

## SECTION 7 – SITE PLAN REVIEW

### A. PURPOSES

The purposes of a site plan review are to:

1. Provide a level of municipal review that would not otherwise occur, of projects that potentially could impact the community.
2. Conserve the Town's natural beauty and visual character by ensuring that structures, signs and other developments are properly related to their sites and to surrounding sites and structures, especially in regard to the natural terrain and landscaping, and that the exterior appearances of structures, signs and other improvements are harmoniously related to their environment.
3. Sustain the comfort, health, tranquility and contentment of residents, and thus to promote and protect the health, welfare and safety of the Town of Sebago.
4. ~~The Committee shall vote to commence Substantive Review in accordance with Maine State 1M.R.S.A. §302.~~

### B. APPLICABILITY

1. Site plan approval by the Planning Board in conformance with the criteria and standards of this Section, shall be required for uses in each district which specifically require Planning Board site plan approval, as set forth in Section 4 – F (Schedule of Uses).; Once a property has been the subject of a site plan approval, any if there is a change of use of that property, shall be regardless of size, the new use is subject to site plan review.
2. No development shall take place within Sebago nor shall any land be cleared or altered, nor shall any watercourse be diverted or its channel or floodplain dredged or filled, nor shall any parking areas, accessory or otherwise, be constructed, installed or enlarged, nor shall any building permit, certificate of occupancy or other required permit be issued with respect to any such structures, land or parking area, except in accordance with any approval by the Planning Board of such development granted according to the requirements of this Ordinance.
3. Exempted from this Ordinance are:
  - a. Detached single and two-family dwellings and their accessory buildings and parking areas as permitted by applicable zoning regulations except that this exemption shall not apply to accessory apartments
  - b. Agricultural and forestry uses, other than the Village District
  - c. The construction of a parking area for less than three vehicles, and which is not for commercial use.
  - d. Interior improvements which meet code requirements

- e. External changes to a building which will close an existing entrance or create a new one or a building extension totaling less than one hundred (100) square feet of gross floor area.
4. Construction, site development and landscaping shall be carried out in accord with the plans, drawings, sketches and other documents approved by the Board, unless altered with Board approval.
5. Any approved subdivision consisting of single and two-family dwellings which complies with the Subdivision Ordinance of Sebago shall be deemed to satisfy the site plan criteria of this Section.
6. ~~Waiver – Where the Planning Board finds that, due to special circumstances of a particular Plan, the provisions of certain criteria and standards and the payment of specified fees are not requisite in the interest of public to the extent permitted by law.~~

#### C. CLASSIFICATION OF PROJECTS

Projects subject to site plan review shall be divided into two (2) classes, minor developments and major developments. Minor developments shall include those projects involving the construction or addition of less than five thousand (5,000) square feet of gross non-residential floor area, projects involving the installation of less than five thousand (5,000) square feet of impervious surfaces, projects involving the creation of less than five (5) dwelling units, projects involving the conversion of existing buildings or structures from one use to another use that requires site plan approval.

Major developments shall include projects involving the construction or addition of five thousand (5,000) or more square feet of gross non-residential floor area, projects involving the installation of five thousand (5,000) or more square feet of impervious surfaces, projects involving the creation of five (5) or more dwelling units, projects involving the establishment or expansion of a campground or mobile home park, projects involving extraction industries, other projects requiring review which are not classified as a minor development.

The Planning Board shall classify each project as a minor or major development. If the applicant is uncertain as to the classification of the project, he/she may request a determination.

[If an applicant is uncertain as to the classification of the project, he/she may request a determination by the Town Planner prior to submission of the application.](#)

#### D. ADMINISTRATION

The following procedures and requirements shall apply to all applications for site plan review unless waived by the Planning Board.

1. **PRE-APPLICATION MEETING** – Applicants are encouraged to schedule a meeting with the Planning Board, prior to a formal submission for review, so as to discuss their plans and gain an understanding of the review procedures, requirements and standards. The Planning Board may waive specific application submission requirements when an applicant can show that such requirements are not relevant to the proposed project.

2. **SUBMISSION OF APPLICATIONS TO TOWN PLANNER IN WRITING**— All applications for Planning Board site plan approval shall be submitted to the Town made in writing to the attention of the Town Planner Code Enforcement Officer on forms provided for this purpose accompanied by the applicable fee established by the Select Board.

