

ARTICLE VIII - SITE PLAN REVIEW (11-2012)

1. PURPOSE

Site plan review provisions set forth in this article are intended to protect the public health and safety, promote the general welfare of the community and conserve the environment by assuring that multi-family and nonresidential 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.

2. ACTIVITIES REQUIRING SITE PLAN REVIEW

Site plan review and approval by the Planning Board shall be required for:

- A. The construction or placement of any new building or structure for commercial, office, industrial, recreational or institutional uses greater than 2,500 square feet except temporary or seasonal vendors occupying one or more leased spaces.

The construction or placement of any new building or structure for commercial, office, industrial, recreational or institutional uses less than 2,500 square feet shall be reviewed and approved by the Town Planner. At any time, the Town Planner can elevate a project to full Board review if it is deemed necessary.

If the applicant for a building permit for a building or structure having a total floor area of 2,500 square feet or less seeks a waiver of one (1) or more standards of this Ordinance, then such a proposal shall receive site plan review by the Planning Board.

- B. The expansion of an existing nonresidential building or structure, including accessory buildings, if the enlargement increases the total area for all floors within a five (5) year period by more than 2,500 square feet or 25% in total floor area, whichever is smaller.
- C. Construction of new multifamily housing or the enlargement of existing multifamily building if the construction, modification or expansion results in three or more new or additional dwelling units in a five year period. Such multi-family housing is also subject to the provisions of Article VII.
- D. The conversion of an existing building from residential to nonresidential use.
- E. The conversion of an existing nonresidential use to another nonresidential use when the new use is designated in Article VI as requiring site plan approval from the Planning Board and when the new use increases the intensity of on- or off-site impacts of the use subject to the standards and criteria of site plan review.

- F. The construction or expansion of paved areas or other impervious surfaces, including walkways, access drives, and parking lots involving an area of more than 10,000 square feet within a five year period.
- G. Any new use designated in Article VI as requiring site plan approval from the Planning Board
- H. The establishment of a new nonresidential use or expansion of an existing non residential use even if no buildings or structures are proposed, including uses such as gravel pits, cemeteries, golf courses, groundwater extraction, extractive industries, which shall comply with the Town of Wiscasset Ordinances, and other nonstructural nonresidential uses.
- I. Any use that requires construction of one or more drive-up windows or remote teller facilities.
- J. Resumption of uses which have been discontinued for at least two years and which are designated in Article VI as requiring site plan approval from the Planning Board

3. PROHIBITION WITHOUT SITE PLAN APPROVAL

No activity or use described in Article VIII, Section 2 shall commence until the property owner has received site plan approval from the Planning Board and has received any necessary permits from, but not limited to, the Department of Transportation, Department of Environmental Protection, Department of Health and Human Service, State Fire Marshal's Office or the Code Enforcement Officer. If the project also requires subdivision approval, no work shall commence until the final subdivision plan has been recorded in the Lincoln County Registry of Deeds and the subdivision complies with the requirements of Article VII.

4. PREAPPLICATION

Prior to submitting a formal site plan review 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 preapplication conference shall be informal and informational in nature. There shall be no fee for the preapplication conference and such conference shall not cause the preapplication to be a pending application or proceeding under 1 MRSA §302. No decision on the substance of the plan shall be made at the preapplication conference.

A. 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.
- (4) Make the applicant aware of any opportunities for coordinating the development with community policies, programs or facilities.
- (5) Determine the appropriate level of information needed to make an informed determination concerning the proposed development.

B. Waivers

- (1) The Board may provide a preliminary indication to the applicant on requests for waivers and variations from the submission requirements. The Board reserves the right, however, to reinstate any required submissions or request additional submissions as provided for in Article VIII, Section 6.B.

C. Information required. Ten (10) copies of the following information shall be submitted to the Board at least ten (10) days prior to the Board meeting at which the preapplication conference is to be conducted.

- (1) A Sketch Plan shall show, in simple sketch form, neatly done and to scale, the proposed site, including its location, size and general characteristics of any proposed structures, access from existing roads, existing sidewalks, on-site parking areas and other features that would assist the board's understanding of the proposed development.
- (2) Description of any existing easements or covenants on the site and existing uses on the site and on adjacent properties.
- (3) The nature of the proposed use and development
- (4) Proposed method of providing water and sanitary sewer services to the development.
- (5) The name, address and phone number of the owner of the property and the applicant, if different, and the street address, zoning, map and lot of the property to be developed.
- (6) A tax map with the property clearly indicated.
- (7) Waiver requests shall be submitted in writing.

