Site Plan Review Ordinance

Town of Tremont

ARTICLE I, 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 nonresidential and multifamily 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, wildlife habitat, fisheries, and unique natural areas; protection of historic and archaeological resources; minimizing the adverse impacts on adjacent properties; and fitting the project harmoniously into the fabric of the community.

ARTICLE II, APPLICABILITY OF SITE PLAN REVIEW

A. A person who has right, title, or interest in a parcel of land must obtain site plan approval under the Tremont Site Plan Review Ordinance prior to commencing any of the following activities on the parcel, obtaining a building or plumbing permit for the activities, or undertaking any alteration or improvement of the site including grubbing or grading:

1. **Minor Use Site Development Plan:** Level of review by the Code Enforcement Officer in conformity with the criteria and performance standards of this Article for non-residential projects involving:

a. The new construction and/or expansion of gross non-residential floor area from six hundred square feet (600sq ft) and not to exceed nine hundred ninety-nine square feet (999 sq ft) in any five year period;

b. The creation of impervious surface between six hundred square feet (600sq ft) and nine hundred ninety-nine square feet (999sq ft) of gross non-residential area;

c. A change of use within an existing building or structure of less than nine hundred ninety-nine square feet (999sq ft);

d. A project not requiring a Maine Department of Transportation Traffic Movement Permit or a modification or change to an existing Maine Department of Transportation Traffic Movement Permit;

e. Soil disturbance, extraction industries, and commercial earth moving and mining activities up to nine hundred ninety-nine square feet (999sq ft);

2. **Major Use Site Development Plan:** Level of review conducted by the Planning Board in conformity with the criteria and performance standards of this Article for non-residential projects except as noted below involving:

a. The new construction and/or expansion of gross non-residential floor area greater than nine hundred ninety-nine square feet (999sq ft) in any five year period;

b. The creation of impervious surface greater than nine hundred ninety-nine square feet (999sq ft) of gross nonresidential area;

c. A change of use within an existing building or structure of greater than nine hundred ninety-nine square feet (999 sq ft);

d. A Project requiring a Maine Department of Transportation Traffic Movement Permit or a modification or change to an existing Maine Department of Transportation Traffic Movement Permit;

e. Subdivision into residential units of a new or existing structure. Such subdivision shall be recorded in the Registry of Deeds.

f. Soil disturbance, extraction industries, commercial earth moving and mining activities between greater than nine hundred ninety-nine square feet (999sq ft).

g. Construction of non-commercial barns, stables, and other agriculture- and forestry related buildings.

h . All non-structural uses of land for agricultural or forestry purposes.

B. The following activities shall not require site plan approval under the Tremont Site Plan Review Ordinance (certain of these activities will, however, require the owner to obtain a building permit, plumbing permit, or other state or local approvals):

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

(2) The placement, alteration, or enlargement of a single manufactured housing, or mobile home dwelling, including accessory structures on individually owned lots.

(3) Agricultural activities, including agricultural structures.

(4) Timber harvesting and forest management activities.

(5) The establishment and modification of home occupations that do not result in changes to the site or exterior of the structure.

(6) Activities involving nonresidential structures or activities that are specifically excluded from review by the provisions of this section.

ARTICLE III, DEFINITIONS

Terms not defined herein shall be defined according to the latest version of Merriam-Webster's Collegiate Dictionary. As used in this Ordinance, the following definitions shall apply. Words used in the present tense shall include the future. Words used in the singular shall include the plural.

For words or terms not defined herein, reference should be made to ARTICLE XI, "DEFINITIONS", in the Tremont Land Use Ordinance ("LUO"), which definitions shall apply as if they were included herein.

ARTERIAL: A controlled access road or a street or road with traffic signals at important intersections and/or stop signs on side streets or which is functionally classified by the Maine Department of Transportation as an arterial.

BUILDING: See the definition of "structure" in the LUO.

