SITE PLAN REVIEW ORDINANCE
TOWN OF STRONG, MAINE
AMENDED, MARCH 2, 2013

Attest: A True Copy

Town Clerk

At 3/2/2013 Strong Annual
Town Meeting it was voted to enact
Site Plan Review Ordinance as amended

SITE PLAN REVIEW ORDINANCE OF THE TOWN OF STRONG, MAINE

Amended March 2, 2013

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SITE PLAN REVIEW ORDINANCE OF THE TOWN OF STRONG, MAINE

SECTION I GENERAL

A. TITLE

This Ordinance shall be known and cited as the "Site Plan Review Ordinance" of the Town of Strong, Maine, and will be referred to as "this Ordinance."

B. AUTHORITY

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, part 2, Section 1 of the Maine Constitution, the provisions of Title 30-A, MRSA Section 3001 (Home Rule), and the State's Growth Management Law, Title 30-A, MRSA, Sections 4312 et.seq.

C. PURPOSES

The purposes of this Ordinance are:

1. To implement the provisions of the Town's Comprehensive Plan.

2. To promote orderly growth in the Town.

3. To minimize adverse impacts of commercial and industrial Development or redevelopment on municipal services and on the environment of the Town.

4. To promote public safety.

D. APPLICABILITY

This Ordinance shall apply to the following types of Development, which term means construction, placement or installation of buildings or structures or commencement of uses or activities for commercial, retail, industrial, institutional, residential institutional, recreational or utility purposes or expansion or alteration of the same:

1. Minor Development as defined

2. Major Development as defined

The Planning Board may reclassify a Minor Development to a Major Development based on the projected impact of the Development.

The following uses and structures shall be exempt from all provisions of this Ordinance.

1. Normal and customary agricultural practices and the harvesting of Timber;

2. Home occupations;

3. The construction, placement, installation, expansion or alteration of a single-family or attached two-family dwelling, including accessory buildings and structures;

4. The placement, installation or alteration of a single manufactured housing or mobile home dwelling, including accessory buildings and structures, on individually owned lots; and

5. Timber harvesting and forest management activities with no accessory buildings and structures.

E. CONFLICTS WITH OTHER ORDINANCES

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

F. VALIDITY AND SEVERABILITY

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

G. EFFECTIVE DATE

The effective date of this Ordinance shall be the date of adoption by the legislative body on December 9, 1993.

H. AMENDMENTS

This ordinance may be amended by a majority vote of the Legislative body. Amendments may be initiated by a majority vote of the Planning Board or by request of the Board of Selectmen to the Planning Board or on petition of ***10% of the*** registered voters. The Planning Board shall conduct a public hearing on any proposed amendment.

I. ABROGATION

This Ordinance repeals and replaces any municipal ordinance previously enacted for Site Plan Review in the Town of Strong.

SECTION II APPLICATION AND REVIRW STANDARDS

A. APPLICATION

Abutter Notification

All applicants, whether for Minor or Major Developments, shall notify all
abutting property owners, including those on the opposite side of the road, by certified mail. A list of the abutting property owners will accompany the application.

Minor Development

An application for Site Plan Review of a Minor Development shall be submitted to the Planning Board on forms provided by the Board. An application fee of $25.00 shall accompany the application. This fee shall not be refundable. In addition to the application form a map of the site, photographs showing existing site conditions and an estimate of the amount of traffic generated by the project shall be submitted to the Board.

Major Development

Application for Site Plan Review of a Major Development shall be submitted to the Planning Board. An application fee **of $100.00** shall accompany the application. This fee shall not be refundable. The Planning Board shall not consider an application for Site Plan Review until the fee has been received by the Town. The application shall include at a minimum:

1. A Site Plan consisting of a plan(s) and a map(s) prepared at a scale determined by the Planning Board, but which shall not be more than one hundred (100) feet to the inch and supporting documents that will provide the following information:

    (a) Name and address of the applicant or their authorized agent, the name of the owners of the proposed Development parcel (the "Parcel") if other than the applicant, and the name of the proposed Development.

    (b) A copy of the deed to the Parcel, of an option to purchase the Parcel, a purchase and sale agreement to purchase the Parcel, a lease of the Parcel or other document that demonstrates the applicant's right, title or interest in the Parcel.

(c) One place (at least 3" x 3"), for Planning Board signature and one place for conditions of approval, to be placed outside the drawing.

(d) Perimeter survey of the Parcel made and certified by a professional land surveyor licensed in Maine, relating to reference points, showing true north point, graphic scale, corners of parcel, date of survey and total acreage.

