



TOWN OF GOULDSBORO, MAINE

SITE PLAN REVIEW ORDINANCE

ADOPTED: June 18, 2002



*Revised:
June 2010
June 2013
June 2015*



SEC. 3. DEFINITIONS

3.1. 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.

3.2. 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 to the principal use or structure. Accessory uses, when aggregated shall not 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.

ARTERIAL: A controlled access road or a street or road with traffic signals at important intersections and/or stop signs on side streets or which is functionally classified by the Maine Department of Transportation as an arterial, i.e. Route One.

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

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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.

COLLECTOR STREET: A street that collects traffic from local streets and connects with arterials or a street or road functionally classified as a collector by the Maine Department of Transportation.

CURB CUT: The opening along the curb line or street right-of-way line at which point vehicles may enter or leave the street.

ENLARGEMENT OR 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 enlargements or 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.



ENLARGEMENT OR 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 enlargements or expansions of use.

FISHERIES, SIGNIFICANT FISHERIES: Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife, Atlantic Salmon Authority, 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: (See *Gouldsboro Land Use Ordinance*).

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 and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses and 2) employs no more than two (2) persons other than family members residing in the home. By way of illustration and not limitation, the term home occupation shall include making foods, such as breads, cookies, or preserves, rugs, birdhouses, fishing flies and quilts. The term "home occupation" shall also include both professional and personal services offered for remuneration.

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.

LOCAL STREET: A public street or road which is not identified as an arterial or collector. A local street includes a proposed street shown on an approved and recorded subdivision.

LOT AREA: The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

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 such as the Maine Department of Conservation Natural Areas Program as having significant value as a natural area and any areas identified in the municipality's comprehensive plan.

PHASED DEVELOPMENT: Any such plans consisting of two or more sections requiring different completion dates.

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 constructed or erected, which requires location on the ground or attached to something having a location on the ground, but not including a tent or vehicle.

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.

SEC. 4. ADMINISTRATION AND ENFORCEMENT

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

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 shall find 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 rule 80k action if he/she has been certified by the DHS and if he/she has been so authorized by the selectmen.

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

INTERPRETATION OF THE ORDINANCE

The Code Enforcement Officer (CEO) shall be responsible for administering the provisions of this ordinance including interpreting the provisions hereof.

Any person who believes that the CEO has made an error in the interpretation or application of the provisions of this ordinance, may appeal such determination in writing to the Board of Appeals as an administrative appeal. If the Board finds that the CEO erred in his/her interpretation of the ordinance, it shall modify or reverse the action accordingly.

SEC. 6. REVIEW AND APPROVAL AUTHORITY

The Planning Board is authorized to review and act on all site plans for development requiring site plan review as defined above.

In considering site plans under this provision, the Planning Board may act to approve, disapprove, or approve the project with conditions as are authorized by these provisions.

SEC. 7. REVIEW PROCEDURES

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

7.1. Preapplication

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

7.1.1. 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 Board may schedule a site inspection in accordance with subsection 7.2(5) if deemed necessary and resolve any requests for waivers and variations from the submission requirements.

7.1.2. Information Required

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

- (1) 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.

7.2. Application Submission and Review Procedures

The applicant must prepare and submit a site plan review application.

- (1) At the first meeting at which the application is considered, the Planning Board shall give a dated receipt to the applicant and, at the discretion of the Planning Board, shall notify by first-class mail property owners within one thousand (1000) feet of the parcel on which the proposed development is located. Written notification of the pending application may be provided to the Selectmen, Town Manager, Fire Chief, and Code Enforcement Officer/Plumbing Inspector.

