



TOWN OF SABATTUS, MAINE SITE PLAN REVIEW ORDINANCE

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TOWN OF SABATTUS, MAINE

SITE PLAN REVIEW ORDINANCE

Section 1. Purpose

Substantial development or major changes in the uses of land can cause a profound impact upon the cost and efficiency of municipal services and upon the environment of the town.

The purposes of this ordinance are:

- A. To provide municipal review of projects that potentially could affect the environment and community;
- B. To promote and protect the health, welfare and safety of the residents of the Town of Sabattus;
- C. To provide local protection from those particular nuisances which are not governed by State law or regulation;
- D. To balance the rights of landowners to use their land with the corresponding right of abutting and neighboring landowners to live without undue disturbance from noise, smoke, fumes, dust, odor, glare, traffic, stormwater runoff or the pollution of ground or surface waters;
- E. To reduce the off-site external problems created by developments thereby decreasing the cost of maintaining or improving municipal services;
- F. To conserve the Town's natural beauty and visual character by ensuring that structures, signs and other improvements and uses of land are sited and developed with due regard to the aesthetic qualities of the natural terrain and that proper attention is given to exterior appearances of structures, signs, other improvements and uses of land; and
- G. To implement the policies of the comprehensive plan.

Section 2. Applicability

A. Site Plan Review by the Board or the Code Enforcement Officer, as the case may be, in conformity with the criteria and standards of this section shall be required for the following:

1. All development proposals for new, or substantial enlargements (an expansion by either a 20% in new gross floor area or a 20% increase in new impervious surface area provided such expansion involves at least 500 square feet within any five-year period) of commercial, retail, industrial, institutional, public, and recreational structure(s) or uses and their accessory uses and structures.

2. New uses of existing structures or land or existing uses that requires Site Plan Review as defined in section 2.A.1 above when such uses would alter normal traffic patterns, or which would employ new materials and/or processes.
3. Existing uses that require Site Plan Review as defined in section 2.A.1 which seek to expand within any five (5) year period, with regard to floor space, seating capacity, impervious surface area or outdoor storage area, unless the expansion is less than 30% and the Code Enforcement Officer makes written findings that (1) the new use will comply with the review standards of Section 5, and (2) traffic volumes will not increase from a low volume generator to a medium or high volume generator, or from a medium generator to a high volume.
4. Resumption of uses which have been abandoned for at least five years which would require review if being newly established.
5. The initial placement of above or below ground storage tank(s) used for fuels, hazardous substances or flammable and combustible liquids which contain 10,000 gallons or more in total or in combination.
6. Home Occupations when determined by the Code Enforcement Officer Site Plan Review is required.

B. Site plan approval is not required by the Board for the following:

1. Construction of single family dwellings, two-family dwellings, and multi-family dwellings and their accessory structures.
2. Construction of barns, stables, and other agricultural related buildings by and for the private use of families residing on or leasing/owning the property on which the building is to be located.
3. All nonstructural uses of land for agricultural or forestry purposes.
4. Sand and gravel pits approved or established prior to the adoption of this ordinance including the expansion of those pits approved or established on the same or adjacent parcels.
5. A new use of a structure and/or land area that has previously undergone Site Plan Review and approval by the Board, when the Code Enforcement Officer makes written findings that (1) the new use will comply with the standards in Section 5.A and B. and (2) the structure or land area will not be enlarged beyond what is permitted in Section 2.A.1.
6. Accessory structures to commercial, retail, industrial, institutional, public, and recreational structure(s) and uses structures of greater than 500 square feet in total floor area shall require review and approval of compatibility by the Code Enforcement Officer. Before making a determination of compatibility the Code Enforcement Officer shall make a positive written finding that the proposed accessory structure meets the criteria contained in Section 5.A.1, 5.A.2, 5.A.5, 5.A.15 and 5.A.16.

7. Home occupations which meet the following conditions do not need Site Plan approval but require a permit issued by the Code Enforcement Officer.
 - a. The home occupation is incidental and secondary to the primary residential use of the premises;
 - b. Do not employ persons who do not make the residence their permanent home;
 - c. Do not display any exterior sign larger than eight (8) square feet, any exterior indications of the home occupation or variation from the residential character of the principal dwelling or accessory structure.
 - d. Do not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property; and
 - e. Are not likely to generate regular daily or seasonal traffic not associated with residential uses.

Section 3. Authority, Administration

A. Authority

1. This Ordinance is adopted pursuant to Home Rules Powers as provided for in Article VIII-A of the Maine Constitution and Title 30-A M.R.S.A. Section 3001.
2. This Ordinance shall be known as the "Site Plan Review Ordinance" of the Town of Sabattus, Maine.

B. Administration

1. This Ordinance shall be administered by the Code Enforcement Officer and the Planning Board for the Town of Sabattus, Maine, hereafter referred to as the Board.
2. No activity requiring a Site Plan Review approval, or a building permit, plumbing permit or certificate of occupancy for any use or development within the scope of this Ordinance shall be issued until a Site Plan of Development application has been review and approved by the Board or Code Enforcement officer, as the case may be.

C. Effective Date

The effective date of this Ordinance is affective at adoption of this Ordinance at Town Meeting.

D. Repeal of Existing Site Plan Review Ordinance

Adoption of this Ordinance shall repeal any and all previous adopted Site Plan Review Ordinances. This shall not prevent the enforcement of the repeal ordinances with respect to the time periods in which they were in effect.

E. Joint Reviews and Approvals

When an application requires review and approval pursuant to this Ordinance and the Town of Sabattus Groundwater and Wellhead Protection Ordinance the Board shall conduct such reviews simultaneously in accordance with the procedures of this Ordinance. Plans shall conform to the provisions of this Ordinance as well as that required by the Town of Sabattus Groundwater and Wellhead Protection Ordinance

Section 4. Site Plan Content - Application Procedures and Requirements.

A. Agenda. In order to avoid unnecessary delays in processing applications, the Board shall prepare an agenda for each regularly scheduled meeting. Applicants shall request to be placed on the Board's agenda at least ten (10) days in advance of a regularly scheduled meeting by contacting the Board staff (Code Enforcement Officer). Applicants who attend a meeting but who are not on the agenda may be heard but only after all agenda items have been completed and then only if a majority of the Board so votes.

B. Preapplication Meeting. Applicants shall schedule a meeting with the Board prior to formal submission, to present a sketch plan and make a verbal presentation regarding the site and the proposed project.

1. **Submission.** The Preapplication Sketch Plan shall show, in simple sketch form, the proposed development area, and other features in relation to existing conditions. The Sketch Plan, which may be a free-hand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located.

2. **Contour Interval and On-Site Inspection.** Within 30 days of the pre-application meeting, the Board shall determine and inform the applicant, in writing, of the required contour interval on the development plan and conduct an on-site inspection of the property.

3. **Ownership Interest.** The applicant will furnish written evidence showing his right, title or interest (option, contract for sale, etc.) in the property to be developed to the Board.

C. Application Procedure

1. **Applications in Writing.** All applications for site plan approval shall be made in writing on forms provided for this purpose. Applications shall be received by the Board in order, filed and when the Board agenda permits.

All applications shall be made by the owner in the property or his agent, as designated in writing or person which shows evidence of right, title or interest.

2. **Development Plan.** A Development Plan meeting the standards of Section 4.H shall be submitted to and reviewed by the Board and shall be approved by the Board before any building permit may be issued. In the case of proposed resumptions of uses which have been abandoned for at least five years, Board approval shall be required before such uses may be resumed if such a use requires review if being newly established.
3. **Notice to Abutters.** Upon filing an application, property owners within 100 feet of the edge of the applicant's property lines including those across the street shall be notified by certified mail, Return Receipt Requested, by the Applicant, of a pending application for Site Plan Review. This notice shall indicate the time, date and place of the Board's first consideration of the application.
4. The applicant, or his duly authorized representative, shall attend the meeting of the Board to discuss the Development Plan. The Board shall provide the applicant a dated receipt of a Site Plan Review application at the Board meeting where the application is first presented.
5. The Board shall hold a public hearing on each application at the first meeting the application is presented and shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least 7 days prior to the hearing. Notice of the public hearing shall be mailed to all abutters of the proposed development at least 7 days prior to the hearing by the Town of Sabattus.
6. Within 30 days of receipt of a Site Plan Review application form and fee, the Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application. The Board may request the applicant to provide additional information necessary for the Board review after a determination that a complete application has been received.
7. **Additional Studies.** The Board may require the applicant to under-take any study which it deems reasonable and necessary to demonstrate that the requirements of the Ordinance are met. The costs of all such studies shall be borne by the applicant.
8. **Financial Guarantee.** Prior to final approval or any Site Plan Review application, the Board may require the posting of a bond, escrow agreement or letter of credit in such amount as is approved by the Board. This amount shall be sufficient to ensure completion of all improvements required as conditions of approval of such plan in such form as approved by the Board and Town Selectmen. The Town shall have access to the site at all times to review the progress of the work.
9. **Conditions.** The Board may attach reasonable conditions to the Site Plan Review approvals to ensure conformity with the standards and criteria of this Ordinance.