FISHERIES, SIGNIFICANT FISHERIES: Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife, Atlantic Salmon Authority, or Maine Department of Marine Resources as having significant value as fisheries and any areas so identified in the Town of Tremont's comprehensive plan.

NATURAL AREAS AND NATURAL COMMUNITIES, UNIQUE NATURAL AREAS AND NATURAL COMMUNITIES: Areas identified by a governmental agency such as the Maine Department of Conservation Natural Areas Program as having significant value as a natural area and any areas identified in the Town of Tremont's comprehensive plan.

SUBSTANTIALLY COMMENCED; SUBSTANTIALLY COMPLETED: Construction shall be considered to be substantially commenced when any work beyond the state 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 considered to 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 general public. It shall also include permanent stabilization and/or re-vegetation of areas of the site that were disturbed during construction.

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 Town of Tremont's comprehensive plan.

ARTICLE IV, ADMINISTRATION AND ENFORCEMENT

This ordinance shall be administered and enforced by a Code Enforcement Officer (CEO) appointed by the Selectmen.

It shall be the duty of the CEO or his/her agent to enforce the provisions of this ordinance. If the CEO or his/her agent shall find that any provision of this ordinance is being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of, structures, additions, or work being done, or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

The CEO is hereby authorized to institute or cause to be instituted, in the name of the Town of Tremont, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this ordinance; provided, however, that this section shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions of this ordinance.

Any person, firm, or corporation being the owner of or having control or use of any structure or premises who violated any of the provisions of this ordinance, shall be fined in accordance with Title 30-A § 4452. Each day such a violation is permitted to exist after notification shall constitute a separate offense. The Selectmen, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this ordinance and recovering fines without court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized Municipal Official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

ARTICLE V, REVIEW AND APPROVAL AUTHORITY

The Planning Board is authorized to review and act on all site plans for development requiring site plan review as defined above.

In considering site plans under this provision, the Planning Board may act to approve, disapprove, or approve the project with conditions as are authorized by these provisions.

ARTICLE VI, REVIEW PROCEDURES

The Planning Board shall use the following procedures in reviewing applications for site plan review.

A. Pre-application

Prior to submitting a formal application, the applicant or his/her representative may request a pre-application conference with the Planning Board. Said request shall be made, in writing, to the Board Secretary at least fourteen (14) days prior to the date of the meeting. Applicant shall provide the Planning Board with whatever information, relative to the proposed project, is available at the time of the pre-application conference. A pre-application conference is strongly advised. The pre-application conference shall be informal and informational in nature. There shall be no fee for a pre-application review, and such review shall not cause the plan to be a pending application or proceeding under Title 1 M.R.S.A. §302. No decision on the substance of the plan shall be made at the pre-application conference.

(1) Purpose

The purposes of the pre-application conference are to:

(a) Allow the Planning Board to understand the nature of the proposed use and the issues involved in the proposal,

(b) Allow the applicant to understand the development review process and required submissions,

(c) Identify issues that need to be addressed in future submissions, and

(d) Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.

In addition, the Board may schedule a site inspection in accordance with subsection (B)(5) if deemed necessary and resolve any requests for waivers and variations from the submission requirements.

(2) Information Required

There are no formal submission requirements for a pre-application conference. However, the applicant should be prepared to discuss the following with the Board:

(a) The proposed site, including its location, size, and general characteristics,

(b) The nature of the proposed use and potential development,

(c) Any issues or questions about existing municipal regulations and their applicability to the project, and

(d) Any requests for waivers from the submission requirements.

B. Application Submission and Review Procedures

The applicant must prepare and submit a site plan review application, including the development plan and supporting documentation that meets the submission requirements set forth below. This material must be submitted to the Code Enforcement Officer twenty one (21) days prior to meeting at which application will be considered.

