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## **SECTION 1. PURPOSE**

Substantial development or major changes in the uses of land may cause a material impact on the cost and efficiency of municipal services, public utilities, road systems and traffic congestion, and may affect the visual characteristics of neighborhoods and the Town, and the general health, safety and welfare of the community. The purpose of this Ordinance is to minimize the potential negative impacts of development while maximizing development's positive effects, by assessing the impact of new development on surrounding properties, municipal facilities and services, and the natural environment.

Only uses that have been designated as permitted uses in a district are eligible for Site Plan Review. Therefore, the purpose of site plan review is not to establish the right of a use to be located in the area proposed, but rather to ensure that the way the use is designed and placed on a lot is appropriate to its surroundings.

The Planning Board may consider the historic importance, scenic beauty or irreplaceability of natural areas in keeping with historic patterns of development and land use on the affected site, the importance of existing structures and land uses, and whether the use is likely to constitute a nuisance to neighboring residential or commercial users. This may require a proposed development or structure to relate harmoniously to the terrain and surrounding environment, including existing buildings in the vicinity that have a visual relationship with the proposal being considered.

## **SECTION 2. SITE PLAN REVIEW PROCESS**

**2.1.A. In general.** An Approved Development Plan, where deemed necessary under the terms of this Ordinance, shall be required prior to commencement of the proposed activity, and shall consist of a Site Plan Application meeting the requirements of Section 4, signed by the Planning Board, and may include any conditions attached by the Board. An Approved Development Plan shall not exempt an applicant from meeting the requirements of any other ordinance concerning land use, or any other local, state or federal requirements.

**2.1 B. Building permits.** No building permit will be issued by the Code Enforcement Officer (CEO) or the Planning Board for any use or development within the scope of this Ordinance until a Site Plan Application for the proposed development has been reviewed and approved by the Planning Board under the provisions of this Ordinance. In the sole discretion of the PB, review of an application under this Ordinance and any other Land Use Ordinance may be combined in a single process. In case of conflict between Ordinances, the stricter provision shall apply.

**2.2. Meeting with CEO.** The applicant shall first meet with the CEO to review the project and determine next steps. The CEO will determine whether a Site Plan Review is needed.

**2.3. Pre-application meeting with Planning Board.** If the CEO determines a Site Plan Review is needed, the applicant shall request a pre-application meeting with the Planning Board, prior to formal submission of a Site Plan Review application. A written statement defining the proposed project and a sketch of the proposed plan is required for the pre-application meeting.

**2.3.1. Sketch plan.** The sketch plan may be freehand but should --

A. outline the tract/parcel with estimated dimensions, roads, and layout of existing and proposed buildings and structures, driveways and parking areas.

B. detail the dimensions, road rights-of-way, existing easements, buildings, driveways and parking areas.

C. Identify general areas of steep slopes, wetlands, streams and floodplains, with a calculation of the percentage of lot coverage of the use/building and the percent of impervious surfaces.

**2.3.2. Planning Board action.** The Planning Board will review the applicant's proposal(s) and determine the scope of the plan's impact on the site and town.

**A. Approve proposals with minimum impact.** For proposals the Board determines to **have** minimum impact, the Board may approve the Site Plan, for Building/Use Permit Application, at the pre-application meeting.

**B. Schedule Site Plan Review.** For all other proposals, the Board may require and schedule a more detailed Site Plan Review.

**2.3.3. Objectives of pre-application meeting.** If a detailed Site-Plan Review is required, the pre-application meeting can help determine the requirements that apply to the project and identify issues, processing times, fees, and the types of information and documentation necessary for the review.

**2.4. Site Plan Review Application submission requirements.**

**A. Contents.** Every applicant applying for site plan review shall submit an electronic/digital version of the application with eight (8) hard copies of the application and supporting documentation to the CEO. All copies shall be prepared in accordance with the Site Plan Review Application Requirements of Section 4 and accompanied by a fee as determined by the Select Board.

**B. Deadline.** An application for site plan review shall be submitted at least fifteen (15) calendar days prior to the Planning Board meeting at which the applicant wishes to be heard.

**2.5. CEO distribution to Town officials.** After receiving a Site Plan Review application, the CEO will share the application with the Town’s Fire Chief, Road Commissioner, Community Resilience Committee, and Conservation Commission, and inform them of the date, time, and location of the Planning Board’s Site Plan Review Meeting.

**2.6 On-site inspection meeting.** The Planning Board may schedule an on-site inspection meeting. The on-site inspection shall be jointly attended by the applicant or his or her duly authorized representative and at least two Planning Board members.

