SITE PLAN REVIEW ORDINANCE
TOWN OF WARREN, MAINE

I. Purpose

Substantial development or major changes in the uses of land cause a profound impact on the cost and efficiency of municipal services and on the environment of the Town. Such development can have impacts on schools, sewers, waterlines, and other public utilities; recreational facilities; liquid and solid waste disposal; fire protection; open space; road systems and circulation; traffic congestion; placement of buildings and structures; property values; water quality; the visual characteristics of the neighborhood and Town; and the general health, safety, and welfare of the community. It is the purpose of this section to minimize such impacts caused by development, and to accomplish the following objectives with the least possible regulation:

a. To establish a fair and reasonable set of standards for evaluation each development proposal impartially on its own merits;

b. To provide local protection from those particular nuisances which are not governed by State law or regulations;

c. To suggest ways in which development proposals may be modified so that potential problems and nuisances would be minimized or prevented;

d. To balance the right of land owners to use their land for the purposes stated in paragraph l. b. above, with the corresponding right of abutting and neighboring land owners to live without undue disturbance from noise, smoke, fumes, dust, odor, glare, traffic, or storm water run-off, or the pollution of ground or surface water resources;

e. To provide a Public Hearing process through which town residents may raise questions and receive answers about how new development proposals would affect them;

f. To protect property values; and

g. To reduce the off-site (external) problems created by development, thereby decreasing the cost of maintaining or improving municipal facilities.

II. Authority and Administration

a. This Ordinance is adopted pursuant to the Home Rule Power of Article VIII, Part 2, of the Maine Constitution and 30-A M.R.S.A., Section 3001.

b. The Warren Planning Board shall administer this Ordinance.

III. Applicability

This section shall apply to:

a. Proposals for new construction of non-residential buildings or structures and of multi-family dwellings, including accessory buildings and structures, having a total area for all floors of more than 1,500 square feet.

b. Resumption of conforming and non-conforming uses which have been discontinued for at least one (1) year.

c. Existing uses (conforming and non-conforming) which seek to expand by either 1,500 square feet within any five (5) year period, with regard to floor-space, parking area, seating capacity, or outdoor storage area, and the addition of weeks or months to a business's operating seasons which exceeds 20%.

d. Existing uses (conforming and non-conforming) which seek to expand by the addition of hours to a work day which creates a negative impact on the surrounding area.

e. New Proposal to pave, strip, grade, fill or remove earth materials from areas of more than 10,000 square feet within a five (5) year period.

f. Any additional proposal of sufficient size and complexity and potential impact as to warrant review by the Planning Board.

g. Existing pits and quarries whether approved or grandfathered shall require Planning Board review under the Site Plan Review Ordinance if any of the following apply:

   1. Existing permitted pits/quarries that are sold or there is a transfer of ownership or operation shall be subject to review before the anniversary date of the original Site Plan approval to determine that they are operating within the previous permitted use guidelines by Site Plan Review.

   2. A change of use as defined in the Land Use Ordinance.

   3. If the approved pit exceeds five (5) acres.

   4. There is a change of the reclamation plan.

   5. There is a change in business plan, which increases the activity in the pit or the number of yards removed by 25% (twenty-five) or more.

   6. Gravel pits shall be limited to a maximum of less than five (5) acres. The amount to be reclaimed shall be determined per the new Site Plan Review Ordinance before any additional contiguous area can be opened up or topsoil removed.

h. Quarries, quarrying or quarry type activities shall be reviewed under this ordinance.

This section does not apply to single-family or two-family dwellings and/or accessory buildings, to home occupations, or to agricultural and forest land management practices. ALL other uses not excluded herein will require Site Review.

IV. Review Procedures

A. Informal preapplication procedure

1. All applicants must make a presentation to the Planning Board, presenting a sketch plan of the project.

2. Planning Board may offer suggestions toward the drafting of formal plans and review with the applicant the appropriate information required for the project.

