

SITE PLAN REVIEW ORDINANCE

TOWN OF OWLS HEAD

Adopted – August 20, 2012

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SECTION 1. PURPOSE

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

Only uses that have been recognized as being permitted uses in their zoning district, or as the result of successful Zoning Board of Appeals or Planning Board approval may receive site plan approval. Therefore, the purpose of site plan review is not to establish the right of a use to be located in the area proposed, but rather to ensure that the way the use is designed and placed on a lot is appropriate to its surroundings.

The Planning Board may consider the historic importance, scenic beauty or irreplaceability of natural areas during the site plan review. This may require a proposed development or structure to relate harmoniously to the terrain and surrounding environment, including existing buildings in the vicinity that have a visual relationship, with the proposal being considered.

All Site Plans shall be in compliance with any other Town of Owls Head Ordinances.

SECTION 2. ADMINISTRATION

- 2.1 No building permit, plumbing permit or certificate of occupancy shall be issued by the Code Enforcement Officer or Local Plumbing Inspector for any use or development within the scope of this Section until a site plan for the proposed development has been approved by the Planning Board under the provisions of this Ordinance.
- 2.2 An applicant shall request a pre-application meeting with the Planning Board prior to formal submission of a site plan. The materials submitted must include, but are not limited to, a written statement defining the proposed project and a Sketch Plan. The Sketch Plan may be a freehand drawing and shall show:
 - A. The outline of the tract or parcel with estimated dimensions, road rights-of-way and existing easements;
 - B. The layout of existing and proposed building(s), driveways and parking areas;
 - C. Identification of general areas of steep slopes, wetlands, streams and floodplains; and
 - D. Estimated calculation of the percent of lot coverage (see definition).
- 2.3 Every applicant applying for site plan review should submit eight copies (8) of the application and supporting documentation to the Planning Office. All copies shall be prepared in accordance with the Site Plan Review requirements of Section 4 and accompanied by a fee as determined by the Select Board.
- 2.4 An application for site plan review shall be submitted at least fifteen (15) calendar

days prior to the Planning Board meeting at which the applicant wishes to be heard. Recommendations from the Fire Chief, Police Chief, and Road Commissioner shall be solicited from the Planning Office prior to the site plan review meeting.

- 2.5 The Planning Board may schedule an on-site inspection meeting. The on-site inspection shall be jointly attended by the applicant or his or her duly authorized representative and at least two Planning Board members.
- 2.6 Within sixty (60) days after the date on which the site plan application first appears on the Planning Board agenda, the Board shall act to approve, approve with conditions, continue, or disapprove the site plan application submitted or amended. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.
- 2.7 An applicant for site plan review shall obtain any variances that may be required from the Zoning Board of Appeals prior to review by the Planning Board. An applicant may request a pre-application meeting prior to receiving ZBA.

SECTION 3. APPLICABILITY

The following shall require site plan review and approval:

- 3.1 The construction or expansion of buildings, including accessory buildings and structures, for commercial use by a total floor area of 1,000 sq. ft. or more, or a lot's alteration of more than ten thousand (10,000) square feet at commercial or multi-family residential properties.
- 3.2 The establishment of a use in a commercial building that has been vacant for more than two (2) years;
- 3.3 The conversion of a residential building to a commercial use.
- 3.4 Any revision seeking an amendment to a previously approved site plan.
- 3.5 Any change of use in which the intensity of use – as reflected in traffic generated, impacts on municipal services, the environment and surrounding neighborhood – will differ in a substantial way from that of the preceding use.
- 3.6 Any use designated in the Zoning Ordinance as requiring site plan review.

SECTION 4. SITE PLAN CONTENT

The content of the site plan application shall include as a minimum:

4.1 Site Plan

A site plan or plans prepared at a scale of not less than 1 inch equals 40 feet, containing the following information:

- A. Name and address of the applicant or his authorized agent and name of proposed development and any land within 500 feet of the proposed development in which the applicant has title or interest.
- B. Existing soil conditions as described by either a soil scientist, geologist, engineer or Soil Conservation Service medium intensity soil survey.
- C. Municipal tax map and lot numbers and names of abutters.