At the next regularly scheduled Board meeting, or within fifteen (15) days after the preliminary site inspection, whichever is later, the Board shall inform the applicant in writing that the plans and data as submitted or as subsequently modified do or do not meet the general objectives of this article. The Board shall also indicate to the applicant what, if any, requests for waivers and variations from the submission requirements will be initially granted.

5. SITE INSPECTION, MODIFICATIONS AND WAIVERS OF SUBMISSION REQUIREMENTS AND PERFORMANCE STANDARDS.

A. The Board shall schedule a site inspection at the first meeting if the Board deems it necessary.

B. De minimis Projects. The Planning Board may modify or waive any of the application requirements or performance standards if one or more the following conditions are met and if the Board determines that such modification or waiver will not adversely affect abutting property owners and the general health, safety and welfare of the town and one or more of the following conditions is satisfied. Each such modification or waiver shall be in writing and shall include the specific reason for the waiver or modification.

(1) The total area of all structures does not exceed 2,000 square feet.

(2) The proposed development or expansion of an existing development will not significantly change the nature or intensity of the use or the exterior dimensions of any existing structure.

C. Other Projects. The Planning Board may modify or waive any of the application requirements or performance standards if the Board determines that, due to the specific nature of the proposed development, one or more application requirements or performance standards do not apply to the development. Each such modification or waiver shall be in writing and shall include the specific reason for the waiver or modification.

6. SITE PLAN REVIEW APPLICATION

A. Procedure

(1) The application and all required documentation shall be submitted to the Town at least ten (10) days prior to the Board meeting at which the applicant wishes to be heard. The site plan shall generally conform to the layout shown on the sketch plan as may have been amended at the preapplication conference.

(2) The application shall be accompanied by a fee for site plan review as established in a Town Fee Schedule revised from time to time by the Board of Selectmen and

payable to the Town of Wiscasset, Maine with a note indicating the specific purpose of the fee. The application shall not be placed on the agenda for a Board meeting until such fee has been paid. In addition, if the Planning Board makes a written finding of fact that professional review of the application is required, the Board shall choose a consultant to complete such review. The applicant shall deposit into escrow an additional fee in an amount determined by the Board to cover the cost of such review. The Planning Board shall not schedule any further review of the application until such professional review fee is paid. When 75% of the escrow has been disbursed, review of the application shall cease until the applicant replenishes the escrow in an amount to be determined by the Board. Any part of this escrow payment in excess of the final costs for review shall be returned to the owner or the owner's agent.

- (3) At its first meeting following timely submission of the application, the Planning Board shall review the application and determine whether it is complete, including receipt of all fees, or, if the application is incomplete, the specific additional material needed to complete the application. The Planning Board shall review the additional material at its next regularly scheduled meeting if it is submitted by the close of business on the Monday prior to said meeting and determine whether the application is now complete.
- (4) Owners of property within 250 feet of the properties involved shall be notified by Certified Mail, by the applicant, of a pending application at least seven (7) days prior to the Board meeting at which the applicant will be heard. This notice shall indicate the time, date and place of the Planning Board consideration of the application.
- (5) The applicant, or a duly authorized representative, shall attend meetings of the Planning Board to present the application. Failure to attend may result in a delay of the Board's receipt of the application or action on the application until the next regular meeting which the applicant or a representative attends. The applicant, or a duly authorized representative of the applicant, shall also attend any public hearing on the application to present the application and address questions of the Board and the public. Failure to attend a public hearing shall result in cancellation without prejudice of the hearing. The applicant shall be required to pay all costs associated with a canceled hearing.
- (6) If the application is determined to be complete, the Board shall deem the application pending and determine whether or not to set the matter to a public hearing. If a hearing is scheduled, it shall be held within thirty (30) days of acceptance of the application. The time period may be extended by written, mutual agreement of the Board and the applicant. Notice of the time, place and date of such hearing shall be sent by the applicant by First Class US mail not less than ten (10) days before the hearing to the town and to owners of property within 250 feet of the properties involved. Property owners shall be those listed in the most recent tax records of the Town of Wiscasset. Notice shall also be published

by the town in a newspaper of general circulation in the Town of Wiscasset at least two times, and the first date of the publication shall be at least seven (7) days prior to the public hearing. Failure to receive notice shall not invalidate the public hearing held.

