

Draft of
Proposed Site Plan Review Ordinance
For the Town of China
To Implement its Comprehensive Plan Update

**CHAPTER 8. COMMERCIAL AND MULTIFAMILY RESIDENTIAL
SITE PLAN REVIEW**

SECTION 1. PURPOSE

The site plan review provisions set forth in this subchapter are intended to protect the public health and safety, promote the general welfare of the community, **promote high-quality design**, and conserve the environment by assuring that nonresidential and multifamily residential construction is designed and developed in a manner which assures that adequate provisions are made for traffic safety and access; emergency access; water supply; sewage disposal; management of stormwater, erosion, and sedimentation; protection of the groundwater; protection of the environment, wildlife habitat, fisheries, and unique natural areas; protection of historic and archaeological resources; minimizing the adverse impacts of the activity on adjacent properties; and fitting the project harmoniously into the fabric of the Town of China.

These site plan review provisions operate in conjunction with all other applicable provisions of the Town's ordinances that apply to the construction, alteration, or enlargement of a building, the installation of paving or other impervious surfaces, or the change of use of a property for non-residential, multifamily residential, or mixed-use purposes.

SECTION 2. APPLICABILITY

A person who has right, title, or interest in a parcel of land must obtain site plan approval prior to commencing any of the following activities on the parcel, obtaining a building or plumbing permit for the activities, or undertaking any alteration or improvement of the site including grubbing or grading:

- A) The construction or placement of any new building or structure for a nonresidential use, including accessory buildings and structures, if such buildings or structures have a floor area of one thousand (1,000) square feet or more.
- B) The expansion of an existing nonresidential building or structure, including accessory buildings, that increases the total floor area by one thousand (1,000) square feet or more.

- C) The conversion of an existing building, in whole or in part, in which one thousand (1,000) square feet or more of floor space is converted from a residential use to a nonresidential use.
- 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, vehicle storage, and other nonstructural nonresidential uses, in which two (2) acres or more are disturbed.
- E) The conversion of one thousand (1,000) square feet or more of floor space of an existing nonresidential use, in whole or in 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 site plan review described in Section 11 of this chapter.
- F) The construction of a residential building containing three (3) or more dwelling units.
- G) The modification or expansion of an existing residential structure that increases the number of dwelling units in the structure by three (3) or more units in any five (5) year period
- H) The conversion of an existing nonresidential building or structure, in whole or in part, into three (3) or more dwelling units within a five (5) year period.
- 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 (2,500) square feet within any three (3) year period.

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

- J) The construction, alteration, or enlargement of a single family or two-family dwelling, including accessory buildings and structures,
- K) The placement, alteration, or enlargement of a single manufactured housing or mobile home dwelling, including accessory buildings and structures on individually owned lots,
- L) Agricultural activities, including agricultural buildings and structures,
- M) Timber harvesting and forest management activities,

- N) The establishment and modification of home occupations that do not result in changes to the site or exterior of the building.
- O) Activities involving nonresidential buildings or activities that are specifically excluded from review by the provisions of this section.

SECTION 3. REVIEW AND APPROVAL AUTHORITY

The Planning Board is authorized to review and act on all site plans for development requiring site plan review under this subchapter. The Planning Board may act to approve, disapprove, or approve the project with conditions.

Section 4. PREAPPLICATION CONFERENCE

Prior to submitting a formal application, the applicant or his/her representative may request a preapplication conference with the Code Enforcement Officer. A preapplication conference is optional but is strongly advised. The preapplication conference shall be informal and informational in nature. There is no fee for a preapplication review, and such review shall not cause the plan to be a pending application or proceeding under Title 1 M.R.S.A. §302. No decision on the substance of the plan shall be made by the Code Enforcement Officer at the preapplication conference.

1. **Purpose.** The purposes of the preapplication conference are to:
 - A. Allow the staff to understand the nature of the proposed use and the issues involved in the proposal,
 - B. Allow the applicant to understand the development review process and required submissions,
 - C. Identify issues that need to be addressed in future submissions, and
 - D. Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.
 - E. Allow the Code Enforcement Officer to provisionally classify the project as a minor development or major development.
2. **Related Actions.** The Code Enforcement Officer may schedule a site inspection in conjunction with the preapplication conference if deemed necessary and discuss any potential requests for waivers from the submission requirements subject to the standard described in Sections 9 and 10 below.
3. **Preparation for the Preapplication Conference.** There are no formal submission requirements for a preapplication conference. However, the

applicant shall be prepared to discuss the following with the Code Enforcement Officer:

- A. The proposed site, including its location, size, and general characteristics,
- B. The nature of the proposed use and potential development,
- C. Any issues or questions about existing municipal regulations and their applicability to the project, and
- D. Any requests for waivers from the submission requirements and the basis for the request with respect to Sections 9 and 10 below.

In preparation for this conference, the applicant should be knowledgeable about the provisions of the site plan review ordinance. The applicant's presentation and written materials about the nature and scope of the project must allow the Code Enforcement Officer to be able to provisionally classify the project as a minor development or major development in accordance with Section 5 below.

SECTION 5. CLASSIFICATION OF PROJECTS

Projects and activities subject to site plan review are classified as minor developments or major developments based upon the criteria of this section. Projects that are classified as minor developments are subject to a simplified application and review process while major projects are required to provide more information about the activity and its impacts and are subject to a more extensive review process.

1. ***Classification of a Project.*** The Code Enforcement Officer shall be responsible for provisionally classifying a project or activity as a minor or major development. This can occur in conjunction with a preapplication conference or as a separate action but must occur prior to the submission of the formal application for site plan review. When the Code Enforcement Officer provisionally classifies a project as a minor or major development, he/she shall notify both the applicant and the Chair of the Planning Board in writing of the classification and the basis for determination. At the first meeting of the Planning Board at which the application is discussed, the Planning Board shall review the Code Enforcement Officer's determination as to the classification of the application and may either confirm or revise the classification based upon the information contained in the application.
2. ***Revision of the Classification by the Planning Board.*** If the Planning Board revises the classification of a project, the processing of the application shall proceed under the revised classification at that meeting and any subsequent meetings of the board. If the Planning Board reclassifies a project as a major

development, processing of the application shall be suspended until the applicant has provided all of the information required for a major development as set forth in Section 10.

