size.
29
 - 30 d. Any structure that shall provide housing, other than a single family
31 home, shall require Site Plan Review under Sec. 19-2-2(A)(4) above.
32
 - 33 e. Any structure which does not comply with subparagraphs a, b, and c
34 above shall require Site Plan Review.
35
- 36 **4.** Temporary structures such as construction trailers or equipment storage sheds
37

38 **SEC. 19-9-3. REVIEW AND APPROVAL AUTHORITY**
39

40 The Planning Board is authorized to review and act on all site plans for development
41 requiring site plan review as defined above. In each instance where the Planning Board is
42 required to review the site plan for a proposed use, it shall approve, deny, or conditionally
43 approve the application based on its compliance with the standards in Sec. 19-9-5,
44 Approval Standards, which action shall be binding upon the applicant. Where a proposed

1 use is subject to approval of the Zoning Board of Appeals, such approval shall be obtained
2 before the Planning Board considers the site plan for the proposed use.

3
4 **SEC. 19-9-4. REVIEW PROCEDURES**

5
6 The Planning Board shall use the following procedures in reviewing applications for site
7 plan review.

8
9 **A. Workshop**

10
11 Prior to submitting a formal application, the applicant shall schedule a preapplication
12 workshop with the Planning Board. The preapplication workshop shall be informal and
13 informational in nature. There shall be no fee for a preapplication review, and such review
14 shall not cause the plan to be a pending application. No decision on the substance of the
15 plan shall be made at the preapplication workshop. The applicant is encouraged to meet
16 informally with the Town Planner prior to the workshop.

17
18 **1. Purpose**

19
20 The purposes of the preapplication workshop are to:

- 21
22 a. Allow the Planning Board to understand the nature of the proposed use and
23 the issues involved in the proposal
24
25 b. Allow the applicant to understand the development review process and
26 required submissions
27
28 c. Identify issues that need to be addressed in future submissions

29
30 **2. Information Required**

31
32 There are no formal submission requirements for a pre-application workshop.
33 However, the applicant should be prepared to discuss the following with the
34 Planning Board:

- 35
36 a. The proposed site, including its location, size, and general characteristics
37
38 b. The natural characteristics of the site that may limit its use and development
39
40 c. The nature of the proposed use and potential development, including a
41 conceptual site plan
42
43 d. Any issues or questions about existing municipal regulations and their
44 applicability to the project
45

1 e. Any requests for waivers from the submission requirements
2
3
4

5 **3. *Planning Board Workshop***
6

7 The Planning Board workshop shall be informational and shall not result in any
8 formal action. The Planning Board shall identify any issues or constraints which
9 need to be addressed in the formal site plan application.
10

11 **B. *Application Review Procedures***
12

- 13 **1. Completeness.** After an application has been submitted with the requisite fees,
14 including establishment of a Review Escrow Account under the terms of Sec. 16-2-1
15 (c) of the Subdivision Ordinance, and after any required Zoning Board of Appeals
16 approval has been obtained, the Town Planner shall issue a dated receipt to the
17 applicant. In consultation with the Planning Board Chair or Vice Chair, the Town
18 Planner shall review the site plan application and accompanying materials to
19 determine whether the application is complete or incomplete. If the application is
20 preliminarily determined to be incomplete, the Town Planner shall notify the
21 applicant in writing and shall list in the written determination the materials that
22 must be submitted in order to make the application complete. If the applicant fails
23 to submit a complete application within four (4) months of the issued receipt date,
24 the application shall be deemed withdrawn. When the Town Planner makes the
25 preliminary determination that an application is complete, the application shall be
26 scheduled for consideration at the next available Planning Board meeting. The
27 Planning Board may require other information in addition to that required in Sec.
28 19-9-4.C, Submission Requirements. The Planning Board may also request an
29 evaluation of specific aspects of the site plan from the Conservation Commission, the
30 Town Engineer, or others. In the event that the Planning Board requires additional
31 information or evaluation, it may defer making its decision until its next regular
32 meeting.
33

34 No action taken by the Town Planner, either alone or in consultation with the
35 Planning Board Chair or Vice Chair, with respect to reviewing a site plan application,
36 shall result in an application being deemed pending for the purposes of 1 M.R.S.A.
37 §302. The Town Planner, either alone or in consultation with the Planning Board
38 Chair or Vice Chair, shall have no authority to review the substance of a site plan
39 application to determine whether it complies with the site plan review criteria.
40

- 41 **2. Public Hearing.** Upon certification by the Planning Board that an application is
42 complete, the Planning Board, at its discretion, may hold a public hearing. If the
43 Planning Board determines to hold a public hearing, it shall hold the hearing within
44 thirty-five (35) days of the date that the application is deemed complete and shall
45 provide public notice in accordance with Sec. 16-2-1 (b) of the Subdivision
46 Ordinance.

