

**SUBCHAPTER VIIIA – SITE PLAN REVIEW**

[Subchapter Derivation: Ord. No. 09-08, effective 7/23/2009]

**SECTION 9-861**      PURPOSE

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

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

**SECTION 9-862**      APPLICABILITY

1.      Activities Requiring Site Plan Approval. Except as provided in subsection 2, the construction of a new building, the alteration or enlargement of an existing building, the installation of paving or other impervious surfaces, or the change of use of the property involving the use of a lot for non-residential, multifamily residential, or mixed-use purposes is subject to site plan review by the Planning Board if one or more of the criteria listed in paragraphs A through J is met.

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

- A.      The activity, in conjunction with any other activities on the property after the effective date of this subchapter, will cumulatively increase the amount of impervious surface by more than ten thousand (10,000) square feet, or
- B.      The activity, in conjunction with any other activities on the property after the effective date of this subchapter, will cumulatively disturb more than three (3) acres of the lot, or
- C.      The activity, in conjunction with any other activities on the property after the effective date of this subchapter, will cumulatively result in fifty (50) or more additional vehicle trips per day based upon the current version of the ITE Trip

Generation Manual or information on the trip generation rates of comparable facilities prepared by a qualified traffic engineer, or

- D. The activity will involve the continuing use of large, commercial vehicles as defined by the State of Maine as an integral part of the non-residential or business use of the property or to make deliveries to or from the property outside of normal business hours, or
  - E. The activity is a nonresidential use that regularly will be open for business or use before 6 AM or after 8 PM, or
  - F. The activity will involve the servicing or repair of motor vehicles, recreational vehicles, boats, or heavy equipment, or
  - G. The activity is a nonresidential use that will regularly display, store, or process materials, equipment, or motor vehicles including products for sale or rent in outdoor, uncovered locations, or
  - H. The activity will involve the provision of drive-up or drive-through service in which the customer can remain in the vehicle while receiving the service or making the transaction, or
  - I. The activity will involve the construction or enlargement of a building or other impervious surface that will be located within seventy-five (75) feet of the upland edge of a wetland that has been previously mapped or that is shown on a published map of wetlands, including the National Wetlands Inventory (NWI) map or a City wetlands map, or within seventy-five (75) feet of the channel of a stream meeting the state definition of a stream in the Natural Resources Protection Act or that is shown on a City streams map or on a U.S.G.S map as a perennial stream, or
  - J. The activity is part of a Planned Mixed-Use Development approved in accordance with Section 9-387.
2. Activities That Do Not Require Site Plan Approval. The following activities do not require site plan approval. Certain of these activities will, however, require the owner to obtain a building permit, plumbing permit, or other state or local approvals:
- A. The construction, placement, alteration, or enlargement of a single family or two-family dwelling, or a single manufactured housing or mobile home dwelling on an individually owned lot, including accessory buildings and structures.
  - B. Farming.
  - C. Timber harvesting and forest management activities.

[Derivation: Ord. No. 11-03, effective 8/18/2011]

**SECTION 9-863**      REVIEW AND APPROVAL AUTHORITY

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

**SECTION 9-864**      PREAPPLICATION CONFERENCE

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

1.    Purpose. The purposes of the preapplication conference are to:
  - A.    Allow the Staff to understand the nature of the proposed use and the issues involved in the proposal,
  - B.    Allow the applicant to understand the development review process and required submissions,
  - C.    Identify issues that need to be addressed in future submissions, and
  - D.    Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.
  - E.    Allow the Code Enforcement Officer to provisionally classify the project as a minor development or major development.
  
2.    Related Actions. The Code Enforcement Officer may schedule a site inspection in conjunction with the preapplication conference if deemed necessary and discuss any potential requests for waivers from the submission requirements subject to the standard of 9-869.5.
  
3.    Preparation for the Preapplication Conference. There are no formal submission requirements for a preapplication conference. However, the applicant should be prepared to discuss the following with the Code Enforcement Officer:
  - A.    The proposed site, including its location, size, and general characteristics,
  - B.    The nature of the proposed use and potential development,
  - C.    Any issues or questions about existing municipal regulations and their applicability to the project, and

- D. Any requests for waivers from the submission requirements and the basis for the request with respect to 9-869.5

The applicant's presentation and written materials about the nature and scope of the project must allow the Code Enforcement Officer to be able to provisionally classify the project as a minor development or major development in accordance with 9-865.

[Derivation: Ord. No. 13-09, effective 10/17/2013]

**SECTION 9-865**      CLASSIFICATION OF PROJECTS

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

1. Classification of a Project. The Code Enforcement Officer shall be responsible for provisionally classifying a project or activity as a minor or major development. This can occur in conjunction with a preapplication conference or as a separate action but must occur prior to the submission of the formal application for site plan review. When the Code Enforcement Officer provisionally classifies a project as a minor or major development, he/she shall notify both the applicant and the Chair of the Planning Board in writing of the classification and the basis for determination. At the first meeting of the Planning Board at which the application is discussed, the Planning Board shall review the Code Enforcement Officer's determination as to the classification of the application and may either confirm or revise the classification based upon the information contained in the application.
2. Revision of the Classification by the Planning Board. If the Planning Board revises the classification of a project, the processing of the application shall proceed under the revised classification at that meeting and any subsequent meetings of the board. If the Planning Board reclassifies a project as a major development, processing of the application shall be suspended until the applicant has provided all of the information required for a major development as set forth in Section 9-869.
3. Minor and Major Developments. Any activity that meets the threshold requirements of Section 9-862 for Site Plan Review shall be classified as a Minor Development and shall be subject to the procedures and standards for minor developments unless the activity meets one of the following in which case it shall be classified as a Major Development and shall be subject to the procedures and standards for major developments:
  - A. The activity, in conjunction with any other activities on the property after the effective date of this subchapter, will cumulatively increase the amount of impervious surface by more than twenty thousand (20,000) square feet, or