(1) At the time formal application is made, the Code Enforcement Officer shall give a dated receipt to the applicant and shall notify by first-class mail all property owners of the parcel on which the proposed development is located. Written notice of the pending application shall be provided to the Selectmen, Town Manager, Fire Chief, Road Commissioner, and other interested parties.

(2) Within thirty (30) days of the receipt of a formal site plan review application, the Planning Board shall review the material and determine whether or not the submission is complete. If the application is determined to be incomplete, the Board shall notify the applicant in writing of this finding, shall specify the additional materials required to make the application complete and shall advise the applicant that the application will not be considered by the Board until the additional information is submitted to the Board. These steps, except the notification requirements, shall be repeated until the application is found to be complete.

(3) As soon as the Board determines that the application is complete, the Board shall: notify the applicant in writing of this finding, meet the notification requirements of subsection B.(4) below, and place the item on the agenda for substantive review within thirty (30) days of this finding or at the next scheduled Planning Board meeting, whichever is later.

(4) As soon as the application is found to be complete, the Planning Board may schedule a public hearing, and shall notify the applicant on which the proposed development is located, per the requirements set forth in section B. (5) below. If the Planning Board does not schedule a public hearing, the Planning Board will allow those so notified in section B. (1) above to comment on the application before deliberations on Article IX of this Ordinance commence.

(5) After the first meeting at which the application is considered, the Planning Board may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted and investigate the development proposal. The Board may decide not to hold an on-site inspection when the site is snow covered or otherwise impassable due to customary seasonable conditions. If an application is pending during a period when there is snow cover or the site is impassable, the deadline by which the Planning Board shall take final action on the application as specified in B. (6) may be

extended, which extension shall not exceed thirty (30) days after the Board is able to conduct an on-site inspection. Written notice of the on-site inspection shall be provided to all parties entitled to notice under subsection B. (1).

(6) The Planning Board shall take final action on said application within thirty (30) days of determining that the application is complete. The Board shall act to deny, to approve, or to approve the application with conditions. The Board may impose such conditions as are deemed advisable to assure compliance with the standards of approval.

In issuing its decision, the Planning Board shall make written findings of fact establishing that the proposed development does or does not meet the standards of approval and other requirements of the Town. The Board shall notify the applicant, all officials who received notice under B. (4) and all parties who requested to be notified of the action of the 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 Board.

A. Final Approval and Filing

Upon completion of the requirements of this Section and an approval vote by the majority of the Planning Board, the application shall be deemed to have final approval and the site plan shall be signed by a majority of the members of the Board and must be filed with the Code Enforcement Officer. Any plan not so filed within thirty (30) days of the date upon which such plan is approved and signed by the Board shall become null and void.

B. Fees

(1) Application Fee

An application for site plan review must be accompanied by an application fee in such amount as the Board of Selectmen may by rule from time to time establish. The fee schedule will be provided to the applicant by the Code Enforcement Officer. This fee is intended to cover the cost of the Town of Tremont's administrative processing of the application. The fee shall not be refundable. This application fee must be paid to the Town of Tremont and evidence of payment of the fee must be included with the application.

(2) Technical Review Fee

In addition to the application fee, the applicant for site plan review must also pay a technical review fee in the amount of five hundred (500) dollars to defray the Town of Tremont's legal and technical costs of the application review. This fee must be paid to the Town of Tremont and shall be deposited in the Development Review Trust Account, which shall be separate and distinct from all other municipal accounts. The application will be considered incomplete until evidence of payment of this fee is submitted to the Planning Board. The Board may reduce the amount of the technical review fee or eliminate the fee if it determines that the scale or nature

of the project will require little or no outside review. If seventy five percent of the initial technical review fee is used, the Planning Board may request additional monies to cover expenses.

