

ARTICLE 11
SITE PLAN REVIEW

Section 1. Site Plan Review Board; Appointment and Composition

- A. There shall be a Site Plan Review Board consisting of five (5) members and two (2) alternate members, all of whom shall be residents of the Town. The members of the Site Plan Review Board shall be appointed by the municipal officers.

Terms of members shall be for three (3) years with staggered terms. The alternate members shall be appointed for a term of one (1) year and shall act on the Site Plan Review Board in place of members who are unable to act due to a conflict of interest, absence or physical incapacity. The Chairman shall designate which alternate member shall serve in the stead of an absent or excused member. The members of the Site Plan Review Board shall annually elect one of their number a chairman to preside at all meetings of the Site Plan Review Board. The members of the Site Plan Review Board shall annually elect a secretary who shall provide for the keeping of the minutes of the proceedings of the Site Plan Review Board, which shall show the vote of each member upon each question. The Site Plan Review Board shall adopt written regulations not inconsistent with this Article to govern its procedures.

- B. Neither a municipal officer nor his/her spouse may be a member or alternate member of the Site Plan Review Board.
- C. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the remaining members present and voting, except the member who is being challenged.
- D. A member of the Site Plan Review Board may be dismissed for cause, after notice and hearing, by the municipal officers before the expiration of his term.
- E. A quorum shall consist of three members. All votes shall be by a majority of those present and voting, except as required by Article 11, Section 9.
- F. Vacancies, forfeitures of office and filling of vacancies shall be governed by the Town Charter, except that when there is a permanent vacancy, the municipal officers shall appoint a person within 60 days to serve for the remainder of the unexpired term.

Section 2. Powers and Duties

Any application for site plan approval shall be reviewed by the Site Plan Review Board or the Staff Review Committee, which, pursuant to the standards, procedures and criteria contained in this Article, shall approve, approve with conditions, or deny the application.

- A. **Site Plan Review Board Responsibilities**
The Site Plan Review Board is responsible for the review of all major site plans and of any minor site plan for which review is requested by the Town Planner, under the provisions of Section 5.2.E. of this Article, or by the applicant. Appeals of Site Plan Review Board decisions shall be heard by the Zoning Board of Appeals.
- B. **Staff Review Committee Responsibilities**
- (1) The Staff Review Committee shall consist of the Town Planner, Public Works

Director, Code Enforcement Officer, Fire Chief and Police Chief or their designees, with technical review assistance by the Town consulting engineer (as needed).

- (2) The Staff Review Committee, in its development review capacity, shall exercise all of the powers exercised by the Site Plan Review Board including the power to grant submission waivers, and the power to approve, approve with conditions, or deny applications for Site Plan approval.
- (3) Actions by the Staff Review Committee to approve an application, with or without conditions, shall require the approval of a majority vote of those present and voting. A quorum shall consist of three (3) members.
- (4) The Staff Review Committee may waive provisions of Article 11, Section 6, in accordance with the standards of Article 11, Section 7.
- (5) The Staff Review Committee shall set forth the reason for its decisions and make Findings of Fact. Such findings of fact shall be sufficient to apprise the applicant and any interested member of the public of the basis for the decision.
- (6) All appeals of a Staff Review Committee decision shall be heard by the Zoning Board of Appeals.
- (7) In addition, the Staff Review Committee shall provide recommendation to the Site Plan Review Board for any project undergoing major site plan review.

Section 3. Applicability of Site Plan Review

A. Site plan review shall be required of any proposal for the following:

- (1) New construction of a nonresidential building or buildings, including accessory buildings or structures, if such building or buildings have a total area for all floors of one thousand (1,000) square feet or more;
- (2) Enlargement of a nonresidential building, including accessory buildings and structures, if the enlargement has a total area for all floors within a five-year period of one thousand (1,000) square feet or more;
- (3) Conversion within an existing building or part thereof from a residential use to a nonresidential use if the total floor area affected exceeds one thousand (1,000) square feet;
- (4) Conversion within an existing building or part thereof of one class of nonresidential use to another class of nonresidential use, as defined in this Ordinance (see "classes of nonresidential use") if such conversion involves one or more of the following:
 - (a) An enlargement of the building footprint;
 - (b) An increase of three (3) or more required parking spaces (per Article 10, Section 9) compared with previous use(s) of site;

- (c) A ten (10) percent or greater increase in traffic generation per the Institute of Traffic Engineers Trip Generation Manual; or
 - (d) A change of use involving five thousand (5,000) square feet or more of total floor area.
- (5) Paving, stripping, removal of earth materials, or grading or regrading areas, if such activity either alone or in combination with construction of a building disturbs a land area of ten thousand (10,000) square feet or more within a five-year period;
 - (6) Paving that covers five thousand (5,000) square feet or more of surface area or that, in combination with a building or buildings on the same lot, covers 70% or more of lot area;
 - (7) Construction, enlargement, or extension of permanent piers, docks, wharves, seawalls, and breakwaters, except for those that are accessory to a single-family or two-family dwelling;
 - (8) Marinas; or
 - (9) Reconfiguration of off-street parking requirements in accordance with Article 10, Section 9.C.
- B. Notwithstanding the provisions of Section 3.A. to the contrary, the following proposed developments or activities shall be exempt from site plan review:
- (1) Single-family dwellings and their accessory facilities;
 - (2) Two-family dwellings and their accessory facilities;
 - (3) Home occupations;
 - (4) Any development reviewed by the Planning Board as a subdivision;
 - (5) Outdoor agriculture and the outdoor cultivation of plants;
 - (6) Forest management;
 - (7) Change of use involving less than five thousand (5,000) square feet of total floor area, unless the change involves one or more of the following:
 - (a) An enlargement of building footprint by more than 10 %;
 - (b) An increase of 3 or more required parking spaces (per Article 10, Section 9) compared with previous use(s) of site; or
 - (c) A 10 percent or greater increase in traffic generation per the Institute of Traffic Engineers Trip Generation Manual;
 - (8) Paving of a previously approved parking area (i.e., one that was shown on an approved subdivision plan or site plan);

- (9) Renting of rooms/furnishing board; and
- (10) Telecommunications facilities.