10. Within 30 days after the record is closed of a public hearing, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall issue an order and approve, approve with conditions, or deny the development plan. The Board shall specify, in writing, its findings of facts and reasons for any conditions or denial.
11. Prior to issuance of a Building Permit by the Code Enforcement Officer of any project which has received Site Plan Review approval, the applicant shall provide proof to the Code Enforcement Officer that all necessary permits required by the Access Management Law, Natural Resource Protection Act, Site Location of Development Act, Maine Stormwater Management Law and Section 404 of the Federal Water Pollution Control Act have been obtained. Such proof of permits shall be placed in the application record.
12. Approvals of site plans are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed by the applicant. Any variation from the plans, proposals and supporting documents, except minor changes as permitted in 4.F below, is subject to review and approval by the Board.

D. Code Enforcement Officer Site Plan Review Approval

1. The Code Enforcement Officer shall review and approve, approve with conditions or deny all applications for site plan approval as set forth in Sections 2.A. 3 and 2.B.5 and 6. The Code Enforcement Officer may refer any application submitted under this Section to the Board if the Code Enforcement Officer finds that the application is more complex than his/her expertise to review or if the Code Enforcement Officer finds that the public has a significant interest in the development and should be afforded the opportunity for formal input.
2. The Code Enforcement Officer shall utilize the following procedures for Code Enforcement Officer review of Site Plan Review Applications.
 - a. An applicant for a Code Enforcement Officer Site Plan Review approval shall submit two (2) copies of a fully executed and signed copy of the Application for Site Plan Review and the application information contained in section 5.H to the Code Enforcement Officer. The applicant shall pay to the Town Treasurer an application fee. Said fee shall be non-refundable and shall be computed as specified in the Schedule of Licenses, Permit and Application Fees established and amended from time to time by vote of the Town of Sabattus Board of Selectmen. The Code Enforcement Officer shall issue the applicant a dated receipt.
 - b. Upon receipt of the application the Code Enforcement Officer shall notify, by regular first-class mail, abutting property owners of a pending application, where and when it can be reviewed and the time period that comment will be accepted.

- c. Within ten (10) days from the receipt of an application, the Code Enforcement Officer may schedule an on-site inspection of the property that shall be jointly attended by the applicant or a duly authorized representative and the Code Enforcement Officer.
- d. Within fifteen (15) days from the receipt of an application, the Code Enforcement Officer shall notify the applicant in writing either that the application is complete, or if it is incomplete, the specific information that need to be addressed to make a complete site plan application.
- e. Upon receipt of additional information and determination that a complete application has been submitted for review, The Code Enforcement Officer shall issue a dated notice to the applicant.
- f. Within thirty (30) days of the receipt of a complete application, or within another time limit as may be otherwise mutually agreed to by the Code Enforcement Officer and the applicant, The Code Enforcement Officer after considering the applicable criteria and standards shall approve, approve with conditions or deny the application and issue a written decision and findings of fact to the applicant.

E. Expiration of Approvals

Failure to commence a substantial start of the development within two years of the date of approval shall render the Site Plan approval void. A statement of this effect must appear in the approval findings of facts. A new application must be made and approved subject to all ordinances then in effect. Upon good cause shown, the Board or the Code Enforcement officer, as the case may be, may extend the approval for an additional two year period. The extension request must be made to the Board at least thirty days prior to the time of expiration. Upon determining that a site plan approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect.

F. Minor Changes to Approved Plans.

Minor changes in approved plans necessary to address field conditions or structure orientation may be authorized by the Code Enforcement Officer provided that any such change does not affect the standards of this Ordinance or alter the intent of the approval. A request for a minor change to an approved plan shall be in writing to the Code Enforcement Officer. In making the determination to approve a minor change to an approved plan the Code Enforcement Officer shall consult with the Board Chair or the Chair's designee. All approvals for minor changes to approved plans shall be in writing by the Code Enforcement Officer. A copy of the written approval and revised site plan shall be filed with the Board within thirty (30) days from the date of the written approval.

G. Inspections and Site Conditions.

- 1. The Board or Code Enforcement Officer may require the applicant to pay for professional oversight or inspections during construction of site or building improvements proposed under this ordinance. If required, at least five (5) days prior to commencing construction, the applicant shall:

- a. Notify the Code Enforcement Officer in writing of the time when the applicant proposes to commence construction so that the municipal officers can arrange for inspection to be made. The inspecting official shall assure that all municipal specifications, requirements and conditions of approval shall be met during the construction and shall assure the satisfactory completions of improvements required by the Board or Code Enforcement Officer.
 - b. Deposit with the municipal officers, a check for the amount of 2% of the estimated costs of construction and improvements to pay for the costs of inspection. If upon satisfactory completion of construction and cleanup there are funds remaining, the surplus funds shall be refunded to the applicant within 30 days. If the inspection account shall be drawn down by 90%, the applicant shall deposit an additional 1% of the estimated costs of construction and improvements.
2. During construction, the site shall be maintained and left each day in a safe and sanitary manner. Site area shall be regularly sprayed with an environmentally safe product to control dust from construction activity.
 3. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris, and excess or scrap building materials shall be removed or destroyed immediately upon the request and to the satisfaction of the Code Enforcement Officer prior to issuing an occupancy permit.
 4. Changes in elevation. No significant change shall be made in the elevation or contour of any lot or site by the removal of earth to another lot or site other than as shown on an approved Site Review Plan. Any non-permitted removal of greater than 1,000 cubic yards in a 12-month period must be approved by the Board in according to Section 5. B.

H. Site Plan Review Application Requirements

Applications for Site Plan Review shall be submitted on application forms provided by the Town. The completed application form, the required plans, related information and fees shall be submitted to the Board staff (Code Enforcement Officer) by the first of the month that the Planning Board shall consider the application. Twelve copies of the plan(s) and all accompanying information shall be submitted. The Board can request that the Fire Chief, Police Chief, Road Commissioner and Sabattus Sanitary District and Water Division provide the Board with official comments upon the adequacy of their department's existing capacity to service the proposed development.

The submission shall contain at least the following exhibits and information:

1. The Development Plan shall consist of one or more reproducible, stable base transparent original, to be filed at the Town Office, drawn at a scale of not smaller than 50 feet to the inch or other scale as determined by the Board. Space shall be provided on the Development Plan for the signatures of the

Board and date with the following words. Approved: Town of Sabattus Planning Board

2. A fully executed and signed copy of the application for Site Plan Review.
3. General information:
 - a. Name of owner(s) of record and address and applicant's name and address, if different;
 - b. The name of the proposed development;
 - c. Names and addresses of all property owners within 100 feet of the edge of the property line including those across the street;
 - d. Sketch map showing general location of the site within the Town;
 - e. 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;
 - f. The tax map and lot number of the parcel or parcels;
 - g. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant; and
 - h. The name, registration number and seal of the licensed professional surveyor, architect, engineer and/or person who prepared the plan.
4. Every application shall be accompanied by the written certificate of the Town's Code Enforcement Officer that the applicant is not in violation of any Town Ordinance regulating land use. No application shall be considered complete, nor shall any application be in order for review or approval, unless accompanied by this written certificate. The Board shall not waive this requirement.
5. Existing Conditions
 - a. Zoning classification(s) of the property including Aquifer Protection District Zone(s) and the location of district boundaries if the property is located in two or more districts or abuts a different district;
 - b. The bearings and distances of all property lines of the property to be developed and the source of this information. The Board may require a formal boundary survey when sufficient information is not available to establish, on the ground, all property boundaries;
 - c. Location and size of any existing sewer and water mains, culverts and drains on the property to be developed and of any that will serve the development from abutting streets or land;
 - d. Location, names and present widths of existing streets and rights-of-way within or adjacent to the proposed development;

- e. The location, dimensions and ground floor elevations of all existing buildings on the site;
- f. The location and dimensions of existing driveways, streets and parking and loading areas and walkways on the site;
- g. Location of intersecting roads or driveways within 200 feet of the site;
- h. The location of open drainage courses, wetlands, known or potential archaeological resource, historic buildings and sites, mapped sand and gravel aquifers, known rare and endangered, other critical natural features/resources with a description of how such features will be maintained or impacts upon them minimized;
- i. The location of significant or rare plant and wildlife habitats, including fisheries, deer wintering areas and waterfowl and wading bird habitats identified on the Beginning with Habitat Maps published by the Maine Department of Inland Fisheries and Wildlife. If there are significant or rare plant and wildlife habitats, including fisheries, deer wintering areas and waterfowl and wading bird habitats identified the applicant shall consult with the Maine Department of Inland Fisheries and Wildlife on measures to conserve the identified habitat.
- j. The direction of existing surface water drainage across the site, if existing condition contours are not provided;
- k. If any portion of the property is in the 100-year floodplain, its elevation shall be delineated on the plan;
- l. The location and dimensions of existing and proposed signs; and
- m. Location and dimensions of any existing easements and copies of existing covenants or deed restrictions.

6. Proposed Development Activity

- a. The location, dimensions, design and exterior materials of all proposed buildings and structures.
- b. All existing and proposed setback dimensions.
- c. The size, location and direction and intensity of illumination and method of installation of all major outdoor lighting apparatus.
- d. The type, size and location of all incineration devices.
- e. The type, size and location of all machinery likely to generate appreciable noise at the lot lines.

