Article 4, Site Plan Review Ordinance

A. Purpose
   1. The purpose and objectives of this Ordinance are to:
      a. Conserve the Town’s natural beauty and visual character by insuring that structures, signs and other developments are properly related to their sites and to surrounding sites and structures, especially in regard to the natural terrain and landscaping, and that the exterior appearances of structures, signs and other improvements harmoniously relate to their environment.
      b. Promote and protect the health, safety and welfare of the Town of Pownal.

B. Authority
   1. No development shall take place within Pownal nor shall any land be cleared or altered, nor shall any watercourse be diverted or its channel or floodplain dredged or filled, nor shall any parking areas, accessory or otherwise, be constructed, installed or enlarged, nor shall any building permit, certificate of occupancy or other required permit be issued with respect to any such structures, land or parking area, except in accordance with an approval by the Planning Board of such development granted according to the requirements of this Ordinance.

   2. Exempted from this ordinance are the construction, on one lot, of one single or one two-family residential structure and accessory uses as permitted by applicable zoning regulations, normal agriculture and forestry uses, sand and gravel pits, the construction of a parking area for less than three vehicles, interior improvements which meet code requirements and home occupations.

   3. Construction, site development and landscaping shall be carried out in accord with the plans, drawings, sketches and other documents approved by the Board, unless altered with Board approval.

C. Administration
   1. All applications for site plan review shall be made in writing to the Planning Board on the forms provided for this purpose. The application shall be made by the owner of the property or his/her agent, and shall be accompanied by the payment of an application fee to the Town of Pownal to cover the administrative costs of processing the application. The following are subject to fees:
      • Building less than 2000 square feet in size
      • Buildings between 2000 sq. ft. & 10,000 sq. ft. in size
      • Each additional 10,000 sq. ft. of building size
      • Development which does not include buildings

   2. The completed application for site plan review, together with the documentation required in these regulations, shall be placed on the Planning Board’s agenda for consideration at its next scheduled meeting. Within sixty (60) days of the hearing, the Board shall act to approve or disapprove the site plan as submitted or amended, unless the time is extended by agreement of the Board and the applicant. The Board shall specify in writing its reasons for modifications or disapproval.

   3. Prior to taking final action on any site plan review application, the Planning Board shall hold an onsite inspection and may hold a public hearing to afford the public the opportunity to comment on the application. If a public hearing is held, abutting property owners shall be notified by mail of a pending application for site plan review. The hearing shall be advertised in a newspaper of general circulation and notice shall be posed in three (3) prominent places in Pownal at least ten (10) days prior to the hearing. This notice shall indicate that nature of the application, the time, date, and place of hearing. Applicants shall provide the Planning Board with stamped envelopes addressed to all property owners within 500
feet of the entire lot, including both sides of any streets. The owners of property entitled to notice shall be determined through the Town’s assessing records.

4. One copy of the approved site plan shall be included in the application for a building permit.

5. Prior to formal application, an owner or his/her authorized agent may request an informal review of the site plan by Planning Board to determine its compliance with town regulations. Any pre-application review under this section shall not be considered a substantive review for purposes of 1 M.R.S.A. Section 302.

6. The Board may require the applicant to show financial capacity to complete the development as approved and may require the posting, prior to the issuance of any building permit or the commencement of any work, of a bond or escrow agreement, in such amount as is approved by the Board as being reasonably necessary to ensure completion of all improvements required as conditions of approval of such plan, in such form as approved by the Board.

7. The applicant must comply with all State and Federal requirements and receive all relevant approvals before any development activities may begin.

D. Submission Requirements

1. When the owner of the property or his/her authorized agent makes formal application for site plan review, the application shall contain at least the following exhibits and information:

   a. A fully executed and signed copy of the application for site plan review.

   b. Two (2) copies of the site plan drawn at a scale sufficient to allow review of the items listed under the following general standards, but at not more than 50 feet to the inch for that portion of the total tract of land being proposed for development, and showing the following:

      b.1. Owner’s name, address and signature.

      b.2. Names and addresses of all abutting property owners of the entire parcel including those across the street.

      b.3. Sketch map showing general location of the site within the town.

      b.4. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.

      b.5. The zoning classification of the property.

      b.6. The location of all existing and proposed buildings (including size and height), access points, driveways, sidewalks, parking spaces, loading areas, open spaces, large trees, open drainage courses, service areas, and easements.

      b.7. The location of all buildings within 200 feet of the parcel to be developed and the location of intersecting roads or driveways within 200 feet of the parcel.

   c. Building plans showing, as minimum, the first floor plan.

   d. Copies of any proposed or existing easements, covenants, deed restrictions, etc.

   e. Copies of applicable State and Federal approvals and permits, provided however, that the Board may approve site plans subject to the issuance of specified State and Federal licenses and permits in cases where it determines that it is not feasible for the applicant to obtain them at the time of site plan review.

   f. Include stamped envelopes addressed to all abutters within 500 feet of the entire lot, including both sides of any streets.

