

**TOWN OF GOULDSBORO, MAINE**

**SITE PLAN REVIEW ORDINANCE**

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## **SITE PLAN REVIEW ORDINANCE**

*Revised*

### **SECTION 1. PURPOSE**

The site plan review provisions set forth in this ordinance 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 three-family or more 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 on adjacent properties; and fitting the project harmoniously into the fabric of the community.

### **SECTION 2. APPLICABILITY OF SITE PLAN REVIEW**

Any person or entity who has right, title, or interest in a parcel of land must obtain site plan approval from the Gouldsboro Planning Board prior to commencing any of the following activities on the parcel, obtaining a building or plumbing permit for the activities, or undertaking any alteration or improvement of the site.

- (1) The construction or placement of any new building or structure for a nonresidential use, including accessory buildings and structures, except for nonresidential structures that are less than two hundred and fifty (250) square feet in area.
- (2) The expansion of an existing nonresidential building or structure including accessory buildings that increases the total floor area, except for expansions that are less than two hundred and fifty (250) square feet in additional area cumulatively over a five (5) year period.
- (3) The conversion of an existing building, in whole or in part, from a residential use to a nonresidential use.
- (4) The establishment of a new nonresidential use even if no buildings or structures are proposed, including such uses as mobile food service, gravel pits, cemeteries, golf courses, or any other nonstructural nonresidential use.
- (5) Notwithstanding the requirements of Section 2.(4) above, the conversion of an existing nonresidential use, in whole or in part, to another nonresidential use if the new use changes the basic nature of the existing use such that it increases the intensity of on- or off-site impacts of the use subject to the standards and criteria of site plan review described in Section 6. Approval Standards and Criteria of this Ordinance.
- (6) The construction of a residential building containing three (3) or more dwelling units.
- (7) The modification or expansion of existing residential structures that increases the number of dwelling units on the parcel by three (3) or more in any five (5) year period.
- (8) The conversion of existing nonresidential buildings or structures, in whole or in part, into three (3) or more dwelling units within a five (5) year period.
- (9) The construction or expansion of paved areas or other impervious surfaces, including walkways, access drives, and parking lots involving an area of more than two thousand (2,000) square feet within any

three (3) year period.

Notwithstanding the above, site plan review and approval is NOT required for a home occupation that occupies an operating area of one-quarter (1/4) acre or less or has less than six (6) employees.

All home occupations shall comply with the standards below. Home occupations that do not comply with these standards shall be considered non-residential activities, and subject to all applicable requirements of this Ordinance.

Home occupations:

- (1) shall be permitted on or in a residential structure, accessory structure, or property, by the occupants of the dwelling,
- (2) shall be clearly incidental to and compatible with the residential use of the property and surrounding residential uses,
- (3) shall employ no more than six (6) persons other than family members residing in the home,
- (4) shall include both professional and personal services offered for remuneration,
- (5) may include the selling of products or goods if the items sold are a product of the home occupation.

### **SECTION 3. ADMINISTRATION AND ENFORCEMENT**

This ordinance shall be administered and interpreted by the Planning Board, and enforced by a Code Enforcement Officer (CEO) appointed by the Municipal Officers.

The Planning Board is authorized to review and act on all site plans for development requiring site plan review as listed in Section 2 above. The Planning Board also has the authority to waive a standard. A waiver may be granted only if the Board makes a written finding that the standard is not required to meet the intent of this Ordinance.

It shall be the duty of the CEO or his/her agent to enforce the provisions of this ordinance, and to conduct an inspection of the premises, as necessary. If the CEO or his/her agent finds that any provision of this ordinance is being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of buildings, structures, additions, or work being done, or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

The CEO is hereby authorized to institute or cause to be instituted, in the name of the municipality, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this ordinance; provided, however, that this section shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions of this ordinance. In addition, the CEO, may initiate a Maine Rules of Civil Procedure, Land Use Violation, Rule 80K action if he/she has been certified by the Department of Economic and Community Development and if he/she has been so authorized by the Board of Selectmen.

Any person, entity, or corporation being the owner of or having control or use of any building or premises

who violates any of the provisions of this ordinance, shall be fined in accordance with Title 30-A §4452. Each day such a violation is permitted to exist after notification shall constitute a separate offense. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this ordinance and recovering fines without court action. Such agreements shall not allow illegal construction, or use to continue, unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized Municipal Official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

#### **SECTION 4. SUBMISSION REQUIREMENTS**

Applications for Site Plan Review must be submitted on application forms provided by the town. The complete application form, evidence of payment of the required fees, and the required plans and related information must be submitted to the CEO on behalf of the Planning Board.