- B. The activity, in conjunction with any other activities on the property after the effective date of this subchapter, will cumulatively disturb more than five (5) acres of the lot, or
- C. The activity, in conjunction with any other activities on the property after the effective date of this subchapter, will cumulatively result in one hundred (100) or more additional vehicle trips per day based upon the current version of the ITE Trip Generation Manual or information on the trip generation rates of comparable facilities prepared by a qualified traffic engineer.

[Derivation: Ord. No. 13-09, effective 10/17/2013]

**SECTION 9-866**      APPLICATION SUBMISSION AND REVIEW PROCEDURES FOR MINOR DEVELOPMENTS

1. Submission to Code Enforcement Officer. The applicant for site plan review of a minor development shall prepare and submit a site plan review application, including the development plan and supporting documentation to the Code Enforcement Officer. The application must meet the submission requirements for minor developments set forth in Section 9-869. The Code Enforcement Officer shall provide the applicant with a dated, written receipt for the application submission.
2. Provisional Review by the Code Enforcement Officer. The Code Enforcement Officer shall review the application for completeness within five (5) business days of receipt. The Code Enforcement Officer shall provisionally determine that the application is complete only if all of the required information set forth in 9-869 has been submitted or the applicant has requested waivers for any required information not provided and provided information documenting the basis for the waiver request(s) in accordance with 9-869.5. Upon the completion of the application review, the Code Enforcement Officer shall notify the applicant in writing as to whether or not the application is deemed to be provisionally complete. If the application is provisionally complete, the Code Enforcement Officer shall forward the application to the Planning Board and shall schedule it for the next available Planning Board meeting for consideration by the Board. The Code Enforcement Officer shall notify abutting property owners of the pending application in accordance with Section 9-184. The Code Enforcement officer shall also deliver written notice of the pending application to the City Manager, Fire Chief, Police Chief, the Chair of the Conservation Commission, Superintendent of the Hallowell Water District, Superintendent of the Greater Augusta Utility District, and other interested parties.

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

3. Initial Consideration by the Planning Board. At the first meeting at which the application is considered, the Planning Board shall review the application material and formally determine whether or not the submission is complete. The Board shall also consider and act on any requests for waivers of the submission requirements in accordance with 9-869.5. If the application is determined to be incomplete or requested waivers are not granted, the Board shall notify the applicant and Code Enforcement Officer in writing of this finding, shall specify the additional materials required to make the application complete and shall advise the applicant that the application will not be considered by the Board until the additional information is submitted to the Code Enforcement Officer. These steps shall be repeated until the application is found to be complete by the Planning Board. The timeframes for the processing of the application shall begin when the board finds that the application is complete.
4. On-Site Inspection. The Planning Board may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted, and investigate the development proposal. The Board may conduct this visit either before or after the first meeting at which the application is considered. The Board may decide not to hold an on-site inspection when the site is snow covered. If an application is pending during a period when there is snow cover, the processing of the application may be suspended until the Board is able to conduct an on-site inspection. Written notice of the on-site inspection shall be provided to all parties entitled to notice under Section 9-184.
5. Planning Board Action. Within forty-five (45) days of determining that the application is complete, the Planning Board shall either hold a public hearing on the application or take final action on said application if a public hearing is not held. If a public hearing is held, the Planning Board shall take final action on the application within forty-five (45) days of the public hearing. The Board shall act to deny, to approve, or to approve the application with conditions. The Board may impose such conditions as are deemed advisable to assure compliance with the standards of approval. All time limits provided for in this section may be extended by mutual agreement of the applicant and Planning Board.

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

6. Optional Public Hearing. The Planning Board is not required to hold a public hearing on an application for a minor development. The Board may, by formal vote, decide to hold a public hearing on an application if there is significant public interest in the project or if there are unresolved issues with respect to conformance with the approval standards. If a public hearing is held, the hearing shall be noticed and

advertised in accordance with the provisions of Section 9-184.

7. Final Approval and Filing. Upon completion of the requirements of this Section and a vote of approval or approval with one or more conditions by the majority of the Planning Board, the application is approved and the site plan shall be signed by a majority of the members of the Board and filed with the Code Enforcement Officer.