2. The Board may require the following submissions where it determines that, due to the scale or nature of the proposed development, such information is necessary to assure compliance with the intent and purposes of this Ordinance.

   a. Existing and proposed topography of the site at two foot contour intervals.
b. The bearings of distances of all property lines and the source of this information.

c. A storm water drainage plan showing:
   c.1. The existing and proposed method of handling storm water run-off.
   c.2. The direction of flow of the run-off through the use of arrows.
   c.3. The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.
   c.4. Engineering calculations used to determine drainage requirements based upon a 10-year storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.

d. A utility plan showing provisions for water supply and waste water disposal including the size and location of all piping, holding tanks, leach fields, etc., and showing the location and nature of any solid waste collection facility and all electrical, telephone and any other utility services to be installed on the site.

e. A landscaping plan keyed to the site plan and indicating the varieties and sizes of trees, shrubs, and other plants to be planted on the site and other landscaping arrangements.

f. The location, size and character of all signs.

g. An erosion and sedimentation plan showing plans for before and after construction. Approval from the appropriate State of Federal Soil and Water Conservation agency in this area is required.

h. Lighting plans showing the location, type, radius and intensity in foot-candles of all exterior lighting.

3. The approval of a site plan shall become void if substantial construction is not commenced within one (1) year of the date of such approval unless such time limit is extended by the Board.

E. Criteria and Standards

1. The following criteria and standards shall be utilized by the Planning Board in reviewing applications for site plan review. These standards are intended to provide a guide for the applicant in the development of the site and building plans as well as a method of review of the Board.

The Planning Board may require an expert consultant or consultants to study and report as to compliance or noncompliance with these standards and to advise, if necessary, of procedures which will result in compliance. Such consultants shall be fully qualified to provide the required information and shall be mutually acceptable to the Town and the applicant. Costs shall be borne by the applicant.

For good and sufficient reasons properly documented, the Planning Board may waive and/or vary standards and criteria as they may apply to a specific site plan application.

2. Landscaping

a. The purpose of landscaping is to define, soften or screen the appearance of off street parking areas or other uses from the public right-of-way and abutting properties, to enhance the physical design of the building(s) and site, and to minimize the encroachment of the proposed use on neighboring land uses. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping shall include trees, bushes, shrubs, ground cover, perennials annuals, plants, grading and the use of the building and paving materials in an imaginative manner.
b. The landscaping plan submitted with each application shall identify major existing and proposed trees, shrubs, bushes, plant material, ground cover and natural features such as boulders and rock outcroppings. It should show present or proposed locations and planting details. Applicant shall include in the plan proposed methods to protect existing trees and growth during and after construction. These may include fences, berms, curbing, tree walls and similar devices.

c. The following criteria shall be followed:
   c.1. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas.
   c.2. Landscaping should be provided in public areas, recreation sites and adjacent to buildings.
   c.3. Deciduous trees should have at least two-inch caliper at planting and evergreens should be at least two feet tall at planting. All trees should be balled and burlapped.
   c.4. Wherever possible, existing large trees should be saved. Maximum effort should be made to save clumps of trees rather than individual ones.
   c.5. Parking lots should be located to provide buffering for adjacent properties. Sight distance, safety and appearance should be considered in determining landscaping plans.

3. Buffers
   a. Buffers are fences, landscaping, berms, rocks, boulders, mounds or combination thereof designed to minimize any potential adverse impacts or nuisances on the site from adjacent areas. Extensive buffering will be required where intensive land uses abut less intensive land use, i.e., significant density or classification of land use differences.
   b. The following criteria shall be followed:
      b.1. Existing natural vegetation shall retain if it can appropriately act as suitable buffers.
      b.2. Buffer (other than fences and walks) shall be located around the perimeter of the site at the property lines to minimized headlights of vehicles, noise, light from structures, the movement of people and to shield activities from adjacent properties when necessary.
      b.3. Parking areas, garbage collection areas, utility buildings, loading and unloading areas, outdoor storage areas and similar accessory areas and structures shall be buffered.
      b.4. Evergreens can be used as buffers if two or three rows of staggered plantings are proposed. The rows should be at least five feet apart.

