

**Draft Technical Amendments
Subdivision Ordinance, Zoning Ordinance, Conservation Ordinance**

ARTICLE IX. SITE PLAN REVIEW

SEC. 19-9-1. PURPOSE

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

SEC. 19-9-2. APPLICABILITY

A. Activities Requiring Site Plan Review

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

1. The construction of any nonresidential building or building addition
2. Any nonresidential expansion or change in use except that changes of use within the Town Center District shall be governed by the provisions of Sec. 19-6-4.E, Site Plan Review and uses within the Business A District shall be governed by the provisions of Sec. 19-6-5. F. Site Plan Review. **(Effective June 10, 2010)**
3. Multiplex housing and eldercare facilities
4. Any other activity or use requiring Planning Board review in the Zoning Ordinance
5. New construction involving more than ten thousand (10,000) square feet of impervious surface, paving, clearing, or vegetative alteration, or any combination thereof. (The Planning Board shall review the proposal for control of stormwater runoff under the terms of Chapter 18, Article II, Stormwater Control Ordinance.)

B. Activities Not Requiring Site Plan Review

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

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

SEC. 19-9-3. REVIEW AND APPROVAL AUTHORITY

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

SEC. 19-9-4. REVIEW PROCEDURES

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

A. Workshop

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

1. Purpose

The purposes of the preapplication workshop are to:

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

2. Information Required

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

- a. The proposed site, including its location, size, and general characteristics
- b. The natural characteristics of the site that may limit its use and development
- c. The nature of the proposed use and potential development, including a conceptual site plan
- d. Any issues or questions about existing municipal regulations and their applicability to the project
- e. Any requests for waivers from the submission requirements

3. Planning Board Workshop

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

B. Application Review Procedures

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

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

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

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

- 3. Planning Board Decision.** The Planning Board shall vote to approve, approve with conditions, or disapprove the Site Plan upon the conclusion of review of the

development's compliance with Sec. 19-9-5, Approval Standards. The Planning Board decision shall include written findings of fact and shall be provided to the applicant within seven (7) days of the Planning Board vote.

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

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

C. **Submission Requirements**

1. General Submission parameters.

The applicant shall submit thirteen(13) copies of building and site plans and supporting information drawn to a scale of not less than one inch equals fifty feet (1" = 50'). The size of plan sheets submitted to the Planning Board shall be no larger than twenty-four (24) by thirty-six (36) inches, but may be smaller with the permission of the Planning Board. A digital copy of the complete application shall also be made available upon request.

2. List of Submission items.

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

- a. Right, Title or Interest. Evidence of right, title, and interest in the site of the proposed project.

- b. Written description. Written description of the proposed project including proposed uses quantified by square footage, number of seats, number of units or beds or number of students, and how development has been placed on the portions of the site most suited for development; application form; identification of the zoning district in which the property is located and **the location of any zoning district boundary that bisects or abuts the property.**
- c. Name of Project/Applicant. **Proposed name of the project;_ name and address of record owner and applicant, names of adjoining property owners; date of submission; north point; graphic map scale;**
- d. Survey. **A standard boundary survey of the site, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor; a copy of the deed for the property to be developed, as well as copies of any easements, restrictions or covenants; location map, showing the relative location of the proposed project in relation to surrounding neighborhoods or areas of Town.**
- e. Existing Conditions. **All existing physical features on the site including streams, watercourses, watershed areas, existing woodlands and existing trees at least eight (8) inches in diameter as measured four and one-half (4 ½) feet above grade, and other significant vegetation; soil boundaries and names in wetland locations and where subsurface wastewater disposal systems are proposed; when applicable, any portion of the property located in the floodplain, within two hundred and fifty (250) feet of the Normal High Water Line, or in a Resource Protection 1, Resource Protection 1 Buffer or Resource Protection 2 District.**
- f. Topography. **Contour lines, existing and proposed, at intervals of two (2) feet or at such intervals as the Planning Board may require, based on United States Geological Survey datum, referenced to mean sea level.**
- g. Buildings. **Location of all existing and proposed buildings and structures with the distance from the nearest property lines labeled; elevations of each vertical side of a new building with dimensions, location of doors and windows, exterior materials and roof pitch labeled; elevations of each side of an existing building proposed to be altered with dimensions, location of doors and windows, exterior materials and roof pitch labeled; floor plans; building footprints located on adjacent properties.**
- h. Traffic Access and Parking. **Location and width of the nearest public road, and if the project will have access to a private road or driveway, the location and width of the private road or driveway; location of existing and proposed driveways, parking areas and other circulation improvements; site distances for all access points onto public roads; location**