Section 4. Minor and Major Site Plans

A. Minor Site Plan

A proposal requiring site plan review shall be classified as a minor site plan if it involves new construction of more than one thousand (1,000) but less than five thousand (5,000) square feet of total floor area; enlargements of less than five thousand (5,000) square feet of total floor area within a five-year period; conversions of existing buildings if such conversions involve less than five thousand (5,000) square feet of total floor area; modifications of existing residential structures if such modifications increase the number of residential units by less than five (5); paving, stripping, removing earth materials, grading or re-grading, either alone or in combination with construction of a building, if the disturbed area is less than twenty thousand (20,000) square feet; a reconfiguration of off-street parking in accordance with Article 10, Section 9.C.; or an enlargement or expansion of use undertaken to meet the requirements of the Americans with Disabilities Act and/or the State Fire Code.

B. Major Site Plan

Any site plan not classified as a minor site plan shall be classified as a major site plan.

Section 5. Procedures for Review

5.1 Review of Major Site Plan Application

- A. No building permit or plumbing permit shall be issued by the Code Enforcement Officer or Local Plumbing Inspector for any use or development within the scope of this Article until a site plan of development has been approved by the Site Plan Review Board and a performance guarantee meeting the standards of Article 11, Section 10 has been approved by the Town Manager. The Code Enforcement Officer shall not issue a Certificate of Occupancy until he or she has determined that the proposed use or development has been completed in conformance with the site plan approval, except that he or she may issue a temporary Certificate of Occupancy (not to exceed 6 months) for improvements which are covered by an approved performance guarantee to the Town.

In cases where the Code Enforcement Officer needs the assistance of a professional engineer to determine conformance, he/she shall utilize the services of the Town's engineer and pass the cost of such review on to the applicant.

- B. Applicants are encouraged to meet in a pre-application conference with the Town Planner prior to formal submission of an application.
- C. Every applicant applying for major site plan approval shall submit to the Town Planner fourteen (14) copies of a complete site plan of the proposed development, which shall be prepared in accordance with Section 6 of this Article, accompanied by a fee as determined by the Selectmen. The Town Planner, once the application is deemed complete, shall retain eight (8) copies of the plan and forward one copy each to the Code Enforcement Officer, Fire Chief, Police Chief, Conservation Commission, Highway Superintendent, and the entity or party providing the Town with engineering services.

Applicant shall submit copies of the Site Plan to each of the utilities serving the site, and provide evidence of such filing with the plan submission to the Town.

- D. A complete application for major site plan approval shall be submitted at least thirty (30) days prior to the Site Plan Review Board meeting at which the applicant wishes to be heard. Any application which is not complete shall not be placed on the agenda, but shall be returned to the applicant by the Town Planner with instructions as to the additional information required, unless the applicant has requested in writing waivers of those submission requirements that are not complete. The major site plan application, once determined by the Town Planner to be complete, or to be complete other than the requested submission requirement waivers, shall be placed on the next available agenda of the Site Plan Review Board and a certified mail notice of such application (return receipt requested) shall be mailed by the applicant to all abutting property owners, giving the date that the application is first scheduled to appear on the Site Plan Review Board's agenda, noting that the plans are on file and may be reviewed in the Town Planner's office, and noting that all Site Plan Review Board meetings are open to the public. Evidence of the mailing shall be submitted to the Town Planner at least seven (7) days prior to such agenda date. Within fourteen (14) days after receipt of their copies of the complete site plan, the town officials who have been forwarded copies of the plan shall submit their written comments to the Town Planner, who shall forward the comments to the applicant.
- E. In the case of an application for a major site plan, within fourteen (14) days after the date on which the application first appears on the Site Plan Review Board's agenda, the Site Plan Review Board shall conduct a public hearing. The Site Plan Review Board shall cause notice of the date, time, and place of the hearing to be published in a newspaper of general circulation in the Town at least seven (7) days prior to the hearing. In addition, the applicant shall mail a copy of the hearing notice to all abutting property owners at least seven (7) days prior to such hearing by certified mail/return receipt requested, and shall submit copies of such mail receipts to the Town Planner prior to the hearing. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing and shall not invalidate any action of the Site Plan Review Board.

The Site Plan Review Board shall act to approve, approve with conditions or disapprove the site plan application within thirty-one (31) days after the public hearing.

When additional submissions or plan revisions are needed in order for the Site Plan Review Board to complete its review, or when a request for a submission requirement waiver is not granted, the time limit for review may be extended by mutual agreement between the Site Plan Review Board and the applicant. The maximum time limit for providing the additional submissions to the Site Plan Review Board shall be three (3) months, unless otherwise specified by the Site Plan Review Board. A list of all necessary items, including the deadlines for their submittal, must be given to the applicant within seven (7) days of the mutual agreement to extend the time limit for review. The Site Plan Review Board shall conduct a public hearing after receiving the additional information. All of the notice and public hearing provisions and timelines set forth above in this paragraph shall apply.

- F. No application for major site plan development shall be considered complete or may be acted upon by the Site Plan Review Board until all variances which may be required for the proposed development first have been obtained from the Board of Appeals.