3. ***Minor and Major Developments.*** Any activity that meets the threshold requirements of Section 2 of this Chapter shall be classified as a Minor Development and shall be subject to the procedures and standards for minor developments unless the activity meets one of the following in which case it shall be classified as a Major Development and shall be subject to the procedures and standards for major developments:

- A) The construction of new space, as described in Section 2, that results in the creation of five thousand (5,000) square feet or more of new nonresidential use.
- B) The establishment of a new nonresidential use in which no buildings or structures are proposed, including uses such as gravel pits, cemeteries, golf courses, and other nonstructural nonresidential uses, as described in Section 2, if such new nonresidential use disturbs five (5) acres or more.
- C) The construction of new space, as described in Section 2, that results in one or more residential building(s) containing six (6) or more dwelling units.
- D) An activity described as eligible for site plan review in Section 2 of this chapter that generates one hundred (100) or more additional vehicle trips per day to the site, as determined by the current version of the ITE Trip Generation Manual or information on the trip generation rates of comparable facilities prepared by a qualified traffic engineer.

SECTION 6. APPLICATION SUBMISSION AND REVIEW PROCEDURES FOR MINOR DEVELOPMENTS

1. ***Submission to Code Enforcement Officer.*** The applicant for site plan review of a minor development shall prepare and submit a site plan review application, including the development plan and supporting documentation to the Code Enforcement Officer. The application must meet the submission requirements for minor developments set forth in Section 9 below. The Code Enforcement Officer shall provide the applicant with a dated, written receipt for the application submission.
2. ***Provisional Review by the Code Enforcement Officer.*** The Code Enforcement Officer shall review the application for completeness within five (5) business days of receipt. The Code Enforcement Officer shall provisionally determine that the application is complete only if all of the

required information set forth in Section 9 has been submitted or the applicant has requested waivers for any required information not provided and provided information documenting the basis for the waiver request(s) in accordance with Section 9. Upon the completion of the application review, the Code Enforcement Officer shall notify the applicant in writing as to whether or not the application is deemed to be provisionally complete. If the application is provisionally complete, the Code Enforcement Officer shall forward the application to the Planning Board and shall schedule it for the next available Planning Board meeting for consideration by the Board. The Code Enforcement Officer shall notify abutting property owners of the pending application. The Code Enforcement officer shall also deliver written notice of the pending application to the Town Manager, the appropriate fire chief, chairs of appropriate commissions, and other interested parties.

If the Code Enforcement Officer finds that the application is not complete, he/she shall notify the applicant in writing of the additional material that needs to be submitted by the applicant for the application to be provisionally complete and to be considered by the Planning Board. Upon the receipt of additional information, the Code Enforcement Officer shall conduct another completeness review. This process shall be repeated, if necessary, until the Code Enforcement Officer finds that the application is provisionally complete.

3. ***Initial Consideration by the Planning Board.*** At the first meeting at which the application is considered, the Planning Board shall review the application material and formally determine whether or not the submission is complete. The Board shall also consider and act on any requests for waivers of the submission requirements in accordance with Sections 7 and 9. If the application is determined to be incomplete or requested waivers are not granted, the Board shall notify the applicant and Code Enforcement Officer in writing of this finding, shall specify the additional materials required to make the application complete and shall advise the applicant that the application shall not be considered by the Board until the additional information is submitted to the Code Enforcement Officer. These steps shall be repeated until the application is found to be complete by the Planning Board. The timeframes for the processing of the application shall begin when the board finds that the application is complete.
4. ***On-Site Inspection.*** The Planning Board may hold an on-site inspection of the site to review the existing conditions, verify the information submitted, and investigate the development proposal. The Board may conduct this visit either before or after the first meeting at which the application is considered. The Board may decide not to hold an on-site inspection when the site is snow-covered. If an application is pending during a period when there is snow cover, the processing of the application may be suspended until the Board is able to conduct an on-site inspection. Written notice of the on-site inspection shall be provided to all parties listed under Section 6, article 2 above.

5. ***Planning Board Action.*** Within forty-five (45) days of determining that the application is complete, the Planning Board shall either hold a public hearing on the application or take final action on said application if a public hearing is not held. If a public hearing is held, the Planning Board shall take final action on the application within thirty (30) days of the public hearing. The Board shall act to deny, to approve, or to approve the application with conditions. The Board may impose such conditions as are deemed advisable to assure compliance with the standards of approval. All time limits provided for in this section may be extended by mutual agreement of the applicant and Planning Board.

In issuing its decision, the Planning Board shall make written findings of fact establishing that the activities set forth in the application do or do not meet the standards of approval and other requirements of the Town including any conditions of approval necessary to comply with the standards. The Board shall notify the applicant of the action of the Board, including the findings of fact, and any conditions of approval. This requirement can be met through the distribution of minutes of the meeting containing the findings of fact and decision of the Board.

6. ***Optional Public Hearing.*** The Planning Board is not required to hold a public hearing on an application for a minor development. The Board may, by formal vote, decide to hold a public hearing on an application if there is significant public interest in the project or if there are unresolved issues with respect to conformance with the approval standards. If a public hearing is held, the hearing shall be noticed and advertised.
7. ***Final Approval and Filing.*** Upon completion of the requirements of this section and a vote of approval or approval with one or more conditions by the majority of the Planning Board, the application is approved and the site plan shall be signed by a majority of the members of the Board and filed with the Code Enforcement Officer.

SECTION 7. APPLICATION SUBMISSION AND REVIEW PROCEDURES FOR MAJOR DEVELOPMENTS

1. ***Two Step Review Process.*** Site Plan Review for a major development is a two step process. Step one is the submission and review of a Site Inventory and Analysis. Upon the completion of the review of the Site Inventory and Analysis, the Planning Board shall authorize the applicant to proceed to step two, the submission of a formal application and supporting documentation. The Town shall not accept or process an application for site plan review of a major development until a review of the Site Inventory and Analysis has been completed.

2. Step One – Site Inventory and Analysis

- A. Submission of the Site Inventory and Analysis to the Code Enforcement Officer. The applicant shall prepare and submit a Site Inventory and Analysis and supporting documentation to the Code Enforcement Officer. The materials must meet the submission requirements set forth in Section 9. The Code Enforcement Officer shall provide the applicant with a dated, written receipt for the submission.
- B. Provisional Review of the Site Inventory and Analysis by the Code Enforcement Officer. The Code Enforcement Officer shall review the submission for completeness within five (5) business days of receipt. The Code Enforcement Officer shall provisionally determine that the submission is complete only if all of the required information set forth in Section 9 has been submitted or the applicant has requested waivers for any required information not provided and provided information documenting the basis for the waiver request(s) in accordance with Section 9. Upon the completion of the review, the Code Enforcement Officer shall notify the applicant in writing as to whether or not the submission is deemed to be provisionally complete. If the submission is provisionally complete, the Code Enforcement Officer shall forward the Site Inventory and Analysis to the Planning Board and shall schedule it for the next available Planning Board meeting for consideration by the Board. The Code Enforcement Officer shall notify property owners of the pending project. The Code Enforcement officer shall also deliver written notice of the site inventory and analysis submission to the Town Manager, appropriate fire chief, chairs of appropriate commissions, and other interested parties.

