

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 storm water, 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 storm water runoff under the terms of Chapter 25 Storm Water Ordinance.) (Effective November 5, 2016)

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.

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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 pre-application workshop with the Planning Board. The pre-application workshop shall be informal and informational in nature. There shall be no fee for a pre-application 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 pre-application workshop. The applicant is encouraged to meet informally with the Town Planner prior to the workshop.

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1. Purpose

The purposes of the pre-application workshop are to:

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- 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 and issues or constraints which need to be addressed in the formal site plan application.

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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 accept and date an application for Planning Board review. 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, in consultation with the Planning Board Chair or vice Chair, 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 written determination of incompleteness, 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 Committee, the Town Engineer, or others. In the event that the Planning Board requires additional information or evaluation, it may deem the application incomplete.

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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. (Effective November 5, 2016)

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. (Effective November 5, 2016)

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The Planning Board shall conduct the hearing to assure full, but not repetitive, public participation. The applicant shall be prepared to respond fully to questions from the Planning Board or issues raised by the public that the Planning Board deems significant. 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. (Effective November 5, 2016)

- 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. (Effective November 5, 2016)

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- 4. Performance Guarantee/Post Approval. 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). When a project includes a performance guarantee, the applicant shall schedule a pre-construction meeting in accordance with Sec. 16-2-7, (a), of the Subdivision Ordinance. Upon completion of construction, record drawings shall be submitted to the Town in accordance with Sec. 16-2-7, (f), if any infrastructure has been installed in the public right-of-way or easement conveyed to the Town. (Effective November 5, 2016)

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- 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. (Effective November 5, 2016)

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 a smaller size may be used with the permission of the Planning Board. A digital copy of the complete application shall also be made available upon request. (Effective November 5, 2016)

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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" (Effective November 5, 2016)

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- a. **Right, Title or Interest.** Evidence of right, title, and interest in the site of the proposed project. (Effective November 5, 2016)
- 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. (Effective November 5, 2016)
- 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. (Effective November 5, 2016)
- 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 in the State of Maine; 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. (Effective November 5, 2016)
- e. **Existing Conditions.** All significant 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. (Effective November 5, 2016)

- 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. (Effective November 5, 2016)
- g. Buildings. Location of all existing and proposed buildings and structures with the distance from the nearest property lines labeled; size in square feet of existing and proposed building footprints and total size of building; 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 within fifty (50) feet of the project property line. (Effective November 5, 2016)
- 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 ¼ 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

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traffic impact, the traffic study shall also include recommended mitigation; information on proposed, funded road improvements and town evaluation of road improvements. (Effective November 5, 2016)

- i. Storm water. Calculation of existing and proposed impervious surface; a storm water management plan, with flow arrows, profiles, cross sections, and invert elevations prepared, showing existing and design of all facilities and conveyances, LID (Low Impact Development) methods, and identification and location of known existing deficiencies that result in storm water surcharge or flooding; location of proposed drainage easements; narrative description of how storm water will be managed; description of any Low Impact Development (LID) methods incorporated into the plan; note on plan for maintenance of private storm water infrastructure; storm water maintenance plan that lists infrastructure that needs to be maintained, inspection frequency and maintenance requirements. Where the property is located within the great Pond Watershed, a description of how the Great Pond Watershed Overlay District provisions will be met. (Effective November 5, 2016)

When the project increases impervious surface by an area of ten thousand (10,000) sq. ft. or more, the storm water management plan must be prepared, signed and stamped by a professional engineer licensed in the State of Maine, pre- and post development calculations for the 2 and 25 year storm must be provided, and time of concentration path segments shown. (Effective November 5, 2016)

When a project increases impervious surface by one (1) acre or more, information shall be submitted as described in Sec. 25-1-4(b), Storm Water Ordinance. (Effective November 5, 2016)

