

### Section 3 - Site Plan Review Standards and General Provisions

This Section may be referred to as the “Site Plan Review Ordinance,” and in this Section as “Ordinance.” *[added May 17, 2008]*

#### 3.1 Purpose

The purpose of this ordinance is to accomplish the following objectives with the least possible regulation:

- 3.1.1 To establish a Site Review procedure whereby town officials may review new proposals to use land and buildings for professional, commercial, industrial, office, multiple dwelling residential developments, municipal, institutional, public utility, or recreational purposes;
- 3.1.2 To exempt conventional lot-by-lot residential subdivisions already regulated under the Town’s Subdivision Review Standards, single family dwelling units, plus agricultural and timber harvesting (not including processing);
- 3.1.3 To exempt all existing land uses and development from this review procedure, except where significant physical expansion is proposed, or where new materials and processes are proposed;
- 3.1.4 To establish a fair and reasonable set of standards for evaluating each development proposal impartially on its own merits;
- 3.1.5 To provide local protection from those particular nuisances which are not governed by State law or regulations;
- 3.1.6 To suggest ways in which development proposals may be modified so that potential problems and nuisances could be minimized or eliminated;
- 3.1.7 To balance the right of land owners to use their land for the purposes stated in paragraph 3.1.1 above, with the corresponding right of abutting and neighboring land owners to live without undue disturbance from noise, smoke, fumes, dust, odor, glare, traffic, or stormwater run-off, or the pollution of ground or surface water resources.
- 3.1.8 To provide a Public Hearing process through which town residents may raise questions and receive answers about how new development proposals would affect them;
- 3.1.9 To provide for appeals of decisions of the Planning Board; *[amended May 17, 2008]*
- 3.1.10 To protect property values; and
- 3.1.11 To reduce off-site problems created by development, thereby decreasing the cost of maintaining or improving municipal facilities.

### 3.2 Applicability

3.2.1 Except for single-family dwellings and uses customarily accessory thereto, including home occupations, no building permit shall be issued for a new building, major remodeling, reconstruction, enlargement or move of an existing building, and no sign permit shall be issued for the erection or construction of a sign relating to such new building or major remodeling, until the plans, drawings, sketches and other documents required under Section 3.5 have been reviewed and approved by the Planning Board in conformity with the criteria and standards specified in Section 3.4. Proposals to strip, grade, or remove earth materials from areas of more than 10,000 square feet within a five-year period shall also require a permit under this ordinance. This ordinance shall apply to all uses in premises except as exempted above.

Any change in a use existing as of the date of this ordinance or a use approved by a prior Site Plan Review shall require review and approval by the Planning Board under the terms of this ordinance.

3.2.2 Construction, site development and landscaping shall be carried out in substantial accord with the plan, drawings, sketches and other documents approved by the Board, unless altered with Board approval. Nothing in this Ordinance shall be construed to prevent ordinary repair, maintenance and replacement of any part of the building or landscaping which does not involve a substantial change from the purpose and objectives of Section 1.

3.2.3 A use which has been discontinued for a period of twelve months or more cannot be renewed without review under this Ordinance.

3.2.4 A non-conforming use which has been discontinued for a period of twelve months cannot be renewed.

### 3.3 Administration

3.3.1 The following procedures and requirements shall apply to all applications for site plan review:

All applications for site plan review shall be made in writing to the Planning Board on the forms provided for this purpose. Applicant must submit eight copies of all materials. The application shall be made by the owner of the property or his agent, as designated in writing by the owner; and shall be accompanied by the payment of an application fee to cover the administrative costs of processing the application. (See Fee Schedule)

Within thirty days of the acceptance of an application as complete, the Planning Board shall hold a hearing to afford the public the opportunity to comment on the application. The Board shall give written notice of the date, time, and place of such hearing to the person making the application, and also publish such notice in a newspaper of general circulation in Edgecomb at least (2) two times; the date of the first publication to be at least (7) seven days prior to the hearing. The applicant shall notify abutting property owners at least seven days in advance by certified mail of a pending application for Site Plan Review indicating the time, date and place of Planning Board consideration of the application and shall provide proof of such notification to the Planning Board. Within thirty days of the hearing, the Planning Board shall act to approve or disapprove the application. This period may be extended by mutual written agreement. The Board shall inform the applicant in writing of their decision within seven days of its action.