(e) Total floor area, ground coverage, and location of each proposed building, structure or addition, including setbacks.

(f) The location, type and size of any existing and proposed catchbasins, storm drainage facilities, ***ponds and wetlands***, streams and water courses, of any utilities, both above and below ground, and of streets, rights-of-way, public or private, and driveways to be used for access to and from the Development.

(g) An on-site geological investigation report by a Maine licensed, certified Geologist. The report shall identify, ***at*** a minimum, the types of soil, location of test pits, **and** depth to bedrock. Any proposed subsurface wastewater disposal system shall have ***a*** design prepared by a Maine licensed Site Evaluator or Engineer (using Form HHE-200).

(h) All existing contours and proposed finished grade elevations of the area(s) that will be disturbed within the proposed Development and the system of drainage proposed to be constructed. Contour intervals shall be five feet, or as determined by the Planning Board.

(i) Method of solid waste disposal.

(j) An estimate of the amount of traffic from the Development.

(k) Evidence of the applicant's financial and technical capacity to complete the Development.

2. Traffic Data

The Planning Board may require a traffic study if the Development appears to have an unreasonable impact on the volume or pattern of traffic in the Town based on the information provided by the applicant and information from the Maine Department of Transportation. If such a study is required, it shall be paid for by the applicant as provided in Section II A(4) below, and shall be accomplished by a Professional Engineer, licensed in the State of Maine, with a written report, bearing the engineer's signature, prepared addressing the impact of the proposed Development on traffic patterns.

3. Municipal Facilities Impact Analysis

The Planning Board may require the applicant to conduct an analysis of the impact of the proposed Development upon public or municipal facilities and services including, but not limited to public safety, water, sewerage, roads, solid waste, and drainage, along with all costs estimated for correcting any negative impact on public or municipal facilities or decline in the level of public or municipal services resulting from the Development. Where it is demonstrated that the Development will result in an unreasonable burden or impact on public or municipal facilities and services, the Planning Board may require the applicant to make off-site improvements to community facilities and services or to provide for acceptable equivalent improvements, or to provide financial compensation to the Town in lieu thereof, as a condition of plan approval.

4. Outside Professional Services

An additional fee may be estimated and charged to the applicant if the Planning Board needs assistance from an attorney, engineer or independent consulting service to review the application. The fees for such services shall be paid in full by the applicant on demand, and these funds will be held by the Town in an escrow account. Any funds not used for consulting services will be returned to the applicant.

5. Waiver Provision

The Planning Board may, upon request by the applicant and by unanimous vote, waive any submission requirement not necessary to a full and complete review of an application and to determination of compliance with the Review Standards.

B. REVIEW STANDARDS

The following review standards are to be used by the Planning Board in judging applications for site plan approval and shall serve as a minimum requirement for approval of the site plan for Development. The site plan shall be approved, unless in the judgment of the Planning Board the application fails to reasonably meet one or more of these review standards. In all instances, the burden of proof of compliance shall be on the applicant and such burden of proof shall include the production of evidence necessary to support the application.

1. Vehicular Access

Provision shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times. The proposed site layout shall provide for safe access to and egress from public and private roads by providing adequate location, numbers and control of access points including sight distances, turning lanes, and traffic signalization when required by existing and

projected traffic flow on the municipal road system. Sight distances for points of egress from a development to a state or federal highway shall be subject to the approval of the Maine Department of Transportation; sight distances for points of egress from a development to a Town road shall be subject to the approval of the Board of Selectmen or their designated representative. Minimum sight distances at intersections shall equal 10 feet for each 1 MPH of regulated speed.

2. Parking and Circulation

The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives and parking areas shall provide for safe general interior circulation, separation of pedestrian and vehicular arrangement and uses of parking areas.

3. Drainage

Provision shall be made for drainage so that stormwater runoff will not adversely affect neighboring properties, downstream water quality, and the public storm drainage system and will not cause soil erosion. The Planning Board may require the use of stormwater retention structures if adequate protection of the abutting resources is not provided.

4. Municipal Services

The Development shall not have an unreasonable adverse impact on the municipal services including water supply, storm drainage system, road system, fire department, solid waste disposal, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

5. Sewage Waste Disposal

The applicant shall demonstrate to the satisfaction of the Planning Board that it has made adequate provisions for sewage waste disposal. Sewage waste will be disposed of onsite by means of a subsurface waste disposal system and the system's siting, design and construction shall conform to the "State of Maine Subsurface Wastewater Disposal Rules."