For major projects, applications for site plan approval shall not be submitted until a site inventory and analysis is first submitted to the Code Enforcement Officer and reviewed by the Planning Board. The Planning Board shall act on the completeness of the site plan inventory and analysis within thirty (30) days of its receipt.

The application shall be made by the owner of the property or his/her agent, as designated in writing by the owner.

The Code Enforcement Officer shall make an initial determination of the completeness of the application, which shall be subject to the determination of the Planning Board.

The Town Planner shall classify each project as a minor or major development. For projects that are classified as major developments, the applicant shall provide a site inventory analysis in accordance with Section 7.F before the application is placed on the agenda of a Planning Board meeting for a completeness determination. If the Town Planner determines that the application does not contain sufficient information for classification of the project as a minor or major development or for placement on the agenda of a Planning Board meeting for a completeness determination, the Town Planner shall give the applicant an indication of the additional information that will be required before the application will be placed on an agenda of the Planning Board.

3. **PLANNING BOARD COMPLETENESS DETERMINATION** – If the Town Planner determines that an application contains all the documentation required by this Ordinance, the application shall be placed on the agenda of a Planning Board meeting for a completeness determination. For projects classified as major developments, the applicant shall mail notice of the Planning Board meeting by certified U.S. mail, return receipt requested, to the owners of abutting and nearby properties, as described in Section 7.G.3, at least ten (10) days prior to the meeting. The applicant shall cause notice of the meeting to be published in the Bridgton News at least seven (7) days prior to the meeting. The Town Clerk shall publish notice of the meeting on the Town's website at least seven (7) days prior to the meeting. Prior to making a completeness determination on a project classified as a major development, the Planning Board shall provide the public an opportunity to comment on whether or not the application is complete. If the Planning Board determines that an application is not complete, it shall provide the applicant with an indication of the additional information that will be required in order for the application to be placed on an agenda of a subsequent Planning Board meeting. The Planning Board shall have the authority to reclassify a project that the Town Planner has classified as a minor development to a major development. In that event, the Planning Board shall require the applicant to submit a site inventory analysis in accordance with Section 7. E, and to submit a revised list of abutting and nearby property owners as required for a major development by Section 7.G.3. Notice of any subsequent meeting of the Planning Board to review the application as a major development shall be given in accordance with the requirements of this section.

**FEES**—An application for site plan approval shall be accompanied by a fee of one hundred (100) dollars plus fifty (50) dollars per dwelling unit for residential projects or fifty (50) dollars per two thousand

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(2,000) square foot of gross floor area or ground excavation for commercial, institutional, and industrial projects. This application fee shall be made by check payable to the Town of Sebago. This fee shall not be refundable.

4. **VOTE TO COMMENCE SUBSTANTIVE REVIEW** – Once the Planning Board has determined that an application is complete, it shall adopt a vote to commence substantive review either at the same or a subsequent meeting. Until such a vote has been taken, the Planning Board shall not engage in further discussion or review of the application.

**PLANNING BOARD AGENDA** – The completed application for site plan review, together with the documentation required in these regulations, shall be placed on the Planning Board's agenda for consideration at its next scheduled meeting.

However, any application which the Code Enforcement Officer initially determines to be incomplete shall not be placed on the agenda but shall be returned to the applicant by the Code Enforcement Officer with an indication of the additional information required. When this additional information has been supplied, the Code Enforcement Officer shall place the application on the Planning Board's agenda.

The Planning Board shall make a final determination of the completeness of the application. Within sixty (60) days of the receipt of a completed application, as determined by the Planning Board, the Board shall act to approve or disapprove the site plan as submitted or amended.

If the Board votes to disapprove an application, the owner or his authorized agent shall be notified in writing and the specific causes of disapproval shall be noted.

If the Board votes to approve the site plan application, the Code Enforcement Officer shall issue a building permit, provided that all other requirements of this Ordinance are met.

