Site Plan Review Ordinance

Town of Sullivan

June 28, 2021

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Section 1 Introduction

1.1 Background

Development or changes in the uses of land or buildings can cause an impact on the cost and efficiency of municipal services, on the environment of the Town and may impact existing residential uses. Such development can have impacts on schools and other public utilities; recreational facilities; liquid and solid waste disposal; fire protection; open space; road systems and circulation; traffic congestion; placement of buildings and structures; property values; water quality; the visual characteristics of the neighborhood and Town; historic and archaeological resources; and the general health, safety, and welfare of the community.

The Town of Sullivan recognizes the American Disabilities Act (ADA) and will ensure compliance for all applicants.

1.2 Purpose

The purpose of this Ordinance is to minimize impacts caused by commercial, industrial, institutional and municipal development and to accomplish the following objectives with the least possible regulation:

1. To establish a fair and reasonable set of standards for impartial evaluation of each development plan
2. To provide local protection from nuisances that are governed by Maine Revised Statutes Annotated (MRSA) Title 17, Chapter 91 [1]
3. To suggest ways in which development plans could be modified so that potential problems could be minimized or prevented
4. To balance the right of landowners to use their land for their own purposes with the corresponding right of abutting and neighboring landowners to live without undue disturbance from nuisances, traffic, storm water run-off or the pollution of ground or surface water resources
5. To protect property values
6. To preserve the unique local, historic and scenic aspects of the Town of Sullivan
7. To minimize problems created by development that would increase the cost of maintaining or improving municipal facilities for projects that do not contribute to growth for the benefit of the Town of Sullivan
8. To provide a Public Hearing process through the Planning Board when Town Residents can raise questions and receive answers about how new development proposals could affect them; if necessary, a vote for or against the development proposal shall be taken for the Town Residents attending the Planning Board meeting and recorded as a public recommendation to the Planning Board

Section 2 Authority and Administration

2.1 Authority

This Ordinance is adopted pursuant to the Home Rule Power of Article VIII, Part 2, of the Maine Constitution and 30-A MRSA, Section 3001 [2].

2.2 Administration

The Sullivan Planning Board shall administer this Ordinance.

2.3 Reference Maine Statutes

1) MRSA Title 17 Chapter 91 – Nuisances

2) MRSA Title 30-A Section 3001 – Home Rule

3) MRSA Title 30-A Section 2691 – Board of Appeals

4) MRSA Title 30-A Section 4452 - Enforcement of land use laws and ordinances

5) MRSA Title 30-A Section 4201, Subsection 5 – Wastewater Disposal Systems

6) MRSA Title 32 Section 4700-E, Subsection 3-C – Geothermal heat exchange wells

7) MRSA Title 32 Section 4700-E, Subsection 8 – Wells or water wells

2.4 Applicable Ordinances

1) Shoreland Zoning Ordinance – all development, business and residential, in shoreland zone

2) Sign Ordinance – all installation of signs for business or home business

3) 911 Ordinance – aid rapid identification of properties for essential services

Section 3 Applicability

3.1 Applicability

This Ordinance shall apply to proposals for change of use of a property, including change of intensity or type of use, including commercial, industrial, institutional and municipal. Some examples of change of use are listed below:

1. Proposals for new construction of non-residential buildings or structures including campgrounds, multi-family housing, hospitals and medical facilities, manufacturing facilities, hotels and motels, automotive/vehicle repair facilities, gas stations, retail stores, fisheries, mobile food services and subdivisions in all cases accessory buildings and structures
2. Proposals for the resumption of or non-conforming uses which have been discontinued for a least one (1) year
3. Gravel, rock and mineral extraction including proposals for changes to existing pits and quarries whether approved or grandfathered; Planning Board review shall be required under this Ordinance if any of the following conditions apply:
    a. Gravel pits shall be limited to a maximum of five (5) acres; the amount to be reclaimed shall be determined per this ordinance before any additional contiguous area can be opened or topsoil removed
    b. Existing permitted pits/quarries that are sold or there is a transfer of ownership or operation shall be subject to review before the anniversary date of the original Site Plan approval to determine that they are operating within the previous permitted use guidelines by Site Plan Review
    c. A change of the reclamation plan
    d. A change in business plan which increases the activity in the pit or the number of yards removed by 25% or more
    e. Quarries, quarrying or quarry type activities shall be reviewed under this ordinance
4. Wind Farms – no Wind Farm towers shall be higher than one hundred (100) feet and the Wind Farm shall be no larger than five (5) acres
5. Solar Farms – commercial solar farms shall be limited to five (5) acres unless approved by the Planning Board under special circumstances of solar farm location which does not impact abutters.