- G. Within seven (7) days of reaching its decision, the Site Plan Review Board shall notify the applicant in writing of its action and the reason for taking such action.
- H. Any person aggrieved by a decision of the Site Plan Review Board on a site plan application may appeal the same within thirty (30) days from the date of the decision to the Board of Appeals, and the procedure therefore shall be as set forth in Article 6, Section 3, of this Ordinance.

5.2 Review of Minor Site Plan Review Application

- A. All of the requirements of Section 5.1.A. shall apply to minor site plan applications, except that the Staff Review Committee shall be substituted for the Site Plan Review Board.
- B. Applicants for minor site plan review are encouraged to meet in a pre-application conference with the Town Planner prior to formal submission of an application.
- C. Every applicant applying for minor site plan approval shall submit to the Town Planner eight (8) copies of a complete site plan of the proposed development, which shall be prepared in accordance with Section 6 of this Article, accompanied by a fee as determined by the Board of Selectmen.
- D. The Town Planner shall notify an applicant for minor site plan approval whether the submitted application is complete within seven (7) business days after submission of the application. Any application that is determined not to be complete shall be returned to the applicant by the Town Planner with instructions as to the additional information required, unless the applicant has requested in writing waivers of those submission requirements that are not complete.
- E. Once the minor site plan application is determined to be complete, or to be complete other than items for which a waiver of submission requirements has been requested in writing, the Town Planner may refer the application to the Site Plan Review Board for review under the provisions of Section 5.1 of this Article, if the Town Planner determines that:
 - (1) the project is one that will generate significant public interest, either in the neighborhood where the project is proposed, or on a Town-wide basis;
 - (2) the project will cause significant traffic or environmental impacts; or
 - (3) the applicant has requested a waiver or modification of one or more of the approval standards and criteria set forth in Section 8 of this Article.

The Town Planner's decision to refer an application to the Site Plan Review Board shall be final. If an application is not referred to the Site Plan Review Board, the Town Planner shall forward copies of the plan to the members of the Staff Review Committee, and the Conservation Commission once the application is determined to be complete.

- F. If the Town Planner does not refer a minor site plan application to the Site Plan Review Board for review, the application shall be scheduled for review by the Staff Review Committee within seven (7) business days after a determination that the application is complete, or to be complete other than the submission requirements for which a waiver has been requested. A certified mail notice of such application shall be mailed by the

Town Planner (at the expense of applicant) to all abutting property owners, giving the date that the application is first scheduled for review by the Staff Review Committee, noting that the plans are on file and may be reviewed in the Town Planner's office and that comments concerning the project should be submitted to the Town Planner prior to the date of the meeting of the Staff Review Committee where the application will be considered.

Within (7) business days after copies of the complete site plan have been distributed to the Staff Review Committee, staff shall meet and submit their written comments to the Town Planner, who shall forward the comments to the applicant and to the other members of the Staff Review Committee.

- G. The Staff Review Committee shall review and decide whether to approve, approve with conditions, or deny applications for minor site plan review. The Committee shall cause notice of the date, time, and place of its meetings to be posted in Town Hall and sent to the applicant and any member of the public who has requested such notice. In the event that a Staff Review Committee member is unable to attend a Committee meeting, that person may either send a designee (to act with full voting authority) to the meeting or provide written comments to the Town Planner in advance of the meeting.

Decisions of the Committee shall require a majority vote of those members present and voting. The Committee may vote to postpone consideration of an application if it determines that it needs more information from the applicant to determine whether the application complies with the standards of Section 8 of this Article. When the Committee makes such a determination, the time limit for review may be extended by mutual agreement between the Committee and the applicant. The maximum time limit for providing the additional submissions to the Staff Review Committee shall be three (3) months, unless otherwise specified by the Committee. Once all information has been submitted and reviewed, the Committee shall vote on the application.

- H. No application for minor site plan development shall be considered complete or acted upon by the Staff Review Committee until all variances that may be required for the proposed development first have been obtained from the Board of Appeals.
- I. Within seven (7) days of reaching a decision by the Staff Review Committee, the Town Planner shall notify the applicant in writing of the decision and the basis for the decision.
- J. Any person aggrieved by a decision of the Staff Review Committee on a minor site plan application may appeal the same within thirty (30) days from the date of the written decision to the Zoning Board of Appeals. In the case of an appeal by an applicant for minor site plan approval, the applicant shall submit with the appeal five additional sets of the application materials for use by the Zoning Board of Appeals. The Zoning Board of Appeals shall conduct a de novo review of the application and its review shall be conducted as set forth in Section 5.1 of this Article.

Section 6. Submission Requirements

A. Minor Site Plan

When the owner of the property or his or her authorized agent makes formal application for review of a site plan classified as a minor site plan, the application shall contain at least all of the following exhibits and information:

- (1) A fully executed and signed copy of the application for site plan review;
- (2) Documentation of right, title, or interest in the property proposed to be developed;
- (3) Eight (8) copies of a site plan drawn at a scale sufficient to allow review of the items listed under the approval criteria, but at not more than 50 feet to the inch for that portion of the total tract of land being proposed for development, and showing the following:
 - (a) Owner's name and address;
 - (b) Use(s) of all existing and proposed buildings on site;
 - (c) Names and addresses of all abutting property owners;
 - (d) Sketch map showing general location of the site within the Town;
 - (e) Date, north arrow and its source, graphic scale, and a signature block for the signatures of Site Plan Review Board or Staff Review Committee members, as applicable;
 - (f) Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time;
 - (g) Zoning classification(s) of the property and the location of zoning district boundaries if the property is located in two or more zoning districts or abuts a different zone;
 - (h) The bearings and distances of all property lines of the property to be developed and the source of this information. The Site Plan Review Board or Staff Review Committee, as applicable, may require a formal boundary survey prepared by a certified surveyor when sufficient information is not available to establish, on the ground, all property boundaries;
 - (i) The location of all building setbacks and green perimeter strips required by this Ordinance;
 - (j) The location, dimensions, front view, and ground floor elevations of all existing and proposed buildings on the site, and the front view of the proposed building. Elevations shall be referenced to National Geodetic Vertical Datum (NGVD);
 - (k) The location and dimensions of driveways, parking spaces, loading areas, and walkways, and the materials used. Indicate striping for parking and circulation;
 - (l) A note on the plan shall list area calculations of the following:
 1. Total parcel(s);
 2. Existing and proposed building coverage;