- (7) Within sixty (60) days of receipt of a completed site plan review application or within thirty (30) days of a public hearing, the Board shall take action to give final approval, with or without modifications, or disapproval of such application. The reason for any modification required or the grounds for disapproval shall be stated upon the records of the Board and a copy provided to the applicant. The time period may be extended by written, mutual agreement of the Board and the applicant. If no public hearing is held, the Planning Board may at its discretion act upon the application at the same meeting at which completeness is determined.
- (8) Site plan review approval shall expire after a period of three (3) years after the date of approval if a substantial start of the development has not begun or after a period of five (5) years after the date of approval if development is not complete. A statement to this effect shall appear on all approved plans. For the purposes of this subsection, substantial start of the development shall mean at least one-half of the value of all improvements approved by the Planning Board unless the project was approved in phases in which case it shall mean one-half of the value of all improvements in all phases approved by the Board. The applicant may request an extension of the approval deadline prior to the expiration of the period. Such request shall be in writing and shall be made to the Planning Board. The Planning Board may grant up to two (2) six (6) month extensions to the periods 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.

B. Submissions

Applications for site plan review shall be submitted on application forms provided by the town. The application shall contain at least the following submissions unless amended pursuant to Section 5.

- (1) Ten executed and signed copies of the application form
- (2) Evidence of right, title and interest in the property.
- (3) Fees in the amounts specified by Section 6.A(2).
- (4) Ten copies of written materials plus 10 sets of maps or drawings containing the information listed below. The written materials shall be contained in a bound report or a three-ring notebook. The maps or drawings shall be at a scale sufficient to allow review of the items listed under the criteria for approval. The application shall also include one 11"x17" copy of each plan.
- (5) All plans for site plan review presented for approval under this article shall be drawn at a scale of 50 feet, or less, to the inch and shall include the applicable

information set forth in Sections 6.B(6), (7) and (8) unless the Planning Board waives any or all requirements as provided for in Section 5.

- (6) General information.
 - (a) The name and address of the property owner, the name and address of the applicant (or, with written permission, his or her authorized agent), plus the name of the proposed development, Tax Map and lot numbers and a copy of the deed or record of ownership.
 - (b) The property lines as shown on the Tax Maps on file in the Town office of all abutting and neighboring properties within 250 feet of the proposed development, including those properties across the street and waterways, together with the names and addresses of the owners of said properties as disclosed in Tax records on file in the Town office as of the date of the development plan review application.
 - (c) Sketch map showing general location of the site within the town.
 - (d) Location map showing the 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.
 - (e) The name(s), registration number(s) and seal(s) of the appropriate professionals assisting with the preparation of the plan.

- (7) Information regarding existing conditions. The following information regarding existing conditions is required:
 - (a) Zoning classifications(s) of the property and the location of zoning district boundaries if the property is located in more than one zoning district or abuts a different district.
 - (b) The bearings and distances of all property lines of the property to be developed and the source of this information, prepared by a professional land surveyor as a recent boundary survey.
 - (c) Location and size of any existing sewer and water mains and culverts on or off the property that will serve the development.
 - (d) Location, names and present widths of existing streets and rights-of-way within or adjacent to the proposed development.
 - (e) The location, dimensions, setbacks and ground floor elevations of all existing buildings on the site.
 - (f) The location of buildings on abutting properties and within 100 feet of the property line of the proposed development.
 - (g) The location and dimensions of existing driveways, parking and loading areas and walkways on the site.
 - (h) Location of intersecting roads or driveways within 250 feet of the site.
 - (i) Topography of the site at an appropriate contour interval (1 foot, 2 feet or 5 feet) depending on the nature of the use and character of the site, as determined by the Planning Board.

