Site Plan Review Ordinance

Purpose

The purpose of this ordinance is to protect the public health, safety and welfare of the residents of the Town of Roxbury, to implement the Comprehensive Plan and to ensure the orderly growth and development of the Town.

Authority, validity, severability and amendments.

A. Authority. This Ordinance is adopted pursuant to Article VIII-A of the Maine Constitution and Title 30-A MRSA, Section 3001.

B. Validity and separability, conflict with other ordinances and effective date.
   1. Validity and separability. 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 this Ordinance.
   2. Conflict with other ordinances. Where the provisions of this Ordinance conflict with the provisions of other ordinances, the more restrictive provisions shall prevail.
   3. Effective date. The Ordinance shall become effective when enacted by the voters of the Town of Roxbury.

C. Amendments. This Ordinance may be amended by majority vote at a Town Meeting.

Applicability

This Ordinance shall apply to all ordinances that require a site plan review within the Town of Roxbury.

Application procedure

A. Applications must be submitted to the Town Office by noon, fifteen (15) days prior to the scheduled Planning Board meeting. Late submittals will be placed on the following month's agenda. For some projects, the Planning Board may require a site visit and/or a public hearing.

B. Applicants will be responsible for reimbursing the Town of Roxbury for postage costs and any newspaper ads. All abutting property owners to the subject property, and owners of properties directly across a public way, will be notified by the Planning Board of the application proposal via Certified Mail.

C. It is required that the applicant, or a representative for the project, be in attendance at the Planning Board meeting to answer any questions that the Board, abutters, or the public may have. Meetings are held at 6:00 P.M. in the Town Hall located at 1095 Roxbury Road, Roxbury, Maine 04275.

D. Under no conditions may an applicant/agent/contractor begin a project requiring Site Review approval until the Planning Board (or the Code Enforcement Officer when applicable) has considered the application and approved the same.

Application review

A. The Planning Board shall review the application prior to the scheduled meeting to confirm the application is complete. If at any time it is noticed the application is not complete the Planning Board shall notify applicant to correct application and resubmit.

B. Site walk. After the review of the application and the Planning Board meeting in which the application is accepted for further review, the Planning Board and/or Code Enforcement Officer (CEO) may conduct a site walk. The site walk shall be a legally advertised Planning Board meeting, at which time the Planning Board, the Code Enforcement Officer, Fire Chief or his or her designee, the applicant and/or representatives of the applicant, and any other interested parties may examine the proposed project site. The applicant shall be responsible for notifying abutting landowners and businesses by certified mail within 10 days of the site walk of the date and time of the site walk.

C. Public hearing. The Planning Board may hold a public hearing within 30 days of the date of the scheduled Planning Board Meeting in which the application was accepted for further review. The Planning Board shall publish the time, date, and place of the hearing at least two times, the date of the first publication to be at least ten days prior to the hearing in a newspaper of areawide circulation. The abutting landowners shall be notified by the Planning Board of the hearing.

D. Ruling. Within 45 days of the acceptance of the complete application for review, the Planning Board shall either approve the application, approve the application with conditions, or disapprove the application. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.

E. Within 14 days of reaching its decision, the Planning Board shall notify the applicant, in writing, of any action taken and the reason for taking such action.

F. The Planning Board and/or CEO may impose conditions on any site plan approval, change of use permit and/or conditional use permit where it finds that such conditions are necessary to ensure that the development will comply with the criteria and standards of this chapter. All elements and features of the plan and all representations made by the applicant concerning the development and use of the property which appear in the record of the Planning Board proceedings are conditions of approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board.

Performance standards.

The following standards are to be used by the Planning Board and/or the CEO in judging applications for site plan review and shall serve as minimum requirements for approval of the site plan. The site plan review application shall be approved unless in the judgment of the Planning Board and/or CEO the applicant is not able to reasonably meet one or more of these standards. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary to complete the application and demonstrate to the Board that the proposed site plan conforms to other applicable ordinances relating to lot size and density, setbacks, and lot coverage.

A. Preserve and enhance the landscape.

1. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree removal and disturbance of soil and retaining existing vegetation during construction. After construction is completed, landscaping shall be designed and planted that will define, soften or screen the appearance of off-street parking areas from the public right-of-way and abutting properties and/or structures in order to enhance the physical design of the building(s) or site and to minimize the encroachment of the proposed use on neighboring land uses.