1
2 The Planning Board shall conduct the hearing as to assure full, but not repetitive,
3 public participation. The applicant shall be prepared to respond fully to questioning
4 by the public and the Planning Board. The Planning Board may, upon its own
5 motion, extend the hearing once for a period not exceeding thirty (30) days and to a
6 date that shall be announced.
7

8 **3. Planning Board Decision.** The Planning Board shall vote to approve, approve with
9 conditions, or disapprove the Site Plan upon the conclusion of review of the
10 development's compliance with Sec. 19-9-5, Approval Standards. The Planning
11 Board decision shall include written findings of fact and shall be provided to the
12 applicant within seven (7) days of the Planning Board vote.
13

14 **4 3. Performance Guarantee.** The Planning Board, at its discretion, may require that a
15 performance guarantee be established with the Town for the cost of site
16 improvements. Each performance guarantee shall comply with Sec. 16-2-6(c) of the
17 Subdivision Ordinance. An inspection fee shall be paid in accordance with Sec. 16-2-
18 6 (d).
19

20
21 **54. Approval Expiration.** Site plan approval shall be valid for a period of one (1) year
22 from the date of the Planning Board vote. Prior to the expiration of the site plan
23 approval, the applicant may request an extension of up to one year from the
24 Planning Board for cause shown. Site plan approval shall remain valid if a building
25 permit has been issued for the project prior to the expiration date. Expiration of the
26 building permit prior to completion of the project shall render the site plan approval
27 null and void. Failure to comply with conditions placed upon site plan approval, to
28 post any necessary performance guarantees, to comply with any other permitting
29 processes or to address any other issues of site development, except pending
30 litigation challenging the site plan approval, shall render the approval null and void
31 unless an extension is granted by the Planning Board for good cause.
32

33 **C. Submission Requirements**
34

35 ***1. General Submission parameters.***
36

37 The applicant shall submit fourteen thirteen(134) copies of building and site plans
38 and supporting information drawn to a scale of not less than one inch equals fifty
39 feet (1" = 50'). The size of plan sheets submitted to the Planning Board shall be no
40 larger than twenty-four (24) by thirty-six (36) inches, but may be smaller with the
41 permission of the Planning Board. A digital copy of the complete application shall
42 also be made available upon request.
43

44 ***2. List of Submission items.***
45

1 The application for approval of a Site Plan shall include all the following
2 information, unless waived by the Planning Board as described below. Information
3 that must be shown on a plan is in **bold type**. Submission information shall be
4 shown on the number of plans needed to depict the information in a readable
5 format and each plan shall be individually labeled with a title generally based on the
6 information depicted on the plan, with one plan titled Site Plan.

7
8 The building plans shall show at a minimum the first floor plan and all elevations,
9 and indicate the proposed construction materials. The site plan and supporting
10 submissions shall include the following information:

- 11
- 12 a1. Right, Title or Interest. Evidence of right, title, and interest in the site of the
13 proposed project.
- 14
- 15 b. Written description. Written description of the proposed project including
16 proposed uses quantified by square footage, number of seats, number of units
17 or beds or number of students, and how development has been placed on the
18 portions of the site most suited for development; application form;
19 identification of the zoning district in which the property is located and the
20 location of any zoning district boundary that bisects or abuts the
21 property.2. A key map of the site with reference to surrounding areas and
22 existing street locations
- 23
- 24 c.3 Name of Project/Applicant. **Proposed name of the project; The name and**
25 **address of record the owner and site plan applicant, together with the**
26 **names of the adjoining property owners; date of submission; north point;**
27 **graphic map scale;** of all contiguous land and or property directly across the
28 street and within two hundred (200) feet of the property, as shown by the
29 most recent tax records of all municipalities in which such properties shall lie
30
- 31 d.4. Survey. **A standard boundary survey of the site, giving complete**
32 **descriptive data by bearings and distances, Lot line dimensions made and**
33 **certified by a licensed land surveyor;** a copy of the deed for the property to
34 be developed, as well as copies of any easements, restrictions or covenants;
35 **location map, showing the relative location of the proposed project in**
36 **relation to surrounding neighborhoods or areas of Town.**
- 37
- 38 e. Existing Conditions. **All existing physical features on the site including**
39 **streams, watercourses, watershed areas, existing woodlands and existing**
40 **trees at least eight (8) inches in diameter as measured four and one-half**
41 **(4 ½) feet above grade, and other significant vegetation; soil boundaries**
42 **and names in wetland locations and where subsurface wastewater**
43 **disposal systems are proposed; when applicable, any portion of the**
44 **property located in the floodplain, within two hundred and fifty (250)**
45 **feet of the Normal High Water Line, or in a Resource Protection 1,**
46 **Resource Protection 1 Buffer or Resource Protection 2 District.**