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Summary Chart of Stormwater Submission Requirements and Review Standards (supplements ordinance provisions)		
Submission: All projects must calculate area of existing and proposed impervious surface and submit a stormwater management plan, including LID elements, identification of existing deficiencies, location of easements, note requiring maintenance of private infrastructure, and items related to the Great Pond Watershed Overlay District.		
Review Standard: All projects must manage stormwater on and off-site without damage to streets, adjacent properties, downstream properties, soils and vegetation and private stormwater infrastructure must be maintained		
Pre/post Impervious Surface	Submission Information Highlights	Review Standard Highlights
Decrease to increase of less than 10,000 sq. ft.	<ul style="list-style-type: none"> •Professional Engineer not required •Pre/post calculations not required 	<ul style="list-style-type: none"> •LID method is used
Increase of 10,000 sq. ft. to less than 43,560 sq. ft.	<ul style="list-style-type: none"> •Stormwater plan must be prepared by a Professional Engineer •Pre/post calculations required •Time of concentration path segments must be shown 	<ul style="list-style-type: none"> •LID method is used to treat first 1/2 inch of stormwater from new impervious surface
Increase of 43,560 sq. ft. or more	See Chapter 25, Stormwater Ordinance	See Chapter 25, Stormwater Ordinance

(Effective November 5, 2016)

j. Erosion Control. An erosion control plan including details of erosion control methods used; written erosion control plan with notes. (Effective November 5, 2016)

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 no to be provided, and alternative means of a clean and adequate water supply shall be shown, with supporting written documentation; nearest hydrant. (Effective November 5, 2016)

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ii. Sewage Disposal. When the project will be served by public sewage, and ability to serve letter from the Town of Cape Elizabeth

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Sewer Superintendent; all existing and proposed public or shared sewage facilities and connections to the public sewage system; when not served by public sewer, evidence to demonstrate suitability of soils for subsurface wastewater disposal; the location of the subsurface wastewater system; all designs, specifications and details for a clustered, private or public sewage system. (Effective November 5, 2016)

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iii. Other utilities. Ability to serve letter from Central Maine Power; location of existing and proposed above and below ground electrical lines, other utility conduits and location of gas storage tanks and fuel lines. (Effective November 5, 2016)

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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. (Effective November 5, 2016)

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, fencing location, type, material and size. (Effective November 5, 2016)

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m. Lighting. Location and type of lighting to be installed; lighting fixture details indicating type of standards wattage and mounting height; a photometric study showing the footcandle lighting level at the property line when new lights shall be installed. (Effective November 5, 2016)

n. Signs. Location, dimensions, materials, and details of signs. (Effective November 5, 2016)

o. Noise. Statement of the typical activities, structures and equipment proposed on the site that will generate exterior noise, and then identify the unique activities, structures and equipment that are not generally occurring on abutting or neighborhood properties; for the unique noises, provide the decibel (dBA) level at the property line (decibel level source information may be provided from equipment specifications, standard noise tables or other sources); characterize the unique noise as recurring, intermittent, or constant; the time of day the unique noise will occur. (Effective November 5, 2016)

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- p. Exterior storage. Location of outside storage or display areas; screening. (Effective November 5, 2016)
- 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. (Effective November 5, 2016)

3. Waiver of Submission items.

Where the Planning Board finds that the submission of any information listed in Sec. 10-4.C, Submission Requirements, is not required in the interest of public health, safety, and general welfare, the Planning Board may waive such requirements. Without limitation, the following circumstances may support a waiver of certain submission requirements. (Effective November 5, 2016)

- 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. (Effective November 5, 2016)
- b. Substitution. Alternative information has been submitted more suited to the scope of the project. (Effective November 5, 2016)
- 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. (Effective November 5, 2016)

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.

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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.

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 Transportation 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. (Effective November 5, 2016)

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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. (Effective November 5, 2016)
- 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. (Effective November 5, 2016)

- 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. (Effective November 5, 2016)
- 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. (Effective November 5, 2016)
- v. Angle. Driveways intersect the road at an angle as near ninety degrees (90°) as site conditions will permit. (Effective November 5, 2016)
- vi. Construction. Road, driveway, and parking lot construction comply with the construction and design standards in Sec. 16-3-2 of the Subdivision Ordinance. (Effective November 5, 2016)

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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. (Effective November 5, 2016)
- 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). (Effective November 5, 2016)
- iii. Circulation. The layout and design of parking areas shall provide for safe and convenient circulation of vehicles throughout the lot. (Effective November 5, 2016)
- 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. (Effective November 5, 2016)

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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. (Effective November 5, 2016)
- 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. (Effective November 5, 2016)
- iii. Flow. In lots utilizing diagonal parking, the direction of proper traffic flow shall be indicated by signs, pavement markings or other permanent indication. (Effective November 5, 2016)
- 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. (Effective November 5, 2016)
- 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. (Effective November 5, 2016)

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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.