- f. Type of sewage disposal.
 - i. If subsurface waste water disposal is to be used an on-site soils investigation report by a Maine Department of Human Services licensed Site Evaluator. The report shall identify the types of soil, location of test pits, and proposed location and design for the subsurface waste water disposal system.
 - ii. If public sewer are to be used, a statement from the Sabattus Sanitary District as to its capacity to serve the development.
- g. The type and location of water supply to be used.
 - i. If on site water supply is to be used evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydro geologist familiar with the area.
 - ii. If public water is to be used, a statement from the Sabattus Sanitary District (Water Division) as to its capacity to serve the development.
- h. The amount and type of any raw, finished or waste materials to be stored outside of roofed buildings including their physical and chemical properties, if appropriate.
- i. All existing contours and proposed finished grade elevations of the entire site and the system of drainage proposed to be constructed. Contour intervals shall be specified by the Board.
- j. The location, type and size of all curbs, sidewalks, driveways, fences, retaining walls, parking space areas, and the layouts thereof, together with their dimensions.
- k. Landscape plan indicating all landscaped areas, fencing and size and type of plant material proposed to be retained or planted with special emphasis placed on front setback areas.
- l. All existing or proposed rights-of-way, easements and other legal restrictions which may affect the premises in question.
- m. The property lines of all properties abutting the proposed development, including those properties across the street, with the names and addresses of the owners as disclosed on the tax maps on file in the Town Office as of the date of the development plan review application.
- n. Traffic Data: Traffic data shall include the following:
 - 1) The estimated peak-hour traffic to be generated by the proposal.
 - 2) Existing traffic counts and volumes on surrounding roads.

- 3) Traffic accident data covering the most recent three-year period for which such data is available.
 - 4) The capacity of surrounding roads and any improvements which may be necessary on such roads to accommodate anticipated traffic generation.
 - 5) The need for traffic signals and signs or other directional markers to regulate anticipated traffic.
- o. A copy of the approved Driveway or Entrance permit issued by the Maine Department of Transportation if a driveway or entrance will enter onto Route 9, Route 132, Route 126, Route 197, Bowdoinham Road, or Crowley Road.
- p. A stormwater management plan showing:
- 1) The existing and proposed method of handling storm water run-off.
 - 2) The direction of flow of the run-off through the use of arrows, if proposed contours are not provided.
 - 3) The location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers.
 - 4) Engineering calculations used to determine drainage requirements based upon the 2-, 10- and 25-year, 24-hour 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.
 - 5) If applicable documentation that the development will comply with the Sabattus Non-Storm Water Discharge Ordinance.
 - 6) If applicable a Post-Construction Stormwater Management Plan meeting the standards of the Post-Construction Stormwater Management Ordinance.
- q. A soil erosion and sediment control plan for construction and for permanent control.
- r. If located in the direct watershed of a great pond, a phosphorous control plan prepared in accordance with Section 5.A.15
- s. A ground water impact analysis prepared by ground water hydrologist for projects involving shared on-site water supply or sewage disposal facilities with a capacity of 2,000 gallons or more per day.
- t. A utility plan showing, in addition to provisions for water supply and waste water disposal, the location and nature of electrical, telephone and any other utility services to be installed on the site.

- u. The location, width, typical cross-section, grades and profiles of any proposed streets and sidewalks.
 - v. Construction drawings for streets, sanitary sewers, water and storm drainage systems, designed and prepared by a licensed professional engineer registered in the State of Maine.
 - w. Cost of the proposed development and evidence of financial capacity to complete it. This evidence should be in the form of a letter from a bank or other source of financing indicating the name of the project, amount of financing proposed, and interest in financing the project.
 - x. A municipal service impact analysis that includes a list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the Town of Sabattus or quasi-municipal districts. This list shall include but not be limited to: schools including busing; street reconstruction, maintenance, and snow removal; solid waste disposal; sewage treatment; water; and fire protection. The applicant shall provide an estimate of the net increase in taxable assessed valuation upon build out of the subdivision.
7. **Submission Waivers.** Where the Board or the Code Enforcement Officer, as the case may be, makes written findings of fact that there are special circumstances of a particular application, it may waive portions of the submission requirements, unless otherwise indicated in this Ordinance, provided that the applicant has demonstrated that the standards of this Ordinance have been or will be met, the public health, safety and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan and this Ordinance.
8. **Fees.** The following fee(s) shall be paid at the time of application submission:
- a. The applicant shall pay to the Town Treasurer an application fee. Said fee shall be non-refundable and shall be computed as specified in the Schedule of Licenses, Permit and Application Fees established and amended from time to time by vote of the Town of Sabattus Board of Selectmen.
 - b. The applicant shall pay to the Town Treasurer a Review Escrow Fee. Said fee shall be computed as specified in the Schedule of Licenses, Permit and Application Fees established and amended from time to time by vote of the Town of Sabattus Board of Selectmen. The monies shall be deposited in an escrow account established by the Town, which monies may be used by the Board to pay for professional reviews and advice related to the developer's application as it deems necessary. The Board shall provide the applicant with notice of its intent to spend any portion of this account which notice shall specify the purpose for the proposed expenditures. If the balance in the Review Escrow Account shall be drawn down by 75%, the Board shall require that an additional 50% of the original review escrow account fee be deposited by the applicant as necessary whenever the balance of the account is drawn down to 75% of the original deposit.. Those monies deposited by the

applicant in the review escrow account and not spent by the Board in the course of its review shall be returned to the applicant within thirty (30) days after the Board renders its final decision on the application.

Section 5. Review Standards.

A. General Review Standards

The following criteria and standards shall be utilized by the Board or Code Enforcement Officer, as the case may be, in reviewing applications for Site Plan Review approval. The standards are not intended to discourage creativity, invention and innovation. The Board or Code Enforcement Officer, as the case may be, shall approve the Development Plan unless the Board or Code Enforcement Officer, as the case may be, finds that the applicant has not satisfied one or more of the following criteria provided that the criteria were not first waived by the Board or Code Enforcement Officer, as the case may be, in accordance with Subsection 5. C.

1. **Preservation of Landscape.** The landscape will be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas.

After construction is completed, landscaping shall be designed and planted that will define, soften or screen the appearance of off-street parking areas from the public right-of-way and abutting properties and/or structures in order to enhance the physical design of the building(s) or site, and to minimize the encroachment of the proposed use on neighboring land uses.

Environmentally sensitive areas which include wetlands, significant wildlife habitat areas of two or more contiguous acres with sustained slopes greater than 20 percent, unique natural features and archaeological sites as identified in the Town of Sabattus Comprehensive Plan shall be conserved to the maximum extent.

In making findings of this standard the Board shall consider the information provided on the Beginning with Habitat Maps published by the Maine Department of Inland Fisheries and Wildlife and maps and information provided by the Maine Historic Preservation Commission.

2. **Relation of Proposed Structures to Environment.** Proposed structures should be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed structures so as to have a minimally adverse affect on the environmental and aesthetic qualities of the developed and neighboring areas. The Board shall consider the following criteria.
 - a. Architectural style is not restricted but will reflect traditional New England building forms. Evaluation of the appearance of a project is to be based on the quality of its design and relationship to surroundings.

- b. Buildings will have good scale and be in harmonious conformance with permanent neighboring development.
 - c. Exterior building materials will be of 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) will be used. Decorative architectural metal or decorative tilt-up panels may be approved if incorporated into the overall design of the structure.
 - d. Building components, such as windows, doors and eaves, will have good proportions and relationships to one another.
 - e. Structure façade colors shall be non- reflective subtle, neural or earth tone. The use of high intensity colors, metallic colors, fluorescent colors or black on the façade shall not be used. Structure trim and architectural accent elements may feature bright colors or black, but such colors shall be muted, not metallic or fluorescent.
 - f. Mechanical equipment or other utility hardware on roof, ground or structures shall be screened from public view with materials harmonious with the building, or they shall be located so visibility from any public way is minimized.
 - g.. Exterior lighting shall be part of the architectural concept. Fixtures, light poles and all exposed accessories shall be harmonious with building design.
 - h. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form and sitting shall be used to provide visual interest. In multiple building projects, viable sitting or individual buildings may be used to prevent a monotonous appearance.
3. Signs: All signs shall comply with standards set forth within the Sabattus Sign Ordinance.
4. Special Features. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures, shall be subject to such setbacks, plantings or other screening methods as shall reasonably be required to prevent their being incompatible with the existing or contemplated environment and the surrounding properties.
5. Exterior Lighting. All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicle traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public.

6. **Buffer Areas.** No industrial or commercial buildings or uses shall be established in, or adjacent to, a residential use, or an existing agricultural use unless a landscaped buffer strip is provided to create a visual screen between the uses. Where no natural vegetation can be maintained or due to varying site conditions, the landscaping screen may consist of fences, walls, tree plantings, hedges or combinations thereof. The buffering shall be sufficient to minimize the impacts of any kind of potential use such as: loading and unloading operations, outdoor storage areas, vehicle parking, mineral extraction, waste collection and disposal areas. Where a potential safety hazard to small children would exist, physical screening or barriers shall be used to deter entry to such premises. The buffer areas shall be maintained and vegetation replaced to insure continuous year-round screening.