At the discretion of the Planning Board applications may be reviewed by the Fire Chief and his recommendations received by the Planning Board before the public hearing.

At the discretion of the Planning Board applications may be reviewed by the Road Commissioner where driveway entrances from town roads are involved to insure installation of culverts where needed and to see that road drainage flows are not interfered with, and his recommendations received by the Planning Board before the public hearing.

- 3.3.1.1 One copy of the approved site plan shall be retained in the Planning Board's permanent files, one copy shall be given to the Code Enforcement Officer and one copy to the Selectmen.
- 3.3.1.2 Before formal application, an owner or his authorized agent may request an informal review of the site plan by the Planning Board, which review is binding on neither party.
- 3.3.2 The Planning Board may require the posting, before final approval of any plan, of a bond, agreement or letter of credit in such amount as is approved by the Board as being reasonably necessary to insure completion of all improvements required as conditions of approval of such plan, and in such form as approved by the Board and the Selectmen.
- 3.3.3 The Planning Board may attach reasonable conditions to approvals to ensure conformity with the purpose and provisions of this Ordinance.
- 3.3.4 If the application concerns property which in whole or part is within any Shoreland Zone, the criteria included in the Shoreland Zoning Ordinance shall be reviewed concurrently with the Site Plan Review.
- 3.3.5 All approvals shall expire within one year of the date of issuance unless work thereunder is commenced within one year from the date of approval. If work is not completed within two years from the date of issue, a new application must be made. Any approvals outstanding at the date of the adoption of this section shall expire one year later unless work thereunder is commenced within one year from the date of approval.

### 3.4 Criteria and Standards

The following criteria and standards shall be utilized by the Planning Board in reviewing applications for site plan review. These standards are intended to provide a guide for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation.

#### 3.4.1 Vehicular Access, Parking and Circulation

The layout and design of all means of vehicular and pedestrian circulation shall be safe and convenient and, insofar as practicable, shall not detract from the proposed buildings and neighboring properties.

- 3.4.1.1 Parking areas shall be offstreet, set back from the front lot line at least 50 feet or from any vehicular right-of-way centerline at least 75 feet, whichever is more, and designed so that vehicles can enter and leave the parking area in a forward motion. With the exception of one line of perpendicular parking in front of structures, any parking areas used in the Districts identified in Table A-1 below shall be set behind and to the sides of structures, with minimum side and rear property line setbacks as defined in said table:

**Table A-1 Side and Rear Parking Area Setback for Specified Districts**

| <u>District</u>             | <u>Minimum Side Setback</u> | <u>Minimum Rear Setback</u> |
|-----------------------------|-----------------------------|-----------------------------|
| Edgecomb Gateway            | 10 feet                     | 10 feet                     |
| Edgecomb Thoroughfare       | 10 feet                     | 10 feet                     |
| Commercial Growth           | 10 feet                     | 10 feet                     |
| Route 27 Corridor, Area I   | 15 feet                     | 15 feet                     |
| Route 27 Corridor, Area II  | 10 feet                     | 10 feet                     |
| Route 27 Corridor, Area III | 15 feet                     | 15 feet                     |

3.4.1.2 The parking space provided will meet the following standards:

| <u>Usage</u>   | <u>Parking Spaces Required</u>  |
|--|---|
| Multi-family residential   | Two spaces for dwelling unit  |
| Retail business and service establishments                               | One space for each 180 square feet of usable area plus one space per employee |
| Commercial and industrial establishments                                 | One and one-fifth spaces per employee per shift                               |
| Tourist home, boarding or lodging house, motel or hotel, bed & breakfast | One space for each sleeping room, plus one space for each employee            |
| Restaurants  | One space for each two seats and one space for each employee.                 |