If the Code Enforcement Officer finds that the submission is not complete, he/she shall notify the applicant in writing of the additional material that needs to be submitted by the applicant for the Site Inventory and Analysis to be provisionally complete and to be considered by the Planning Board. Upon the receipt of additional information, the Code Enforcement Officer shall conduct another completeness review. This process shall be repeated, if necessary, until the Code Enforcement Officer finds that the submission is provisionally complete.

- C. Consideration of the Site Inventory and Analysis by the Planning Board. At the first meeting at which the site inventory and analysis is considered, the Planning Board shall review the

material and formally determine whether or not the submission is complete. The Board shall also consider and act on any requests for waivers of the submission requirements in accordance with Sections 7 and 9. If the submission is determined to be incomplete or requested waivers are not granted, the Board shall notify the applicant and Code Enforcement Officer in writing of this finding, shall specify the additional materials required to make the Site Inventory and Analysis submission complete and shall advise the applicant that the project shall not be considered by the Board until the additional information is submitted to the Code Enforcement Officer. These steps shall be repeated until the application is found to be complete by the Planning Board. The timeframes for the processing of the site inventory and analysis shall begin when the board finds that the submission is complete.

- D. Review of the Site Inventory and Analysis. The Planning Board review of the Site Inventory and Analysis shall be informational and shall not result in any formal approval or disapproval of the project by the Planning Board. The Board shall review the submission to determine if the information provides a clear understanding of the lot's characteristics and its potential for use and development. The outcome of the review process shall be a determination by the Board of the issues and constraints that must be addressed in the formal site plan review application. The Board shall also act on any requests for waivers from the application submission requirements. As part of the review of the Site Inventory and Analysis, the Planning Board may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted and investigate the development proposal. The Board may conduct this visit either before or after the first meeting at which the application is considered. The Board may decide not to hold an on-site inspection when the site is snow-covered. If an application is pending during a period when there is snow cover, the Planning Board may suspend consideration of the submission until the Board is able to conduct an on-site inspection. Written notice of the on-site inspection shall be provided to all parties that received notice under subsection B. Within thirty (30) days of the finding that the site inventory and analysis submission is complete, the Board shall complete its review of the submission, notify the applicant in writing of the outcome of its review, and, if appropriate, authorize the submission of the formal application.

3. *Step Two – Submission of the Application*

- A. Submission of Application to the Code Enforcement Officer. Upon completion of the review of the Site Inventory and Analysis,

the applicant shall prepare and submit a site plan review application for a major development to the Code Enforcement Officer. The application must include the development plan and supporting documentation that meets the submission requirements for major developments as set forth in Section 7. The Code Enforcement Officer shall provide the applicant with a dated, written receipt for the application submission.

- B. Provisional Review of Application by the Code Enforcement Officer. The Code Enforcement Officer shall review the application for completeness within five (5) business days of receipt. The Code Enforcement Officer shall provisionally determine that the application is complete only if all of the required information for major developments has been submitted or the Planning Board has approved waivers for any required information not provided as part of the Site Inventory and Analysis review. Upon the completion of the application review, the Code Enforcement Officer shall notify the applicant in writing as to whether or not the application is deemed to be provisionally complete. If the application is provisionally complete, the Code Enforcement Officer shall forward the application to the Planning Board and shall schedule it for the next available Planning Board meeting for consideration by the Board. The Code Enforcement Officer shall notify abutting property owners of the pending application. The Code Enforcement officer shall also deliver written notice of the pending application to the Town Manager, appropriate fire chief, chairs of appropriate commissions, and other interested parties.

If the Code Enforcement Officer finds that the application is not complete, he/she shall notify the applicant in writing of the additional material that needs to be submitted by the applicant for the application to be provisionally complete and to be considered by the Planning Board. Upon the receipt of additional information, the Code Enforcement Officer shall conduct another completeness review. This process shall be repeated, if necessary, until the Code Enforcement Officer finds that the application is provisionally complete.

- C. Initial Consideration of the Application by the Planning Board. At the first meeting at which the application is considered, the Planning Board shall review the application material and formally determine whether or not the submission is complete. If the application is determined to be incomplete, the Board shall notify the applicant and Code Enforcement Officer in writing of this finding, shall specify the additional materials required to make the

application complete and shall advise the applicant that the application shall not be considered by the Board until the additional information is submitted to the Code Enforcement Officer. These steps shall be repeated until the application is found to be complete by the Planning Board. The Board shall also consider and act on any requests for waivers of the submission requirements in accordance with the standards laid out in this chapter.

- D. On-Site Inspection. The Planning Board may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted, and investigate the development proposal. The Board may conduct this visit either before or after the first meeting at which the application is considered. The Board may decide not to hold an on-site inspection when the site is snow covered. If an application is pending during a period when there is snow cover, the processing of the application may be suspended until the Board is able to conduct an on-site inspection. Written notice of the on-site inspection shall be provided to all parties who received notice under subsection B.
- E. Public Hearing. The Planning Board shall hold a public hearing on an application for a major development within forty-five (45) days of determining that the application is complete unless the requirement is waived. The Board may, by formal vote, decide not to hold a public hearing on an application if there is not significant public interest in the project or if there are no unresolved issues with respect to conformance with the approval standards. When a public hearing is held, the hearing shall be noticed and advertised.
- F. Planning Board Action. The Planning Board shall take final action on said application within forty-five (45) days of determining that the application is complete if a public hearing is not held on the application or within thirty (30) days of the public hearing if one is held. The Board shall act to deny, to approve, or to approve the application with conditions. The Board may impose such conditions as are deemed advisable to assure compliance with the standards of approval. All time limits provided for in this section may be extended by mutual agreement of the applicant and Planning Board.

In issuing its decision, the Planning Board shall make written findings of fact establishing that the activities set forth in the application do or do not meet the standards of approval and other requirements of the Town including any conditions of approval necessary to comply with the standards. The Board shall notify the

applicant and all parties who requested to be notified of the action of the Board, including the findings of fact, and any conditions of approval. This requirement can be met through the distribution of minutes of the meeting containing the findings of fact and decision of the Board.