- (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. If the application is determined to be incomplete, the Board shall notify the applicant in writing of this finding, shall specify the additional materials required to make the application complete and shall advise the applicant that the Board will not consider the application until the additional information is submitted to the Board. These steps, except the notification requirements, 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 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 (6) may be extended, which extension shall not exceed thirty (30) days after the Board is able to conduct an on-site inspection. Written notice of the on-site inspection may be provided to all parties entitled to notice under subsection (1).
- (4) As soon as the Board determines that the application is complete, the Board may: notify the applicant in writing of this finding, meet the notification requirements of subsection (4) below, and place the item on the agenda for substantive review within thirty (30) days of this finding.
- (5) The Planning Board shall give written notice of the date, time, and place of the public hearing meeting at which the application will be considered to the applicant and all persons who received the notice in (1).
- (6) The Planning Board shall take final action on said application within thirty (30) days of the public hearing determining that the application is complete. The Board shall act to deny, to approve, or to approve the application with conditions. The Board may impose such conditions as are deemed advisable to assure compliance with the standards of approval within thirty (30) days.

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 Board shall notify the applicant, all officials who received notice under (1), and all parties who requested to be notified of the action of the Board, including the findings of fact, and any conditions of approval. This requirement can be met through the distribution of minutes of the meeting containing the findings of fact and decision of the Board.

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

7.3. 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 Code Enforcement Officer. In addition, the signed plan must be recorded in the Hancock County Registry of Deeds within ninety (90) days of the vote to approve the plan, if land boundaries or features are changed. The Planning Board, by vote, may extend the filing period for good cause.

7.4. Fees

7.4.1. Application Fee

Every application for a site plan permit shall be accompanied by an application fee of either twenty-five (\$25) or one hundred dollars (\$100) as to be determined by appropriate application, to be paid by a check made payable to the Town of Gouldsboro, stating the specific purpose of the fee.

7.4.2. Site Plan Trust Account 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 review's Trust Account fee in a special interest bearing bank account separate from any and all other municipal accounts.

The Site Plan Trust Account 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 shall provide the applicant, upon written request, with a quarterly accounting of this account and the Town Treasurer shall refund all of the remaining monies, including accrued interest, in the account 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 Trust Account Fee.

SEC. 8. SUBMISSION REQUIREMENTS

Applications for site plan review must be submitted on application forms provided by the municipality. The complete application form, evidence of payment of the required fees, and the required plans and related information must be submitted to the Chair of the Planning Board.



The Planning Board may waive any of the submission requirements based upon a written request of the applicant. Such request must be made at the time of the preapplication conference or at the initial review of the application if no preapplication 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 applications 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 technical review 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:

8.1. General Information

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- (1) record owner's name, address, and phone number and applicant's name, address and phone number if different.
 - (2) the location of all required building setbacks, yards, and buffers.
 - (3) names and addresses of all 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) a stamped, certified survey map of the site to be developed, produced by a registered land surveyor.
 - (7) the tax map and lot number of the parcel or parcels on which the project is located.
 - (8) 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.
 - (9) the name, registration number, and seal of the person who prepared the plan, if applicable.
 - (10) in addition, the Planning Board may request evidence of the applicant's technical and
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financial capability to carry out the project as proposed.

8.2. Existing Conditions

- (1) Zoning classification(s), including overlay and/or subdistricts, of the property and the location of zoning district boundaries if the property is located in two (2) or more zoning districts or subdistricts or abuts a different district. (See Shoreland Zoning Ordinance).
- (2) the bearings and length of all surveyed property lines of the property to be developed and the source of this information.
- (3) location and size of any existing sewer and water mains, culverts and drains, on-site sewage disposal systems, wells, underground tanks or installations, and power and telephone lines and poles on the property to be developed.
- (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) the location, dimensions and ground floor elevation of all existing buildings on the site.
- (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, front view, dimensions, and lighting of existing signs.
- (9) location and dimensions of any existing easements and copies of existing covenants or deed restrictions.

8.3. Proposed Development Activity

- (1) 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.
- (2) provisions for handling all solid wastes and the location and proposed visual screening of any on-site collection or storage facilities.

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- (3) the location and dimensions of proposed driveways, parking and loading areas, (paved or unpaved) and walkways and any changes in traffic flow onto or off-site.
 - (4) proposed landscaping and buffering.
 - (5) the location, dimensions, and ground floor elevation of all proposed buildings or building expansion proposed on the site.
 - (6) a general description of the proposed use or activity.
 - (7) an estimate of the peak hour and daily traffic to be generated by the project.