3.4.1.3 The proposed layout will be of such nature to minimize potentially hazardous conditions using the following table of sight distances from the vehicle access point(s):

| <u>Posted Speed</u> | <u>Required</u> |
|---------------------|-----------------|
| 25 mph              | 250'            |
| 30 mph              | 300'            |
| 35 mph              | 350'            |
| 40 mph              | 400'            |
| 45 mph              | 450'            |
| 50 mph              | 500'            |
| 55 mph              | 550'            |

Maine Department of Transportation required sight distances on State roads will govern when they differ from the sight distances above.

3.4.1.4 The Planning Board shall require a traffic analysis for projects that do not meet the standards of the M.D.O.T. or if the Board believes that public safety and neighboring roadways may be adversely affected by a proposed project.

### 3.4.2 Surface Water Drainage

Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream conditions, or the public storm drainage system. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a ten-year storm frequency.

### 3.4.3 Utilities

Whenever feasible, electric, telephone, and other utility lines shall be installed underground.

The site plan shall show what provisions are being proposed for water supply and wastewater disposal.

Subsurface sewage disposal systems shall provide for adequate sewage disposal and shall be located and evaluated in accordance with the Subsurface Wastewater Disposal Rules and Site Evaluation for Subsurface Wastewater Disposal Design in Maine, and the use of that location is mandatory. The plan shall show the septic site locations and all required setbacks from water bodies and wetlands and from tidal waters under the Shoreland Zoning Ordinance, and also from existing wells or planned well locations on the lot and adjacent lots. The application shall include for each septic site the Soil Profile, depth to the mottled zone, Classification and Condition of the soil, and the Disposal Area Rating according to Table 6-1 of the Subsurface Wastewater Disposal Rules. New system variances are not permitted.

Undue water pollution is defined by the State of Maine Primary Drinking Water Standards in groundwater and surface water at any existing or planned well sites or at water bodies and wetlands wholly or partially within the site as defined appropriately in the Subsurface Wastewater Disposal Rules (chapter 241, State Plumbing Code), in the State Protection of Natural Resources Act (Section 480-B), and in the permit requirements of the Army Corps of Engineers pursuant to Section 404 of the Federal Clean Water Act; or at any point on the boundary of the site. Whether or not pollution will occur shall be determined by the hydrogeologic studies utilizing site-specific hydrogeologic, soils, and test data including background nitrate-nitrogen levels, and performed by professionals certified by the State to make such studies. These definitions and requirements shall govern the number of septic systems and the rate of wastewater discharge permitted in the area of the site.

An additional hydrogeologic survey at the applicant's expense may be required by the Planning Board so that the impact on groundwater by the proposed development may be reasonably assessed. This survey shall be carried out by a hydrogeologist of the Board's selection.

### 3.4.4 Advertising Features

All exterior signs and outdoor advertising features shall conform to the Town of Edgecomb Sign Ordinance.

### 3.4.5 Special Features

Unless otherwise specified in Table 3.4.5 below, exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, satellite dishes, microwave dishes and similar accessory areas and structures shall be set back from the front lot line at least 50 feet or from any vehicular right-of-way centerline at least 75 feet, whichever is more. In the Edgecomb Gateway, Edgecomb Thoroughfare, and Commercial Growth districts, special features shall be placed to the side or rear of the structure(s), and shall include such screen plantings or other screening methods as shall reasonably be required.