3. The sketch plan should be drawn and the lot number and appropriate tax map should be indicated for reference.

B. Application Procedures

1. Within six (6) months of the preapplication conference, the applicant shall submit the following at a regular monthly meeting accompanied by an application fee. (Current fee schedule available at Town Office).

   a. Seven (7) copies of a formal Site Plan Review application. Application forms are available at the Town Office.

   b. Seven (7) copies of a map showing the following information and drawn to a scale of not more than 100 feet to the inch and not less than 40 feet to the inch on standard 24 Inch 36 inch paper.

   Information provided on this drawing should include:

      1. Name and address of applicant and development.

      2. Scale and true north or magnetic indicator.

      3. Total land area of the site.

      4. Location of development on the site.

5. Location of watercourses, marshes or bedrock on the site.

6. Existing soil conditions as described by either a soil scientist, geologist, engineer, or Soil Conservation Service medium intensity soil survey.

7. Location of proposed public utilities, culverts, wells and leachfields.

8. Location of fencing, screening or landscape work.

9. Contour lines may be required and specified by the Planning Board showing elevations in relation to mean sea level.

10. Municipal tax map and lot numbers and names of abutting landowners shown on map.

11. The Planning board may also require an updated survey completed by a licensed Maine surveyor or engineer.

c. Seven (7) copies of a site location map, showing the following information and drawn to a scale of not more than 100 feet and not less than 40 feet to the inch to fit on standard 24 inch x 36 inch paper.

1. Exact dimensions and acreage of parcel.

2. Location of all buildings within 300 feet of the property boundaries.

3. Location of all other structures, wells, sewer systems, water-bodies and easements, drainage ways, public and private water ways and roads within 300 feet of the boundary lines.

4. The size, shape and location of existing and proposed buildings on the parcel.

5. Location and dimensions of on-site pedestrian and vehicular access ways, parking areas, loading and unloading facilities, design of ingress and egress of vehicles to and from the site onto public streets, and curb and sidewalk lines.

2. The applicant shall attend a meeting of the Planning Board to discuss his application and all supporting data requested.

3. Upon determining that a complete application has been submitted for review and appropriate fees have been paid, the Planning Board shall issue a dated receipt.

4. The Planning Board will hold a public hearing on all applications within 60 days of submitted application.

5. The Planning Board shall notify all landowners within 500 feet from applicant's property lines.

6. The Planning Board may solicit written comments from the road commissioner, fire chief, school superintendent and sanitary district and utilities on the impact of the proposed development on the services they provide.

7. Before the Planning board gives final approval, the applicant must meet one (1) of the performance guarantees contained in Section VII.

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

V. Criteria and Standards

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

A. Air and Water Pollution

Will not result in undue water or air pollution either on or off the site. In making this determination, the Planning Board shall consider: the elevation of land above sea level and its relation to the flood plains, the nature of soils and sub-soils and their ability to adequately support waste disposal and the slope of the land and its effect on effluents. Adequate provision shall be made for surface drainage so that removal of surface water will not adversely affect neighboring properties. Has sufficient water available for reasonably foreseeable needs of the development including, but not limited to potable water and fire control water and will not, alone or in conjunction with other activities adversely affect the quality or quantity of the ground water. Will not cause an unreasonable burden on existing water supplies including private ground water.

DUST, FUMES, VAPORS AND GASES: emission of dust, dirt, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation, or property, or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission shall be prohibited. All such activities shall also comply with applicable Federal and State regulations.

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

B. Soil Erosion:

Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result both on and off site. Until a disturbed area is stabilized, sediment in run-air water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods as determined by the Site Review Boards. The top of a cut or the bottom of a fill section shall not be closer than ten feet to an adjoining property, unless otherwise specified by the Planning Board. Extraction operations (sandpits, rock quarries, etc.) shall not be permitted within 60 feet of any property line, except as provided for in the Zoning Ordinance.

C. Traffic Congestion:

Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed both on and off site. The proposed site shall provide for safe entrances and exits.