- 1
2 f. **Topography. Contour lines, existing and proposed, at intervals of two (2)**
3 **feet or at such intervals as the Planning Board may require, based on**
4 **United States Geological Survey datum, referenced to mean sea level.**
5
6 g.5. **Buildings. Location of all existing and proposed buildings and structures**
7 **with the distance from the nearest property lines labeled;**, streets,
8 easements, driveways, entrances, and exits on the site and within one hundred
9 (100) feet **thereof elevations of each vertical side of a new building with**
10 **dimensions, location of doors and windows, exterior materials and roof**
11 **pitch labeled; elevations of each side of an existing building proposed to**
12 **be altered with dimensions, location of doors and windows, exterior**
13 **materials and roof pitch labeled; floor plans; building footprints located**
14 **on adjacent properties.**
15
16 h.6. **Traffic Access and Parking. Location and width of the nearest public road,**
17 **and if the project will have access to a private road or driveway, the**
18 **location and width of the private road or driveway; location of existing**
19 **and proposed driveways, parking areas and other circulation**
20 **improvements; site distances for all access points onto public roads; location**
21 **of parking, loading and unloading areas, which shall include dimensions,**
22 **traffic patterns, access aisles, parking space dimensions and curb radii;**
23 **calculation of parking required in conformance with Sec. 19-7-8, Off-**
24 **Street Parking; existing and proposed pedestrian facilities including the**
25 **location, dimension and surface treatment of sidewalks and paths, and**
26 **description of high-demand pedestrian destinations within 1/4 mile of the**
27 **development; improvements shall include design details, cross sections**
28 **and dimensions as needed.** Proposed location and dimensions of proposed
29 buildings and structures, roads, driveways, parking areas and other
30 improvements Estimated number of trips to be generated based on the latest
31 edition of the Trip Generation Manual of the Institute of Traffic Engineers or
32 equivalent quality information; For developments which generate one hundred
33 (100) or more peak hour trips based on the latest edition of the Trip
34 Generation Manual of the Institute of Traffic Engineers, a traffic study shall be
35 submitted measuring current traffic, estimating traffic generated by the new
36 development and assessing impacts on adjacent roadways and nearby
37 intersections. Where the development may have a substantial traffic impact,
38 the traffic study shall also include recommended mitigation; information on
39 proposed, funded road improvements and town evaluation of road
40 improvements.
41
42 7. Building setback, side line, and rear yard distance
43
44 8. All existing physical features on the site and within two hundred (200) feet
45 thereof, including streams, watercourses, existing woodlands, and existing
46 trees at least eight (8) inches in diameter as measured four and one-half (4 ½)

1 feet above grade. Soil conditions as reflected by a medium intensity survey
2 (such as wetlands, rock ledge, and areas of high water table) shall also be
3 shown. The Planning Board may require a high intensity soils survey where it
4 deems necessary.
5

6 **9.** Topography showing existing and proposed contours at five (5) foot intervals
7 for slopes averaging five percent (5%) or greater and at two (2) foot intervals
8 for land of lesser slope. A reference benchmark shall be clearly designated.
9 Where variations in the topography may affect the layout of buildings and
10 roads, the Planning Board may require that the topographic maps be based on
11 an on-site survey.
12

13 **10.** Parking, loading, and unloading areas shall be indicated with dimensions,
14 traffic patterns, access aisles, and curb radii
15

16 **11.** Improvements such as roads, curbs, bumpers, and sidewalks shall be indicated
17 with cross sections, design details and dimensions
18

19 **i.12.** Stormwater. Location and design of existing and proposed stormwater systems
20 **A surface drainage plan or stormwater management plan, with profiles,**
21 **cross sections, and invert elevations drawn by a professional engineer,**
22 **registered in the State of Maine, showing design of all facilities and**
23 **conveyances; location of proposed drainage easements;** description of any
24 Low Impact Development (LID) methods incorporated into the plan. Where the
25 property is located within the Great Pond Watershed, a description of how the
26 Great Pond Watershed Overlay District provisions will be met.
27

28 **j.** Erosion Control. **An erosion control plan including details of erosion**
29 **control methods used;** written erosion control plan.
30

31 **k.** Utilities.
32

33 **i.** Water: Ability to serve letter from the Portland Water District; , sanitary
34 waste disposal systems **location and size of any existing and**
35 **proposed water mains on the property, as well as details showing**
36 **proposed connections to water systems; where public water is not**
37 **to be provided, an alternative means of a clean and adequate water**
38 **supply shall be shown,** with supporting written documentation;
39 **nearest hydrant.** and potable water supply,
40

41 **ii.** Sewage Disposal. When the project will be served by public sewage, an
42 ability to serve letter from the Town of Cape Elizabeth Sewer
43 Superintendent; **All existing and proposed public or shared sewage**
44 **facilities and connection to the public sewage system;** a completed
45 HHE 200 form or other subsurface wastewater design when not served
46 by public sewer and **the location of the subsurface wastewater**

1 system; all designs, specifications and details for a clustered
2 private or public sewage system.

3
4 iii. Other utilities. Ability to serve letter from Central Maine Power;
5 **Location of existing and proposed above and below ground**
6 **electrical lines, other utility lines and location of gas storage tanks**
7 **and fuel lines;**

8
9 iv. Solid/ Other Waste Disposal. Description of how solid waste will be
10 stored and removed from the site; **location and details of solid waste**
11 **and recycling storage containers and screening;** Identification of
12 chemicals, chemical wastes, hazardous, special or radioactive materials
13 to be handled and/or stored onsite.

14
15 and methods of solid waste storage and disposal

16
17 **l.13. Landscaping. Location and description of existing vegetation to be**
18 **preserved;** methods of preserving vegetation to be used during construction;
19 **Landscaping and buffering plan showing what will remain and what will**
20 **be planted, indicating botanical and common names of plants and trees,**
21 **and size at time of planting; fencing location, type, material and**
22 **size.** dimensions., approximate time of planting and maintenance plans

23
24 **m.14. Lighting. Location and type of lighting to be installed; lighting fixture**
25 **details indicating type of standards and , location, wattage; A photometric**
26 **study showing the footcandle lighting level at the property line when new**
27 **lights shall be installed.,** radius of light and intensity in footcandles

28
29 **n.15. Signs. Location, dimensions, materials, and details of signs.**

30
31 **o. Noise. Written description of the sounds generated from the site that will**
32 **exceed 45, 55, 60, 65 and 70 dB(a) at the property line.**

33
34 **p. Exterior storage. Location of outside storage or display areas; screening.**

35
36 **q.16. Financial and Technical Capability.** Demonstration of technical and financial
37 capability to complete the project. If the applicant concludes that public
38 disclosure of confidential financial information may be detrimental to the
39 success of the project, the applicant may disclose such financial information to
40 the Town Manager, who shall explore with due diligence, the applicant's
41 financial capability to complete the project as proposed in a timely fashion and
42 make a recommendation to the Planning Board.

