TOWN OF SKOWHEGAN SITE PLAN REVIEW ORDINANCE

(Approved Town Meeting, 3/13/95)
(Amended Town Meeting, 3/9/98)
(Amended Town Meeting, 3/8/99)
(Amended Town Meeting, 7/20/99)
(Amended Town Meeting, 3/13/00)
(Amended Town Meeting, 3/12/01)
(Amended Town Meeting, 3/11/02)
(Amended Town Meeting, 3/10/03)
(Amended Town Meeting, 3/8/04)
(Amended Town Meeting, 6/9/08)
(Amended Town Meeting 6/13/22)
(Amended Town Meeting, 6/8/26)

SECTION I GENERAL

I. TITLE

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

II. AUTHORITY

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, part 2, section 1 of the Maine Constitution; the provisions to Title 30-A, M.R.S.A. Section 3001 (Home Rule); the State's Growth Management Law, Titles 30-A, M.R.S.A., Section 4311 et. seq. or successor statutes.

III. PURPOSE

The site plan review provisions set forth in this Ordinance are intended to protect the public health and safety, promote the general welfare of the community, and conserve the environment by assuring that non-residential construction is designed and developed in a manner which assures that adequate provisions are made for traffic safety and access; emergency access; water supply; sewage disposal; management of stormwater, erosion, and sedimentation; protection of the groundwater; protection of historic and archaeological resources; minimizing the adverse impacts on adjacent properties; and fitting the project harmoniously into the fabric of the community.

IV. DEFINITIONS

Construction of Terms: 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.

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. An Abutter is a person, business or other entity who is the record owner of abutting property.

ACCESSORY BUILDING: A detached, subordinate building, the use of which is clearly incidental and related to that of the principal building or use of the land, and which is located on the same lot as that of the principal building or use.

ACCESSORY STRUCTURE OR USE: A use or structure, which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot.

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 because of the granting or denial of such approval.

AGRICULTURAL ACTIVITY: The cultivation of food or fiber or husbandry of animals for sale in essentially raw form. The following are examples of activities which are not considered within this definition and may be subject to review if meeting size thresholds: packaging, processing, or butchering of agricultural produce, artificially heated and lighted greenhouses, feedlot, retail sales.

BUILDING: Any permanent structure, having one or more floors and a roof, which is used for the housing or enclosure of people, animals or property. When any portion thereof is separated by a division wall without opening, 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 exclusively 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.

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

DEVELOPMENT: The construction, reconstruction, alteration of conversion or enlargement of any structure, or the establishment of a new non-residential use of land. The term includes grading and filling of land preparatory to actual construction. A developer is any person, corporation, or other entity who engages in development activities.

ENLARGEMENT OR EXPANSION OF STRUCTURE: An increase in the building footprint and/or increase in the height of the structure beyond its present highest point.

Alterations of existing buildings which are required in order to meet the requirements of the Americans with Disabilities Act (ADA) and/or the State Fire Code are not considered to be enlargements or expansions of a structure and are not required to meet otherwise applicable

setback requirements, provided the alterations are the minimum necessary to satisfy the ADA and/or State Fire Code.

ENLARGEMENT OR EXPANSION OF USE: Any intensification of use in time, volume, or function, whether resulting from an increase in the footprint, height, floor area, land area or cubic volume occupied by a particular use. Increases which are required in order to meet the requirements of the Americans with Disabilities Act and/or the State Fire Code are not considered to be enlargements or expansions of use.

FLOOR AREA: The sum of the horizontal areas of the floor(s) of a structure enclosed by two or more exterior walls.

FREE STANDING SIGN: A sign which is physically separated and not attached to a building. Free-standing signs which are in place for fewer than sixty (60) days per year are considered temporary and are not subject to the requirements of this ordinance.

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.

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; areas identified in the Town of Skowhegan comprehensive plan; or other areas identified by qualified professional archeologist or historian.

HOME OCCUPATION: An occupation, or profession, which is customarily conducted in a residential structure, or on a residential property, and which is 1)clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

IMPERVIOUS SURFACE: The area covered by buildings and associated constructed facilities, areas which have been or will be covered by a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas, which have been or will be compacted through design or use to reduce their permeability. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of stormwater.

LEVEL OF SERVICE: A description of traffic conditions along a street or within an intersection. Level of Service is a term used by traffic engineers to classify congestion on a scale of “A” to “F”, with Level of Service “E” presenting an unacceptable degree of congestion.

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

NATURAL AREAS/NATURAL COMMUNITIES, UNIQUE NATURAL

AREA/COMMUNITIES: Areas identified by the Maine Department of Conservation Natural Areas Program as having significant value as a natural area and also any areas so identified in the Town of Skowhegan comprehensive plan.

PRINCIPAL STRUCTURE: A building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

PRINCIPAL USE: A use other than one which is wholly incidental or accessory to another use on the same premises.

PUBLIC STREET: Any street or road on which travel by the general public is permitted, regardless of whether the street is owned by the Town, State, or private entity.

RESIDENTIAL BUILDING OR USE - a single family or two-family dwelling.

SETBACK: An area adjacent to the boundaries of a lot on which placement of buildings, parking areas, or other structures are prohibited by law, ordinance, or private agreement; a distance usually measured from the lot boundary, street line, or other feature.

SIGHT DISTANCE: The distance of unobstructed vision experienced by a motorist entering a street from an access point. Sight distance is measured from a point on the driveway ten (10) feet from the edge of the travelled way and three-and-one-half (3 ½) feet above the surface, to a point four-and-one-quarter (4 ¼) feet above street level.

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

SUBSTANTIALLY COMMENCED; SUBSTANTIALLY COMPLETED: Construction shall be substantially commenced when any work is beyond the stage of excavation, including but not limited to, the pouring of a slab or footings, the installation of piles, the construction of columns, or the placement of a manufactured home on a foundation has begun. Construction shall be substantially completed when it has been completed to the point where normal functioning, use, or occupancy can occur without concern for the general health, safety, and welfare of the occupant and the public. At a minimum it shall include the completion of no less than [seventy (70)] percent of the costs of the proposed improvements within a development and shall include permanent stabilization and/or revegetation of areas of the site that were disturbed during construction.

URBAN COMPACT: The urban compact is a boundary of demarcation along state highways that is intended to mark an “urban” development form, and within which the Town of Skowhegan has been granted certain regulatory and maintenance authority. The boundaries of the urban compact are depicted on DOT maps and on maps posted at the Skowhegan Town Office.