3.2 Exceptions

This ordinance does not apply to home occupations or forest land management practice. This ordinance does not apply to agricultural uses except for commercial growing of marijuana.

Section 4 Review Procedures

4.1 Informal pre-application procedure

Prior to submission of a formal application, applicants should present a sketch of the development plan to the Code Enforcement Officer (CEO) or the Planning Board. The CEO or Planning Board may offer suggestions toward the drafting of formal plans and review with the applicant the appropriate information required for the project. The sketch plan shall show the lot number and appropriate tax map for reference.

4.2 Application Procedures

4.2.1 Application

The applicant shall submit a Site Plan Review to the Planning Board. The Site Plan application is shown in Appendix A. The application shall include the following items and shall include an applicable fee per the current fee schedule available at the Town Office:

- Seven (7) copies of a formal Site Plan Review application.
- Seven (7) copies of a map showing the following information and drawn to a scale of not more than 100 feet to the inch and not less than 40 feet to the inch on standard 24 inch by 36-inch paper: Information provided on this drawing should include the following:
    - Name and address of applicant and development
    - Scale and true or magnetic north indicator
    - Total land area of the site
    - Location of development on the site
    - Location of watercourses, marshes or bedrock on the site
    - Existing soil conditions as described by either a soil scientist, geologist, engineer, or Soil Conservation Service medium intensity soil survey
    - Location of proposed public utilities, culverts, wells and leach fields.
    - Location of fencing, screening or landscape work
    - Contour lines may be required and specified by the Planning Board showing elevations in relation to mean sea level
    - Municipal tax map and lot numbers and names of abutting landowners shown on map
    - The Planning board may also require an updated survey completed by a licensed Maine surveyor or engineer
    - State of Maine Department of Environmental Protection (DEP) Permit by Rule

- Seven (7) copies of a site location map drawn to a scale of not more than 100 feet and not less than 40 feet to the inch to fit on standard 24 inch by 36-inch paper showing the following information:
    - Exact dimensions and acreage of parcel
    - Location of all buildings within 300 feet of the property boundaries
    - Location of all other structures, wells, sewer systems, water bodies and easements, drainage ways, public and private water ways and roads within 300 feet of the

boundary lines
    - The size, shape and location of existing and proposed buildings on the parcel
    - Location and dimensions of on-site pedestrian and vehicular access ways, parking areas, loading and unloading facilities and design of ingress and egress of vehicles to and from the site onto public streets
    - Traffic impact of proposed development
- The applicant shall attend a meeting of the Planning Board to discuss the application and all supporting data requested.
- Upon determining that a complete application has been submitted for review and appropriate fees have been paid, the Town shall issue a dated receipt.
- The Planning Board shall initiate a public hearing on all applications within 60 days of submitted application.
- The Planning Board shall initiate notification of all landowners within 500 feet from applicant's property lines.
- The Planning Board may solicit written comments from the Select Board, Fire Chief, Town Manager and CEO on the impact of the proposed development.
- Before the Planning board gives final approval, the applicant must meet the performance guarantees contained in Paragraph 5.19.

4.2.2 Approval

Within sixty (60) days after submission of a completed application (dated receipt), the Board shall act to approve, approve with conditions, or disapprove the Site Plan application submitted and amended, if necessary. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant. In respect to all review criteria, the burden of proof rests with the applicant.

Section 5 Criteria and Standards

Before granting approval of any Site Plan Review application, the Planning Board shall consider the following criteria and shall determine that the proposed activity is in accordance with the provisions of this Ordinance.

