

TOWN OF SABATTUS, MAINE SITE PLAN REVIEW ORDINANCE

Section I. 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. Such development can impact schools, sewers, waterlines and other public utilities; recreational facilities, liquid and solid waste disposal; police and fire protection, open space, road systems and circulation, traffic congestion, placement of building/s and structure/s; property values; water quality; the aesthetic and visual characteristics of the neighborhood and town, (natural resources), and the general health, safety and welfare of the community. It is the purpose of this ordinance to avoid such impacts when caused by development/s including, (but not limited to, subdivision), commercial, retail, industrial, recreational and institutional building/s, structure/s and use/s and multiple family dwelling/s consisting of three or more attached dwelling units.

Section II. Definitions

- A. Agricultural Land Management Practices - Means those devices and procedures utilized in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.
- B. Accessory Use or Structure - A subordinate use of a building, other structure or land, or a subordinate building or other structure:
 - 1. Whose use is customary in connection with the principal building, other structure or use of land; and
 - 2. Whose use is clearly incidental to the use of the principal building, other structure or use of land; and
 - 3. Which is located on the same lot with the principal building, other structure or use of land, or on a lot adjacent to such lot if in the same ownership or part of the same establishment?
- C. Alteration - Structural changes, rearrangement, change of location or addition to a building, or structure other than repairs and modification in building equipment, involving more than 500sqft increase in the overall floor space or bulk of the building or structure at any time or in total since the effective date of this ordinance.
- D. 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.
- E. Campground - A tract or parcel of land intended for the placement of recreational vehicles, tents and utility and service buildings.
- F. Commercial - Connected with the buying or selling of goods or services or the provision of facilities for a fee.

- G. 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 extent of soils; staging of activities; temporary and permanent erosion control measures and facilities and guidelines for their interim and continued maintenance.
- H. Forest Management Activities - Includes timber cruising and other forest resource evaluation activities, pesticide application, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar associated activities, but not the construction, or creation, or maintenance of land management roads.
- I. Gravel Pit - The term “gravel pit” shall mean all of the land area disturbed or otherwise involved in the excavation, processing or storage of sand, or gravel, or crushed stone or soil. Gravel pits operated and/or owned by the same person, firm or cooperation and separated by less than 800 horizontal feet of undisturbed land shall be considered one in the same gravel pit provided that all such pits and partial pits are located on the same deeded land parcel as recorded in the Registry of Deeds, Androscoggin County.)
- J. Industrial - Connected with the assembling, fabrication, finishing, manufacturing, Packaging or processing of goods or the extraction of minerals.
- K. Institutional - A building devoted to some public, governmental education, charitable, medical or similar purpose.
- L. Multiple Family Dwelling - A building/s consisting of two or more attached dwelling units.
- M. Mining Activity - “Mining activity” means the breaking of the surface soil in order to facilitate or accomplish the extraction or removal of product or overburden from the earth; and activity or process that accomplishes the extraction the extraction or removal of the product or overburden; and the preparation, or washing, or cleaning, or other treatment of the product so as to make it suitable for commercial, industrial or construction use.
- N. 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.
- O. Recreational Vehicle -A vehicle or vehicular attachment for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer and motor home.
- P. Retail - Connected with the sale of goods to the ultimate consumer for direct use and consumption and not for trade.
- Q. 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.)

- R. 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 building's, recreational vehicles, piers and floats and storage and processing facilities. Boundary walls, fences and flag poles are not considered structures.
- S. Substantial Enlargement - An expansion of the land are of the development site by more than 500sqft at any one time or in total since the effective date of the ordinance.
- T. Substantial Start – Completion of at least 30% of a permitted structure or use measured as a percentage of the total estimated cost.
- U. Topsoil Removal - Shall mean the excavation of loam or loamy materials from an area for placement elsewhere.
- V. 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.
- W. Variance - A relaxation of terms of this ordinance where such variance would not be contrary to the public interest where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this ordinance would result in unnecessary or undue hardship. A financial hardship shall not constitute grounds for granting a variance. The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.
- X. Wetland – Freshwater swamps, marshes, bogs and similar areas which are:
 - 1. inundated or saturated by surface or ground water at a frequency for a duration sufficient to support, and which normal circumstances do support a prevalence of wetland vegetation typically adapted for life in saturated soils; and
 - 2. not considered part of a great pond, river, stream or brook

Section III. Authority and 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 3003.
- 2. This ordinance shall be known as the “Site Plan Review Ordinance” of the Town of Sabattus, Maine, adopted and effective by vote at the Town Meeting on May 29, 2004.