[Derivation: Ord. No. 13-09, effective 10/17/2013]

**SECTION 9-867**      APPLICATION SUBMISSION AND REVIEW PROCEDURES FOR MAJOR DEVELOPMENTS

1. Two Step Review Process. Site Plan Review for a major development is a two step process. Step one is the submission and review of a Site Inventory and Analysis. Upon the completion of the review of the Site Inventory and Analysis, the Planning Board will authorize the applicant to proceed to step two, the submission of a formal application and supporting documentation. The City will not accept or process an application for site plan review of a major development until a review of the Site Inventory and Analysis has been completed.
2. Step One – Site Inventory and Analysis
  - A. Submission of the Site Inventory and Analysis to the Code Enforcement Officer. The applicant shall prepare and submit a Site Inventory and Analysis and supporting documentation to the Code Enforcement Officer. The materials must meet the submission requirements set forth in Section 9-869. The Code Enforcement Officer shall provide the applicant with a dated, written receipt for the submission.
  - B. Provisional Review of the Site Inventory and Analysis by the Code Enforcement Officer. The Code Enforcement Officer shall review the submission for completeness within five (5) business days of receipt. The Code Enforcement Officer shall provisionally determine that the submission is complete only if all of the required information set forth in 9-869 has been submitted or the applicant has requested waivers for any required information not provided and provided information documenting the basis for the waiver request(s) in accordance with 9-869.5. Upon the completion of the review, the Code Enforcement Officer shall notify the applicant in writing as to whether or not the submission is deemed to be provisionally complete. If the submission is provisionally complete, the Code Enforcement Officer shall forward the Site Inventory and Analysis to the Planning Board and shall schedule it for the next available Planning Board meeting for consideration by the Board. The Code Enforcement Officer shall notify property owners of the pending project in accordance with Section 9-184. The Code Enforcement officer shall also deliver written notice of the site inventory and analysis submission to the City Manager, Fire Chief, Police Chief, the Chair of the Conservation Commission, Superintendent of the Hallowell Water

District, Superintendent of the Greater Augusta Utility District, and other interested parties.

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

- C. Consideration of the Site Inventory and Analysis by the Planning Board. At the first meeting at which the site inventory and analysis is considered, the Planning Board shall review the material and formally determine whether or not the submission is complete. The Board shall also consider and act on any requests for waivers of the submission requirements in accordance with 9-865.5. If the submission is determined to be incomplete or requested waivers are not granted, the Board shall notify the applicant and Code Enforcement Officer in writing of this finding, shall specify the additional materials required to make the Site Inventory and Analysis submission complete and shall advise the applicant that the project will not be considered by the Board until the additional information is submitted to the Code Enforcement Officer. These steps shall be repeated until the application is found to be complete by the Planning Board. The timeframes for the processing of the site inventory and analysis shall begin when the board finds that the submission is complete.
- D. Review of the Site Inventory and Analysis. The Planning Board review of the Site Inventory and Analysis shall be informational and shall not result in any formal approval or disapproval of the project by the Planning Board. The Board shall review the submission to determine if the information provides a clear understanding of the lot's characteristics and its potential for use and development. The outcome of the review process shall be a determination by the Board of the issues and constraints that must be addressed in the formal site plan review application. The Board shall also act on any requests for waivers from the application submission requirements. As part of the review of the Site Inventory and Analysis, the Planning Board may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted and investigate the development proposal. The Board may conduct this visit either before or after the first meeting at which the application is considered. The Board may decide not to hold an on-site inspection when the site is snow covered. If an application is pending during a period when there is snow cover, the Planning Board may suspend consideration of the submission until the Board is able to conduct an on-site inspection. Written notice of the on-site inspection shall be provided to all parties that received notice under subsection B. Within forty-five (45) days of

the finding that the site inventory and analysis submission is complete, the Board shall complete its review of the submission, notify the applicant in writing of the outcome of its review, and, if appropriate, authorize the submission of the formal application.

3. Step Two – Submission of the Application

A. Submission of Application to the Code Enforcement Officer. Upon completion of the review of the Site Inventory and Analysis, the applicant shall prepare and submit a site plan review application for a major development to the Code Enforcement Officer. The application must include the development plan and supporting documentation that meets the submission requirements for major developments as set forth in Section 9-869. The Code Enforcement Officer shall provide the applicant with a dated, written receipt for the application submission.

B. Provisional Review of Application by the Code Enforcement Officer. The Code Enforcement Officer shall review the application for completeness within five (5) business days of receipt. The Code Enforcement Officer shall provisionally determine that the application is complete only if all of the required information for major developments set forth in 9-869 has been submitted or the Planning Board has approved waivers for any required information not provided as part of the Site Inventory and Analysis review. Upon the completion of the application review, the Code Enforcement Officer shall notify the applicant in writing as to whether or not the application is deemed to be provisionally complete. If the application is provisionally complete, the Code Enforcement Officer shall forward the application to the Planning Board and shall schedule it for the next available Planning Board meeting for consideration by the Board. The Code Enforcement Officer shall notify abutting property owners of the pending application in accordance with Section 9-184. The Code Enforcement Officer shall also deliver written notice of the pending application to the City Manager, Fire Chief, Police Chief, the Chair of the Conservation Commission, Superintendent of the Hallowell Water District, Superintendent of the Greater Augusta Utility District, and other interested parties.

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

C. Initial Consideration of the Application by the Planning Board. At the first meeting at which the application is considered, the Planning Board shall review the application material and formally determine whether or not the

submission is complete. If the application is determined to be incomplete, the Board shall notify the applicant and Code Enforcement Officer in writing of this finding, shall specify the additional materials required to make the application complete and shall advise the applicant that the application will not be considered by the Board until the additional information is submitted to the Code Enforcement Officer. These steps shall be repeated until the application is found to be complete by the Planning Board. The Board shall also consider and act on any requests for waivers of the submission requirements in accordance with 9-869.5.