5.1 Environmental

Protection of the environment is an important consideration for approval of any development plans and applicants should refer to the State of Maine DEP Best Management Practices web site (Best Management Practices: Water Resources: Forest Policy and Management: Maine Forest Service: Maine ACF). For example, Volume III of the series *Protecting Maine's Natural Resources* suggests the following:

"The standard erosion control measures listed below, also referred to in this guidance document as BMPs (Best Management Practices), are designed for your use wherever appropriate and practical for your project. The DEP developed these measures to assist you in developing an Erosion & Sedimentation Control Plan (ESC), when required. You can avoid developing a custom ESC plan for your project if you agree to follow them."

The following paragraphs establish environmental standards for the Town of Sullivan.

5.1.1 Air and Water Pollution

No land use or establishment shall result in undue water or air pollution either on or off the site as defined in the following subparagraphs (5.1.1, 5.1.2 and 5.1.3). In making this determination, the Planning Board shall consider the following: the elevation of the site above sea level and relation to the flood plain; the nature of soils and sub-soils on the site to adequately support waste disposal; and the slope of the site. Adequate provision shall be made for surface drainage so that removal of surface water will not adversely affect neighboring properties. The site shall have sufficient water available for the foreseeable needs of the development including, but not limited to, potable water and fire control water. The Plan shall not, alone or in conjunction with other activities, adversely affect the quality or quantity of the ground water. The plan shall not cause an unreasonable burden on existing water supplies including private ground water.

5.1.2 Dust, Fumes, Vapors and Gases

No land use or establishment shall be permitted to cause the emission of dust, dirt, fly ash, fumes, vapors or gases. All planned activities shall also comply with applicable Federal and State regulations.

5.1.3 Odor

No land use or establishment shall be permitted to produce offensive or harmful odors perceptible beyond their lot lines, either at ground or habitable elevation.

5.1.4 Setbacks

All State mandated setbacks from wells, water bodies, wetlands and public water supplies shall be maintained. Property line setbacks shall be twelve (12) feet from boundary lines. Setbacks from right of ways shall be seventy-five (75) feet from the centerline of the roadway.

5.1.5 Hazardous Material

The use of hazardous material shall not be allowed unless approved by the Planning Board and monitored by the CEO. Any hazardous material in use shall be stored in containers to prevent spilling of the material.

5.1.6 Soil Erosion

No land use or establishment shall cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result both on and off site. Until a disturbed area is stabilized, sediment in running water shall be trapped with debris basins, sediment basins, silt traps, or other acceptable methods as determined by the Planning Board. The top of a cut or the bottom of a fill section shall not be closer than twelve (12) feet to an adjoining property. Extraction operations (sandpits, rock quarries, etc.) shall not be permitted within sixty (60) feet of any property line.

5.1.7 Scenic and Natural Beauty

The proposed plan shall not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare irreplaceable natural areas.

5.2 Traffic Congestion

The proposed plan shall not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed both on and off site. The proposed site shall provide for safe entrances and exits. The applicant shall obtain all necessary MDOT permits required.

5.3 Solid Waste and Sewage Waste Disposal

The applicant shall provide for the adequate disposal of all solid and liquid wastes in an environmentally safe manner. An HHE-200 shall be submitted for the Site Plan application to be complete. The Town of Sullivan shall not accept any applications involving medical, chemical, industrial or plastic waste.

5.4 Comprehensive Plan

The proposed plan shall be in conformance with the Town of Sullivan Comprehensive Plan.

5.5 100 Year Flood Elevation

All principal structures within the development, located within designated Flood Hazard Areas, shall be constructed with the lowest floor, including the basement, at least one (1) foot above the 100-year flood elevation.

5.6 Relationship of Structure to the Environment

Proposed structures shall relate harmoniously to the land and existing buildings. Special attention shall be paid to the bulk, location and height of buildings. In historical areas, the Planning Board may require new construction to harmonize with surrounding properties to be designed so as not to be architecturally incompatible. Exposed storage areas, service areas, utility

buildings and similar structures shall be screened. Commercial uses, exposed storage areas, utility buildings shall establish a buffer zone appropriate for the activity to screen visually the uses year-round.

5.7 Exterior Lighting

To preserve enjoyment of the night sky and to reduce light pollution, glare, and offensive lighting, all new residential and commercial outdoor lighting shall be regulated by the following standards:

A. Pole-mounted lights shall not be placed higher than fifteen (15) feet at private residences and not higher than thirty (30) feet in commercial areas and shall be directed downward.
B. Building-mounted lights shall not be placed higher than thirty (30) feet and shall be directed downward.