The Planning Board may waive any of the submission requirements if deemed unnecessary, or based upon a written request of the applicant. An applicant's request for a waiver must be made at the time of the pre-application conference or at the initial review of the application if no pre-application conference is held. A waiver of any submission requirement may be granted only if the Board makes a written finding that the information is not required to determine compliance with the standards.

All submissions for site plan review must contain the following information:

- (1) A fully executed and signed copy of the application for site plan review.
- (2) Evidence of payment of the application and Site Plan Expense fees.
- (3) Eight (8) copies of written materials plus eight (8) sets of maps or drawings containing the information listed below. The written materials must be contained in a bound report. The maps or drawings must be at a scale sufficient to allow review of the items listed under the approval standards and criteria, but in no case shall be more than one hundred (100) feet to the inch for that portion of the tract of land being proposed for development.

#### **4.1 Fees**

##### **4.1.1. Application Fee**

Every application for a site plan permit shall be accompanied by an application fee of twenty-five (\$25) dollars, to be paid to the Town of Gouldsboro.

##### **4.1.2. Site Plan Expense Fee**

Every application for a site plan permit shall also be accompanied by the payment of two hundred dollars (\$200) The check(s) shall be made payable to the Town of Gouldsboro.

The Town Treasurer shall deposit the Site Plan Expense Fee.

The Site Plan Expense Fee may be used by the Planning Board to pay reasonable costs incurred by the Board, at its discretion, which relate directly to the review of the application pursuant to the review criteria. Such services may include, but need not be limited to postage, public notice advertising, clerical costs, consulting engineering or fees, architectural fees, other professional fees, attorney fees, recording fees, and appraisal fees. The Town Treasurer shall refund all of the remaining monies upon the payment of all costs and services related to the review. Such payment of remaining monies shall be made no later than sixty (60) days upon denial of the application, or, if approved, upon the applicant's compliance with all the terms of these regulations, ordinances of the Town of Gouldsboro and conditions of approval of the site plan. The refund shall be accompanied by a final accounting by the Treasurer.

The applicant shall be liable for reasonable costs incurred by, or costs of, services contracted for by the Planning Board which exceed the amount of the Site Plan Expense Fee. The costs shall not be incurred until the applicant has either consented to the costs in writing or been given an opportunity to be heard on the subject.

## **4.2. Application Requirements**

### **4.2.1. General Information**

- (1) the owner's name, address, and phone number; the applicant's name, address and phone number if different; the name, address, and phone number of the applicant's authorized agent, if applicable, with Letter of Authorization; and the address of the proposed activity if available.
- (2) the location of all required building setbacks, yards, and buffers.
- (3) names and addresses of all property owners within one thousand (1000) feet of any and all property boundaries.
- (4) sketch map showing general location of the site within the municipality based upon a reduction of the tax maps.
- (5) boundaries of all contiguous property under the total or partial control of the owner or applicant regardless of whether all or part is being developed at this time.
- (6) the tax map and lot number of the parcel or parcels on which the project is 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.
- (9) depending on the value and/or complexity of the proposal, the Planning Board may request evidence of the applicant's technical and financial capability to carry out the project as proposed. Financial capability may be satisfied by the applicant providing an irrevocable letter of credit from a bank or other reputable lending institution.

- (10) if the applicant is a corporation, state whether the corporation is authorized to do business in the State of Maine, including a copy of the Secretary of State Registration.

#### **4.2.2. Existing Conditions**

- (1) identification of any Shoreland or Floodplain Zone(s) applicable to the property and the location of the boundaries.
- (2) the bearings and length of all surveyed property lines of the property to be developed, if such information exists, and the source of this information. The Planning Board may waive this requirement when sufficient information is available on the ground to establish all property boundaries.
- (3) location and size of any existing 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.
- (4) location, names, and present widths of existing public and/or private streets and rights-of-way within or adjacent to the proposed development.
- (5) a detailed site map, drawn to scale, showing the boundary lines of the property to be developed, the location and dimensions of all existing buildings on the site. The map must include: a North arrow, map scale, legend and/or labels, and date. The scale may not be more than 100 feet to the inch for that portion of the lot being proposed for development.
- (6) the location and dimensions of existing driveways, parking and loading areas, walkways, and sidewalks on or immediately adjacent to the site.
- (7) location of intersecting roads or driveways within three hundred (300) feet of the site.
- (8) the location of open drainage courses, wetlands, stonewalls, 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, scenic areas, 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.
- (9) appropriate elevations as necessary to determine the direction of existing surface water flow and drainage across the site.
- (10) the location, front view, dimensions, and lighting of existing signs.
- (11) location and dimensions of any existing easements and copies of existing covenants or deed restrictions.

