Site Plan Review Ordinance

Of The

TOWN OF

FRANKLIN, MAINE

Original Ordinance Enacted March 28, 2026

Attest and Certified By: _____
Deborah T Lurvey
Town Clerk, Franklin, Maine

Date: _____

Pages: 56

Site Plan Review Ordinance

Section 1. General Provisions

A. Title

This Ordinance shall be known as the "Site Plan Review Ordinance of the Town of Franklin, Maine." It shall be referred to herein as the "Ordinance."

B. Authority

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2 of the Maine Constitution (Municipal Home Rule), the provisions of 30-A M.R.S.A. § 3001 (Home Rule) and the provisions of the Planning and Land Use Regulation Act 30-A M.R.S.A. Chapter 187 (Comprehensive Planning and Regulation or "Growth Management Act") and 30-A M.R.S.A. § 4452 (Enforcement of Land Use Laws and Ordinances) as may be amended from time to time, and the Comprehensive Plan of the Town of Franklin.

No activity or use requiring Site Plan Review shall commence until the property owner has received Site Plan Approval from the CEO or Planning Board as appropriate, and has complied with any other applicable provisions of this ordinance. No plumbing or other permits or certificate of compliance shall be issued by the municipal officers or Code Enforcement Officer for any use or development within the scope of this ordinance until the Site Plan Application has been reviewed and approved. The issuing authority may modify or waive any of the submission requirements when it determines that because of the size of the project or circumstances of the site such requirements would not be applicable or would be an unnecessary burden upon the applicant and that such modifications or waiver will not adversely affect the abutting landowners or the general health, safety, or welfare of the Town. Permits can be transferred with the approval of the issuing authority.

C. Purpose

1. To assure the safety, health, and welfare of the people of the Town of Franklin.

2. To promote an economically sound and stable community.

3. To lessen danger and congestion of traffic on public roads.

4. To protect and preserve the natural environment of the Town of Franklin.

5. To establish orderly and uniform procedures whereby the Town may review high impact projects to ensure that the other purposes of this Ordinance are met.

D. Applicability

1. This ordinance **does not apply** to single family dwellings or the construction, alteration, or enlargement of a single family or two-family dwelling which when completed are less than three thousand five hundred (3,500) total square feet when including the combined footprint of all structures on a single lot. This ordinance **does not apply** to home-based occupations or home-based fishing, agricultural, professional, or forestry activities. This ordinance **does not apply** to uses existing at the adoption of the ordinance.

2. This ordinance shall apply to all development proposals for establishment, alteration, or change of use of commercial, retail, industrial, institutional buildings and structures and multiple family dwellings consisting of three or more attached dwelling units and their accessory uses and structures. The one-time expansion of a structure or accessory building footprint by six hundred (600) square feet or less in any five (5) year period may be permitted by the Code Enforcement Officer.

3. A person who has right, title, or interest in a parcel of land, or their authorized agent, must obtain site plan approval prior to commencing any of the following activities on the parcel:

a. Obtaining a building or plumbing permit for the activities, or undertaking any alteration or improvement of the site including grubbing or grading.

b. The construction or placement of any new building or structure for a nonresidential use, or the expansion or conversion of an existing building for a nonresidential use, including accessory buildings and structures, if such buildings or structures have a total area for all floors of four thousand (4,000) square feet or more.

c. The conversion of an existing nonresidential use, in whole or in part, to another nonresidential 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 this ordinance.

d. 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. Pursuant to Maine law, such a project is also subject to subdivision review.

e. The establishment of a new nonresidential use even if no buildings or structures are proposed, including uses such as gravel pits, cemeteries, golf courses, and other nonstructural nonresidential uses.

f. The conversion of an existing non-residential building or structure, in whole or part, into three (3) or more dwelling units within a five (5) year period.

g. The construction or expansion of paved areas or other impervious surfaces, including walkways, access drives, and parking lots involving an area of more than two thousand five hundred (2,500) square feet within any three (3) year period.

E. Conflict with Other Laws

This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit or provision of law. Where this ordinance imposes a greater restriction upon the use of land buildings or structures, the provisions of this ordinance shall control.

F. 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 this Ordinance.

G. Effective Date

The effective date of this Ordinance or any amendments hereto is the date of its adoption at a Town Meeting.

Section 2. Definitions

In this Ordinance certain terms or words shall be interpreted as follows:

- The word "person" includes a firm, association, organization partnership, trust company, or corporation, as well as an individual;
- The present tense includes the future tense, the singular number includes the plural, and the plural includes the singular;
- The word "shall" is mandatory, and the word "may" is permissive;
- The words "used" or "occupied' include the words "intended", "designed" or "arranged to be used or occupied";
- The word "building", includes the word "structure", and the word "dwelling" includes the word "residence";
- The word "lot" includes the words "plot" or "parcel".

In case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text shall control.

Terms not defined shall have the customary dictionary meaning.

In this Ordinance the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed.

***Abutting Lot*:** A lot which abuts, is contiguous to, or joins at a border or boundary, including lots across a road, the lot(s) subject to the Site Plan Review requirement and any contiguous lots under common ownership.

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 a permit or variance under this Ordinance; a person who owns an abutting lot to that lot for which a Site Plan Review Permit or variance has been granted; or any other person who has suffered particularized injury as a result of the granting or denial of such Site Plan Review Permit or variance.

***Agricultural Activities*:** The production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to forages and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products, livestock, fruits and vegetables, and ornamentals and greenhouse products. Agricultural activities do not include the processing of agricultural products for market or consumption such as slaughterhouses, packing plants or canneries.

Aquaculture: The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

***Attic*:** That part of a structure immediately below and wholly or partly within the roof framing.

Automobile Graveyard: A yard, field, or other outdoor area used to store three (3) or more unregistered or uninspected motor vehicles, as defined in Title 29-A, Section 101, Subsection 42, or parts of the vehicles. "Automobile graveyard" includes an area used for automobile dismantling, salvage, and recycling operations.

***Basement*:** Any portion of a structure with a floor to ceiling height of six (6) feet or more and having more than fifty per cent (50%) of its volume below the existing ground level.

Billboard: A sign, structure or surface larger than six (6) square feet which is available for advertising purposes for goods or services rendered off the premises, excluding directional signs.

Building: A structure built for the support or shelter of persons, animals, goods or property of any kind.

Campground: Any premises established for camping, including recreational vehicle parks, for which a fee is charged.

Campsite: An area in a campground designed for use by a single recreational vehicle, tent, or shelter.

Change of Use: The change from an existing use to another use, including without limitation, the addition of a new use to an existing use. Example: Residential to Commercial

Change Order: Any addition, omission, substitution or alteration to construction or use described in an approved site plan. Also called variations or variation orders.

Channel: A natural or artificial watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is water flowing within the limits of the defined channel.

Code Enforcement Officer (CEO): A person appointed by the Municipal Officers to administer and enforce this Ordinance. Reference to the Code Enforcement Officer shall be construed to include Building Inspector, Electrical Inspector, and the like where applicable.

Commercial: An activity the intent or result of which is to generate revenue from the buying and selling of goods and/or services, exclusive of rental of single-family or duplex dwellings. This definition includes non-profit organizations and activities.

***Commercial Recreation Facility*:** Any commercial enterprise that provides recreational activities including, but not limited to, racquet ball clubs, health clubs, amusement parks, and golf courses.

***Commercial Use*:** The use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling goods and/or services exclusive of rental of residential buildings and/or dwelling units.

***Conforming Use*:** A use of building(s), structures, or land which complies with all applicable provisions in this Ordinance.

***Constructed*:** Includes built, erected, reconstructed moved upon or any physical operations on the premises which are required for construction excavation fill, drainage, and the like, shall be considered a part of construction.

Dimensional Requirements: Numerical standards relating to spatial relationships including but not limited to setback, lot area, frontage and height.

Driveway: A vehicle access-way less than five hundred (500) feet in length serving two lots or less.

***Duplex Dwelling*:** A detached or semi-detached building consisting of two (2) dwelling units.

Dwelling: A fixed structure, containing one or more dwelling units.

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family, including provisions for living, sleeping, cooking, and eating and, if present, a home occupation.

***Emergency Operations*:** Operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement and operations to rescue human beings, property and livestock from the threat of destruction or injury.

***Essential Services*:** The construction, alteration or maintenance of gas, electrical or communication facilities, steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment gas, oil, water, slurry, or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables; fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Excavation: Any removal of earth or material from its original position.

Expansion of a Structure: An increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached decks, garages, porches and greenhouses.

Expansion of Use: The addition of one or more weeks or months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.