The technical review fee may be used by the Planning Board to pay reasonable costs incurred by the Board, at its discretion, which relate directly to the review of the application pursuant to the review criteria. Such services may include, but need not be limited to, consulting, engineering or other professional fees, attorney fees, recording fees, and appraisal fees. The Town of Tremont shall provide the applicant, upon written request, with an accounting of his or her account and shall refund all of the remaining monies, including accrued interest, in the account after the payment by the Town of all costs and services related to the review. Such payment of remaining monies shall be made no later than sixty (60) days after the approval of the application, denial of the application, or approval with condition of the application. Such refund shall be accompanied by a final accounting of expenditures from the fund. The monies in such fund shall not be used by the Board for any enforcement purposes nor shall the applicant be liable for costs incurred by or costs of services contracted for by the Board which exceed the amount deposited to the trust account.

(3) Establishment of Fees

The Selectmen may, from time to time and after consultation with the Board, establish the appropriate application fees and technical review fees following posting of the proposed schedule of fees and public hearing.

E. Public Hearing Requirements

(1) A public hearing is required for any Site Plan Review Application that requires Planning Board approval.

(2) Notice of the date, time and place of the public hearing, and site inspection if scheduled, shall be made as follows:

(a) Published by the Planning Board at least once in a newspaper having general circulation within the Town of Tremont. The date of the first publication shall be at least 14 days before the hearing.

(b) Posted at the Town Office, the Tremont Post Offices, and the Tremont web site.

(c) Mailed by the Code Enforcement Officer by mail to the Applicant.

(d) Mailed by the Code Enforcement Officer by mail to the last-known addresses of owners of abutting properties of any property line of the parcel(s) on which the proposed development is located. Failure of any of these property owners to receive notice shall not invalidate the public hearing.

(3) All costs of notification per requirements of this section any other section of this Ordinance shall be borne by the Applicant.

F. Submissions by all other parties.

The Planning Board shall not accept any documentary evidence or submissions from any other party unless it was received by the Code Enforcement Officer at least seven days prior to the meeting in which the application will be considered.

All time limits provided for in this Article may be modified to a date certain by mutual agreement of the applicant and Planning Board.

ARTICLE VII, SUBMISSION REQUIREMENTS

A. Applications for site plan review must be submitted on application forms provided by the Town of Tremont. The complete application form, evidence of payment of the required fees, and the required plans and related information must be submitted to the Code Enforcement Officer. The submission must contain at least the following exhibits and information unless specifically waived in writing. The Planning Board may waive any of the submission requirements based upon a written request of the applicant. Such request must be made at the time of the pre-application conference or at the initial review of the application if no pre-application conference is held. A waiver of any submission requirement may be granted only if the Board makes a written finding that the information is not required to determine compliance with the standards.

(1) All applications for site plan review must contain the following information:

(a) A fully executed and signed copy of the application for site plan review.

(b) Evidence of payment of the application and technical review fees.

(c) Eight (8) copies of written materials plus eight (8) sets of maps or drawings containing the information listed below. The maps or drawings must be at a scale sufficient to allow review of the items listed under the approval standards and 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:

(2) General Information

(a) record owner's name, address, and phone number and applicant's name, address and phone number if different.

(b) the location of all required structure setbacks, yards, and buffers.

(c) names and addresses of all property owners within five hundred (500) feet of any and all property boundaries.

(d) sketch map showing general location of the site within the Town of Tremont based upon a reduction of the tax maps.

(e) 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.

(f) the tax map and lot number of the parcel or parcels on which the project is located.

(g) 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.

(h) the name, registration number, and seal of the person who prepared the plan, if applicable.

(i) evidence of the applicant's technical and financial capability to carry out the project as proposed.

(3) Existing Conditions

(a) zoning classification(s), including overlay and/or sub-districts, of the property and the location of zoning district boundaries if the property is located in two (2) or more zoning districts or sub-districts or abuts a different district.

(b) the bearings and length of all property lines of the property to be developed and the source of this information. The Planning Board may waive this requirement of a boundary survey when sufficient information is available to establish, on the ground, all property boundaries.