7. Vehicular Access:

The proposed development shall provide safe vehicular access to and from public and private streets. When conflicts exist between this section and a Driveway Permit or Entrance Permit onto Route 9, Route 132, Route 126, Route 197, Bowdoinham Rd or Crowley Road, issued by the Maine Department of Transportation, the most stringent or restrictive shall apply. The applicant for a development to be located on a parcel of land of ten (10) acres or greater or five hundred (500) feet or more of frontage on a public street shall file a conceptual Access Master Plan with the Board. The conceptual Access Master Plan shall address the overall use of the parcel, the overall vehicular circulation system within the parcel, and the coordination of access into and out of the site. The conceptual Access Master Plan shall demonstrate how the requirements for access as contained in this section will be met.

After the conceptual master plan has been filed with the Board, any application for approval shall be consistent with the plan unless a revised plan is filed.

- a. Vehicular access to the site shall be on roads which have adequate capacity to accommodate the additional traffic generated by the development. Intersections on major access routes to the site within one half (1/2) mile of any entrance road which are functioning at a Level of Service of C or better prior to the development must function at a minimum Level of Service C after development. If any intersection is functioning at a Level of Service D or lower prior to the development, the project must not reduce the current level of service.

The geometrics of intersections that will serve the proposed development shall be of such design to provide for safe turning movements.

The Board may approve a development not meeting these requirements if the applicant demonstrates improvements will be consistent with the Maine Department of Transportation Highway Design Guide, January 1994 Revision, and as may be revised and that:

- 1) A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or

- 2) The applicant shall assume financial responsibility for the improvements necessary to bring the level of service to this standard and will guarantee the completion of the improvements within one (1) year of approval of the project.
- b. Any exit driveway or driveway lane shall be so designed in profile and grading and so located as to provide the following minimum sight distance measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway from distances between 10 and 15 feet behind the curblane or edge of shoulder, with the height of the eye 3.5 feet to the top of an object 4.25 feet above the pavement.

Posted Speed Limit	Sight Distance (Standard Vehicle)	Sight Distance (Larger Vehicle)
25 mph	200'	300'
30 mph	250'	375'
35 mph	305'	455'
40 mph	360'	540'
45 mph	425'	635'
50 mph	495'	740'
55 mph	570'	855'

If more than 30% of the traffic projected to use the entrance will be larger vehicles the sight distances shown in the right hand column apply. Height of the eye should be six (6) feet with height of object no more than 4.25 feet above the pavement.

- c. Where more than one business or structure is located on a single parcel, all vehicular access to and from a public or private road shall be via a common access or entrance way(s) serving all business and structures except as provided for herein.
- d. The grade of any exit driveway or proposed street for a distance of fifty (50) feet from its intersection with any existing street shall be a maximum of three (3) percent.
- e. The intersection of any access drive or proposed street must function at a Level of Service of C following development if the project will generate 400 or more vehicle trips per 24-hour period or a level which will allow safe access into and out of the project if less than 400 trips are generated.
- f. Projects generating 400 or more vehicle trips per 24-hour period must provide two or more separate points of vehicular access into and out of the site.
- g. Where a proposed development is to be located at the intersection of Route 9, 126, 132 or 197 and a minor or collector road, entrance(s) to and exit(s) from the site shall be located only on the minor or collector road provided that this requirement may be waived where the applicant demonstrates that existing site conditions preclude the location of a

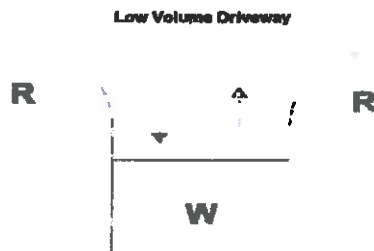
driveway on the minor or collector road, or that the location of the driveway on the minor or collector road would interfere with a predominately residential neighborhood. In addition, this requirement may be waived when an analysis conducted by a traffic engineer, retained by the Board, finds that the operation or safety at an intersection of Route 9, 126, 132 or 197 and a minor or collector road would be improved with an entrance or exit from or onto Route 9, 126, 132 or 197. Any such entrance or exit shall be a restricted entrance or exit point to supplement the primary entrance and exit from the minor or collector road. The entrance or exit will maintain traffic carrying functions and minimize congestion and crash potential.

- h. Curb cuts or access points shall be limited to one per lot for all lots with less than 200 linear feet or less of road frontage. For lots with greater than 200 feet of frontage, a maximum of one curb cut per 200 feet of frontage shall be permitted to a maximum of three, provided the Board makes a finding that (a) the driveway design relative to the site characteristics and site design provides safe entrance and exit to the site and (b) no other practical alternative exists.
- i. The maximum number of curbcuts to a particular site shall be governed by the following:
 - 1) No low volume traffic generator shall have more than one two-way access onto a single roadway.
 - 2) No medium or high volume traffic generator shall have more than two two-way accesses or three accesses in total onto a single roadway.
- j. Curb cut widths and design shall conform to the following standards:
 - 1) Low volume driveways: Defined as driveways with less than 50 vehicle trips/day based on the latest edition of the Institute of Traffic Engineers' Trip Generation Report, as the same may be amended from time to time shall:
 - a) have two-way operation;
 - b) intersect the road at an angle as close to 90 degrees as site conditions permit, but at no less than 60 degrees;
 - c) not require a median;
 - d) slope from the gutter line on a straight slope of 3 percent or less for at least 50 feet, with a slope no greater than 8 percent except where unique site conditions permit a waiving of the slope standard to 10 percent; and
 - e) comply with the following geometric standards:

NOTE: The Board may vary these standards due to unique factors such as a significant level of truck traffic.

Item	Desired Value (ft)	Minimum Value (ft.)	Maximum Value (ft.)
R (radius)	15-25*	10	15-25*
W (drive width)	20-30*	20	24-30*

*Upper values where major street speed and/or volume is high.



- 2) **Median volume driveways with more than 50 vehicle trips/day but fewer than 200 peak hour vehicle trips, based on the latest edition of the Institute of Traffic Engineers' Trip Generation Report, as the same may be amended from time to time, and generally including all land uses not in the low or high volume groups, shall:**

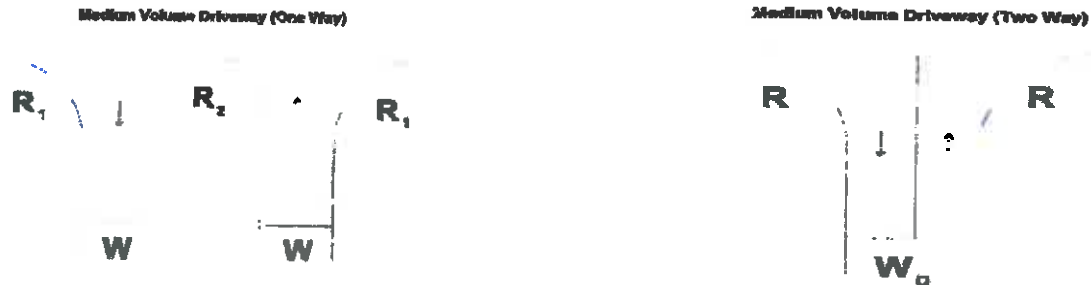
- a) have either two-way or one-way operation;
- b) intersect the road at an angle as close to 90 degrees as site conditions permit, but at no less than 60 degrees;
- c) not require a median;
- d) slope upward from the gutter line on a straight slope of 3 percent or less for at least 50 feet and a slope of no more than 6 percent thereafter, with the preferred grade being a 4 1/2 percent, depending on the site; and
- e) comply with the following geometric standards:

NOTE: The Board may vary these standards due to unique factors such as a significant level of truck traffic.

Item	Desired Value (ft)	Minimum Value (ft.)	Maximum Value (ft)

<u>ONE WAY</u>			
R1 (radius)	30	25	40
R2 (radius)	5	5	10
W (drive width)	20	20	24
<u>TWO WAY</u>			
R (radius)	30	25	40
WD	26-36*	24	30-40*

*Where separate left and right exit lanes are desirable.