B. Administration

- 1. The Planning Board of The Town of Sabattus shall administer this ordinance.
- 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 planning board.

Section IV. Applicability.

This ordinance shall apply to all development proposals. Development proposals include but are not limited to, new construction and alterations or substantial enlargements of commercial, retail, industrial, recreational and institutional building/s or structures, and use/s and multiple family dwelling/s, consisting of three or more attached dwelling units and their accessory uses and structures. This ordinance shall also apply to campgrounds and mining activities. This ordinance does not apply to detached single and two family dwelling units, accessory structures under 100sqft, agricultural land management practices and forest management practices. Except as provided elsewhere in the ordinance, the excavation of topsoil, loam, sand, peat, gravel, stone or any earth materials from land in the Town of Sabattus is hereby prohibited except as such excavation is authorized by a permit issued by the Planning Board.

Section V. Site Plan Content and Application Procedures.

A. The Site Plan of Development Application shall include as a minimum:

- a. name and address of the applicant or his authorized agent and name of proposed development;
- b. existing soil conditions as described by either a soil scientist, geologist, engineer or S.C.S. medium intensity soil surveys;
- c. lot numbers according to municipal tax maps and names of abutting landowners;
- d. perimeter survey of the parcel made and certified by a Professional Land Surveyor relating to reference points, showing true north point, graphic scale, corners of parcel and date of survey and total acreage;
- e. existing and proposed locations and dimensions of any utility lines, sewer lines, water lines, easements, drainage ways and public or private right-of-way;
- f. location, ground floor area and elevations of buildings and other structures on this parcel existing and proposed; and the total area and location of parking lots, roads, paved areas or areas to be stripped or graded and not to be revegetated;
- g. if the site is not to be served by a public sewer line, then an on-site soils investigation report by a Department of Human Services licensed site-evaluator shall be provided. The report shall contain the types of soil, location of test pits, and proposed location and design of the best practical subsurface disposal system for the site;
- h. location and dimensions of on-site pedestrian and vehicular access ways, parking areas, loading and unloading facilities, design of ingress and egress of vehicles to and from the site on to public streets and curbs and sidewalk lines; a Driveway or Entrance Permit issued by the Maine Department of Transportation, if required..
- i. Landscape plan showing location, type and approximate size of plantings and location and dimensions of all fencing and screening;
- j. topography indicating contours at intervals of either 5, 10, or 20 feet in elevation as specified by the Planning Board.
- k. location of aquifers and aquifer recharge areas, as delineated on the aquifers and aquifer recharge areas, as delineated on the aquifer and aquifer

recharge map for the Town of Sabattus.