#### **4.2.3. Proposed 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) provisions for handling all solid wastes, including hazardous and special wastes, and the location and proposed visual screening of any on-site collection or storage facilities.
- (4) the location and dimensions and materials to be used in the construction of proposed driveways, parking and loading areas (paved or unpaved), and walkways and any changes in traffic flow onto or off site.
- (5) proposed landscaping and buffering.
- (6) the location and dimensions of all proposed buildings or building expansion proposed on the site.
- (7) an estimate of the peak hours and daily traffic to be generated by the project.
- (8) location, dimensions, and lighting of any proposed signs.
- (9) location and type of exterior lighting.
- (10) copies of any solid waste (trash) disposal/recycling contracts.
- (11) the direction of any proposed surface water drainage across the site and from the site with an assessment of impacts on downstream properties.
- (12) proposed stormwater drainage system and maintenance plan, if applicable.
- (13) measures to be taken to preserve environmentally sensitive areas.
- (14) if applicable, documentation that permits required by town/state/federal agencies have been applied for and received.
- (15) estimated cost of project.
- (16) start and completion dates.
- (17) if applicable, the applicant shall produce a restrictive covenant that he/she will record prior to any sale, and the restrictions shall also appear on the site plan and in each deed.



- (18) other information that the Planning Board deems necessary to determine compliance with the standards and criteria of this Ordinance.

#### **4.2.4 Approval Block**

The plan drawing must contain a block for the signatures of the Planning Board and date, together with the following words, "Approved: Town of Gouldsboro Planning Board."

### **SECTION 5. REVIEW PROCEDURES**

The Planning Board shall use the following procedures in reviewing applications for site plan review.

#### **5.1. Pre-application**

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

##### **5.1.1. Purpose**

The purposes of the pre-application conference are to:

- (1) Allow the Planning Board to understand the nature of the proposed use and the issues involved in the proposal,
- (2) Allow the applicant to understand the development review process and required submissions,
- (3) Identify issues that need to be addressed in future submissions, and
- (4) Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.
- (5) Make certain that the proposed business is consistent with the comprehensive plan. In addition, the Planning Board may schedule a site inspection in accordance with subsection 5.2. (3) if deemed necessary and consider any requests for waivers and variations from the submission requirements.

### **5.1.2. Information Required**

There are no formal submission requirements for a pre-application conference. However, the applicant should be prepared to discuss the following with the Board:

- (2) The proposed site, including its location, size, and general characteristics,
- (2) The nature of the proposed use and potential development,
- (3) Any issues or questions about existing municipal regulations and their applicability to the project, and
- (4) Any requests for waivers from the submission requirements.

### **5.2. Application Submission and Review Procedures**

The applicant must prepare and submit a site plan review application to the CEO on behalf of the Planning Board.

- (1) Written notification of the pending application may be provided to the Selectmen, Town Manager, Fire Chief, and CEO.
- (2) Within thirty (30) days of the receipt of a formal site plan review application, the Planning Board shall review the material and determine whether or not the submission is complete, including any requests for waivers or variations. If the application is determined to be incomplete, the Planning Board shall notify the applicant and CEO of this finding, shall specify the additional materials required to make the application complete, and shall advise the applicant that the Planning Board will not consider the application until the additional information is submitted to the Planning Board. These steps shall be repeated until the application is found to be complete.
- (3) The Planning Board will, at its discretion, hold an on-site inspection of the site to review the existing conditions, field verify the information submitted and investigate the development proposal. The Planning Board may schedule this visit either before or after the first meeting at which the application is submitted. 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 deadline by which the Planning Board shall take final action on the application as specified in 5.2.(7) may be extended, which extension shall not exceed thirty (30) days after the Board is able to conduct an on-site inspection. Notice of the on-site inspection may be provided at the discretion of the Planning Board, by first-class mail to the property owners within one thousand (1000) feet of the parcel on which the proposed development is located.
- (4) As soon as the Planning Board determines that the application is complete, the Planning Board or CEO will notify the applicant in writing of this finding, meet the notification requirements of subsection (5) below, and place the item on the agenda for substantive review within thirty (30) days of this finding.

- (5) The Planning Board shall give notice of the date, time, and place of the public hearing meeting at which the application will be considered to the applicant. The Planning Board shall give written notice by first-class mail to the property owners within one thousand (1000) feet of the parcel on which the proposed development is located.
- (6) In addition, the Planning Board shall cause a notice to be published in a newspaper of general circulation in Gouldsboro two (2) times, the date of the last publication to be at least seven (7) days prior to the hearing.
- (7) The Planning Board shall take final action on the application within thirty (30) days of the public hearing. The Planning Board shall act to deny, to approve, or to approve the application with conditions. The Planning Board may impose such conditions as are deemed advisable to assure compliance with the standards of approval.