Extraction Operations: The movement of two hundred (200) cubic yards or more of soil, earth, loam, gravel, naturally loose rock, and/or other mineral deposits in any one (1) year. The removal or filling of material incidental to construction, alteration or repair of a building or in the grading and landscaping incidental thereto and the removal of filling or transfer of material incidental to construction alteration or repair of a public or private way or essential services are exempted.

Family: One or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, or hotel such unit shall not exceed five (5) persons not related by blood or marriage.

Filling: Depositing or dumping any matter on or into, the ground or water.

Flood: A temporary rise in stream flow or tidal surge that results in water overtopping its banks and inundating adjacent areas.

Flood Plain: The land adjacent to a water body which have been or may be covered by the regional flood.

Floodway: The channel of a stream and those portions of the flood plain adjoining the channel that are required to carry and discharge the flood water or flood flows of any river or stream.

***Floor Area*:** The sum of the horizontal surface areas of a structure enclosed by exterior walls (including the gross habitable portions of any attic or basement), plus the horizontal surface area of any unenclosed portions of a structure such as porches and decks.

Footprint: The area enclosed by the outside perimeter of a structure at ground level.

Forest Management Activities: Timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction creation or maintenance of roads.

Foundation: The supporting substructure of a building or other structure including but not limited to basements, slabs, sifts, posts, or frost walls.

Height of a Structure: The vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area. Cupolas, domes, widow's walks, and similar features that are not inhabited, and are mounted on a building roof for observation and/or decorative purposes are also excluded under the following conditions, all of which must apply:

1. The feature is on a legally existing conforming structure.
2. The feature does not extend beyond the exterior walls of the existing structure.
3. The feature has a floor area of fifty-three (53) square feet or less.
4. The feature does not increase the height of the existing structure by more than seven (7) feet.

High Intensity Soil Survey: A "high intensity soil survey" as defined by the Maine Association of Professional Soil Scientists.

***Home Occupation*:** An occupation or profession which is customarily conducted on or in a residential structure or 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.

Home occupation shall not include activities which do not necessitate permanent alteration and, to structures on or about the premises.

Individual Private Campsite: An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fire places, or tent platforms.

Industrial: The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Impervious Surface: Surfaces which do not absorb water, including, without limitation, all buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt. In the case of lumberyards, areas of stored lumber constitute impervious surfaces.

Loading Area: An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

Lot: A parcel of land undivided by any public road.

Lot Area: The area of land enclosed within the boundary lines of a lot, minus areas beneath roads serving more than two lots.

Lot Coverage: The percentage of the plot or lot covered by all buildings.

Lot Line: A line bounding a lot that divides one lot from another, or from a public road

Lot Lines: The lines bounding a lot as defined below:

Front Lot Line: On an interior lot, the line separating the lot from the street. On a corner or through lot, the line separating the lot from either street.

Rear Lot Line: The lot line opposite the front line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines, parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line corner lot. The rear lot line shall be opposite the front lot line of least dimensions.

Side Lot Line: Any lot line other than the front lot line or rear line.

Lot Interior: Any lot other than a corner lot.

Lot Width: The horizontal distance between the side lot lines, measured at the frontage setback line.

Lot of Record: A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by the Town or County Officials.

Major Development: A project which has been classified as such under the provisions of Section 4.B. (or reclassified under Section 4.C.) of this Ordinance.

***Methadone Clinic*:** A program or facility operated for the purpose of providing treatment for persons with heroin or other opiate addictions, when treatment provided includes administration or prescription of methadone or other opiate replacements for either detoxification or maintenance purposes. For the purposes of this ordinance, the term "methadone clinic" includes but is not limited to substance abuse treatment programs licensed by the State of Maine Department of Behavioral and Developmental Services Office of Substance Abuse to provide opioid supervised withdrawal and maintenance treatment services under 14-118 Code of Maine Regulations Section 4.16.

Mineral Exploration: Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which, create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral Extraction: Any operation within any twelve (12) month period which removes more than two hundred (200) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

Minor Development: All projects subject to this Ordinance not classified as a Major Development.

Mobile Home: A structure designed as a dwelling unit for location on permanent foundation, and containing sleeping accommodations, a toilet, a tub or shower bath, and kitchen facilities, including major appliances and furniture, with plumbing and electrical connections provided for attachment to outside systems; and designed to be transported after fabrication on its own wheels. A mobile home shall contain not less than four hundred fifty (450) square feet of gross floor area.

Mobile Home Park: A plot of land laid out to accommodate at least three (3) mobile homes.

***Multi-Unit Residential*:** A residential structure containing three (3) or more residential dwelling units.

***Non-Conforming Building or Use*:** A building, structure, use of land, or portion thereof existing at the effective date of adoption or amendment of this Ordinance which does not conform to all applicable provisions of this Ordinance.

***Non-Conforming Lot**:* A single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirement of the district in which it is located.

***Non-Conforming Structure*:** A structure, which does not meet any one or more of the following dimensional requirements: setback, height or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-Conforming Use: Use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

***Open Space Use**:* A use not involving: a structure; earth-moving activity or the removal or destruction of vegetative cover; spawning grounds, or fish, aquatic, life, bird, and other wildlife habitat.

"Open Space" carries a separate and different meaning under the Assessing Standards.

Owner: The person having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot.

Permitting Authority: The person (CEO) or entity (Planning Board) responsible for issuing a particular permit or approval under this Ordinance.

Person: An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Planned Unit Development: Land under unified management, planned and developed as a whole according to comprehensive and detailed plans, including streets, utilities, lots or building sites, site plans and design principles for all buildings intended to be located, constructed, used and related to each other, and for other uses and improvements on the land. Development may be a single operation or a programmed series of provisions for operation and maintenance of such areas and improvements and facilities necessary for common use by the occupants of the development.

Premises: One or more lots which are in the same ownership and are contiguous, separated only by a road or water body including all buildings, structures, and improvements.

Principal Structure: A building other than one that is used for purposes wholly incidental or accessory to the use of another building or use on the same premises. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Principal Use: A use other than one that is wholly incidental or accessory to another use on the same premises.

Public Facility: Any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Public Road: A road designated for public use; typically maintained by a governmental body such as a town, county, state, or the Federal government.

***Recreational Facility*:** A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

Recreational Vehicle: A vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, including, without limitation, a pickup camper, travel trailer, tent trailer, motor home, or converted van or truck.

Replacement System: A system intended to replace:

1) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure or
2) any existing overboard wastewater discharge.

Residential Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as permanent seasonal or living quarters for only one family. The term shall include mobile homes but not recreational vehicles.

Residential Solar Collector: A device, structure, or part of a device or structure that is designed and used to transform solar energy into thermal, chemical, or electrical energy to meet the water heating, space heating, space cooling, or electricity generation requirements of one residential dwelling, as referenced in Maine Statute Title 33, Chapter 28-A, §1421, as may be amended.

Riprap: Rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

Road: A thoroughfare, way, or easement permanently constructed for or created by the repeated passage of vehicles.

Service Drop: Any utility extension which does not cross or run beneath any portion of a water body provided that:

1. In the case of electric service:
   a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
   b. the total length of the extension is less than one thousand (1000) feet.

2. In the case of telephone service:
   a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
   b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback: The minimum horizontal distance from a lot line to the nearest part of a structure.

Shoreline: As defined in the "Shoreland Zoning Ordinance for the Town of Franklin, Maine".

Shore Frontage**:** The horizontal distance, measured in a straight line, between the intersections of the lot lines with the shoreline at the normal high-water line or the upland edge of a coastal wetland. The terms "normal high-water line" and "coastal wetland" shall have the meanings set forth in 38 M.R.S.A. § 480-B.

Shoreland Area**:** All areas to which the Shoreland Zoning Ordinance for the Municipality of Franklin is applicable.

Site Plan Approval: A decision by the permitting authority to approve a project as a result of Site Plan Review.

Site Plan Review: The process of evaluating an application for a project under this Ordinance.

Site Plan Review Permit*:* A written order granting Site Plan Approval.

Signs: A name, identification, description, display, or illustration which is affixed to, painted, or represented; directly or indirectly upon a building, structure, parcel, or lot and which relates to an object, product, place, activity, person, institution, organization, or public business.

Single-Family Dwelling*:* A detached or semi-detached building consisting of one (1) dwelling unit.

Street: A public road.

Structure: Anything built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, poles, signs, sidewalks, driveways, or parking lots. The term includes structures temporarily or permanently located, such as tents, decks, raised walkways, handicapped access ramps, external stairways, gazebos, and satellite dishes.