- D. On-Site Inspection. The Planning Board may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted, and investigate the development proposal. The Board may conduct this visit either before or after the first meeting at which the application is considered. The Board may decide not to hold an on-site inspection when the site is snow covered. If an application is pending during a period when there is snow cover, the processing of the application may be suspended until the Board is able to conduct an on-site inspection. Written notice of the on-site inspection shall be provided to all parties who received notice under subsection B.
- E. Public Hearing. The Planning Board shall hold a public hearing on an application for a major development within forty-five (45) days of determining that the application is complete unless the requirement is waived. The Board may, by formal vote, decide not to hold a public hearing on an application if there is not significant public interest in the project or if there are no unresolved issues with respect to conformance with the approval standards. When a public hearing is held, the hearing shall be noticed and advertised in accordance with the provisions of Section 9-184.
- F. Planning Board Action. The Planning Board shall take final action on said application within forty-five (45) days of determining that the application is complete if a public hearing is not held on the application or within forty-five (45) days of the public hearing if one is held. The Board shall act to deny, to approve, or to approve the application with conditions. The Board may impose such conditions as are deemed advisable to assure compliance with the standards of approval. All time limits provided for in this section may be extended by mutual agreement of the applicant and Planning Board.

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

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

[Derivation: Ord. No. 13-09, effective 10/17/2013]

**SECTION 9-868**      FEES

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

completed within the establish time limits.

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

4. Establishment of Fees. The City Council may, from time to time and after consultation with the Board, establish the appropriate application fees and site inventory and analysis review fees following posting of the proposed schedule of fees and public hearing.

#### **SECTION 9-869      SUBMISSION REQUIREMENTS**

1. Applicability. The requirements of this section apply to applications for site plan review for both minor developments and major developments. Projects or activities that are classified as major developments must also provide, as part of step one of the review process, the information set forth in 9-870 2. Contents of the Site Inventory and Analysis Submission. As part of step two of the review process, applications for major developments must also include the additional information set forth 9-870 3. Additional Information to be Provided as Part of the Formal Application for Major Developments.
2. Application Form. Applications for site plan review must be submitted on application forms provided by the City. The completed application form, evidence of payment of the required fees, and the required plans and related information must be submitted to the Code Enforcement Officer. The application must include an index that clearly shows where the information that addresses each of the submission requirements and the approval standards of 9-871 can be found. Applications for major developments will not be accepted for review until the review of the site inventory and analysis is completed.
3. Required Information. All applications for site plan review must contain the following exhibits and information, unless specifically waived by the Planning Board:

- A. A signed application for development review.
- B. Evidence of payment of the application fee.
- C. Fourteen (14) copies of written materials plus fourteen (14) sets of one or more maps or drawings containing the information listed below. The written materials must be contained in a bound or stapled report. The maps or drawings must be at a scale sufficient to allow review of the items listed under approval criteria, but in no case shall they be more than one hundred (100) feet to the inch for that portion of the tract of land being proposed for development:
- D. The following general information:
  - (1) Record owner's name, address, and phone number and applicant's name, address and phone number, if different.
  - (2) The location of all required building setbacks, yards, and buffers.
  - (3) Names and addresses of all abutters as defined by 9-184.
  - (4) Sketch map showing general location of the lot within the municipality based upon a reduction of the tax maps including the name of the street on which the lot is located.
  - (5) Boundaries of all contiguous property under the total or partial control of the owner and/or applicant regardless of whether all or part is being developed at this time.
  - (6) The tax map and lot number of the lot or lots on which the project is to be located.
  - (7) A copy of the deed to the property, an option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.
  - (8) The name, registration number and seal of the person who prepared the plan, if applicable.
- E. The following information about the existing conditions on the lot or portion of the lot proposed for use or development:
  - (1) Zoning classification(s), including overlay and/or subdistricts, of the property and the location of zoning district boundaries if the property is located in two (2) or more zoning districts or subdistricts or abuts a different district.

- (2) The bearings and length of all property lines of the property to be developed and the source of this information. The Planning Board may waive this requirement for a boundary survey when sufficient information is available to establish, on the ground, all property boundaries.
- (3) The location and size of any existing sewer and water mains, culverts and drains, on-site sewage disposal systems, wells, underground tanks or installations, and power and telephone lines and poles on the property to be developed and on abutting streets or land that may serve the development and an assessment of their adequacy and condition to meet the needs of the proposed use. Appropriate elevations must be provided as necessary to determine the direction of surface water flow.
- (4) The location, names, and present widths of existing public and/or private streets and rights-of-way within or adjacent to the proposed development.
- (5) The location, dimensions, and ground floor elevation of all existing buildings on the lot.
- (6) The location and dimensions of existing driveways, parking and loading areas, walkways, and sidewalks on or immediately adjacent to the lot.
- (7) The location of intersecting roads or driveways within two hundred (200) feet of the lot.
- (8) The location of open water, drainage courses, wetlands, significant vernal pools, stone walls, graveyards, fences, stands of trees, and other important or unique natural areas and site features, including but not limited to, floodplains, deer wintering areas, significant wildlife habitats, fisheries, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, and historic and/or archaeological resources, together with a description of such features. This information may be based on available, published sources unless the Planning Board determines that field determination is needed to allow review of the proposal.
- (9) The direction of existing surface water drainage across the site.
- (10) The location, front view, dimensions, and means of lighting of existing signs.
- (11) The location and dimensions of any existing easements and copies of existing covenants or deed restrictions.