5.8 Noise

Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness, or volume as shown in Table 1. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any commercial or industrial activity regulated by this Ordinance shall be as established by the time period and type of land use listed in Table 1. Sound pressure levels shall be measured on a sound level meter at all major lot lines of the proposed site, at a height of at least four (4) feet above the ground surface.

Table 1 Sound Pressure Level Limit

Sound Pressure Level Limit		
	7 AM to 7 PM	7 PM to 7 AM
Residential	50 dB	45 dB
Rural	55 dB	45 dB
Commercial	65 dB	55 dB
Industrial	70 dB	60 dB

Note: Fifty (50) decibels (dB) is the level of noise of a quiet conversation at home or a quiet stream. Seventy (70) dB is the noise level of a vacuum cleaner. The sound of breathing is about 10 dB. City traffic is 85 dB.

The following uses and activities shall be exempt from the sound pressure level regulations: temporary noises created by construction, timbering or agriculture.

5.9 Signs

Identification signs mandated by government agencies such as 911 address, etc. are exempt from this Ordinance. Also exempt are signs with names of streets, owner, occupant, property name, home occupation, temporary real estate, business, construction or political yard signs which do

not exceed 12 square feet per side. All other freestanding signs require a permit from the CEO.

The maximum square footage of any freestanding sign, or signs when more than one (l) sign is permitted, shall not exceed a total of sixty-four (64) square feet per side. Signs shall be placed such that sight distance along a public way is not obstructed. Internally illuminated signs that blink, flash, change color or brightness and neon signs are not permittable. All signs must be maintained in good condition or removed per order of the CEO if not repaired within thirty (30) days after notice.

5.10 Communication Towers

Communication towers exceeding thirty-six (36) feet in height may be permitted subject to the following standards:

1. Lot size: the minimum lot size shall be in conformance for lot sizes established in the Town of Sullivan for residential structures.
2. The structure is not within a Shoreland Zone.
3. The structure is placed on the lot so that its minimum setback from all lot lines, occupiable structures and rights-of-way is equal to its height.
4. All State and Federal permits have been obtained prior to the issuance of the building permit, including but not limited to FAA and ECC approvals.
5. Confirmation by a registered structural engineer that the structure's design meets the minimum wind and structural loads as established in the Uniform BOCA Code or more stringent Federal, State or local code which appropriately applies to the project.
6. The permit application shall include the construction of lockable security fences around the structure which shall be designed to prohibit unauthorized access to the tower.
7. An antenna may be added to an existing local tower, provided that a permit is issued by the Town, and the applicant presents documentation confirming that the proposed application complies with all State and Federal FCC requirements.

The Planning Board shall advertise and hold a public hearing and shall inform the known abutting property owners in writing of such meeting, prior to the issuance of any building permit to allow the public an opportunity to comment on the proposal's conformance to the standards enumerated above.

The Planning Board shall approve the permit when it determines that the applicant conforms to the standards enumerated above unless any person presents factual evidence that the proposal otherwise violates the public health, safety, or welfare.

The applicant shall be given an opportunity to modify the proposal prior to final action by the Planning Board if any such evidence is presented.

5.11 Building Height

Buildings shall be limited in height to thirty five (35) feet.

5.12 Lot Coverage

Building footprints, accessary building footprints and impervious surfaces shall cover no more than 35% of the total lot size unless approved by the Planning Board.

5.13 Hours of Operation

Hours of operation shall be within the time from 7:00 AM to 10:00 PM unless the particular business requires extended hours of operation with the approval of the Planning Board.

5.14 Required Maintenance

All buildings, grounds, or parts thereof shall be maintained to prevent unsafe or unsanitary conditions. Liability for on-going maintenance is the responsibility of the current property owner.

5.15 State Regulations

All plans shall be in conformance with all applicable Maine State regulations.

5.16 Performance Conditions

All site plans shall include a vegetation plan. All plans shall mix planting of grass, flowers, bushes and trees for the enhancement of the beauty of the Town of Sullivan.