5. **PUBLIC HEARING** – Prior to taking final action on any site plan application classified as a minor development, the Planning Board may hold a public hearing on the project. The Planning Board must hold a public hearing on any project that has been classified as a major development either by the Town Planner or the Planning Board. When a public hearing is placed on an agenda of a Planning Board meeting, the applicant shall mail notice by certified mail to the owners of abutting and nearby properties in accordance with Section 7. G. 3. at least ten (10) days prior to the public hearing. The applicant shall also cause notice of the public hearing to be published in the Bridgton News at least seven (7) days prior to the hearing. The Town Clerk shall post a notice of the public hearing on the Town's website at least seven (7) days prior to the hearing. The applicant shall provide evidence to the Planning Board that the required notices have been mailed, and that the required notice has been published in the Bridgton News.
6. **FINAL DECISION BY THE PLANNING BOARD** – Within sixty (60) days of a vote by the Planning Board to commence substantive review, or if a hearing is held, within thirty (30) days of the close of the public hearing, the Planning Board shall vote to approve, approve with conditions, or deny the application. These time limits may be extended by the Planning Board with the agreement of the applicant. The Planning Board is encouraged to request the Town Planner to assist the Planning Board in preparing proposed findings of fact, conclusions of law and conditions of approval for consideration by the Planning Board. The Planning Board may permit the applicant and other

parties to submit proposed findings of fact, conclusions of law, and conditions of approval and to make legal argument prior to adopting a final vote. In any case, the written decision of the Planning Board should contain findings of fact, conclusions of law, and any conditions of approval imposed by the Planning Board. If the Planning Board votes to disapprove an application, the decision shall include the grounds for disapproval. The written decision of the Planning Board shall be provided to the applicant and the other parties to the proceeding. If the Planning Board votes to approve or approve with conditions, the Code Enforcement Officer shall issue a building permit for the development provided all other requirements of this Ordinance and other local, state and federal requirements are met.

## **7. PROFESSIONAL REVIEW**

- a. **Professional services** – The Town Planner may recommend that the Planning Board establish an escrow account at the applicant's expense to enable the Planning Board to retain independent consultants to assist the Planning Board in its review of the application. The Planning Board may require that an expert consultant or consultants review one or more submissions of an application and report as to compliance or non-compliance with this Ordinance, and advise if necessary, of procedures which will result in compliance. The Planning Board consultant(s) shall estimate the cost of such review and the applicant shall deposit with the Town the full estimated cost which the Town shall place in an escrow account. The Town shall pay the consultant(s) from the escrow account and reimburse the applicant if funds remain after payments are completed. The consultant(s) shall be fully qualified to provide the required information, and shall be mutually acceptable to the Town and the applicant.
- b. **Additional studies** – The Planning Board may require the applicant to undertake any study which it deems reasonable and necessary to insure that the requirements of the Ordinance are met. The costs of all such studies shall be borne by the applicant.

8. **ACCESS TO THE SITE** – 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 all records and documents related to the project.

9. **PUBLIC HEARING** – Prior to taking final action on any site plan review application, the Planning Board may hold a hearing to afford the public the opportunity to comment on the application. If a public hearing is held, abutting property owners shall be notified by certified, return receipt mail, at least ten (10) days prior to the meeting, by the applicant, of a pending application for site plan review. The hearing shall be advertised in the Bridgton News by the applicant, at least ten (10) days prior to the hearing, but not more than fourteen (14) days prior to the meeting.

The return receipt cards (or undeliverable letter) shall be provided to the Planning Board to match the abutters list submitted with the application. Copies of the advertisements shall also be provided to the Planning Board.

Notice shall be posted in three (3) prominent places in Sebago, by the Town Clerk, at least ten (10) days prior to the hearing. All of these notices shall indicate the physical address of the application, the nature of the application, and the time, date, and place of the hearing.

- 40-9. FINANCIAL GUARANTEE** – The [Planning](#) Board may require the applicant to show financial capacity to complete the development as approved and may require the posting, prior to final approval of any plan, of a bond, [letter of credit](#) or escrow agreement, in such amount as is approved by the Board as being reasonably necessary to ensure completion of all improvements required as conditions of approval of such plan, in such form as approved by the [Planning](#) Board.
- 44-10. CONDITIONS** – The Planning Board may attach reasonable conditions to site plan approvals to ensure conformance with the standards and criteria of this Ordinance.
- 42-11. BUILDING PERMIT** – One copy of the approved site plan shall be included in the application for a building permit. The applicant must comply with all [other local](#), State and Federal requirements and receive all relevant approvals before any development activities may begin. The Building Inspector or Code Enforcement Officer shall issue a building permit if he/she determines that the application [for building permit](#) complies with the plan approved by the Board.
- 13-12. APPEALS** – An appeal from any [decision order, relief, or denial](#) of the Planning Board may be taken by any party to the Board of Appeals and then to Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80B8. [Any such appeal shall be filed no later than thirty \(30\) days from the date of the final approval of the Planning Board.](#)
- 44-13. VIOLATIONS** – Failure to comply with any conditions of the Site Plan ~~approval~~[Review](#), subsequent to approval of the Plan, or any specific activity violating the conditions of approval, shall be construed to be a violation of this Ordinance and shall be the grounds for revoking the approval, initiating legal proceedings to enjoin construction and/or applying a fine of ~~not more than one~~ hundred dollars (\$100) [up to two thousand five hundred dollars \(\\$2500\)](#) for each day the violation continues to exist ~~after official notification by the Code Enforcement Officer.~~
- 14. EXPIRATION OF APPROVALS** – All site plan approvals shall expire [if construction is not commenced and completed within the time limits established under Section 6. H. within one \(1\) year of the date of issuance unless work has commenced. If work is not completed within two years from the date of issuance, a new application must be made.](#)