6. Shoreland

Whenever situated in whole or in part in a Shoreland Zoning Area, the Development shall comply with the Shoreland Zoning Ordinance of the Town of Strong.

7. Floodplain

Whenever situated in whole or in part within the designated special flood hazard area, the Development shall comply with the Floodplain Management Ordinance of the Town of Strong.

8. Public Safety Requirements for Major Developments

To promote public safety the following minimum setbacks shall be required for any Major Development of:

a. Commercial facilities - 100 feet

b. Processing facilities - 100 feet.

c. Large industrial facilities (i.e. Pulp Mills) - 1000 feet.

d. Energy generation facilities:
   i. Bio-mass; natural gas generation facilities - 1000 feet.
   ii. Wind generation facilities (100kW or greater) - 2000 feet.

Parking and material storage may be allowed in the setback area if such use does not nullify the protection provided by the setback.

9. 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. Extensive grading and filling must be avoided as far as possible.

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 wherever possible.

10. Erosion Control

Soil erosion and sedimentation of watercourses and water bodies will 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.

11. Water Supply

The development must be provided with a system of water supply that provides each use with an adequate supply of water.

If the Development is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

12. 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.

13. Technical and Financial Capacity

The applicant must demonstrate that he/she has the financial and technical capacity to carry out the Development in accordance with this Ordinance and the approved plan.

14. Historic and Archaeological Resources

If any portion of the Parcel 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.

SECTION III ADMINISTRATION, ENFORCEMENT AND PENALTIES

A. Planning Board Action On Application

Minor Development

The Code Enforcement Officer will review application materials submitted and shall notify the applicant, if the application is incomplete, that certain specific additional material is needed. Once the application is complete, the Code Enforcement Officer will review it and report, in writing, to the Planning Board within thirty (30) days of receipt of the application. The report will recommend action to be taken by the Planning Board. The application and all relevant materials will be filed with the Planning Board. The Planning Board shall either approve, approve with conditions or reject the application within thirty (30) days after the Planning Board's receipt of the Code Enforcement Officer's report. If approved, a permit will be issued within seven (7) days of the Board meeting.

Major Development

1. Within thirty (30) days of receipt of an application for Major Development, the Planning Board shall notify the applicant in writing either that the application has been found to be complete, or if the application is incomplete, that certain specific additional material is needed to make the application complete. When the Planning Board is satisfied that it has a complete application, it shall notify the applicant in writing and begin its review of the proposed Development.

2. The Planning Board may hold a public hearing within thirty (30) days after the Planning Board has notified the applicant that the application is complete. The Planning Board shall publish the time, date and place of the hearing at least seven days prior to the hearing in a newspaper of area-wide circulation. The applicant shall send notice of the hearing by certified mail, return receipt requested, to abutting landowners, including owners of property on the opposite side of the road, a minimum of ten (10) days prior to the date of the public hearing.

3. Within thirty (30) days of the public hearing, or if no public hearing is held, within sixty (60) days after the Planning Board has notified the applicant that the application is complete, the Planning Board shall either approve, approve with conditions, or reject the application. The time limits for review may be extended by mutual agreement between the Planning Board and the applicant.

4. Within seven (7) days of reaching their decision, the Planning Board shall notify the applicant in writing of any action taken and the reason for taking such action.

5. A permit granted under this Ordinance shall expire if the work, or change, is not substantially commenced within twenty-four (24) months from the date of the vote to grant the permit; or if the work, or change, is not completed within five (5) years from the date of the vote on granting the permit.

B. ENFORCEMENT

1. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision is being violated, he or 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, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

2. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.

3. The municipal officers, at their discretion, may institute or cause to be instituted, in the name of the town, any and all actions, legal and equitable, that may be appropriate or necessary for the enforcement of this Ordinance.

4. Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply with any of the requirements thereof shall, upon conviction, be punished by a fine of not less than $100 and not more than $2,500, and each day on which such violations shall continue shall constitute a separate offense, as provided in Title 30-A, Section 4452.

5. The municipal officers are authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action.

C. APPEALS

1. The applicant or any Aggrieved Party may appeal the Planning Board's decision on a site plan application in writing to the Board of Appeals within 30 days of the Planning Board's decision.