- G. Final Approval and Filing. Upon completion of the requirements of this section and a vote of approval or approval with one or more conditions by the majority of the Planning Board, the application is approved and the site plan shall be signed by a majority of the members of the Board and filed with the Code Enforcement Officer. In addition, a signed decisions document setting forth the findings of fact including any conditions of approval shall be recorded in the Kennebec County Registry of Deeds within sixty (60) days of the vote to approve the plan and evidence of such filing provided to the Code Enforcement Officer. Any plan for which a decision document is not filed within sixty (60) days of the date upon which such plan is approved and signed by the Board shall become null and void. Prior to the expiration of the sixty (60) day period, the Planning Board, by vote, may extend the filing period for good cause.

SECTION 8. FEES

1. Application Fee. An application for site plan review must be accompanied by an application fee. This fee is intended to cover the cost of the Town's administrative processing of the application, including notification, advertising, mailings, and similar costs. The fee shall not be refundable. This application fee shall be paid to the Code Enforcement Officer prior to consideration of the application, and evidence of payment of the fee shall be included with the application.
2. Technical Review Fee. In addition to the application fee, the applicant for site plan review may also be required to pay a technical review fee to defray the Town's legal and technical costs of the application review. The Planning Board shall review the complexity of the application and the need for outside assistance to review the application and determine if a technical review fee is required. This determination shall occur at the meeting at which the board determines if the application is complete. If the board determines that outside assistance is needed, the board with the assistance of the CEO shall determine the estimated cost of the review services and the amount of the technical review fee. This fee must be paid to the Code Enforcement Officer prior to the Town retaining the review assistance and shall be deposited in a Development Review Trust Account, which shall be separate and distinct from all other municipal accounts. The Planning Board may suspend processing of the application and the related time frames for action if the

technical review fee is not paid in a timely manner that shall allow the board's review to be completed within the establish time limits.

The technical review fee may be used by the Planning Board at its discretion, or the staff at the direction of the Planning Board, to pay reasonable costs incurred by the Town, which relate directly to the review of the application pursuant to the review criteria. Such services may include, but need not be limited to, consulting, engineering or other professional fees, attorney fees, and appraisal fees. The municipality shall provide the applicant, upon written request, with an accounting of his or her account and shall refund all of the remaining monies, including accrued interest, in the account after the payment by the Town of all costs related to the review. Such payment of remaining monies shall be made no later than sixty (60) days after the approval of the application, denial of the application, or approval with condition of the application. Such refund shall be accompanied by a final accounting of expenditures from the fund. The monies in such fund shall not be used by the Board for any enforcement purposes nor shall the applicant be liable for costs incurred by or costs of services contracted for by the Board which exceeds the amount deposited to the trust account unless the applicant has agreed to pay the additional costs prior to their being incurred and the agreement is documented in the project file.

3. Establishment of Fee. The Town **Select Board** may, from time to time and after consultation with the Board, establish the appropriate application fee following posting of the proposed schedule of fees and public hearing.

SECTION 9. SUBMISSION REQUIREMENTS

1. Applicability. The requirements of this section apply to applications for site plan review for both minor developments and major developments. Projects or activities that are classified as major developments must also provide, as part of step one of the review process, the information set forth in Section 10, article 2, *Contents of the Site Inventory and Analysis Submission*. As part of step two of the review process, applications for major developments must also include the additional information set forth in Section 10, article 3, *Additional Information to be Provided as Part of the Formal Application for Major Developments*.
2. Application Form. Applications for site plan review must be submitted on application forms provided by the Town. The completed application form, evidence of payment of the required fees, and the required plans and related information must be submitted to the Code Enforcement Officer. The application must include an index that clearly shows where the information that addresses each of the submission requirements and the approval standards of Section 11 can be found. Applications for major developments shall not be

accepted for review until the review of the site inventory and analysis is completed.

3. Required Information. All applications for site plan review must contain the following exhibits and information, unless specifically waived by the Planning Board:
 - A. A signed application for development review.
 - B. Evidence of payment of the application fee.
 - C. Ten (10) copies of written materials plus ten (10) sets of one or more maps or drawings containing the information listed below. The written materials must be contained in a bound or stapled report. The maps or drawings must be at a scale sufficient to allow review of the items listed under approval criteria, but in no case shall they be more than one hundred (100) feet to the inch for that portion of the tract of land being proposed for development:
 - D. The following general information:
 - (1) Record owner's name, address, and phone number and applicant's name, address and phone number, if different.
 - (2) The location of all required building setbacks, yards, and buffers.
 - (3) Names and addresses of all abutters as defined by 9-184.
 - (4) Sketch map showing general location of the lot within the municipality based upon a reduction of the tax maps including the name of the street on which the lot is located.
 - (5) Boundaries of all contiguous property under the total or partial control of the owner and/or applicant regardless of whether all or part is being developed at this time.
 - (6) The tax map and lot number of the lot or lots on which the project is to be located.
 - (7) A copy of the deed to the property, an option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.
 - (8) The name, registration number and seal of the person who prepared the plan, if applicable.
 - E. The following information about the existing conditions on the lot or portion of the lot proposed for use or development:

(1) Zoning classification(s), including overlay and/or subdistricts, of the property and the location of zoning district boundaries if the property is located in two (2) or more zoning districts or subdistricts or abuts a different district.

(2) The bearings and length of all property lines of the property to be developed and the source of this information. The Planning Board may waive this requirement for a boundary survey when sufficient information is available to establish, on the ground, all property boundaries.

(3) The location and size of any public water systems, culverts and drains, on-site sewage disposal systems, wells, underground tanks or installations, and power and telephone lines and poles on the property to be developed and on abutting streets or land that may serve the development and an assessment of their adequacy and condition to meet the needs of the proposed use. Appropriate elevations must be provided as necessary to determine the direction of surface water flow.

(4) The location, names, and present widths of existing public and/or private streets and rights-of-way within or adjacent to the proposed development.

(5) The location, dimensions, and ground floor elevation of all existing buildings on the lot.

(6) The location and dimensions of existing driveways, parking and loading areas, walkways, and sidewalks on or immediately adjacent to the lot.

(7) The location of intersecting roads or driveways within two hundred (200) feet of the lot.

(8) The location of open water, drainage courses, wetlands, significant vernal pools, stonewalls, graveyards, fences, stands of trees, and other important or unique natural areas and site features, including but not limited to, floodplains, deer wintering areas, significant wildlife habitats, fisheries, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, and historic and/or archaeological resources, together with a description of such features. This information may be based on available, published sources unless the Planning Board determines that field determination is needed to allow review of the proposal.

(9) The direction of existing surface water drainage across the site.

(10) The location, front view, dimensions, and means of lighting of existing signs.

(11) The location and dimensions of any existing easements and copies of existing covenants or deed restrictions.