8.4. Approval Block

Space must be provided on the plan drawing for the signatures of the Planning Board and date together with the following words, "Approved: Town of Gouldsboro Planning Board.

SEC. 9. 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.

9.1. 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.

9.2. 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.

9.3. 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.

9.4. 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.

9.5. Internal Vehicular Circulation

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

- (1) Nonresidential projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing for a minimum of WB-40 vehicles.
- (2) Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane- no parking).

- (3) The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.
- (4) All roadways must be designed to harmonize with the topographic and natural features of the 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.

9.6. Parking Layout and Design

Off-street parking must conform to the following standards:

- (1) Parking areas with more than two (2) parking spaces must 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 must be located at least twenty-five (25) 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 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"	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.

9.7. 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.

9.8. 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 downstream 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.

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- (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.

9.9. 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.

9.10. Water Supply

The development must be provided with a system of water supply that provides each use with an adequate supply of water. The applicant must certify through a professional survey that adjacent water supplies are not adversely impacted.

9.11. Sewage Disposal



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

9.12. Natural Features

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

9.13. 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 Marshall's Office.
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(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.

(4) The applicant shall produce a restrictive covenant that he/she will record prior to any sale, and the restrictions should also appear on the site plan and in each deed.

9.14. 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.

9.15. 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.

9.16. 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.

9.17. 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.

9.18. 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.



SEC. 10. POST APPROVAL ACTIVITIES

10.1. Limitation of Approval

Substantial construction of the improvements covered by any site plan approval must be commenced within six (6) months of the date upon which the approval was granted. If construction has not been substantially commenced and substantially completed within the specified period, the approval shall be null and void. The applicant may request an extension of the approval deadline prior to the expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to *two (2), six (6)* month extensions to the 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.

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.

10.2. 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 Code Enforcement Officer to address field conditions.



10.3. 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 Code Enforcement Officer.

10.4. Improvement Guarantees

10.4.1. Application

- (1) Improvement Guarantee - The Planning Board may require the posting of an improvement guarantee in such amount and form as specified in subsection 10.4.2. 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 Code Enforcement Officer / Building Inspector. 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.



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 - (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 Code Enforcement Officer / Building Inspector. 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 Code Enforcement Officer / Building Inspector.
 - (4) If the improvements are approved, the guarantee shall be released. Where partial approval is granted, the developed shall be released from liability only for that portion of the improvements approved.
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10.4.2 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.

10.5. Minor Changes to Approved Plans

Minor changes in approved plans necessary to address field conditions 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. Any such change must be endorsed in writing on the approved plan by the Code Enforcement Officer/Building Inspector.

10.6. 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.

SEC.11. APPEAL OF PLANNING BOARD ACTIONS

Appeal of any actions taken by the Planning Board with respect to this section shall be to the Appeals Board who will conduct a hearing de novo, and render its independent judgment. Any such appeal must be filed thirty (30) days of the date upon which the Planning Board voted to take action on the application. Any aggrieved party may appeal the action of the Planning Board.

SEC. 12. AMENDMENTS TO THE ORDINANCE

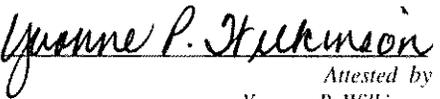
Amendments of this ordinance may be initiated by the Planning Board, or as specified in *Title 30-A M.R.S.A. §2522*.

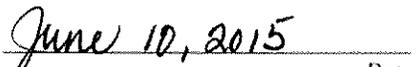
No proposed amendments to this ordinance shall be referred to the Town Meeting until the Planning Board have held a public hearing on the proposal, notice of which shall be posted at least fourteen (14) days prior to such hearing and advertised in a newspaper of general circulation in the municipality 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.

SEC. 13. SEVERABILITY

The invalidity of any section or provision of this ordinance shall not be held to invalidate any other section or provision of this ordinance.


Attested by
Yvonne P. Wilkinson
Town Clerk of Gouldsboro


Date