3. Existing and proposed impervious surface; and
 4. Existing and proposed gross floor area.
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- (m) Location of intersecting roads or driveways within 200 feet of the site;
 - (n) The location and dimensions of all provisions for water supply. If connection is to be to the public water supply system, the application shall include written certification from the water district that connection to the system will be permitted as proposed;
 - (o) The location and dimensions of all provisions for wastewater disposal. If connection is to be to the public sewerage system, the application shall include written certification from the sewer district that connection to the system will be permitted as proposed. If on-site wastewater disposal is proposed, the application shall include a copy of Form HHE-200, as the same may be revised from time to time, completed by a certified soils evaluator pursuant to the State of Maine Plumbing Code;
 - (p) The direction of drainage within and off the site;
 - (q) The location of existing open drainage courses, wetlands, stands of trees, ledge outcrops and other important natural features, with an identification of such features to be retained;
 - (r) The location and dimensions of existing and proposed green strips, buffer areas, and landscaped areas;
 - (s) The location of outside storage areas;
 - (t) Location, front view, and dimensions of existing and proposed signs;
 - (u) Location and dimensions of any existing easements and copies of existing covenants or deed restrictions;
 - (v) Location and type of existing and proposed exterior lighting;
 - (w) Copies of applicable State and Federal approval and permits; and
 - (x) Location map of the proposed site showing the proximity of any Open Space Plan Priority Areas as follows:
 1. Identify any Open Space Priority Areas located within 500 feet of site;
 2. Demonstrate how the Open Space Priority Area(s) or connections to them have been incorporated into the plan;
 3. Layout of trails and connections which create usable open space and/or access to abutting Open Space Priority Areas; and

4. Show open space lot lines or easement lines and provide details for maintenance and ownership of such open space including any provisions for public access to such areas, if proposed.

In addition, the Staff Review Committee may require any or all of the submissions mandated for a major site plan where it determines that, due to the scale, nature of the proposed development or relationship to surrounding properties, such information is necessary to assure compliance with the intent and purposes of this Ordinance.

B. Major Site Plan

When the owner of the property or his authorized agent makes formal application for review of a site plan classified as a major site plan, the application shall contain at least all of the following exhibits and information:

- (1) All the submission requirements for a minor site plan, as itemized in Section 6(A);
- (2) Existing and proposed topography of the site at two foot contour intervals, or such other interval as the Site Plan Review Board may determine, prepared by a certified surveyor, professional engineer licensed in the State of Maine, or registered landscape architect;
- (3) A soils map of the site based on a high intensity soil survey prepared by a licensed soils evaluator or by a professional engineer licensed in the State of Maine;
- (4) The width, location, grades, and profiles of all proposed streets or street extensions, prepared by a professional engineer licensed in the State of Maine or a registered landscape architect;
- (5) A storm water drainage and erosion control plan prepared by a professional engineer licensed in the State of Maine or registered landscape architect showing:
 - (a) The existing and proposed method of handling storm water run-off;
 - (b) The direction of flow of the run-off through the use of arrows;
 - (c) The locations, elevations, invert elevations, and sizes of all existing and proposed catch basins, dry wells, drainage ditches, swales, culverts, retention basins, and storm sewers;
 - (d) Engineering calculations used to determine drainage requirements based upon a 25-year, 24-hour storm frequency; and
 - (e) Methods of controlling erosion and sedimentation during and after construction, including a written description of these methods and a schedule for implementing both temporary and permanent erosion control measures, endorsed by the York County Soil and Water Conservation District.

- (6) A utility plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, telephone, and any other utility services to be installed on the site;
- (7) A landscape plan, including a planting schedule keyed to the site plan and indicating the varieties and sizes of trees, shrubs, and other plants to be planted on the site;
- (8) An analysis of adjacent street system capacities and of traffic impacts of the proposed development, prepared by a qualified traffic engineer, if the project will generate five hundred (500) or more new vehicle trips per 24-hour period, or if there is substantial doubt about the capacity of the existing street system;
- (9) A lighting plan, showing locations of and type of fixtures, shielding method, level of illumination (foot-candles) and fixture height for all site lighting, in addition to the information required in Article 10, Section 6; and
- (10) A proposed schedule for phased development of the site, if applicable.

Section 7. Waiver of Submission Requirements

- A. The Site Plan Review Board, in its sole discretion, may modify or waive any of the submission requirements for a major site plan application when it determines that, because of the type or size of the project or circumstances of the site, such requirements would not be applicable or would be unnecessary to determine compliance with the approval standards and that such modification or waiver would not adversely affect properties in the vicinity or the general health, safety, and welfare of the Town.
- B. The Staff Review Committee, in its sole discretion, may modify or waive any of the submission requirements for a minor site plan application when it determines that, because of the type or size of the project or circumstances of the site, such requirements would not be applicable or would be unnecessary to determine compliance with the approval standards and that such modification or waiver would not adversely affect properties in the vicinity or the general health, safety, and welfare of the Town.