(12) The location of the nearest fire hydrant, dry hydrant or other water supply for fire protection.

F. The following information about the proposed use and development activity:

(1) A general description of the proposed use or activity.

(2) Estimated demand for water supply and sewage disposal, together with the location and dimensions of all provisions for water supply and wastewater disposal, and evidence of their adequacy for the proposed use, including soils test pit data if on-site sewage disposal is proposed.

(3) The direction of proposed surface water drainage across the site, and from the site, with an assessment of impacts on downstream properties.

(4) Provisions for handling all solid wastes, including hazardous and special wastes, and the location and proposed screening of any on-site collection or storage facilities.

(5) The location, dimensions, and materials to be used in the construction of proposed driveways, parking and loading areas, and walkways and any changes in traffic flow onto or off-site.

(6) Proposed landscaping and buffering.

(7) The location, dimensions, and ground floor elevation of all proposed buildings or building expansion proposed on the lot.

(8) The location, front view, materials, and dimensions of proposed signs

(9) The location and type of exterior lighting.

(10) The location of all utilities, including fire protection systems.

(11) An estimate of the peak hour and daily traffic to be generated by the project.

(12) Stormwater calculations, erosion and sedimentation control measures, and water quality and/or phosphorous export management provisions.

[IF THE BUILDING DESIGN STANDARDS ARE INCLUDED IN SECTION 11, PART 5, OF THIS SITE PLAN REVIEW ORDINANCE, THEN THE FOLLOWING INFORMATION REQUEST MUST BE ADDED]

(13) If the proposed development falls within the building design provisions of this ordinance (see Chapter 11, part 5, a), then the developer must include location, front view, materials, dimensions, and architectural specifications of proposed buildings, sufficient to determine compliance with the building design standards of this ordinance.

- G. The estimated value of the development activity subject to site plan review upon completion of construction.
- 4. Approval Block. Space must be provided on the plan drawing for the signatures of the Planning Board and the date, together with the following words, "Approved: Town of China Planning Board".
- 5. Waiver of the Submission Requirements. The Planning Board may waive any of the submission requirements including the additional submission requirements for major developments set forth in Section 10 based upon a written request of the applicant. Such request must be made at the time of the review of the Site Inventory and Analysis for major developments or at the initial review of the application for minor developments. A waiver of any submission requirement may be granted only if the Board finds that the information is not required to determine compliance with the approval standards and criteria.

SECTION 10. ADDITIONAL SUBMISSION REQUIREMENTS FOR MAJOR DEVELOPMENTS

A. The Site Inventory and Analysis Submission for major developments

- 1. Purpose of the Site Inventory and Analysis. The site inventory and analysis process is described in Section 7. Its purpose is to provide the applicant and the Planning Board and staff with a better understanding of the site and the opportunities and constraints imposed on its use by the natural and built environment. It is anticipated that this analysis shall result in a development plan that reflects the conditions of the lot, and that the areas most suitable for the proposed use shall be utilized while those that are not suitable or present significant constraints will be avoided to the maximum extent possible. Therefore, the submission requirements provide that the applicant submit basic information about the lot and an analysis of that information.
- 2. Contents of the Site Inventory and Analysis Submission. The site inventory and analysis submission must contain, at a minimum, the following information:
 - A. The names, addresses, and phone numbers of the record owner and the applicant.

- B. The names and addresses of all consultants working on the project.
- C. Evidence of right, title, or interest in the property.
- D. Evidence of payment of the site inventory and analysis fee.
- E. Ten (10) copies of an accurate scale inventory plan of the lot or the portion of the lot proposed for use or development at a scale of not more than one hundred (100) feet to the inch showing as a minimum:
 - (1) The name of the development, north arrow, date and scale.
 - (2) The boundaries of the lot.
 - (3) The relationship of the lot to the surrounding area.
 - (4) The topography of the lot at an appropriate contour interval depending on the nature of the use and character of the lot (in many instances, submittal of the U.S.G.S. 10' contours will be adequate);
 - (5) The major natural features of the lot and within five hundred (500) feet of the lot, including wetlands, streams, ponds, floodplains, groundwater aquifers, significant wildlife habitats and fisheries or other important natural features (if none, so state). This information may be based on available, published sources unless the Planning Board determines that field determination is needed to allow review of the opportunities and constraints of the lot.
 - (6) Existing buildings, structures, or other improvements on the lot (if none, so state).
 - (7) Existing restrictions or easements on the lot (if none, so state).
 - (8) The location and size of existing utilities or improvements servicing the lot (if none, so state).
 - (9) A class B high intensity soil survey if any portion of the lot is located in a resource protection district or mapped wetland, otherwise a class D medium intensity soil survey.
- F. Ten (10) copies of a site analysis plan at the same scale as the inventory plan (see E above) highlighting the opportunities and constraints of the site. This plan shall enable the Planning Board to determine: which portions of the lot are unsuitable for development or use; which portions of the lot are unsuitable for on-site sewage disposal if public sewerage is not available; which areas of the lot have development limitations (steep slopes, flat, soil constraints, wetlands, aquifers, wildlife habitat, fisheries, scenic vistas, floodplains, drainage, etc.) which must be addressed in the development plan; which areas

may be subject to off-site conflicts or concerns (i.e., noise, lighting, traffic, etc.); and which areas are well suited to the proposed use.

- G. Ten (10) copies of a narrative describing the existing conditions of the lot, the proposed use and the constraints or opportunities created by the site. This submission shall include any traffic studies, utility studies, market studies or other preliminary work that will assist the Planning Board in understanding the site and the proposed use.
- H. Any requests for waivers from the submission requirements for the formal site plan review application.

A. *Additional requirements for the Formal Application for major developments*

- 1. Additional Information to be Provided as Part of the Formal Application for Major Developments. In addition to the information required for all applications as set forth in Section 9, an application for a major development must contain the following additional information.
 - A. A narrative and/or plan describing how the proposed development plan relates to the site inventory and analysis.
 - B. A grading plan showing the existing and proposed topography of the lot at two (2) foot contour intervals or such other interval as the Planning Board may determine.
 - C. A stormwater drainage and erosion control plan/program showing the following information if a stormwater permit is required from the Maine Department of Environmental Protection (DEP):
 - (1) The existing and proposed method of handling stormwater runoff.
 - (2) The direction of flow of the runoff, through the use of arrows.
 - (3) The location, elevation, and size of all stormwater facilities including catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.
 - (4) Engineering calculations used to determine drainage requirements in accordance with the requirements of Chapter 500 and 502 of the DEP stormwater rules.
 - (5) Methods of controlling erosion and sedimentation during and after construction.
 - D. A utility plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, communication, and any other utility services to be installed on the lot.