**2.7 Planning Board approval decision.** Within sixty (60) days after the date on which the Site Plan Review application first appears on the Planning Board agenda, the Board shall act to approve, approve with conditions, or disapprove pending additional conditions/ information/resubmittal. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant. The Planning Board shall approve all complete applications that satisfy the requirements of this Ordinance and other applicable statutes, regulations, and Ordinances concerning Land Use and meet the criteria and standards of Section 1.

### **SECTION 3. APPLICABILITY**

**3.1.** The following shall require site plan review and approval:

3.1. A. The construction or placement of any new building or structure for a nonresidential use, including accessory buildings and structures.

3.1.B. The expansion of an existing nonresidential building or structure including accessory buildings that increases the total floor area.

3.1.C. The conversion of an existing building, in whole or in part, from a residential use to a nonresidential use.

3.1.D. The establishment of a new nonresidential use even if no buildings or structures are proposed, including uses such as gravel pits, cemeteries, golf courses, and other nonstructural nonresidential uses.

3.1.E. The conversion of an existing nonresidential use, in whole or part, to another nonresidential use if the new use changes the basic nature of the existing use such that it

increases the intensity of on- or off-site impacts of the use subject to the standards and criteria of the site plan review described in Section 9 of this ordinance.

3.1.F. The construction of a structure or building containing five (5) or more dwelling units.

3.1.G. The modification or expansion of an existing residential structure that increases the number of dwelling units in the structure to five (5) or more in any five (5) year period.

3.1.H. The conversion of an existing nonresidential building or structure, in whole or part, into five (5) or more dwelling units within a five (5) year period

3.1.I. The construction or placement of five (5) or more dwelling units on a single tract or parcel of land.

3.1.I. The construction or expansion of paved areas or other impervious surfaces, including walkways, access drives, and parking lots involving an area of more than two thousand five hundred (2500) square feet within any three (3) year period.

3.1.J Any use designated in the Land Use or Shoreland Zone Ordinances as requiring site plan review.

3.1.K. Any development of a lot with multiple uses.

3.1.L Demolition of buildings or disturbance/regrading/clearing/grubbing of more than 10,000 square feet.

3.1.M. Any project that requires Maine DEP approval or permitting.

3.1.N. Any amendments or revisions to an existing Approved Development Plan

**3.2. The following shall not require site plan approval.** Certain of these activities will, however, require the owner to obtain a building permit, plumbing permit, or other state or local approvals:

3.2.A. The construction, alteration, or enlargement of any residential dwelling, including accessory buildings and structures, and excavation for plumbing/leach fields, unless the proposal would trigger a Subdivision review, in which case, compliance with this Ordinance satisfies the requirements of the Subdivision Ordinance.

3. 2.B. Agricultural activities, including agricultural buildings and structures.

3.2.C.. Timber harvesting and forest management activities.

3.2.D. The establishment and modification of home occupations that do not result in changes to the site or exterior of the building.

## **SECTION 4. SITE PLAN APPLICATION**

The site plan application shall include, at a minimum, unless waived by the Planning Board:

### **4.1 Written Summary Statement**

A written summary statement by the applicant to include:

- A. Name and address of the applicant or authorized agent; name of the proposed Development, and name or legal description of any land within 500 feet of the proposed development in which the applicant has title or interest.
- B. Evidence of the applicant's right, title or interest in the land that the application covers.
- C. A description of the proposed uses to be located on the site.
- D. Total floor area and footprint of each existing and proposed building and structure and the lot coverage.
- E. Summary of existing and proposed easements, restrictions, and covenants on the property.
- F. A list of approvals, permits, and licenses required by Federal Agencies, State Departments and the Town of South Thomaston. The applicant shall provide to the Planning Board copies of all such documents.
- G. The estimated dates when construction will start and be completed.
- H. Spaces for Planning Board signatures and dates.

**4.2 Site Plan Map** A site plan map or maps shall be drawn at a scale of not smaller than one inch to equal forty feet. It shall show scale, true north, a legend and provide space for dates of any revisions that may be required.

#### **4.2.1. The site plan map shall show the following information:**

- A. Parcel Description.** Exact dimensions and acreage of the parcel to be built upon. The corners and boundary lines shall be shown on the site plan map. (See Sec. 4.4: the Planning Board may require a boundary survey.)
- B. Buildings and structures.** The location, size, shape, dimensions, number of floors/stories, total floor area and ground coverage of each existing and proposed building, structure, or addition on the parcel.
- C. Setbacks.** All existing and proposed setback dimensions.