Section 8. Approval Standards and Criteria

The following standards are to be used by the Site Plan Review Board and the Staff Review Committee in judging applications for site plan reviews and shall serve as minimum requirements for approval of the site plan. The site plan shall be approved or approved with conditions unless in the judgment of the Site Plan Review Board or the Staff Review Committee the applicant is not able to meet one or more of these standards. In all instances the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary to complete the application.

- (1) The plan preserves the natural landscape insofar as practical and adequately uses the natural features of the site and/or new landscaping to define, soften, and screen the impacts of development. In furtherance of this standard, all of the following criteria apply:
 - (a) Wetlands, stream corridors, steep slopes, and other environmentally sensitive areas shall be preserved to the maximum extent possible;

- (b) The plan incorporates the recommendations of the Open Space Plan to protect Open Space Plan Priority Areas. It preserves, enhances and/or creates the following:
1. High value plant and animal habitats, riparian corridors and water resources to the maximum extent possible;
 2. Historic and cultural value, scenic value / gateways, neighborhood spaces, agricultural value and forest resource value to the maximum extent possible;
 3. Trails and connections to open spaces, water access points; and
 4. Neighborhood pocket parks and other types of neighborhood spaces to the maximum extent possible;
- (c) Where required by this Ordinance, green perimeter strips shall be incorporated into the site plan;
- (d) Existing trees with diameters greater than six (6) inches and shall be retained in buffer areas, green perimeter strips, except where driveways cross, and, to the maximum extent possible, elsewhere on the site. Other natural areas not required for building, parking, or other site work shall be preserved to the extent possible.
- The green perimeter strip along any property line abutting Route 1, shall be consistent with the landscape recommendations of Figure 11 of the Portland Road Traffic Management Study and shall include one shade tree per 30 linear feet, or fraction thereof, for the length of the property line, exclusive of the width of the driveway, with most trees being evenly spaced within such strip. Shade trees shall have a minimum caliper of 2½ inches;
- (e) Where a parking lot is placed in the front of the lot and a green perimeter strip is not required, a vegetated border strip of at least ten (10) feet shall be placed between the street right-of-way and the parking area. A walkway may be placed in this border strip but in no event shall reduce the border strip to less than five (5) feet. Additional planting of shrubs, under story trees and/or conifers shall be incorporated into the landscape design for the green buffer strips along the street frontage and within parking areas and parking islands in order to help block the view of the parking area from the public street;
- (f) Every effort shall be made to avoid surrounding a building with asphalt. Parking areas shall be separated from the front of the building by a landscaped strip of at least five (5) feet;
- (g) Parking lots shall be broken into areas of no more than twenty-five (25) cars each. All parking lots of twenty (20) or more cars shall include landscaped areas that total at least five percent of the parking lot area. All rows of parking spaces shall be provided a terminal island (at least 8 feet wide) to protect parked vehicles, provide visibility, confine moving traffic to aisles and driveways, and provide space for landscaping.

Terminal islands shall be landscaped with at least one tree and other vegetative ground cover or grass. To insure that landscape materials do not constitute a driving hazard, a "sight triangle" shall be required at the intersection of any driveway and a street. This triangle shall be formed by the intersection of the side of the driveway and the street's right-of-way line, extending ten (10) feet in length along the side of the driveway and ten (10) feet in length along the right -of-way line, with the third side connecting the ends of the other two sides. Within each sight triangle, no landscape materials, except grass or groundcover, shall be permitted; and

- (h) Exterior service, loading, storage, dumpster, and utility areas shall be located at the side or rear of the building and screened from the street and abutting properties by opaque fencing, dense evergreen landscaping, and/or equivalent means. The fencing shall be of a height adequate to conceal the area, and the evergreen screening shall have a minimum height of four (4) feet at the time of installation.
- (2) For a nonresidential project, effective buffers are maintained or created between it and adjoining residential properties and residential zoning districts. In furtherance of this standard, all of the following criteria apply:
- (a) Where a naturally vegetated area of at least one hundred (100) feet in width within the boundaries of the applicant's property provides an effective buffer between the project and an abutting residential property or district, it shall be preserved to the maximum extent possible;
 - (b) Where such a natural buffer does not exist or cannot be practically preserved, and a narrower buffer of at least twenty (20) feet in width does exist but does not provide a natural, dense buffer of evergreens adequate to screen the nonresidential use, landscaped earth berms shall be used to provide maximum screening. The berms shall be located as close as possible to the site development work, shall be graded with slopes of at least 1:4, and shall be at least two (2) to four (4) feet high. The crest of the berm shall be planted with evergreens and the side slopes planted with deciduous and/or evergreen plants;
 - (c) Where site development work within twenty (20) feet of the lot line is unavoidable, maximum screening shall be achieved by dense evergreens planted close to the building and/or edge of pavement. The evergreens should be in at least two (2) rows of staggered plantings, four (4) feet on center. If necessary, the Site Plan Review Board or Staff Review Committee may also require a site fence, which shall be ten (10) to twelve (12) feet from the building wall or parking area and further screened with plantings on the side facing away from the site development; and
 - (d) In any case, the Site Plan Review Board or the Staff Review Committee may require up to 25 feet of buffer in addition to the required green perimeter strip in Article 8 and the standards in subparagraphs (a) through (c) above.