- D. Scale, true north arrow, legend and a space for dates of any revisions that may be required.
- E. Exact dimensions and acreage of parcel to be built upon. The corners of the parcel shall be located and marked on the ground and shall be referenced on the plan. For any site for which construction or grading is proposed, other than an enlargement of an existing building or construction of an accessory building, the Planning Board may require that the site plan include an actual field survey of the boundary lines of the lot, giving complete descriptive data by bearings and distances made and certified by a registered land surveyor.
- F. Existing and proposed locations and dimensions of any utility lines, sewer lines, waterlines, easements, drainage ways and public or private rights-of-way.
- G. The size, shape, dimensions and location of existing and proposed buildings on the parcel.
- H. If the site is to be served by a subsurface waste water disposal system, a report by a licensed site evaluator shall be provided.
- I. 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 onto public streets and curb and sidewalk lines.
- J. Landscaping plan showing location, type and approximate size of plantings and location and dimensions of all fencing and screening, as well as existing landscaping on the site. Maintenance and replanting provisions shall be noted.
- K. Natural contours at intervals of two (2) feet and final contours at intervals of two (2) feet, the natural contours to be shown by dashed lines and the final contours to be shown by solid lines. Where sufficient detail cannot be shown with two (2) foot contours, spot evaluations shall be required, with existing spot evaluations shown in parentheses to be distinguishable from final spot elevations. Where construction will not disturb the entire lot proposed for development, the requirement to map contours or spot elevations shall apply only to those portions of the lot that will be altered in any way and portions of the lot downslope from the proposed alterations to an extent sufficient to clearly delineate the existing and proposed course of drainage and the point or points of discharge from the lot.
- L. Specification of quantities and grades of materials to be used if land-filling is proposed.
- M. Photos of the project area prior to any site preparation shall be submitted with the map.
- N. A digital copy of lot lines and buildings shall be submitted, if available.

4.2 Written Statement

A written statement by the applicant shall consist of:

- A. Evidence by the applicant of his right, title or interest in the land that the application covers.
- B. A description of the proposed uses to be located on the site.

- C. Total floor area and footprint of each proposed building and structure and the lot coverage as defined in the Zoning Ordinance.
- D. Summary of existing and proposed easements, restrictions, and covenants on the property.
- E. Method of solid, liquid, chemical, hazardous/medical or other waste disposal.
- F. Erosion and sedimentation control plan, stormwater drainage control plan, and soils information.
- G. Approximate volume of soil to be added or removed, the amount of blasting required, and a disposition plan for removed materials.
- H. If public water and sewer are to be used, written statements from the water utility and sewer district shall be provided commenting on the capacity of the system and the availability of the utility to provide service to the new development
- I. An estimate of the date when construction will start and be completed.
- J. List of approvals and permits required by the Office of the State Fire Marshal and other State and Federal Agencies.

4.3 Minor Revisions to Approved Site Plans

- A. Applicants proposing minor revisions to an existing site plan should submit eight copies (8) of the revision application to the Planning Office fifteen (15) calendar days prior to the Planning Board meeting at which the applicant wishes to be heard.
- B. Application materials shall consist of the amended site plan as proposed and supporting documentation for all Written Statement and Standards applicable to the revision.
- C. The Planning Board may schedule an on-site inspection meeting. The on-site inspection shall be jointly attended by the applicant, or his or her duly authorized representative, and at least two Planning Board members.
- D. Minor revision applications are exempt from the pre-application process.

4.4 Decision on Site Plan Applications or Site Plan Revision Applications

Within sixty (60) days after the date on which the site plan or site plan revision application first appears on the Planning Board agenda, the Board shall act to approve, approve with conditions, continue, or disapprove the site plan or site plan revision application. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.