#### E. CONTENTS OF SITE INVENTORY AND ANALYSIS

The site inventory and analysis is intended to provide both the applicant and the Planning Board with an understanding of the site and the opportunities and constraints to its use created by both the natural environment and the built environment. Therefore, the submission requirements provide that both basic information about the site and an analysis of that information be submitted.

The site inventory and analysis submission shall contain, at a minimum, the following information:

- 1. OWNERS** – The names and addresses of the owner of record and the applicant
- 2. CONSULTANTS** – The names and addresses of all consultants working on the project
- 3. SCALE PLAN** – Seven (7) 11" x 17" copies and two (2) 24" x 32" copies of an accurate scale plan of the parcel at a scale of not more than fifty (50) feet to the inch showing at a minimum:

- a. The name of the development, north arrow, date and scale
  - b. The boundaries of the parcel
  - c. The topography of the site at an appropriate contour interval (2 foot to 5 foot) depending on the nature of the use and character of the site
  - d. Major natural features of the site including wetlands, streams, ponds, flood plains, groundwater aquifers, significant wildlife habitats or other important natural features
  - e. Existing restrictions or easements on the site
  - f. The location and size of existing utilities or improvements servicing the site
  - g. Soils information if on-site sewage disposal is proposed. This information should be detailed enough to allow those portions of the site not suitable for on-site disposal systems to be identified.
4. **NARRATIVE** – Seven (7) copies of a narrative describing the existing conditions of the site, the proposed use and the constraints or opportunities created by the site. This submission should include any traffic studies, utility studies, market studies or other preliminary work that will assist the Planning Board in understanding the site and the proposed use.
  5. **SITE PLAN ANALYSIS** – Seven (7) copies of a site analysis plan at the same scale as the inventory plan highlighting the opportunities and constraints of the site. This plan should enable the Planning Board to determine which portions of the site are unsuitable for development or use, which portions of the site are unsuitable for on-site sewage disposal if public sewerage is not available, which areas of the site have development limitations (steep slopes, poor soils, wetlands, aquifers, wildlife habitat, scenic areas, flood plains, drainage, etc.) that must be addressed in the development plan, areas where there may be off-site conflicts or concerns (e.g., noise, lighting, traffic, etc.) and areas well suited to the proposed use.
  6. **SUMMARY NARRATIVE** – A summary narrative of the key constraints and opportunities that need to be addressed in the development plan.

#### F. REVIEW OF SITE INVENTORY AND ANALYSIS

The review of the site inventory and analysis shall be informational and shall not result in any formal approval or disapproval of the project by the Board. The Board shall review the submission to determine if the information provides a clear understanding of the site and the opportunities and constraints they create for its use and development. If additional information or analysis is required, the Board shall advise the applicant of this in writing. The outcome of the review process shall be a determination by the Board of the issues and constraints that must be addressed in the formal site plan review application.

#### G. SITE PLAN REVIEW APPLICATION

~~Applications for site plan review shall be submitted on application forms provided by the Town. The complete application form, required fees, and the required plans and related information shall~~

~~be submitted to the Code Enforcement Officer who shall forward it to the Chairman of the Planning Board. Site Plan applications. The submission~~ shall contain at least the following exhibits and information:

1. **SIGNED COPY** – A fully executed and signed copy of the application for site plan review
2. **MAPS AND DRAWINGS** – One (1) original of all maps and drawings on durable, permanent transparency material
3. **WRITTEN MATERIALS** – ~~Eight (8) Seven (7)~~ copies of written materials plus ~~eight (8) seven (7)~~ sets of maps or drawings containing the information listed below. The written materials shall be contained in a bound report. The maps or drawings shall be at a scale sufficient to allow review of the items listed under approved criteria, but in no case shall be more than fifty (50) feet to the inch for that portion of the tract of land being proposed for development.