**Table 3.4.5 Minimum Special Feature Front Setback for Specified Districts**

| <u>District</u>       | <u>Minimum Setback<br/>(from Route 1 Centerline)</u> |
|-----------------------|--|
| Edgecomb Gateway      | 100 feet   |
| Edgecomb Thoroughfare | 150 feet   |
| Commercial Growth     | 150 feet   |

#### 3.4.6 Emergency Vehicle Access.

Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

#### 3.4.7 Landscaping

Landscaping shall be designed and installed to define, soften, or screen the appearance of off-street parking areas from the public right-of-way and abutting properties, to enhance the physical design of the building(s) and site, and to minimize the encroachment of the proposed use on neighboring land uses. Particular attention should be paid to the use of planting to break up and to define parking areas. *[amended May 17, 2008]*

For the districts identified in Table 3.4.7-1 below, a minimum front buffer of trees, grass and shrubs shall separate all structures from the edge of the right-of-way. Existing natural vegetation shall be preserved as far as practical and appropriate and shall be consistent with the area in both appearance and density of vegetative growth. All landscaping materials used in the buffer areas shall be maintained.

**Table 3.4.7-1 Minimum Front Buffer Depth for Specified Districts**

| <u>District</u>       | <u>Minimum buffer depth<br/>(along Route 1)</u> | <u>Minimum buffer<br/>depth<br/>(all other roads)</u> |
|-----------------------|---|---|
| Edgecomb Gateway      | 20 feet   | 20 feet   |
| Edgecomb Thoroughfare | 75 feet   | 20 feet   |
| Commercial Growth     | 75 feet   | 20 feet   |

**Table 3.4.7-2 Minimum Front Buffer Depth for Specified Districts**

| District                     | Minimum Buffer Depth<br>Route 27 |
|------------------------------|----------------------------------|
| Route 27 Corridor, Area I    | 50 feet                          |
| Route 27 Corridor, Area II   | None                             |
| Route 27, Corridor, Area III | 50 feet                          |

### 3.5 Large-scale Development

In addition to the criteria and standards set forth in Section 3.4 above, all large-scale development; commercial development with a drive-thru facility and/or outdoor fuel sales; and formula restaurants shall also conform to the following performance standards.

This section shall not apply to large-scale development; commercial development with a drive-thru facility and/or outdoor fuel sales; and formula restaurants constructed or approved for construction before May 19, 2007 except that additions to such structures constructed after May 19, 2007 shall comply with this section when such additions, either individually or cumulatively within a ten (10)-year period, meet the threshold for large-scale development. The Planning Board may modify or waive specific performance standards for such additions if it finds that, due to the design, location, function or layout of the principal structure, the application of specific performance standards is impractical or inappropriate.

The purpose of these performance standards is not to prohibit new development on the basis of size, but rather to ensure that new development will reflect the positive characteristics of the Town of Edgecomb. The performance standards are as objective as possible because it is important for both the developer and the planning board to have a common understanding of how they can be satisfied.

3.5.1 Building appearance. The building shall employ varying setbacks, heights, roof treatments, doorways, window openings, and other structural or decorative elements to reduce apparent size and scale of the building.

3.5.1.1 A minimum of twenty (20) percent of the structure's façades that are visible from a public street shall employ actual protrusions or recesses with a depth of at least six feet. No uninterrupted façade shall extend more than 50 feet.

3.5.1.2 A minimum of twenty (20) percent of all of the combined linear roof eave or parapet lines of the structure shall employ differences in height, with such differences being six (6) feet or more as measured eave to eave or parapet to parapet.

3.5.1.3 Pitched roofs with a minimum pitch of 6/12 may be required by the Planning Board to complement existing buildings or otherwise establish a particular aesthetic objective.

