

SITE PLAN REVIEW ORDINANCE (Amended)

Adopted March 3, 1990

Amended June 23, 2011

final Amendments January 27, 2016

TABLE OF CONTENTS

SECTION I. BASIC PROVISIONS

A.	Purpose	2
B.	Applicability	2
C.	Effective Date	2
D.	Validity, Separability and Conflict with other Ordinances	2
E.	Administration	2

SECTION II. PERFORMANCE STANDARDS

A.	Landscaping	3
B.	Relationship of the Proposed Buildings to Environment	3
C.	Advertising Features	3
D.	Vehicular Access, Parking and Circulation	3
E.	Water Quality	4
F.	Air Quality	4
G.	Water Supply	4
H.	Sewage Disposal	4
I.	Comprehensive Plan	4

SECTION III. DESIGN STANDARDS

A.	Monuments	5
B.	Off-street Parking and Loading	5
C.	Roads	6
D.	Street Signs	7
E.	Sidewalks	8
F.	Storm Water Management	8
G.	Water Supply	9
H.	Sewage Disposal	9
I.	Height Restrictions	9
J.	Multi-Family Lodging Units and Motel/Hotels	10

SECTION IV. PROCEDURES

A.	Application	11
B.	Planning Board Action	13
C.	Appeals	15
D.	Violations	16
E.	Liability	16

SECTION V. DEFINITIONS 17

TOWN OF SEDGWICK

SITE PLAN REVIEW ORDINANCE (Amended)

SECTION I. Basic Provisions

A. Purpose

The purpose of this ordinance is *to guide and manage new construction*, development or major changes in land use, including the impact on municipal facilities and services, such as schools, sewers, waterlines, parks and recreation, liquid and solid waste disposal, police and fire protection, road systems and circulation, and on the town's aesthetic and visual characteristics, water quality, and on the general health, safety, and welfare of the community.

B. Applicability

This ordinance shall apply to all development proposals for the construction of, for alterations and changes of use to commercial, retail, industrial, institutional buildings and structures, and multiple family dwellings consisting of three or more attached dwelling units and their accessory uses. This ordinance does not apply to detached single and two-family dwelling units, to agricultural land management practices, to forest management practices or to subdivisions. No permit shall be issued by the Sedgwick Planning Board under Section IV of this ordinance for any development subject to this ordinance until provisions stated herein have been met.

C. Effective Date

This ordinance shall take effect *March 5, 2016*.

D. Validity and Separability and Conflict with Other Ordinances

1. Validity and Separability – Should any section or provision of this ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of this ordinance.
2. Conflict with Other Ordinances - Whenever the requirements of this ordinance are inconsistent with the requirements of any other ordinance, code or statute, the more restrictive requirements shall apply.

E. Administration

1. The Planning Board for the Town of Sedgwick, hereinafter called the Board, shall administer these regulations.
2. The Planning Board shall have authority to adopt such forms as may be necessary or appropriate for the proper administration of these regulations.

SECTION II. Performance Standards

The following are to be used by the Planning Board as minimum requirements for approval of a site plan. The site plan shall be approved unless, in the judgment of the Planning Board, the application does not reasonably meet one or more of these standards.

A. Landscaping

The landscaping shall be preserved in its natural state *during construction and for the duration of permitted use* insofar as practicable by minimizing tree removal, disturbance of soil, and retaining existing vegetation during construction. Landscaping shall *delineate* street parking areas from the public right-of-way and abutting properties and structures and shall enhance the physical design of the buildings and site.

B. Relationship of the Proposed Building to Environment

Proposed structures shall relate harmoniously to the terrain and to existing buildings in the vicinity. Special attention shall be paid to the bulk, setback and height of the building(s) and the natural features. The project will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas.

Storage areas, building machinery, loading areas, utility buildings and similar structures shall have sufficient setbacks and screening to minimize their adverse impact on other land use within the development area and on surrounding properties.

All exterior lighting shall be designed to minimize adverse impact on the neighboring properties.