2. The Board of Appeals shall hold a public hearing within 30 days of receipt of the written request for appeal. The Board of Appeals shall publish the time, date and place of the hearing in a newspaper of area-wide circulation, shall send notice of the public hearing by certified mail to abutting landowners, including property owners on the opposite side of the road; prior to the public hearing, the appellant shall pay the Town the Board of Appeals' costs of publication and mailing. The Board of Appeals shall conduct a *de novo* review, and, after holding a public hearing, may affirm, modify or reverse the Planning Board's decision. The Board of Appeals shall render its decision within 21 days of the hearing. Time limits may be extended by mutual agreement between the Board of Appeals and aggrieved parties in the case. The Board of Appeals shall mail or hand-deliver a written notice of its decision to the appellant, the appellant's representative or agent, the Planning Board and the Board of Selectmen within seven (7) days of its decision.

3. The Board of Appeals' decision may be appealed to the Superior Court according to the State law.

D. CHANGES TO APPROVED PLANS

1. Minor changes to Approved Site Plans

Minor changes in approved site 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.

2. Amendments to Approved Site 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, except minor changes that do not affect compliance with approval standards, is subject to Planning Board review and approval.

SECTION IV DEFINITIONS

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have in common usage and shall be construed to give this Ordinance its most reasonable application. Words used in the present tense include the future; the singular number includes the plural and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory, not discretionary.

1. Accessory Use or Structure; A subordinate use of a building, other structure or land, or a subordinate building or other structure:
   (a) whose use is customary in connection with the principal building, other structure or land or;
   (b) whose use is incidental to the use of the principal building, other structure or use of land; and
   (c) which is located on the same lot with the principal building, other structure or use of land, or on a lot adjacent to such lot if in the same ownership or part of the same establishment.

2. 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.

3. Agriculture: Production of crops and livestock.

4. Building: Any structure having a roof or partial roof supported by columns or walls used for the shelter or enclosure of persons, animals, goods or property of any kind.

5. Campground: An area devoted to overnight recreational or educational use, where the land area is divided into sites or lots for which a charge is made; either on a short-term or a long-term

basis by sale, rent or lease or by means of condominium-type ownership.

6. Commercial: Connected with the buying or selling of goods or services or the provision of facilities for a fee. Commercial uses shall include, but not be limited to: professional and business offices; retail outlets; services such as barber or beauty shops; tailors; laundromats; dry cleaners; restaurants; parking lots; service stations or repair garages; hotels; motels or inns; storage and horticultural activities; and athletic or recreational facilities for hire.

7. Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for one family, including provisions for living, cooking, eating and sleeping.

8. Energy Generation Facility: Means a facility that uses any of a variety of sources and/or products for the production of power for sale as a primary use. Types of Energy Generation Facilities may include but are not limited to petroleum, methane, ethanol, thermal, wind, solar, and hydro-electric.

9. Home Occupation: An occupation or profession which is carried on in a dwelling unit or structure accessory to a dwelling unit and employs two or less full-time outside employees; and does not use more than 20,000 square feet of the site for exterior storage of materials.

10. Industrial: Connected with the assembling, fabrication, furnishing, manufacturing, packaging or processing of goods or the extraction of minerals.

11. Institutional: A building devoted to some public, governmental, educational, charitable, religious, medical, or similar purpose.

12. Major Development: A development of land comprised of buildings, structures, and uses for commercial, retail, industrial, institutional, residential institutional, recreational, and utility purposes comprised of three or more acres of unrevegetated area or any building, structure, or land use that requires a Site Location of Development Act permit from the Maine Department of Environmental Protection.

13. Minor Development: A development of land comprised of buildings, structures, and uses for commercial, retail, industrial, institutional, residential institutional, recreational, and utility purposes that together with roads and parking comprises more than 20,000 square feet, but less than three acres of unrevegetated area. Minor development also includes the expansion of any existing commercial, industrial, institutional, or recreational use that exceeds either 1,000 square feet of floor

space and/or 5,000 square feet of parking, indoor storage, or outdoor use area with-in a two year period.

14. Multifamily Dwelling: A building consisting of three or more dwelling units and their accessory uses and structures.

15. Person: Any individual, firm, association, partnership, corporation, municipal or other local government entity, quasi-municipal entity, state agency, educational or charitable organization or institution or other legal entity.

16. Setback: The area between the property line of the Parcel or right-of-way line of a public right of way and any building or structure located on the Parcel. Setbacks are measured from the property line or right-of-way line.

17. Structure: Anything constructed, erected or placed on the ground which is permanent, temporary, or mobile. Structures include, but are not limited to, buildings, mobile homes, recreational vehicles, piers and floats, storage, ***towers*** and processing facilities.

18. Unrevegetated Area: All areas on a single parcel of land covered by buildings, roads, parking lots, paved areas or any portion of the parcel stripped or graded and not revegetated for a period of 12 months.

19. Use: Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.