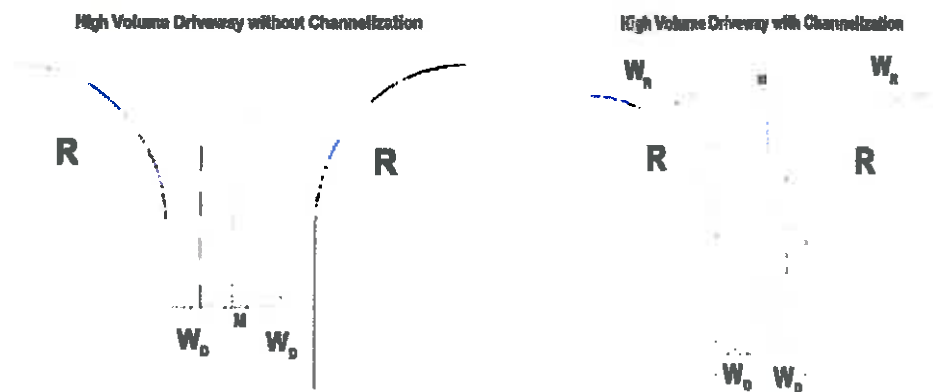
- 3) High volume driveways defined as driveways with more than 200 peak hour vehicle trips shall:
 - a) have two-way operations separated by a raised median of 6 to 10 feet in width and a 50 to 100 feet length depending upon necessary storage length for queued vehicles;
 - b) Intersect with the road at an angle as close to 90 degrees as possible, but at no less than 60 degrees;
 - c) be striped for 2 to 4 lanes with each lane 12 feet wide;
 - d) slope upward from the gutter line on a straight slope of 3 percent or less for at least 75 feet and a slope of no more than 5 percent thereafter;
 - e) have a "STOP" sign control and appropriate "Keep Right" and "Yield" sign controls for channelization; signalization may be required. Level of service and traffic signal warrants should be conducted for all high volume driveways; and comply with the following geometric standards:

NOTE: The Board may vary these standards due to unique factors such as a significant level of truck traffic.

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Item	Desired Value (ft.)	Minimum Value (ft.)	Maximum Value (ft.)
<u>W/O CHANNELIZATION</u>			
R	50	30	50
R	24	20	26
W	6	6	10
<u>W/CHANNELIZATION</u>			
R	100	75	100
WD	24	20	26
M	6	6	10
WR	20	16	20

*For industrial developments with a high percentage of truck traffic maximum values are required.



- k. **Driveway Spacing:** Distance from edge of driveway corner (point of tangency) to edge of intersection corner (point of tangency) by type of driveway should be as follows:

Driveway	Minimum Corner Clearance (feet)	
	Intersection Signalization	Intersection Unsignalization
Low Volume <50-100 trips/day	150	50
Medium Volume >50-100 trips/day <200 trips/hour	150	50
High Volume >200 trips/hour	500	250

- l. Minimum distances between driveways serving the same parcel, measured from point of tangency to point of tangency by type of driveway, should be as follows:

Driveway Type	Minimum Spacing to Adjacent Driveway by Driveway Type		
	Medium (feet)	High w/o RT (feet)	High w/RT (feet)
Medium Volume	75		
High Volume W/O RT (without right-turn channelization)	75	150	
High Volume W/RT (with right-turn channelization)	75	250	500

- m. The minimum distance between driveway to property line, as measured from point of tangency, should be:

Driveway Type	Minimum Spacing to Property Line (ft.)
Low Volume	10
Medium Volume	20
High Volume (without right-turn channelization)	75
High Volume (with right-turn channelization)	75

For lots with shared access, the driveway may be located along the property line. The minimum spacing to property line may be varied if (1) the safest point of access to the site is closer to the property line and (2) there are at least 20 feet of separation between low volume driveways serving adjacent parcels, 40 feet of separation between medium volume driveways, and 150 feet of separation between high volume driveways.

- n. When the proposed development is to be located on the opposite side of an existing development, the driveway shall be directly opposite of the existing driveway or separated from the opposite driveway by a minimum of seventy-five (75) feet whenever possible.

- o. When a conversion or expansion of an existing use occurs, access shall be upgraded to comply with these standards. This requirement may be waived upon a written finding that (a) the need to demolish or relocate an existing building on the site where full access presently exists and cannot be provided by an adjacent side street.**

8. Off-Street Parking

- a. A use shall not be extended and no structure shall be constructed or enlarged unless sufficient off-street automobile parking space is provided. The location of parking to the side or rear of buildings is encouraged.
- b. Parking areas shall be arranged so that it is not necessary for vehicles to back into the street.
- c. Where the development will abut an existing or potential parking area provisions shall be made for internal vehicular connections.
- d. Required off-street parking for all land uses shall be located on the same lot as the principal building or facility. The Board may allow the required or provided off-street parking to be located within 300 feet measured along lines of public access. Such off-lot parking areas shall be held in fee simple by the owner of the use served or in such other tenure as assures continued availability for parking as long as the particular land will be needed for such use provided that if tenure is other than ownership in fee simple, the form of tenure shall be approved by the Selectmen before the request is considered by the Board. Evidence of fee simple ownership or approved tenure shall be required.
- e. The joint use of a parking facility by two or more principal buildings or uses may be approved by the Board where it is clearly demonstrated that said parking facilities would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees of such establishments.
- f. The use of an existing building for its current use shall be deemed to be in compliance with the off-street parking requirements of this section. However, any change in the use above the first floor or any renovation which increases the floor area shall be required to comply with the required off-street parking requirements for the increased floor area.
- g. Access to parking stalls should not be from major interior travel lanes, and shall not be immediately accessible from any public way.
- h. Parking areas shall 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.
- i. Parking aisles should be oriented perpendicular to stores or businesses for easy pedestrian access and visibility.

- j. In paved parking areas, painted stripes shall be used to delineate parking stalls. Stripes should be a minimum of 4 inches in width. Where double lines are used, they should be separated a minimum of 1' 0" on center.
- k. In aisles utilizing diagonal parking, arrows should be painted on the pavement to indicate proper traffic flow.
- l. Bumpers or wheel stops shall be provided where overhang of parked cars might restrict traffic flow on adjacent through roads, restrict pedestrian movement on adjacent walkways, or damage landscape materials.
- m. Off-street parking spaces shall comply with the following standards:
 - 1) Except as provided below, each parking space shall contain a rectangular area at least eighteen (18) feet long and nine (9) feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this section.
 - 2) Up to twenty (20) percent of required parking spaces may contain a rectangular area of only eight (8) feet in width by fifteen (15) feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.
- n. Off-street parking spaces shall be provided to conform with the number required in the following schedule.

Dedicated Retirement Home, Nursing Care Facility	1 ½ space per dwelling unit
Tourist home, boarding, lodging house, motel, hotel, inn, bed & breakfast	1 space per room/unit rental and 1 space for each employee on the largest shift
Church	1 space per four seats based upon maximum seating capacity
Schools Primary Secondary Post-Secondary	1.5 spaces per classroom 5 spaces per classroom
Private clubs or lodges	1 space per four seats based upon maximum seating capacity
Theater, auditoria, public assembly	1 space per four seats based upon maximum seating capacity

Library, museum, art gallery	1 space for 150 sq.ft. of floor space
Banks, medical, dental, veterinary offices, child care	5 spaces per 1,000 sq. ft. of gross floor area
Retail and service businesses	3.5-spaces per 1,000- sq.ft. of gross floor area
Drive-in restaurant/snack bar	Minimum 15 spaces plus 4 sq. ft. of parking for each for each sq. ft. of gross floor space in excess of 2,500 sq. ft.
Industrial businesses	1 space per employee on maximum working shift
Warehouse, wholesale	1 space per 1,000 sq.ft. of gross floor area
Flea market	3 spaces/table
Automobile repair garages and gasoline filling stations	2 spaces for each bay or area used for repair work plus 1 space per employee
Motor vehicle sales	1 space per 10 vehicles displayed on the lot
Commercial recreation facility	0.5 space for each 100 sq.ft. of floor area
Mixed use	total of individual uses

NOTES:

1. Where the calculation of the aforementioned parking spaces results in a fractional part of a complete parking space, the parking spaces required shall be construed to be the next highest number.
2. The above are minimum standards, and additional parking spaces shall be required if necessary to provide off street parking.
3. Where floor space is to be used in calculating the number of required parking stalls, gross floor area shall be used unless otherwise noted.

9. Pedestrian and Trail Access

The proposed development shall provide safe pedestrian access within the project parcel and interconnection with existing facilities on abutting properties including connection and/or preservation of existing snowmobile trails with easements to maintain a multi-use trail system within the Town of Sabattus. To preserve these opportunities, the Board may require the applicants to record easements or require conditions of approval which define future access rights between properties to accomplish the goals of the Comprehensive Plan .

10. Impact on Community Services and Facilities

When the Board finds, based on the results of any municipal service impact analysis, that municipal services do not have the capacity to provide services to the proposed development, the Board will require one or more of the following.

- a. A voluntary monetary payment or donation or goods or services to the Town of Sabattus that would mitigate the direct impact to municipal services that has

been identified as the consequence of the proposed development. Any such payment shall be subject to the following provisions.

1. The Board, with advice from the Selectmen and/or department heads, shall find that the money offered will be sufficient to mitigate the identified direct impact of the development.
 2. The payment shall be held in a reserve account and may only be expended to fund capital improvements agreed to by the applicant and Board to mitigate the identified direct impacts.
 3. The payment in all cases shall be expended within five years of collection, unless otherwise agreed upon the Board and applicant.
 4. Any payment not expended shall be refunded to the property owner(s) of record at the time of the refund with interest as earned by the Town of Sabattus for the period the payment was held by the Town.
- b. The applicant will construct or pay to construct her/his proportional share, as determined by any municipal service impact analysis, of the required improvements necessitated by the development.
 - c. Require phasing of the development to allow the expansion of municipal services over time.
 - d. Deny the application.

11. Water Supply

The development has sufficient water available for the intended use. When the location of the water supply source will be a public water supply as defined in Title 22 M. M.R.S.A. Section 2601, its location shall not restrict the location of a subsurface sewage disposal system on adjacent parcels. If subsurface sewage disposal will be restricted, the applicant shall obtain an easement.