2. Environmentally sensitive areas which include wetlands, significant wildlife habitat, unique natural areas and archaeological sites as identified in the Comprehensive Plan shall be conserved to the maximum extent.

3. The Board and/or CEO shall assess the proposed activity's impact upon scenic areas and views and historic sites as identified in the Comprehensive Plan. Where the Board finds that the proposed activity would have an undue adverse effect on identified scenic views or historic sites, the Planning Board and/or CEO shall require the applicant to minimize such effects.

B. Relationship of the proposed structures to the environment. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity which have a visual relationship to the proposed buildings so as to have a minimally adverse effect on the environment and the aesthetic qualities of the developed and neighboring areas. The Planning Board and/or CEO shall consider the following criteria:

1. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.

2. Mechanical equipment or other utility hardware, excluding communication devices on roofs, ground, or buildings, shall be screened from public view with materials harmonious with the building, or it shall be located so visibility from any public way is minimized.

C. Vehicular and pedestrian access. The proposed site layout shall provide for safe entrances and exits from public and private streets by providing adequate locations, numbers and control of access points, including sight distances, turning lanes, and traffic signalization, when required by existing and projected traffic flow on the public street system and for pedestrian ways within the development appropriate to the type and scale of the development. The Planning Board and/or CEO shall consider the following criteria:

1. Vehicular access. The proposed site layout shall give special consideration to the location, number, and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization. The proposed development shall provide safe vehicular access to and from public and private streets.

D. Parking and circulation. The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior streets, drives, and parking areas, shall provide for safe general circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and the arrangement and use of parking areas. A use shall not be extended and no structure shall be constructed or enlarged unless sufficient off-street parking space is provided that conforms to the following:

1. Parking spaces shall be arranged so that it is not necessary for vehicles to back into the street.
2. Where the development will abut an existing or potential parking area, provisions shall be made for internal vehicular connections.
3. Parking areas shall be designed to permit each motor vehicle to proceed to and from parking space provided for it without requiring the moving of any other motor vehicle.
4. Off-street parking spaces shall comply with the following standards:
   a. Except as provided below, each parking space shall contain a rectangular area at least 18 feet long and nine feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs and aisles, so long as the parking spaces so created contain within them the rectangular area required by this section.
   b. Up to 20% of the required parking spaces needed may contain a rectangular area of only eight feet in width by 15 feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.

E. Advertising features. The size, location, design, lighting, and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties and shall not interfere with or obstruct pedestrian or vehicular traffic.

F. Special features of the development. Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings, and similar structures shall have sufficient setbacks and screening to provide an audio-visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.

G. Emergency vehicle access. Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

H. Municipal services. The development will not have an unreasonable adverse impact on the municipal services, including municipal road systems, Fire Department, Sheriff's Department, open spaces, recreational programs and facilities, and other municipal services and facilities.

I. Water pollution. The development will not result in water pollution. In making this determination, the Planning Board and/or CEO shall consider the elevation of land above sea level and its relation to floodplains, the nature of soils and subsoils and, if necessary, their ability to adequately support waste disposal and/or any other approved licensed discharge; the slope of land and its effect on effluents; the aquifer and aquifer recharge areas; the availability of streams for disposal of surface runoff; and the applicable federal, state and local laws, ordinances, codes, and regulations.

    1. Phosphorus export. When required by the Planning Board and/or CEO, projects proposed within the direct watershed of Ellis Pond, Muskrat Pond, Bunker Pond, Birch Pond and Swift River shall be designed to limit phosphorous run off.
        a. Phosphorous export from the proposed development shall be calculated according to the procedures defined in the Phosphorus Control Manual, March 2016, and/or as amended. Upon request, copies of all worksheets and calculations shall be provided to the Planning Board.
        b. Phosphorus control measures shall meet the design criteria contained in the Phosphorus Control Manual, March 2016, and/or as amended.
    2. The Planning Board and/or CEO shall require the reasonable use of vegetative buffers, limits of clearing, and minimizing road lengths, and shall encourage the use of other nonstructural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.

J. Groundwater. The development will not have unreasonable adverse effects on the quality or quantity of groundwater.

K. Floodplain protection. The proposed development will avoid problems associated with floodplain development and use.

L. Shoreland areas. Whenever situated in whole or in part within 75 feet of any protected stream, 250 feet of any river, and/or 500 feet of any pond as delineated in the Town of Roxbury Official Shoreland Zoning Ordinance, the development will not adversely affect the quality of such water body or unreasonably affect the shoreline of such body of water, and will be in compliance with Shoreland Zoning Ordinance.