(c) 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, 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.

(d) location, names, and present widths of existing public and/or private streets and rights-of-way within or adjacent to the proposed development.

(e) the location, dimensions and ground floor elevation of all existing structures on the site.

(f) the location and dimensions of existing driveways, parking and loading areas, walkways, and sidewalks on or immediately adjacent to the site.

(g) location of intersecting roads or driveways within two hundred (200) feet of the site.

(h) 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, 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.

(i) the direction of existing surface water drainage across the site.

(j) the location, front view, dimensions, and lighting of existing signs.

(k) location and dimensions of any existing easements and copies of existing covenants or deed restrictions.

(l) the location of the nearest fire hydrant, dry hydrant or other water supply for fire protection.

(4) Proposed Development Activity

(a) 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.

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

(c) provisions for handling all solid wastes, including hazardous and special wastes and the location and proposed screening of any on-site collection or storage facilities.

(d) the location, dimensions, and 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.

(e) proposed landscaping and buffering.

(f) the location, dimensions, and ground floor elevation of all proposed structures or structure expansions proposed on the site.

(g) location, front view, materials, and dimensions of proposed signs together with the method for securing the sign.

(h) location and type of exterior lighting.

(i) the location of all utilities, including fire protection systems.

(j) a general description of the proposed use or activity.

(k) an estimate of the peak hour and daily traffic to be generated by the project.

(l) stormwater calculations, erosion and sedimentation control measures, and water quality and/or phosphorous export management provisions, 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.

(5) Approval Block

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

ARTICLEVIII, APPROVAL STANDARDS AND CRITERIA

In addition to all of the standards of the Tremont Land Use Ordinance, which are to be considered concurrently with the review of applications under this Ordinance, 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 standards, or has failed to meet all of the standards of the Tremont Land Use Ordinance. 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.

A. Utilization of the Site

The plan for the development must reflect the natural capabilities of the site to support development. Structures, lots, and support facilities must be clustered in those portions of the site that have the most suitable conditions for development. 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 to the maximum extent. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

B. Adequacy of Road System

Vehicular access to the site must be on roads which have adequate capacity to accommodate the additional traffic generated by the development. For developments which generate one hundred (100) or more peak hour trips based on the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers, intersections on major access routes to the site within one (1) mile of any entrance road which are functioning at a Level of Service of D or better prior to the development must function at a minimum at Level of Service D after development. If any such

intersection is functioning at a Level of Service E or lower prior to the development, the project must not reduce the current level of service. This requirement may be waived by the Planning Board if the project is located within a growth area designated in the Town's adopted Comprehensive Plan and the Board determines that the project will not have an unnecessary adverse impact on traffic flow or safety.

A development not meeting this requirement may be approved if the applicant demonstrates that:

(1) A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or

(2) The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will assure the completion of the improvements with a financial guarantee acceptable to the Town of Tremont.

C. Access into the Site

Vehicular access to and from the development must be safe and convenient.

(1) Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.

(2) Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.

(3) The grade of any proposed drive or street must be not more than ±3% for a minimum of two (2) car lengths, or forty (40) feet, from the intersection.

(4) The intersection of any access/egress drive or proposed street must function:

(a) at a Level of Service of D following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or

(b) at a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated.

(5) Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if it is safe and does not promote shortcutting through the site.

(6) Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.

(7) Access-ways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.

(8) The following criteria must be used to limit the number of driveways serving a proposed project:

(a) No use which generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.

(b) No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all access-ways must not exceed sixty (60) feet.

D. Access-way Location and Spacing

Access-ways must meet the following standards:

(1) Private entrances/exits must be located at least fifty (50) feet from the closest un-signalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the access-way. This requirement may be reduced if the shape of the site does not allow conformance with this standard.

(2) Private access-ways in or out of a development must be separated by a minimum of seventy-five (75') feet where possible.