Subdivision*:* A subdivision is the division of a tract or parcel of land into three (3) or more lots within any five (5) year period as defined in MRSA 30A, Section 4401, whether accomplished by sale, lease, development, building, or otherwise, except when the division is accomplished by inheritance, order of court or gift to a relative, unless the intent of such gifts is to avoid the objectives of this section.

In determining whether a parcel of land is divided into three (3) or more lots, land retained by the sub divider for his own use as a single family residence for a period of at least five (5) years shall not be included.

No sale or lease of any lot or parcel shall be considered as being a part of subdivision if such a lot or parcel is forty (40) acres or more in size, except where the intent of such sale or lease is to avoid the objectives of this statute.

Substantial Start**:** Completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Substantially Complete**:** the stage in the progress of construction or development of a structure or use when all conditions of permit approval are in place and function as intended by the Planning Board, and the structure or use can be legally occupied and/or operated for its declared purpose.

Timber Harvesting**:** The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

Variance: A relaxation of the terms of this Ordinance where such variance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in undue hardship. A financial hardship shall not constitute grounds for granting a variance. The crucial points of variance are undue hardship and unique circumstances applying to the property.

Vegetation: All live trees, shrubs, ground cover, and other plants.

Volume of a Structure: The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Water Crossing: Any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cable as well as maintenance work on these crossings.

Yard: The area of land on a lot not occupied by the principal building.

Yard Front: The area of land between the front lot line and the nearest part of the principal building.

Yard Rear: The area of land between the rear lot line and the nearest part of the principal building.

Yard Side: The area of land between the side lot line and nearest part of the principal building.

Section 3. Site Plan Review Required

A. Permit Required

No person shall commence or undertake any land use activity within the Town of Franklin without first obtaining a Site Plan Review Permit as indicated by the following Table of Land Uses.

B. Table of Land Uses

Land Use Activity	***Site Plan Review Permit* Required?**
1. One or two single-family dwellings which when completed are less than three thousand five hundred (3,500) total square feet when including the combined footprint of all structures on a single lot.	No
2. Duplex dwelling which when completed are less than three thousand five hundred (3,500) total square feet when including the combined footprint of all structures on a single lot.	No
3. Conversion of a single-family dwelling on a single lot to a duplex dwelling without expanding the existing footprint.	No
4. Any structure or activity that is an accessory structure or use to items 1 through 3, above which when completed are less than three thousand five hundred (3,500) total square feet when including the combined footprint of all structures on a single lot.	No
5. Subdivisions subject to review under the Franklin Subdivision Ordinance.	No
6. All agricultural activities.	No
7. Forest management activities.	No
8. The construction of any new structure not otherwise exempted by this table.	Yes
9. Any new commercial use of land not otherwise exempted by this table.	Yes
10. Any expansion of an existing commercial use that results in <u>any</u> of the following: **a.** lot coverage greater than fifty percent (50%); **b.** total floor area of all floors and all structures on a lot combined that are greater than four thousand (4,000) square feet in area; or **c.** total impervious surfaces on the lot in excess of four thousand (4,000) square feet or seventy five percent (75%) of lot area.	Yes
11. Any use that will result in substantial waste water discharge as described in Section 4.B.1. of this Ordinance.	Yes
12. The interior expansion of any commercial use structure that increases the floor area used for commercial purposes by fifty percent (50%) or more.	Yes
13. Any use that will result in substantial groundwater extraction as described in Section 4.B.2. of this Ordinance.	Yes

C. Permitting for Solar Energy Systems

1. Ground mounted solar energy systems

a. Ground mounted solar energy systems which exceed one (1) acre in area are permitted through the Solar Facilities Ordinance of the Town of Franklin Maine.

b. Ground-mounted solar energy systems between five thousand (5,000) square feet and one (1) acre in area must comply with the dimensional requirements and buffer requirements of the Solar Facilities Ordinance of the Town of Franklin Maine.

c. Ground-mounted solar energy systems that exceed one (1) acre in system area for which at least fifty percent (50%) of the energy generated is consumed by a principal use on the same parcel of land must comply with the dimensional requirements and buffer requirements of the Solar Facilities Ordinance of the Town of Franklin Maine.

2. Residential solar energy systems are permitted through the General Zoning Ordinance of the Town of Franklin Maine or the Shorelands Zoning Ordinance for the Town of Franklin Maine, as determined by the land use District the system will be sited in.

D. Quarrying

Quarrying operations are permitted and licensed through the Quarry License Ordinance of the Town of Franklin Maine.

Section 4. Application Procedures

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

A. Classification of Projects

Each project subject to Site Plan Review shall be classified by the CEO as a Major Development or a Minor Development.

B. Major Developments

Any project involving any of the following shall be classified by the CEO as a Major Development. Any project initially classified as a Major Development may be reclassified as a Minor Development upon a finding by the Planning Board that the project does not meet any of the requirements for classification as a Major Development. After such reclassification all further review shall be conducted by the CEO.

1. Projects with substantial waste water discharge.

Projects that are not served by a public sewer, which will generate a daily average discharge of more than two thousand (2,000) gallons of waste water, and which will meet any one of the following three conditions:

a. The project is located within three hundred (300) feet of a sand and gravel aquifer, as shown on the relevant map of Significant Sand and Gravel Aquifers published by Maine Geological Survey;

b. Any part of the project is located in an area to which the Shoreland Zoning Ordinance for the Town of Franklin is applicable; or

c. Any part of the project is located in the watershed of the Franklin Water District.

2. Projects with substantial groundwater extraction.

Projects extracting one thousand (1,000) gallons or more of groundwater per day.

3. Projects involving hazardous materials, oil, or radioactive substances.

Hazardous activities involving the consumption, generation, or handling of:

a. Hazardous wastes as defined in 38 M.R.S.A. § 1303-C;

b. Hazardous matter as defined in 38 M.R.S.A. § 1317;

c. Oil, as defined in 38 M.R.S.A. § 542; and

d. Low-level radioactive wastes, as defined in 38 M.R.S.A. § 1451.

4. Building footprint in excess of four thousand (4,000) square feet.

Any building or buildings on a single lot constructed or erected with a fixed location on or in the ground or attached to something on or in the ground which occupies a footprint in excess of four thousand (4,000) square feet.

5. Impervious surfaces in excess of four thousand (4,000) square feet.

Any project in which total impervious surface(s) will occupy a ground area in excess of four thousand (4,000) square feet.

6. Conversion or Expansion of a Major Development

Any project which is a conversion or expansion of an existing project meeting the description of a Major Development.

7. CEO Determination of Potential Significant Impact

Any project which the CEO determines

a. M ay have significant impact to the physical, social, economic, or the environmental welfare of the Town

b. Or has characteristics that make it reasonable and necessary to conduct a professional review (as described in Section 5.E.) prior to considering the application for Site Plan Approval.

C. Minor Developments

A project not classified by the CEO as a Major Development shall be considered a Minor Development under this Ordinance. Any project initially classified as a Minor Development may be reclassified as a Major Development upon a finding by the CEO and/or the Franklin Planning Board that the project meets the requirements for classification as a Major Development. After reclassification, all further review shall be conducted by the Planning Board.

D. Submission Requirements

1. Major and Minor Developments

All projects requiring Site Plan Review shall submit the information specified in Section 4.I. Major Developments meeting the criteria in Section 4.B.1. (Projects with substantial waste water discharge) and Section 4.B.2. (Projects with substantial groundwater extraction) shall submit additional information as provided in Section 4.J.

2. Waiver

The permitting authority may waive any of the submission requirements upon the written request of an applicant for good cause shown. The permitting authority must state the facts constituting good cause in writing. No waiver may be granted if it will unduly restrict the review process. The permitting authority may condition such a waiver on the applicant's compliance with alternative requirements. Good cause may include the permitting authority's finding that particular submissions are inapplicable, unnecessary, or inappropriate for a complete review. Notwithstanding the waiver of a submission requirement, the permitting authority may, at any later point in the review process, rescind such waiver if it appears that any submission requirement previously waived is necessary for an adequate review. A request for submission previously waived shall not affect the pending status of an application.

3. Procedures

Applications for Site Plan Review shall be submitted on forms provided by the Town. The complete application form, required fees, and the required plans and related information shall be submitted to the CEO who shall examine the materials for completeness of application and, for Major Developments, forward these materials to the Planning Board.

E. Major Development 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 the applicant shall notify by certified mail all owners of property within five hundred (500) feet of any boundary of the parcel on which the proposed development is located. Written notice of the pending application shall be provided by the CEO to the Select Board, Fire Chief, and other interested parties.

2. Within forty-five (45) 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. Notifications on state of application completeness may be provided verbally to the applicant and/or their representative at the regular meeting considering said application.