- 3.5.1.4 Building façades shall include a repeating pattern that includes no less than three (3) of the following elements: (i) color change, (ii) texture change, (iii) material module change, (iv) expression of architectural or structural bay through a change in plane no less than twenty four (24) inches in width, such as an offset, reveal or projecting rib. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.
- 3.5.1.5 Rear and side building façades that are visible from public streets, residential neighborhoods or adjacent properties shall be designed to complement the architectural treatment of the primary façade.
- 3.5.1.6 Building façade colors shall be non-reflective, subtle, neutral, or earth tone. The use of high intensity colors, metallic colors, fluorescent colors or black on façades shall be prohibited. Building trim and architectural accent elements may feature bright colors or black, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on signage.
- 3.5.1.7 Exterior building materials shall be of comparable aesthetic quality on all sides. Building materials such as glass, brick, tinted and decorative concrete block, wood, stucco, and exterior insulation and finish systems (EIFS) shall be used. Decorative architectural metal with concealed fasteners or decorative tilt-up concrete panels may be approved if incorporated into the overall design of the building.
- 3.5.1.8 Ground floor façades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than fifty (50) percent of their horizontal length. The integration of windows into building design is required, and shall be transparent glass between three (3) to eight (8) feet above the walkway along any façades facing a public street. The use of blinds shall be acceptable where there is a desire for opacity. Any blinds shall comply with the color standard of subsection 3.5.1.6, above.
- 3.5.1.9 Ground floor façades of retail buildings that face public streets or contain the principal access to the building and which exceed 150 feet in length shall be designed to appear as a series of attached, individual storefronts even though the building itself may consist of a single retail occupancy.
- 3.5.1.10 Public building entryways shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by on-site traffic flow patterns. Two (2) or more of the following design features shall be incorporated into all public building entryways: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, outdoor patios, display windows, distinct architectural details. Where additional stores will be located in the principal building, each additional store that exceeds 2,500 sf in floor area shall have at least one exterior customer entrance that shall conform to the above requirements.

3.5.1.11 The building's architecture shall reflect traditional New England building forms including pitched roofs, dormers, windows (rather than plate glass), and clapboard or brick siding. Freestanding accessory structures, such as ATM's, gas pump canopies, sheds, etc., shall be treated as architectural elements and meet the same design standards as the principal structures on the site.

### 3.5.2 Parking

3.5.2.1 Parking areas shall provide safe, convenient, and efficient access for vehicles and pedestrians. They shall be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface.

3.5.2.2 Parking lots over 100 spaces shall be segmented visually and functionally into distinct parking areas of no more than 60 spaces by landscaped and curbed medians with a minimum curb to curb width of 10 feet. Curbed landscaped islands shall be sited at the end of each parking aisle and within parking aisles at intervals no greater than one island per every twenty (20) spaces. Islands at the ends of aisles shall be counted toward meeting this requirement. Each required landscaped island shall be a minimum of three hundred sixty (360) sf in landscaped area.

3.5.2.3 No more than 10% of off-street parking shall be sited between the front façade of the principal building and the primary abutting streets with the exception of parking areas used for the display of vehicles for sale. The Planning Board may increase this limit to 50% if it determines that the building and parking are screened from view by out lot development consisting of buildings less than 10,000 sf of floor area and by the use of additional tree plantings, berms, fencing, low walls, shrubs and/or perennials.

### 3.5.3 Landscaping

3.5.3.1 The applicant shall submit a site landscaping plan that presents the location and quantity of all project plantings. The applicant shall also submit a planting schedule keyed to the site landscaping plan that lists the botanical and common names, size at planting and quantity of all project plantings. Landscaping shall be considered an integral component of the approved project. The applicant shall replace within 30 days any landscaping that dies, is removed or otherwise requires replacement. Such replacement landscaping shall be equivalent in species and size to the original landscaping unless the applicant can demonstrate to the satisfaction of the code enforcement officer that site conditions require an alternative species of comparable size.

3.5.3.2 A minimum of 30% of the building's total foundation, including a minimum of 50% along the building's front façade, shall be planted with landscaping consisting of one 1.5" caliper tree native to Maine and 4 shrubs per ten (10) linear feet of foundation. This landscaping shall be near entrances and façades facing public streets as well as in parking areas.