- E. A planting schedule keyed to the site plan indicating the general varieties and sizes of trees, shrubs, and other vegetation to be planted on the lot, as well as information pertaining to provisions that shall be made to retain and protect existing trees, shrubs, and other vegetation.
- F. A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service, and safety of adjacent streets if a traffic movement permit is required from the Maine Department of Transportation.

SECTION 11: APPROVAL STANDARDS

The following criteria shall be used by the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. All applications must demonstrate compliance with each of the basic standards unless conformance with a specific standard is waived by the Planning Board. The Planning Board may waive conformance with an individual standard by formal vote only if the board finds that the standard is not applicable to the project due to the scale of the project or its location in the Town. The application shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of the applicable standards. In evaluating compliance with these criteria, the Planning Board may consider innovative or non-traditional approaches and technologies as long as the intent of the criteria is met. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

1. Adequacy of traffic circulation

a *Vehicular access to the lot:*

- 01 Access must be on streets or roads which have adequate capacity to safely and efficiently accommodate the additional traffic generated by the development, considering the number of trips that will be generated by the project, any traffic from adjacent uses that will pass through the site, the existing capacity of the streets or roads, and the accident history of the roads and intersections.

b *Vehicular access to and from the development:*

- 01 Accessways into or out of the lot must meet the following standards:
 - ◇ Private entrances/exits must be located at least fifty (50) feet from the closest unsignalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the accessway. This requirement may be reduced if the shape of the lot does not allow conformance with this standard.

- ◇ Private accessways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.
- ◇ New roads proposed as part of the development must meet the provisions of the Town of China's Ordinance for the acceptance of streets and ways.

c Internal circulation:

- 01 The internal layout of the lot must provide for the safe movement of passenger, service, and emergency vehicles through the site.

d Parking:

- 01 All parking spaces, access drives, and impervious surfaces must be located at least five (5) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within five (5) feet of the front property line. Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24) feet in width.
- 02 Parking areas for nonresidential uses must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Double stack parking may be permitted for resident parking in conjunction with residential uses if both spaces in the stack are assigned to the occupants of the same dwelling unit.
- 03 Provision must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.
- 04 Within the village and historic districts, parking lots must be located to the side or rear of the building where possible, given the size and shape of the parcel. Parking shall not be located between the building and the street. The use of shared parking, shared driveways and the cross- connection of parking lots is encouraged.
- 05 In all other districts, smaller uses that may need public visibility from the street shall be sited as close to the street as possible. In this case, not more than one (1) row of parking shall be allowed between the building and the street, with the balance of the parking located at the side and/or rear of the building. Larger scale uses and uses which do not require visibility from the road may be located further from the road with a landscaped buffer between the building and the street.
- 06 ~~Landscaping around and within parking lots shades hot surfaces and visually "softens" the hard surface look of parking areas. Parking areas must be designed and landscaped to create a pedestrian friendly environment.~~ **Parking lots with more than one row shall have landscaped aisles with trees separating**

every other row of double parking within parking lots. Parking lot storm water shall drain into these landscaped aisles with overflow systems.

e *Pedestrian movement:*

- 01 The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/exits with parking areas and with any existing or planned sidewalks abutting the project.

2. Protection of Water Quality and Environment

a *Shoreland relationship:*

- 01 The development must meet the requirements of the Phosphorus Control Ordinance (Chapter 4 of Town of China ordinances).
- 02 The development must not adversely affect the water quality or shoreline of any adjacent water body.
- 03 When a proposed development is immediately visible from China Lake or Three Mile Pond, the development must be designed so that it fits harmoniously into the visual environment when viewed from the water body. In predominantly natural environments, site clearing must be minimized, natural vegetation must be maintained adjacent to the shoreline to soften the appearance of the development, and vegetation must be retained or provided to minimize the visual intrusion of the development. In developed shoreland environments, the appearance of the new development when viewed from the water must be compatible with the existing visual character in terms of scale, massing, and height to the maximum extent possible. Storage and service areas must be screened or landscaped to minimize their visual impact.
- 04 The development must meet the cutting limitations and buffering requirements contained in Chapter 2, Section 5, Part I, of the China Land Use ordinances.**

b *Stormwater management:*

- 01 Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.
- 02 The provisions for stormwater management must conform to the stormwater management requirements of the Maine Department of Environmental Protection (Chapters 500 and 502) and to the Town of China Phosphorus Control Ordinance.

c *Erosion control:*

- 01 All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and/or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.
- 02 Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices.

d *Groundwater protection:*

- 01 The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

e *Water quality protection:*

- 01 All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.

f *Floodplain management:*

- 01 If any portion of the lot is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the lot must be consistent with the Town's Floodplain management provisions.

g *Hazardous, special, and radioactive materials:*

- 01 The handling, storage, and use of all materials identified by the standards of a federal or state agency as hazardous, special or radioactive must be done in accordance with the standards of these agencies. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground unless they are located at least seventy-five (75) feet from any lot line, or forty (40) feet in the case of underground storage. All materials must be stored in a manner and location which is in compliance with appropriate rules and regulations of the Maine Department of Public Safety and other appropriate federal, state, and local regulations.

h *Water supply:*

- 01 The development must be provided with a system of water supply that provides each use with an adequate supply of water, and

which also provides adequate water to quickly address a fire or similar emergency.

i Sewage disposal:

01 The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code.

◇ (1) Sewage must be disposed of by an on-site sewage disposal system meeting the requirements of the Subsurface Wastewater Disposal Rules.

◇ When two (2) or more lots or buildings in different ownership share the use of a common subsurface disposal system, the system must be owned and maintained in common by an owners' association. Covenants in the deeds for each lot must require mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system.

j Solid waste management:

01 The proposed development must provide for adequate disposal of solid wastes. All solid waste must be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

3. Site layout appropriate to the natural and social environment

a Natural features:

01 The landscape must be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation. Extensive grading and filling must be avoided as far as possible. Projects that propose cuts or fills that change the topography over more than twenty percent (20%) of the lot area or cutting or filling that changes the grade more than ten (10) feet in any location on the lot must demonstrate that there is no practical alternative to the proposed cuts and/or fills including redesign of the proposed development and that the amount and depths of the cuts and fills is the minimum necessary to reasonably develop the lot.

b Utilization of the site:

01 The plan for the development must reflect the natural capabilities of the site to support development. If a Site Inventory and Analysis was prepared, the plan must be consistent with that analysis. Buildings, lots, and support facilities must be located in those portions of the lot that have the most suitable conditions for development. Environmentally sensitive areas, including but not limited to, wetlands, vernal pools, steep slopes greater than twenty-five (25) percent, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered

plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. Natural drainage areas must also be preserved to the maximum extent possible. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

c *Building placement:*

- 01 The site design must avoid creating a building surrounded by a parking lot.
- 02 In the village and historic districts, buildings shall be placed close to the street, in conformance with existing, adjacent setbacks. Parking shall be to the side or preferably in the back of the building.
- 03 In the remaining districts in the Town, buildings shall be set well back from the road so as to conform to the rural character of the area. If the parking is in front of the building, a landscaped buffer between road and parking lot shall be provided. Unused areas shall be kept natural, as field, forest, wetland, etc.
- 04 Parking areas must be separated from the building by a minimum of five (5) feet unless the Planning Board determines that such a separation is not needed due to the characteristics of the site or the proposed use. Plantings shall be provided along the building edge, particularly where building facades consist of long or unbroken walls.

d *Building orientation:*

- 01 The main entrance to the building shall be oriented to the street unless the parking layout or the grouping of the buildings justifies another approach, and shall be clearly identified as such through building and site design, landscaping, and/or signage.
- 02 At building entrance areas and drop-off areas, site furnishings such as benches and sitting walls and, if appropriate, bicycle racks are encouraged. Additional plantings may be desirable at these points to identify the building entrance and to complement the pedestrian activity at this point.
- 03 New buildings within the village and historic districts shall be compatible with the neighborhood such that they reflect the overall building bulk, square footage, dimensions, placement of the building on the lot, and rhythm of buildings and spaces along the street edge and minimize the visual impact on the neighborhood. The visual impact of a building shall be measured by its relationship to other buildings on the lot, design of the front of the building, and the rhythm of buildings and open spaces along the street.

e *Storage of materials:*

- 01 Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.
- 02 All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.
- 03 Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition.

f Building scale:

- 01 When large new buildings or structures are proposed in built-up areas where their scale (size) and other features may be significantly different from the pattern of development that already exists in the immediate neighborhood, care must be taken to design the new building or structure so that it is compatible with its neighbors. This may include making the building appear small, using traditional materials, styles and/or proportions.

g Landscaping:

- 01 Landscaping must be provided as part of site design. Whenever the area between the street and the front of the building is used for parking or vehicle movement, a vegetated buffer strip must be established along the edge of the road right-of-way. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the lot, and create a pleasing site character. The landscaping shall define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties. Landscaping may include plant materials such as trees, shrubs, groundcovers, perennials, and annuals, and other materials such as rocks, water, sculpture, art, walls, fences, paving materials, and street furniture such as benches, kiosks, notice boards, and trash receptacles.

h Buffering:

- 01 The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another, and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade, and/or a combination of trees or other techniques.

i Placement of Utilities:

- 01 The development must be provided with electrical, telephone, and communication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

j *Historic and archeological resources:*

- 01 If any portion of the lot has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.
- 02 If the lot is located within the Historic District, the project must conform to the requirements of that district.

k *Hillside development:*

- 01 When a proposed development is located on a hillside that is visible from a public street, road, water body, or facility, the development must be designed so that it fits harmoniously in to the visual environment when viewed by the public from public areas. In predominantly natural environments, site clearing must be minimized and vegetation must be retained or provided to minimize the visual intrusion of the development, when viewed by the public from public areas, must be compatible with the existing visual character in terms of scale, massing, and height to the maximum extent reasonable.

l *Exterior lighting:*

- 01 The proposed development must have adequate exterior lighting for its safe use during nighttime hours, if such use is contemplated. All exterior lighting must be designed and shielded to avoid undue glare, adverse impact on neighboring properties and rights-of-way, and the unnecessary lighting of the night sky.

m *Noise, vibrations, fumes, odor, dust, glare:*

- 01 The development must control noise, vibrations, fumes, odor, dust, and glare, levels such that they will not create a nuisance for neighboring properties.

n *Design of drive-through facilities:*

- 01 Drive-through facilities are only allowed where they are specifically permitted by the zoning standards. Any use that provides drive-through service must be located and designed to minimize the impact on neighboring properties and traffic circulation. No drive-through facility shall be located in the area of the lot adjacent to a residential use or residential zone. Communication systems must not be audible on adjacent properties in residential use. Vehicular access to the drive-through shall be through a separate lane that prevents vehicle

queuing within normal parking areas. Adequate queuing space must be provided to prevent any vehicles from having to wait on a public street, within the entry from the street, or within designated parking areas. The drive-through must not interfere with any sidewalk or bicycle path.

- 02 Where drive-through windows are allowed, they shall be incorporated into the design of the building through their scale, color, detailing, massing, and other architectural treatments.
- 03 Drive-throughs shall be located at the side or rear of the building and avoid facing public or private roadways unless there is no alternative for safety or security.

4. Capacity

a *Compliance with federal, state, and local laws:*

- 01 The proposed use is in compliance with applicable local, state, and federal laws.

b *Capability of applicant:*

- 01 The applicant has demonstrated the financial and technical capacity to carry out the project in accordance with this ordinance, the approved plan, and the ability to provide the
- 02 financial guarantees provided for in this ordinance.

[NOTE: THE IMPLEMENTATION COMMITTEE HAS TABLED THE BUILDING DESIGN SECTION BELOW IN THE DESIRE OF HEARING MORE FROM THE PUBLIC ABOUT ITS DESIRABILITY AND DESIRED COMPONENTS]

5. Building design –

a *Applicability*

- 01 The building design standards below apply to businesses that meet the threshold for this site plan review ordinance, and that are located within the business/commercial district of the Town's land use ordinance as shown in the official land use map as reference in Chapter 2 of the China Land Use Ordinance, Section 3, part J.
- 02 These building design standards also are also a resource for the Planning Board in making determinations about issuing certificates of appropriateness for developments within the historic district (see Chapter 2, Section 6, part U in the China Land Use Ordinance).

b *New buildings:*

- 01 The architecture of new buildings shall be influenced by traditional Neoclassical Architecture with characteristic details from the Greek Revival Style, Federal Style, and Palladian/Georgian Style. Contemporary architectural designs are appropriate, provided that

they meet these standards. (See Photos in Appendix A for examples of characteristic details.)