In issuing its decision, the Planning Board shall make written findings of fact establishing that the proposed development does or does not meet the standards of approval and other requirements of the Town. The Planning Board or CEO shall notify the applicant, all officials who received notice under (1), and all parties who requested to be notified of the action of the Planning 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 Planning Board.

All time limits provided for in this section may be extended by mutual agreement of the applicant and Planning Board.

### **5.3. Final Approval and Filing**

Upon completion of the requirements of this Section and an approval vote by the majority (or unanimous quorum) of the Planning Board, the application shall be deemed to have final approval and the site plan shall be signed by a majority of the members of the Board and must be filed with the CEO. In addition, the applicant must submit the signed plan to the Hancock County Registry of Deeds within ninety (90) days of the vote to approve the plan, if land boundaries or features are changed.

## **SECTION 6. APPROVAL STANDARDS AND CRITERIA**

The following criteria shall be used by the Planning Board in reviewing applications for site plan review and may serve as minimum requirements for approval of the application. The application may be approved unless the Planning Board determines that the applicant has failed to meet one or more of these standards. 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.

### **6.1. Utilization of the Site**

The plan for the development must reflect the natural capabilities of the site to support development. Buildings, lots, and support facilities must be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas, including but not limited to, wetlands,

steep slopes, 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. 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.

## **6.2. Adequacy of Road System**

Vehicular access to the site must be on roads which have adequate capacity to accommodate the additional traffic generated by the development.

## **6.3. Access into the Site**

- (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) 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/roads may be allowed if it is safe and does not promote shortcutting through the site.
- (4) 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/roads.
- (5) Accessways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street/road.

## **6.4. Accessway Location and Spacing**

Accessways 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 site does not allow conformance with this standard.
- (2) Private accessways in or out of a development must be separated by a minimum of one hundred (100) feet where possible.

## **6.5. Internal Vehicular Circulation**

- (1) The layout of the site must provide for the safe movement of passenger, service, and emergency

vehicles through the site.

- (2) 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-40 vehicles.
- (3) Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (e.g., Fire Lane, No Parking).
- (4) The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.
- (5) All roadways must be designed to harmonize with the topographic and natural features of the site 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.

#### 6.6. Parking Layout and Design

Off-street parking must conform to the following standards:

- (1) Parking areas with more than two (2) parking spaces should be arranged so that it is not necessary for vehicles to back into the street/road.
- (2) All parking spaces, access drives, and impervious surfaces should be located at least twenty-five (25) feet from any side or rear lot line. No parking spaces or asphalt type surface should be located within twenty-five (25) 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 stalls and aisle layout must conform to the following standards.

PARKING ANGLE	STALL WIDTH	SKEW WIDTH	STALL DEPTH	AISLE WIDTH	
90 degrees	9'-0"	N/A	18'-0"	24'- 0"	Two way only
60 degrees	8'-6"	10'-6"	18'-0"	16' -0"	One way only
45 degrees	8'-6"	12'-9"	17'-6"	12'-0"	One way only
30 degrees	8'-6"	17'-0"	17'-0"	12'-0"	One way only

- (4) In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs,

pavement markings or other permanent indications and maintained as necessary.

- (5) 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.

#### **6.7. Pedestrian Circulation**

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

- (1) 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/road right-of way or outside of the right-of-way in open space or recreation areas.
- (2) The system, when deemed appropriate by the Planning Board, 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 site.

#### **6.8. Stormwater Management**

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 down stream properties.

- (1) To the extent possible, the plan must retain stormwater on the site using the natural features of the site.
- (2) Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.
- (3) The applicant must demonstrate that on- and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to flooding and erosion of shoreland areas, or that the developing entity will be responsible for whatever improvements are needed to provide the required increase in capacity and/or mitigation.
- (4) All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.
- (5) The design of the stormwater drainage system must provide for the disposal of stormwater without damage or ice buildup to streets/roads, adjacent properties, downstream properties, soils, and vegetation.
- (6) The design of the storm drainage systems must be fully cognizant of upstream runoff which must

pass over or through the site to be developed and provide for this movement.

- (7) The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

#### **6.9. Erosion Control**

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. Soil erosion and sedimentation of water courses and water bodies must be minimized.

#### **6.10. Water Supply**

The development must provide a system of water supply that provides each use with an adequate supply of water. The Planning Board may request that the applicant certifies through a professional survey that adjacent water supplies are not adversely impacted.

#### **6.11. Sewage Disposal**

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

#### **6.12. Natural Features**

The landscape must be preserved in its natural state by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction. Grading and filling must be minimized as much as possible.

#### **6.13. Water Quality Protection**

All aspects of the project must be designed so that:

- (1) No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that may run off, seep, percolate, freeze, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
- (2) 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 Marshal's Office.