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.

WIND ENERGY CONVERSION SYSTEM: A structure built for the purpose of converting wind energy into electrical energy for commercial purposes. The wind energy conversion system includes all towers, turbines, powerhouses, and substations associated with provision of electrical energy to the grid.

WIRELESS COMMUNICATION FACILITY (“cell tower”): A tower or other structure mounted with antennae for the purpose of broadcasting or relaying radio signals for communications

services, including commercial radio and television, telephonic and other devices. The wireless communications facility includes support structures, antennae, maintenance buildings, and all other buildings and structures associated with the service.

V. APPLICABILITY OF SITE PLAN REVIEW

A person who has right, title, or interest in a parcel of land must obtain site plan approval prior to commencing any of the following activities on the parcel or undertaking any alteration or improvement of the site including grubbing or grading.

1. The construction or placement of any new building or structure for non-residential use, including accessory buildings and structures, if such buildings or structures have a total area for all floors of five thousand (5,000) square feet or more, or which exceeds thirty-five (35) feet in height, exclusive of flagpoles, antennae intended for non-commercial use, and similar structures
2. The expansion of an existing non-residential building or structure, including accessory buildings, if the enlargement increases the total floor area, for all floors, within a five (5) year period by more than twenty (20) percent of the existing total floor area or five thousand (5,000) square feet, whichever is greater.
3. The conversion of an existing building in which five thousand (5,000) or more square feet of total floor area are converted from residential to non-residential use.
4. The establishment of a new non-residential use, occupying more than one acre, even if no buildings or structures are proposed, including uses such as gravel pits, cemetery, golf courses, salvage yards and other nonstructural nonresidential uses.
5. The conversion of an existing use, in whole or in part, to non-residential use if the new use changes the basic nature of the existing use such that it increases the intensity of on or off-site impacts of the use subject to the standards and criteria of site plan review described in Section III.
6. The construction or expansion of paved areas or other impervious surfaces, including buildings, structures, walkways, access drives and parking lots involving an area of ten thousand (10,000) square feet or more within any five (5) year period.
7. If the Planning Board determines pursuant to 30-A M.R.S.A. § 4402(6), as it may be amended from time to time, that this Site Plan Review Ordinance provides for a review and approval process that is at least as stringent as that provided by the Subdivision Ordinance, then the Planning Board shall review applications for approval of multi-unit residential uses and their accessory structures under this Ordinance. This Ordinance applies to the following activities whether the creation of the dwelling units is accomplished by sale, lease, development or otherwise:
    a. The construction of a residential structure containing three (3) or more dwelling units (a multi-unit residential use).
    b. The modification or expansion of an existing residential structure that increases the number of dwelling units in the structure by three (3) or more in any five (5) year period.
    c. The conversion of an existing nonresidential structure, in whole or in part, into three (3) or more dwelling units within a five (5) year period.

The following activities shall not require site plan approval. Certain of these activities will, however, require the owner to obtain a plumbing permit and/or other State or local approvals:

1. The construction, alteration, or enlargement of a single family or two-family dwelling, including accessory buildings and structures.

2. The placement, alteration, or enlargement of a single manufactured housing or mobile home dwelling, including accessory buildings and structures on individually owned lots.
3. Reconstruction or replacement of nonresidential structures provided such reconstruction, or replacement approximates the original structure in floor area and is not an expansion under Section I, D, 1.2 of this Ordinance, and provided such reconstruction or replacement is substantially complete within 12 months of the destruction or demolition of the original structure.
4. Agricultural activities, as defined, include agricultural buildings and structures.
5. Timber harvesting and forest management activities.
6. The establishment and modification of home occupations that do not result in changes to the site or exterior of the building.

Activities involving non-residential buildings or activities that are specifically excluded from review by the provisions of this section.

In instances where there is a question of whether an activity is subject to review under this ordinance, the Code Enforcement Officer shall make the determination.

VI. CONFLICT WITH OTHER ORDINANCES

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

VII. 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.

VIII. EFFECTIVE DATE.

The effective date of this Ordinance shall be the date of Adoption by the Legislative Body of the Town.

IX. AMENDMENTS

Amendments of this ordinance may be initiated by the Selectboard, the Planning Board, or by petition as provided in Title 30-A M.R.S.A._2522 or successor statute.

No proposed amendments to this ordinance shall be referred to the Town Meeting until the Selectboard or the Planning Board, have held a public hearing on the proposal, notice of which shall be posted at least fourteen (14) days prior to such hearing and advertised in a newspaper of general circulation in the municipality at least two (2) times with the date of first publication being at least fourteen (14) days prior to the hearing and the second at least seven (7) days prior to the hearing.

The proposed amendments shall be adopted by a simple majority vote of the Town Meeting.

X. APPLICATION

1. Review and Approval Authority

The Planning Board shall review all projects.

2. Procedures for Developments

A. Preapplication and Site Inventory and Analysis Meeting

Applicants are required to schedule a pre-application conference with the Planning Board. The purpose of this meeting is to familiarize the applicant with the review procedures, submission requirements, and approval criteria, and to familiarize the Planning Board with the nature of the project. Such review shall not cause the plan to be a pending application or proceedings under Title 1

M.R.S.A. §302. No decisions relating to the plan may be made at this meeting.

At the time of the pre-application meeting, the applicant shall present a preliminary site plan illustrating the proposed project, together with a narrative briefly describing the proposed site, including its location, size, and general characteristics and the nature of the proposed use and potential development. The applicant should also be prepared to discuss any issues or questions about existing municipal regulations and their applicability to the project, and any anticipated requests for waivers from the submission requirements. The Planning Board may waive the pre-application meeting where it determines that the proposal is minor in scope or sufficiently straightforward.

Applicants for developments must submit a site inventory and analysis for Planning Board review once the pre-application meeting has been completed. This review must be completed prior to the preparation and submission of a site plan review application.

3. Site Inventory and Analysis Procedure

Upon receipt of a site inventory and analysis, the planning office shall give a dated receipt to the applicant. Within ten (10) days of receipt of the submission, the planning office shall determine whether it contains all the items required by this ordinance. If the submission is determined to be incomplete, the office shall notify the applicant in writing of this finding, shall specify the additional material required to make the submission complete, and shall advise the applicant that the Planning Board will not conduct a review until the additional information is submitted. These steps shall be repeated until the application is found to be complete.