- (3) Filling, excavation and earth moving activity is carried out in a way that keeps erosion and sedimentation to a minimum. In furtherance of this standard, all of the following criteria apply:
- (a) Building designs, parking lots, and other site development elements shall fit, respect, and be oriented to existing topography and natural surroundings to the fullest extent possible. Filling, excavation, and earth moving activity shall be kept to a minimum;
 - (b) The area disturbed by stripping of vegetation, soil removal, and regrading shall be the minimum necessary at any one time;
 - (c) The duration of exposure of the disturbed area shall be kept to a practical minimum;
 - (d) Permanent soil erosion measures for all slopes, channels, or disturbed land area shall be complete within fifteen (15) calendar days after final grading has been completed;
 - (e) When it is not possible to permanently stabilize disturbed land, temporary soil erosion control measures (plants, seeding, and/or mulch) shall be implemented within thirty (30) calendar days of exposure of the soil;
 - (f) Until a disturbed area is stabilized, sediment in run-off shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods;
 - (g) Storage of fill materials within fifty (50) feet of the banks of any stream, intermittent or perennial, or water body shall not be allowed;
 - (h) The top of a cut or the bottom of a fill shall not be closer than ten (10) feet from a property line;
 - (i) Removal of topsoil from any lot shall not be allowed, except for that removed from areas to be occupied by buildings, paving or other surfaces that will not be revegetated, as shown on an approved site plan; and
 - (j) Any filling, excavation and earth moving activity, including dredging, in or beneath a water body shall comply with all applicable state and federal standards.
- (4) Adequate provision has been made for surface drainage, so that removal of storm waters will not have an unreasonably adverse effect on neighboring properties, downstream water quality, soil erosion, or the public storm drainage system. In furtherance of this standard, all of the following criteria apply:
- (a) The rate of flow of storm water from the developed site of a project that is classified as a major site plan shall not exceed the rate of outflow of storm water from the site prior to the undertaking of the development, based on a 25-year return period storm of 24-hour duration and/or DEP standards if they apply;

- (b) The storm water system shall be designed for a 25-year return period storm of 24-hour duration;
 - (c) The biological and chemical properties of the receiving waters shall not be unreasonably degraded by the storm water run-off from the developed site. Where storm water is collected on-site and discharged through a piped system directly to a water body or drainage way, oil and grease traps shall be used in manholes; and
 - (d) Natural drainage ways on the site shall be maintained in their natural state to the maximum extent possible. Development layout shall account for this, and incorporate these natural watercourses into the site design wherever possible, in order to avoid the need for culverts, pipe systems, and concrete channels on site.
- (5) Adequate provision has been made for water supply and sewage disposal. In furtherance of this standard, all of the following criteria shall apply:
- (a) If connections will be made to municipal sewer and/or water systems, the diameter, materials, depths of cover, water gates and meters (if appropriate), and sewer manholes and pumping stations (if appropriate) for all connections shall be in compliance with all applicable state and municipal regulations, and no undue burden shall be placed on the municipal systems, as evidenced by written certification by the sewer and/or water districts;
 - (b) All proposals requiring site plan review shall be connected to the public water supply system, with fire hydrants as may be required, unless in the opinion of the Site Plan Review Board service by the public water system is not feasible, in which case private wells may be used and an alternative means of fire suppression shall be used;
 - (c) A project is required to connect to a public sanitary sewer line, utilizing an eight (8) inch main, when it meets all of the following criteria:
 - 1. The project utilizes a new engineered system as defined by the January 27, 1986, revision of the Maine Subsurface Wastewater Disposal Rules;
 - 2. The site is within 1,500 feet of a public sanitary sewer line at its closest point; and
 - 3. The sewer district certifies that its facilities can adequately accommodate extension of the line and service of the project;
 - (d) On-site waste disposal systems shall comply with the Maine Subsurface Wastewater Disposal Rules; and
 - (e) If water supply and sewage disposal are both to be handled on-site, separation distances between wells and sewage disposal areas shall be at least the minimum distance established in the Maine Subsurface Wastewater Disposal Rules.

(6) The site plan provides for safe access to and egress from public and private streets, with adequate parking and internal circulation. In furtherance of this standard, all of the following criteria apply:

- (a) Low and Medium Volume exit driveways, that is, driveways with a traffic volume of less than 1,500 vehicle trips per day or less than 150 vehicle trips per peak hour, shall be designed to provide ten (10) feet of sight distance in each direction along the street for every mile per hour allowed in the speed limit designated for the street. High volume driveways, that is, driveways with a traffic volume of 1500 or more vehicle trips per day or 150 or more vehicle trips per peak hour, shall be designed to provide sight distance according to the following table:

<u>Highway Speed (MPH)</u>	<u>Minimum Sight Distance (FT)</u>
25	300
30	380
35	480
40	580
45	710
50	840

The measurement shall be from a point on the exit driveway ten (10) feet behind the curb line or edge of shoulder;

- (b) Shared driveway entrances are encouraged for adjacent sites in order to minimize the number of driveways along the Town's traffic corridors. Wherever feasible, primary access shall be from local side streets. For sites along the Portland Road Corridor, shared driveway entrances are required per recommendations shown on Figures 13 and 14 of the 2008 update portion of the Portland Road Traffic Management Study;
- (c) Driveways serving residential developments shall be located at least one hundred (100) feet from an intersection of streets, as measured from the inside edge of the street intersection to the inside edge of the driveway. Driveways serving nonresidential projects shall be located at least two hundred (200) feet from an intersection of streets, as measured from the inside edge of the street intersection to the inside edge of the driveway;
- (d) New curb cuts and changes in the location of existing curb cuts shall conform to the following:
1. No more than one (1) curb cut is allowed for "small project sites", ["small" = less than 5,000 sq. ft. of gross floor area on site];
 2. No more than two (2) curb cuts are allowed for "large project sites" ["large" = 5,000 sq. ft. or more of existing and/or proposed gross floor area on site];
 3. Sharing of curb cuts with adjacent sites is required wherever possible. Where sharing of a curb cut is established and legally maintained with adjacent lot, both lots may eliminate the green perimeter strip/buffer required between the two sites provided a