**a. General information**

1. Owner's name, address and signature and applicant's name and address if different
2. The name of the proposed development
3. Names and addresses of all abutting and nearby property owners within the following distances of the edge of the property lines as listed in the property tax records of the Town of Sebago:

a. For Minor Developments and Subdivisions with four (4) or fewer lots:

Village District – One-hundred-fifty (150) feet including abutters and owners of land located across streets, roads and rights-of-way~~s~~.

Rural Residential District – Two-hundred-fifty (250) feet including abutters located across streets, roads and rights-of-way~~s~~.

Rural District – Five hundred (500) feet including owners of land located across streets roads and rights-of-way~~s~~.

b. For Major Developments and Subdivisions with five (5) or more lots:

In all Districts – five hundred (500) feet including abutters and owners of land across streets, roads, and rights-of way.

- ~~3-4.~~ Sketch map showing general location of the site within the town
- ~~4-5.~~ 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.
- ~~5-6.~~ The tax map and lot number of the parcel or parcels



~~6.7.~~ A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.

~~7.8.~~ The name, registration number and seal of the land surveyor, architect, engineer and/or similar professional who prepared the plan.

**b. Existing conditions**

1. Zoning classification(s) of the property and the location of zoning district boundaries if the property is located in two (2) or more zoning districts or abuts a different district
2. The bearings and distances of all 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 the property to be developed and of any that will serve the development from abutting streets or land
4. Location, names, and present widths of existing streets and rights-of-ways within or adjacent to the proposed development
5. The location, dimensions and ground floor elevations of all existing buildings on the site
6. The location and dimensions of existing driveways, streets, parking and loading areas and walkways on the site
7. Location of intersecting roads or driveways within two hundred (200) feet of the site
8. The location of open drainage courses, wetlands, stands of trees, and other important natural features, with a description of such features to be retained
9. The direction of existing surface water drainage across the site
10. The location, front view and dimensions of existing signs
11. Location and dimensions of any existing easements and copies of existing covenants or deed restrictions

**c. Proposed development activity**

1. The location of all building setbacks, yards and buffers required by this Ordinance

2. The location, dimensions, and ground flood elevations of all proposed buildings on the site
3. The location and dimensions of proposed driveways, parking and loading areas, and walkways
4. The location and dimensions of all provisions for water supply and wastewater disposal
5. The direction of proposed surface water drainage across the site
6. Location, front view, and dimensions of proposed signs
7. Location and type of exterior lighting
8. Proposed landscaping and buffering
9. Copies of applicable State and Federal approvals and permits, provided however, that the Board may approve development plans subject to the issuance of specified State and Federal approvals and permits where it determines that it is not feasible for the applicant to obtain them at the time of site plan review.
10. A schedule of construction, including anticipated beginning and completion date

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

The approved site plan application shall be recorded only if authorized by the Planning Board or if it is a combined application for site plan and subdivision approval.

**4. ADDITIONAL INFORMATION FOR MAJOR DEVELOPMENTS** – Applications for major developments shall include the following additional information:

- a. **Topography** – Existing and proposed topography of the site at two (2) foot contour intervals, or such other interval as the Planning Board may determine.
- b. **Storm water plan** – A storm water drainage plan showing:
  1. The existing and proposed method of handling storm water run-offs
  2. The direction of flow of the run-off through the use of arrows
  3. The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers
  4. Engineering calculations used to determine drainage requirements based upon the 25-year 24-hour storm frequency, if the project will significantly alter the

existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.