4. Environmental considerations.
   a. Environmental elements relating to prevention of soil erosion, preservation of trees, protection of water soil and animal life shall be reviewed and the design of the plan shall minimize any adverse impact on these elements.
   b. The following criteria shall be followed:
      b.1. The design and layout of buildings and/or other development area shall encourage safety and fire protection.
      b.2. Proposed structure(s) shall relate harmoniously to the terrain and to existing building(s) in the vicinity which have a visual relationship to the proposed building(s). Special attention shall be paid to the scale of the proposed building(s), massing of the structure(s), and such natural features as slope, orientation, soil type and drainage courses.
      b.3. Adequate provision shall be made for on-site surface drainage so that removal of vegetation will not adversely affect neighboring properties, downstream conditions, or a public storm drainage system. On-site absorption shall be utilized to minimize discharge whenever possible. All drainage calculations shall be based on a ten year storm of duration equal to the time of concentration for the area addressed.
      b.4. The erosion and sedimentation plan shall be based on the following principles, when applicable.
a) Stripping of vegetation, regarding or other development shall be done in such a way as to minimize erosion.

b) Development shall preserve salient natural features, keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.

c) Whenever feasible natural vegetation shall be retained, protection and supplemented.

d) The disturbed area and the duration of exposure shall be kept to a practical minimum.

e) Disturbed soils shall be stabilized as quickly as practicable.

f) Temporary vegetation or mulching shall be used to protect exposed critical areas during development.

g) The permanent (final) vegetation and mechanical erosion control measures shall be installed as soon as practical on the site. Ground cover planting shall be used, if appropriate.

h) Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods.

i) Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair and damage at his expense as quickly as possible.

5. Site Conditions:
   a. During construction. During construction, the site shall be maintained and left each day in a safe and sanitary manner, and any condition which could lead to personal injury or property damage shall be immediately corrected by the developer upon an order by the Building Inspector or other authorized personnel.

   b. Disposal of dead trees, litter, building materials. Developed area shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris and excess or scrap building materials shall be removed or destroyed immediately upon the request of and to the satisfaction of the Building Inspector prior to issuing an occupancy permit.

   c. Changes in elevation. No change shall be made in the elevation or contour of any lot or site by the removal of earth to another lot or site other than as shown on an approved site plan.

   d. Temporary improvements. Prior to or during construction, the Building Inspector may require the installation or construction of improvements to prevent or correct any temporary condition on the site which could cause personal injury, damage to property or constitute a health hazard. These conditions may result from erosion and landslide, flooding, heavy construction traffic, creation of steep grades and pollution. Improvements may include berms, mulching, sediment traps, detention and retention basins, grading, planting, retaining walls, culverts, pipes, guardrails, temporary roads and others appropriate to the specific condition. All temporary improvements shall remain in place and in operation until otherwise directed by the Building Inspector.

6. Vehicular Access
   a. The proposed site layout shall ensure that vehicular and pedestrian traffic conditions shall not exceed reasonable limits for the neighborhood. Special consideration shall be given to the location, number and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, existing or proposed traffic signalization and pedestrian vehicular contacts. The Planning Board has
the authority to determine the type of surface to be used on interior driveways and shall consider location and intensity of use when making its decision.

b. The following criteria shall be followed:

b.1. No access drive or driveway or other means of ingress and egress shall be located in any residential zone to provide access to uses other than those allowed in such residential zone.

b.2. All entrance and exit driveways shall be located and designed in profile and grading to afford maximum safety to traffic, provide for safe and convenient ingress and egress to and from the site and to minimize conflict with the flow of traffic.

b.3. The dimensions of driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated to be attracted daily onto the land development for which a site plan is prepared.

b.4. Provision shall be made for convenient and safe emergency vehicle access to all buildings and structures at all times.

b.5. Any exit driveway or driveway land shall be so designed in profile and grading and so located as to provide the following minimum sight distance measured in each direction. The measurements shall be from the driver’s seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle a minimum of ten (10) feet behind the curbline or edge of shoulder, with the height of the eye three and seventy-five hundredths (3.75) feet to the top of an object four and five-tenths (4.5) feet above the pavement.

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7. Parking and Circulation

a. The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives and parking areas, shall be safe and convenient and shall not detract from the proposed building(s) and neighboring properties. General interior circulation, separation of pedestrian and vehicular traffic, service traffic, parking and loading areas shall be reviewed.

b. The following criteria shall be followed:

b.1. Parking areas shall be landscaping to minimize noise, glare and other nuisances and to enhance the site and surrounding area.

b.2. Sidewalks and other pedestrian linkages may be required to provide safe conditions.

b.3. Adequate off-street parking spaces shall provided according to the requirements stated in the Zoning Ordinance, Section 9, Performance Standards, 4 a-d

b.4. Parking areas shall have suitable drainage facilities.

b.5. Lighting shall be shielded so it will not create a hazard or nuisance to adjoining properties or to the traveling public.

b.6. Spaces, drives and aisles shall be clearly marked.

b.7. No off-street parking or loading area shall be located in a minimum required setback.

b.8. The number of off-street loading bays required by the site plan shall be determined by the Planning Board. Each loading space shall be no less than twelve feet in width, fifty feet in length and fourteen feet in height.