5' green strip may be required between the access drive and the parking areas on both lots in order to provide safe separation from the travel aisle(s); and

4. One additional curb cut may be allowed if necessary for emergency vehicle access;

(e) The operable dimensions of driveways shall be as follows:

One-way operation driveway's width	Two-way driveway's operation width
*(feet)	*(feet)
3 to 9 dwelling units	20-24
10 dwelling units or more	24-30
Commercial and Industrial	24-44

*Provided that driveways may be up to five (5) feet wider at the curbline and for a distance of up to twenty (20) feet into the site. Two-way operation driveways may be six (6) feet wider than indicated to accommodate separation islands;

(f) Where a driveway enters onto a public street, the maximum grade shall be 3 percent for the first twenty (20) feet from the street. The driveway shall intersect the street at an angle as near to ninety degrees (90) as possible and in no case less than sixty degrees (60);

(g) Parking and loading areas shall be designed such that vehicles will not back out into the street;

(h) On-site circulation roads and parking aisles shall be twenty-four (24) feet wide for two-way operation and between twelve (12) and sixteen (16) feet wide for one-way operation;

(i) Provisions shall be made for convenient and safe emergency vehicle access to all buildings at all times of the year, including 20-foot wide posted fire lanes at locations as may be recommended by the fire department;

(j) Off-street parking shall be adequate for the proposed use, according to the requirements of Article 10, Section 9, of this Ordinance, or if not listed in Article 10, Section 9, according to accepted industry standards, and shall be constructed to the standard for "minor" streets contained in the Town's subdivision regulations; and

(k) Where delivery vehicles are anticipated, the site design shall delineate a clear route for them, with appropriate geometric design to allow the vehicles to safely turn.

(7) Vehicular access to the site will be on roads which have adequate capacity to accommodate any additional traffic generated by the development. In furtherance of this standard, all of the following criteria shall apply:

(a) Where the proposed development requires or proposes the extension or creation of a street, it shall meet the street design and construction standards contained in the Town's subdivision regulations;

- (b) The intersection of any access drive will function at a Level of Service of C or better following development if the project will generate five hundred (500) or more new vehicle trips per 24-hour period, based on the trip generation manual of the Institute of Traffic Engineers; or at a level which will allow safe access into and out of the project if fewer than five hundred (500) new vehicle trips are generated. For access drives located within the Portland Road Corridor which cannot conform to this standard, the maximum (lowest) Level of Service following development shall be Level of Service E;
- (c) For a project that generates five hundred (500) or more new vehicle per 24-hour period, based on the trip generation manual of the Institute of Traffic Engineers, intersections on access routes to the site within one-half mile of any driveway which are functioning at a Level of Service of C or better prior to the development will function at a minimum Level of Service C after development, if any such intersection is functioning at a Level of Service D or lower prior to development, the project will not reduce the current level of service;
- (d) The Site Plan Review Board may require that the applicant make improvements to existing roads where the Site Plan Review Board finds, through an independent traffic impact study, that such improvements are necessary to prevent through traffic conflicts, congestion or other unsafe conditions on an arterial; and
- (e) For all projects, provision for vehicle and pedestrian connection to adjacent sites shall be considered. Provision of a rear connection road shall be considered as part of the site design for projects proposed along the Route One Corridor, in order to avoid future intersection conflicts. For sites along the Portland Road Corridor conformance to the recommendations of Figures 13 and 14 of the 2008 update portion of the Portland Road Traffic Management Study shall be required.

The Site Plan Review Board or the Staff Review Committee may reduce the required number of parking spaces by 5% when vehicular connections to adjacent sites are established and legally maintained as a condition of plan approval.

(In order to function as a connector road, the design for the road shall be free of perpendicular or angle parking, shall provide a minimum of a 24 foot travel way and be designed in terms of horizontal and vertical alignments for a minimum design speed of 30 mph.)

- (8) The site plan provides for safe pedestrian circulation both on-site and off-site.

In furtherance of this standard, all of the following criteria shall apply:

- (a) Pedestrian ways shall be safely separated from vehicular traffic;
- (b) Where an on-site walkway abuts a parking area, a planting strip at least two (2) feet wide shall separate them;

- (c) Where a walkway abuts a street, it shall be separated from the street shoulder by curbs, intervening vegetation and/or swales; and
 - (d) For major site plans that may generate or accommodate significant pedestrian traffic, the Site Plan Review Board may require the construction of a public sidewalk, built in accordance with the standards contained in the Town's subdivision regulations.
- (9) Exterior lighting does not adversely affect neighboring properties or streets. In furtherance of this standard, all of the following criteria shall apply:
- (a) All lights shall be shielded to avoid spillage onto neighboring properties and streets;
 - (b) The maximum height of freestanding lights shall be the same as the principal building, but not exceeding twenty-five (25) feet; and
 - (c) Outdoor lighting shall conform to the applicable standards of Art. 10, Section 6.
- (10) Electrical and telephone utility lines and components serving the site will be placed in a manner that is not hazardous or unsightly. In furtherance of this standard, all of the following criteria shall apply:
- (a) All utilities for new construction on a site shall be placed underground; and
 - (b) Transformer boxes, meters, pumping stations, and other components of the utility system which must be located above ground shall be located and buffered in accordance with paragraph (1) of this section.