- c. **Ground water impact analysis** – A groundwater impact analysis prepared by a groundwater hydrologist for projects involving common onsite water supply or sewage disposal facilities with a capacity of two thousand (2,000) gallons per day.
- d. **Utility plan** – A utility plan showing provisions for water supply and wastewater disposal including the size and location of all piping, holding tanks, leach fields, etc. and showing the location and nature of any solid waste collection facility and all electrical, telephone, and any other utility services to be installed on the site.
- e. **Landscaping plan** – A landscaping plan keyed to the site plan and indicating the varieties and sizes of trees, shrubs, and other plants to be planted on the site and other landscaping arrangements.
- f. **Signs** – The location, size and character of all signs
- g. **Erosion control plan** – An erosion and sedimentation plan showing plans for before and after construction. Approval from the appropriate State or Federal Soil and Water Conservation agency in this area is required.
- h. **Lighting plan** – Lighting plans showing the location, type, radius and intensity in foot-candles of all exterior lighting
- i. **Traffic impact analysis** – A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent streets.
- j. **Water supply statement** – If a public water supply is to be used, a written statement from the Utility District as to the adequacy of the water supply in terms of quantity and pressure for both domestic and fire flows.
- k. **Streets and sidewalks** – The location, width, typical cross-section, grades and profiles of all proposed streets and sidewalks
- l. **Construction drawings** – Construction drawings for streets, sanitary sewers, water and storm drainage systems, designed and prepared by a professional engineer registered in the State of Maine.
- m. **Public use areas** – 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 they are accepted by the Town.

- n. **Covenants, deed restrictions** – 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.
- o. **Dedication and conveyance** – 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 open spaces, title to which is reserved by the developer, are to be maintained.
- p. **Homeowner's association** – If the development is a condominium or a clustered development, evidence that all requirements relative to establishment of a homeowners' association or condominium owners' association have been met. If the development is a clustered development, evidence shall be presented that all other requirements of this Ordinance pertaining to clustered developments have been met. The submission shall include copies of the by-laws of any homeowners' or condominium association charged with maintaining common spaces and lands. Homeowners' associations or condominium documents shall clearly state that the association or condominium shall properly maintain private roadways serving the development after the developer has legally relinquished that responsibility and until such time as the Town may accept them as public ways.
- q. **Costs** – Cost of the proposed development and evidence of financial capacity to complete it. This evidence should be in the form of a letter from a bank or other source of financing indicating the name of the project, amount of financing proposed, the portion financed and interest in financing the project.

5. **Narrative** – A narrative and/or plan describing how the proposed development scheme relates to the site inventory and analysis if the application is for a major development.

6. **Waiver** -- The Planning Board may modify or waive any applicable submission requirement when the Board determines that such submission requirement (1) is not necessary for the Board to evaluate the application against the standards in Section 7; (2) will not adversely affect the general health, safety, or welfare of the Town; and (3) is not contrary to the purposes of this Ordinance.

## H. CRITERIA AND STANDARDS

All applications for Site Plan approval shall comply with the provisions and standards of Sections 4 (Schedule of Uses) and 5 (Land Use Standards), of this Ordinance. In addition, the following criteria and standards shall be utilized by the Planning Board in reviewing applications for site plan review. These standards are intended to provide a guide for the applicant in the development of the site and building plans as well as a method of review for the Board. The Planning Board may require an expert consultant or consultants to study and report as to compliance or non-compliance with these standards and to advise, if necessary, of procedures which will result in compliance. Such consultants shall be fully qualified to provide the required information and shall be mutually acceptable to the Town and the applicant. Costs shall be borne by the applicant.

The Planning Board may waive the criteria presented in this section upon a determination by the Planning Board that the criteria are not applicable to the proposed development or upon a determination by the

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Planning Board that the application of these criteria are not necessary to carry out the intent of this Ordinance. The Planning Board shall approve the site plan unless the plan does not meet the intent of one (1) or more of the following criteria provided that the criteria were not first waived by the Planning Board.

The Planning Board in reviewing projects requiring Site Plan Approval under this Ordinance shall make positive written findings that the applicant has ~~met its burden of demonstrating submitted clear and convincing evidence~~ that:

1. **BUFFERS, SCREENING, LANDSCAPING, NATURAL FEATURES** – Adequate provision has been made with regard to buffers, screening, landscaping, and the preservation and enhancement of significant natural features.
2. **BURDEN ON MUNICIPAL SERVICES** – Adequate provision has been made to avoid any undue burden on municipal services.
3. **CONGESTION, UNSAFE CONDITIONS** – Any traffic increase attributable to the proposed project will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed development.
4. **GROUNDWATER PROTECTION** – The proposed site development and use shall not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems. Projects involving common on-site water supply or sewage disposal systems with a capacity of two thousand (2000) 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.
5. **HAZARDS/NUISANCES** – Adequate provision has been made to avoid any hazard to travel on public or private ways, or any glare or other nuisance to the use of adjoining public or private property.
6. **IMPACT ON NEIGHBORING PROPERTIES** – Adequate provision has been made to prevent any undue adverse effect upon adjacent or nearby properties.
7. **OFF-STREET PARKING AND LOADING** – Adequate provision has been made for off street parking and loading.
8. **OPEN SPACE**
  - a. Common open space areas shall be contiguous, where possible.
  - b. Common open spaces as shown on any approved development plan shall contain a notation that common open space areas shall not be further developed for any other use.
  - c. When reviewing the location and type of open space designated in an application, the Planning Board shall require:

1. Individual lots, buildings, streets, and parking areas shall be designed and situated:
    - a. to minimize alterations of the natural site
    - b. to avoid the adverse effects of shadows, noise and traffic on the residents of the site
    - c. to relate to surrounding properties and to improve the view from and of buildings
  2. Diversity and originality in lot layout and individual building, street, parking and lot layout shall be encouraged.
  3. Open space shall include irreplaceable natural features located on the tract (such as, but not limited to, stream beds, significant stands of trees, individual trees of significant size, and rock outcroppings).
  4. Open space intended for recreation or public use shall be determined by the size, shape, topographic and location requirements of the site.
9. **OUTDOOR DISPLAY/STORAGE** – Adequate provision has been made to locate and design proposed outdoor display and/or storage areas so as to avoid any safety hazard to vehicular and pedestrian traffic on and off the site.
10. **PROPER OPERATION OF PROPOSED USE** – Adequate provision has been made to assure the proper operation of the proposed business(es) or activity(ies) on the site through the provision of adequate and appropriate utilities, drainage, water supply, sewage disposal, solid waste disposal, access, parking and loading, and other necessary site improvements.
11. **PUBLIC HEALTH, SAFETY, WELFARE** – Adequate provision has been made to prevent any significant adverse effect upon the public health, safety, or general welfare of the neighborhood or community.
12. **SCENIC AREAS/NATURAL BEAUTY** – Adequate provision has been made, including, but not limited to modification of the proposed design of the site, timing of construction, and limiting the extent of filling or excavation, to protect to the maximum extent possible, the scenic or natural beauty of the area including scenic areas designated in the Comprehensive Plan, aesthetics, historic sites, archaeological resources, rare and irreplaceable natural areas, wildlife habitats including deer wintering areas identified in the Comprehensive Plan, existing uses, air quality, water quality, or other natural resources within the town or in neighboring towns.
13. **SHORELAND VEGETATION/VISUAL ACCESS** – Whenever a project is situated, in whole or in part, within two hundred fifty feet (250'), horizontal distance, of the normal high-water line of any great pond or river, or within two hundred fifty feet (250') horizontal distance, of the upland edge of a freshwater wetland, or within seventy five feet (75'), horizontal distance, of the normal high-water line of a stream, adequate provision has been made to conserve shoreland vegetation, visual points of access to waters as viewed from public facilities, and actual points of public access to waters.

14. **SOILS** – That the proposed project will be built on soil types which are suitable to the nature of the project and that adequate provision has been made to avoid erosion, contamination of ground or surface waters, interference with adjacent land, over-burdening of natural or artificial drainage systems, and/or any other adverse effects of inadequate drainage.
15. **SPECIAL FEATURES** – Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
16. **TRAFFIC MOVEMENT** – Adequate provision has been made for traffic movement of all types, including pedestrian, into, out of, and within the proposed project. The Board shall consider traffic movement both on-site and off-site in making its determination under this criterion.
17. **UTILITIES**
- a. All utilities included in the site plan shall be reviewed as to their adequacy, safety and impact on surrounding properties. Storm drainage, sanitary waste disposal, solid waste collection and disposal, water supply, electricity and telephone services shall be reviewed.
  - b. The following criteria shall be followed:
    - 1. Emphasis shall be placed on the protection of floodplains; reservation of stream corridors; establishment of drainage rights-of-ways and the adequacy of the existing system; the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage; provide for treatment of effluent, and maintain an adequate supply of potable water at sufficient pressure.
    - 2. Whenever feasible, utility lines shall be installed underground.
    - 3. Any utility installations above ground shall be located so as to have a harmonious relationship with neighboring properties and the site.
18. **WASTE DISPOSAL** – The proposed development shall provide for adequate disposal of solid wastes and hazardous wastes.
- a. All solid waste shall be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.
  - b. All hazardous wastes shall be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted
19. **OTHER LOCAL ORDINANCES** – The proposed development will comply with all applicable standards of this Ordinance and any other ordinances of the Town of Sebago.

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