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4. Storm Water Management

Storm water is managed on and off-site without damage to streets, adjacent properties, downstream properties, soils and vegetation. To the extent practical, the plan will retain storm water on the site using the natural features of the site, except that in the Town Center District, storm water management shall be consistent with the Town Center Storm Water Management Plan, updated September 2015 or most recent revision. A Low Impact Development (LID) method is incorporated into the storm water management plan. The plan includes a note requiring a post-construction maintenance plan for private storm water infrastructure and a maintenance plan has been submitted.

When the project increases impervious surface by ten thousand (10,000) sq. ft. in area but less than 1 acre (43,560), the storm water management plan has been prepared, signed and stamped by a professional engineer licensed in the State of Maine. Post-development peak flows do not substantially exceed pre-development flows for the 2 and 25-year storm. LID measures have been used to treat a calculated volume (referred to as Calculated Treatment Volume, (or CTV) such that it is not less than one-half (1/2) inches multiplied by the net proposed new impervious surface area. The CTV may be achieved by treating one-half (1/2) inches multiplied by the new onsite impervious surface areas, or an equal existing on-site untreated impervious surface area, or of an equivalent combination thereof of previously or proposed untreated area. When the project increases impervious surface by one (1) acre or more, storm water shall be reviewed for compliance with Sec. 25-1-4.c. Storm Water Ordinance. (Effective November 5, 2016)

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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 Maine Erosion and Sediment Control Best Management Practices (BMP's) as prepared by the Bureau of Land and Water Quality of the Maine Department of Environmental Protection, March 2003 or most recent edition. (Effective November 5, 2016)

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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 is provided. Connection

to a public water supply for drinking water and fire protection is encouraged. (Effective November 5, 2016)

- b. Sewage Disposal. The development will be provided with a method of disposing of sewage which is in compliance with Chapter 15, Sewer Ordinance. (Effective November 5, 2016)
 - 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. (Effective November 5, 2016)
 - 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. (Effective November 5, 2016)
 - 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 ~~provision~~ 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. (Effective November 5, 2016)
- 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. Except for propane tanks, no flammable or explosive liquids or solids 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. Propane tanks less than 500 gallons in size shall be set back a minimum of ten (10) feet from the property line and tanks of 500 gallons or more in size shall be set back twenty-five (25) feet from the property line. 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. (Effective November 5, 2016)
- d. Solid Waste. The proposed development will provide for adequate storage and disposal of solid wastes. (Effective November 5, 2016)

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- i. Screening. Any solid waste stored on the property prior to removal to an authorized facility shall be secured and screened from public view. (Effective November 5, 2016)
- ii. Liquid/semi-solid ~~wasted~~. 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. (Effective November 5, 2016)
- 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. (Effective November 5, 2016)

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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.

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. (Effective November 5, 2016)

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. (Effective November 5, 2016)
- b. Landscaping Plan. The development plan will provide for landscaping that defines street edges, mitigates the expanse of parking areas, enhances the appearance of the development and reduces the impact of the development on abutting properties. Landscaping materials shall be chosen for their ability to thrive at the planting site, provide screening, create visual interest

and promote diversity of the community forest. (Effective November 5, 2016)

- c. Screening. The development shall provide for screening of service and storage areas. (Effective November 5, 2016)

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. (Effective November 5, 2016)

- 2. Maximum level. Direct or indirect illumination shall not exceed 0.5 foot-candles at the lot line. 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. (Effective November 5, 2016)

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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. (Effective November 5, 2016)

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11. Noise

The maximum permissible A-weighted decibel level of a continuous, regular or frequent or intermittent source of sound produced by unique activities, structures or equipment on the site shall be limited by the time period and by the abutting land use as listed below. Sound levels shall apply at least four (4) feet above ground at the property boundary of the source. Existing background sounds are excluded from the decibel measurement and noise generated by construction of the site is exempt. (Effective November 5, 2016)

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The intent of this section is to process minor deviations from the approved plan that typically arises as a project moves from conception to completion of construction. 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. Side plan changes which do not receive de minimus approval shall be submitted to the Planning Board under Sec.19-9-6.B. (Effective November 5, 2016)

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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 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. (Effective November 5, 2016)

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2. Decision. The Town Planner shall forward the De Minimus Change application and a recommendation to the Planning Board Chair. Notwithstanding Sec. 19-9-4.B.1, the Planning Board Chair shall make the final determination to approve a de minimus change or to forward the site plan amendment to the Planning Board for review. (Effective November 5, 2016)

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B. Amendment

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. (Effective November 5, 2016)

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

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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.