- a. The proposed development shall not generate a demand on the source, treatment facilities or distribution system of the Sabattus Sanitary District/Water Division beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the subdivision. The applicant shall be responsible for paying the costs of system improvements to the Division's system as necessary in order to facilitate connection.
- b. When the development is to be served by a public water system, the complete supply system within the development including fire hydrants, shall be installed at the expense of the applicant. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the Sabattus Sanitary District/Water Division and the fire chief.

12. Sewage Disposal.

The development shall provide for a suitable sewage disposal.

- a. All individual on-site systems will be designed by a licensed soil evaluator in full compliance with the Maine Subsurface Wastewater Disposal Rules.
- b. The Board may require an analysis and evaluation including nitrate-nitrogen concentrations of the impacts of the subsurface sewage disposal system on ground water. The Board shall base its determination for the need for an analysis and evaluation on density, designed flows and nature of wastewater.
- c. When the development is proposed to be served by the public sewage system, the complete collection system within the development subdivision, including manholes and pump stations, shall be installed at the expense of the applicant.
 1. The Sabattus Sanitary District shall certify that providing service to the proposed development is within the capacity of the system's existing collection and treatment system or improvements planned to be complete prior to the construction of the development.
 2. The Sabattus Sanitary District shall review and approve the construction drawings for the sewerage system. The size and location of laterals, collectors, manholes, and pump stations shall be reviewed and approved in writing by the servicing District.

13. Emergency Vehicle Access. Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures.

Waste Disposal. The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.

- a. All solid waste will be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.
 - b. All hazardous waste will be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted
- 14. Surface Water.** The proposed activity will not result in undue surface water pollution. In making this determination, the Board shall at least consider the elevation of land above sea level and its relation to the floodplains, the nature of soils and subsoils and, if necessary, their ability to adequately support waste disposal and/or any other approved licensed discharge, the slope of the land and its effect on effluent.

15. **Phosphorous Export.** Projects proposed within the direct watershed of a lake or pond listed below shall be designed to limit phosphorus runoff to the levels defined below. The Board shall keep an accurate record of permits issued by watershed using an appropriate record keeping system, and shall review actual development rates and recommend adjustments to the table at five year intervals, subject to a reasonable appropriation by the Town to conduct such a reassessment, or the availability of adequate State or regional grant programs or technical assistance programs. Adjustments shall be made by amendment of this ordinance and the town's comprehensive plan.

	Drainage Area in Sabattus (acres)	Area Available for Development (acres)	Growth Factor	Area Likely to be Developed (acres)	Pounds of Phosphorus Allowed from Sabattus	Water Quality Category ¹	Level of Protection ²	Acceptable Increase in ppb concentration	Phosphorus Allocation (#/acre) ³
Curtis Bog	1,045	595	.25	149	9.72	Mod-sen	m	9.72	.053
Loon Pond	190	180	.25	45	2.4	mod-sen	m	2.40	.053
Sabattus Pond	565	365	.25	91	5.29	Poor- restore	m	2.65	.029
Sutherland Pond	227	215	.25	54	2.18	mod-sen	m	2.18	.041

Source: Maine Department of Environmental Protection (DEP), Watershed Division 11/8/2010

- ¹ Water quality category is an assessment by the Maine Department of Environmental Protection of the water quality of a lake.

Mod-sen (Moderate/Sensitive- Average water quality, but high potential for phosphorus recycling from lake bottom sediments).

Poor-restore (Poor/Restorable- Supports algal bloom-restorable).

- ² Medium level of protection.

- ³ Lake Watershed Load Allocation represents pounds (lbs) phosphorus per acre per year allocated to Sabattus' share of watershed per parts per billion (ppb).

- a. Phosphorus export from a proposed development shall be calculated according to the procedures defined in "Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development" (Maine DEP et.al., September 1989 with revision in 1992 and as may be amended). Upon request, copies of all worksheets and calculations shall be made available to the Planning Board.
- b. Phosphorus control measures shall meet the design criteria contained in "Phosphorus Control in Lake Watersheds: A Technical Guide for Reviewing Development" (Maine DEP et.al., September 1989 with revisions in 1992 or as may be amended). The Planning Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimizing road lengths, and shall encourage the use of other nonstructural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.

16. **Erosion and Sediment Control.** Erosion soil and sedimentation of watercourses and water bodies shall be minimized. The following measures shall be included, where applicable, as part of any Site Plan Review and approval.
- a. Stripping of vegetation, regrading or other development shall be done in such a way as to minimize erosion.
 - b. Development shall keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and so as to adequately handle surface water runoff.
 - c. The disturbed area and the duration of exposure of the disturbed area shall be kept to a practical minimum.
 - d. Disturbed soils shall be stabilized as quickly as practical.
 - e. Temporary vegetation or mulching shall be used to protect exposed critical areas during development.
 - f. The permanent (final) vegetation and mechanical erosion control measure shall be installed as soon as practical on the site.
 - g. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods.
 - h. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his or her expense as quickly as possible.
 - i. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.
 - j. The standards set forth in the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices (March 1991 and as amended) shall be employed.
17. **Stormwater Management.** The proposed development will not result in undue surface water pollution or significantly change the quantity or quality of stormwater runoff.
- a. The proposed development will, to the greatest extent practical, be designed to maintain the normal hydrologic cycle of the land prior to development, including having similar amounts of precipitation falling on the site infiltrate, evaporate (evapotranspiration) or run off. For redevelopment of previously developed areas, the techniques noted herein shall be applied to the greatest extent practical.

- b. All construction shall be designed to minimize storm water runoff from the site in excess of the natural pre-development conditions. Stormwater management systems shall maintain the natural drainage characteristics to the extent feasible; existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters. The use of constructed natural type features is preferred over engineered structures for the control of stormwater quantity or quality where existing natural features must be supplemented to obtain the necessary results.
 - c. Development shall use Low Impact Development techniques as presented in the Maine DEP Stormwater Best Management Manual.
 - d. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.
 - e. If applicable development will comply with the Sabattus Non-Storm Water Discharge Ordinance.
 - f. If applicable an approved Post-Construction Stormwater Management Plan meeting the standards of the Post-Construction Stormwater Management Ordinance.
18. **Noise.** The proposed development shall not raise noise levels to the extent that abutting or nearby residents are adversely affected.
- a. The maximum permissible sound pressure level of any continuous, regular or frequent or intermittent source of sound produced by any activity shall be limited by the time period and land use which it abuts listed below. Sound levels shall be measured at least 4 feet above ground at the property boundary of the source.
 - b. Noise shall be measured by a meter set on the A-weighted response scale, fast response. The meter shall meet the American National Standards Institute (ANSI 81 4-1961) "American Standard Specification for General Purpose Sound Level Meters."
 - c. The following uses and activities shall be exempt from the sound pressure level regulations:
 - 1. Noises created by construction and temporary maintenance activities between 6:30 a.m. and 8:00 p.m.
 - 2. The noises of safety signals, warning devices and emergency reassure relief valves and any other emergency activity.
 - 3. Traffic noise on public roads.

Primary Adjacent Land Use	Sound Pressure Level Limits Using the Equivalent Sound Level over a one-hour period (measured in the A-weighted db (a) scale) Note: This limit can also be referred to as the hourly equivalent sound level (Leg 1 hr).	
	7:00 A.M. to 7:00 P.M.	7:00 P.M. to 7:00A.M.
Residential/Rural	55	45
Commercial	65	55
Industrial	70	60

19. **Air Emissions.** No emission of dust, ash, smoke or other particulate matter or gases and chemicals shall be allowed which can cause damage to human or animal health, vegetation or property by reason of concentration or toxicity, which can cause soiling beyond the property boundaries, or which fail to meet or cannot meet the standards set by the Maine Department of Environmental Protection.
20. **Odor Control.** The proposed development shall not produce offensive or harmful odors perceptible beyond their lot lines either at ground or habitable elevation.
21. **Electromagnetic Interference:** The development shall not produce electromagnetic interference with radio, television or internet reception.
22. The applicant has adequate financial and technical capacity to meet these standards.
23. The proposed activity is in conformance with the comprehensive plan.