D. Solid Waste and Sewage Waste Disposal:

The applicant shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. No provisions shall be made for disposal of human medical waste including human body parts. The Review Board shall consider the impact of particular industrial or chemical wastes or by-products upon the town's Sanitary Landfill (in terms of volume, flammability or toxicity) and may require the applicant to dispose of such wastes elsewhere, in conformance with all applicable State and Federal regulations. The Board may require the applicant to specify the amount and exact nature of all industrial or chemical wastes to be generated by the proposed operation.

E. Scenic and Natural Beauty:

Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas.

F. Comprehensive Plan and Ordinance:
Is in conformance with all Warren Ordinances, Comprehensive Plan and Land Use Plans of the Town of Warren.

G. 100 Year Flood Elevation:

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

H. Relationship of Structure to the Environment:

Proposed structures shall relate harmoniously to the land and existing buildings. Special attention shall be paid to the bulk, location and height of buildings. In historical areas, the Planning Board may require new construction to harmonize with surrounding properties to be designed so as not to be architecturally incompatible. Exposed storage areas, service areas, utility buildings and similar structures shall be screened. Industrial and commercial uses, exposed storage areas, utility buildings shall establish a buffer zone appropriate for the activity to screen visually the uses year round.

I. Glare:

No land use or establishment shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines onto neighboring properties, or onto any town way so as to impair the vision of the driver of any vehicle upon that town way. All such activities shall also comply with applicable Federal and State regulations.

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

	Sound Pressure Level Limit	
	7 a.m. –8 p.m.	8 p.m. –7 a.m.
Residential	50 dB(A)	45 dB(A)
Rural	55 dB(A)	45 dB(A)
Commercial	65 dB(A)	55 dB(A)
Industrial	70 dB(A)	60 dB(A)

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

K. Performance Guarantees:

The final plan shall be accompanied by a performance guarantee or, at the discretion of the Planning Board, a conditional agreement. The performance guarantee shall be for an amount adequate to cover the total construction costs of all required improvements for roads, utilities, sewage collection and other improvements for all infrastructure to be used publicly or privately maintained and used in common.

Type of Guarantees

1. A certified check payable to the Town of Warren;

2. A savings account passbook issued in the name of the Town of Warren;

3. An irrevocable letter of credit from a financial institution acceptable to the Planning Board;

4. A faithful performance bond running to the Town of Warren and issued by a surety company licensed to do business In the State of Maine.

General Conditions

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

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

3. Conditions: The Planning Board may, in order to carry out the purposes of this section, require additional conditions necessary to protect the public interest and to fit such uses harmoniously into their neighborhood. The Planning Board may impose such reasonable conditions on approvals granted under this Ordinance as it may deem necessary or appropriate to further the applicant's compliance with the review criteria or other provisions of this Ordinance. Such conditions may include, but are not limited to, specifications for: increased setbacks and yards; specified water supplies for sewage disposal facilities; type of vegetation;

landscaping and planting screens; periods and methods of operation; routing of traffic; professional operation, maintenance, and inspection of sanitary facilities; and performance guarantees. Such conditions imposed, and the reasons therefore, shall be written as part of those permits issued by the Planning Board which involve additional conditions.

VI. Validity and Severability and Conflicts with other Ordinances

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

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

VII. Appeals

If the Planning Board disapproves an application or grants approval with conditions that are objectionable to the applicant or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of the Ordinance do not apply, or that the true intent and meaning of the Ordinance have been misconstrued or wrongfully interpreted, the applicant, and abutting landowner, or aggrieved party may appeal the decision of the Planning Board in writing to the Board of Appeals within 30 days of the Planning Board's decision. The Board of Appeals may reverse the Planning Board's decision only upon the findings that there has been an error of law or that the facts leading to the decision or the interpretation of these facts, by the Planning Board were erroneous. The appeal shall be consistent with Section 16 of Warren's Shoreland Use Ordinance. In making its review, the Board of Appeals shall conduct a public hearing in accordance with Title 30, M.R.S.A., Section 2691 (3).

VIII. Violations

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

Town of Warren

Site Plan Review Ordinance

Adopted August 17, 1989
Amended March 20, 2001
Amended March 29, 2011