- 3.5.3.3 One 2.5" caliper canopy tree native to Maine, one 4-foot high understory tree native to Maine, and five 12" high evergreen or 15" high deciduous shrubs shall be planted within each parking lot island.
- 3.5.3.4 Landscaping consisting of three 2.5" caliper street trees, six 4-foot high understory trees, ten 12" high evergreen or 15" high deciduous shrubs and five 3-foot evergreen trees shall be planted every 50' along and within a minimum 30-foot wide green strip buffer adjacent to all public streets and along and within a minimum 20-foot wide green strip buffer adjacent to all private streets and drives including parking lot connectors, circulation drives (including those adjacent to building) and loading areas.
- 3.5.3.5 Where the building site abuts property with at least one residence, a six-foot high berm shall be provided and planted with double offset row of 4-foot high evergreens spaced 15' on center.

#### 3.5.4 Lighting

- 3.5.4.1 Plans shall be submitted for all proposed exterior lighting drawn to a scale of 1" = 20' and shall include the location and type of lighting equipment, manufacturer's specification sheets and point-by-point calculated luminance values noted on a 10-foot grid.
- 3.5.4.2 The following lighting criteria shall not be exceeded:
- 3.5.4.2.1 Parking lots: an average of 1.0 foot-candle throughout, a maximum of 6 foot-candles and a maximum-to-minimum uniformity ratio of 20:1 foot-candles;
  - 3.5.4.2.2 Intersections: an average of 3 foot-candles throughout, a maximum of 6 foot-candles and a maximum-to-minimum uniformity ratio of 20:1 foot-candles;
  - 3.5.4.2.3 Maximum at property lines: 0.1 foot-candles.
- 3.5.4.3 The maximum height of freestanding lights shall be the same as the principal building, but shall not exceed 20 feet.
- 3.5.4.4 All lights shall have shielding to provide a beam cut-off at no more than 75 degrees nadir.
- 3.5.4.5 The applicant shall demonstrate to satisfaction of the planning board that the proposed lighting is appropriate for the intended use. The planning board shall consider the hours of operation, characteristics of the neighborhood and the specific activities proposed in making its determination. When the activity is not in use, lighting shall be turned off unless there is a demonstrated need for illumination as determined by the Planning Board.
- 3.5.4.6 Lighting shall be located along streets, parking areas, at intersections and crosswalks and where various types of circulation systems merge, intersect or split.

3.5.4.7 Pathways, sidewalks and trails shall be lighted with low or mushroom-type standards.

3.5.4.8 Flag poles may not be illuminated by lights directed upward or at any angle above horizontal.

### 3.5.5 Screening.

3.5.5.1 Ground- and wall-mounted mechanical equipment, refuse containers and permitted outdoor storage must be fully concealed from on and off-site ground level views with materials identical to those on building exterior.

3.5.5.2 All trash collection areas that are not within an enclosed building or underground must be screened or recessed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways, or adjacent residential properties and at least 50 feet from any lot line. Screening and landscaping of these areas shall conform to the predominant materials used on the site.

3.5.5.3 Rooftop equipment must be screened by parapets, upper stories or exterior walls from view from public streets within 1,000'.

3.5.5.4 Gates and fencing may be used for security and access but not for screening. Chain link, wire mesh or wood fencing is not acceptable.

3.5.5.5 Loading docks must be screened from surrounding roads and properties by walls matching the building's exterior or fully opaque landscaping.

3.5.6 Outdoor sales. Additional standards applicable only to largescale development consisting of retail establishments greater than 10,000 sf of floor area. The Planning Board may modify or waive one or more of the following standards for vehicle display areas if it finds that the application of such standards is impractical or inappropriate.

3.5.6.1 Areas for outdoor sales of products may be permitted if they are extensions of the sales floor into which patrons are allowed free access. Such areas shall be incorporated into the overall design of the building and the landscaping and shall be permanently defined and screened with walls and/or fences. Materials, colors and design of screening walls and/or fences shall conform to those used as predominant materials and colors on the building. If such areas are to be covered, then the covering shall be similar in materials and colors to those that are predominantly used on the building facade. Outdoor sales areas shall be considered as part of the gross floor area of the retail establishment.