C. Advertising Features

The size, location, design, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties. *Nationally branded or chain logos may be restricted at the discretion of the Board.*

D. Vehicular Access, Parking and Circulation

The proposed site layout shall provide for adequate location, number and control of access points and shall incorporate adequate *sight* distance and turning lanes where justified by existing and projected traffic flow, *and approved by the State Department of Transportation or Town Road Commissioner.*

The layout and design of vehicular and pedestrian ways, including walkways, interior drives, and parking areas, shall provide for safe general interior circulation, separation of pedestrian and vehicular traffic, service traffic, and loading areas.

Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times. Heights of buildings may not exceed 30 feet so as to insure adequate service by fire suppression equipment.

E. Water Quality

Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality, potential for soil erosion, *or any* public storm drainage system. Whenever possible, on-site absorption of run-off waters shall be utilized to *minimize* off-site discharge.

F. Air Quality

The project shall comply with all federal and state regulations.

G. Water Supply

The project shall not cause an unreasonable burden on an existing water supply, *the aquifer, adjacent wells and water sources*, and there shall be sufficient water available for the reasonable foreseeable needs of the development.

H. Sewage Disposal

The project will provide an appropriate system for sewage waste disposal *designed and approved by a certified soil evaluator and licensed engineer*.

I. Conformity with Comprehensive Plan

Any proposed project shall be in conformity with the comprehensive plan of the Town of Sedgwick and with provisions of all pertinent state laws and local ordinances and regulations.

SECTION III. Design Standards

A. Monuments

1. Pertinent monuments shall be set at all corners and angle points of the subdivision boundaries, and at all street intersections.
2. Monuments shall be concrete, stone, or iron pipe, located in the ground and indicated on the Final Plan.

B. Off-Street Parking and Loading

1. Off-street parking, either by means of unenclosed suitable spaces each having a minimum area of 220 square feet plus necessary maneuvering space, or by enclosed garage space, shall be provided in the case of new construction, alterations, substantial enlargements and change of use, according to the following minimum requirements:

- a. Off-street parking either by means of open air spaces or by garage space, in addition to being a permitted use, shall be considered as an accessory use when required or provided to serve conforming uses located in any district.
- b. Required off-street parking spaces shall be located on the same or *directly adjacent* lot as the principle building or use.
- c. The following minimum off-street parking requirements shall be provided and maintained in the case of new construction, alterations and changes of use:

- 1) Dwellings2 parking spaces for each dwelling unit.
- 2) Schools 5 parking spaces for each room plus 1 space for each 4 employees.
- 3) Health Institutions (bed facilities only).....1 parking space for every 3 beds, plus 1 for each employee based on the expected average employee occupancy.
- 4) Theaters, churches, & other public assembly places 1 parking space for every 4 seats for every 100 square feet or major fraction thereof of assemblage space if no fixed seats.
- 5) Retail stores1 parking space for every 200 square feet of retail area, plus one space for every 2 employees.
- 6) Restaurants, eating and drinking establishments 1 parking space for every 4 seats, plus 1 space for 2 employees.

7) Professional offices and public buildings1 parking space for every 200 square feet of gross leasable area, exclusive of cellar and bulk storage areas.

8) Marinas Minimum of 30 parking spaces plus 1 parking space for each docking and mooring space.

9) Other commercial recreation establishments (mini-golf courses, touring/sightseeing buses, etc.)Minimum of 30 parking spaces, or the number of spaces deemed appropriate by the Planning Board in Site Plan Review.

10) Industrial 1 parking space for each 1.5 employees, based on the highest expected average employee occupancy, plus visitor and customer parking to meet the needs of specific operations.

C. Roads

1. Roads shall be located, constructed, and maintained so that erosion is kept to a minimum. Adequate provisions shall be made to prevent soil erosion and sedimentation of surface waters.
2. Additionally, all roads constructed shall conform to the following standards:
 - a. Road crossing of watercourses shall be kept to the minimum number necessary.
 - b. Diameter of culverts shall be suitable and installed at streambed elevation.
 - c. All cut or filled banks and areas of exposed mineral soil shall be re-vegetated or otherwise stabilized as soon as possible.
 - d. When road crossings of watercourses are to be used on unfrozen surface water, bridges or culverts of adequate size and design shall be provided as to support a Gross Vehicle Weight of 100,000 pounds.
 - e. The arrangement, character, extent, width, grade, and location of all roads shall be considered in their relation to existing or planned roads to topographical conditions, to public convenience and to safety, and their appropriate relation to the proposed use of the land to be served by such roads. Grades of roads shall conform as closely as possible to the original topography.
 - f. All roads shall be constructed according to design specifications herein as overseen by the municipal road commissioner, appointed engineer, or agent. Waiver to these specifications will be considered by the Planning Board upon written request by the applicant.