43
44 **3.17. Waiver of Submission items.**

1 Waiver of information. Where the Planning Board finds that due to special
2 circumstances of a particular plan, the submission of any information listed
3 in Sec. 19-9-4.C, Submission Requirements, is not required in the interest of
4 public health, safety, and general welfare, or is inappropriate because of the
5 nature of the proposed development, the Planning Board may waive such
6 requirements, subject to appropriate conditions.
7

8 [Note: If the list approach below is acceptable, the above paragraph will be
9 revised]

- 10 a. Existing conditions. When no change to existing site conditions for
11 that submission item is proposed, the Planning Board may designate a
12 submission item as not applicable.
- 13 b. Substitution. Alternative information has been submitted more suited
14 to the scope of the project.
- 15 c. Small project. The limited nature of the project allows the Planning
16 Board to apply the Approval Standards and safeguard public health,
17 safety and general welfare without submission of additional
18 information.
19
20
21
22

23 **SEC. 19-9-5. APPROVAL STANDARDS**

24
25 The following criteria shall be used by the Planning Board in reviewing applications for site
26 plan review and shall serve as minimum requirements for approval of the application. The
27 application shall be approved unless the Planning Board determines that the applicant has
28 failed to meet one or more of these standards. In each instance, the burden of proof shall
29 be on the applicant to produce evidence sufficient to warrant a finding that all applicable
30 criteria have been met.
31

32 **1.A. Utilization of the Site**

33
34 The plan for the development will reflect the natural capabilities of the site to
35 support development. Buildings, lots, and support facilities will be clustered in
36 those portions of the site that have the most suitable conditions for development.
37 Environmentally sensitive areas such as wetlands, steep slopes, flood plains, and
38 unique natural features will also be maintained and preserved to the maximum
39 extent feasible. Natural drainage areas will also be preserved to the maximum
40 extent feasible.
41

42 [note: pairs with submission items b-g]

43
44 **2B. Traffic Access and Parking**
45

1 a1. Adequacy of Road System

2
3 Vehicular access to the site will be on roads which have adequate capacity to
4 accommodate the additional traffic generated by the development. For
5 developments which generate one hundred (100) or more peak hour trips based on
6 the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers,
7 intersections on major access routes to the site within one (1) mile of any entrance
8 road which are functioning at a Level of Service C or better prior to the development
9 will function at a minimum at Level of Service C after development. If any such
10 intersection is functioning at a Level of Service D or lower prior to the development,
11 the project will not reduce the current level of service. A development not meeting
12 this requirement may be approved if the applicant demonstrates that:

- 13
14 ia. Public improvement. A public agency has committed funds to construct the
15 improvements necessary to bring the level of access to this standard,
16
17 iib. Private improvement. The applicant will assume financial responsibility for
18 the improvements necessary to bring the level of service to this standard and
19 will assure the completion of the improvements with a financial guarantee
20 acceptable to the municipality, or
21
22 iiic. Status quo. Town policy does not support the construction improvements.

23
24 b 2. Access into the Site

25
26 Vehicular access to and from the development shall be safe and convenient.

- 27
28 ia. Safety. All entrance and exit driveways are located to afford maximum safety
29 to traffic, provide for safe and convenient ingress and egress to and from the
30 site and to minimize conflict with the flow of traffic.
31
32 iib. Sight Distance. Any exit driveway or driveway lane is so designated in profile
33 and grading and so located as to provide the maximum possible sight
34 distance measured in each direction. The sight distance available shall be
35 consistent with the standards of the Subdivision Ordinance.
36
37 iiic. Corner. Where a site occupies a corner of two (2) intersecting roads, no
38 driveway entrance or exit is located within fifty (50) feet of the point of
39 tangency of the existing or proposed curb radius of that site.
40
41 ivd. Side property line. No part of any driveway shall be located within a
42 minimum of ten (10) feet of a side property line. However, the Planning
43 Board may permit a driveway serving two (2) or more adjacent sites to be
44 located on or within ten (10) feet of a side property line dividing the adjacent
45 sites.
46

1 ve. Angle. Driveways intersect the road at an angle as near ninety degrees (90°)
2 as site conditions will permit.

3
4 vif. Construction. Road, driveway, and parking lot construction comply with the
5 construction and design standards in Sec. 16-3-2 of the Subdivision
6 Ordinance.

7
8 c3. Internal Vehicular Circulation

9
10 The layout of the site shall provide for the safe movement of passenger, service, and
11 emergency vehicles through the site.

12
13 ia. Deliveries. Nonresidential projects that will be served by delivery vehicles
14 will provide a clear route for such vehicles with appropriate geometric
15 design to allow turning and backing for a minimum of vehicles.

16
17 iib. Emergency vehicles. Clear routes of access shall be provided and maintained
18 for emergency vehicles to and around buildings and shall be posted with
19 appropriate signage (fire lane - no parking).

20
21 iiic. Circulation. The layout and design of parking areas shall provide for safe and
22 convenient circulation of vehicles throughout the lot.