E. Internal Vehicular Circulation

The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

(a) Nonresidential projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing for a minimum of 2 vehicles.

(b) Clear routes of access must be provided and maintained for emergency vehicles to and around structures and must be posted with appropriate signage (fire lane - no parking).

(c)The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.

(d) All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion,

by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

F. Parking Layout and Design

Off-street parking must conform to the following standards:

(1) Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.

(2) All parking spaces, access drives, and impervious surfaces must be located at least five (5) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within five (5) feet of the front property line. Parking lots on adjoining lots may be connected by access-ways not exceeding twenty-four (24) feet in width.

(3) Parking stalls and aisle layout must conform to the following standards.

Nine and one half (9.5) feet wide by eighteen (18) feet long

(4) In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.

(5) Parking areas for nonresidential uses must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Double stack parking may be permitted for resident parking in conjunction with residential uses if both spaces in the stack are assigned to the occupants of the same dwelling unit.

(6) Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

(7) Off Street Parking and Loading

(a) No structure shall be erected nor shall any of the following uses be established unless at least the minimum number of off-street parking spaces as provided below is provided. Off-street parking, either by means of open air spaces or by garage space, in addition to being a permitted use, shall be considered as an accessory use when required or provided to serve conforming uses located in any District.

(b) The following minimum off-street parking requirements shall be provided and maintained in case of new construction, alterations and changes of use or as deemed appropriate by the Planning Board:

[1] Residential – Two (2) parking spaces for each dwelling unit

[2] Home occupation – Minimum of two (2) additional spaces beyond two (2) spaces required for each dwelling unit

(c) Transient Accommodations:

[1] Bed and Breakfast accommodations, motels, hotels, boarding houses, cottages, and inns with ten (10) rooms or less – Two (2) parking spaces plus one space for each guest room

[2] Motels, hotels, boarding houses, cottages, and inns with more than ten (10) rooms – One (1) parking space for each guest plus one (1) for each two (2) employees.

[3] Recreational Lodging Facility – one (1) parking space for each Camping Unit plus one (1) for every two (2) employees.

(d) Schools –One (1) parking space for each classroom plus one (1) for each four (4) employees

(e) Hospitals, Nursing Homes (bed facilities only)
One (1) parking space for every three (3) beds, plus one (1) for each employee based on the expected average employee occupancy

(f). Funeral Parlors – twenty (20) spaces or as determined by the Planning Board

(g) Theaters, churches, and other public assembly places – One (1) parking space for every four (4) seats or for every two hundred (200) square feet or major fraction thereof of assemblage space if no fixed seats.

(h) Retail Stores and Businesses – One (1) space for every two hundred (200) square feet of retail area, plus one for every two employees

(i) Automotive Repair and Service Stations – One (1) space for each regular employee plus one (1) space for each fifty (50) square feet of floor area

(j) Roadside Farm Stand – Four (4) spaces

(k) Restaurants, eating and drinking establishments – One (1) parking space for every four (4) seats, plus one (1) for every two (2) employees

(l) Drive-In Restaurants and Dairy Stands – Ten (10) spaces plus one (1) additional space for each person serving or preparing food

(m) Professional Offices and Public Structures – One (1) parking space for every two hundred (200) square feet of working space

(n) Fraternal Organizations and Clubs – One (1) space for each five (5) members

(o) Other Commercial Recreation Establishments (mini-golf courses, etc.) the number of spaces deemed appropriate by the Planning Board

(p) Industrial – One (1) parking space for each one and one half (1.5) employees, based on the highest expected average employee occupancy, plus employee, visitor and customer parking to meet the needs of specific operations

(q) Maritime activities – commercial and recreational
One (1) per every slip and or mooring and one (1) per every two employees

(r) For uses not specifically listed in this section, the Code Enforcement Officer shall prescribe the number which in no case will be less than an adequate number for employees and customers and visitors anticipated on the site

(s) Location on Other Property -. If the required automobile parking spaces cannot be provided on the same lot where the principal use is conducted, the Planning Board can permit that such spaces may be provided on other off-street property provided that such property lies within one thousand (1,000) feet of the main entrance to such principal use. Such automobile parking space shall be associated with the principal use and shall not thereafter be reduced or encroached upon in any manner, provided however, that it may serve different principal uses at different times of day.