3. As soon as the Board determines that the application is complete, the Board shall:
- **a.** notify the applicant in writing of this finding, if not provided verbally
- **b.** meet the notification requirements of Subsection B.4. below, and
- **c.** place the item on the agenda for substantive review within forty-five (45) days of this finding or at the next scheduled Planning Board meeting, whichever is later.

4. Before taking action on any application, the Planning Board shall hold a public hearing. The Board shall notify by certified mail, the owners of all property within five hundred (500) feet of the property involved, at least ten (10) days in advance of the hearing, of the nature of the application and of the time and place of the public hearing As soon as the application is found to be complete, the Planning Board shall hold a public hearing on the application within forty-five (45) days. The Planning Board shall notify the Code Enforcement officer, Municipal Officers, and the Board of Appeals, at least twenty (20) days in advance, of the time and place of the hearing. Notice of the hearing shall be posted in the Town Office at least thirteen (13) days in advance of the public hearing. The notice shall be published at least two (2) times in a newspaper that complies with Title 1, Section 601 and that has a general circulation in the municipality. The date of the first publication shall be at least twelve (12) days before the hearing, and the date of the second publication must be at least seven (7) days before the hearing. The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Planning Board.

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 forty (40) 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 forty-five (45) 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 Subsection 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.

All time limits provided for in this section may be extended by mutual agreement of the applicant and Planning Board.

F. 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.

G. Fees

1. Application Fee

An application for site plan review must be accompanied by an application fee of fifteen hundred (1,500) dollars. This fee is intended to cover the cost of the Town of Franklin's administrative processing of the application. The fee shall not be refundable.

This application fee must be paid to the Town of Franklin and evidence of payment of the fee must be included with the application.

2. Technical Review Fee

The Planning Board may require the applicant(s) or their authorized agent to deposit in escrow with the Town an amount of money sufficient to cover the costs for any professional review of the application that the Planning Board may feel is reasonably necessary to protect the general welfare of the Town. This escrow payment shall be made before the Planning Board engages any outside party to undertake this review and to make recommendations to the Planning Board. Any part of the escrow payment in excess of the final costs for the review shall be returned to the owner(s) or their agent.

3. After-the-Fact Application Fee

The After-the-Fact Application fee shall be forty-five hundred (4,500) dollars. See Section 7B, Violations.

4. Site Plan Review Approval Extensions

Extensions of the Substantial Start and Substantial Completion time requirements (see Section 5.G., Expirations of Approvals) may be requested from the Code Enforcement Officer. The fee for extensions shall be fifty (50) percent of the original permit fee.

5. Apportionment of Fees

Fees levied under this ordinance shall be apportioned ten (10) percent to the Code Enforcement Officer and ninety (90) percent for administration.

6. Notification Costs

All costs of notifications per requirements of this section or any other section of this Ordinance shall be borne by the Applicant.

H. Public Hearing Procedures

Site Plan Review public hearings shall comply with the following procedures:

1. Rules

Hearings shall be conducted according to rules adopted by the Planning Board.

2. Representation

At any hearing a party may be represented by an authorized representative. Any person acting as that party's authorized representative shall provide written evidence of such authorization.

3. Continuation

Any hearing may be continued or recessed to another time for good cause, or upon written or recorded agreement of the permitting authority conducting the hearing and the applicant.

I. Requirements for All Applications

The following materials and items are required of all applications.

1. Application Form

A fully executed and signed copy of the application form.

2. Copies

a. Applications for Minor Developments shall include three (3) copies of written materials plus three (3) sets of maps or drawings containing the information listed below.

b. Applications for Major Developments shall include ten (10) copies of written materials plus ten (10) sets of maps or drawings containing the information listed below.

c. All maps or drawings shall be at a scale sufficient to allow review of the items listed under the criteria for approval.

d. All Applications must include one set of electronic documents (pdf).

3. General Information

The following general information is required:

a. Name, address and complete contact information of owner of record and the facility operator's name and address if different;

b. Applicant's name, address, and complete contact information if different.

c. Authorized representative's name, address, written authorization and complete contact information, if the applicant is so represented.

d. The name of the proposed project;

e. Names and addresses of all abutting lot owners with property within five-hundred (500) feet of any boundary line of the proposed project lot(s), together with certification by the applicant (on a form provided by the Town) that notice of the applicant's intent to file the application has been provided to each abutting lot owner by certified mail;

f. Sketch map showing general location of the site within the Town;

g. Location map showing the relationship of the proposed project to adjacent properties and to the general surrounding area within three thousand (3,000) feet of any property line of the site, and the location of any identified sand and gravel aquifers within three hundred (300) feet of the project. The scale shall not be smaller than 1" = 400'; reduced tax maps showing owner's names and other required information may be acceptable;

h. The tax map(s) and lot number(s) of the lot where the project is located and of abutting lots;

i. A copy of the current deed to the lot, option to purchase the lot or other documentation to demonstrate right, title, or interest in the lot on the part of the applicant; and

j. The name(s), registration number(s), and seal(s) of the land surveyor, architect, landscape architect, engineer, and/or similar professionals assisting with the preparation of the plan.

4. Site Information

The following information regarding the proposed project and existing conditions is required. This information must accompany, or be submitted on, a map using the following scale and showing the date of the map, magnetic north, the scale, and the

identity of the draftsman:

Acres	Scale
1 to 10	1” = 10’ to 1” = 50’
10+ to 50	1” = 50’ to 1” = 100’
50+ (lots <= 4 acres)	1” = 100’
50+ (lots > acres)	1” = 200’

a. Zoning classification(s) of the lot and the location of zoning district boundaries if the lot is wholly or partially located in a shoreland area.

b. The bearings and distance of all lot lines of the lot on which the project is located and the source of this information.

c. Location and size of all existing and proposed wells, sewer, and water mains, culverts, drains, above or below ground utilities, and waste water disposal systems on the lot on which the project is located, and of any of these items that currently serves or will serve the project from abutting lots or public roads.

d. Location, names and widths of all existing and proposed roads and rights-of-way adjacent to the proposed project.

e. The location, dimensions, and ground floor elevations of all existing and proposed buildings on the lot.

f. The location and dimensions of all existing and proposed driveways, roads, parking, and loading areas and walkways on the lot.

g. The existing and proposed topography of the site at an appropriate contour interval (not greater than five (5) feet) depending on the nature of the use and character of the lot.

h. Major natural features on the site and including, within two hundred fifty (250) feet of the lot lines, wetlands, streams, ponds, floodplains, groundwater aquifers, significant wildlife habitats including bird nesting, staging, and feeding areas and deer yards, archaeological resources, or other important natural features.

i. The direction and amount of pre-development and proposed surface water drainage flow across and from the site, based upon 24-hour, 2-, 10- and 25-year storms. Where proposed flows exceed pre-development flows by ten (10) percent or more, the applicant shall submit a storm water management plan, showing the steps taken to minimize the impact of storm water runoff. The storm water management plan shall be based upon 24-hour, 2-, 10- and 25-year storms.

j. The location and type of all existing and proposed exterior signs.

k. A copy of such covenants or deed restrictions, if any, as are intended to cover all or

part of the lot. Such covenants or deed restrictions shall be referenced on the plan.

l. The location of all existing and proposed building setbacks, yards, and buffers required by this Ordinance.

m. Elevation view of the building and signs, showing heights and materials.

n. Landscaping plan showing the building(s), existing and proposed vegetation, walkways, and exterior lighting. Drawings to be at the scale designated in Section 4.E.6.

o. For any project that will dispose of its wastewater through any subsurface wastewater system, a completed Maine Department of Health, and Human Services (Maine DHHS) Health Engineering site evaluation and subsurface wastewater disposal system application showing adequate soils, and adequate system design and capacity.

p. A schedule of construction, including anticipated beginning and completion dates, and the estimated total cost of the project.

q. The permitting authority may, at its discretion, require the applicant to provide a visual impact assessment which may include photo simulations of the proposed facility taken from perspectives determined by the permitting authority, or its designee.

r. Projects involving the storing, generating, or handling of hazardous wastes or materials, oil or radioactive wastes shall specify the exact amount and nature of all such substances that will be on the site, and the specific method of handling and containing those substances that will be used.

s. An erosion control and sedimentation control plan setting forth the measures to be taken to comply with Section 6.C.1.

t. The proposed location of any temporary or permanent exterior lighting, including intensity in lumens, color temperature, type, size and direction.

u. A noise management plan when the proposed use or activity will generate sustained noise levels in excess of ten (10) dB, A-scale, greater than the pre-construction/existing average background noise levels at the property boundaries.

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 Franklin Planning Board".