Height clearance 13'6"

Minimum width of right-of-way	66'
Minimum width of pavement	20'
Minimum grade	.5%
Maximum grade	6%
Maximum grade at intersection	3% within 50' at intersection
Minimum angle of intersection	60 deg.
Minimum width of shoulder	3'
Minimum centerline radii on curves	200'
Minimum tangent length between reverse curves	200'
Minimum setback from shoreline boundary	100'
Road base (minimum)	24"
Base (bank gravel)	18"
Gravel surface sources (screened gravel)	6"
Bituminous paving	1 1/2"
Road crown (minimum)	1/4 x 1"
Sidewalks/walkways (minimum where required)	4'
Base course (gravel)	12'

Dead-end or cul-de-sac right-of-way:	
Minimum width	66'
Length, not more than	1,000'
Radii or turn-around at enclosed end of	
Property line (minimum)	80'
Pavement (minimum)	65'
Property line radii at intersections (minimum)	10'
Curb radii at intersections:	
90 degree intersections	25'
Less than 90 degree intersections	30'

g. Road intersections and curves shall be so designated as to permit adequate visibility for both pedestrian and vehicular traffic. That portion of any corner lot which is necessary to allow 25 foot sight lines between intersecting roads shall be cleared of all growth (except isolated trees) and obstructions above the level three feet higher than the center line of the road. If directed, ground shall be excavated to achieve visibility.

h. A vehicle turn out shall be provided every 500 feet. Each shall be a minimum of fifteen (15) feet wide, twenty-five (25) feet deep.

i. All dead-end streets shall be constructed to provide a cul-de-sac turn-around. The Board may require the reservation of a fifty (50) foot easement in line with the street to provide continuation of the road where future development is possible.

D. Street Signs

1. Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality and shall be subject to the approval of the Board.

2. Street name signs shall be furnished and installed by the Town.

E. Sidewalks

Sidewalks shall be installed at the expense of the applicant where the development abuts or fronts onto a major street, and at such locations as the Board may deem necessary.

F. Storm Water Management

1. Adequate provisions shall be made for disposal of all storm water generated, and any drained groundwater through a management system of swales, culverts, underdrains and storm drains. The storm water management system shall be designed to conduct storm water flows to existing water courses and storm drains.

a. All components of the storm water management system shall be designed to meet the criteria of a twenty-five year storm based on rainfall data for the Sedgwick area.

b. The minimum pipe size for any storm drainage pipe shall be twenty-five inches. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be bedded in a fine granular material, containing no stones larger than 3 inches, lumps of clay, or organic matter, reaching a minimum of six inches below the bottom of the pipe extending to six inches above the top of the pipe.

c. Catch basins shall be installed where necessary and located at the curve line.

d. Outlets shall be stabilized against soil erosion by stone rip rap or other suitable materials to reduce storm water velocity.

2. The storm water management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved for planned development not yet built and shall include a surplus design capacity factor of 25% for potential increases in upstream runoff.

3. Downstream drainage requirements shall be studied to determine the effect of the proposed development. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the site. The applicant shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows, as determined by a civil engineer or other professional in the field licensed by the State of Maine.

4. Where a development is traversed by a watercourse, drainageway, or future sewer line, or where the Board feels that surface water drainage to be created by the development and owners of property abutting it, there shall be provided an easement or drainage right-of-way within such development and over the

property of owners abutting upon it, of such nature, width, and location as the Board or Municipal Engineer deems adequate.

5. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the Town allowing maintenance and improvement of the system.

6. Where soils require a subsurface drainage system, the drains shall be installed and maintained separately from the storm water drainage system.

G. Water Supply

1. A public water supply system with fire hydrants *may be required to be installed* at the expense of the applicant, or if in the opinion of the Board service is not feasible, the Board may allow individual wells to be used, which shall be installed at the expense of the applicant on lots containing dwellings erected by the applicant.

2. The Planning Board may require that water storage be provided to meet fire protection needs of such a nature as the municipal fire chief deems necessary.