- l. Mining activity proposals shall require a description of the scope of activities to be undertaken on the site, i.e. area and depth of proposed excavation.
 - m. Mining activity proposals shall include a sedimentation and erosion control plan.
 - n. Mining activity proposals shall include a reclamation plan.
 - o. Location of fresh water wetlands.
 - p. The location of any 100 – year floodplain.
 - q. The location, size and character of signs and exterior lighting.
- B. A written statement by the applicant that shall consist of:
- a. Evidence by the applicant of his title and interest in the land for which the application covers;
 - b. Description of the proposed uses to be located on the site, including quantity and type of residential unit, if any;
 - c. Summary of existing and proposed easements, restrictions and covenants placed on the property;
 - d. Method of solid waste and/or liquid waste disposal;
 - e. Erosion and sedimentation control plan;
 - f. Certification to the planning board of financial capability or bonding to ensure completion of project;
 - g. A statement by the applicant of services required by the proposed development to include water, sewerage, streets, fire protection, solid/ liquid waste disposal or any utilities and/or special waste disposal or any utilities and/or special services required from the town;
 - h. An estimate of the date when construction will start and when the development will be completed.
 - i. An estimate of the volume and type of traffic to be generated by the development expressed in peak hour and average vehicle trip ends.
 - j. A storm water drainage plan.
 - k. If located in the direct watershed of a great pond, a phosphorous control plan.
 - l. A list of abutters within 350ft, even if on the other side of road or river, including postal addresses, map and lot numbers according to Sabattus Tax Maps.
- C. Application Procedures
- a. The application shall be filed with the Planning Board for review. Within 30 days of the receipt of the application, the Planning Board shall notify the applicant in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the Planning Board has determined that a complete application has been received, it shall notify the applicant in writing and begin its review of the proposed development.
 - b. The Planning Board may hold a public hearing within 30 days of the declaring an application as complete, the Planning Board shall publish the time, date and place of the hearing at least two times, the date of the first publication to be at least seven days prior to the hearing, in a newspaper of area wide circulation. The abutting land-owners shall be notified of the hearing. Public hearings by the Planning Board shall be conducted according to the procedures outlined in Title 30A, M.R.S.A., Section 2691.

- c Within 30 days of the public hearing or 60 days of declaring a complete application the Planning Board shall approve, approve with conditions or disapprove the application. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.
- d Within fourteen (14) days of reaching their decision, the Planning Board shall notify the applicant in writing of any action taken and the reason for taking such action.

Section VI. Performance Standards.

- A. The following standards are to be used by the Planning Board in judging applications for site plan reviews and shall serve as minimum requirements for approval for the site plan. The site plan shall be approved, unless in the judgment of the Planning Board the applicant is not able to reasonably meet one or more of these standards. In all instances the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary to complete the application.
 - 1. Preserve and Enhance the Landscape: The landscape will be preserved in its natural state insofar as practicable by minimizing tree removal, disturbance of soil, retaining existing vegetation during construction. 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.
 - 2. Relationship of the Proposed Buildings to Environment: Proposed structures will be related harmoniously to the terrain and to existing buildings in the vicinity which have a visual relationship to the proposed buildings. Special attention shall be paid to the bulk, location and height of the building/s and such natural features as slope, soil type and drainage ways.
 - 3. Vehicular Access: The proposed site layout will provide for safe access and egress from public and private roads by providing adequate location, numbers and control of access points including site distances, turning lanes, and traffic signalization when required by existing and projected traffic flow on the municipal road systems.
 - a. 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 measurement shall be from the drivers seat of a vehicle standing on the portion of the exit driveway from distance of between 10 and 15ft behind the curb line or edge of the shoulder with the height of the eye 3.5ft to the top of the object 4.25ft above the pavement.

MINIMUM SIGHT DISTANCE

Posted Speed Limit	Minimum Sight Distance
25 mph	250ft
30 mph	300ft
35 mph	350ft
40 mph	400ft
45 mph	450ft
50 mph	500ft
55 mph	550ft

b. 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 by a common access or entrance way(s) serving all business and structures (single family and duplex homes are exempt).

c. The grade of any exit driveway or proposed street for a distance of fifty (50) feet from the intersection with any existing street will be a maximum of three (3) percent.

4. **Parking and Circulation:** The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas will provide for safe general interior circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and arrangement and use of parking areas.
5. **Surface Water Drainage:** Adequate provisions will be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality, soil erosion or the public storm drainage system. Whenever possible, on-site absorption of runoff waters shall be utilized to minimize discharges from the site.
6. **Existing Utilities:** The development will not impose an unreasonable burden on sewers, sanitary and storm drains, water lines or other public utilities.
7. **Advertising Features:** The size, location, design, lighting and materials of all exterior signs and outdoor advertising structures or features will not detract from the design of proposed buildings and structures and the surrounding properties.
8. **Special Features of the Development:** Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings and similar structures will have sufficient setbacks and screening to provide an audio-visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.
9. **Exterior Lighting:** All exterior lighting will be designed to minimize adverse impact on neighboring properties.
10. **Emergency Vehicle Access:** Provisions will be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.
11. **Municipal Services:** The development will not have an unreasonable, adverse impact on the municipal services including municipal road systems, fire department, police department, solid waste program, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.
12. **Will not result in undue water pollution.** In making this determination the Planning Board will at least consider the elevation of the land above sea level and its relation to the flood plains, the nature of soils and sub soils and if necessary,