- (j) Major natural features on the site and within 250 feet of the boundaries of the site, including wetlands, streams, ponds, floodplains, groundwater aquifers, significant wildlife habitats including deer wintering areas, archaeological resources or other important natural features. The boundaries of any wetlands depicted on the plans shall be delineated by an appropriate qualified professional.
 - (k) The location and results of tests to ascertain subsurface soil conditions and depths to maximum ground water level shall be submitted if a private sewage disposal system is proposed.
 - (l) Location of existing natural drainageways, storm drainage facilities, including dimensions of culverts, pipes, etc., open drainage courses, wetlands, significant stands of trees and other important natural features, fences and hedges with a description of such features to be retained.
 - (m) The direction of existing surface water drainage flow across the site.
 - (n) The location and dimensions of existing signs unless such signs are not to be used for the proposed development.
 - (o) The location and type of all existing exterior lighting unless such lighting is not to be used for the proposed development.
 - (p) A copy of such covenants or deed restrictions, if any, as are intended to cover all or part of the tract. Such covenants or deed restrictions shall be referenced on the plan.
 - (q) The location of any floodplain as shown on the FEMA Flood Insurance Rate Maps.
 - (r) The location of the Shoreland Zone and the 75-foot or 100-foot Shoreland Zone setback, as appropriate
- (8) Information regarding proposed development activity. The following information regarding the proposed development activity is required:
- (a) All proposed contours and proposed finished grade elevations of the developed site and the system of drainage proposed to be constructed. Contour intervals shall be 2 feet, unless otherwise specified by the Planning Board.
 - (b) The location, name and widths of all proposed streets within the premises in question.
 - (c) All proposed rights-of-way, easements and other legal restrictions which may affect the premises in question.
 - (d) The location of all proposed building setbacks and buffers required by this ordinance.
 - (e) The location, dimensions, including heights, building elevations and ground floor elevations of all proposed buildings on the site and proposed use thereof.
 - (f) The location and dimensions and materials to be used in the construction of proposed access drives and curb cuts to the lot from public streets.

- (g) Location, dimensions and materials to be used in the construction of proposed pedestrian walkways.
- (h) Location and arrangement of proposed off-street parking and loading areas and their appurtenant drives and maneuvering areas.
- (i) Location, inverts (if applicable) and dimensions of all proposed utilities and easements, including sanitary sewerage, water, electricity and fire protection systems.
- (j) 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.
- (k) 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.
- (l) The size, location and direction and intensity of illumination of all major outdoor lighting apparatus and signs.
- (m) Location, front view, dimensions, materials and size of all proposed signs, together with the material for securing the signs, and all permanent outdoor fixtures.
- (n) The location, type and size of all existing and proposed catch basins, storm drainage facilities, streams and watercourses.
- (o) All landscaped areas and features (including fencing, piers and open spaces) and the size and type of plant material upon the premises in question.
- (p) A schedule of construction, including anticipated beginning and completion dates.
- (q) The type, size and location of all incineration devices.
- (r) The type, size and location of all machinery or equipment likely to generate appreciable noise at the lot lines except machinery or equipment being used in construction of the proposed development.
- (s) The amount and type of any raw, finished or waste materials to be stored outside of roofed buildings, including their physical and chemical properties, if appropriate.
- (t) An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours and the sight distances for each driveway that intersects an existing or proposed public or private road.
- (u) Approval block. Space shall be provided on the plan drawing for the signatures of the Wiscasset Planning Board and date, together with the words, "Approved Town of Wiscasset Planning Board."
- (v) Block for conditions of approval, if any.
- (w) A stormwater management plan as described in Article VII, Section 3.B(3)(b)(4).
- (x) An erosion and sediment control plan as described in Article VII, Section 3.B(3)(b)(5).

- (y) A hydrogeologic assessment as described in described in Article VII, Section 5.A(14) for projects involving common on-site water supply or sewage disposal facilities with a capacity of 2,000 gallons or more per day.
- (z) A phosphorus control plan as described in Article VII, Section 5.A(15) if any portion of the development is within the watershed of a great pond.
- (aa) A utility plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, telephone and any other utility services to be installed on the site.
- (bb) A planting plan and schedule keyed to the site plan and indicating the general species and sizes of trees, shrubs and other plants to be planted on the site.
- (cc) A traffic impact analysis as described in Article VII, Section 3.C(2)(b)(26).
- (dd) A written statement from the Wiscasset Water District as to the adequacy of the water supply in terms of quantity and pressure for domestic flows, if public water supply is to be utilized, and a plan for ensuring adequate on-site water supply for fire suppression as described in Article VII, Section 3.B(3)(b)(7).
- (ee) The location, width, typical cross-section, grades and profiles of all proposed streets and sidewalks in conformance with Article IX, Section 8.
- (ff) Construction drawings for streets, sanitary sewers, water and storm drainage systems, designed and prepared by an appropriate qualified professional.
- (gg) The location of any pedestrian ways, lots, easements, open spaces and other areas to be reserved for or dedicated to public use and/or ownership. For any proposed easement, the developer shall submit the proposed easement language with a signed statement certifying that the easement will be executed upon approval of the development. In the case of any streets or other ways dedicated to public ownership, the developer shall submit a signed statement that he will maintain such streets or ways year-round until such time as they may be accepted by the town.
- (hh) Written offers of dedication or conveyance to the municipality, in a form satisfactory to the Town Attorney, of all land included in the streets, highways, easements, parks or other open space dedicated for public use and copies of agreements or other documents showing the manner in which spaces, title to which is reserved by the developer, are to be maintained.
- (ii) Cost of the proposed development and evidence of financial and technical capacity to complete it as described in Article VII, Section.5.A(17).
- (jj) An assessment of the impact of the development on wetlands, streams, ponds, floodplains, archaeological resources and significant wildlife habitats, including review letters from appropriate state officials.