Section 9. Waiver of Criteria

Where four-fifths of the full Site Plan Review Board finds or when a unanimous decision of all members present and voting finds that unnecessary hardships will result from strict compliance with a criterion contained in Section 8 above, or where there are extraordinary circumstances of a particular plan, it may waive or modify the criterion only to the extent necessary to relieve the hardship or address the circumstances, provided such waiver or modification will not affect the general health, safety, or welfare of the Town, and provided further that the applicant has requested such waiver in writing and demonstrated that the approval standards themselves have been adequately met in the absence of the criterion.

Section 10. Performance Guarantee

- A. No site plan approval shall be deemed final nor shall the final site plan be released until the developer has filed a performance guarantee with the Town Planner covering the following improvements:
- (1) The construction of any streets or street extensions which are eligible to be accepted by the Town as public ways;

- (2) The construction of any water supply or sewerage system other than individual onsite facilities or evidence that a satisfactory guarantee has been approved by the appropriate district;
 - (3) The construction of any drainage systems involving piping, culverts, or retention or detention facilities;
 - (4) The construction of erosion and sedimentation control measures or landscaping required to meet the standards of this Ordinance;
 - (5) The construction of traffic improvements off the site necessary to meet the standards of this Article; or
 - (6) Other improvements required by the Site Plan Review Board or the Staff Review Committee to meet the standards of this Ordinance.
- B. The performance guarantee, which shall be approved by the Town Manager, may be tendered in one of the following forms:
- (1) A certified check payable to the Town for the establishment of an escrow account, but only if the total construction costs are \$5,000 or less;
 - (2) A savings account, naming the Town as owner, to be established as an escrow account;
 - (3) A performance bond payable to the Town issued by a surety company;
 - (4) An irrevocable letter of credit from a financial institution acceptable to the Town that establishes funding for the construction of the required improvements and upon which the Town may draw if the construction is not completed in conformance with the approved plan; and
 - (5) A condition of approval requiring (a) that within one year of the date of final plan approval, the developer shall submit to the Town Manager a performance guarantee that covers the total cost of all required improvements and conforms to the requirements of Sections 10.B.(1), (2), (3) or (4) above and (b) that no site disturbance, development, and/or issuance of building permits shall occur until such performance guarantee is submitted to and approved by the Town Manager. A note shall be placed on the final plan indicating that it was approved subject to this condition.
- C. The amount of the performance guarantee shall be 125 percent of the cost of furnishing, installing, connecting and completing in good working condition all of the street grading, paving, storm drainage, erosion control, utilities, and other similar improvements, as specified above, or the reasonable cost of restoring the site, whichever is greater. All guarantees shall be conditioned upon the completion of all such improvements within two (2) years from the date of the approval of the plan, as recorded on the plan, or from the date of any required approval by a state agency, or from the date of the decision on an appeal, if any, affecting the approved site plan, whichever date occurs last. Upon the approval of the Site Plan Review Board or the Staff Review Committee, this deadline may be extended by up to two six month periods. If a performance guarantee as described in paragraph B above has been satisfactorily filed with the Town, building permits may be issued for construction within the development prior to completion of

- required improvements, but prior to occupancy of a building or dwelling unit, the improvements serving that building or dwelling unit shall be in place and serviceable.
- D. The Site Plan Review Board may approve plans to develop a site plan in distinct phases, subject to a schedule mutually agreed upon by the Site Plan Review Board or Staff Review Committee and the developer. The performance guarantee shall cover the entire site plan, but, pursuant to paragraph E below, the appropriate part of the guarantee may be released upon the completion of each phase.
- E. Completion of required improvements shall be determined by the Code Enforcement Officer to his/her satisfaction based on his/her certification and any additional written certifications by the appropriate Town or utility district personnel, that all improvements assured by the performance guarantee have been constructed or put into place in accordance with the approved site plan. The performance guarantee shall be released only upon receipt of a written request from the applicant together with the Code Enforcement Officer's certification.

Section 11. Amendments After Approval

No changes, erasures, modifications or revisions shall be made in any major or minor site plan approved by the Site Plan Review Board or Staff Review Committee unless the plan is first resubmitted to and approved by the respective Board or Committee that initially reviewed and approved it; provided, however that any changes, erasures, modifications or revisions to a major or minor site plan that would be considered a minor site plan if submitted in accordance with Section 4.A. of this Article in the first instance, shall be referred to the Staff Review Committee unless the Town Planner refers the application to the Site Plan Review Board in accordance with Section 5.2.E. of this Article. Proposed amendments to approved subdivision plans shall be resubmitted to and approved by the Planning Board. This provision shall not prohibit minor field changes during construction, made with the approval of the Code Enforcement Officer and reflected on as-built drawings.

The Site Plan Review Board or the Staff Review Committee, as applicable, shall use the standards and criteria in Section 8 of this Article in judging proposals for amendments to previously approved site plans and shall approve, approve with conditions, or deny proposed amendments in the same manner as applications for site plan review. Any proposed amendment that falls into one of the categories enumerated in Section 3 of this Article is subject to independent site plan review and thus shall be submitted as a new application for site plan review regardless of the fact that it is an amendment to a previously-approved site plan.

Section 12. Expiration of Approval

Site plan approval shall expire within two (2) years of the date of site plan approval (when plans are signed by the Site Plan Review Board or the Staff Review Committee), or the date of the decision on an appeal, if any, affecting the site plan, if development has not begun.

The Site Plan Review Board or the Staff Review Committee may grant up to three one-year extensions to the expiration deadline provided:

- a) The request is submitted prior to the expiration of the site plan approval;
- b) The approved plan conforms to zoning in effect at the time the extension is granted; and
- c) That any and all Federal and State approvals and permits are current.