When the submission is determined to be complete, the office shall notify the applicant in writing of this finding and place this item on the agenda for review by the Planning Board as part of the Site Review and Analysis, the Planning Board may hold an on-site inspection of the proposed project to review the existing conditions, field verify the information submitted and investigate the development proposal. The Planning Board may schedule this visit either before or after the first meeting at which the application is considered. The Planning Board may decide not to hold an on-site inspection when the site is snow covered. If a review is pending during a period when there is snow cover, the deadline by which the Planning Board shall take final action on the application may be extended, which extension shall not exceed thirty (30) days after the Planning Board is able to conduct an on-site inspection.

Written notice of the date of review of the Site Inventory and Analysis, as well as the on-site inspection, shall be provided to the applicant, and all landowners within 500 feet of the proposed site.

Within forty-five (45) days of the Planning Board finding that the Site Inventory and Analysis submission is complete, the Planning Board shall complete its review of the submission and notify the applicant in writing of its findings.

4. Site Inventory and Analysis Review

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 Planning Board. The Board shall review the submission to determine if the information provides a clear understanding of the site and identifies opportunities and constraints that help determine how it should be used and developed. 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.

The Board shall also act on any requests for waivers.

If the proposed development is a "large scale retail development" as defined by 30-A M.R.S.A. sec. 4366, or successor statute, the Site Inventory and Analysis Review shall also include the commissioning of a comprehensive economic impact study, in accordance with the requirements of 30-A M.R.S.A. sec. 4367.

5. Site Plan Review Application

The applicant shall, within sixty (60) days, or within another time limit mutually agreed to by the Planning Board and the applicant, file a formal site plan review application with the planning office.

Upon receipt of a formal site plan review application, the planning office shall issue a dated receipt to the applicant.

Within ten (10) days of the receipt of a formal development review application, the planning office will review the material and determine whether the submission is complete. If the application is determined to be incomplete, the office shall notify the applicant in writing of this finding, and specify the additional materials required to make the application complete. The notification will advise the applicant that the application will not be considered by the Planning Board until the additional information is submitted. These steps shall be repeated until the application is found to be complete.

When the planning office determines that the application is complete, it shall notify the applicant in writing of this finding and place the item on the agenda of the Planning Board for hearing and review at its next regularly scheduled meeting, consistent with meeting notice requirements for public hearing in subsection (6), below.

The planning office shall give written notice of the date, time and place of the public hearing at which the application will be considered, to the applicant and to all owners of record of land within 500 feet of the site to be developed, notice to be mailed at least ten (10) days prior to the hearing. Notice of the hearing shall be published in a newspaper of general circulation Skowhegan at least once, the date of publication shall be at least seven (7) days prior to the hearing.

The Planning Board may hold another on-site inspection to verify and investigate the information provided by the application. The Planning Board may schedule this visit either before or after the public hearing. If an application is pending during a period when there is snow cover, the Planning Board may request that the applicant agree to extend the review period to allow an on-site inspection. Written notice of the on-site inspection shall be provided to all parties receiving notice of the pending application.

6. Public Hearing Procedures

The Chair of the Planning Board or his/her designee shall chair the public hearing. The Chair shall open the public hearing by identifying the application and explaining the purpose of the hearing and the procedures to be followed.

The purpose of the public hearing is to allow the applicant and affected property owners to provide information as part of the record that the Planning Board will use in considering its action on the application. Testimony presented at the hearing should be related to information about the application and related submissions and the project's compliance with this Ordinance or other municipal ordinances.

The Chair shall provide the applicant or his/her representative with an opportunity to make a presentation at the beginning of the hearing. The Chair may then allow the members of the Planning Board to ask questions of the applicant and for the applicant to answer those questions. Following Board questions, the Chair shall open the public hearing to the public for statements, information submissions, or questions about the project. At the close of the public comment period, the Chair shall afford the applicant an opportunity to answer any questions raised by the public, rebut any statements or information submitted, and cross-examine anyone offering testimony on the application. The Chair may allow the applicant this opportunity after each member of the public testifies if that is deemed to be desirable. At the conclusion of the applicant's response, the hearing shall be closed.

7. Final Action on the Application

The Planning Board shall act on the application within thirty (30) days of the public hearing. The Planning Board shall act to deny, to approve, or to approve the application with conditions. The Planning Board may impose such conditions as are deemed advisable to assure compliance with the criteria for approval and performance standards of this ordinance. The vote to deny, approve, or approve with conditions shall constitute final action on the application.

Prior to issuing its decision, the Planning Board shall make written findings of fact that establish whether the proposed development does or does not meet the criteria for approval, performance standards and other requirements of this Ordinance.

The Planning Board shall notify the applicant and interested parties of the action of the Planning Board including the findings of fact and any conditions of approval. This requirement can be met through the distribution of minutes of the meeting containing the findings of fact and decision of the Planning Board.

8. Final Approval and Filing

Upon an affirmative vote by a majority of the Planning Board members present and voting, the application shall be deemed to have final approval. The approved site plan, which may be altered only to incorporate or note conditions of approval determined by the Planning Board, shall be signed by the Chairman of the Planning Board

A copy of the site plan as approved and signed must be submitted for filing with the Skowhegan planning office. Any plan not so filed within thirty (30) days of the date upon which such plan is approved and signed by the Planning Board shall become null and void. The Planning Board, by vote, may extend the filing period for good cause.

9. Application Fee

An application for site plan review must be accompanied by an application fee. This fee is intended to cover the cost of administrative review and processing of the application, including notification, advertising, mailings, and similar costs. The fee shall not be refundable. This application fee must be paid to the Town of Skowhegan, and evidence of payment of the fee must be included in the application.

In addition to the application fee, the applicant for site plan review may also be required to pay a technical review fee to defray the legal and technical cost of the application review. This fee must be paid to the Town of Skowhegan and must be deposited in the Planning Board Trust Account, which shall be separate and distinct from all other municipal accounts.

10. Establishment of Fees

The Selectboard may, from time to time and after consultation with the Planning Board, establish the appropriate fees following posting of the proposed schedule of fees and public hearing.