5.17 General Conditions

The Planning Board may modify or waive any of the above application requirements or performance standards when the Planning Board determines that, because of special circumstances of the site or the size of the project such application requirements or standards would not be applicable or would be an unnecessary burden upon the applicant and not adversely affect the abutting landowners and the general health, safety and welfare of the Town.

Approval of the site plan and any building permit issued for development within the scope of this Ordinance shall expire after a period of twelve (12) months if construction has not been substantially commenced.

The Planning Board may, for the purposes of this Ordinance, require additional conditions necessary to protect the public interest and to fit harmoniously within neighborhoods. The Planning Board may impose such reasonable conditions on approvals granted under this Ordinance as it may deem necessary or appropriate to further the applicant's compliance with the review criteria or other provisions of this Ordinance. Such conditions may include, but are not limited to, specifications for the following: increased setbacks and yards; adequate water supplies; type of vegetation; landscaping and planting screens (vegetative buffers); fences; post development slopes; property reclamation; periods and methods of operation; routing of traffic; and performance guarantees. Such conditions imposed, and the reasons for these conditions, shall be written as part of those permits issued by the Planning Board.

5.18 Road Entrance Standards

No person shall access any public way, including Town Roads, unless the proposed access is approved by the Road Commissioner. Entrances shall meet State standards of a minimum of 32' wide to a maximum of 40' wide for a Business, and a minimum 50' to 55' wide for Municipal use, such as Fire Station, Salt/sand Building road and/or Schools. If the Road Commissioner requires the installation of a culvert to access a public way or town road, the culvert shall meet the State minimums of 15 inches for

intermittent flow and 18 inches for big water flow unless the depth needed is unobtainable. The culvert shall be new black plastic.

5.19 Performance Guarantees

The final plan shall be accompanied by a performance guarantee at the discretion of the Select Board and Town Manager. The performance guarantee shall be an amount adequate to cover the total construction costs of all required improvements for roads, utilities, sewage collection and other improvements and for all infrastructure to be used publicly or privately maintained and used in common. The performance guarantee shall be in the form of a certified check payable to the Town of Sullivan.

Section 6 Ordinance Validity and Violations

6.1 Validity and Severability and Conflicts with other Ordinances

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 provisions of this Ordinance.

Whenever the requirements of this Ordinance differ from the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants the most restrictive or that imposing the higher standard shall govern.

6.2 Appeals

The decision of the Planning Board may be appealed to the Board of Appeals within thirty (30) days of that decision by the applicant and any abutting or affected landowner. The basis of any such appeal shall be limited to misapplication, misconstruction, or misinterpretation of the Ordinance. The Board of Appeals hearing shall be appellate and not de novo. The Board of Appeals may reverse the decision of the Planning Board only upon a finding that there has been an error of law or fact or that interpretation of law or fact by the Planning Board was in error. In making its review, the Board of Appeals shall conduct a public hearing in accordance with Title 30-A, MRSA Section 2691 [3].

6.3 Violations

All violations by any person, including but not limited to a landowner, a landowner's agent or a contractor who orders or conducts any activity in violation of this Ordinance, shall be considered a nuisance and constitute a land use violation and shall be prosecuted and penalized in accordance with Title 30-A MRSA Subsection 4452 [4].

Section 7 Definitions

7.1 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.

7.2 List of 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 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.

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.

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.

DEVELOPMENT: A change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

DWELLING UNIT: Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, apartments and time-share units.

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-expansions of a structure and arc not required to meet otherwise applicable setback requirements, provided the alterations are the minimum necessary to satisfy the ADA and/or State Fire Code.

EXPANSION OF USE: Any intensification of use or function, even if 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 to meet the requirements of the Americans with Disabilities Act and/or the State Fire Code are not considered to be expansions of use.

FISHERIES: Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife or Maine Department of Marine Resources (DMR) 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 OF A STRUCTURE: The vertical distance between the average final grade immediately proximate to the building's foundation and the highest point of the structure, including signs, but excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

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.

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, rooftops, 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.

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.

UNIQUE NATURAL AREAS: Areas identified by a governmental agency as having significant value as a natural area and any areas identified in the municipality's comprehensive plan.