23
24 ivd. Topography. All roadways shall be designed to harmonize with the
25 topographic and natural features of the site. The road network shall provide
26 for vehicular, pedestrian, and cyclist safety, all season emergency access,
27 snow storage, and delivery and collection services.

28
29 d4. Parking Layout and Design

30
31 Off-street parking shall conform to Sec. 19-7-8, Off Street Parking and the following
32 standards:

33
34 ia. Street. Parking areas with more than two (2) parking spaces shall be
35 arranged so that vehicles do not need to back into the street.

36
37 iib. Property lines. All parking spaces, access drives, and impervious surfaces
38 shall be located at least five (5) feet from any side or rear lot line, except
39 where standards for buffer yards require a greater distance. No parking
40 spaces or asphalt type surface shall be located within five (5) feet of the front
41 property line. Parking lots on adjoining lots may be connected by
42 accessways not exceeding twenty-four (24) feet in width.

43
44 iiic. Flow. In lots utilizing diagonal parking, the direction of proper traffic flow
45 shall be indicated by signs, pavement markings or other permanent
46 indications.

1
2 ivd. Stacked spaces. Parking areas for nonresidential uses shall be designed to
3 permit each motor vehicle to proceed to and from the parking space
4 provided for it without requiring the moving of any other motor vehicles.
5 “Stacked” parking may be permitted for resident parking in conjunction with
6 residential uses if both spaces in the stack are assigned to the occupants of
7 the same dwelling unit.
8

9 ve. Bumpers. The “overhang” of parked vehicles shall be restricted when it might
10 restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle
11 movement on adjacent walkways, or damage landscape materials.
12

13 [note: pairs with submission item h]
14

15 **3C. Pedestrian Circulation**

16
17 The site plan shall provide for a system of pedestrian ways within the development
18 appropriate to the type and scale of development. This system shall connect the
19 major building entrances/exits with parking areas and with existing or planned
20 sidewalks in the vicinity of the project. The pedestrian network may be located
21 either in the street right-of-way or outside of the right-of-way in open space or
22 recreation areas. The system shall be designed to link the project with residential,
23 recreational, and commercial facilities, schools, bus stops, and sidewalks in the
24 neighborhood.
25

26 [note: pairs with submission item h]
27

28 **4D. Stormwater Management**

29
30 Adequate provisions will be made for the collection and disposal of all stormwater that
31 runs off proposed streets, parking areas, roofs, and other surfaces during a twenty-five (25)
32 year, twenty-four (24) hour storm, through a stormwater drainage system and
33 maintenance plan, which will not have adverse impacts on abutting or downstream
34 properties.
35

- 36 1. Stormwater Control Ordinance. The stormwater management provisions shall be
37 consistent with Chapter 18, Article II, Stormwater Control Ordinance. and the
38 following:
39

40 [Note: Town consultant is recommending that the Site Plan approval standards require
41 compliance with the State Chapter 500 Maine DEP rules. Instead of referencing both
42 the state regs and the town Stormwater Control Ordinance in the Site Plan standard,
43 I suggest referencing only the town ordinance and then amend the town
44 Stormwater Ordinance to be consistent with state rules. This will reduce the
45 possibility of referencing conflicting standards.]
46

- 1 21. Pre-Post development flows. To the extent possible, the plan will retain stormwater
2 on the site using the natural features of the site, except that in the Town Center
3 District, stormwater management shall be consistent with the Town Center
4 Stormwater Plan.
- 5 2. For major developments, stormwater runoff systems will detain or retain water
6 such that the rate of flow from the site does not exceed the predevelopment rate,
7 unless the system discharges directly to the Atlantic Ocean.
- 8
- 9 3. Downstream impacts. The applicant will demonstrate that on- and off-site
10 downstream channel or system capacity is sufficient to carry the flow without
11 adverse effects, or that he/she will be responsible for whatever improvements are
12 needed to provide the required increase in capacity. The design of the stormwater
13 drainage system shall provide for the disposal of stormwater without damage to
14 streets, adjacent properties, downstream properties, soils, and vegetation.
- 15
- 16 4. LID. All natural drainage ways will be preserved at their natural gradients and will
17 not be filled or converted to a closed system unless specifically approved. Low
18 Impact Development Techniques shall be incorporated into the stormwater
19 management plan where appropriate.
- 20
- 21
- 22 5. The design of the stormwater drainage system shall provide for the disposal of
23 stormwater without damage to streets, adjacent properties, downstream properties,
24 soils, and vegetation.
- 25 56. Upstream volume. The design of the storm drainage systems will be fully cognizant
26 of upstream runoff which must pass over or through the site to be developed.
- 27
- 28 67. Water Quality. The biological and chemical properties of the receiving waters will
29 not be degraded by the stormwater runoff from the development site. The use of oil
30 and grease traps in manholes, the use of on-site vegetated waterways, and vegetated
31 buffer strips along waterways and drainage swales , and the reduction in use of
32 deicing salts and fertilizers may be required, especially where the development
33 stormwater discharges into a gravel aquifer area or other water supply source.
- 34

35 [note: pairs with submission item i]

36

37 **5E. Erosion Control**

38

39 All building, site, and roadway designs and layouts will harmonize with existing
40 topography and conserve desirable natural surroundings to the fullest extent
41 possible. Filling, excavation and earth moving activity will be kept to a minimum.
42 Parking lots on sloped sites will be terraced to avoid undue cut and fill, and/or the
43 need for retaining walls. Natural vegetation will be preserved and protected
44 wherever possible.