**4.2.2. Materials to be submitted with the site plan map include:**

- A. Photos of the project area prior to any site preparation.
- B. A digital copy of lot lines and buildings, if available.

**4.3 Data and Narrative Descriptions Linked to Site Map**

4.3.1. Data and narrative descriptions of the following elements of the proposed Development, with the location and footprint of each shown on the site plan map or maps:

**A. Vehicular and pedestrian access and control.** Location, type, and dimensions of existing and proposed on-site roads and ways for vehicular and pedestrian travel, parking areas and the layouts thereof, loading and unloading facilities, means of ingress and egress of vehicles to and from the site onto public streets, driveways, gates, fences, walkways, curbs, and curb cuts. See also Landscaping Plan.

**B. Abutting streets.** The location, names, and widths of all existing and proposed streets abutting the premises.

**C. Abutting properties.** The tax map and lot numbers of all properties abutting the proposed development, including those properties across the street, together with the names and addresses of the owners as disclosed on the tax maps on file in the Town Office as of the date of the development plan review application. The property lines of each such property, together with the tax map and lot number, shall be shown on the site plan map.

**D. Utilities; other encumbrances of property.** A description of all existing and proposed utility lines, sewer lines, water lines, drainage ways, easements, public or private rights-of-way, and other legal rights or restrictions that may affect the premises in question. The location and dimensions of each, both above and below ground, shall be shown on the site plan map.

**E. Control of stormwater drainage, erosion and sedimentation.** A plan or complementary plans to control stormwater drainage and erosion/sedimentation. The plan(s) should address known and likely sources of stormwater runoff and flooding, including streams, water courses, and drainage paths and points of discharge from the lot identified in the map of changes to land contours. The plan(s) shall describe the drainage system proposed to be constructed, including the location, type, and dimensions of all existing and proposed catch basins and storm drainage facilities. The location and dimensions of all existing and proposed catch basins, storm drainage facilities, streams and water courses, shall be shown on the site map.

**F. Subsurface wastewater disposal system.** If the site is to be served by a subsurface wastewater disposal system, an on-site soils investigation report, by a Site Evaluator licensed by the Maine Department of Health and Human Services. The report shall identify the types of soil, location of test pits, and proposed location and design for the subsurface disposal system. The location and dimensions of the subsurface disposal system shall be shown on the site plan map.

**G. Materials: Description, handling, and disposal.**

1. The amount and type of any raw, finished or waste materials to be stored outside of roofed buildings, including their physical and chemical properties, if appropriate.
2. Method of disposal of solid, liquid, chemical, hazardous/medical or other waste.
3. The type, size and location of all incineration devices.
4. The amount and type of any hazardous material to be stored on site with location and type of storage structure(s).

**H. Lighting.** The size, location, direction and intensity of illumination of all major outdoor lighting apparatus and signs.

**I. Noise generation.** The type, size and location of all machinery likely to generate appreciable noise at the lot lines.

**4.4. Additional Data and Documents Required**

**A. Property tax map; abutters.** A copy of the municipal tax map showing the property lines and lot numbers of all properties abutting the proposed development, including those properties across the street, together with the names and addresses of the owners as disclosed in the tax records on file in the Town Offices as of the date of the development plan review application.

**B. Location map.** A location map drawn at a scale of 1,000 feet or 1,500 feet to the inch, to show the relation of the proposed development to the surrounding area.

**C. Boundary survey.** For any site for which construction or grading is proposed, other than an enlargement of an existing building or construction of an accessory building, the Planning Board may require that the site plan include a field survey, made and certified by a registered land surveyor licensed in Maine, of the boundary lines of the lot, giving complete descriptive data by bearings and distances, relating to reference points and showing true north point, graphic scale, corners of parcel, date of survey and total acreage.

**D. Map of changes to land contours and elevations.** A map of the site showing natural contours at intervals of two (2) feet and final contours at intervals of two (2) feet (or at such

other intervals as the Planning Board may specify), the natural contours to be shown by dashed lines and the final contours to be shown by solid lines. Where sufficient detail cannot be shown with two (2) foot contours, spot elevations shall be required, with existing spot elevations shown in parentheses to be distinguishable from final spot elevations. Where construction will not disturb the entire lot proposed for development, the requirement to map contours or spot elevations shall apply only to those portions of the lot that will be altered in any way, and to portions of the lot downslope from the proposed alterations, to an extent sufficient to clearly delineate the existing and proposed course or courses of drainage and the point or points of discharge from the lot.

