ARTICLE 6 - SITE PLAN REVIEW

601 PURPOSE

Site Plan Review regulations are established to promote the public health, safety and general welfare by requiring plans to be submitted to, and reviewed by, the Planning Board for certain uses which have a potential for significant impact, but which when properly designed with respect to their surroundings can become acceptable uses. The overall purpose of such review shall be to ensure orderly and beneficial development and the most appropriate use of land in keeping with the purposes of the district in which a development is proposed. As such, the provisions set forth in this Article are intended to protect the public health and safety, promote the general welfare of the community, and conserve the environment by assuring that nonresidential and multifamily construction is designed and developed in a manner which assures that adequate provisions are made for traffic safety and access; emergency access; water supply; sewage disposal; management of storm water, erosion, and sedimentation; protection of groundwater; protection of the environment, wildlife habitat, fisheries, and unique natural areas; protection of historic and archaeological resources; minimizing the adverse impacts on adjacent properties; and fitting the project harmoniously into the fabric of the community.

602 PRE-APPLICATION (#2) (#69)

The Code Enforcement Officer shall review an applicant's proposed use to determine if the proposed use is allowed and, if so, whether the project requires site plan approval. If site plan review is required, the applicant shall determine whether the project is a major or minor site plan and submit the application accordingly. Upon receiving the application, the Planning Department shall determine if the applicant's classification of major or minor site plan is acceptable. If not acceptable, the applicant shall begin the process again with the submission of a new application.

602.1 MAJOR DEVELOPMENTS (#2)

Projects involving any of the following shall be classified as a major development:

602.1.1 Any project which contemplates drilling for or excavating natural resources, including mineral extraction, on land or under water where the area effected is in excess of 30,000 square feet.

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

Hazardous wastes as defined in Title 38, MRSA, Section 1303, as the same may be amended from time to time;
Hazardous wastes as defined in Title 38, MRSA, Section 1317, as the same may be amended from time to time;
Oil, as defined in Title 38, MRSA, Section 1451, as the same may be amended from time to time; and
Low-level radioactive wastes, as defined in Title 38, MRSA, Section 1451, as the same may be amended from time to time.

602.1.3 Any building or buildings on a tract or parcel of land constructed or erected with a fixed location on or in the ground or attached to something on or in the ground which occupies a ground area in excess of 20,000 square feet.

602.1.4 Any project where parking lots, roads, paved areas, or other areas to be stripped or graded and not to be revegetated causes the total project, including any buildings, to occupy a ground area in excess of 60,000 square feet.

602.1.5 Any multi-unit housing development involving a building or buildings for the purpose of providing three (3) or more housing units located on a tract or parcel of land.

602.1.6 Any project which is a conversion of an existing project meeting the description stated above.

602.2 MINOR DEVEOPMENTS (#2)

Minor Development – Projects not classified as a Major Development shall be classified as a minor development.

603 APPLICATION PROCEDURE

603.1 SUBMISSION TO CITY PLANNER (#2) (#6) (#37) (#57)

Persons seeking site plan review shall submit four (4) copies of the site plans and accompanying written information including the application form, meeting the specifications of Section 606 with the Planning Department along with a non-refundable application fee as set forth in the then current City Council adopted fee schedule, payable to the City of Brewer four weeks prior to the Planning Board meeting.

In addition, an applicant applying for site plan approval shall pay a separate technical review and escrow account fee of $1,000.00 for minor developments or $2,500.00 for major developments upon submitting the application. Said funds shall be held in an account and used to cover the cost for legal notices and any of the following support services which the City of Brewer reasonably incurs in the review, approval or disapproval of the application:

A. attorney, including the City Solicitor
B. professional engineer
C. licensed architect
D. professional land surveyor
E. certified geologist
F. licensed site evaluator
G. and any other expert the Planning Board, City Council, City Planner and/or Code Officer feels is necessary to adequately evaluate the proposed site plan. All technical review consultants shall be chosen by the City and not the applicant.

If the balance in this account is drawn down by 50% or more, the Board or City Planner shall notify the applicant, and may require that the account be fully replenished by the applicant within ten days in order for the application to proceed. The Board or City Planner shall continue to notify the applicant and may require the account be fully replenished as necessary whenever the balance of the account is drawn down by 50% of the original deposit. Any monies not expended shall be returned to the applicant or his designee, without interest, by the City.

No application shall be acted upon by the Board and/or City Council until the required money has been posted with the City which includes sufficient funds posted to cover the total cost of the support services required by the City in reviewing the application.

Notwithstanding the above, upon receipt of these materials, the City Planner or designee shall review the application to determine whether all the information requested in Section 606 has been provided. The applicant shall be notified of any deficiencies within five business days and given the opportunity to correct them. (#76)

603.2 TECHNICAL REVIEW (#57)

After it has been determined that the application and site plan conform to the requirements for submission, the City Planner or designee shall conduct a technical review of the materials to determine compliance with the provisions of this Land Use Code. During this process, the City Planner or designee shall consult with the City Engineer, Police Chief, Fire Chief, Water Department Superintendent, Treatment Plant Superintendent, Code Enforcement Officer, and any other individuals or agencies, as deemed necessary. (#4) (#6)

Within ten working days after the application has been deemed complete, the City Planner or designee shall notify the applicant in writing of any technical deficiencies in the application or site plan, and recommend modifications. The applicant may then revise the plan addressing the staff recommendations or request Planning Board review without amendment. The City Planner or designee shall submit written recommendation(s) to the Planning Board and provide a copy of such to the applicant.