7. OTHER REQUIRED PERMITS.

The granting of site plan approval does not relieve the applicant from the need to obtain any other permits or approvals required prior to the commencement of any activity or use, such as

but not limited to subdivision approval, building, plumbing and electrical permits, subsurface wastewater disposal permits, sewer connection permits, and the like. Furthermore, if the proposed development requires a permit under the Site Location of Development Act, the Stormwater Management Law or the Natural Resources Protection Act or is otherwise under the jurisdiction of the Maine Departments of Environmental Protection or Transportation, final approval of the site plan application shall not be granted by the Planning Board until all such approvals are obtained. The fact that the applicant may have obtained or may have been granted such permits or approvals prior to site plan review may be considered by the Planning Board as evidence as to the plan's compliance with applicable review standards but shall not be deemed conclusive evidence as to compliance with this ordinance.

8. ACCESS TO SITE AND RECORDS.

The Town shall have access to the site at all times to review the progress of the work and shall have the authority to review records and documents related to construction of the project. The applicant, by accepting a building permit, waives any objection to the Town having access to the site to review the progress of the work or to review all records and documents related to the project.

9. SITE PLAN REVIEW STANDARDS.

A. Utilization of site.

The development shall include appropriate measures including but not limited to modification of the proposed design of the site, timing of construction and limiting the extent of excavation for protection of environmentally sensitive resources such as wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers and natural drainage areas.

B. Traffic access.

(1) Adequacy of road system.

- (a) Vehicular access to the site shall be on roads which have adequate capacity to accommodate the additional traffic generated by the development. For developments which generate 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 mile of any entrance road which are functioning at Level of Service D (35 to 55 seconds of delay per vehicle at unsignalized intersections) or better prior to the development shall function, at a minimum, at Level of Service D after development. If any such intersection is functioning at Level of Service E (55 to 80 seconds of delay per vehicle at unsignalized intersections) or lower prior to the development, the project shall 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 town's adopted

Comprehensive Plan and the Board determines that the project will not have an unnecessary adverse impact on traffic flow or safety.

- (b) 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; or
 - (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 guaranty acceptable to the municipality.
- (2) Access into site. Vehicular access to and egress from the development shall be safe and convenient.
 - (a) Any driveway or proposed street shall be designed so as to provide at least the minimum sight distance as required by Article IX, Section 8.
 - (b) Points of access and egress shall be located to avoid hazardous conflict with existing turning movements and traffic flows.
 - (c) The grade of any proposed drive or street shall not be more than plus or minus 3% for a minimum of 40 feet, from the edge of travel way.
 - (d) The intersection of any access/egress drive or proposed street shall function at Level of Service D following development if the project will generate 100 or more peak hour trip or at a level which will allow safe access into and out of the project if less than 100 peak hour trips are generated.
 - (e) Where a lot has frontage on two or more streets, the primary access to and egress from the lot shall be provided from the street where there is less potential for traffic congestion and for traffic and pedestrian hazards. Access from other streets may be allowed by the Planning Board if it finds if it is safe and does not promote shortcutting through the site.
 - (f) Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, and if required by the DOT or if recommended by a traffic engineer, the Planning Board in consultation with the appropriate town official may require the applicant to provide turning lanes, traffic directional islands and traffic controls within public streets.
 - (g) Accessways shall be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.
 - (h) The following criteria shall be used to limit the number of accessways serving a proposed project:
 - (1) No use which generates fewer than 100 vehicle trips per day shall have more than one two-way driveway onto a single roadway. Such accessway shall be no greater than 30 feet wide.
 - (2) No use which generates 100 or more vehicle trips per day shall have more than two points of entry from and two points of egress to a single roadway. The combined width of all accessways shall not exceed 60 feet.