- (3) If the project is located within the watershed of a “body of water most at risk from development” as identified by the Maine Department of Environmental Protection (DEP), the project must comply with the standards of the DEP with respect to the export of total suspended solids and/or phosphorous.

#### **6.14. Hazardous, Special and Radioactive Materials**

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.

#### **6.15. Technical and Financial Capacity**

The applicant(s) or entity must demonstrate, if warranted or determined by the Board, that they have the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan.

#### **6.16. Solid Waste Disposal**

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.

#### **6.17. Historic and Archaeological Resources**

If any portion of the site 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.

#### **6.18. Floodplain Management**

If any portion of the site 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 site must be consistent with the Town's Floodplain Management Ordinance.

### **SECTION 7. POST APPROVAL ACTIVITIES**

#### **7.1. Expiration of Approved Plan**

Permits shall expire two (2) years from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within two (2) years of the issuance of the permit, the applicant may renew the permit for one (1) additional year, after which time the permit shall expire.

At the time the Board grants final plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary so as to ensure the orderly development of the Plan.



## **7.2. Incorporation of Approved Plan**

One copy of 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 CEO to address field conditions.

## **7.3. Recording of the Approved Plan**

One copy of the approved site plan may be recorded in the Hancock County Registry of Deeds within thirty (30) days of approval and the book and page number provided to the CEO.

## **7.4. Improvement Guarantees**

### **7.4.1. Application**

- (1) Improvement Guarantee - The Planning Board may require the posting of an improvement guarantee in such amount and form as specified in subsection 7.4.2. below as is reasonably necessary to ensure the proper installation of all off-site improvements required as conditions of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.
- (2) Upon substantial completion of all required improvements, the developer must notify the Planning Board of the completion or substantial completion of improvements, and must send a copy of such notice to the CEO. The respective Municipal Officials shall inspect all improvements and must file a report indicating approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.
- (3) The Planning Board shall approve, partially approve, or reject the improvements on the basis of the report of the CEO.
- (4) 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.

### **7.4.2. Form of Guarantee**

Performance guarantees may be provided by a variety of means including, but not limited to, the following:

- (1) Security Bond - The applicant may obtain a security bond from a surety bonding company authorized to do business in the state,
- (2) Letter of Credit - The applicant may provide an irrevocable letter of credit from a bank or other reputable lending institution.
- (3) Escrow Account - The applicant may deposit cash, or other instruments readily convertible into

cash at face value, either with the municipality, or in escrow with a bank. Any such account must require Town approval for withdrawal and must stipulate that the Town can withdraw the money upon forty-eight (48) hour advance notice to the applicant to complete the guaranteed improvements.

#### **7.5. Minor Changes to Approved Plans**

Minor changes in approved plans necessary to address field conditions may be approved by the CEO provided that any such change does not affect compliance with the standards or alter the essential nature of the proposal. Any such change must be endorsed in writing on the approved plan by the CEO.

#### **7.6. Amendments to Approved Plans**

Approvals of site plans are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals, and supporting documents that do not affect approval standards, is subject to review and approval.

### **SECTION 8. APPEAL OF PLANNING BOARD ACTIONS**

Appeal of any actions taken by the Planning Board with respect to this Ordinance shall be to the Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80B.

### **SECTION 9. DEFINITIONS**

#### **9.1. Meaning of Words**

All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural.

#### **9.2. Definitions**

**ABUTTING PROPERTY:** Any lot which is physically contiguous with the subject lot even if only at a point and any lot which is located directly across a street or right-of-way from the subject lot such that the extension of the side lot lines of the subject lot would touch or enclose the abutting property.

**ACCESSORY BUILDING:** A detached, subordinate building, the use of which is clearly incidental and related to that of the principal building or use of the land, and which is located on the same lot as that of the principal building or use.

**ACCESSORY STRUCTURE OR USE:** A use or structure which is incidental and subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

**AGGRIEVED PARTY:** An owner of land whose property is directly or indirectly affected by the granting or denial of an approval under this ordinance; a person whose land abuts land for which approval has been granted; or any other person or group of persons who have suffered particularized injury as a result of the

granting or denial of such approval. A person seeking to appeal to the Board of Appeals must have participated in the Planning Board proceedings and made his/her objections known.

Participation need not involve actual presence; for example it could consist of a letter of objection from a summer resident.

**BUILDING:** Any permanent structure, having one or more floors and a roof, which is used for the housing or enclosure of persons, animals or property. When a division wall without opening thereof separates any portion, then each such portion shall be deemed a separate building.

**BUILDING FOOTPRINT:** The area covered by a building measured from the exterior surface of the exterior walls at grade level exclusive of cantilevered portions of the building. Where the building is elevated above grade level on posts or similar devices, the building footprint is the area the building would cover if it were located at ground level.