45

1 During construction, soil erosion and sedimentation of watercourses and water
2 bodies will be minimized by an active program meeting the requirements of the
3 Cumberland County Soil and Water Conservation District's Best Management
4 Practices.
5

6 [note: pairs with new submission item j]
7

8 **6F. Utilities**
9 **Water Supply**

10 a. Water Supply. The development will be provided with a system of water supply
11 that is adequate in quantity and quality to the proposed use. An adequate supply
12 of water for fire protection purposes shall also be demonstrated.provides each
13 use with an adequate supply of drinking water. If the project is proposed to be
14 served by a public water supply, the applicant shall secure and submit a written
15 statement from the supplier that the proposed water supply system conforms
16 with its design and construction standards, will not result in an undue burden on
17 the source or distribution system, and will be installed in a manner adequate to
18 provide needed domestic and fire protection flows.
19

20 bG. Sewage Disposal. The development will be provided with a method of disposing
21 of sewage which is in compliance with Chapter 15, Sewer Ordinance.
22

23 i1. Public Sewage System. All sanitary sewage from new or expanded uses
24 shall be discharged into a public sewage collection and treatment system
25 when such facilities are currently available or can reasonably be made
26 available at the lot line and have adequate capacity to handle the projected
27 waste generation.
28

29 ii2. Private Sewage System. If the public system cannot serve or be
30 extended to serve a new or expanded use, the sewage shall be disposed of
31 by an on-site sewage disposal system meeting the requirements of the State
32 Wastewater Disposal Rules and Chapter 15, Article II, Private Sewage
33 Disposal Ordinance.
34

35 iii 3. Common ownership. When two or more lots or buildings in different
36 ownership share the use of a common subsurface disposal system, the
37 system shall be owned and maintained in common by an owners'
38 association and shall conform to the provisions of Chapter 15, Article III,
39 Management of Cluster Disposal Systems. Covenants in the deeds for each
40 lot shall require mandatory membership in the association and provide for
41 adequate funding of the association to assure proper maintenance of the
42 system.
43

44 iv4. Commercial discharge. Industrial or Ccommercial waste waters may
45 be discharged to public sewers in such quantities and/or of such quality as
46 to be compatible with sewage treatment operations. Such wastes may

1 require pretreatment at the industrial or commercial site in order to render
2 them amenable to public treatment processes. Pretreatment includes, but
3 is not limited to, screening, grinding, sedimentation, pH adjustment, surface
4 skimming, chemical oxidation and reduction and dilution.
5

6 [Note: Some or all of paragraphs i -iv may be deleted if covered in the Sewer
7 Ordinance]

8 **H. Utilities**
9

10 c. Other utilities. The development will be provided with electrical, telephone,
11 and telecommunication service adequate to meet the anticipated use of the
12 project. New utility lines and facilities shall be screened from view to the
13 extent feasible. If the service in the street or on adjoining lots is
14 underground, the new service shall be placed underground. No flammable or
15 explosive liquids, solids or gases shall be stored in bulk above ground unless
16 they are located at least seventy-five (75) feet from any lot line, or forty (40)
17 feet in the case of underground storage. All materials shall be stored in a
18 manner and location that is in compliance with appropriate rules and
19 regulations of the Maine Department of Public Safety and other appropriate
20 federal, state, and local regulations.
21

22
23 d. Solid Waste. The proposed development will provide for adequate storage
24 and disposal of solid wastes.
25

26 i. Screening. Any solid waste stored on the property prior to removal to an
27 authorized facility shall be secured and screened from public view.
28

29 ii. Liquid/semi-solid wastes. All storage facilities for fuel, chemicals,
30 chemical or industrial wastes, and biodegradable raw materials, shall
31 meet the standards of the State Department of Environmental Protection
32 and the State Fire Marshall's Office.
33

34 iii. Hazardous Materials. The handling, storage, and use of all materials
35 identified by the standards of a federal or state agency as hazardous,
36 special or radioactive shall be done in accordance with the standards of
37 these agencies. Any waste produced which is classified as a hazardous,
38 special or radioactive waste by either federal or state standards shall be
39 disposed of at a licensed disposal facility appropriate for the type of
40 waste and done in accordance with applicable state and federal
41 regulations.
42

43 [note: pairs with submission item k]
44

45 **I. Water Quality Protection**
46

1 All aspects of the project shall be designed so that:

- 2
- 3 **1.** No person shall locate, store, discharge, or permit the discharge of any treated,
4 untreated, or inadequately treated liquid, gaseous, or solid materials of such nature,
5 quantity, obnoxiousness, toxicity, or temperature that may run off, seep, percolate,
6 or wash into surface or groundwaters so as to contaminate, pollute, or harm such
7 waters or cause nuisances, such as objectionable shore deposits, floating or
8 submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to
9 human, animal, plant, or aquatic life.

10 [Should be covered already as part of the stormwater ordinance]

- 11
- 12 **2.** All storage facilities for fuel, chemicals, chemical or industrial wastes, and
13 biodegradable raw materials, shall meet the standards of the State Department of
14 Environmental Protection and the State Fire Marshall's Office.

15
16 [Added to solid waste standard]

17
18 **J. Wastes**

19
20 The handling, storage, and use of all materials identified by the standards of a federal or
21 state agency as hazardous, special or radioactive shall be done in accordance with the
22 standards of these agencies.