M. Water supply. The development shall have sufficient water available for the reasonably foreseeable needs of the development by means of a well.

N. Sewage disposal. The development shall provide for adequate sewage disposal.

1. Where a septic system is to be used, it shall be built in accordance with the Maine Subsurface Wastewater Disposal Rules.

O. Stormwater drainage. Adequate provision shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality, soil erosion, or the public storm drainage system. Whenever possible, on-site absorption of runoff waters shall be utilized to minimize discharges from the site.

P. Soil erosion and sediment. Soil erosion and sedimentation of watercourses and water bodies shall be minimized. The Planning Board and/or CEO shall find that the standards set forth in Maine Erosion and Sediment Control Best Management Practices, Manual for Designers and Engineers, October 2016, and/or as amended, will be used.

Q. Exterior lighting. All exterior lighting shall be designed to minimize adverse impact on neighboring properties and to ensure the safe flow of pedestrian or vehicular traffic.

R. Noise. The proposed development shall not raise noise levels to the extent that abutting and/or nearby residents are adversely affected. The following uses and activities shall be exempt:

1. Noise created by construction and temporary maintenance activities between 6:30 a.m. and 8:00 p.m.
2. The noise of safety signals, warning devices and emergency pressure relief valves and other emergency activity.

S. Air pollution. The development will not result in undue air pollution. In making this determination, the Planning Board and/or CEO shall consult federal and state authorities to determine applicable air quality laws and regulations.

T. Odors. The proposed development will not produce offensive or harmful odors perceptible beyond the lot lines, either at ground level or habitable elevation.

U. Financial and technical capacity. The applicant has adequate financial and technical capacity to meet the above standards.

V. Conformance with the Comprehensive Plan. The proposed development is in conformance with the Comprehensive Plan and other applicable ordinances.

Appeals

If the Planning Board and/or CEO disapproves an application or grants approval with conditions that are objectionable to the applicant, or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of this ordinance do not apply, or that the true intent and meaning of this ordinance have been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, or an aggrieved party may appeal the decision. If it is shown after public hearing that the Planning Board and/or CEO, in writing, to the Board of Appeals withing 30 days of the Boards decision. If it is shown after public hearing that the Planning Board and/or CEO erred in the interpretation of this ordinance in making a final decision, the Board of Appeals may affirm, amend or reverse the decision of the Planning Board and/or CEO.

Enforcement; Violations and penalties

A. The Code Enforcement Officer shall act in all cases of violations of this ordinance by notifying, in writing, the owner or lessor of the development and the Selectboard of the nature of the violation and the correction of the same, if possible. Notification shall be deemed to have been made when sent to the owner or lessor by certified mail.
B. The Selectboard are in charge with the prosecution for all violations of the provisions of this ordinance. In cases where such notices referred to in Subsection A above are not promptly complied with after receipt of said notices, the Selectboard shall make such complaints to the courts as, in their judgement, are proper, or may institute such actions or proceedings at law or in equity as are proper to restrain, correct, remove or punish such violations.
C. Any person or corporation who or which shall violate any of the provisions of this ordinance or fail to comply with any of the requirements thereof shall be dined not less than $100 nor more than $2,500 as provided by state law. Each day on which the violation shall continue shall constitute a separate offense. In addition, in the event of legal action being instituted, the violator shall also be responsible for the legal fees and costs of the Town for the prosecution of the violation(s).
D. Consent agreements. The Selectboard, or its authorized agent, is hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this ordinance and recovering fines and attorneys' fees of the Town without court action. Such agreements, however, shall not allow violations to continue.

Conflicts with Other Ordinances and Severability

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 administered by the municipality, the more restrictive provision shall control.

The invalidity of any section or provision of this Ordinance shall not be help to invalidate any other section or provision of this Ordinance

Given under our hands this 26th day of November , 2024

TIMOTHY DEROUCHE

MATTHEW PATNEAUDE

RAY HODSDON
BOARD OF SELECTMEN
TOWN OF ROXBURY

A TRUE COPY
Attest:
BRITTANY GORDON, Town Clerk

Ordinance Adopted: November 26th, 2024
Town of Roxbury, Maine 04275