6. Waivers Sought By Applicant

A list of the submission requirements for which the applicant seeks a waiver under Section 4.D.2., and a written explanation of the reasons that the waiver is sought.

J. Additional Reports for Specific Project Types

1. Projects with substantial waste water discharge (Section 4.B.1.) must submit a high intensity soil survey and a hydrogeologic assessment, which shall include, at a minimum, the following information:

a. A map showing basic soil types on the lot.

b. The depth of the water table at representative points throughout the lot.

c. Drainage conditions throughout the lot.

d. Data regarding the existing ground water quality, either from test wells on the lot or from existing wells on the lot or on abutting lots.

e. An analysis and evaluation of the impact of the project on ground water resources, including a projection of nitrate-nitrogen concentrations associated with the project. Projects within the watershed of a lake or pond shall include phosphate impact calculations.

f. The location of any existing or proposed subsurface wastewater disposal systems and wells on the lot and within two hundred (200) feet of the lot lines.

g. Projections of post-development water quality at any wells within the lot or within five hundred (500) feet from the point of contamination, whichever is the shorter distance. These projections shall be based upon a drought condition assumption of sixty (60) percent of annual average recharge from precipitation.

h. The signature and seal of the Certified Geologist who prepared the assessment.

The Planning Board may require additional information where necessary to evaluate the project's compliance with this Ordinance.

2. Projects with substantial groundwater extraction (Section 4.B.2.) shall submit a groundwater extraction impact assessment which shall include, at a minimum, the following information:

a. A statement from the applicant specifying the quantity of ground water to be extracted expressed as the annual total, the maximum monthly rate by calendar month, and the maximum daily rate. These rates shall be maximum rates, which rates shall not be exceeded without further Site Plan Approval by the Planning Board.

b. For projects coming under the jurisdiction of the Maine DHHS, a letter from that agency containing its review comments.

c. A report prepared by a Certified Geologist showing:

i. A map of the aquifer tributary to the spring(s), well(s) or excavation(s) from which the water is to be extracted. The map shall include sufficient detail to support a calculation of sustained yield during a ten (10) year drought, as well as an estimate of any potential interaction between or among this and adjacent aquifers.

ii. Calculations based upon the investigation showing the aquifer characteristics, the rates of draw-down and rebound, the sustainable yearly, monthly (by calendar month) and daily extraction rates, the cone of depression that may develop about the project and impacts upon the water table in the tributary aquifer and other private or public wells within one thousand (1,000) feet of the proposed extraction facilities.

Section 5. Site Plan Review Process

A. Purpose

The purpose of Site Plan Review is to promote the public health, safety, and general welfare by requiring CEO or Planning Board review of plans for certain uses or structures which have a significant potential impact on the neighborhood or the environment and which, when properly designed with respect to their surroundings, can become uses or structures that are compatible with the neighborhood and environment.

B. Prohibition

No activity or use requiring a Site Plan Review Permit shall commence until the applicant has been granted the requisite Site Plan Approval from the applicable permitting authority and complied with all other applicable provisions of this Ordinance.

C. Review Procedures

The procedures for Site Plan Review are as follows:

1. Submission of completed application to the CEO.

The applicant shall submit the requisite number of copies of the application and supporting information required by this Ordinance, as described in Section 4.

2. CEO Classification and Review

a. Dated Receipt

The CEO shall issue the applicant a dated receipt and will date-stamp the application.

b. Classification

The CEO shall review the application and classify it as either a Major or Minor Development in accordance with the provisions of this Ordinance.

c. Fees Submitted

After classification, the applicant shall provide the CEO with the applicable review fees.

d. Review for Completeness

The CEO shall initially review the application and determine whether or not it is complete.

e. Notice of Incomplete Application

If the application is found to be incomplete, the CEO shall, within ten (10) days, notify the applicant in writing of the information needed to complete the application. Upon the applicant's submission of such additional information, the process above shall be repeated.

3. Complete Applications

Upon finding an application to be complete, the CEO shall take the following action with regard to that application.

a. Minor Developments

Applications determined to be Minor Developments will be reviewed and acted upon by the CEO in accordance with the procedures set forth below, and the other requirements of this Ordinance.

b. Major Developments forwarded to the Planning Board

The CEO shall forward copies of a complete application and supporting documents determined to be Major Developments to the Chair of the Planning Board, who will place the project on the agenda of the next regular Planning Board meeting occurring not more than forty-five (45) days after the CEO determines the application is complete.

c. Notice of Public Hearing to Abutting Lot Owners

For any Major Development project, a public hearing will be held on the project, and the Planning Board shall notify abutting lot owners of the date, time, and place of such hearing by certified mail when the hearing date has been determined.

4. Planning Board Review

For Major Developments, the Planning Board shall meet to review the project as follows. The Planning Board shall:

a. CEO Report

Hear any report of the CEO and, if the Town has retained the services of a Professional adviser, the report of the adviser regarding the proposed project;

b. Applicant's Response

Hear any comments of the applicant regarding the CEO and professional advisor reports;

c. Request for Waivers

Hear any requests from the applicant for waivers;

d. Determination of Completeness

Determine whether or not the application is complete;

e. Notice of Incompleteness

If the application is determined to be incomplete, the Planning Board shall inform the applicant of the information required to make the application complete. Upon the applicant's submission of such additional material, previous steps in Sections 5.C.2. through 4. shall be repeated; and

f. Public Hearing Determination

If the application is determined to be complete, the Planning Board shall set the matter for a public hearing conducted by the Planning Board. The public hearing shall take place within forty-five (45) days of the Planning Board's determination that the application is complete. This deadline may be extended by mutual agreement of the Planning Board and the applicant, either in writing or orally, on the record, at a public meeting.

5. Deliberation and Decision

a. Deliberation

Within forty-five (45) days after the public hearing on an application or, if no hearing is held, within forty-five (45) days of a determination of completeness by the CEO, the permitting authority shall decide the matter. For Major Developments, the Planning Board shall deliberate the matter at a public meeting. Site Plan Approval shall be granted if the proposed project complies with all applicable criteria and minimum standards set forth in Section 6. This deadline may be extended by mutual agreement of the permitting authority and the applicant in writing, or (in the case of Major Developments) either in writing or orally, on the record, at a public meeting.

b. Decision

If the permitting authority finds that the proposed project complies with all criteria and minimum standards of this Ordinance it shall issue an order granting Site Plan Approval subject to such terms and conditions as the permitting authority finds are

reasonably necessary to ensure conformity with the criteria and minimum standards of this Ordinance.

If the permitting authority finds that the proposed project does not comply with all applicable review criteria and minimum standards, it shall issue an order denying Site Plan Approval.

In either case the permitting authority shall, within thirty (30) days after the completion of its deliberations, issue specific written findings of fact supporting its decision. This period may be extended by mutual agreement of the applicant and permitting authority.

The decision shall state any conditions of approval that apply to the project and the reason for the imposition of those conditions. A copy of the decision shall be sent to the applicant at the address provided on the application. Decisions by the CEO shall also be sent to any abutting lot owner who responded, in writing, to the notice sent by the CEO.

D. Professional Review of Major Developments

1. Additional Studies

The Planning Board may require the applicant to undertake any additional studies which it deems reasonable and necessary to ensure that the requirements of the Ordinance are met. The cost of all such studies shall be borne by the applicant.

2. Independent Technical Review

The Planning Board may require that an independent consultant(s) review one (1) or more submissions of an application. The independent consultant(s) shall report to the Planning Board as to the project's compliance or non-compliance with the applicable provisions of this Ordinance and recommend, if appropriate, those actions which will result in compliance. Such consultants shall be fully qualified to provide the required information in the State of Maine, and may include, but not be limited to:

An Attorney;	A Community Planner;
A Registered Professional Engineer;	A Registered Architect;
A Licensed Landscape Architect;	A Registered Geologist;
A Licensed Soil Scientist;	A Registered Land Surveyor;

or

Any other Registered/Licensed Professional or Independent Expert Witness deemed fully qualified by the Planning Board.

The consultant(s) selected shall estimate the cost of such review and the applicant shall deposit with the Town the full estimated cost to the extent it exceeds the amount paid as a technical review fee.

E. Failure to Act

Failure of the permitting authority to act within any of the time requirements set forth herein shall constitute a denial of the application.

F. Appeals

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a "de novo" hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board of Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings is inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

1. Appeal Procedure

a. Making an Appeal

(i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 7.B. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

(ii) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:

a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.

b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

(iii) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all materials constituting the record of the decision appealed from.

(iv) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty (30) days of its receipt of a complete written application, unless this time period is extended by the parties.

b. Decision by Board of Appeals

(i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.