XI. SUBMISSION REQUIREMENTS

1. Site Inventory and Analysis Submission Requirements

The site inventory and analysis is intended to provide both the applicant and the Planning Board with a better understanding of the site and the opportunities and constraints imposed on its use by both the natural and built environment and the submission requirements for the size of the project. It is anticipated that this analysis will result in a development plan that reflects the conditions of the site; those areas most suitable for the proposed use will be utilized, while those that are not suitable or present significant constraints will be avoided to the maximum extent possible.

Therefore, the submission requirements provide that the applicant submit basic information about the site and an analysis of that information.

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

Signed statements from the following municipal officials and service providers:

Public water utility

Fire Chief

Police Chief

Road Commissioner

Pollution Control Supervisor

Solid Waste Supervisor

The names, addresses, and phone numbers of the record owner and the applicant.

The names and addresses of all consultants working on the project.

Evidence of right, title, or interest in the property.

Evidence of payment of the site inventory and analysis fee.

Three (3) copies of an accurate scale “Existing Features Plan” of the parcel at a scale of not more than one hundred (100) feet to the inch showing as a minimum:

The name of the development, north arrow, date and scale.

The approximate boundaries of the parcel.

The relationship of the site to the surrounding area.

The topography of the site at an appropriate contour interval depending on the nature of the use and character of the site (in many instances, submittal of the U.S.G.S. 10' contours will be adequate);

Major natural features of the site and vicinity, including wetlands, streams, ponds, floodplains, groundwater aquifers, significant wildlife habitats and fisheries or other important natural features (if none, so state).

Existing buildings, structures, or other improvements on the site and within fifty feet (50') of property lines. (if none, so state).

Existing streets, rights-of-way, restrictions or easements on the site (if none, so state).

The location and size of existing utilities or improvements servicing the site (if none, so state).

A High Intensity soil survey of any portion of the site located in a resource protection district or wetland and a Medium Intensity soil survey in all other areas.

Three (3) copies of a “Site Analysis Plan” at the same scale as the Existing Features 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, flat, soil constraints, wetlands, aquifers, wildlife habitat, fisheries, scenic vistas, floodplains, drainage, etc.) to be addressed in the development plan; which areas may be subject to off-site conflicts or concerns (i.e., noise, lighting, traffic, etc.); and which areas are intended for development.

Three (3) 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.

A list containing the names and mailing addresses of all owners of record of property located within 500 feet of the site to be developed.

Any requests for waivers from the submission requirements for the site plan review application.

2. Site Plan Review Submission Requirements

Applications for site plan review must be submitted on application forms provided by the Town. The complete application form, required fees, and the required plans and related information must be submitted to the planning office. The applicant may choose to submit all or a portion of the application electronically, with the advance consent of the planning office.

An applicant may not apply until the review of the pre-application and site inventory and analysis is completed.

Applications must contain at least the following exhibits and information, unless specifically waived in writing:

All applications for site plan review must include fully executed and signed copy of the application for development review and evidence of payment of the application.

Three (3) copies of written materials plus Three (3) sets of maps or drawings shall be submitted. The written materials must be contained in a bound report. The maps or drawings must be at a scale sufficient to allow the items listed under approval criteria, but in no case shall be more than one hundred (100) feet to the inch for that portion of the tract of land being proposed for development. Space must be provided on the plan for the signature of the Planning Board and date, together with the following words, "Approved: Skowhegan Planning Board."

3. General Information

Record owner's name, address, and phone number and applicant's name, address and phone, if different.

The location of all required building setbacks, yards, and buffer.

An updated list of names and mailing addresses of all property owners within five hundred (500) feet of any and all property boundaries.

Sketch map showing general location of the site within the municipality based upon a reduction of the tax maps.

Boundaries of all contiguous property under the total or partial control of the owner or applicant regardless of whether all or part is being developed at this time.

The tax map and lot number of the parcel or parcels on which the project is to be located.

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

The name, registration number and seal of the person who prepared the plan, if applicable.

Evidence of the applicant's technical and financial capability to carry the project as proposed.

Copies of any permits required by the Maine Department of Environmental Protection; the Maine Department of Transportation; or the Army Corps of Engineers.

A listing of waivers to submission requirements that have been requested or granted.

4. Existing Features

Shoreland zoning classification(s) of the property and the location of shoreland zoning district boundaries if the property is located in two (2) or more zoning districts or abuts a different district.

The bearings and length of all property lines of the property to be developed and the source of this information. This requirement may be waived only if sufficient information is available on the ground, to establish all property boundaries.

Location and size of any existing sewer and water mains, culverts and drains, on-site sewage disposal systems, wells, underground tanks or installations, and power and telephone lines and poles on the property to be developed and on abutting streets or land that may serve the development and an assessment of their adequacy and condition to meet the needs of the proposed use. Appropriate elevations must be provided as necessary to determine the direction of flow.

Location, names, and present dimensions of existing public and/or private streets, driveways, parking areas, sidewalks, and rights-of-way within 200 feet surrounding the proposed development.

The location of open drainage courses, wetlands, stonewalls, graveyards, fences, stands of trees, and other important or unique natural areas and site features, including but not limited to, floodplains, deer wintering areas, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, and historic and/or archaeological resources, together with a description of such features.

The location, front view, dimensions, and lighting of existing signs.

Location and dimensions of any existing easements and copies of existing covenants or deed restrictions.

The location of the nearest fire hydrant, dry hydrant or other water supply for fire protection.

5. Proposed Development Activity

Estimated demand for water supply and sewage disposal, together with the location and dimensions of all provisions for water supply and wastewater disposal, and evidence of their adequacy for the proposed use, including soils test pit data if on-site sewage disposal is proposed.

The direction of proposed surface water drainage across the site, and from the site, with an assessment of impacts on downstream properties.

A plan for erosion and sedimentation control.

Provisions for handling all solid waste, including hazardous and special wastes, with the location and proposed screening of any on-site collection or storage facilities.

The location, dimensions, and detail drawings of materials to be used in the construction of proposed driveways, parking and loading areas, and walkways and any changes in traffic flow onto or off-site.

Proposed landscaping and buffering (if applicable).

Location and type of exterior lighting.

The location of all utilities, including fire protection systems.

A general description of the proposed use or activity being conducted within different areas of the building(s) and site.

An estimate of the peak hour and daily traffic to be generated by the project.

If the project requires a stormwater permit from the Maine Department of Environmental Protection, or if the Planning Board determines that such information is necessary based upon the scale of the project or the existing conditions in the vicinity of the project, a Stormwater Management Plan including stormwater calculations, water quality and/or phosphorous export management provisions.