#### **E. Soils.**

1. Existing soil conditions as described by either a soil scientist, geologist, engineer or Soil Conservation Service medium intensity soil survey.
- 2.. Approximate volume of soil to be added or removed, the amount of blasting required, and a disposition plan for removed materials.
- 3.. Specification of quantities and grades of materials to be used if land-filling is proposed.

**F. Landscaping plan and map.** A landscaping plan and map showing location, type and approximate size of plant materials proposed to be retained or planted; fences, retaining walls, and other landscaping features. New plantings shall consist of site-appropriate hardy natives. For locations required to be screened, type, size, and growth potential shall be considered in plant selection. The plan shall provide for maintenance and replanting.

### **SECTION 5. PERFORMANCE STANDARDS**

The following standards are to be used by the Planning Board 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 unless, in the judgment of the Planning Board, the applicant is not able to reasonably meet one or more of these standards. In all instances, the burden of proof shall be on the applicant.

#### **A. Preservation of Landscape**

The landscape shall be preserved in its natural state, insofar as practicable, including by minimizing tree removal. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. Any plantings shall be with hardy and site-appropriate native plants that do not require an irrigation system. Landscaping shall be designed and planted to screen the project from the public right-of-way and abutting properties and structures.

## **B. Erosion Control**

Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following "best management" practices.

1. Stripping of vegetation, soil removal, and regrading or other development shall be accomplished in such a way as to minimize erosion.
2. The duration of exposure of the disturbed area shall be kept to a practical minimum.
3. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
4. Permanent (final) vegetation and erosion control measures shall be installed as soon as practicable after construction ends.
5. Until a disturbed area is stabilized, sediment in run-off water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods as determined by the Planning Board.
6. The top of a cut or the bottom of a fill section shall not be closer than ten feet to an adjoining property, unless otherwise specified by the Planning Board. Extraction operations (sandpits, etc.) shall not be permitted within 100 feet of any property line, except as may be provided for in the Mineral Extraction Ordinance.
7. During grading operations, methods of dust control shall be employed wherever practicable.
8. The soils on the site shall have adequate capacity and stability to support all proposed development.

## **C. Traffic Flow**

The proposed land use shall provide for safe access to and from public and private roads. Safe access shall be ensured by providing an adequate number and location of access points, with respect to sight distances, intersections, schools, and other traffic-generators. "Curb cuts" shall be limited to the minimum width necessary for safe entering and exiting. The proposed development shall not have

an unreasonable negative impact on the town road system, and shall ensure safe interior circulation within its site, by separating pedestrian and vehicular traffic and providing adequate parking and loading areas. This section shall not be used as the sole criterion for rejecting an application, unless all possible entrances/exits are deemed to be unsafe due to poor-sight distances.

#### **D. Noise**

Excessive noise and noise at unreasonable hours, as determined by the Planning Board, shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, or shrillness. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any commercial activity shall be as established and detailed in the Use/Building Permit in accordance with the Land Use, Shoreland Zone, and Mineral Extraction Ordinances (or any other Town Ordinances relating to land use).

#### **E. Dust, Fumes, Vapors and Gases**

Emission of dust, dirt, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation, or property, or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission shall be prohibited. All such activities shall also comply with applicable Federal and State regulations.

#### **F. Odor**

No land use or establishment shall be permitted to produce offensive or harmful odors perceptible beyond their lot lines, either at ground or habitable elevation.

#### **G. Storm Water Run-Off & Surface Water Drainage**

Surface water run-off shall be minimized and detained on-site if possible or practicable. If it is not possible to detain water on-site, downstream improvements to the channel may be required of the developer to prevent flooding caused by the project. The natural state of watercourses, swales, floodways, or rights-of-way shall be maintained as nearly as possible. Design period is 50-year storm.

Adequate provision shall be made for surface drainage so that removal of storm waters will not adversely affect neighborhood properties, downstream water quality, soil erosion or the public storm drain system. Whenever possible, on-site absorption of run-off waters shall be used to minimize discharges from the site.

#### **H. Water Quality**

All outdoor storage facilities for fuel, chemicals, chemical or industrial wastes, and potentially harmful raw materials, shall not be used unless they meet all relevant federal and state regulations.

#### **I. Setbacks and Screening**

Exposed storage areas, exposed machinery installation, sand and gravel extraction operations, and areas used for the storage or collection of discarded automobiles, auto parts, metal, or any other articles of salvage or refuse, shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize the adverse impact on other land uses within the development area and surrounding properties (such as a stockade fence or a dense evergreen hedge 6 feet or more in height). Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and be maintained in good condition.