- their ability to adequately support waste disposal and/or any other D.E.P. approved licensed discharge; the slope of the land and its effect on effluents; the aquifers and aquifer recharge areas; the availability of streams for disposal of surface runoff; and the applicable federal, state local laws, ordinances, codes and regulations.
13. Will not result in undue air pollution. In making this determination the Planning Board will consult federal and state authorities to determine applicable air quality laws and regulations.
 14. Has sufficient water available for the reasonably foreseeable needs of the development.
 15. Will not cause an unreasonable burden on an existing water supply, is one is to be utilized.
 16. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.
 17. Will provide for adequate sewage waste disposal.
 18. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas.
 19. The applicant has adequate financial and technical capacity to meet the above standards.
 20. Whenever situated in whole or in part, within 250 feet of any pond, lake, or river, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water.
 21. Provide for the general health, safety and welfare of the community.
 22. Mining activity will be subject to the following setback requirements: The minimum setbacks for all excavation operations shall be maintained 100 feet from public road or right of way, 50 feet from adjacent property lines and 200 feet from existing occupied residences. The Planning Board at its discretion shall determine whether the 50 foot setback from an adjacent property line and the 200 foot setback from occupied residences shall be measured laterally or in accordance with existing topography. The setback requirements for adjacent property lines and occupied residences shall not apply where the Planning Board is presented with a written waiver of such requirements executed by the adjacent property owner or the owner of the occupied residence.
 23. Any operation discontinued for 12 consecutive months must submit a new application.
 24. The mining activity provisions of this ordinance shall not apply to:
 - a. The removal of topsoil, sand, gravel or subsoil material necessarily incidental to the construction, alteration, grading of buildings, public roads or driveways. For the purposes of this exemption, a "driveway" shall be no more than 30 feet wide, nor shall a driveway be allowed to switch back in such a way as to subvert the intention of this ordinance.
 - b. To the carrying out of standard soil conservation practices.
 - c. Existing operation as long as no expansion occurs since the date this ordinance is adopted. Expansion shall be defined, for the purpose of this section, as excavation which continues beyond the property lines of the lot which contains the existing operations described and recorded at the Androscoggin County Registry of Deeds.
 - d. The excavation, grading or transferring of earth materials from one part of a lot to another part of the same lot except where the piling earth materials is for the purpose of subverting the intentions of this ordinance.
 25. Sand and Gravel Pits
 - 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 D.E.P and approval by the Planning Board under the Site Plan Review procedures of this Ordinance. In addition to the submissions requirements contained in Section 5. A and B, the application and development plan shall include items Section c. 1—15 below.

b. Any gravel pit or mineral extraction activity which is removed for other than personal use in 12 successive months or which does not require a permit from the Maine D.E.P under the Site Location of Development Act shall require a permit from the Planning Board.

In addition to the submission requirements contained in Section 5. A and B, 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 10ft contours for pits of less than five (5) acres and no greater than ten (10) ft contours for pits of five (5) acres or more if deemed necessary by the Planning Board.
6. Location of topsoil stockpile areas.
7. Areas where natural vegetation will be left and where planting 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 prevention 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. 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 D.E.P and a spill prevention and countermeasure plan is provided.
2. 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.
3. No oiling of access and haul roads is permitted.
4. No gravel shall be excavated below a position that is 5feet above the

seasonally high water table without approval of the Maine D.E.P and the Planning Board.