6. Developments over 10,000 Square Feet

In addition to submissions required for all applicants, an application for projects over 10,000 square feet must contain the following information:

A Stormwater Management Plan showing:

The existing and proposed method of handling stormwater runoff.

The direction of flow of the runoff, through the use of arrows.

The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.

Engineering calculations used to determine drainage requirements based upon the twenty-five (25) year twenty-four (24) hour storm frequency -- required only 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.

A groundwater impact analysis prepared by groundwater hydrologist for projects involving on-site water supply or sewage disposal facilities with a capacity of two thousand (2,000) gallons or more per day.

The name, registration number, and seal of the architect, engineer, landscape architect and/or similar professional who prepared the plan(s).

A planting schedule keyed to the site plan indicating the general varieties and sizes of trees, shrubs, and other vegetation to be planted on the site, as well as information pertaining to provisions that will be made to retain and protect existing trees, shrubs, and other vegetation.

A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent streets, if the project or expansion will provide parking for fifty (50) or more vehicles or generate more than two hundred (200) trips during the a.m. or p.m. peak hour based upon the latest edition of Trip Generation published by the Institute of Traffic Engineers.

Cost of the proposed development and evidence of the applicant’s 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 available, and individual’s or institution’s

interest in financing the project or in the form of a letter from a certified accountant or annual report indicating that the applicant has adequate cash flow to cover anticipated costs.

7. Waiver of Submission Requirements

The Planning Board may waive submission requirements based upon a written request of the applicant. Such request must be made at the time of the Pre-Application conference/ Site Review.A waiver of any submission requirement may be granted only if the reviewing body finds that the information is not required to determine compliance with the standards and criteria.

XII. CRITERIA AND STANDARDS FOR DEVELOPMENT

1. GENERAL

The following criteria shall be used by the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of these criteria. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

Each criterion is accompanied by a set of development standards. Compliance with development standards is prima facie evidence of meeting the criteria. However, applicants for site plan review may propose alternative designs and approaches that will satisfy the criteria equally as well or better than the ordinance standards. In all instances, the burden of proof shall be on the applicant to demonstrate that criteria have been met. This shall not be construed as limiting the authority of the Planning Board to require additional evidence or meet additional standards based on characteristics of the site or development.

2. PUBLIC SERVICE CRITERIA:

The proposed development will not result in an undue burden on the ability of the Town to provide public services:

Public water and sanitary treatment services, if accessible, have the capacity to serve the development and improvements are designed to the satisfaction of these service providers. If public water and sewer are not accessible, provision has been made to provide private services without negatively affecting public resources.

Public safety and utility services have the capacity to meet the demands of the development, and security and fire protection improvements are designed to the satisfaction of these service providers.

The development will not create or generate solid, liquid, hazardous, or other types of waste products that exceed the capacity of the Town’s waste handling systems.

3. OFF-STREET PARKING AND LOADING:

A. Adequate off-street parking shall be provided for all new development and changes of use to minimize congestion on public streets and ensure safe access for vehicles and pedestrians.

Parking areas shall be designed to allow safe circulation, adequate drainage, and appropriate screening where adjacent to residential uses. All developments subject to Site Plan Review, including multi-unit residential developments, shall comply with the requirements of the **Americans with Disabilities Act** and all applicable implementing regulations and standards, as amended.

The Planning Board may modify the parking requirements where shared parking, proximity to public parking, or other site conditions demonstrate that fewer spaces are sufficient to serve the proposed use.

B. **Residential Parking Limit:** In accordance with Maine law, the municipality shall not require more than two (2) parking spaces per dwelling unit for residential developments containing four (4) or more dwelling units**.**
C. **Shared Parking:** Parking spaces may be shared between uses with different peak demand periods, subject to Planning Board approval.
D. **Parking Reduction:** With evidence that parking cannot be provided, the Planning Board shall reduce the required number of parking spaces where:
    a. Shared parking arrangements are provided;
    b. Public parking facilities are located within ¼ mile of the development, and written authorization from the Municipal Officers specifying the number of spaces approved for use is provided as part of the application; or
    c. A parking demand analysis demonstrates that fewer spaces will adequately serve the proposed use.
E. Minimum Off-Street Parking Requirements

USE CATEGORY	**MINUMUM REQUIREMENT**
Residential Uses	
Single-Family Dwelling	1 space per dwelling unit
Two-Family / Duplex	1 space per dwelling unit
Multifamily Housing	1 space per dwelling unit
Accessory Dwelling Unit	No additional parking required
Senior Housing / Nursing Care Facility	0.5 space per dwelling unit or bed
Hotel / Motel / Overnight Accommodation	0.75 space per guest room
Public Assembly Uses	
Theater / Auditorium	1 space per 6 seats
Religious Institution	1 space per 6 seats
Restaurant	1 space per 6 seats
Convention Center / Meeting Hall / Grange	1 space per 8 seats
Commercial Uses	

USE CATEGORY	MINUMUM REQUIREMENT
Courtroom / Government Hearing Room	1 space per 6 seats OR 2 spaces per 1,000 sq. ft., whichever is greater
Warehouse / Distribution / Self-Storage	0.5 spaces per 1,000 sq. ft.
Industrial / Manufacturing	1 space per 1,000 sq. ft.
Office / Professional Services	2 spaces per 1,000 sq. ft.
Retail Sales / Grocery	2 spaces per 1,000 sq. ft.
Banks, Medical, Dental, Veterinary Offices, Fitness Clubs	3 spaces per 1,000 sq. ft.
Restaurants / Fast Food	3 spaces per 1,000 sq. ft.
Public and Institutional Uses	
Elementary School, Library, Museum	1 space per 1,000 sq. ft.
Community Center / Municipal Office / Educational Facility	2 spaces per 1,000 sq. ft.
Hospital	4 spaces per 1,000 sq. ft.
Miscellaneous Uses	
Indoor Sports Facility (no spectators)	1 space per 1,500 sq. ft.
Stadium / Arena	1 space per 6 seats
Outdoor Amusement (mini-golf, etc.)	20 spaces per acre
Bowling Alley	3 spaces per lane
Motor Vehicle Sales or Service	2 spaces per service bay plus 1 per 10 vehicles displayed

XIII. NEIGHBORHOOD COMPATIBILITY CRITERIA:

The proposed development will not result in an undue adverse impact on the existing use and quiet enjoyment of properties, both immediately abutting and within the neighborhood of the development.