#### **J. Explosive Materials**

No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, unless they meet all relevant federal and state regulations.

#### **K. Relation of Proposed Building to Environment**

Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.

#### **L. Refuse Disposal**

The applicant shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. The Planning Board may require the applicant to specify the amount and exact nature of all industrial, chemical or bio-medical wastes to be generated by the proposed operation.

#### **M. Special Features of Development**

Exposed storage areas, exposed machinery, installations, service areas, truck loading areas, utility buildings and similar structures shall have sufficient setbacks

and screening to provide an audio and visual buffer sufficient to minimize the adverse impact on other land uses within the development area and surrounding properties.

**N. Exterior Lighting**

1. Lighting on the premises shall be fully shielded and downward-facing to prevent light trespass across property boundaries and to protect dark skies. Lighting shall be timer-controlled; 24-hour lighting is prohibited unless the Planning Board agrees it is required for safety/security.

No lights shall be placed in view of any public roadway or street so that its beams or rays are directed at any portion of the roadway when the light is of such brilliance and so positioned as to impair the vision of the driver of any motor vehicle upon said roadway.

2. No rotating or flashing lights or signals, except safety signaling devices as required by law, are permitted.

3. Adequate buffers using either the natural landscape or artificial screening are required to prevent unnecessary or undesirable light from being directed beyond lot lines onto adjacent properties.

**O. Emergency Vehicle Access**

Provision shall be made for practical and safe emergency vehicle access to all buildings and structures at all times of the year.

**P. Municipal Services**

The development will not have an unreasonable adverse impact, as determined by the Planning Board, on municipal services.

**Q. Air Quality** must comply with Federal and State regulations.

### **5.2.2 Traffic Data:**

A Development Plan may be required to have an accompanying traffic engineering study, if the Planning Board determines the project to be of substantial magnitude along any of the town's roads or state highways. Should a traffic study be requested by the Planning Board, the following data shall be included.

- A. The estimated peak-hour traffic to be generated by the proposal.
- B. Existing traffic counts and volumes on surrounding roads.
- C. Traffic accident data covering a recent three-year period.
- D. The capacity of surrounding roads and any improvements which may be necessary on such roads to accommodate anticipated traffic generation.
- E. The need for traffic signals and signs or other directional markers to regulate anticipated traffic.

## **SECTION 6. GENERAL PROVISIONS**

**6.1 Modification or waiver of requirements.** The Planning Board may modify or waive any of the application requirements, when it determines, that because of the special circumstances of the site or the size of the project, such application requirements would not be applicable or would be an unnecessary burden upon the applicant, and their modification or waiver would not adversely affect the abutting landowners and the general health, safety and welfare of the Town.

**6.2. Construction.** All construction performed under the authorization of a building/use permit issued for development within the scope of this Ordinance shall be in conformance with the approved Site Plan.

**6.3. Site plan expiration, extension.** Site plan approval shall expire two (2) years after Planning Board approval if a building permit has not been issued. Applicants may seek a two-year extension prior to an approved site plan's expiration, unless the ordinance, at the time of renewal, has changed to such an extent that the previously approved use would no longer be permitted.

**6.4. Independent professional review.** The Planning Board may require a review of the plan submitted by the applicant by an independent civil engineer, soil scientist, geologist or other expert where the Planning Board determines that such a review will be necessary for it to determine compliance with the standards of this Ordinance. The applicant shall pay for this review.

**6.5 Protection of public interest.** The Planning Board may, in order to carry out the purposes of this Section, require reasonable conditions necessary to protect the public interest and to fit such uses harmoniously into their neighborhoods. Such conditions imposed shall be included in the building permits issued by the CEO or Planning Board.

**6.6 Independent Planning Board review.** The Planning Board's decisions shall be made independently of State and Federal agencies' reviews. But, State and Federal applications, reviews and permits may be included in the documentation required or provided by the application.

#### **SECTION 7. ENFORCEMENT AND APPEALS.**

Failure to comply with the requirements of this Ordinance shall be considered a violation and shall be enforced under the provisions of 30-A M.R.S.A. §4452, as well as the Town's Land Use and Subdivision Ordinances. The CEO and Select Board will enforce this ordinance. Appeals will be as detailed in the Land Use and Subdivision Ordinances.

#### **SECTION 8. CONFLICT WITH OTHER REGULATIONS**

Whenever the requirements of this Ordinance conflict with another ordinance or other regulations, the stricter requirement shall apply.

#### **SECTION 9. DEFINITIONS**