8. Lighting
a. Adequate lighting shall be provided to ensure safe movement of persons and vehicles and for security purposes. Lighting standards shall be of a type approved by the Planning Board in accordance with the International Dark Sky Association (IDA) sample ordinance, www.IDA.org.
b. The following criteria shall be followed:
   b.1. Blinking lights are prohibited.
   b.2. Directional or display lighting shall be arranged so as to minimize glare and reflection on adjacent properties and the traveling public.
   b.3. All lights shall be shielded away from residences and roads. All light shall be shielded to comply with current IDA recommendations.
   b.4. Direct or indirect light from the source shall not cause illumination in excess of current IDA recommendations.
   b.5. The maximum height of freestanding lighting shall be the same as the principal building or not exceed thirty-five feet.
   b.6. Spot-light type fixtures attached to buildings shall be avoided.
   b.7. Lighting shall be located along streets, parking areas, at intersections and crosswalks and where various types of circulation systems merge, intersect or split.
   b.8. All exterior lighting shall be turned on no earlier than one hour before the opening of business and turned off no later than one hour after the closing or business, except for necessary security lighting.

9. Signs
   Sign specifications are regulated by the Zoning Ordinance, Section 12, Signs.

10. Utilities
   a. All utilities included in the site plan shall be reviewed as to their adequacy, safety and impact on surrounding properties. Storm drainage, sanitary waste disposal, solid waste collection and disposal, water supply, electricity and communication and energy services shall be reviewed.
   b. The following criteria shall be followed:
      b.1. Emphasis shall be placed on the protection of flood plains; reservation of stream corridors; establishment of drainage rights-of-way and the adequacy of the existing systems; the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage; provide for treatment of effluent, and maintain an adequate supply of potable water at sufficient pressure in accordance with the State Plumbing Code.
      b.2. Whenever feasible, utility lines shall be installed underground.
      b.3. Any utility installations above ground shall be located so as to have a harmonious relationship with neighboring properties and the site.

   a. The following performance standards are designed to control industrial, commercial, business and professional uses so that potential nuisances may be assessed factually and objectively and the community protected from hazards and nuisances. Because residential uses may also be located in a zone where these uses are allowed, specifications are designated to result in a nuisance-free performance.
   b. Air Pollution. All air pollution control shall comply with minimum Federal, State and local requirements.
      b.1.a. Smoke. Emission of smoke from any chimney, stack, vent, opening or combination process shall not exceed density or equivalent capacity of Ringelmann No. 1. (Ringelmann Chart published by the United States Department of the Interior, Bureau of Mines.)
      b.1.b. Particulate matter. Particulate matter shall be defined as combustion products made up of smoke, soot, flyash, etc., and industrial dust from foundries, paint spraying and rock crushing. Allowed particulate emissions shall not exceed 0.10 grams per standard cubic foot emitted from a stack.

2. Noise. The volume of sound, measured by a sound level meter and frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute), inherently and recurrently generated shall not exceed 55 decibels on the A- weighted scale (dBA) between 7:00 AM and 7:00 PM and 7:00 AM (the nighttime hourly limit) at lot boundaries, excepting air raid sirens and similar warning devices.

3. Violation. Vibration inherently and recurrently generated shall be imperceptible without instruments at lot boundaries.

4. Heat, Fumes. Heat of fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.

5. Fire and Explosive Hazards. Materials which decompose by detonation shall be stored, handled, utilized or manufactures in accordance with the National Fire Codes published by the National Fire Protection Association. Flammable solid materials must be stored, manufactured or utilized in fire resistant and fire protected buildings and spaces; materials stored outdoors must be at least 50’ from all lot lines. This section shall regulate types and quantities of materials not prohibited by the “Pownal Hazardous Materials Control Ordinance.”

F. Enforcement
The Building Inspector shall issue a building permit if he/she determines that the application complies with the plan approved by the Board. Permit enforcement procedures of the Building Code shall be followed. Failure to comply with any conditions of the Site Plan Review, subsequent to approval of the Plan, shall be construed to be a violation of this Ordinance and shall be the grounds for initiating legal proceedings to enjoin construction or any specific activity violating the conditions of approval, or applying a fine in accordance with the provisions of 30-A M.R.S.A. Section 4452.

G. Appeals
An appeal from any order, relief, or denial of the Planning Board may be taken by any party to Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80B.

H. Conflict with Other Ordinances
Whenever the requirements of this Ordinance are inconsistent with the requirements of any other Ordinance, Code or Statute, the more restrictive requirements shall apply.

I. Severability
In the event that any Section, Subsection, portion or provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other Section, Subsection, portion or provision of this Ordinance. The provisions of this Ordinance are hereby declared to be separable.