**CHANGE FROM ONE CATEGORY OF NONRESIDENTIAL USE TO ANOTHER CATEGORY OF NONRESIDENTIAL USE:** A change in the type of occupancy of a nonresidential building or structure, or a portion thereof, such that the basic type of use is changed, such as from retail to office or storage to a restaurant, but not including a change in the occupants.

**DEVELOPMENT:** a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

**DWELLING UNIT:** Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, apartments and time-share units.

**EXPANSION OF A STRUCTURE:** An increase of the building footprint and/or increase in the height of the structure beyond its present highest point. Alterations of existing buildings which are required in order to meet the requirements of the Americans with Disabilities Act (ADA) and/or the State Fire Code are not considered to be expansions of a structure and are not required to meet otherwise applicable setback requirements, provided the alterations are the minimum necessary to satisfy the ADA and/or State Fire Code.

**EXPANSION OF USE:** Any intensification of use or function, whether or not resulting from an increase in the footprint, height, floor area, land area or cubic volume occupied by a particular use. Increases which are required in order to meet the requirements of the Americans with Disabilities Act and/or the State Fire Code are not considered to be expansions of use.

**FISHERIES:** Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife or Maine Department of Marine Resources as having significant value as fisheries and any areas so identified in the municipality's comprehensive plan.

**FLOOR AREA:** The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, measured from the interior side, excluding non-functional attics.

**GROUNDWATER:** All of the water found beneath the surface of the ground. For purposes of aquifer protection, this term refers to the subsurface water present in aquifers and recharge areas.

**HEIGHT OF A STRUCTURE:** The vertical distance between the lowest final grade immediately proximate to the building's foundation and the highest point of the structure, including signs, but excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

**HISTORIC OR ARCHAEOLOGICAL RESOURCES:** Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource and any areas identified in the municipality's comprehensive plan.

**HOME OCCUPATION:** An occupation or profession which is carried out on or in a residential structure, accessory structure or property by the occupants of the dwelling.

**IMPERVIOUS SURFACE:** The area covered by buildings and associated constructed facilities, areas which have been or will be covered by a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas, which have been or will be compacted through design or use to reduce their permeability. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of stormwater.

**MOBILE FOOD SERVICE:** Food Service establishments in mobile units, either towed or self-propelled registered vehicles, preparing and serving food products on a particular site, open to the public.

**NATURAL AREAS AND NATURAL COMMUNITIES, UNIQUE NATURAL AREAS AND NATURAL COMMUNITIES:** Areas identified by a governmental agency as having significant value as a natural area and any areas identified in the municipality's comprehensive plan.

**PRINCIPAL STRUCTURE:** Any building or structure in which the main use of the premises takes place.

**PRINCIPAL USE:** The primary function of the said building or land.

**RECHARGE AREA:** Area composed of permeable, porous material through which precipitation and surface water infiltrate and directly replenish groundwater in aquifers.

**SETBACK, FRONT:** An open area extending the entire width of a lot from lot sideline to lot sideline and extending in depth at a right angle from the street right-of-way to such depth as specified. Such area shall be unoccupied and unobstructed by any building from the ground upward.

**SETBACK, REAR:** An open area extending the entire width of a lot from lot sideline to lot sideline and extending at a right angle from the rear property line of such lot to such depth as specified. Such area shall be unoccupied and unobstructed by any building from the ground upward.

**SETBACK, SIDE:** An open area extending along each sideline of a lot between the front setback and the rear setback on such lot and extending at a right angle from the sidelines of such lot to such depth as specified. Such area shall be unoccupied and unobstructed by any building from the ground upward.

**STRUCTURE:** Anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind, or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A M.R.S.A., Section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32 M.R.S.A., Section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32 M.R.S.A., Section 4700-E, subsection 8.

**USE:** The purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

**VEGETATION:** All live trees, shrubs, ground cover, and other plants.

**WILDLIFE HABITAT, SIGNIFICANT WILDLIFE HABITAT:** Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife as having significant value as habitat for animals and any areas identified in the municipality's comprehensive plan.

#### **SECTION 10. AMENDMENTS TO THE ORDINANCE**

Amendments of this ordinance may be initiated by the Planning Board, or as specified in Title 30-A M.R.S.A. §2522.

No proposed amendments to this ordinance shall be referred to the Town Meeting until the Planning Board has held a public hearing on the proposal, notice of which shall be posted at least fourteen (14) days prior to such hearing and advertised in a newspaper of general circulation in the municipality at least two (2) times with the date of first publication being at least fourteen (14) days prior to the hearing and the second at least seven (7) days prior to the hearing.

The proposed amendments shall be adopted by a simple majority vote of the Town Meeting.