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

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

- (1) A general description of the proposed use or activity.
- (2) Estimated demand for water supply and sewage disposal, together with the location and dimensions of all provisions for water supply and wastewater disposal, and evidence of their adequacy for the proposed use, including soils test pit data if on-site sewage disposal is proposed.
- (3) The direction of proposed surface water drainage across the site, and from the site, with an assessment of impacts on downstream properties.
- (4) Provisions for handling all solid wastes, including hazardous and special wastes, and the location and proposed screening of any on-site collection or storage facilities.
- (5) The location, dimensions, and materials to be used in the construction of proposed driveways, parking and loading areas, and walkways and any changes in traffic flow onto or off-site.
- (6) Proposed landscaping and buffering.
- (7) The location, dimensions, and ground floor elevation of all proposed buildings or building expansion proposed on the lot.
- (8) The location, front view, materials, and dimensions of proposed signs.
- (9) The location and type of exterior lighting.
- (10) The location of all utilities, including fire protection systems.
- (11) An estimate of the peak hour and daily traffic to be generated by the project.
- (12) Stormwater calculations, erosion and sedimentation control measures, and water quality and/or phosphorous export management provisions, if the project requires a stormwater permit from the Maine Department of Environmental Protection or if the Planning Board determines that such information is necessary based upon the scale of the project or the existing conditions in the vicinity of the project.

- G. The estimated value of the development activity subject to site plan review upon completion of construction.
- 4. Approval Block. Space must be provided on the plan drawing for the signatures of the Planning Board and the date, together with the following words, "Approved: City of Hallowell Planning Board".
- 5. Waiver of the Submission Requirements. The Planning Board may waive any of the submission requirements including the additional submission requirements for major developments set forth in SECTION 9-870 based upon a written request of the applicant. Such request must be made at the time of the review of the Site Inventory and Analysis for major developments or at the initial review of the application for minor developments. A waiver of any submission requirement may be granted only if the Board finds that the information is not required to determine compliance with the approval standards and criteria.

[Derivation: Ord. No. 13-09, effective 10/17/2013]

**SECTION 9-870**      ADDITIONAL SUBMISSION REQUIREMENTS FOR MAJOR DEVELOPMENTS

- 1. Purpose of the Site Inventory and Analysis. The site inventory and analysis is intended to provide both the applicant and the Planning Board and staff with a better understanding of the site and the opportunities and constraints imposed on its use by both the natural and built environment. It is anticipated that this analysis will result in a development plan that reflects the conditions of the lot and that the areas most suitable for the proposed use will be utilized while those that are not suitable or present significant constraints will be avoided to the maximum extent possible. Therefore, the submission requirements provide that the applicant submit basic information about the lot and an analysis of that information.
- 2. Contents of the Site Inventory and Analysis Submission. The site inventory and analysis submission must contain, at a minimum, the following information:
  - A. The names, addresses, and phone numbers of the record owner and the applicant.
  - B. The names and addresses of all consultants working on the project.
  - C. Evidence of right, title, or interest in the property.
  - D. Evidence of payment of the site inventory and analysis fee.
  - E. Fourteen (14) copies of an accurate scale inventory plan of the lot or the portion of the lot proposed for use or development at a scale of not more than one hundred (100) feet to the inch showing as a minimum:

- (1) The name of the development, north arrow, date and scale.
  - (2) The boundaries of the lot.
  - (3) The relationship of the lot to the surrounding area.
  - (4) The topography of the lot at an appropriate contour interval depending on the nature of the use and character of the lot (in many instances, submittal of the U.S.G.S. 10' contours will be adequate);
  - (5) The major natural features of the lot and within one thousand (1,000) feet of the lot, including wetlands, streams, ponds, floodplains, groundwater aquifers, significant wildlife habitats and fisheries or other important natural features (if none, so state). This information may be based on available, published sources unless the Planning Board determines that field determination is needed to allow review of the opportunities and constraints of the lot.
  - (6) Existing buildings, structures, or other improvements on the lot (if none, so state).
  - (7) Existing restrictions or easements on the lot (if none, so state).
  - (8) The location and size of existing utilities or improvements servicing the lot (if none, so state).
  - (9) A class B high intensity soil survey if any portion of the lot is located in a resource protection district or mapped wetland, otherwise a class D medium intensity soil survey.
- F. Fourteen (14) copies of a site analysis plan at the same scale as the inventory plan (see E. above) highlighting the opportunities and constraints of the site. This plan should enable the Planning Board to determine: which portions of the lot are unsuitable for development or use; which portions of the lot are unsuitable for on-site sewage disposal if public sewerage is not available; which areas of the lot have development limitations (steep slopes, flat, soil constraints, wetlands, aquifers, wildlife habitat, fisheries, scenic vistas, floodplains, drainage, etc.) which must be addressed in the development plan; which areas may be subject to off-site conflicts or concerns (i.e., noise, lighting, traffic, etc.); and which areas are well suited to the proposed use.
- G. Fourteen (14) copies of a narrative describing the existing conditions of the lot, the proposed use and the constraints or opportunities created by the site. This submission should include any traffic studies, utility studies, market studies or other preliminary work that will assist the Planning Board in

understanding the site and the proposed use.