of parking, loading and unloading areas, which shall include dimensions, traffic patterns, access aisles, parking space dimensions and curb radii; calculation of parking required in conformance with Sec. 19-7-8, Off-Street Parking; existing and proposed pedestrian facilities including the location, dimension and surface treatment of sidewalks and paths, and description of high-demand pedestrian destinations within 1/4 mile of the development; improvements shall include design details, cross sections and dimensions as needed. Estimated number of trips to be generated based on the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers or equivalent quality information; For developments which generate one hundred (100) or more peak hour trips based on the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers, a traffic study shall be submitted measuring current traffic, estimating traffic generated by the new development and assessing impacts on adjacent roadways and nearby intersections. Where the development may have a substantial traffic impact, the traffic study shall also include recommended mitigation; information on proposed, funded road improvements and town evaluation of road improvements.

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

7) **methods used;** written erosion control plan.

- k. Utilities.

- i. Water. Ability to serve letter from the Portland Water District; **location and size of any existing and proposed water mains on the property, as well as details showing proposed connections to water systems; where public water is not to be provided, an alternative means of a clean and adequate water supply shall be shown,** with supporting written documentation; **nearest hydrant.**
- ii. Sewage Disposal. When the project will be served by public sewage, an ability to serve letter from the Town of Cape Elizabeth Sewer Superintendent; **All existing and proposed public or shared sewage facilities and connection to the public sewage system;** a completed HHE 200 form or other subsurface wastewater design when not served by public sewer and **the location of the subsurface wastewater**

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

- iii. Other utilities. Ability to serve letter from Central Maine Power; **Location of existing and proposed above and below ground electrical lines, other utility lines and location of gas storage tanks and fuel lines;**
 - iv. Solid/ Other Waste Disposal. Description of how solid waste will be stored and removed from the site; **location and details of solid waste and recycling storage containers and screening;** Identification of chemicals, chemical wastes, hazardous, special or radioactive materials to be handled and/or stored onsite.

 - l. Landscaping. **Location and description of existing vegetation to be preserved;** methods of preserving vegetation to be used during construction; **Landscaping and buffering plan showing what will be planted, indicating botanical and common names of plants and trees, and size at time of planting; fencing location, type, material and size.**
 - m. Lighting. **Location and type of lighting to be installed; lighting fixture details indicating type of standards and wattage; A photometric study showing the footcandle lighting level at the property line when new lights shall be installed.**
 - n. Signs. **Location, dimensions, materials, and details of signs.**
 - o. Noise. Written description of the sounds generated from the site that will exceed 45, 55, 60, 65 and 70 dB(a) at the property line.
 - p. Exterior storage. **Location of outside storage or display areas; screening.**
 - q. Financial and Technical Capability. Demonstration of technical and financial capability to complete the project. If the applicant concludes that public disclosure of confidential financial information may be detrimental to the success of the project, the applicant may disclose such financial information to the Town Manager, who shall explore with due diligence, the applicant's financial capability to complete the project as proposed in a timely fashion and make a recommendation to the Planning Board.
- 3. Waiver of Submission items.**

Where the Planning Board finds that the submission of any information listed in Sec. 19-9-4.C, Submission Requirements is not required in the interest of public health, safety, and general welfare, or is inappropriate

because of the nature of the proposed development, the Planning Board may waive such requirements, subject to appropriate conditions.

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

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

SEC. 19-9-5. APPROVAL STANDARDS

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

1. Utilization of the Site

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

[note: pairs with submission items b-g]

2. Traffic Access and Parking

- a. Adequacy of Road System

Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development. For

developments which generate one hundred (100) or more peak hour trips based on the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers, intersections on major access routes to the site within one (1) mile of any entrance road which are functioning at a Level of Service C or better prior to the development will function at a minimum at Level of Service C after development. If any such intersection is functioning at a Level of Service D or lower prior to the development, the project will not reduce the current level of service. A development not meeting this requirement may be approved if the applicant demonstrates that:

- i. Public improvement. A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard,
- ii. Private improvement. The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will assure the completion of the improvements with a financial guarantee acceptable to the municipality, or
- iii. Status quo. Town policy does not support the construction improvements.

b. Access into the Site

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

- i. Safety. All entrance and exit driveways are located to afford maximum safety to traffic, provide for safe and convenient ingress and egress to and from the site and to minimize conflict with the flow of traffic.
- ii. Sight distance. Any exit driveway or driveway lane is so designated in profile and grading and so located as to provide the maximum possible sight distance measured in each direction. The sight distance available shall be consistent with the standards of the Subdivision Ordinance.
- iii. Corner. Where a site occupies a corner of two (2) intersecting roads, no driveway entrance or exit is located within fifty (50) feet of the point of tangency of the existing or proposed curb radius of that site.
- iv. Side property line. No part of any driveway shall be located within a minimum of ten (10) feet of a side property line. However, the Planning Board may permit a driveway serving two (2) or more adjacent sites to be located on or within ten (10) feet of a side property line dividing the adjacent sites.
- v. Angle. Driveways intersect the road at an angle as near ninety degrees (90°) as site conditions will permit.