- (3) Accessway location and spacing. Accessways shall meet the following standards:
 - (a) Private entrances/exits shall be located at least 50 feet from the closest unsignalized intersection and 150 feet from the closest signalized intersection, as measured from edge of the private entrances/exits to edge of the intersection, excluding radii . This requirement may be reduced if the shape of the site does not allow conformance with this standard.
 - (b) Private accessways in or out of a development shall be separated by a minimum of 75 feet where possible.
- (4) Internal vehicular circulation. The layout of the site shall provide for the safe movement of passenger, service and emergency vehicles through the site.
 - (a) Nonresidential projects that will be served by delivery vehicles shall provide a clear route for such vehicles with appropriate geometric design to allow turning and backing for a minimum of WB-40 vehicles (semitrailer trucks with an overall wheelbase of 40 ft).
 - (b) Clear routes of access shall be provided and maintained for emergency vehicles to and around buildings and shall be posted with appropriate signage (for example – “Fire Lane - No Parking”).
 - (c) The layout and design of parking areas shall provide for safe and convenient circulation of vehicles throughout the lot.
 - (d) All roadways shall 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.

C. Parking layout and design. Off-street parking shall conform to the following standards:

- (1) Parking areas with more than two (2) parking spaces shall be arranged so that it is not necessary for vehicles to back into the street.
- (2) All parking spaces, access drives, and impervious surfaces shall 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 stalls and aisle layout shall conform to the following standards:

| Parking Stall Skew (degrees) | Stall Width (ft.) | Stall Length (ft.) | Width | Depth Width | Traffic Flow |
|------------------------------|-------------------|--------------------|-------|-------------|--------------|
| 90 | 9 | 18 | 24 | - | Two way |
| 60 | 9 | 18 | 18 | 16 | One way only |
| 45 | 9 | 18 | 17.5 | 12 | One way only |
| 30 | 9 | 18 | 17 | 12 | One way only |

- (4) In lots utilizing diagonal parking, the direction of proper traffic flow shall be indicated by signs, pavement markings or other permanent indications and maintained as necessary.
- (5) Parking areas for nonresidential uses shall 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.
- (6) Provisions shall 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.

D. Pedestrian access.

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

E. Buildings.

- (1) Building placement.
 - (a) The site design shall avoid creating a building surrounded by a parking lot through practical landscape design applications.
 - (b) In all districts except for the rural district, buildings shall be located as close to the front property line as possible to provide scale and interest to the auto and pedestrian environment. The majority of parking shall be located at the rear or side of the building.
 - (c) In rural district, buildings shall be set well back from the road so as to conform to the rural character of the area. If the parking is in front, a

generous, landscaped buffer between road and parking lot is to be provided. Unused areas shall be kept natural, as field, forest, wetland, etc.

- (d) All buildings shall be oriented to create useable, safe, and attractive pedestrian spaces, preserve significant site features, and minimize the appearance of parking areas.
- (2) Setback and alignment of buildings. Where there is a reasonably uniform relationship between the front walls of existing buildings and the street, new buildings shall be placed on a lot in conformance with the established relationship. For buildings on corner lots, the setback relationship of both streets shall be maintained.
- (3) Building entrances.
 - (a) The main entrance to the building shall be oriented to the street, unless the parking layout or the grouping of the buildings justifies another approach, and shall be clearly identified as such through building and site design, landscaping and/or signage.
 - (b) At building entrance areas and drop-off areas, site furnishings such as benches and sitting walls and, if appropriate, bicycle racks shall be encouraged. Additional plantings may be desirable at these points to identify the building entrance and to complement the pedestrian activity at this point.
- (4) Building and site illumination. All lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians or from adjacent dwellings. In addition:
 - (a) Building facades may be illuminated with soft lighting of low intensity that does not draw inordinate attention to the building. The light source for the building facade illumination shall be concealed.
 - (b) Building entrances may be illuminated using recessed lightings in overhangs and soffits or by use of spotlighting focused on the building entrances with the light source concealed (e.g., in landscaped areas). Direct lighting of limited exterior building areas is permitted when necessary for security purposes.
 - (c) The proposed development shall have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated. All exterior lighting shall be designed and shielded to avoid undue glare, adverse impact on neighboring properties and rights-of-way, and the unnecessary lighting of the night sky.
- (5) Drive-through facilities. Any use that provides drive-through service shall 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 site adjacent to a residential use or residential zone. Communication systems shall 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. The following minimum number of queuing spaces shall 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-throughs shall not interfere with any sidewalk or bicycle path.