(ii) The person filing the appeal shall have the burden of proof.

(iii) The Board shall decide all administrative appeals and variance appeals within thirty (30) days after the close of the hearing, and shall issue a written decision on all appeals.

(iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

2. Appeal to Superior Court

Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

3. Reconsideration

In accordance with 30-A M.R.S.A. Section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

G. Expiration of Approvals

1. Unless specifically authorized by the permitting authority at the time Site Plan Approval is granted, all Site Plan Approvals shall expire unless work on the project is substantially commenced within twelve (12) months from the date Site Plan Approval is granted. If work is not substantially completed within twenty-four (24) months from the date Site Plan Approval is granted, approval shall expire.

2. Site Plan Approval extensions may be granted prior to expirations for commencement of the work or change, or for substantial completion.

3. Once Site Plan Approval or approval extensions have expired, a new application and Site Plan Approval shall be required prior to the commencement of any project activity or use.

H. Other Permits

The granting of Site Plan Approval does not relieve the applicant from the need to obtain any other permits or approvals required prior to the commencement of any activity or use. Such other required permits or approvals may include, but are not limited to, building and plumbing permits, permits required under other ordinances of the Town of Franklin, licenses granted pursuant to 38 M.R.S.A., § 1022, Maine Department of Environmental Protection and United States Army Corps of Engineers' approvals, subsurface wastewater disposal permits, sewer connection permits, and Maine Department of Transportation approvals. The fact that the applicant may have obtained or may have been granted such permits or approvals prior to Site Plan Review may be considered by the Planning Board as evidence as to the project's compliance with applicable review standards, but shall not be deemed conclusive evidence as to compliance. The written order granting Site Plan Approval constitutes the Site Plan Review Permit for the project.

I. Access to Site and Records

The CEO shall have reasonable access to the site at all times to review the progress of the work and shall have the authority to review all records and documents related to the project. The applicant, by accepting Site Plan Approval, waives any objection to the CEO having access to the site to review the progress of the work or to review all records and documents related to the project.

Section 6. Site Plan Review Criteria

The permitting authority, in reviewing projects requiring Site Plan Approval under this Ordinance, shall make positive written conclusions and factual findings as to whether the applicant has submitted adequate evidence showing that the following criteria have been met.

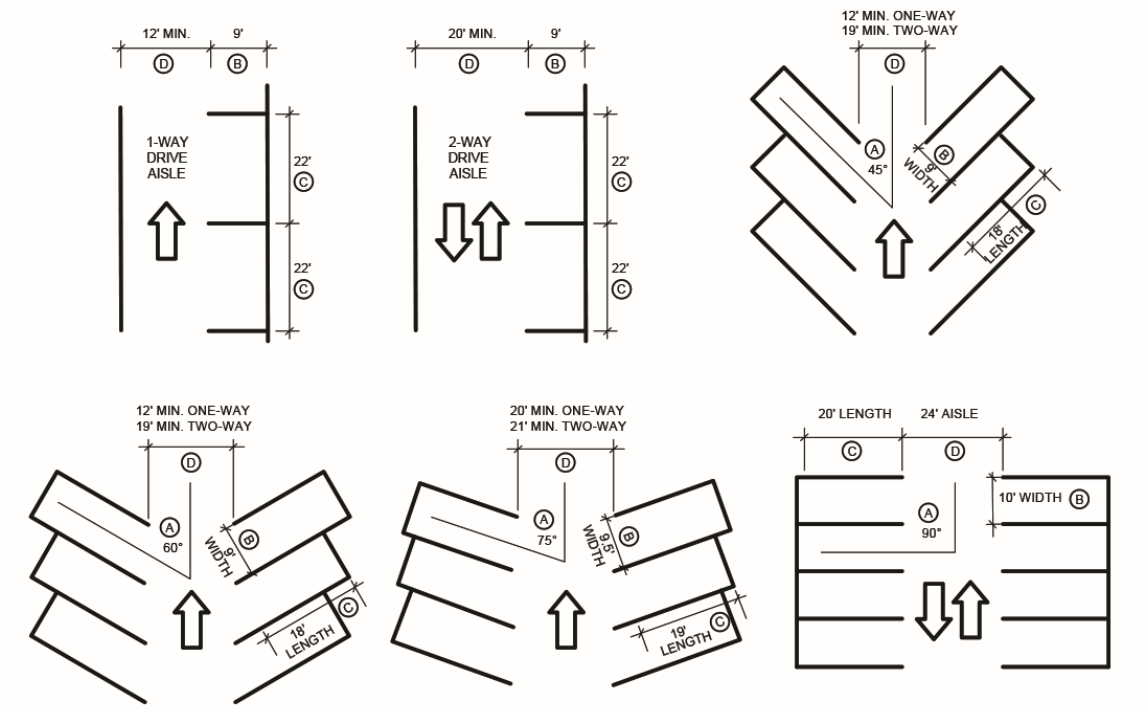
In addition, the minimum standards listed in this Section shall govern all permits and approvals issued under this Ordinance. In reviewing applications submitted pursuant to this Ordinance, the permitting authority shall consider these minimum standards prior to issuing final approval. In all instances, the burden of proof shall be upon the applicant.

A. Parking and Loading

PARKING AREA GEOMETRICS

A = Stall angle, B = Stall width, C = Stall length, D = Aisle width (1-way/2-way)

A	B	C	D
0°	9.0'	22.0'	12.0/20.0' Min.
45°	9.0'	18.0'	12.0/19.0'
60°	9.0'	18.0'	15.0/20.0'
75°	9.5'	19.0'	20.0/21.0'
90°	10.0'	20.0’	(N/A)/24.0'



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: ten (10) feet wide by twenty (20) 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, and inns with ten (10) rooms or less - Two (2) parking spaces plus one space for each guest room.

[2] Motels, hotels, boarding houses, and inns with more than ten (10) rooms - One (1) parking space for each guest plus one (1) for each three (3) employees.

d. Schools: Five (5) parking spaces 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 one hundred (100) 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 additional space for each person serving or preparing food.

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

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

o. 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.

p. **Maritime Activities - Commercial and Recreational:** One (1) per every slip and or mooring and one (1) per every two employees

q. **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.

r. **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.

s. 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.

B. Traffic Movement, Congestion and Safety

Criterion: Adequate provision has been made for traffic movement of all types, including pedestrian, into, out of and within the proposed project and any traffic increase attributable to the project will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the project. The permitting authority shall consider traffic movement both on-site and off-site in making its determination under this criterion.

Minimum Standards:

1. Vehicular Circulation

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

a. Clear routes of access shall be provided and maintained for emergency vehicles to all portions of the site and shall be posted with appropriate language.

b. The layout and design of access ways and parking areas shall provide for safe and convenient circulation of vehicles, including delivery vehicles, and prevent their backing out onto a street.

c. All roads shall be designed to harmonize with the topographic and natural features of the site. The road network shall provide for vehicular and pedestrian safety, all season emergency access, snow storage, and delivery and collection services.

2. 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 building 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.

C. Soil Types, Erosion, Contamination, Drainage, etc.

Criterion: The project will be built on soil types which are suitable to the nature of the project and adequate provision has been made to avoid erosion, contamination of ground or surface waters, interference with adjacent land, over-burdening of natural or artificial drainage systems and/or any other adverse effects of inadequate drainage.

Minimum Standards:

1. Conservation, erosion, and sediment control.

a. The procedures outlined in the erosion and sedimentation control plan prepared and submitted by the applicant shall be implemented during the site preparation, construction, and cleanup stages.

b. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the Maine Erosion and Sediment Control Best Management Practices (BMPs). To the extent the applicant cannot employ all of the BMPs, the application shall identify all BMPs from which relief is sought, together with the reason the BMP cannot be employed and any alternative measures proposed by the applicant. The permitting authority will determine whether to waive full compliance with the BMPs as part of its Site Plan Review.

c. In addition:

i. The project shall preserve outstanding natural features, keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff;

ii. Whenever feasible, natural vegetation shall be retained, protected, and supplemented;

iii. The disturbed area and the duration of exposure shall be kept to a practical minimum;

iv. Permanent (final) vegetation and mechanical erosion control measures shall be installed as soon as practicable;

v. The top of a cut or the bottom of a fill section shall not be closer than ten (10) feet to an abutting lot, unless specifically permitted by the permitting authority.

vi. Extraction operations* shall not be permitted within fifty (50) feet of property lines and private roads and within one hundred (100) of public roads, unless specifically permitted by the permitting authority and upon the prior written agreement of the owner of such abutting lot or road. Whenever sedimentation is caused by stripping vegetation, re-grading, or other development, it shall be the responsibility of the applicant to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at their expense as quickly as possible; and

vii. Maintenance of drainage facilities or watercourses originating completely on private property is the responsibility of the applicant to the point of open discharge at the lot line or at a communal watercourse on the lot.