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

c. Internal Vehicular Circulation

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

- i. Deliveries. Nonresidential projects that will be served by delivery vehicles will provide a clear route for such vehicles with appropriate geometric design to allow turning and backing for a minimum of vehicles.
- ii. Emergency vehicles. Clear routes of access shall be provided and maintained for emergency vehicles to and around buildings and shall be posted with appropriate signage (fire lane - no parking).
- iii. Circulation. The layout and design of parking areas shall provide for safe and convenient circulation of vehicles throughout the lot.
- iv. Topography. All roadways shall be designed to harmonize with the topographic and natural features of the site. The road network shall provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

d. Parking Layout and Design

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

- i. Street. Parking areas with more than two (2) parking spaces shall be arranged so that vehicles do not need to back into the street.
- ii. Property lines. All parking spaces, access drives, and impervious surfaces shall be located at least five (5) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within five (5) feet of the front property line. Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24) feet in width.
- iii. Flow. In lots utilizing diagonal parking, the direction of proper traffic flow shall be indicated by signs, pavement markings or other permanent indications.
- iv. Stacked spaces. Parking areas for nonresidential uses shall be designed to permit each motor vehicle to proceed to and from the parking space

provided for it without requiring the moving of any other motor vehicles. “Stacked” parking may be permitted for resident parking in conjunction with residential uses if both spaces in the stack are assigned to the occupants of the same dwelling unit.

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

[note: pairs with submission item h]

3. *Pedestrian Circulation*

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

[note: pairs with submission item h]

4. *Stormwater Management*

- 1. Stormwater Control Ordinance. The stormwater management provisions shall be consistent with Chapter 18, Article II, Stormwater Control Ordinance.

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

- 2. Pre-Post development flows. To the extent possible, the plan will retain stormwater on the site using the natural features of the site, except that in the Town Center District, stormwater management shall be consistent with the Town Center Stormwater Plan. For major developments, stormwater runoff systems will detain or retain water such that the rate of flow from the site does not exceed the predevelopment rate, unless the system discharges directly to the Atlantic Ocean.
- 3. Downstream impacts. The applicant will demonstrate that on- and off-site downstream channel or system capacity is sufficient to carry the flow without

adverse effects, or that he/she will be responsible for whatever improvements are needed to provide the required increase in capacity. The design of the stormwater drainage system shall provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.

4. LID. Low Impact Development Techniques shall be incorporated into the stormwater management plan where appropriate.
5. Upstream volume. The design of the storm drainage systems will be fully cognizant of upstream runoff which must pass over or through the site to be developed.
6. Water Quality. The biological and chemical properties of the receiving waters will not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales may be required.

[note: pairs with submission item i]

5. *Erosion Control*

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

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

[note: pairs with new submission item j]

6. *Utilities*

- a. Water Supply. The development will be provided with a system of water supply that is adequate in quantity and quality to the proposed use. An adequate supply of water for fire protection purposes shall also be demonstrated.
- b. Sewage Disposal. The development will be provided with a method of disposing of sewage which is in compliance with Chapter 15, Sewer Ordinance.
 - i. Public Sewage System. All sanitary sewage from new or expanded uses shall be discharged into a public sewage collection and treatment system

when such facilities are currently available or can reasonably be made available at the lot line and have adequate capacity to handle the projected waste generation.

- ii. Private Sewage System. If the public system cannot serve or be extended to serve a new or expanded use, the sewage shall be disposed of by an on-site sewage disposal system meeting the requirements of the State Wastewater Disposal Rules and Chapter 15, Article II, Private Sewage Disposal Ordinance.
- iii. Common ownership. When two or more lots or buildings in different ownership share the use of a common subsurface disposal system, the system shall be owned and maintained in common by an owners' association and shall conform to the provisions of Chapter 15, Article III, Management of Cluster Disposal Systems. Covenants in the deeds for each lot shall require mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system.
- iv. Commercial discharge. Commercial waste waters may be discharged to public sewers in such quantities and/or of such quality as to be compatible with sewage treatment operations. Such wastes may require pretreatment at the commercial site in order to render them amenable to public treatment processes. Pretreatment includes, but is not limited to, screening, grinding, sedimentation, pH adjustment, surface skimming, chemical oxidation and reduction and dilution.