23
24 Any waste produced which is classified as a hazardous, special or radioactive waste by
25 either federal or state standards shall be disposed of at a licensed disposal facility
26 appropriate for the type of waste and done in accordance with applicable state and federal
27 regulations.

28
29 [added to Solid Waste standard]

30
31 No flammable or explosive liquids, solids or gases shall be stored in bulk above ground
32 unless they are located at least seventy-five (75) feet from any lot line, or forty (40) feet in
33 the case of underground storage. All materials shall be stored in a manner and location
34 which is in compliance with appropriate rules and regulations of the Maine Department of
35 Public Safety and other appropriate federal, state, and local regulations.

36
37 The proposed development will also provide for adequate disposal of solid wastes. All
38 solid waste will be disposed of at a licensed disposal facility having adequate capacity to
39 accept the project's wastes.

40
41 Moved to #6, Utilities]

42 **7K. Shoreland Relationship**

43
44 The development will not adversely affect the water quality or shoreline of any
45 adjacent water body. The development plan will provide for access to abutting

1 navigable water bodies for the use of the occupants of the development if
2 appropriate.

3
4 [note: pairs with submission item e]
5

6 **8. Landscaping and Buffering**
7

8 a. Preservation. The landscape will be preserved in its natural state insofar as
9 practical by minimizing tree removal, disturbance and compaction of soil,
10 and by retaining existing vegetation insofar as practical during construction.
11 Extensive grading and filling will be avoided as far as possible. Areas of
12 vegetation to be retained shall be designated on a preservation plan. Within
13 the drip line of trees to be preserved, activity and disturbance shall be
14 prohibited and a physical barrier shall be provided to separate these areas
15 from the construction area.
16

17 b. Landscaping Plan. The development plan will provide for landscaping that
18 defines street edges, breaks up parking areas, softens the appearance of the
19 development and protects abutting properties from any adverse impacts of
20 the development.
21

22 c. Buffering. The development shall also provide for the buffering of adjacent
23 uses where there is a transition from one type of use to another use and for
24 screening of service and storage areas.
25

26 d. Parking screening. Required parking and loading spaces for nonresidential
27 uses and multiplex housing, where not enclosed within a building, shall be
28 effectively screened from view by a continuous landscaped area not less than
29 eight (8) feet in width containing evergreen shrubs, trees, fences, walls,
30 berms, or any combination thereof forming a visual barrier not less than six
31 (6) feet in height along exterior lot lines adjoining all residential properties,
32 except that driveways shall be kept open to provide visibility for vehicles
33 entering and leaving. This requirement may be reduced or waived when it is
34 determined that such buffering is not necessary or desirable. Parking lots
35 shall be designed to include landscaped islands required in the Town Center
36 and Business A Zoning Districts.
37

38 [pairs to submission item l]

39 [Sec. d. needs review]

40 **L. Technical and Financial Capacity**
41

42 The applicant has demonstrated the financial and technical capacity to carry out the project
43 in a timely fashion in accordance with this ordinance and the approved plan.
44

45 [Moved to # below]

46 **9M. Exterior Lighting**

- 1
2 1. Safety. The proposed development shall provide for adequate exterior
3 lighting to provide for the safe use of the development in nighttime hours, if
4 such use is contemplated, without excessive illumination. Lighting may be
5 used which serves security, safety and operational needs but which does not
6 directly or indirectly produce deleterious effects on abutting properties or
7 which would impair the vision of a vehicle operator on adjacent roadways.
8
- 9 2. Maximum level. Lighting fixtures shall be shielded or hooded so that the
10 lighting elements are not exposed to normal view by motorists, pedestrians,
11 or from adjacent dwellings and so that they do not unnecessarily light the
12 night sky. Direct or indirect illumination shall not exceed 0.5 footcandles at
13 the lot line or upon abutting residential properties. Lighting fixtures shall be
14 shielded or hooded so that the lighting elements are not exposed to normal
15 view by motorists, pedestrians, or from adjacent dwellings and so that they
16 do not unnecessarily light the night sky. All exterior lighting, except security
17 lighting, shall be turned off between 11 P.M. and 6 A.M. unless located on the
18 site of a commercial or industrial use which is open for business during that
19 period.
20

21 [note: pairs to submission item m]

22 **N. Landscaping and Buffering**
23

24 The landscape will be preserved in its natural state insofar as practical by minimizing tree
25 removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as
26 practical during construction. Extensive grading and filling will be avoided as far as
27 possible. Areas of vegetation to be retained shall be designated on a preservation plan.
28 Within the drip line of trees to be preserved, activity and disturbance shall be prohibited
29 and a physical barrier shall be provided to separate these areas from the construction area.
30

31
32 The development plan will provide for landscaping that defines street edges, breaks up
33 parking areas, softens the appearance of the development and protects abutting properties
34 from any adverse impacts of the development.
35

36 The development shall also provide for the buffering of adjacent uses where there is a
37 transition from one type of use to another use and for screening of service and storage
38 areas.
39

40 Required parking and loading spaces for nonresidential uses and multiplex housing, where
41 not enclosed within a building, shall be effectively screened from view by a continuous
42 landscaped area not less than eight (8) feet in width containing evergreen shrubs, trees,
43 fences, walls, berms, or any combination thereof forming a visual barrier not less than six
44 (6) feet in height along exterior lot lines adjoining all residential properties, except that
45 driveways shall be kept open to provide visibility for vehicles entering and leaving. This

1 requirement may be reduced or waived when it is determined that such buffering is not
2 necessary or desirable.