3.5.6.2 Except for agricultural, landscaping, nursery and similar products normally stored outdoors, outdoor storage of products for sale in an area where customers are not permitted is prohibited unless it is visually buffered from adjacent streets and abutting developed properties. This prohibition includes outdoor storage sheds and containers.

- 3.5.6.3 Outdoor sales areas must be clearly depicted on site plan and separated from motor vehicle routes by physical barrier and 10'.
- 3.5.7 Bicycle and pedestrian facilities. Additional standards applicable only to large-scale development consisting of retail establishments greater than 10,000 sf in floor area.
- 3.5.7.1 Pedestrian walkways internal to the development shall be no less than five (5) feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all large commercial buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers or other such materials for no less than fifty (50) percent of the length of the walkway.
- 3.5.7.2 Sidewalks at least five (5) feet in width shall be provided along all sides of the lot that abut a public street.
- 3.5.7.3 Sidewalks at least five (5) feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance, and along any façade abutting public parking areas. Such sidewalks shall be located at least six (6) feet from the façade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the façade. Weather protection features such as awnings or arcades are required within thirty (30) feet of all customer entrances.
- 3.5.7.4 All internal pedestrian walkways and crosswalks shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
- 3.5.7.5 The development shall provide exterior pedestrian furniture in appropriate locations at the rate of one seat for every 5,000 sf of gross floor area and secure, integrated bicycle parking at the rate of three bicycle rack spaces for every 50 vehicle parking spaces.
- 3.5.8 Building reuse. Additional standards applicable only to large scale development consisting of retail establishments greater than 20,000 sf in floor area.
- 3.5.8.1 A form of surety approved by the Planning Board must be established by the applicant to ensure the building and all amenities on the site are maintained if the building becomes vacant. The amount of such surety shall be based on estimates prepared by a licensed professional engineer of the cost of four years of maintenance of all site improvements and the cost of razing the building and removing all demolition materials. The surety must be of a form that cannot lapse or be discontinued without consent of the Board of Selectmen. *[amended May 17, 2008]*
- 3.5.8.2 The estimates shall be increased by 50% to reflect inflation. If the building remains vacant for a period of one (1) year and site improvements are not maintained over this period, the selectmen may vote to exercise the surety to pay for site maintenance.

3.5.8.3 If the building remains vacant for a period of four (4) years, the selectmen may vote to exercise the surety to remove the building from the site.

3.5.8.4 Where the building will replace an existing building within the community, the applicant shall submit evidence that there will be no private prohibition on the type or reuse of the previously occupied building through conditions of sale or lease.

3.5.9 Location. Additional standards applicable only to large-scale development consisting of retail establishments greater than 20,000 sf in floor area. These standards are intended to ensure such large buildings are placed in suitable locations and that they are not visible from designated roads as listed in subsection 3.5.9.3, below, unless they are sited close to the road in a manner similar to traditional village commercial development.

3.5.9.1 Retail buildings over 20,000 sf in floor area that are set back more than 50 feet from a designated road shall not be visible from such road. This may be accomplished by existing vegetation and topography as well as proposed site improvements such as landscaping, berms and similar site design features. In determining if existing vegetation and/or proposed landscaping will satisfy this standard, the Planning Board may consider the projected height and substance of such vegetation and/or landscaping seven years after construction of the large retail building is completed.

3.5.9.2 Alternatively, the standard in subsection 3.5.9.1, above, may be satisfied by the siting of smaller commercial buildings on pads or out lots between the large-scale retail building and the designated road. This technique shall be employed for the full width the development site along the road that provides its principal vehicular access except for access locations and landscaped public open spaces that the Planning Board determines will provide effective visual buffering of the large retail building.