- H. Any requests for waivers from the submission requirements for the formal site plan review application.

3. Additional Information to be Provided as Part of the Formal Application for Major Developments. In addition to the information required for all applications as set forth in 9-869, an application for a major development must contain the following additional information.

- A. A narrative and/or plan describing how the proposed development plan relates to the site inventory and analysis.
- B. A grading plan showing the existing and proposed topography of the lot at two (2) foot contour intervals or such other interval as the Planning Board may determine.
- C. A stormwater drainage and erosion control plan/program showing the following information if a stormwater permit is required from the Maine Department of Environmental Protection (DEP):
  - (1) The existing and proposed method of handling stormwater runoff.
  - (2) The direction of flow of the runoff, through the use of arrows.
  - (3) The location, elevation, and size of all stormwater facilities including catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.
  - (4) Engineering calculations used to determine drainage requirements in accordance with the requirements of Chapter 500 and 502 of the DEP stormwater rules.
  - (5) Methods of controlling erosion and sedimentation during and after construction.
- D. A utility plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, communication, and any other utility services to be installed on the lot.
- E. A planting schedule keyed to the site plan indicating the general varieties and sizes of trees, shrubs, and other vegetation to be planted on the lot, as well as information pertaining to provisions that will be made to retain and protect existing trees, shrubs, and other vegetation.
- F. A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent streets if a traffic

movement permit is required from the Maine Department of Transportation.

- G. Written statements from the Hallowell Water District as to the adequacy of the water supply in terms of quantity and pressure for both domestic and fire flows, and the Greater Augusta Utility District as to the capacity of the sewer system to accommodate additional wastewater if public water or sewerage will be utilized.

[Derivation: Ord. No. 13-09, effective 10/17/2013]

**SECTION 9-871      APPROVAL STANDARDS**

The following criteria shall be used by the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. All applications must demonstrate compliance with each of the basic standards unless conformance with a specific standard is waived by the Planning Board. The Planning Board may waive conformance with an individual standard by formal vote only if the board finds that the standard is not applicable to the project due to the scale of the project or its location in the City. Applications for approval of a major development must also demonstrate compliance with the additional standards. If the project is part of a Planned Mixed-Use Development for which the City Council has approved a Master Plan in accordance with Section 9-387, the Planning Board must also find that the project conforms to the approved Master Plan. If there is conflict between these standards and the approved Master Plan for a Planned Mixed-Use Development, the standards of the Master Plan shall govern. Where a standard or a portion of a standard applies to the "built-up area", that standard applies to lots that are within the Historic District of the City as defined in Section 9-552. The application shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of the applicable standards. In evaluating compliance with these criteria, the Planning Board may consider innovative or non-traditional approaches and technologies as long as the intent of the criteria is met. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

1.      Adequacy of the Road System Providing Vehicular Access to the Site

A.      Basic Standard

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

B.      Additional Standards

For developments which generate fifty (50) or more peak hour trips based on

the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers, intersections on major access routes to the site within one (1) mile of any entrance road which are functioning at a Level of Service of D or better prior to the development must function at a minimum at Level of Service D after development. If any such intersection is functioning at a Level of Service E or lower prior to the development, the project must not reduce the current level of service. This requirement may be waived by the Planning Board if the project is located within a growth area designated in the City's adopted Comprehensive Plan and the Board determines that the project will not have an unnecessary adverse impact on traffic flow or safety.

A development not meeting this requirement may be approved if the applicant demonstrates that:

- (1) A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard,
- (2) The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will assure the completion of the improvements with a financial guarantee acceptable to the municipality, or
- (3) The applicant will pay an impact fee that will be used to bring the level of access to this standard.

2. Vehicular Access into the Site

A. Basic Standard

Vehicular access to and from the development must be safe and convenient.

B. Additional Standards

- (1) Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.
- (2) Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.
- (3) The grade of any proposed drive or street must be not more than  $\pm 3\%$  for a minimum of two (2) car lengths, or forty (40) feet, from the intersection.
- (4) The intersection of any access/egress drive or proposed street must function: (a) at a Level of Service of D following development if the project will generate one thousand (1,000) or more vehicle trips per

twenty-four (24) hour period; or (b) at a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated.

- (5) Where a lot has frontage on two (2) or more streets or roads, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if it is safe and does not promote shortcutting through the site.
- (6) Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.
- (7) Accessways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.
- (8) The following criteria shall be used to limit the number of driveways serving a proposed project:
  - a. No use which generates less than one hundred (100) vehicle trips per day shall have more than one (1) two (2) way driveway onto a single street or road. Such driveway must be no greater than thirty (30) feet wide.
  - b. No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single street or road. The combined width of all accessways must not exceed sixty (60) feet.