3
4 [Relocated to #8 above]

5
6 **10. Signs.**

7
8 Signs shall meet the standards of the Sign Ordinance. Sign materials and lighting
9 shall be of high quality and compatible with the character of the development.

10
11 [note: pairs with submission item n]

12
13 **110. Noise**

- 14
15 a1. Maximum level. The maximum permissible sound pressure level of any continuous,
16 regular or frequent or intermittent source of sound produced by any activity on the
17 site shall be limited by the time period and by the abutting land use as listed below.
18 Sound levels shall be measured at least four (4) feet above ground at the property
19 boundary of the source.

20
21
22 Sound Pressure Level Limits Using the Sound Equivalent Level of
23 One Minute (leq 1) (Measured in dB(a) Scale)

<u>Abutting Use</u>	<u>10 p.m.</u>	<u>7 a.m.</u>
Residential	55	45
Residential located in a commercial-industrial district	65	55
Public, semipublic and institutional	60	
55		
Vacant or rural	60	55
Commercial	65	55
Industrial	70	60

- 24
25
26
27
28
29
30
31
32
33
34
35 b2. Measurement. Noise shall be measured by a meter set on the A-weighted response
36 scale, fast response. The meter shall meet the American National Standards
37 Institute (ANSI S1 4-1961) "American Standards Specification for General Purpose
38 Sound Level Meters."

- 39
40 c3. Construction. No person shall engage in construction activities, on a site abutting
41 any residential use between the hours of 10 p.m. and 7 a.m.

42
43 [note: pairs with submission item o]

44
45 **12P. Storage of Materials**

- 1 a. Outside Storage. Exposed nonresidential storage areas, exposed machinery,
2 and areas used for the storage or collection of discarded automobiles, auto
3 parts, metals or other articles of salvage or refuse shall have sufficient
4 setbacks and buffers (such as a stockade fence or a dense evergreen hedge)
5 to minimize their impact on abutting residential uses and users of public
6 streets.
- 7
- 8 b. Receptacles. All dumpsters or similar large collection receptacles for trash or
9 other wastes shall be located on level surfaces which are paved or graveled.
10 Dumpsters or receptacles located in a yard which abuts a residential or
11 institutional use or a public street shall be screened by fencing or
12 landscaping.
- 13
- 14 c. Secure from minors. All sites potentially hazardous to children shall require
15 physical screening sufficient to deter small children from entering the
16 premises. This screening shall be maintained in good condition.
- 17

18 [note: pairs with submission item p]

19
20 **L. Technical and Financial Capacity**

21
22 The applicant has demonstrated the financial and technical capacity to carry out the project
23 in a timely fashion in accordance with this ordinance and the approved plan.

24
25 [note: pairs with submission item q]

26
27 **SEC. 19-9-6. AMENDMENTS**

28
29 Any alteration to a site which is inconsistent with the approved site plan shall require an
30 amendment to the site plan. Planning Board approval must be obtained prior to the
31 alteration.

- 32
- 33 **A. De Minimus Changes.** De minimus changes to an approved site plan may be
34 placed on the Planning Board Consent Agenda at the discretion of the Town
35 Planner. De minimus changes shall not include (1) a change to a public or
36 private right-of-way or easement, (2) a decrease in proposed buffering or
37 landscaping, or (3) any issue involving a condition placed on the site plan
38 approval, or (4) any change in a building footprint greater than five (5) feet
39 in any direction. Substantial changes to an approved plan shall be submitted
40 to the Planning Board.

- 41
- 42 1. Review. The applicant shall meet with the Town Planner and provide
43 a written description of the proposed amendments and all applicable
44 plans impacted by the amendments. The Town Planner shall review
45 the submission with the applicant and shall consult with appropriate

1 town staff. The Town Planner will make a preliminary determination
2 that the proposed changes do comply with the approval standards, do
3 not comply with the approval standards, or that the nature of the
4 amendments merit review by the Planning Board.
5

- 6 2. Planning Board. The Town Planner shall forward the De Minimus
7 Change application and a recommendation to the Planning Board
8 Chair The Planning Board Chair shall make the final determination to
9 approve the proposed amendments or to forward the amendments to
10 the Planning Board for review.
11

12 **B. Amendments.** Any change to a plan approved by the Planning Board must
13 be submitted to the Planning Board for review and approval, unless the
14 amendment is a De Minimus Change. The Planning Board shall review the
15 amendments in accordance with the Review Procedures, Sec. 19-9-4.
16 Submission requirements may be limited to the information related to the
17 proposed amendments. Any Planning Board Decision to approve
18 amendments to a previously approved Site Plan shall incorporate the original
19 Site Plan Approval, except as specifically amended. Prior to placement on the
20 Consent Agenda, the applicant shall meet with the Town Planner to review
21 the proposed changes and shall provide eight (8) copies of the revised site
22 plan to the Town Planner at least eighteen (18) days prior to the next regular
23 Planning Board meeting. The decision of the Town Planner not to place an
24 item on the Consent Agenda may be appealed to the Planning Board upon
25 submission of fourteen (14) copies of the proposed change to the Town
26 Planner eighteen (18) days prior to the next regular meeting of the Planning
27 Board.
28
29

30 **SEC. 19-9-7. APPEALS OF PLANNING BOARD ACTIONS**

31
32 Appeal of an action taken by the Planning Board regarding site plan review shall be to the
33 Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80B.
34