The development will not produce noise, light, or other deleterious effects that would constitute a nuisance to neighboring properties.

The development will provide a buffer against its visual impacts.

The development will blend, insofar as possible, with existing built-up neighborhoods.

1. PERFORMANCE STANDARDS:

Construction of projects approved under this ordinance and on a site abutting any residential use, shall limit external building activity to between the hours of 7:00 A.M. and 10:00 P.M.

Buffering of Adjacent Uses: New development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use, for reducing the impact of the

development site on public streets, and for screening of mechanical equipment and service and storage areas.

Buffering must be designed to provide a year-round visual screen in order to minimize adverse impacts. It may consist of fencing, evergreens, berms, rocks, boulders, mounds, or a combination thereof.

A development must provide sufficient buffering when topographical or other barriers do not provide reasonable screening and where there is a need to shield neighboring properties from any adverse external effects of the development, or shield the development from the negative impacts of adjacent uses.

The width of the buffer may vary depending on the treatment of the area. Within densely built-up areas, a buffer with dense plantings, fencing, or changes in grade may fit within the building setback requirement. A buffer with moderate levels of planting should be ten (10) feet to fifteen (15) feet in width. In suburban and rural settings, the width of the vegetated buffer should be increased to a minimum of twenty-five (25) feet. Areas adjacent to service, loading, or storage areas should be screened by dense planting, berms, fencing, or a combination thereof sufficient to substantially eliminate the visual appearance of the area.

Whenever the area between the street and the front of the building is used for parking or vehicle movement, a vegetated buffer strip must be established along the edge of the road right-of-way. This buffer strip must soften the appearance of the site from the road and must create defined points of access to and egress from the site. The width of the buffer strip must increase with the setback of the building as follows:

Building Setback	Buffer Width
<50 feet	10 feet
50-74 feet	15 feet
75-99 feet	20 feet
100 feet or more	25 feet

Where the buffer width cannot be achieved, a low wall, fence, or hedge may be used to create the buffer.

Outdoor storage areas, external machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets. All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces, which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.

Where a potential safety hazard to children is likely to arise, a physical barrier sufficient to deter small children from entering the premises must be provided and maintained in good condition.

A. Landscape:

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.

Landscaping must be provided as part of site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a pleasing site character. The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties.

Landscaping may include plant materials such as trees, shrubs, groundcovers, perennials, and annuals, and other materials such as rocks, water, sculpture, art, walls, fences, paving materials, and street furniture.

Landscaping around and within parking lots shades hot surfaces and visually "softens" the hard surface look of parking areas. Parking areas should be designed and landscaped to create a pedestrian-friendly environment. A landscaped border should be created around parking lots. Any parking lot containing forty (40) or more parking spaces should include one (1) or more

landscaped islands within the interior of the lot. There should be at least one (1) island for every twenty (20) spaces. Landscaping must screen the parking area from adjacent residential uses and from the street.

B. Orientation and Placement of Buildings and Structures:

The layout of buildings, parking lots, and other structures on a site shall be consistent with features of the natural and built landscape, through the use of some or all of the techniques described in this section.

Utilization of the Site - Buildings, lots, and support facilities should be located and oriented in those portions of the site that have the most suitable conditions for development. The site design should avoid creating a building surrounded by a parking lot.

In urban, built-up areas, buildings should be placed close to the street. Where adjacent lots have been developed, new buildings shall be set back from the street line a distance equal to or within ten (10) feet of the average setback distance of the adjacent buildings. For buildings on corner lots, the setback relationship of both streets should be maintained.

In undeveloped areas, buildings should be placed well back from the road so as to conform with the rural character of the area. Where the existing site condition is natural woodland, the buffer requirements of Section C.3.(d), above, may be met by retaining undisturbed woodland.

Where two or more buildings are proposed, the buildings should be grouped and linked with sidewalks; tree planting should be used to provide shade and break up the scale of the site Plantings should be provided along the building edge, particularly where building facades consist of long or unbroken walls.

The main entrance to the building should be oriented to the street unless the parking layout or the grouping of the buildings justifies another approach and should be clearly identified as such through building and site design, landscaping, and/or signage. Site furnishings such as benches and sitting walls and, if appropriate, bicycle racks shall be encouraged. Additional plantings may be desirable at these points to identify the building entrance and to complement the pedestrian activity at this point.

Location of Off-Street Parking - Within built-up areas, parking lots shall be located to the side or rear of the building. Parking may be located between the building and the street when it is not economically feasible to locate it either behind or beside the building. The use of shared parking, shared driveways and the cross- connection of parking lots is encouraged.

Building Scale - When large new buildings or structures are proposed in built-up areas where their scale (size) and other features may be significantly different from that which already exists in the immediate neighborhood, care must be taken to design the new building or structure so that it is compatible with its neighbors. This may include making the building appear small, using traditional materials, styles and/or proportions.

XIV. ENVIRONMENTAL PROTECTION CRITERIA

The proposed development will not create or compound undue effects on natural resources or the environment.

The development will not result in degradation of air or water quality, including lake and groundwater.

The development will not result in degradation of wetlands or other wildlife habitat.

The development will not cause excessive erosion or sedimentation onto adjacent properties and downgrading resources.

1. PERFORMANCE STANDARDS:

Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. Natural drainage areas must also be preserved by minimizing the degree of grading and filling. 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 limitation on the extent of excavation.

A. Groundwater Protection

The proposed development must not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must 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.

The proposed extraction of two thousand (2,000) gallons per day of water from groundwater sources must be supported by a report from a qualified hydrogeologist stating that: i the quantity of water to be taken will not substantially lower the ground water table beyond the property lines or cause undesirable changes to subsurface flow patterns under drought conditions, and ii; the proposed facility will not cause diminution of the quality of the aquifer from which water is to be extracted.

The operator of a groundwater extraction project shall establish a system of regular monitoring and reporting on the quantity of water extracted and removed from the site.

Within the bounds of sand and gravel aquifers identified by the Town of Skowhegan Comprehensive Plan, no use, disposal, or storage of toxic or hazardous shall be permitted except in compliance with a Spill Prevention and Management Plan, to be submitted to the Town at the time of application.

Water Quality Protection: All aspects of the project must be designed so that:

No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwater's so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits,

floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.