3. Because they are difficult to maintain in a sanitary condition, dug wells shall be permitted only if it is not economically or technically feasible to develop other groundwater sources.

4. If a central water supply system is provided by the *applicant*, location and protection of the source, design, construction and operation of the distribution system and appurtenances and treatment facilities shall conform to the recommendations included in the "Manual for Evaluation of Public Drinking Water Supplies", Public Health Service No. 1180 (1969).

H. Sewage Disposal

A sanitary sewer system shall be installed at the expense of the applicant or if in the opinion of the Board, service by the sanitary sewer system is not feasible, the Board may allow individual septic tanks to be used, which shall be *designed, installed, and certified by a licensed engineer* at the expense of the applicant on lots containing structures erected by the applicant. In no instance shall a septic disposal system be allowed in soils rated poor or very poor for such purpose by the Soil Suitability Guide for Land Use Planning in Maine or on lots below the minimum size shown for particular soil types in Appendix 1 of the "State of Maine Plumbing Code, Part II, Private Sewage Disposal Regulations", as amended.

I. Height Restrictions

No principal or accessory structure shall exceed *thirty (30)* feet in the height above the average ground level, except for steeples, silos, detached barns, water towers, transmission towers, and other structures not intended for human habitation.

J. Multi-Family and Lodging Units

Multi-family and motels/hotels may be constructed and/or installed on parcels of land consisting of the aggregate of one half acre per individual lodging unit and/or dwelling unit, provided that such construction and/or installation shall fully comply with the setback requirements of this subsection and the provisions of the Town's ordinances, and further provided that the first lodging or dwelling unit shall be on a parcel consisting of at least two acres. By way of example, a three unit structure would require a lot of at least three acres. Setback from a public road shall be a minimum of fifty (50) feet.

Commercial activities serving or open to persons other than persons occupying the lodging unit, which are constructed or included as part of the lodging units shall require a minimum of one acre of additional land for each separate commercial activity.

SECTION IV. Procedures

A. Application

The site plan *application review* procedure is a two-step application submittal Process: *first, a pre-application conference is held, then a formal application review is held.* A formal application will not be accepted unless a pre-application conference has been held within the previous four months.

1. Pre-Application Review

a. **Sketch Plan Required.** Before submitting a formal application for approval, the applicant or his agent shall *request to appear* before the Planning Board to discuss the proposed development. *The purpose of the pre-application conference shall be to understand what is proposed, what is possible, and what is acceptable prior to the formal application review.* A sketch plan must be presented for informal review, and arrangements made with the Planning Board for an inspection of the site.

b. **Contents.** The sketch plan should include a rough *drawing* of the proposed development including road layout, buildings, and other features which may assist the Board in understanding the proposal.

c. **Non-Binding:** No binding commitments shall be made between the applicant and the Board *during this meeting.*

2. Formal Application

a. **Contents.** The application shall include as a minimum:

1) Site Plan map with the following information:

- Name and address of the applicant or his authorized agent, name of the proposed development, and identification of any land within 500 feet of the proposed development in which the applicant has title or interest;
- Existing soil conditions as described by either a soil scientist, geologist, engineer or SCS medium intensity soil survey;
- Municipal tax maps and lot numbers and names of abutting landowners;
- *Most recent* perimeter survey of the parcel prepared and certified by a registered land surveyor with reference points, true or magnetic north point, scale, corner of parcel, date of survey, and total acreage;
- For areas within 200 feet of the proposed development site: existing and proposed locations and dimensions of utility lines, sewer lines, *septic systems*, *wells*, water lines, easements, drainage ways, and public or private rights-of-way;

- Location of buildings and other structures on parcels abutting the site;
- If the site is to be served by a public sewer line, an on-site soils investigation report by a licensed soil evaluator. The report shall contain the types of soil, location of test pits, and proposed location of the best practical subsurface disposal system for the site;
- Location and dimension of on-site pedestrian and vehicular access ways, parking and loading areas, curb and sidewalk lines;
- Landscape plan showing location, type and approximate size of plantings, and location and dimensions of all fencing and screening;
- Topographic contours at intervals of either 15 or 10 feet in elevation, as specified by the Planning Board; and
- Location of aquifers and aquifer recharge areas, if mapped.