(t) If the applicant demonstrates to the Planning Board that the proposed project, which is outside the shoreland zone, will not have an adverse impact on parking congestion in the area, the Board may waive the parking standards.

G. Pedestrian Circulation

The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major structure entrances/exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect with amenities such as parks or open space on or adjacent to the site.

H. 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 drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

(1) To the extent possible, the plan must retain stormwater on the site using the natural features of the site.

(2) Unless the discharge is directly to the ocean or major river segment, 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.

(3) 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.

(4) All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.

(5) The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.

(6) The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.

(7) The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

I. Erosion Control

All structure, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and/or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.

Soil erosion and sedimentation of watercourses and water bodies will be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 1991.

J. Water Supply

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

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

K. Sewage Disposal

The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code.

(1) All sanitary sewage from new or expanded uses must be discharged into a public sewage collection and treatment system when such facilities are currently available or can reasonably be made available at the lot line and have adequate capacity to handle the projected waste generation.

(2) If the public collection system is not at the lot line, but can be extended in the public right-of-way, the collection system must be extended by the owner and the new or expanded use connected to the public system. Such extension shall be required if the public system is within one hundred (100) feet of a new use with a design sewage flow of less than five hundred (500) gallons per day or within three hundred (300) feet of a new use with a design sewage flow of five hundred (500) or more gallons per day and the system has adequate capacity to accommodate the additional flow. The Planning Board may waive this requirement if the use is already served by a properly functioning subsurface disposal system that is properly sized for the projected flows, provided that connection to the public system will occur if and when the subsurface system needs to be replaced.

(3) If the public system cannot serve or be extended to serve a new or expanded use, the sewage must be disposed of by an on-site sewage disposal system meeting the requirements of the Subsurface Wastewater Disposal Rules.

(4). When two (2) or more lots or structures in different ownership share the use of a common subsurface disposal system, the system must be owned and maintained in common by an owners' association. Covenants in the deeds for each lot must require

mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system.

L. Utilities

The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

M. Natural Features

Unless an acceptable landscaping plan is presented and approved by the Planning Board, 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. Planning Board shall refer to the Tremont Land Use Ordinance Article VI. A. Buffering Standards.

N. Groundwater Protection

The proposed site development and use 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.

O. Water Quality Protection

All aspects of the project must be designed so that:

(1) 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 ground-waters 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.

(2) 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.

(3) If the project is located within the watershed of a 'body of water most at risk from development' as identified by the Maine Department of Environmental Protection (DEP), the project must comply with the standards of the DEP with respect to the export of total suspended solids and/or phosphorous.

P. Hazardous, Special and Radioactive Materials

The handling, storage, and use of all materials identified by the standards of a federal or state agency as hazardous, special or radioactive must be done in accordance with the standards of these agencies.

No flammable or explosive liquids, solids or gases shall be stored in bulk above ground unless they are located at least seventy-five (75) feet from any lot line, or forty (40) feet in the case of underground storage. All materials must be stored in a manner and location which is in compliance with appropriate rules and regulations of the Maine Department of Public Safety and other appropriate federal, state, and local regulations.

Q. Shoreland Relationship

The development must not adversely affect the water quality or shoreline of any adjacent water body. The development plan must provide for access to abutting navigable water bodies for the use of the occupants of the development as appropriate.

R. Technical and Financial Capacity

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.

S. Solid Waste Disposal

The proposed development must provide for adequate disposal of solid wastes. All solid waste must be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

T. Historic and Archaeological Resources

If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

U. Floodplain Management

If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Town's Floodplain management provisions.