If the project is located within the direct watershed of Lake George or Oak Pond, the project must comply with the standards to manage the export of phosphorous consistent with the standards of the DEP manual Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, revised May 1992, or as further revised.

B. Erosion Control:

Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of Maine Erosion and Sediment Control BMPs, published by DEP (as revised).

C. Stormwater Management:

Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a Stormwater Management Plan.

To the extent possible, the plan must retain stormwater on the site using the natural features of the site and must not have adverse impacts on abutting or downstream properties.

Unless the discharge is directly to the Kennebec River, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate. The applicant must demonstrate that on- and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding and erosion of shoreland areas, or that he/she will be responsible for whatever improvements are needed to provide the required increase in capacity and/or mitigation.

Any project which requires a Stormwater Management Permit from the Maine Department of Environmental Protection must submit a copy of the approved permit at time of application.

For projects which do not require a DEP Stormwater Management Permit, the use of Low Impact Development techniques, consistent with the publication Stormwater Management for Maine, (DEP, January 2006 or as revised) is highly encouraged.

For projects involving structural treatments, a Stormwater Maintenance Agreement must be submitted at the time of application. The SMA must indicate how stormwater facilities will be maintained through the course of their projected life.

The biological and chemical properties of receiving waters must not be degraded by stormwater runoff. The use of oil and grease traps in catch basins, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of de-icing salts and fertilizers may be required.

D. Preservation of Wildlife Habitat

No development shall involve the filling of wetlands that have been identified by the Maine Department of Inland Fisheries and Wildlife as having high or moderate value for wildlife habitat.

If an area within the proposed development site has been identified as a critical natural area or critical habitat for endangered or threatened species, the development will avoid impacts to that area insofar as practicable.

If an area within the proposed development site has been identified by the Maine Department of Inland Fisheries and Wildlife or the Town of Skowhegan Comprehensive Plan as a Deer Wintering Area, the developer shall consult with a qualified wildlife biologist and incorporate measures for protection of the resource into the development plan.

XV. CULTURAL RESOURCES CRITERIA:

The proposed development will not have an undue negative impact on the cultural assets of the Town of Skowhegan.

The development will not result in the loss or deterioration of archeological or historical resources of the town.

The development will not result in the loss of scenic and aesthetic assets.

1. PERFORMANCE STANDARDS:

Historic and Archaeological Resources: If any portion of the site has been identified by the Town of Skowhegan Comprehensive Plan or competent authority as containing the potential for historic or archaeological resources, the application shall include an assessment of those resources. The development must include appropriate measures for protecting those resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

View Protection: When a proposed development is located within the viewshed of an identified view from a public street or facility, as noted in the Town of Skowhegan Comprehensive Plan, the development must be designed to minimize the encroachment of all buildings, structures, landscaping, and other site features on the identified view.

XVI. COMPLIANCE CRITERION:

The proposed development will comply with other ordinances and regulations of the Town of Skowhegan regarding land use and development.

1. PERFORMANCE STANDARDS:

If the proposed project qualifies as a subdivision under the definition of the Skowhegan Subdivision Ordinance, the review of the subdivision and site plan may be carried out concurrently, with the approval of the site plan being completed at the same time as the final subdivision plan. In the event of procedural conflicts, all the requirements of both ordinances must be followed. The Planning Board shall find that all the criteria of both ordinances are met in order to grant approval.

XVII. FINANCIAL AND TECHNICAL CAPACITY CRITERION:

The proposed development must demonstrate the financial and technical capacity to complete the development and required public improvements in a timely manner.

1. PERFORMANCE STANDARDS:

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

The application must list the names of architects, engineers, and other professionals who were involved in the development of the project.

The application must list either the names of contractors who have been engaged to construct the project, or the process by which those contractors will be hired.

The application must include the estimated cost of the project, including required public improvements, and the source of funding sufficient to meet those costs.

If any public improvements are proposed or required for the development of this project, the terms of performance guarantees must be approved as part of the application process. Performance Guarantees will be developed in accordance with section 4.C of this ordinance.

1. PERFORMANCE STANDARDS:

Wireless Communications Facilities

Wireless Communications Facilities may be either free-standing or building mounted.

A free-standing wireless communication tower shall be a monopole-type construction and shall not exceed one hundred seventy-five (175) feet in height.

A building-mounted structure shall not extend more than fifteen (15) feet above the primary roof line of the building upon which it is mounted.

In order to protect public safety, the minimum horizontal distance from the base of any freestanding tower to any property line, road, or residential structure shall be equal to fifty (50) percent of the height of the structure. A security fence at least eight (8) feet in height shall be installed to completely enclose the tower and any associated buildings or structures.

All wireless communication facilities shall be designed to facilitate co-location of services. Accommodation for co-location shall be demonstrated at the time of application.

No wireless communication facility shall commence construction without a commitment for occupancy from at least one communication service provider. If at any time a facility has not supported a communication service provider for a period of six (6) consecutive months, the planning board may declare the facility abandoned and shall order its removal. If the facility tower has not been removed within ninety (90) days of such order, the Town shall contract to remove the tower and assess the cost to the property owner, said cost to become a lien against the property.

Visual impact of facilities shall be minimized, through choice of siting, design of the structure itself, or structural or vegetative buffering. No signage shall be placed on the tower itself, except for warning signs at the base. Signs on supporting buildings and structures shall be limited to those identifying the facility, the owner and operator, and emergency contact information.

Lighting of towers and antennae shall be prohibited except as required by the Federal Aviation Administration.

In review of the application for a wireless communication facility, the planning board is specifically authorized to retain an expert in the field of RF engineering to review technical details of the application. The cost of this expertise shall be borne by the applicant through the technical review fee and such additional assessment as is necessary.

XVIII. WIND ENERGY CONVERSION SYSTEMS

Proposed wind energy conversion systems shall meet the following Standards:

The minimum distance between the ground and any part of a rotor blade system shall be fifty (50) feet.

All access doors to towers and electrical equipment shall be lockable.

Towers shall not be artificially lighted, except as required by the FAA or other applicable authority. All lights shall be designed to minimize visibility from the ground to the extent allowed by the FAA or other applicable authority.

Turbines shall have an automatic braking, governing, and/or feathering system to prevent uncontrolled rotation, over speeding, and excessive pressure on the tower structure, rotor blades and turbine components caused by extremely high winds, icing or other weather phenomena.