SECTION 5. LAND USE GUIDELINES

5.1 Performance Standards

The following standards are to be used by the Planning Board in judging applications for site plan reviews and shall serve as minimum requirements for approval of the site plan. The site plan shall be approved unless, in the judgment of the Planning Board, the applicant is not able to reasonably meet one or more of these standards. In all instances, the burden of proof shall be on the applicant.

A. Preservation of Landscape

The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

Landscaping should be designed and planted to define, soften or screen the appearance of off-street parking areas from the public right-of-way and abutting properties and structures.

B. Erosion Control

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

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

C. Vehicular Access

Vehicular access should comply with the access management standards of the Town of Owls Head Subdivision Regulations.

D. Traffic Flow

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

an unreasonable negative impact on the town road system, and shall assure safe interior circulation within its site, by separating pedestrian and vehicular traffic and providing adequate parking and loading areas.

This section shall not be used as the sole criterion for rejecting an application, unless all possible entrances/exits are deemed to be unsafe due to poor-sight distances.

E. Noise

Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness, or volume (refer to table, below). The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any commercial activity regulated by this ordinance shall be as established by the time period and type of land use listed below. Sound pressure levels shall be measured on a sound level meter at all major lot lines of the proposed site, at a height of at least four feet above the ground surface.

	Sound Pressure Level Limit	
	7 am. – 8 pm.	8 pm. – 7 am.
Activities Outside Commercial Zones	50 dB (A)	45 dB (A)
Activities Within Commercial Zones	60 dB (A)	55 dB (A)

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 pressure relief valves and any other emergency activity.
3. Traffic noise on public roads or railroads.

F. Dust, Fumes, Vapors and Gases

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

G. Odor

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

H. **RESERVED**

I. Storm Water Run-Off & Surface Water Drainage

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

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

J. Water Quality

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

K. Water Supply

The development has sufficient water available for the reasonably foreseeable needs of the development and will not cause an unreasonable burden on an existing water supply, if one is to be used.

L. Setbacks and Screening

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

M. Explosive Materials

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

N. Relation of Proposed Building to Environment

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

O. Refuse Disposal

The applicant shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. The Planning Board may

require the applicant to specify the amount and exact nature of all industrial, chemical or bio-medical wastes to be generated by the proposed operation.

P. Existing Utilities

The development shall not impose an unreasonable burden on sewers and storm drains, water lines or other public utilities.

Q. Special Features of Development

Exposed storage areas, exposed machinery, installations, service areas, truck loading areas, utility buildings and similar structures shall have sufficient setbacks and screening to provide an audio and visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.

R. Exterior Lighting

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

Lighting with a lumen output equal to or greater than a 200 watt light shall not be directed toward the sky or adjacent to properties.

2. No rotating or flashing lights or signals, except safety signaling devices as required by law, are permitted.
3. Adequate buffers using either the natural landscape or artificial screening are required to prevent unnecessary or undesirable light from being directed beyond lot lines onto adjacent properties.

S. Emergency Vehicle Access

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

T. Municipal Services

The development will not have an unreasonable adverse impact on municipal services.

U. Air Quality

Must comply with Federal and State regulations.

5.2 Data Requirements

5.2.1 General: Any Development Plan presented for approval shall be drawn at a scale of not smaller than one inch to equal forty feet and shall show the following information, unless waived by the Planning Board:

- A. The name and address of the applicant (or his authorized agent) plus the name of the proposed development.
- B. Total floor area, ground coverage, and locations of each proposed building, structure, or addition.