ARTICLE IX, POST APPROVAL ACTIVITIES

A. Limitation of Approval

The following timelines shall apply to any approval granted under this Ordinance. All timelines begin on and refer back to date of approval.

(1) Construction must be substantially commenced within twelve (12) months of date of approval.

(2) Construction must be substantially complete and the project must be operational within twenty-four (24) months of date of approval.

(3). The applicant may apply for up to two (2) six month extensions of either substantial commencement or substantial completion/commencement of operation dates. Such extensions will be reviewed and approved or denied by the Planning Board. Conditions under the Ordinance in place under which the original approval was granted will apply for the duration of the extension periods.

(4) Under no circumstance will any extensions be allowed to prolong substantial completion or start of project operation beyond thirty-six (36) months after date of approval. If the applicant wishes to complete the project after that time, the applicant must re-apply for a new approval under the terms of the Ordinance in effect at the time of said re-application.

B. Incorporation of Approved Plan

One copy of the approved site plan must be included with the application for the building permit for the project and 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.

C. The Approved Plan shall be filed in the Town Office.

D. Improvement Guarantees

(1) Application

(a) Improvement Guarantee - The Planning Board may require the posting of an improvement guarantee in such amount and form as specified in subsection D.(1)(b) 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.

(b) 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 must file a report indicating either approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.

(c) The Planning Board shall either approve, partially approve, or reject the improvements on the basis of the report of the Municipal Officials.

(d) 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

Performance guarantees may be provided by a variety of means including, but not limited to, the following which must be approved as to form and enforceability by the Board of Selectmen.

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

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

(c) Escrow Account - The applicant may deposit cash, or other instruments readily convertible into cash at face value, either with the Town of Tremont, 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.

E. Submission of As-Built Plans

Any project involving the construction of more than five thousand (5,000) square feet of gross floor area or ten thousand (10,000) square feet of impervious surface, must provide the Code Enforcement Officer with a set of construction plans showing the structure(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 a building.

F. 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.

G. 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 Planning Board review and approval.

ARTICLE X, APPEAL OF PLANNING BOARD ACTIONS

Appeal of any actions taken by the Planning Board with respect to this section shall be to the Board of Appeals.

ARTICLE XI, AMENDMENTS TO THE ORDINANCE

Amendments of this ordinance may be initiated by the Selectmen, the Planning Board, or as specified in Title 30-A M.R.S.A. §2522.

No proposed amendments to this ordinance shall be referred to the Town Meeting until the Selectmen 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 Town of Tremont 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.

ARTICLE XII, SEVERABILITY

The invalidity of any section or provision of this ordinance shall not be held to invalidate any other section or provision of this ordinance.

I attest this to be a true copy of this ordinance:

_____

Sarah Abbott
Town Clerk

Tremont Select Board

Jamie Thurlow, Chair	McKenzie Jewett, Vice Chair
Eric Eaton	Howard Goodwin
Kevin Buck	

Legislative History
01-07-19: Town Manager Draft
01-29-19: Draft reviewed by Planning Board
02-25-19: Draft reviewed by Town Manager
03-12-19: Public Hearing
03-25-19: Draft certified by Selectboard for Town Meeting Warrant
05-14-19: Adoption by Town Meeting
03-25-21: Draft reviewed by Planning Board
07-27-21: Draft reviewed by Town Manager
08-02-21: Draft certified by Selectboard for Town Meeting Warrant
10-04-21: Public Hearing
11-02-21: Adoption by Special Town Meeting
03-07-22: Draft certified by Select Board for Town Warrant
04-19-22: Public Hearing
05-09-22: Adoption by Annual Town Meeting
01-09-24: Draft Reviewed by Planning Board
01-10-24: Draft Reviewed by Town Manager
01-16-24: Draft Certified by Select Board for Town Meeting Warrant