Turbines shall be equipped with a fire suppression system that will extinguish any fire located in the nacelle portion of the turbine.

The tower and all ground-level equipment such as transformers and substations shall be enclosed within a security fence at least eight (8) feet in height. The fence shall be placed a minimum distance from the tower of three times (3x) the radius of the rotor blades.

Prior to the start of construction an applicant shall provide the town proof of adequate liability insurance.

All wiring between generating facilities and transformers or substations shall be underground unless the developer provides evidence that underground wiring is unfeasible.

1. Setbacks:

If a facility is to be sited on existing farmland, towers shall be a minimum setback distance from all surrounding property lines equal to 1.25 times the height of the tower. No structural development other than that directly connected with the facility, will be permitted in the setback zone.

Facilities on non-farmland will be required to meet a minimum setback distance from all property lines equal to 1.5 times the height of the tower plus the length of one blade.

Towers shall be set back at least 2,500 feet from wildlife sanctuaries or wetlands of high value for waterfowl and wading bird habitat as identified by Maine Department of Inland Fisheries and Wildlife.

Towers and turbines shall not contain advertising except for reasonable identification of the manufacturer or operator of the wind energy facility. Appropriate warning signs shall be placed on electrical equipment and facility entrances.

The installation shall minimize visual impact, through choice of siting, design of the structures, or structural or vegetative buffers.

The facility shall avoid, to the extent practicable, the creation of artificial habitat for raptors or raptor prey, such as a) electrical equipment boxes on or near the ground that can provide shelter and warmth, or b) horizontal perching opportunities on the towers or related structures.

XIX. ECONOMIC IMPACT CRITERION:

If the proposed development is a large-scale retail development, as defined by 30-A M.R.S.A. sec. 4366, or successor statute, it will not result in an undue adverse impact on the community.

1. PERFORMANCE STANDARDS:

A comprehensive economic impact study shall be performed by a qualified preparer and submitted with the application for site review.

To find that there is an undue adverse impact on the community, the Planning Board must find from the economic impact study and other evidence submitted that at least two of the factors in the economic analysis are negative and that the overall economic impact is negative.

The impact on neighboring municipalities within the comprehensive economic impact area must be considered as well as the impact on Skowhegan.

XX. POST APPROVAL ACTIVITIES

1. LIMITATION OF APPROVAL

Construction of the improvements covered by any site plan approval must be substantially commenced within twelve (12) months of the date upon which the approval was granted and must be substantially completed within twenty-four (24) months. If construction has not been substantially commenced, and substantially completed, within the specified period, the approval shall be null and void. The applicant may request an extension of the approval deadline prior to the expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board shall grant up to two (2), six (6) month extensions to the periods if the

approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

XXI. INCORPORATION OF APPROVED PLAN

One copy of the approved site plan must be submitted to the Code Enforcement Officer prior to commencing construction of the project. All construction activities must conform to the approved plan, including any conditions of approval and minor changes approved by the Code Enforcement Officer to address field conditions.

Any project involving the construction of more than twenty thousand (20,000) square feet of gross floor area or fifty thousand (50,000) square feet of impervious surface, must provide the Code Enforcement Officer with a set of construction plans showing the building(s) and site improvements as actually constructed on the site. These "as-built" plans must be submitted within thirty (30) days of the issuance of a certificate of occupancy for the project or occupancy of the building.

XXII. IMPROVEMENT GUARANTEES

1. Application

Improvement Guarantee - The Planning Board may require the posting of an improvement guarantee in such amount and form as specified in subsection 2 below as is reasonably necessary to ensure the proper installation of all off-site improvements required as conditions of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.

Upon substantial completion of all required improvements, the developer must notify the Planning Board of the completion or substantial completion of improvements and must send a copy of such notice to the appropriate municipal officials. The respective municipal officials shall inspect all improvements and shall file a report indicating approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.

The Planning Board shall approve, partially approve, or reject the improvements based on the report of the municipal officials.

If the improvements are approved, the guarantee shall be released. Where partial approval is granted, the developer shall be released from liability only for that portion of the improvements approved.

2. Form of Guarantee

Improvement guarantees may be provided by a variety of means including, but not limited to, the following:

Security Bond. The applicant may obtain a security bond from a surety bonding company authorized to do business in the state.

Letter of Credit. The applicant may provide an irrevocable letter of credit from a bank or other reputable lending institution.

Escrow Account. The applicant may deposit cash or other instruments readily convertible into cash at face value, either with the Town of Skowhegan, or in escrow with a bank. Any such account must require Town approval for withdrawal and must stipulate that the Town can

withdraw the money upon forty-eight (48) hour advance notice to the applicant to complete the guaranteed improvements.

The Selectboard shall review and approve all documents for form and enforceability.

XXIII. MINOR CHANGES TO APPROVED PLANS

Minor changes in approved plans necessary to address field conditions may be approved by the Code Enforcement Officer provided that any such change does not affect compliance with the standards or alter the essential nature of the proposal. Any such change must be endorsed in writing on the approved plan by the Code Enforcement Officer, and a report presented to the Planning board at their next regularly scheduled meeting.

XXIV. AMENDMENTS TO APPROVED PLANS

Approvals of site plans are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals, and supporting documents, except minor changes that do not affect approval standards, is subject to review and approval.

XXV. ENFORCEMENT

The Code Enforcement Officer (CEO) or their authorized agent shall enforce the provisions of this Ordinance. When a violation is found, the CEO shall notify the party responsible in writing and order corrective action.

The CEO is authorized to order the discontinuance of illegal uses or work and to take any other lawful action necessary to ensure compliance with this Ordinance.

Violations shall be enforced in accordance with **30-A M.R.S. §4452**. Each day a violation continues after notice constitutes a separate offense. The Select Board or its authorized agent may enter into administrative consent agreements to resolve violations and recover penalties without court action.

XXVI. APPEALS PROCEDURE

Any person directly or indirectly affected by the granting or denial of a permit, any abutting landowner, or any person who has suffered a particularized injury may appeal a decision of the Code Enforcement Officer or Planning Board to the Board of Appeals within **30 days** of the decision.

Appeals to the Board of Appeals shall be **appellate review only** and shall be based on the record of the original decision; they shall not be conducted **de novo**.

Any party to the Board of Appeals proceeding may appeal the Board's decision to **Superior Court in accordance with Maine law within 30 days** of the decision.