2) *Project Overview Statement* – A written statement by the applicant shall be submitted with the formal application with the following information:

- Evidence of title and interest in the land for which the application covers;
- A description of the proposed uses to be located on the site, including quantity and type of residential units, if any;
- Gross floor area and ground coverage of each proposed building and structure and percentage of lot covered by each building or structure;
- Summary of existing and proposed easements, restrictions and covenants placed on the property;
- Method of solid waste disposal;
- Erosion and sedimentation control plan;
- *Copies of certified letters with mailing receipts* to abutting landowners, Town Manager, Selectmen, Road Commissioner/Public Works Director, Fire Chief, Police Chief, etc., notifying them of the proposed development;
- A statement from the Fire Chief as to the availability and adequacy of fire protection resources and services
- If public water and/or sewer are to be used, a statement from the water and/or sewer district or utility as to availability of public water and/or sewer lines; *if no such public systems are to be used, then a designation of private water supply and septic system location with specifications certified by licensed engineer;*
- A recommendation from the Town Engineer, Public Works Director, Road Commissioner or Selectmen on proposed design and layout; and
- An estimate of the date when construction will start and when the development will be completed;

** Evidence of appropriate construction and liability insurance.*

b. Submission: Notice of completeness

A complete application for site plan approval shall be submitted *to the Code Enforcement Officer* at least 15 days prior to the Planning Board meeting at which the applicant wishes to be heard. *The CEO will review the application for completeness, and submit it to the Board.* Any application which is not complete shall not be placed on the agenda but shall be returned to the applicant within 10 days by the Code Enforcement Officer with *written* instructions as to the additional information required.

c. Fees

1) Every application for a site plan shall be accompanied by application fees as follows:

- \$50 for projects up to \$100,000 budgets
- \$250 for projects \$101,000 up to \$250,000 budgets
- \$500 for projects \$251,000 and above budgets

2) All advertising and hearing costs shall be paid by the applicant.

3) The Planning Board reserves the right to obtain an independent evaluation of a proposed development to assist them in making necessary findings of fact. If the Planning Board deems such study necessary, it will request a reasonable additional sum from the applicant to defray the cost of study or studies. Any funds not utilized for consultant studies will be returned to the developer.

B. Planning Board Action

1. Public Hearing – The Planning Board may hold a public hearing within 30 days of the filing of the completed application. The Planning Board shall publish the time, date and place of the hearing in a newspaper of area-wide circulation *and shall notify the abutting landowners by certified mail* of the hearing.

2. Decision – Within 30 days of the public hearing or 60 days of receiving the application the Planning Board shall either approve, approve with conditions, or disapprove the application. The time limit for review may be extended by mutual agreement between the Planning board and the applicant. Within 7 days of reaching a decision the Planning Board shall notify the applicant, and any other person at the public hearing who requested such notification, in writing of any action taken and the reason for such action.

3. Waiver – The Planning Board may modify or waive any of the above application requirements or performance standards if the following findings can be made:

- That the land in question cannot yield a reasonable return unless a waiver is granted;
- That the need for a waiver is due to the unique circumstances of the property.
- That the granting of a waiver will not *negatively* alter the essential character of the locality; and
- That the hardship is not the result of action taken by the applicant or a prior owner.

4. Performance Guarantee – Prior to the issuance of a permit, the Planning Board shall require the applicant to file with the Board one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-space of the construction schedule and the inflation rate for construction costs:

- a. Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account;
- b. A performance bond payable to the Town issued by a surety company, approved by the municipal officers;
- c. An irrevocable letter of credit from a financial institution establishing funding for the construction, from which the Town may draw if construction is inadequate, approved by the municipal officers; and
- d. An offer of conditions approval limiting the number of units built or sold until all required improvements have been constructed.