** See Definitions, Section 2. Extraction operations do not include quarries, which are permitted and licensed under the Quarry License Ordinance of the Town of Franklin Maine.*

2. Stormwater Management

Criterion: Adequate provision has been made for management of stormwater flows within the project property and for flows which could extend beyond the project property lines.

All stormwater management systems required by this Ordinance shall be designed consistent with the following documents, as applicable:

a. M.R.S.A. 38 § 420-C and 420-D;

b. The most recent version of the Maine Department of Environmental Protection Stormwater Management Rules (Chapters 500 and 502) and with the following volumes:

i. Volumes I: Stormwater Management Manual
ii. Volume II: Phosphorus Control in Lake Watershed: A Technical Guide to Evaluating Development; and
iii. Volume III: BMPs Technical Design Manual.

3. Groundwater Protection

a. The quantity of water to be taken from groundwater shall not substantially lower the water table, cause salt water intrusion into any existing well, cause unreasonable changes in groundwater flow, or unreasonable ground subsidence, based upon ten (10)- year drought water levels.

b. The project shall not cause pollution or unreasonable diminution of the aquifer from which it is extracted.

c. Any project located in a defined public water supply aquifer recharge area shall not have an unreasonable adverse effect upon that public water supply.

d. Any pollutant introduced into soil on the site shall not exceed a concentration in the ground water that is greater than the guideline established for it in the Maine CDC Maximum Exposure Guidelines (MEGs) for Drinking Water. Any violation of this standard shall be cause to order the immediate cessation of the use or activity responsible for the contamination.

e. The project shall not increase any contaminant concentration in ground water to more than one-half of the Primary Drinking Water Standards, nor more than the Secondary Drinking Water Standards (however, where existing ground water pollution already exceeds the Secondary Drinking Water Standards, the project shall not cause the concentration of the parameters in question to exceed one hundred fifty percent (150%) of the ambient concentration).

f. All projects shall be designed to minimize any increase in storm water runoff from the site from the natural predevelopment conditions. Storm water runoff systems should be designed to facilitate aquifer recharge where it is advantageous to compensate for groundwater withdrawals and infiltration, but should avoid recharge where the groundwater effects may be harmful.

g. Where possible, existing natural runoff control features such as berms, swales, terraces, and wooded areas shall be retained in order to reduce runoff. The use of enclosed components (such as pipes, etc.) should be minimized where natural systems are able to accommodate runoff.

h. Design of permanent runoff storage facilities should consider safety, appearances, recreational use, and the cost and effectiveness of maintenance operations in addition to the primary storage function.

i. Energy dissipaters and other forms of outfall protection shall be employed where enclosed drains discharge into soils subject to erosion.

j. Storm water management systems shall be maintained as necessary to ensure that they function properly.

k. If the project will result an increased total flow of runoff that will be discharged into municipal stormwater systems, the applicant shall pay for the cost of improvements to the municipal system so that it will have the capacity to handle one hundred twenty five percent (125%) of the projected total flow. Payment shall be made within thirty (30) days of the date Site Plan Approval is granted. No construction may commence on the project before this payment is made.

D. Outdoor Displays and Storage Areas

Criterion: Adequate provision has been made to locate and design proposed outdoor display and/or storage areas so as to avoid any safety hazard to vehicular and pedestrian traffic on and off the site.

E. Hazards and Nuisances

Criterion: Adequate provision has been made to avoid any hazard to travel on public or private ways, or any glare or other nuisance to the use of adjoining public or private property.

Minimum Standards:

1. Emissions

a. Emissions of dust, dirt, fly ash, fumes, vapors, or gases which pose an unreasonable risk of harm to human health or the environment shall be prohibited.

b. No land use activity shall be permitted to produce unreasonable, offensive, or harmful odors perceptible beyond the lot lines, measured either at ground or habitable elevations.

2. Lighting

a. No land use activity shall be permitted to produce unreasonable glare or brightness beyond the lot lines.

b. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view of motorists, pedestrians, or buildings on abutting lots.

c. Direct or indirect illumination shall not exceed 0.5 foot-candles upon residences on abutting lots.

d. All exterior lighting shall be designed to ensure safe movement of people and vehicles, and to minimize adverse impact on abutting lots and public roads. Adverse impact is to be judged in terms of hours of use, hazards to people and vehicular traffic and potential damage to the value of abutting lots. Lighting shall be arranged to minimize glare and reflection on abutting lots and the traveling public.

3. Hazardous Materials

a. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, unless they are stored in compliance with the requirements of the rules and regulations adopted by the State of Maine.

b. All storage of petroleum or liquid petroleum products shall be in conformance with the provisions to 38 M.R.S.A. §§ 541-560 which, among other things, establishes a ten-year compliance schedule for the discontinuance and removal of non-conforming underground storage facilities and requires qualified personnel to oversee the removal of certain underground facilities.

c. Oil and chemical storage shall be in conformance with rules and regulations adopted by the State of Maine applicable to the stored substance.

4. Burden of Proof

The applicant shall have the burden of proof to assure the Planning Board or CEO that all provisions of the above statutes have been met before Site Plan Approval may be granted.

F. Buffers, Screening, Landscaping, Natural Features

Criterion: Adequate provision has been made with regard to buffers, screening, landscaping and the preservation and enhancement of significant natural features.

G. Avoidance of Adverse Effects, Generally

Criterion: Adequate provision has been made to avoid unreasonable adverse effects on the scenic or natural beauty of the area or the community in general, including scenic areas designated in the most recent Comprehensive Plan adopted by the Town, historic sites, archaeological resources, rare and irreplaceable natural areas, wildlife habitats including identified deer wintering areas, existing uses, air quality, water quality, or other natural resources within the Town or in neighboring towns.

Minimum Standards:

1. Any proposed land use activity that may disturb an archaeological site as determined by the Maine Historic Preservation Commission, or historic site which is listed on or eligible to be listed on the National Register of Historic Places, shall require the applicant to submit comments in writing from the Maine Historic Preservation Commission concerning the proposed project. These comments shall be considered by the permitting authority in deciding whether to grant the permit.

H. Avoidance of Adverse Effects on Nearby Properties

Criterion: Adequate provision has been made to prevent any undue adverse effect upon abutting or nearby lots.

Minimum Standards:

1. Wastewater Disposal

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

a. When two (2) or more lots or buildings 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.

2. Water Supply

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

a. 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.

b. Where groundwater pollution exceeds the Primary Drinking Water Standards and the project is to be served by on-site ground water supplies, the applicant shall provide adequate evidence of the manner in which the water quality will be adequately improved or treated.

c. For Major Developments over one thousand (1000) feet by road beyond a municipal pressurized fire hydrant, the applicant shall construct ponds and/or dry hydrants to provide for adequate water storage for firefighting purposes. An easement shall be granted to the Town granting access to the dry hydrants where necessary. The Planning Board may waive the requirement for dry hydrants or ponds only with the written concurrence of the Franklin Fire Chief.

3. Utilities

a. The development must be provided with electrical, telephone and telecommunication service adequate to meet the anticipated use of the project. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

4. Natural Features

a. 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.

5. Lot Line Setback

a. Except as provided in Section 6.H.5.c. below, all structures must be set back at least ten (10) feet from all lot lines and must be set back at least seventy-five (75) feet from the centerline of any public road and at least fifty (50) feet from the edge of the traveled way of any private road.

b. Original non-conforming structures are not subject to the setback requirements above; however, replacements or significant repairs to such structures shall be subject to such requirements except as provided in Section 6.H.3.c. below.

c. In the event a non-conforming structure is removed, damaged, or destroyed, such structure may be repaired or replaced, subject to the following provisions:

i. Any such reconstruction or replacement may not increase the footprint of the previous structure within the setback area. Furthermore, reconstructed or replaced buildings may not be sited within the footprint of a previous non-building structure.

ii. A permit for the project must be obtained within eighteen (18) months of the date of the damage, destruction, or removal of the non-conforming structure.

iii. The provisions of Section 6.A. and Section 6.B. will only apply to the same extent that they applied to the non-conforming structure and its commercial use.

iv. An existing commercial use of a non-conforming structure may be changed to another commercial use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use as determined by the permitting authority.

v. A permit for the repair or replacement of a non-conforming structure shall only be granted in the event no reasonable alternative is available. The historic appearance and context of the non-conforming structure shall be a factor in making the determination of reasonableness.