#### **SECTION 11. VALIDITY AND SEVERABILITY**

If any section or provision of this Ordinance is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

#### **SECTION 12. CONFLICT WITH OTHER ORDINANCES**

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.



*Attested by  
Sherri L. Cox  
Town Clerk of Gouldsboro*

8/7/2019

*Date*



## **Application for Site Plan Review (Instructions for Applicant)**

**Note to Applicant:** Your application for Site Plan Review will not be considered complete until all required information, plan(s), and attachments have been submitted to the Planning Board. **You are strongly advised to read the furnished Site Plan Review Ordinance** and meet with the Planning Board **prior to completing the application**, to share information about the proposed development and to become better informed about all necessary information to be submitted for review.

### **Step 1: Prepare and Submit a Site Plan Review Application**

- The application form provided by the Town must be completed with all information that applies to the project as required by the standards in the ordinance. This will allow the Planning Board to review the application against the ordinance standards to determine if all pertinent information has been included.
- The application must include a detailed and scaled map of the site, which may be hand drawn or drafted by a professional. All measurements, dimensions and locations of site elements (such as buildings, well, septic, parking, sign, ...), as outlined in the ordinance, must be accurately reflected on this site plan.
- Some of the required information includes (but is not limited to), a copy of deed, copy of certified survey map, copy of portion of Town tax map with map and lot #, names and address of all property owners with 1000 feet of applicant's property.
- The completed application and attachments (8 copies) and accompanying fees, as described in the Ordinance, must be submitted at the Town Office for the Planning Board Chairman. A receipt will be given to the applicant and a copy to the Planning Board and CEO.
- In order for the Planning Board to become more fully informed about the proposed development, it may arrange for an inspection of the site. Such site inspection will be conducted by the Planning Board, accompanied by the applicant.
- The site inspection may be conducted after the pre-application conference or after the initial review of the site plan application.

### **Step 2: Review of submitted Site Plan Review Application by CEO and Planning Board**

- The Planning Board shall mail notification of the proposed development to all property owners within 1,000 feet of the parcel on which the development is proposed, as well as Town officials listed in ordinance.
- Within 30 days of receipt of the completed application and fees, the CEO and Board will review the submitted application and site plan to determine if the application is complete.
- If the application is determined to be incomplete, the Board will specify in writing to the applicant, the additional information required to make the application complete.
- The Board will not consider the application until the additional information is submitted to the Board.

### **Step 3: Final Review, Public Hearing, and decision by Planning Board**

- As soon as the Board has determined the application to be complete, it will notify the applicant in writing and also send written notice of the date, time, and place of the public hearing where the application is to be considered, to the applicant and all persons who received notice in Step 2.
- The Board will take final action on the application within 30 days of the public hearing.
- The Board will vote to deny, approve, or approve the application with conditions.

# Site Plan Review Application

Submit fees along with eight copies of application, site plan, and all attachments.

Please label all attachments with applicant's name and question #.

\* Complete entire Application. If an item is not applicable, indicate N/A in the left hand column.

\_\_\_\_ 1. Name of property owner: \_\_\_\_\_

\_\_\_\_ 2. Address of owner: \_\_\_\_\_

\_\_\_\_ 3. Owner's telephone No. Home: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Cell: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

\_\_\_\_ 4. Name of applicant (if different than owner): \_\_\_\_\_

\_\_\_\_ 5. Address of applicant: \_\_\_\_\_

\_\_\_\_ 6. Applicant's telephone No. Home: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Cell: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

\_\_\_\_ 7. If applicant is a corporation, state whether the corporation is licensed to do business in the State of Maine.  
Yes [ ] No [ ] If yes, attach copy of the Secretary of State Registration

\_\_\_\_ 8. Name, address and phone number of applicant's authorized agent/representative (attach letter of authorization)  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

\_\_\_\_ 9. If applicable, name, address and phone number of Professional Engineer, Licensed Land Surveyor, or Professional Planner who assisted in preparing site plan:  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Registration/License No.: \_\_\_\_\_

\_\_\_\_ 10. What interest does the applicant have in the project? (owner, agent, etc.)

\_\_\_\_ 11. General description of the proposed use or activity:  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ 12. Attach a copy of deed to property, an option to purchase the property, or other documentation to show right, title, or interest in the property on the part of the applicant.

\_\_\_\_ 13. Location of Project: Book \_\_\_\_\_ Page \_\_\_\_\_ (from Registry of Deeds)

\_\_\_\_ 14. Location of Project Map \_\_\_\_\_ Lot \_\_\_\_\_ (from Assessor's Office)

\_\_\_\_ 15. Using reduction of town tax map show location of property with adjoining lots and roads.

\_\_\_\_ 16. Attach a list of names and addresses of all property owners within 1,000 feet of all property boundaries.