| Land Use | Queuing Spaces |
|---|---|
| Banks and credit unions | 4 queuing spaces per service window/auto teller unit |
| Fast-food restaurants and coffee/ food sales without customer seating | 5 queuing spaces, plus 3 queuing spaces from order board to pay window (if provided) plus 2 queuing spaces to pickup window. If no separate pay window is provided, a total of 10 queuing spaces shall be provided. |
| Sit-down restaurants with pickup service windows, without order board | 5 queuing spaces |
| Retail pharmacy, cleaners and convenience stores | 3 queuing spaces per service window |
| Freestanding ATM | 3 queuing spaces |

F. Storage of materials.

- (1) Exposed nonresidential storage areas, exposed machinery, except for that being used in construction of the development, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse, shall 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, except for those being used in construction of the development, shall 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 shall be screened by fencing or landscaping.
- (3) Where a potential safety hazard is likely to arise, physical screening sufficient to deter individuals from entering the premises shall be provided and maintained in good condition.

G. Water supply.

Shall comply with Article VII, Section 5.B(6) except that the development shall be served by public water if it is legally accessible and is available within 500 feet of the project parcel.

H. Sewage disposal.

- (1) Shall comply with Article VII, Section 5.B(7) except that all sanitary sewage from new or expanded uses shall be discharged into the public sewage collection and treatment system when the system has adequate capacity to handle the projected

waste generation and:

- a. Such facilities are currently available at the lot line or:
 - b. If the public collection system is available by public right-of-way within one hundred (100) feet for a single family home, two family home, or other use with a design sewage flow of less than five hundred (500) gallons per day or within three hundred (300) feet of a use with a design sewage flow of more than 500 gal/day.
- (2) When two or more lots or buildings in different ownership share the use of a common subsurface disposal system, the system shall be owned and maintained in common by an owners' association. Covenants in the deeds for each lot shall require mandatory membership in the association and provide for adequate funding of the association to assure property maintenance of the system.
 - (3) Industrial or commercial wastewater may be discharged to public sewers in such quantities and/or of such quality when 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. Pretreatment standards shall be determined by the Wiscasset Waste Water Treatment Plant.

I. Utilities.

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

J. Natural features.

Natural Features - The landscape shall be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction. Extensive grading and filling shall be avoided as far as possible.

K. Water quality protection.

All aspects of the project shall be designed so that:

- (1) Except as provided for in Subsection (2), below, or elsewhere herein, 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 or wash into surface or ground waters 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 shall meet the standards of the Maine Department of Environmental Protection and the State Fire Marshal's office.

L. Hazardous, special and radioactive materials.

- (1) The handling, storage and use of all materials identified by the standards of a federal or state agency as hazardous, special or radioactive shall be done in accordance with the standards of these agencies.

M. Shoreland relationship.

When a proposed development is immediately visible from a great pond, river or stream, the development shall be designed so that it fits harmoniously into the visual environment when viewed from the water body. In predominantly natural environments, site clearing shall be minimized, natural vegetation shall be maintained adjacent to the shoreline to soften the appearance of the development and vegetation shall be retained or provided to minimize the visual intrusion of the development. In developed shoreland environments, the appearance of the new developments when viewed from the water shall be compatible with the existing visual character in terms of scale, massing and height to the maximum extent possible. Storage and service areas shall be screened or landscaped to minimize their visual impact.

N. Capacity of the applicant.

The applicant shall demonstrate that he/she has the financial and technical capacity to carry out the project in accordance with this chapter and the approved plan.

O. Solid waste management.

The proposed development shall provide for adequate disposal of solid wastes. All solid waste shall be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

P. Historic and archaeological resources.

If any portion of the site has been identified as containing historic or archaeological resources, the development shall 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. All work shall be in accordance with the Secretary of Interior's Standards for the Treatment of Historic Properties.

Q. 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 shall be consistent with the Article X, Section 4. Flood Plains Ordinance.