3. Accessway Location and Spacing

A. Basic Standard

Accessways into or out of the lot must meet the following standards:

- (1) Private entrances/exits must be located at least fifty (50) feet from the closest unsignalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the accessway. This requirement may be reduced if the shape of the lot does not allow conformance with this standard.
- (2) Private accessways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

4. Natural Features

A. Basic Standard

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

5. Shoreland Relationship

A. Basic Standards

- (1) The development must not adversely affect the water quality or shoreline of any adjacent water body.
- (2) When a proposed development is immediately visible from the Kennebec River, the development must be designed so that it fits harmoniously into the visual environment when viewed from the water body. In predominantly natural environments, site clearing must be minimized, natural vegetation must be maintained adjacent to the shoreline to soften the appearance of the development, and vegetation must be retained or provided to minimize the visual intrusion of the development. In developed shoreland environments, the appearance of the new development when viewed from the water must be compatible with the existing visual character in terms of scale, massing, and height to the maximum extent possible. Storage and service areas must be screened or landscaped to minimize their visual impact.

6. Floodplain Management

A. Basic Standard

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

7. Historic and Archeological Resources

A. Basic Standards

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

8. Utilization of the Site

A. Basic Standard

The plan for the development must reflect the natural capabilities of the site to support development. If a Site Inventory and Analysis was prepared, the plan must be consistent with that analysis. Buildings, lots, and support facilities must be located in those portions of the lot that have the most suitable conditions for development. Environmentally sensitive areas, including but not limited to, wetlands, vernal pools, steep slopes greater than twenty-five (25) percent, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. Natural drainage areas must also be preserved to the maximum extent possible. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

9. Building Placement

A. Basic Standards

- (1) The site design must avoid creating a building surrounded by a parking lot. In the built-up area of the City, buildings should be placed close to the street, in conformance with existing, adjacent setbacks. Parking should be to the side or preferably in the back of the building.
- (2) In rural, uncongested areas buildings should be set well back from the road so as to conform to the rural character of the area. If the parking is in front of the building, a landscaped buffer between road and parking lot is to be provided in accordance with 9-622. Unused areas should be kept natural, as field, forest, wetland, etc.

- (3) Where two or more buildings are proposed, the buildings should be grouped and linked with sidewalks; tree planting should be used to provide shade and break up the scale of the site.
- (4) Parking areas must be separated from the building by a minimum of five (5) feet unless the Planning Board determines that such a separation is not needed due to the characteristics of the site or the proposed use. Plantings should be provided along the building edge, particularly where building facades consist of long or unbroken walls.

10. Setback and Alignment of Buildings

A. Basic Standard

In the built-up area of the City where there is a reasonably uniform relationship between the front walls of buildings and the street, new buildings must be placed on a lot in conformance with the established relationship. For buildings on corner lots, the setback relationship of both streets should be maintained. The creation of 'empty corners' should be avoided through the placement of the building and other site features.

11. Building Orientation

A. Basic Standards

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

12. Building Scale

A. Basic Standard

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

13. Internal Vehicular Circulation

A. Basic Standard

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

B. Additional Standards

- (1) Nonresidential projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing for a minimum of WB (wheelbase)-40 vehicles.
- (2) Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).
- (3) The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.
- (4) All roadways must be designed to harmonize with the topographic and natural features of the lot insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

14. Parking Layout and Design

A. Basic Standards

- (1) Off-street parking must be provided in accordance with 9-629.

- (2) All parking spaces, access drives, and impervious surfaces must be located at least five (5) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within five (5) feet of the front property line. Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24) feet in width.
- (3) Parking areas for nonresidential uses must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Double stack parking may be permitted for resident parking in conjunction with residential uses if both spaces in the stack are assigned to the occupants of the same dwelling unit.
- (4) Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.
- (5) Within built-up areas, parking lots must be located to the side or rear of the building where possible given the size and shape of the parcel. Parking should not be located between the building and the street. The use of shared parking, shared driveways and the cross-connection of parking lots is encouraged.
- (6) In rural areas, smaller uses that may need public visibility from the street should be sited as close to the street as possible. In this case, not more than one (1) row of parking shall be allowed between the building and the street, with the balance of the parking located at the side and/or rear of the building. Larger scale uses and uses which do not require visibility from the road may be located further from the road with a landscaped buffer between the building and the street.
- (7) Landscaping around and within parking lots shades hot surfaces and visually "softens" the hard surface look of parking areas. Parking areas must be designed and landscaped to create a pedestrian-friendly environment. Parking lot landscaping must be provided in accordance with 9-622.

15. Pedestrian Access and Sidewalks

A. Basic Standards

- (1) The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This

system must connect the major building entrances/exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect with amenities such as parks or open space on or adjacent to the lot.

- (2) Where an existing or planned public sidewalk is interrupted by a proposed project driveway, the sidewalk material must continue to be maintained across the driveway, or the driveway must be painted to distinguish it as a sidewalk. Further, if street trees exist on an adjacent property, street trees must be planted, in a like manner, on the new site.

16. Design of Drive-Through Facilities

A. Basic Standard

Drive-through facilities are only allowed where they are specifically permitted by the zoning standards. Any use that provides drive-through service must be located and designed to minimize the impact on neighboring properties and traffic circulation. No drive-through facility shall be located in the area of the lot adjacent to a residential use or residential zone. Communication systems must not be audible on adjacent properties in residential use. Vehicular access to the drive-through shall be through a separate lane that prevents vehicle queuing within normal parking areas. Adequate queuing space must be provided to prevent any vehicles from having to wait on a public street, within the entry from the street, or within designated parking areas. The drive-through must not interfere with any sidewalk or bicycle path.