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

- c. Other utilities. The development will be provided with electrical service adequate to meet the anticipated use of the project. New utility lines and facilities shall be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service shall be placed underground. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground unless they are located at least seventy-five (75) feet from any lot line, or forty (40) feet in the case of underground storage. All materials shall be stored in a manner and location that is in compliance with appropriate rules and regulations of the Maine Department of Public Safety and other appropriate federal, state, and local regulations.
- d. Solid Waste. The proposed development will provide for adequate storage and disposal of solid wastes.

- i. Screening. Any solid waste stored on the property prior to removal to an authorized facility shall be secured and screened from public view.
- ii. Liquid/semi-solid wastes. All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, shall meet the standards of the State Department of Environmental Protection and the State Fire Marshall's Office.

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

[note: pairs with submission item k]

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

[Added to solid waste standard]

[added to Solid Waste standard]

[Moved to #6, Utilities]

7. **Shoreland Relationship**

The development will not adversely affect the water quality or shoreline of any adjacent water body. The development plan will provide for access to abutting navigable water bodies for the use of the occupants of the development if appropriate.

[note: pairs with submission item e]

8. **Landscaping and Buffering**

- a. Preservation. The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction. Extensive grading and filling will be avoided as far as possible. Areas of vegetation to be retained shall be designated on a preservation plan. Within the drip line of trees to be preserved, activity and disturbance shall be prohibited and a physical barrier shall be provided to separate these areas from the construction area.
- b. Landscaping Plan. The development plan will provide for landscaping that defines street edges, breaks up parking areas, softens the appearance of the

development and protects abutting properties from any adverse impacts of the development.

- c. Buffering. The development shall also provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for screening of service and storage areas.
- d. Parking screening. Required parking and loading spaces for nonresidential uses and multiplex housing, where not enclosed within a building, shall be effectively screened from view by a continuous landscaped area not less than eight (8) feet in width containing evergreen shrubs, trees, fences, walls, berms, or any combination thereof forming a visual barrier not less than six (6) feet in height along exterior lot lines adjoining all residential properties, except that driveways shall be kept open to provide visibility for vehicles entering and leaving. This requirement may be reduced or waived when it is determined that such buffering is not necessary or desirable. Parking lots shall be designed to include landscaped islands required in the Town Center and Business A Zoning Districts.

[pairs to submission item l]

[Sec. d. needs review]

[Moved to # below]

9. Exterior Lighting

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

[note: pairs to submission item m]

[Relocated to #8 above]

10. Signs.

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

[note: pairs with submission item n]

11. Noise

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

Sound Pressure Level Limits Using the Sound Equivalent Level of
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

- b. Measurement. Noise shall be measured by a meter set on the A-weighted response scale, fast response. The meter shall meet the American National Standards Institute (ANSI S1 4-1961) "American Standards Specification for General Purpose Sound Level Meters."
- c. Construction. No person shall engage in construction activities, on a site abutting any residential use between the hours of 10 p.m. and 7 a.m.

[note: pairs with submission item o]

12. Storage of Materials

- a. Outside Storage. Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse shall have sufficient setbacks and buffers (such as a stockade fence or a dense evergreen hedge)

to minimize their impact on abutting residential uses and users of public streets.

- b. Receptacles. All dumpsters or similar large collection receptacles for trash or other wastes shall be located on level surfaces which are paved or graveled. Dumpsters or receptacles located in a yard which abuts a residential or institutional use or a public street shall be screened by fencing or landscaping.
- c. Secure from minors. All sites potentially hazardous to children shall require physical screening sufficient to deter small children from entering the premises. This screening shall be maintained in good condition.

[note: pairs with submission item p]

L. Technical and Financial Capacity

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

[note: pairs with submission item q]

SEC. 19-9-6. AMENDMENTS

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

- A. **De Minimus Changes.** De minimus changes shall not include (1) a change to a public or private right-of-way or easement, (2) a decrease in proposed buffering or landscaping, (3) any issue involving a condition placed on the site plan approval, or (4) any change in a building footprint greater than five (5) feet in any direction. Substantial changes to an approved plan shall be submitted to the Planning Board.
 - 1. Review. The applicant shall meet with the Town Planner and provide a written description of the proposed amendments and all applicable plans impacted by the amendments. The Town Planner shall review the submission with the applicant and shall consult with appropriate town staff. The Town Planner will make a preliminary determination that the proposed changes do comply with the approval standards, do not comply with the approval standards, or that the nature of the amendments merit review by the Planning Board.

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

B. Amendments. Any change to a plan approved by the Planning Board must be submitted to the Planning Board for review and approval, unless the amendment is a De Minimus Change. The Planning Board shall review the amendments in accordance with the Review Procedures, Sec. 19-9-4. Submission requirements may be limited to the information related to the proposed amendments. Any Planning Board Decision to approve amendments to a previously approved Site Plan shall incorporate the original Site Plan Approval, except as specifically amended.

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

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