I. Municipal Services

Criterion: Adequate provision has been made to avoid any undue burden on municipal services including, but not limited to, water, fire, public road maintenance, solid waste disposal, and police services.

J. Provision for Proper Operation

Criterion: Adequate provision has been made to assure the proper operation of the proposed business(es) or activity(ies) on the site through the provision of adequate and appropriate safety measures, utilities, drainage, water supply, sewage disposal, solid waste disposal, access, parking and loading, and other necessary site improvements.

Minimum Standards:

1. For Major Developments, the project owner and operator of record shall have adequate technical and financial capacity to construct, operate, and decommission, as needed, the proposed development or land use activities on the site.

K. Campgrounds

Criterion: Campgrounds shall meet the following requirements, in addition to the other requirements of this Ordinance.

Minimum Requirements:

1. Campsites and all structures shall be located at least one hundred (100*)* feet from any lot line.

2. Campsites shall be laid out and screened in such a manner that they are not visible from abutting public roads, residences, or approved subdivision lots.

3. Site density shall not exceed twenty (20) tent sites or sixteen (16) recreational vehicle sites per acre (excluding circulation roads).

4. Campsites located in a shoreland area, shall have a minimum shore frontage of seventy-five (75) feet.

5. A minimum of two hundred (200) square feet of off-street parking plus maneuvering space shall be provided for each recreational vehicle, tent, or shelter site.

6. There shall be a minimum of twenty-five (25) feet between recreational vehicles.

7. There shall be a minimum of seventy-five (75) feet between recreational vehicles and tent sites.

8. Each recreational vehicle, tent site or covered shelter site shall include at least one picnic table per site, and at least one (1) covered trash receptacle for every three (3) sites. Trash receptacles shall be emptied at least once per day.

9. There shall be one toilet and lavatory for each five (5) campsites. Water and sewage systems shall conform to state regulation.

10. Each campsite shall be equipped with a masonry or metal fireplace, the construction of which is approved by the Franklin Fire Chief.

L. Signs

Criterion: Adequate provision has been made to ensure that any signs associated with the project do not create a safety hazard.

Minimum standards:

1. Signs may be illuminated only by shielded, non-flashing lights.

M. Site Conditions

Criterion: Adequate provision has been made to ensure that, during construction, the site and surrounding area is safe.

Minimum standards:

1. During construction, the site shall be maintained and left each day in a safe and sanitary manner, and any condition that could lead to personal injury or property damage, shall be immediately corrected by the applicant upon an order by the CEO or other authorized person. The applicant shall make provision for disposal of oil and grease from equipment, and the site area should be regularly treated to control dust from construction activity; and

2. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots, and debris. Excess or scrap building materials shall be removed or destroyed immediately upon the request of and to the satisfaction of the CEO.

N. Ordinance Conformity

Criterion: Adequate provision has been made to assure that the proposed project conforms in all respects with the provisions of this Ordinance.

O. Permissible Solar Farms

Criterion: Permissible solar farms shall meet the requirements of the Solar Facilities Ordinance of the Town of Franklin Maine.

Section 7 Enforcement

A. Enforcement Authority

The CEO is authorized to enforce the provisions of this Ordinance, and to take legal action for enforcement at the direction of the Municipal Officers of the Town.

B. Violations

1. Any person who undertakes any land use activity listed in Section 3 as requiring a Site Plan Review Permit, without first obtaining such permit, violates this Ordinance. Each day that such use continues shall constitute a separate violation of this Ordinance.

2. Any person who has been notified by the Code Enforcement Officer they are in violation of Section 7.B.1. may apply for an After-the-Fact Site Plan Review Permit. All other requirements of this Ordinance shall apply.

3. Any person who, having received a Site Plan Review Permit, thereafter conducts the land use activity in such a manner contrary to any condition set forth in the Site Plan Review Permit, or to the provisions of this Ordinance, violates this Ordinance. Each day that such use continues shall constitute a separate violation of this Ordinance.

4. Every violation of this Ordinance may be prosecuted pursuant to 30-A M.R.S.A. *§* 4452.

Section 8. Post Approval Activities

A. Limitation 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 twelve (12) 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.

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
Improvement guarantees may be required for all offsite improvements required by this Ordinance, when the Planning Board finds that the scale of the improvements warrants guarantees. The Planning Board may require the posting of an improvement guarantee in such amount and form as specified in Subsection D.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.

b. Upon substantial completion of all required improvements, the applican*t* 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, or rejection of such improvements with a statement of reasons for any rejection. At the discretion of the respective

Municipal Officials, inspection of improvements may require the services of professional reviewers as listed in Section 5.D.2. of this Ordinance. The cost of all such services shall be borne by the applicant

c. The Planning Board shall either 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 approval of a portion of multiple improvements is granted, the developer shall be released from liability only for that portion of the improvements approved after inspection by the respective Municipal Officials listed in Subsection D.1.b. above.

e. Improvements which have been rejected may be resubmitted for inspection after corrections for deficiencies identified in the reports of the respective Municipal Officials listed in Subsection D.1.b. above, up to the date of default (see Section 8.D.3.).

2. Form of Guarantee

With submittal of the application, the applicant shall provide one of the following improvement guarantees for an amount adequate to cover the total costs of all required improvements.

a. Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account; or

b. An irrevocable letter of credit from a financial institution establishing funding for the construction of the required improvements from which the Town may draw if the improvements do not meet the conditions of approval.

c. The conditions and amount of the improvement guarantee shall be determined by the Planning Board with the advice of professional reviewers as listed in Section 5.D.2. of this Ordinance, if applicable, at the cost of the applicant.

3. Contents of Guarantee

The performance guarantee shall contain cost estimates for each major phase of the required improvements, if applicable and a date after which the applicant will be in default and the Town shall have access to the funds to finish the required improvements. The date of default may be extended by mutual agreement of the respective parties.

4. Escrow Account

The improvement guarantee shall contain a completion schedule, cost estimates for each major phase of the provisions for the release of part or all of the improvement guarantee to the applicant and a date after which the applicant will be in default and the Town shall have access to the funds to finish the required improvements.

For any account opened by the applicant, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements.

5. Letter of Credit

An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the required improvements and may not be used for any other project or loan.

6. Phasing of Development

The Board may approve phased improvement guarantees, when required improvements are approved in separate and distinct phases development.

7. Performance Guarantee Review

Any proof of financial capacity shall be reviewed no later than sixty (60) days before the expiration of the guarantee, and adjusted if necessary. The applicant may also request adjustments in the guarantee.

8. Release of Guarantee

Prior to the release of any part of the performance guarantee(s*),* the steps outlined in Section 8.D.1., Subsections (b) though (e) of this Ordinance must be completed.

9. Default

If, upon inspection on or after the date of default listed in Section 8.D.3. of this Ordinance, the CEO or other inspecting official finds that any of the required improvements have not been performed in accordance with the approved conditions of approval, plans and specifications, he/she shall so report in writing to the Municipal Officers, the Planning Board, and the applicant and guarantor. The applicant shall have thirty (30) days unless otherwise specified by the CEO, to remedy any insufficiency noted. Thereafter, Municipal Officers shall take any steps necessary to enforce the guarantee and remedy the insufficiencies.

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 building(s) and site improvements as actually constructed on the site, as opposed to as-described in the original

application. These change order plans must be submitted within forty (40) days of the substantial completion of the project or occupancy of the 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.

Section 9. Amendments to the Ordinance

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

This Ordinance may be amended as follows:

A. By a majority vote of the governing body if the proposed amendment is recommended by a majority vote of the Planning Board

B. By 2/3 majority vote of the governing body if the proposed amendment is not recommended by the Planning Board.

In either case, the Planning Board shall hold a public hearing at least 30 days prior to the meeting of the governing body. Notice of the hearing shall be posted in the Town Office at least thirteen (13) days in advance of the Public Hearing. The notice shall be published at least two (2) times in a newspaper that complies with Title 1, Section 601 and that has a general circulation in the municipality. The date of the first publication shall be at least twelve (12) days before the hearing, and the date of the second publication must be at least seven (7) days before the hearing.

Appendix – Warrant Articles

Annual Town Meeting – March 28, 2026

Article # 30 – ““Shall the document entitled ‘Proposed Site Plan Review Ordinance of the Town of Franklin, ME’, as posted with the warrant and made available for inspection at the Town Office, be enacted?”

Draft of the Site Plan Review Ordinance is available at the Franklin Town Office.

The above proposed ordinance was recommended by the Franklin Planning Board at the 02/19/2026 meeting, by a vote of six (6) in favor and none (0) opposed.

Motioned to accept the article as written. Motion Passed.