B Specific Standards

1. **Sand and Gravel Pits**
 - * When this section is in conflict with the Town of Sabattus Groundwater and Wellhead Protection Ordinance the most restrictive provision shall control.
 - a. Any gravel pit which requires a permit from the Maine Department of Environmental Protection under the Site Location of Development Act shall obtain written approval from the Department of Environmental Protection and approval by the Board. In addition to the submissions requirements contained in Section 4, the application and development plan shall include items c. 1-15 below.
 - b. Any gravel pit or mineral extraction activity which will remove more than 5,000 cubic yards of product in 12 successive months or which does not require a permit from the Maine Department of Environmental Protection under the Site Location of Development Act shall require a permit from the Board. In addition to the submissions requirements contained in Section 5, the application and development plan shall include items c.1-12 below.

c. Submission Requirements

1. The existing and proposed limits of excavation clearly delineated.
2. Location, function and ground area of all structures, facilities, parking lots, roads, and mud runoff areas.
3. Entrance and exit layout.
4. Gates or other means for controlling access.
5. Pre- and post-development topography using an interval of ten foot contours for pits of less than five (5) acres and no greater than 10 foot contours for pits of five (5) acres or more if deemed necessary by the Board.
6. Location of topsoil stockpile areas.
7. Areas where natural vegetation will be left and where plantings will be made to screen the operation from view.
8. Slopes and vegetation for protecting adjacent structures.
9. Location of any test pits or borings and observation wells documenting the seasonal high water table.
10. Proposed disposal method of stumps and grubblings.
11. Plans and schedule for reclamation.
12. A Spill Control and Countermeasure Plan to control spills of petroleum products and other hazardous materials.
13. The phases of excavation and reclamation.
14. Surface drainage and watersheds on parcel, pre- and post-excavation.
15. For pits of five (5) acres or more, at least one cross section along the long axis of the pit and another cross section at a right angle to it. The cross section diagrams should show the existing grade, the proposed final grade including maximum depth of elevation, depth to ground water and the stratigraphy of the surficial deposits at the site.

d. Review Criteria and Standards

1. A buffer strip of not less than 50 feet shall be maintained between the location of any extraction of materials and all property lines. This buffer strip may be reduced to 25 feet with written consent from abutting property owners. The Board may reduce the front setback to twenty five feet from the right-of-way of a public road, if in the opinion of the Board, suitable buffers and fencing are provided.

2. Buffers may be eliminated between abutting properties containing pits provided the Board is shown proof of written permission of the abutting pit owners.
3. All petroleum products shall be kept out of the pit and no refueling or oil changes shall be conducted in the pit unless such activities comply with applicable standards promulgated by the Maine Department of Environmental Protection and a spill prevention and countermeasure plan is provided.
4. There shall be no storage or dumping on the pit of any substances that could produce harmful leachate unless such substances are placed under cover and on impermeable, spill-proof base. Such potentially deleterious substances include, but are not limited to salt, rubbish, creosoted timber and petroleum products.
5. No oiling of access and haul roads is permitted.
6. No gravel shall be excavated below a position that is 2 feet above the seasonally high water table without approval of the Maine Department of Environmental Protection and the Board.
7. No ditches, trenches, pumping or other methods shall be used to lower the water table to permit more gravel extraction than could occur under natural conditions unless a plan for such activities has been approved by the Maine Department of Environmental Protection and the Board.
8. Access to the pit shall be strictly controlled.
9. All final reclaimed slopes shall not exceed a horizontal to vertical ratio of 2:1.
10. Reclamation of the pit shall not be made with any substance that could either have a harmful leachate or create an impermeable base.
11. Stumps and grubblings shall be disposed of in a manner approved by the Board and in conformance with all applicable State of Maine regulations.
12. Suitable traffic control measures shall be made available by the operator at all access points to public streets. Truck routes shall be restricted to collector and arterial streets. When direct access is not possible to a collector or arterial street, the Board shall designate a suitable route to such a street.
13. Upon cessation of the extraction of materials or upon the expiration of the Board approval, the site shall be rehabilitated in accordance with a plan approved by the Board.

14. No part of any extraction operation including drainage and runoff control features shall be permitted within one hundred (100) feet of the normal high-water line of a great pond, and within seventy-five (75) feet of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland as defined.

2. Ground Water Protection

*** When this section is in conflict with the Town of Sabattus Groundwater and Wellhead Protection Ordinance the most restrictive provision shall control.**

- a. In addition to the standards contained in Section 4, the following standards shall be utilized by the Board for reviewing development applications located on a mapped sand and gravel aquifer.
- b. The boundaries of sand and gravel aquifers shall be as delineated on the most recent Sand and Gravel Aquifer Map maintained by the Maine Office of GIS.
- c. When the boundaries of the sand and gravel aquifer are disputed due to lack of sufficient detail on available maps, the applicant or agent may submit hydro geologic evidence prepared by a geologist certified in the State of Maine which identifies actual field locations of the aquifer boundaries within the project area. The Board may require actual field identification if they believe the Maine Office of GIS Maps are incorrect.
- d. **Hydrogeologic Study.** Based on the size, location, surrounding uses or other characteristics of the proposed use or site to determine compliance with the requirements of this section and the water quality criteria of the Site Plan Review, the Board may require submittal by the applicant of a hydro geologic impact study. The impact study shall be prepared by a State of Maine Certified Geologist with experience in hydro geology. The study shall contain the following components unless waived by a specific vote of the Board.
 1. A map showing: (1) soil types; (2) surficial geology on the property; (3) the recommended sites for individual subsurface waste water disposal systems and wells in the development; and (4) direction of ground water flow. (The Board expects the detail of this study to vary with the intensity of the development.)
 2. The relationship of surface drainage conditions to ground water conditions.
 3. Documentation of existing ground water quality for the site.
 4. A nitrate nitrogen analysis or other contaminant analysis as applicable including calculation of levels of the property line(s) and well(s) on the property.

5. A statement indicating the potential sources of contamination to ground water from the proposed use and recommendations on the best technologies to reduce the risks.
6. For water intensive uses, analysis of the effects of aquifer drawdown on the quantity and quality of water available for other water supplies or potential water supplies.
7. The Board may require installation and regular sampling of water quality monitoring wells for any use or proposed use deemed to be a significant actual or potential source of pollutants or excessive drawdown. The number, location and depth of monitoring wells shall be determined as part of the hydro geologic study and wells shall be installed and sampled in accordance with "Guidelines for Monitoring Well Installation and Sampling" (Tolman, Maine Geologic Survey, 1983). Water quality sample results from monitoring wells shall be submitted to the Code Enforcement Officer with evidence showing that contaminant concentrations meet the performance standard for pollution levels.
8. A list of assumptions made to produce the required information.

d. Conditions/Standards

In addition to the standards contained in Section 5, the following standards shall be met:

1. No use including home occupations shall dispose of other than normal domestic waste water on-site without approval of the permit granting authority. Disposal of waste water shall be in strict compliance with the Maine Subsurface Wastewater Disposal Rules and other relevant State and local laws, rules and ordinances.
2. Indoor use or storage facilities where hazardous materials, wastes or other liquids with the potential to threatened ground water quality are used or stored shall be provided with containment which is impervious to the material being stored and have the capacity to contain 10 percent of total volume of the containers, or 150 percent of the volume of the largest container, whichever is larger.
3. Petroleum and Other Hazardous Material or Waste Transfer. A Spill Control and Countermeasure Plan shall be submitted and approved by the Board.
4. In those areas identified as sand and gravel aquifers the following land uses are prohibited unless the Board finds that no discharges will occur such that water quality at the property line will fall below State Drinking Water Standards and all provisions of this ordinance are met.

dry cleaners
photo processors
printers
auto washes
Laundromats
meat packers/slaughter houses
salt piles/sand-salt piles
wood preservers
leather and leather products
electrical equipment manufacturers
plastic/fiberglass fabricating
chemical reclamation facilities
industrial waste disposal/impoundment areas
landfills/dumps/transfer stations
junk and salvage yards
graveyards
chemical manufacturing
pesticide/herbicide stores
metal platers
concrete/asphalt/tar/coal companies

C. Waivers

Where the Board or the Code Enforcement Officer, as the case may be, makes written findings of fact that due to special circumstances of a particular application, certain required improvements or standards of this section are not necessary to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed development, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan or this ordinance and further provided the performance standards of this ordinance have been or will be met. In granting waivers, the Board or the Code Enforcement Officer, as the case may be, shall require such conditions as will assure the purpose

Section 5. Validity and Separability and Conflict with Ordinances

- A. **Validity and Separability:** Should any section or provisions of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of the ordinance.
- B. **Conflict with other Ordinances:** Whenever the requirements of this ordinance are inconsistent with the requirements of any other ordinance, code or statute, the more restrictive requirements shall apply.

Section 6. Appeals

A. Appeals

If the Board or Code Enforcement Officer disapproves an application or grants approval with conditions that are objectionable to the applicant or any abutting land owner or any aggrieved party, or when it is claimed that the provisions of this Ordinance do not apply, or that the true intent and meaning of this Ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting land owner, or aggrieved party may appeal the decision of the Board or Code Enforcement Officer's in writing to the Board of Appeals within 30 days of the Board's or Code Enforcement Officer's decision. The Board of Appeals may reverse the Board's or Code Enforcement Officer's decision after holding a public hearing. Public Hearings shall be held according to Title 30A, M.R.S.A., Section 2411.

Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

1. When the Board of Appeals hears a decision of the Board, it shall hold an appellate hearing, and may reverse the decision of the Board only upon finding that the decision was contrary to specific provisions of this Ordinance or contrary to the facts presented to the Board. The Board of Appeals may only review the record of the proceedings before the Board. The Board of Appeals shall not receive or consider any evidence which was not presented to the Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the PB proceedings are inadequate, the Board of Appeals may remand the matter to the PB for additional fact finding.
2. When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a "de novo" hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

B. Appeal Procedure

1. Making an Appeal
 - a. An appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Board or Code Enforcement Officer. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board of Appeals, upon a showing of good cause, may wave the thirty (30) day requirement.
 - b. Such appeal shall be made by filing with the Code Enforcement Officer, a written notice of appeal on an application supplied by the Code Enforcement Officer which he/she will forward to the Board of Appeals. The notice of appeal shall include but not limited to the following:

- 1) A concise written statement indicating what relief is requested and why it should be granted.
 - 2) A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
- c. Upon being notified of an appeal, the Board or Code Enforcement Officer, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
 - d. The Board of Appeals shall hold a public hearing on the appeal within thirty – five (35) days of its receipt of an appeal request.