5. 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 D.E.P and the Planning Board.
6. Access to the pit shall be strictly controlled.
7. All final reclaimed slopes shall not exceed a horizontal to vertical ratio of 2:1.
8. Reclamation of the pit shall not be made with any substance that could either have a harmful leachate or create an impermeable base.
9. Stumps and grubblings shall be disposed of in a manner approved by the Planning Board and in conformance with all applicable State of Maine Regulations.
10. 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 Planning Board shall designate a suitable route to such a street.
11. Upon cessation of the extraction of materials or upon the expiration of the Planning Board approval, the site shall be rehabilitated in accordance with a plan approved by the Board.
12. Unless authorized pursuant to the Natural Resources Protection Act, Title 38, M.R.S.A., Section 480 – C, 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 as wetland as defined.

Section VII. General provisions.

- A. Where the Planning Board makes written findings of fact that due to special circumstances of a particular application, certain required improvements or standards of this Ordinance 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.
- B. The Planning Board may require the filing of a performance bond or the execution of a conditional agreement with the municipality by the applicant. (Should the Planning Board require a performance bond, the procedure will be consistent with Section K, paragraphs 1, 2, and 3, Town of Sabattus Subdivision Regulations.)
- C. All construction performed under the authorization of a building permit or certificate of occupancy issued for development within the scope of this ordinance shall be in conformance with the approved site plan.
- D. All Site Plan Review approvals shall expire two (2) years after the date of issuance unless a substantial start of work thereunder is commenced. If work is not completed within

three (3) years from the date of approval, the approval lapses and a new application must be made and approved subject to all ordinances and standards then in effect. There will be no additional charge for application review provided the application is unchanged.

- E. Minor changes in approved plans necessary to address field conditions or structure orientation may be authorized by the Codes 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 Codes Enforcement Officer.

In making the determination to approve a minor change to an approved plan the Codes Enforcement Officer shall consult with the Planning Board Chair or the Chair's designee. All approvals for minor changes to approved plans shall be in writing by the Codes Enforcement Officer. A copy of the written approval and revised site plan shall be filed with the Planning Board within thirty (30) days from the date of the written approval.

- F. 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 above, is subject to review and approval by the Planning Board.

Section VIII. 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's: The Planning 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 conditions of a permit shall be guilty of a civil violation and on conviction shall be fined a minimum of \$ 100 and a maximum of \$ 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 IX. 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 X.

A. Appeals

If the Planning Board 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 the ordinance do not apply, or that the true intent and meaning of the ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting land owner, or aggrieved party may appeal the decision of the Planning Board in writing to the Board of Appeals within 30 days of the Planning Board's decision. The Board of Appeals may reverse the Planning Board's decision after holding a public hearing and may grant a variance as defined herein. Public Hearings shall be held according to Title 30, M.R.S.A., Section 2411.

B. Appeal Procedure

1. Making an Appeal

- a. An administrative or dimension appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Planning Board. 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 waive the thirty (30) day requirement.
- b. Such appeal shall be made by filing with the Codes Enforcement Officer a written notice of appeal on an application supplied by the CEO which he will forward to the Board of Appeals. The notice of appeal shall include but not be 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 and other physical features of the lot pertinent to the relief sought.
- c. Upon being notified of an appeal, the Board, 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) of its receipt of an appeal request.

3. 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 Planning Board, 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 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.
- e. All decisions shall become part of the record and shall include a statement of finding and conclusions as well as the reasons or basis therefore, and appropriate order, relief or denial thereof.

C. 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.

D. Reconsideration

The Board of Appeals may reconsider any decision within thirty (30) days of its prior decision. The Board of Appeals may conduct additional hearings and receive additional evidence and testimony.

Section XI. Amendments

- A. Initiation of Amendments: An amendment to this ordinance may be initiated by:
 - 1. The Planning 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 Planning Board shall hold a public hearing on the proposed amendment (s). Notification of the hearing will be posted and advertised in a newspaper of general circulation in the municipality at least seven (7) days prior to the hearing.
- C. Adoption of amendment: An amendment of this Ordinance will be adopted by a majority vote of the Board of Selectmen.