The conditions and amount of the performance guarantee shall be determined by the Board with the advice of the Town Engineer, Road Commissioner, Municipal Officers, and/or Town Attorney.

e. Contents of Guarantee – The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspection of each phase of construction, provisions for release of part or all of the performance guarantee to the applicant, and a date after which the applicant will be in default and the Town shall have access to the funds to finish construction.

f. Escrow Account – A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the applicant, the municipality endorsement shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the developer unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the subdivider and the amount withdrawn to complete the required improvements.

g. Performance Bond – A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the developer, and the procedures for collection by the municipality. The bond document shall specifically reference the development for which approval is sought.

h. Letter of Credit – An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the development and may not be used for any other project or loan.

i. Release of Guarantee – Prior to release of any part to the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of the Town Engineer and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

g. Default – If, upon inspection, the Town Engineer finds that any of the required improvements have not been constructed in accordance with the application, he shall so report in writing to the Code Enforcement Officer. The municipal officers shall take any steps necessary to preserve the Town's rights.

k. Extension: The Planning Board may recommend a maximum extension of 12 months, the guaranteed performance period when the applicant can demonstrate, to the satisfaction of the Board and the Selectmen, good cause for such extension. The applicant *shall provide* the surety company's *policy* revision to reflect documentation of the surety the extension in the case of a performance bond. Such recommendation shall be referred to the Selectmen for official action *if required*.

l. Release: Before an applicant may be released from any obligation requiring his guarantee of performance, the Planning Board will require certification from appropriate Municipal Officers and consultants, if any, to the effect that all applicable State, Federal and local codes, ordinances, laws, regulations and standards have been met.

5. Issuance of Permit -- If the application is approved or conditionally approved, the Planning Board shall issue a site development permit. The permit shall expire if work has not begun within 12 months of the permit issue date.

C. Appeals

The applicant or any party adversely affected by the decision of the Planning Board may, within 30 days after the decision of the Planning Board, appeal in writing to the *Town Board of Appeals* which must act on the appeal within 30 days of the filing thereof. Further appeals shall be filed in the superior Court within 30 days pursuant to Title 30 MRSA 2411.

D. Violations

1. Violation and Enforcements - The Board of Selectmen upon finding that any provision of this ordinance or any condition of a permit issued under this ordinance is being violated is authorized to institute legal proceedings to enjoin violations of this Ordinance.

2. Fines – A person who violates the provisions of this ordinance or the conditions (s) of a permit shall be guilty of a civil violation and on conviction shall be fined not less than \$100 or more than \$2,500. Each day that such violation continues shall constitute a separate violation. Such persons shall also be liable for court costs and attorney fees incurred by the municipality.

E. Liability

The Town of Sedgwick agrees to defend and indemnify the Code Enforcement Officer, the Planning Board, the Board of Appeals, and individual member of the boards with regard to lawsuits filed against any or all of them based on their actions or inactions under this ordinance.

F. Responsibilities

The responsibilities of various Town entities and officials pertaining to the Site Plan Review process follow:

- *Planning Board: To administer the requirements of the Site Plan Review Ordinance, to include review Site Plan Applications; to keep the Selectmen informed; to receive permit fees; and issue permits*
- *Code Enforcement Officer: To deliver building permits, to ensure work is completed as per approved site plan and specifications, to keep the Planning Board apprised of project progress and all issues related to the application procedure,*
- *Town Engineer: To ensure and inform the Planning Board that project implementation is completed and certified according to approved plans and specifications.*
- *Road Commissioner: To ensure site plan contains proper entrance and exit details, road measurements and set-backs, and parking lay-outs as approved.*
- *Plumbing Inspector: To monitor construction and ensure that water supply and sewage systems are constructed to approved specifications.*
- *Fire Chief: To review Site Plan applications for any and all issues that pertain to fire protection and public safety.*
- *Board of Selectmen: To enforce the Town ordinances as required.*

SECTION V. Definitions

Accessory Use or Structure – A subordinate use of a building, other structure of land, or a subordinate building or other structure where:

- Customary - in connection with the principal building, other structure or use of land
- Clearly incidental - to the use of the principal building, other structure or use of land, and
- Located on the same lot – with the principal building, other structure or use of land, or on a lot adjacent to such lot if in the same ownership or part of the same establishment.

Adequate – see Sufficient

Agricultural Land Management Practices – Those devices and procedures utilized in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.

Alteration – A structural change, rearrangement, change of location, or addition to a building or structure, other than repairs and modification in building equipment whether horizontally or vertically, involving more than a three hundred (300) square foot increase in the overall floor space of bulk of the building or structure at any time or in total since the effective date of the ordinance.

Applicant – the word applicant, licensee, or owner are interchangeable unless the context clearly indicates otherwise.