- C. Perimeter survey of the parcel made and certified by a registered land surveyor licensed in Maine, relating to reference points, showing true north point, graphic scale, corners of parcel, date of survey and total acreage.
- D. All existing and proposed setback dimensions.
- E. The size, location, and direction and intensity of illumination of all major outdoor lighting apparatus and signs.
- F. The type, size and location of all incineration devices.
- G. The type, size and location of all machinery likely to generate appreciable noise at the lot lines.
- H. The location, type, and size of all existing and proposed catch basins, storm drainage facilities, streams and water courses, and all utilities, both above and below ground.
- I. An on-site soils investigation report by a Maine Department of Health and Human Services licensed Site Evaluator (unless the site is to be served by public sewer). The report shall identify the types of soil, location of test pits, and proposed location and design for the subsurface disposal system.
- J. 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.
- K. 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 Planning Board.
- L. The location, type, and size of all curbs, sidewalks, driveways, fences, retaining walls, parking space areas, and the layouts thereof, together with the dimensions.
- M. All landscaped areas, fencing, and size and type of plant materials proposed to be retained or planted.
- N. All existing or proposed rights-of-way, easements, and other legal restrictions which may affect the premises in question.
- O. The location, names, and widths of all existing and proposed streets abutting the premises in question.
- P. The property lines of all properties abutting the proposed development, including those properties across the street, together with the names and addresses of the owners as disclosed on the tax maps on file in the Town Offices as of the date of the development plan review application.
- Q. Any other information or data necessary for proper review and in conformance with all requirements set forth in the municipal Subdivision Review Standards.
- R. An appropriate place for the signatures of the Planning Board.
- S. A location Map drawn at a scale of 1,000 feet or 1,500 feet to the inch, to show the relation of the proposed development to the surrounding area.

T. Provide copies to the Planning Board of all applicable Federal, State and local permits and licenses.

5.2.2 Traffic Data: A Development Plan may be required to have an accompanying traffic engineering study, should the project be considered one of substantial magnitude along any of the town's state highways. Should a traffic study be requested by the Planning Board, the following data shall be included.

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

5.3 Administration

Applicability:

- A. An Approved Development Plan, where deemed necessary under the terms of this Ordinance, shall be necessary prior to commencement of the proposed activity, and shall consist of a site plan, including all attachments, signed by the Planning Board, and may include any conditions attached by the Board. An Approved Development Plan shall not exempt an applicant from meeting any other local, state or federal requirements.
- B. The Planning Board shall approve all complete applications which satisfy the requirements of this Land Use Guide, and meet the criteria and standards of Section 1 above.

SECTION 6. GENERAL PROVISIONS

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

6.2 All construction performed under the authorization of a building permit issued for development within the scope of this Ordinance shall be in conformance with the approved site plan.

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

6.4 The Planning Board may require a peer review by an independent civil engineer, soil scientist, geologist or other expert to review the plan submitted by the applicant where the

Planning Board determines that such a peer review will be necessary for it to determine compliance with the standards of this Ordinance. The applicant shall pay for this expense.

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

6.6 The Planning Board's decisions shall be made independently of State and Federal agencies' reviews.

SECTION 7. APPEALS

An appeal of the Planning Board's final decision may be filed by any person aggrieved by that decision. An appeal from a final decision of the Planning Board shall be by appellate review to the Zoning Board of Appeals based on the Planning Board record to determine whether the Planning Board's decision was within the scope of its authority and supported by substantial evidence in the record.

SECTION 8. CONFLICT WITH OTHER REGULATIONS

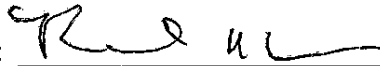
Whenever the requirements of this Ordinance conflict with those of another ordinance or other regulations, the stricter requirement shall apply.

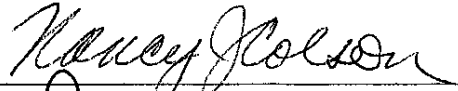
SECTION 9. VIOLATIONS

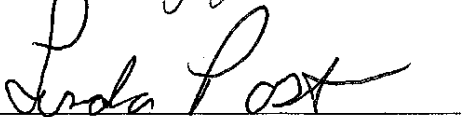
Failure to comply with the requirements of this Ordinance shall be considered a violation and shall be enforced under the provisions of 30-A M.R.S.A. §4452.

SECTION 10. CERTIFICATION OR ADOPTION


We hereby attest that this is a true copy of the SITE PLAN REVIEW ORDINANCE of the Town of Owls Head, Maine, duly adopted at a Town Meeting held on August 20, 2012.

Selectmen: 







Attest to: 
Town Clerk

Date: 8/20/12