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 ofa 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 temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind, or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste-water disposal systems as defined in Title 30-A MRSA, Section 4201, subsection 5 [5]; geothermal heat exchange wells as defined in Title 32 MRSA, Section 4700-E, subsection 3-C [6]; or wells or water wells as defined in Title 32 MRSA, Section 4700-E, subsection 8 [7].

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.

Sullivan Select Board

Rusty Gordon, Chair

Raymond Daley

Roger Wakefield

Appendix A Site Plan Review Application

Application for Site Plan Review (Instructions for Applicant)

Note to Applicant: Your application for Site Plan Review will not be considered complete until all required information, plan(s), and attachments have been submitted to the Planning Board. **You are strongly advised to read the furnished Site Plan Review Ordinance** and meet with the Planning Board and/or CEO **prior to completing the application,** to share information about the proposed development and to become better informed about all necessary information to be submitted for review.

Step 1: Prepare and Submit a Site Plan Review Application

- The application form provided by the Town must be completed with all information that applies to the project as required by the standards in the ordinance. This will allow the Planning Board to review the application against the ordinance standards to determine if all pertinent information has been included.
- The application must include a detailed and scaled map of the site, which may be hand drawn or drafted by a professional. All measurements, dimensions and locations of site elements (such as, buildings, well, septic, parking and sign), as outlined in the Ordinance, must be accurately reflected on this site plan.
- Some of the required information includes but is not limited to the following: a copy of site deed; a copy of a certified survey map; and a copy of the portion of Town tax map with map and lot#. names and address of all property owners within 1000 feet of applicant's property.
- The completed application and attachments (7 copies) and accompanying fees, as described in the Ordinance, must be submitted at the Town Office for the Planning Board Chairman. A receipt will be given to the applicant and a copy to the Planning Board and CEO.
- For the Planning Board to become more fully informed about the proposed development, it may arrange for an inspection of the site. Such site inspection will be conducted by the Planning Board and CEO accompanied by the applicant.
- The site inspection may be conducted after the pre-application conference or

after the initial review of the site plan application.

Step 2: Review of submitted Site Plan Review Application by CEO and Planning Board

- The Planning Board shall mail notification of the proposed development to all property owners within 1000 feet of the parcel on which the development is proposed, as well as Town Manager and Select Board.
- Within thirty (30) days of receipt of the completed application and fees, the CEO and Board will review the submitted application and site plan to determine if the application is complete.
- If the application is determined to be incomplete, the Board will specify In writing to the applicant any additional information required to make the application complete.
- The Board will not consider the application until the additional information is submitted to the Board.

Step 3: Final Review, Public Hearing. and decision by Planning Board

- As soon as the Board has determined the application to be complete, it will notify the applicant in writing and send written notice of the date, time, and place of the public hearing where the application is to be considered to the applicant and all persons who received notice in Step 2.
- The Board will take final action on the application within 30 days of the public hearing.
- The Board will vote to deny, approve, or approve the application with conditions.

Town of Sullivan
Site Plan Review Application

Submit fees along with seven (7) copies of application, site plan and all attachments.
Please label all attachments with applicant's name and question #.

_____	1. Name of Property Owner	_____
_____	2. Address of Owner	_____
_____	3. Owner's telephone No.	Home: ___-___-_____ Cell: ___-___-_____
_____	4. Name of Applicant (if different than owner)	_____
_____	5. Address of Applicant	_____
_____	6. Applicant's Telephone No.	Home: ___-___-_____ Cell: ___-___-_____
_____	7. If applicant is corporation, state whether the corporation is licensed to do business in the State of Maine Yes[ ] No[ ] If Yes, attach copy of the Secretary of State Registration	
_____	8. Name, address and phone number of applicant's authorized agent/representative (attach Letter of Authorization) Name:_____ Address:_____ Phone:_____	
_____	9. If applicable, name, address and phone number of Professional Engineer, Licensed Land Surveyor or Professional Planner who assisted in preparing site plan: Name:_____ Address:_____ Phone:_____ Registration/License Number:_____	
_____	10. What interest does the applicant have in the project? (owner, agent, etc.)_____	
_____	11. General description of the proposed use or activity: _____ _____ _____	
_____	12. Attach a copy of deed to property, an option to purchase the property or other documentation to show right, title or interest in the property on the part of the applicant.	
_____	13. Location of project: Book_____ Page_____(from Registry of Deeds)	
_____	14. Location of project: Map_____ Lot_____(from Town Office)	
_____	15. Using a reduction of the Town Tax Map, show locations of property with adjoining lots and roads.	
_____	16. Attach a list of names and addresses of all property owners within 1000 feet of all property boundaries.	
_____	17. Attach a certified survey map of the property that has been developed and produced by a registered land surveyor which includes bearings and lengths of all property lines.	
_____	18. Is any portion of the property located within a mapped Shoreland Zone and/or a mapped Special Flood Hazard Area? Yes [ ] No [ ] If Yes, indicate what zone: SZ_____ SFHA_____	