\_\_\_\_ 17. Attach a certified survey map of the property that has been developed, produced by a registered land surveyor, which includes bearings and lengths of all property lines.

\_\_\_\_ 18. Is any portion of the property located within a mapped Shoreland Zone &/or a mapped Special Flood Hazard Area? Yes [ ] No [ ] If yes, indicate what zone: SZ \_\_\_\_\_ SFHA \_\_\_\_\_



**EXISTING DEVELOPMENT**

- \_\_\_ 19. Attach a project site plan that includes the following existing elements:
  - \_\_\_ 19.a. North arrow, map scale, legend &/or labels, date. (Scale may not be more than 100 feet to the inch for that portion of the lot being proposed for development)
  - \_\_\_ 19.b. Setback lines for buildings and yards
  - \_\_\_ 19.c. Indicate type of zone and location of zoning district boundaries (shoreland zone and floodplain)
  - \_\_\_ 19.d. Location & size of existing culverts, drains, on-site waste disposal systems, underground tanks or installations
  - \_\_\_ 19.e. Location of existing wells, power lines, telephone lines and poles
  - \_\_\_ 19.f. Location, dimensions, and ground floor elevation of all existing buildings on the site
  - \_\_\_ 19.g. Locations, names, and widths of existing streets, easements, rights of ways, etc., within or adjacent to site
  - \_\_\_ 19.h. Location and dimensions of existing driveways, parking and loading areas, walkways, and sidewalks on or immediately adjacent to site
  - \_\_\_ 19.i. Location of intersecting roads or driveways within 300 feet of the site
  - \_\_\_ 19.j. Location, dimensions, and lighting of existing signs

**PROPOSED DEVELOPMENT**

- \_\_\_ 20. Include on the same project site plan (or create a separate site plan) the following proposed elements:
  - \_\_\_ 20.a. If creating separate site plan include elements listed in 18.a. through 18.j. above that will remain the same
  - \_\_\_ 20.b. Location, dimensions, and ground floor elevation of all proposed new buildings or building expansions
  - \_\_\_ 20.c. Location and dimensions of any changes to, or newly proposed driveways, sidewalks, parking and loading areas (paved or unpaved)
  - \_\_\_ 20.d. Location and dimensions of changes to, or newly proposed wastewater disposal system and water supply
  - \_\_\_ 20.e. Location of proposed landscaping and buffering
  - \_\_\_ 20.f. Location and dimension of any proposed on-site waste collection or storage facilities, including screening
  - \_\_\_ 20.g. Location, dimensions, and lighting of any proposed signs

NOTE: Site plan must have signature block titled "Approved: Town of Gouldsboro Planning Board" and have space for signatures of Planning Board members and date.

- \_\_\_ 21. Estimated demand for water supply and evidence of adequacy for proposed use:  
Describe here or attach statement: \_\_\_\_\_
- \_\_\_ 22. Estimated demand for sewage disposal and evidence of adequacy for proposed use:  
Describe here or attach statement: \_\_\_\_\_
- \_\_\_ 23. If new or replacement on-site sewage disposal is proposed, attach soil test pit data.
- \_\_\_ 24. How will all solid waste (trash, recyclables, etc.) be handled? \_\_\_\_\_
- \_\_\_ 25. If applicable, attach copies of any solid waste (trash) disposal/recycling contracts.
- \_\_\_ 26. Estimate of daily traffic to be generated: \_\_\_\_\_
- \_\_\_ 27. Estimate of the peak hour(s) for traffic: \_\_\_\_\_
- \_\_\_ 28. Explain changes in traffic flow into the site or off of the site due to proposed development:  
Describe here or attach statement: \_\_\_\_\_  
\_\_\_\_\_
- \_\_\_ 29. Measures to be taken to preserve environmentally sensitive & natural drainage areas within the project area:  
Describe here or attach statement: \_\_\_\_\_

30. If applicable, have other permits required by town/state /federal agencies been applied for and received?

	Applied For		Received	
Town: type of permit _____	Yes [ ]	No [ ]	Yes [ ]	No [ ]
State: type of permit _____	Yes [ ]	No [ ]	Yes [ ]	No [ ]
Federal: type of permit _____	Yes [ ]	No [ ]	Yes [ ]	No [ ]

31. Attach copies of any existing covenants or deed restrictions.

32. Estimated Cost of Project \_\_\_\_\_ Start Date: \_\_\_\_\_ Completion Date: \_\_\_\_\_

33. Planning Board may request evidence of applicant's technical & financial ability to carry out proposed project.

34. Other: \_\_\_\_\_  
\_\_\_\_\_

To the best of my knowledge, all information submitted on this application is true and correct:

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Notification to: Board of Selectman, Town Manager, Fire Chief, Plumbing Inspector, Code Enforcement Officer