- 02 Free Standing Accessory Structure: Such structures, for example freestanding ATMs, cart corrals, etc., shall be coordinated with the principal building through repetition of architectural forms, materials, colors, and detailing.

c Alterations and Additions:

- 01 Alterations: Where the existing building currently meets the design standards, proposed alterations shall be designed to respect the proportions, fenestration patterns, and details of the original building. Where the existing building does not meet the design standards, the owner is strongly encouraged to upgrade the entire structure.
- 02 Design: Applications to the Planning Board that involve alterations and additions shall show all improvements as well as the existing structure. A narrative shall accompany the application which explains the designer's intent to relate the old with the new. M
- 03 Materials: Where existing buildings meet the design standards, alterations and additions shall complement or match the materials, form, color, and detailing of the original structure. Where the original building does not meet the standards, the owner shall demonstrate how the materials used in the alteration or addition shall complement the existing structure.

d Facade Design:

- 01 Building facades: All facades shall be designed so that no flat surface shall exceed seven hundred and fifty square feet (750 SF). Facades shall be designed with characteristic details, from the required architectural styles, with one or a combination of the following elements: fenestration, offsets, recesses, projections, pediments, pilasters, columns, colonnades, moldings, banding, and quoins. Termination of facades at the roof line shall be designed with parapets or an entablature containing at least a cornice.
- 02 Functional Elements: When these elements need to be part of the facade (e.g., downspouts, vents) they shall be incorporated into the architecture through detailing or matching colors. Utility meters, utility banks, HVAC equipment, and other exterior service elements shall be contained in service closets, behind architectural enclosures, or located out of view from the public. If these are located on or near the side or rear façade buffering is also an option. Building elevations presented for Planning Board review shall show the location and treatment of all functional elements.

- 03 Illustrations: All façade elevations of proposed buildings shall be drawn to indicate the final design concept and shall be evaluated as part of the design review. VI.

e Building Materials:

- 01 Materials: Traditional, high quality building materials common to northern New England such as masonry and wood shall be used as the primary siding material. Contemporary materials that have the same visual characteristics are acceptable if attention is paid to detailing. Highly reflective or processed materials and multicolored masonry (incorporating occasional white bricks in a random pattern) shall not be used on facades. Split-faced, textured, rusticated, or fluted masonry products and masonry banding shall be allowed.
- 02 Colors: Traditional colors commonly found in New England villages are appropriate for all components of the building. Façade colors shall be low reflectance. The use of high intensity, high reflectance, chrome, metallic, or fluorescent colors or black is prohibited as the primary color.
- 03 Trim and Detailing: Neon tubing shall not be allowed as an exterior trim or accent material.

f Awnings and Canopies:

- 01 Location: Where used, awnings shall be an integral architectural element.
- 02 Materials: Awnings and canopies shall not be made of reflective materials. Their color shall match or complement the building façade.
- 03 Design Elements: Awnings shall not be used as advertising features but may identify the business. Backlit awnings are prohibited. Graphics on canopies or awnings are counted toward the total signage area

g Rooflines:

- 01 Roof lines shall be designed with parapets or an entablature containing at least a cornice.
- 02 Materials for Pitched Roofs: Composite asphalt shingles and standing seam non-glare metal, and other alternative materials consistent with New England styles are required for visible roofing. High gloss roofing materials are prohibited. Roofing materials shall complement the color and texture of the building's façade. Roof colors shall be muted earth tones. Stripes and patterns on the roof are prohibited.
- 03 Roof-Mounted Equipment: Mechanical and other equipment mounted on rooftops shall be screened from public view. Where used, screening for roof-mounted equipment shall be designed as an integral part of the architecture to complement the building's mass and appearance.

h National Franchises:

- 01 Franchise Styles: New England regional prototypes from national franchises are permitted provided they meet these Design Standards. Buildings that are stylized to the point where the structure is a form of advertising are prohibited.

SECTION 12. POST APPROVAL ACTIVITIES

1. Limitation of Approval. Construction of the improvements covered by any site plan approval must be substantially commenced within twelve (12) months of the date upon which the approval was granted. If construction has not been substantially commenced within the specified period, the approval is null and void. The applicant may request an extension of the approval deadline prior to the expiration of the period. The request must be in writing and must be made to the Planning Board. The Planning Board may grant up to two (2) six-month (6-month) extensions to the period if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.
2. Incorporation of the Approved Plan in the Building Permit. The approved site plan must be included with the application for the building permit for the project and all construction activities must conform to the approved plan, including any conditions of approval and minor changes approved by the Code Enforcement Officer to address field conditions.
3. Improvement Guarantee. The Planning Board, as a condition of approval of the site plan, may require that the applicant provide a financial guarantee of any or all off-site improvements:
 - A. The Planning Board may require the posting of an improvement guarantee in such amount and form as is reasonably necessary to ensure the proper installation of all off-site improvements required as conditions of approval. The amount of the guarantee shall be determined by the Planning Board based on the estimated cost of the improvements covered by the guarantee. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.
 - B. The guarantee must be approved by the Town Manager as to its form and enforceability.
 - C. The guarantee must be in force prior to the issuance of the building permit or any other permit for the activities covered by the approved site plan.
 - D. Upon substantial completion of all required improvements, the developer must notify the Code Enforcement Officer of the completion or substantial completion of improvements. The Code Enforcement Officer or his/her

designee shall inspect all improvements and shall file a report indicating either approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.

- E. The Code Enforcement Officer shall submit the inspection report to the Planning Board. The Planning Board shall approve, partially approve, or reject the improvements on the basis of the report.
- F. If the improvements are approved, the guarantee shall be released. Where partial approval is granted, the developer shall be released from liability only for that portion of the improvements approved.

- 4. Submission of Record Plan. Any project involving the construction of more than ten thousand (10,000) square feet of gross floor area or twenty-five thousand (25,000) square feet of impervious surface, must provide the Code Enforcement Officer with a set of construction plans showing the building(s) and site improvements as actually constructed on the site. These "record" plans must be submitted within thirty (30) days of the issuance of a certificate of occupancy for the project or occupancy of the building.
- 5. Minor Changes to an Approved Plan. Minor changes to an approved plan necessary to address field conditions may be approved by the Code Enforcement Officer provided that any change does not affect compliance with the standards or alter the essential nature of the proposal. Any change must be endorsed in writing on the approved plan by the Code Enforcement Officer.
- 6. Amendments to an Approved Plan. The approval of a site plan depends on and is limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any deviation from the plans, proposals, and supporting documents, except minor changes that do not affect approval standards, is subject to review and approval.

SECTION 13. APPEALS

Appeal of any actions taken by the Planning Board with respect to an application for a minor development shall be to the China Appeals Board. Appeal of any actions taken by the Planning Board with respect to an application for a major development shall be to the Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80B. Any such appeal must be filed within thirty (30) days of the date upon which the Planning Board voted to take action on the application. Any aggrieved party may appeal the action of the Planning Board.

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