3.5.9.3 The following are designated roads within the meaning of subsections 3.5.9.1 and 3.5.9.2, above:

- i. Routes 1 and 27
- ii. McKay Road
- iii. Eddy Road
- iv. River Road

### 3.6 Submission Requirements

3.6.1 When the owner of the property or his authorized agent makes formal application for site plan review, his application shall contain eight copies of at least the following exhibits and information:

3.6.1.1 A fully executed and signed copy of the application for site plan review.

3.6.1.2 Evidence of right, title or interest in the property such as a deed, option to purchase, lease, or agreement.

- 3.6.1.3 A site plan drawn at a scale sufficient to allow review of the items under the preceding general standards, but at not more than 50 feet to the inch for that portion of the total tract of land being proposed for development, and showing the following:
- 3.6.1.3.1 Names and addresses of all abutters on the plan and names and addresses of all abutters on a separate listing.
  - 3.6.1.3.2 Sketch map showing general location of the site within Town.
  - 3.6.1.3.3 Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.
  - 3.6.1.3.4 The bearings and distances of all property lines and the source of this information. The Board may waive the requirement of a formal boundary survey when sufficient information is available to establish, on the ground, all property boundaries.
  - 3.6.1.3.5 Zoning classification(s) of the property and the location of zoning district boundaries if the property is located in two or more zoning districts.
  - 3.6.1.3.6 Soil types and location of soil boundaries suitable for waste water disposal as certified by a licensed engineer or soil scientist. *[amended May 17, 2008]*
  - 3.6.1.3.7 The location of all building setbacks required by the zoning ordinance and/or building code.
  - 3.6.1.3.8 The location, size, and character of all signs and exterior lighting
  - 3.6.1.3.9 The location of all existing and proposed buildings (including size and height), driveways, sidewalks, parking spaces, loading areas, open spaces, large trees, open drainage courses, signs, exterior lighting, service areas, easements, and landscaping.
  - 3.6.1.3.10 The location of all buildings within 50 feet of the parcel to be developed and the location of intersecting roads or driveways within 200 feet of the parcel.
  - 3.6.1.3.11 Existing and proposed topography of the site at two foot contour intervals if major changes to the existing topography are being proposed.
  - 3.6.1.3.12 A stormwater drainage plan showing:
    - a. The existing and proposed method of handling run-off.
    - b. The direction of flow of the run-off through the use of arrows.
    - c. The location, elevation, and size of all catch basins, wells, drainage ditches, swales, retention basins, and storm sewers.

d. Engineering calculations used to determine drainage requirements based upon a ten-year storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.

3.6.1.3.13 A utility plan showing provisions for water supply and waste water disposal including the size and location of all piping, holding tanks, leach fields, etc.

3.6.1.4 A planting schedule keyed to the site plan and indicating the varieties and sizes of trees, shrubs, and other plants to be planted on the site.

3.6.1.5 Building plans showing, as a minimum, floor plans and all elevations, together with a schedule detailing the type, color, and texture of all exterior surfacing materials of all proposed principal buildings and structures and all accessory buildings and structures.

3.6.1.6 Copies of any proposed or existing easements, covenants, deed restrictions, etc.

3.6.1.7 Copies of all applicable State approvals and permits.

3.5.2 The Planning Board may waive any of these requirements when the Board determines that the scale of the project makes the information unnecessary.

3.7 Appeals and Variances from the provisions or administration of the Site Plan Review Ordinance: See Article VI. *[amended May 17, 2008]*

### 3.8 Enforcement

3.8.1 Any violation of this Ordinance shall be deemed to be a Nuisance.

3.8.2 It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If any provision of this Ordinance is being violated, the Code Enforcement Officer shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings, structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be maintained as a permanent record.

3.8.3 When the above action does not result in the correction or abatement of the violation or nuisance condition, the Selectmen are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations, the imposition of fines, and entering into consent agreements that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.

3.8.4 The penalties for violation of this Ordinance shall be as prescribed in 30-A MRSA Section 4452.