R. Off-Site Improvements

All off-site improvements required by the Planning Board including, but not limited to, roads, intersections, signalization, sidewalks and drainage, shall be installed by the applicant at his or her expense.

S. Groundwater Protection

The proposed site development and use shall 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 shall 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.

A. Erosion Control

The development shall not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

Soil erosion and sedimentation of watercourses and water bodies shall be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 1991.

B. Buffering

The development shall 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.

C. Additional Route 1 design standards

Notwithstanding the general provisions of the Code of Ordinances and the technical standards of Article VIII, Site Plan Review, development and redevelopment within 500 feet of that portion of Route 1 extending from the Woolwich town line to Bradford Road shall be consistent with the following standards.

- (1) Curb cuts on Route 1. Site plans shall be designed to minimize the number of curb cuts on Route 1 to increase vehicular and pedestrian safety.
- (2) Internal Connections. Where feasible, connections between parking lots and driveways on adjacent parcels shall be provided to facilitate deliveries and minimize turning movements onto major roadways. Internal connections shall provide safe, direct access between adjacent lots in a manner that prevents them from becoming vehicular shortcuts. Cross easements shall be provided as required to facilitate circulation. The site plan shall anticipate future vehicular connections to abutting undeveloped property.
- (3) Parking spaces for seasonal uses may be developed on grass surfaces or other pervious surfaces designed for parking.
- (4) Shared Access. Shared driveways along Route 1 shall be installed where feasible to reduce the number of curb cuts and provide a safer vehicular and pedestrian environment.
- (5) The minimum number of parking spaces required in Article VIII, Section 9 C may be reduced by the Planning Board if the parking lot is to be shared by two (2) or more uses that require parking during different time periods.

10. CONDITIONS ATTACHED TO SITE PLAN APPROVALS.

The Planning Board may attach such conditions, in addition to those required elsewhere in this Land Use Ordinance that would mitigate any adverse effects on adjoining or neighboring properties which might otherwise result from the proposed use. These conditions may include but not be limited to specifications for type of vegetation; increased setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; periods of operation; operational controls; professional inspection and maintenance; sureties; deed restrictions; locations of piers, docks, parking and signs; type of construction; construction of capital improvements; or any other conditions, restrictions or safeguards that would uphold the spirit and intent of this chapter.

11. PERFORMANCE GUARANTEE

The applicant shall furnish a performance guarantee for all on- and off-site improvements to be constructed as conditions of approval. Such performance guarantee, including provisions for inspection of required improvements and release of the performance guarantee, shall comply with the requirements of Article VII, Section 4.

12. POST APPROVAL ACTIVITIES.

- A. Incorporation of approved plan. One copy of the approved site plan shall be included with the application for the building permit for the project, and all construction activities shall conform to the approved plan, including any conditions of approval and minor changes approved by the Code Enforcement Officer to address field conditions.
- B. Minor changes to approved plans. Minor changes in approved plans necessary to address field conditions or structure orientation may be approved by the Code

Enforcement Officer, provided that any such change does not affect compliance with the standards or alter the essential nature of the proposal. A request for a minor change to an approved plan shall be in writing to the Code Enforcement Officer. In making the determination to approve a minor change to an approved plan the Code Enforcement Officer shall consult with the Planning Board Chairman or the Chairman's designee. Any such change shall be endorsed in writing on the approved plan by the Code Enforcement Officer and reported to the Planning Board at its first meeting following endorsement of the change by the Code Enforcement Officer.

- C. 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 and all improvements shown on the approved plan are considered conditions of approval and shall be complied with. Any variation from the plans, proposals and supporting documents, except minor changes as described in Article VIII, Section 12.B , are subject to review and approval by the Planning Board.

13. APPEAL OF PLANNING BOARD ACTIONS.

Appeal of any actions taken by the Planning Board with respect to this Article shall be made to the Wiscasset Board of Appeals in accordance with the provisions of Article II. The Planning Board's action shall not be final until the Board of Appeals has ruled on any pending appeal. The Board of Appeals' jurisdiction shall be limited to hearing requests for a variance from a dimensional requirement, to interpreting the meaning of terms which are called into question, and to hearing a request to determine if the Planning Board acted in accordance with the procedures of this Article. The Board of Appeals shall not have the authority to substitute its judgment for that of the Planning Board with respect to any of the standards of this Article.