EXISTING DEVELOPMENT

_____ 19. Attach a project site plan that includes the following elements:

a. North arrow, map scale, legend and/or labels, date. (scale may not be more than 100 feet to the inch for that portion of the lot being proposed for development.)

_____ b. Setback lines for buildings and yards.

_____ c. Indicate type of zone and location of zoning district boundaries. (shoreland zone or floodplain)

_____ d. Location and size of existing culverts, drains, on-site waste disposal systems, underground tanks or installations

_____ e. Location of existing wells, power lines, telephone lines and poles.

_____ f. Location, dimensions and ground floor elevation of all existing buildings on the site.

_____ g. Location, names and widths of existing streets, easements, rights of ways, etc, within or adjacent to site

_____ h. Location and dimensions of existing driveways, parking and loading areas, walkways and sidewalks on or immediately adjacent to site

_____ i. Location of intersecting roads or driveways within 300 feet of the site.

_____ j. Locations, dimensions and lighting of existing signs.

PROPOSED DEVELOPMENT

_____ 20. Include on the same project site plan (or create a separate site plan) the following proposed elements:

_____ a. If creating a separate site plan, include elements listed in 19 a through 19 j above that will remain the same.

_____ b. Location, dimensions and ground floor elevation of all proposed new buildings or building expansions.

_____ c. Location and dimensions of any changes to, or newly proposed, driveways, sidewalks, parking and loading areas (paved or unpaved).

_____ d. Location and dimensions of changes to, or newly proposed, wastewater disposal system and water supply.

_____ e. Location of proposed landscaping and buffering.

_____ f. Location, names and widths of existing streets, easements, rights of ways, etc, within or adjacent to site

_____ g. Location, dimensions and lighting of any proposed signs.

NOTE: Site plan must have signature block titled "Approved: Town of Sullivan Planning Board" and have space for signatures of Planning Board members and date.

_____ 21. Estimated demand for water supply and evidence of adequacy for proposed use (attach statement)

_____ 22. Estimated demand for sewage disposal and evidence of adequacy for proposed use (attach statement)

_____ 23. If new or replacement on-site sewage disposal is proposed, attach HHE-200 form

_____ 24. If new or replacement interior plumbing is proposed, attach HHE-211 form

_____ 25. Explain how solid waste (trash, recyclables, etc.) be handled

_____ 26. If applicable, attach copies of any solid waste (trash) disposal/recycling contracts.

_____ 27. Estimate of current traffic flow and daily and peak traffic flow to be generated by the plan (attach statement)

_____ 28. Measures taken to preserve environmentally sensitive and natural drainage areas within the project area: (attach statement)

_____ 29. If applicable, have other permits required by Town/State/Federal been applied for and received:

	Applied For	Received
Town: Type of Permit _____	Yes [ ] No [ ]	Yes [ ] No [ ]
State: Type of Permit _____	Yes [ ] No [ ]	Yes [ ] No [ ]
Federal: Type of Permit _____	Yes [ ] No [ ]	Yes [ ] No [ ]

30. Attach copies of any existing covenants or deed restrictions.
31. Estimated cost of project _____ Start Date _____ Completion Date _____
32. Planning Board may request evidence of applicant's technical and financial ability to carry out proposed project.
33. Other: _____

To the best of my knowledge, all information submitted on this application is true and correct:
Applicant's Signature _____ Date _____

_____ Notification to: Board of Selectman, Town Manager, Fire Chief, Plumbing Inspector Code Enforcement Officer