17. Landscaping

A. Basic Standard

Landscaping must be provided as part of site design and conform to the requirements of 9-622. Whenever the area between the street and the front of the building is used for parking or vehicle movement, a vegetated buffer strip must be established along the edge of the road right-of-way. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the lot, and create a pleasing site character. The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties. Landscaping may include plant materials such as trees, shrubs, groundcovers, perennials, and annuals, and

other materials such as rocks, water, sculpture, art, walls, fences, paving materials, and street furniture such as benches, kiosks, notice boards, and trash receptacles.

18. Buffering of Adjacent Uses

A. Basic Standard

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

B. Additional Standards

(1) Buffering must be designed to provide a year-round visual screen in order to minimize adverse impacts. It may consist of fencing, evergreens, berms, rocks, boulders, mounds, or a combination thereof.

(2) A development must provide sufficient buffering when topographical or other barriers do not provide reasonable screening and where there is a need to:

- a. shield neighboring properties from any adverse external effects of the development, or
- b. shield the development from the negative impacts of adjacent uses.

(3) The width of the buffer may vary depending on the treatment of the area. Within densely built-up areas, a buffer with dense plantings, fencing, or changes in grade may be as little as five (5) feet in width. A buffer with moderate levels of planting should be ten (10) feet to fifteen (15) feet in width. In suburban and rural settings, the width of the vegetated buffer should be increased to a minimum of twenty-five (25) feet. Areas adjacent to service, loading, or storage areas should be screened by dense planting, berms, fencing, or a combination thereof with a width of a minimum of five (5) feet.

19. Stormwater Management

A. Basic Standard

Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other

surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties. The plan must conform to the requirements of 9-638.

B. Additional Standards

The provisions for stormwater management must conform to the stormwater management requirements of the Maine Department of Environmental Protection (Chapters 500 and 502).

20. Erosion Control

A. Basic Standards

(1) All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and/or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.

(2) Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of 9-612 and the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices.

21. Groundwater Protection

A. Basic Standard

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

22. Water Quality Protection

A. Basic Standard

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

23. Hazardous, Special, and Radioactive Materials

A. Basic Standard

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

24. Water Supply

A. Basic Standard

The development must be provided with a system of water supply that provides each use with an adequate supply of water. If the lot is to be served by a public water supply or if it can be reasonably served by a public water supply, the development must be connected to the public system. Any lot that is within three hundred (300) feet as measured along the street of an existing public water main shall be deemed to be able to be served by the public water supply unless the applicant demonstrates that the public supply is inadequate or is prohibitively costly. If the project will be served by public water, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

25. Sewage Disposal

A. Basic Standard

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

(1) All sanitary sewage from new or expanded uses must be discharged into a public sewage collection and treatment system when such facilities are currently available or can reasonably be made available at the lot line and have adequate capacity to handle the projected waste generation.

(2) If the public collection system is not at the lot line, but can be extended in the public right-of-way, the collection system must be

extended by the owner and the new or expanded use connected to the public system. Such extension shall be required if the public system is within three hundred (300) feet of a new use and the system has adequate capacity to accommodate the additional flow. The Planning Board may waive this requirement if the use is already served by a properly functioning subsurface disposal system that is properly sized for the projected flows, provided that connection to the public system must occur if and when the subsurface system needs to be replaced.

- (3) If the public system cannot serve or be extended to serve a new or expanded use, the sewage must be disposed of by an on-site sewage disposal system meeting the requirements of the Subsurface Wastewater Disposal Rules.
- (4) When two (2) or more lots or buildings in different ownership share the use of a common subsurface disposal system, the system must be owned and maintained in common by an owners' association. Covenants in the deeds for each lot must require mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system.
- (5) Industrial or commercial wastewater may be discharged to public sewers in such quantities and/or of such quality as to be compatible with sewage treatment operations. Such wastes may require pretreatment at the industrial or commercial site in order to render them amenable to public treatment processes. Pretreatment includes, but is not limited to, screening, grinding, sedimentation, pH adjustment, surface skimming, chemical oxidation and reduction and dilution. The pretreatment standards shall be determined by Greater Augusta Utility District.

26. Utilities

A. Basic Standard

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

27. Solid Waste Management

A. Basic Standard

The proposed development must provide for adequate disposal of solid

wastes. All solid waste must be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

28. Storage of Materials

A. Basic Standards

(1) Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.

(2) All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping and the requirements of 9-610.

(3) Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition.

29. Other Performance Standards

A. Basic Standard

The development must conform to all applicable performance standards of Subchapter VI. Projects located in the BC District must conform to the requirements of 9-645 if those requirements are more restrictive than the approval criteria of this section.

30. Capacity of the Applicant

A. Basic Standard

The applicant must demonstrate the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan and the ability to provide the financial guarantees provided for in 9-862.

[Derivation: Ord. No. 11-03, effective 8/18/2011; Ord. No. 13-09, effective 10/17/2013]

**SECTION 9-872**      POST APPROVAL ACTIVITIES

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

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

**SECTION 9-873**      APPEALS

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

[Derivation: Ord. No. 09-08, effective 7/23/2009; Ord. No. 12-11, eff. 10/19/2012]