2. 'Decision by Board of Appeals

- a. A majority of the Board of Appeals shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
- b. The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Board or Code Enforcement Officer, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance from its stated terms. The Board of Appeals may reverse the decision, or failure to act which was clearly contrary to specific provisions of this Ordinance.
- c. The person filing the appeals shall have the burden of proof.
- d. The Board of Appeals shall decide all appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Board, Code Enforcement Officer, and the municipal officers.

3. Appeal to Superior Court

Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

4. Reconsideration

In accordance with Title 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board of Appeals to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, Board, Code Enforcement Officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board of Appeals may conduct additional hearings and receive additional evidence and testimony.

Section 7 .Violation, Enforcement and Fines

It shall be the duty of the Code Enforcement Officer of the Town of Sabattus to enforce the provisions of this ordinance. If the Code Enforcement Officer shall find that any of the provisions are violated he/she shall notify in writing the person responsible indicating the nature of the violation and ordering measures to correct it.

- A. Violation and Enforcement: The Board, the Selectmen or the appropriate municipal official upon a finding that any provision of this ordinance or the conditions of a permit issued under this ordinance is being violated are authorized to institute legal proceedings to enjoin violations of this ordinance.
- B. Fines: A person who violates the provisions of this ordinance or the condition's of a permit shall be guilty of a civil violation and on conviction shall be fined a minimum of \$ 100 and a not more than \$ 2,500. Each day such violation continues, shall constitute a separate violation. Such persons shall also be liable for court costs and reasonable attorney fees incurred by the municipality.

Section 8. Amendments

- A. An amendment to this ordinance may be initiated by:
 - 1. The Board, provided a majority of the Board has so voted;
 - 2. Request of the municipal officers; or
 - 3. Written petition of a number of voters equal to at least 10% of the number of votes cast in the municipality at the last Gubernatorial Election
- B. The Board shall hold a public hearing on the proposed amendment. Notification of the hearing shall be posted in the Town office at least thirteen (13) days before the hearing and published in a newspaper of general circulation in the municipality at least two times with the date of the first publication at least twelve (12) days before the hearing and the date of the second publication at least seven (7) days before the hearing.
- C. An amendment to this Ordinance may be adopted by the majority vote of a regular or special town meeting.

Section 9. Definitions

Construction of Language

In the interpretation and enforcement of this Ordinance, all words other than those specifically defined in the various ordinances shall have the meaning implied by their context or their ordinarily accepted meaning. In the case of any difference of meaning or implication between the text of this Code and any map, illustration or table, the text shall control.

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual or any other legal entity.

The present tense includes the future tense, the singular number includes the plural and the plural numbers includes the singular.

The words "shall" and "will" are mandatory, the word "may" is permissive. The word "lot" includes the word "plot" and "parcel."

The word "structure" includes the word "building."

The word "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."

The words "Town" or "municipality" means the Town of Sabattus, Maine.

Abandoned Activity, Use, or Business: An activity, use, or business (1) that has stopped, and (2) from which the major portion of the materials, goods, equipment, or facilities necessary for its operation has been removed.

Accessory Structure or Use: A use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Aggrieved Party: An owner of land whose property is directly affected by the granting or denial of a permit or variance; or a person whose land abuts or is across a road or street or body of water from land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Arterial Street: A major thoroughfare which serves as a major traffic way for travel between and through the municipality.

Authorized Agent: An individual or a firm having written authorization to act on behalf of a property owner or applicant. The authorization shall be signed by the property owner or applicant.

Automobile Graveyard: A place where three or more unregistered, unserviceable, discarded, worn-out or junked automotive vehicles, or bodies, or engines thereof are gathered together and may include the sale of used vehicles.

Automobile Recycling: A premise of a person who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage for the purpose of resale or for the selling the basic materials in the salvage vehicles, provided that eighty (80) percent of the business premises as defined in Title 30-A M.R.S.A. Section 3755, subsection 1, paragraph C, is used for automobile recycling operations.

Average Daily Traffic (ADT): The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

Building: Any structure having a roof or partial roof supported by columns or walls used for the shelter or enclosure of persons, animals, goods or property of any kind. A building shall include a multiple family dwelling.

Code Enforcement Officer: A person appointed by the municipal officers to administer and enforce this code.

Commercial Use: Commercial shall include the use of lands, buildings, or structures, other than home occupations, the intent and result of which activity is the production of income from the buying and selling of goods or services, exclusive of rental of residential buildings or dwelling units.

Complete Application: An application shall be considered complete upon submission of the required fee, a signed application and all information required by this Ordinance except as validly waived a vote by the Board to waive the submission of required information.

Constructed: Built, erected, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like, shall be considered a part of construction.

Corner Clearance: The minimum distance, measured parallel to a highway, between the nearest curb, pavement or shoulder line of an intersecting public way and the nearest edge of a driveway excluding its radii.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

Development: Any manmade changes to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Driveway Volumes:

Low volume driveways: Driveways with less than 50 vehicle trips/day based on the latest edition of the Institute of Traffic Engineers' Trip Generation Report.

Median volume driveways: Driveways with more than 50 vehicle trips/day but fewer than

200 peak hour vehicle trips, based on the latest edition of the Institute of Traffic Engineers' Trip Generation Report.

High volume driveways: Driveways with more than 200 peak hour vehicle trips based on the latest edition of the Institute of Traffic Engineers' Trip Generation Report.

Erosion and Sediment Control Plan: A plan depicting effective soil conservation measures for the activity proposed. This plan shall contain but not be limited: topographic features; types, depth, slope and extend of soils; staging of activities; temporary and permanent erosion control measures and faculties and guidelines for their interim and continued maintenance.

Expansion of a Structure: An increase in the floor area or volume of a structure including all extensions such as, but not limited to attached: decks, garages, porches and greenhouses.

Expansion of Use: The addition of one month to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

Floor Area: The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

Freshwater Wetland: Freshwater swamps, marshes, bogs and similar areas which are:

1. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and
2. Not considered part of great pond, river, stream or brook.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Gravel Pit: See mineral extraction.

Hazardous Waste: As defined in 38 M.R.S.A. Section 1303 as may be amended.

Home Occupation: An occupation or business activity which results in a product or service and is conducted in whole or in part in the dwelling unit or accessory structure.

Industrial: The use of real estate, building or structure, or any portion thereof, for assembling, fabricating, manufacturing, packaging or processing operations.

Inspecting Official: An individual or individuals appointed by the selectmen to assure that all municipal specifications, requirements and conditions of approval shall be met during the construction and shall assure the satisfactory completions of improvements. The Inspecting Official shall possess such education and training that the selectmen deem necessary to perform all aspects of inspection.

Institutional: The use of real estate, building or structure devoted to some public, governmental, education, religious, charitable, medical or similar purpose.

Larger Vehicle: A vehicle that has a larger length, width or turning radius and/or lesser acceleration capacity than standard passenger vehicles or small trucks. Larger vehicles include busses, commercial trucks and recreational vehicles.

Line of Sight: The direct view of the object from the designated scenic resource.

Manufacturing: The making of goods and articles by hand or machinery. Manufacturing shall include assembling, fabricating, finishing, packaging or processing operations.

Mineral Exploration: Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition. Mineral exploration shall not include testing for a quarry.

Mineral Extraction: Any operation within any twelve (12) successive month period removes more than 5,000 cubic yards of soil, topsoil, loam, sand, gravel, clay, peat, or other like material from its natural location, and to transport the product removed, away from the extraction site. Mineral extraction shall not include the term quarry.

New Construction: Means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by a community.

Persons: Means any person, firm, association, partnership, cooperation, municipal or other local government entity, quasi-municipal entity, state agency, educational or charitable organization or institution or other legal entity.

Professional Engineer: A professional engineer, registered in the State of Maine.

Quarry: A place where stone is excavated from rock.

Recreational Facility: A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

Retail: A business establishment engaged in the sale, rental or lease of goods or services to the ultimate consumer for direct use or consumption and not for resale.

Reclamation Plan: A plan which depicts how the project will be restored after the excavation is complete. Such a plan shall include but not be limited to final grading the re-vegetation.)

Structure: Anything constructed erected or placed on the ground or attached to something on the ground which is permanent, temporary or mobile. Structure/s include but are not limited to buildings, recreational vehicles, piers and floats and storage and processing facilities. Boundary walls, fences and flag poles are not considered structures. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

Substantial Start: Completion of at least 30% of a permitted structure or use measured as a percentage of the total estimated cost.

Topsoil Removal: Shall mean the excavation of loam or loamy materials from an area for placement elsewhere.

Use: Any purpose for which the building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Wetland: A freshwater wetlands.