Appropriate – see Sufficient

Building – Any structure having a roof or partial roof supported by columns or walls used for the shelter or enclosure of persons, animals, goods or property of any kind.

Change of Use – A change of the purpose or activity for which land or buildings are designed, arranged or intended, or for which land or buildings are occupied or maintained at the time of enactment of this ordinance.

Commenced – Means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings or any work beyond the state of excavation. Permanent construction does not include land preparation; nor does it include the installation of streets and/or walkways; nor does it include excavation or erection of temporary forms; nor does it include the installation of accessory buildings.

Commercial – Any business, housed in a permanent structure, engaged primarily in the sale of goods or services to the consumer for direct consumption and/or use and/or resale, excluding home occupations.

Dwelling Unit – A room or group of rooms designed and equipped exclusively for the use as living quarters for one family including provisions for living, cooking and eating.

Forest Management Activities – Timber cruising and other forest resource evaluation activities, pesticide application, management planning activities, insect and disease control, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar associated activities, but not the construction, creation, or maintenance of land management roads.

Home Occupation – An occupation or profession which is customarily carried on in a dwelling or in a structure customarily accessory to a dwelling unit; conducted by only an occupant or occupants residing in the dwelling unit and a maximum of one (1) non-resident employee; clearly incidental and secondary to the use of the dwelling unit for residential purpose.

Industrial – The assembling, fabrication, finishing, manufacturing, packaging, or processing of goods or the extraction of minerals.

Institutional – A building devoted to public, governmental, educational, charitable, medical or similar purpose.

Lodging Unit – A dwelling or part thereof, in which sleeping accommodations are furnished and meals or other services may be furnished by the owner or operator to more than three (3) individuals other than a member of the family. Lodging units shall include bed and breakfast, inn, boarding house, rooming house, hotels or motels.

Major Street – A street with signals at important intersections and stop signs on the side streets and/or roads and which collects and distributes traffic to and from collector streets and/or roads.

Mean High Water Mark of Coastal Waters – That line on the shores of tidal water reached by the shoreward limit of the rise of the medium tides between the spring and the neap.

Multiple Family Dwelling – A building having three or more dwelling units.

Normal High Water Mark of Inland Waters – That line on the shores and banks of non-tidal waters if apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation is that line where the vegetation changes from the predominantly aquatic to predominantly terrestrial (by way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups – water lily, pond lily, pickerel weed, cattail, wild rice, sedges, rushes, and marsh grasses; and terrestrial vegetation includes but is not limited to the following plants and plant groups – inland grasses, aster, lady slipper, wintergreen, partridge berry, sarsaparilla, pines, cedars, oaks, ashes, alders, elms, and maples).

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

Official Submittal Date – The date upon which a complete application has been submitted to the Board.

Persons – Any person, firm, association, partnership, corporation, municipal or other local governmental entity, quasi-municipal entity, state agency, educational or charitable organization or institution or other legal entity.

Principal Structure – The structure in which the primary use of the lot is conducted.

Recreational Vehicle – A vehicular type portable structure without permanent foundation which can be towed, hauled or driven and primarily designed as temporary living accommodations for recreational camping and travel use.

Retail – The sale of goods to the ultimate consumer for the direct use and consumption and not for trade.

Roads – A vehicular way over 500 feet in length or a vehicular way serving more than one principle structure or more than one lot upon which dwellings could be built.

Structure – Anything constructed, erected, or placed except a boundary wall or fence, the use of which requires location on the ground or attachment to something on the ground including, but not limited to buildings, mobile homes, recreational vehicles, piers and floats.

Substantial Enlargement – An increase of 20% of the area and/or 10% of the assessed value.

Sufficient – The term shall mean to do as much as needed to address any and all existing and/or potential negative impacts resulting from the proposed development. The term “sufficient” shall include the terms “adequate”, “suitable” and “appropriate”. In instances where there exists questions as to how much is needed, the developer and/or the Board may request a written determination from a consultant licensed in the State of Maine in the appropriate field to identify the necessary actions needed at the developers expense.

Suitable – See Sufficient

Temporary Structure – A structure without any foundation or footings which is established for a fixed time period, activity or use which is removed upon the expiration for which the structure was erected has ceased.