Site Plan Review Applications not acted upon by an applicant within six (6) months after technical review of the materials has taken place and/or for which Planning Board review and/or approval of said application has not occurred within said time period shall be deemed void and submission of a new current complete application including plans and accompanying written materials and application fees shall be required for technical review as if a new application. (#76)

603.3 FILING OF APPLICATION AND SITE PLAN FOR PUBLIC HEARING (#2) (#4) (#57)

The applicant shall submit fourteen (14) copies of the site plan submission to the Planning Department at least fifteen days prior to a scheduled Planning Board meeting or as indicated in the tech review letter. The City Planner or designee shall give one copy of the application to the Code Enforcement Officer and to the City Engineer. The applicant shall also submit two rolled plans of the site plan drawing for Planning Board signatures.

604 PUBLIC HEARING (#2) (#42)

Before taking final action thereon, the Planning Board shall hold a public hearing on the application. Notice of said hearing shall be mailed to abutting landowners, including those directly across the street, and published in a local newspaper at least seven (7) days in advance of said hearing. The City Clerk shall mail said public hearing notices and send notification to be published, both at the applicant's expense as set forth in the then current City Council adopted fee schedule. Land owners shall be considered to be those against whom property taxes are assessed. Failure of any abutting landowner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action of the Planning Board. The purpose of the public hearing shall be to receive input from the general public relative to the elements listed in Section 607. (#42)

604.1 PROCEDURE

An applicant may be represented by an attorney or other representative at such hearing. Any scheduled public hearing shall not be continued, except for good cause, and when such continuance is requested by the applicant, all advertising costs shall be borne by the applicant. Failure of the applicant or the designated representative to appear at the public hearing shall result in the proposal being tabled until the next regular scheduled meeting with resultant advertising and notification costs borne by the applicant. Failure to appear at the next meeting shall be deemed withdrawal of the application.

605 PLANNING BOARD REVIEW AND ACTION

Within thirty-five (35) days after the public hearing on an application, the Planning Board shall approve, approve with conditions, or disapprove the site plan. This deadline may be extended by mutual agreement of the Board and the applicant, either in writing or orally on the record at a public meeting. The board shall limit its review to the criteria set forth in Section 607. The board may consult with the applicant or any other party in making its review. The board shall inform the applicant of its decision in writing, and in cases of disapproval or approval with modifications, reasons for such action shall be stated within thirty-five (35) days. A copy of the Board's decision shall be filed with the City Planner and the Code Enforcement Officer. (#4)

605.1 EXPIRATION OF PLANNING BOARD APPROVAL (#2) (#61) (#69) (#76)

The ability and procedure of a major site plan to be approved and constructed in phases shall be determined on a case-by-case basis by the Planning Board. If permitted, details of such phasing including but not limited to building construction and site development, stormwater management facilities and/or systems, utilities, water and wastewater, driveways and landscaping/screening along with proposed timeframes for completion of site improvements in each phase shall be outlined on the site plan, written exhibit and written Planning Board Order. Previously approved major site plans may be eligible for phasing if brought before the Planning Board for an amended site plan review within eighteen months of approval.

Fill and Grade approval granted by the Planning Board shall expire one year from the date in which the approval is granted. Site plan approval granted by the Planning Board shall expire if the use, work, construction, alteration, or change involved is not started and continued after substantial commencement (which includes obtaining a current valid building permit issued by the Code Enforcement Officer) within one year of the date on which site plan approval was granted or said work or activity is not substantially completed or said use is not activated within two years of the date on which said approval is granted. For purposes of this section, commencement is defined as the earliest date on which a material operation such as construction, demolition, foundation work, road construction, or site alteration activity that constitutes a substantial step towards the completion of the approved development takes place. Substantially complete indicates a

project is sufficiently completed according to the terms of the construction plans, Planning Board approved site plan, and site plan conditions of approval. For instance, the owner could begin using or occupying the project for its intended purpose, as the project meets necessary requirements for use, but may not have met every site plan detail.

Expiration of the applicable dates prior to commencement or substantial completion shall void the site plan approval unless the Code Enforcement Officer has granted an extension for a period not to exceed ninety days. The Code Enforcement Officer shall grant a 90-day extension if they find that the applicant has diligently pursued their obligations under the site plan approval and that an extension is justified by adverse weather, delay in material delivery due to no fault of the applicant or by other valid reason and the extension request is submitted in writing prior to the above outlined expiration date. If additional extensions are required, the Planning Board may grant up to two (2) one-year extensions of the site plan Planning Board approval prior to the site plan approval expiration deadline based on a written finding of reasonable cause. Applicants that have not commenced work or substantially completed work after two (2) extensions as outlined in this section shall have the site plan approval deemed null and void and further action by the applicant on site projects shall require the applicant to restart the site plan review application process as a new site plan application.

Requests for the Planning Board to grant an extension shall be submitted four (4) weeks prior to the expiration of the site plan approval date and shall include a letter stating the current owner and/or applicant name, address, site location, and include the following:
a.) status of the project;
b.) reason for the extension request;
c.) proposed extension date;
d.) current and valid evidence that the applicant has obtained any and all Federal and State agency permits, notices, licenses, and authorizations and that activities are authorized by said agencies;
e.) whether the approved use meets Section 607 Standards Governing Site Plan Review in this Land Use Code and the conditions of the site plan approval;
f.) whether the extension request will involve any material changes to the site plan, site plan area, site use, or otherwise, including but not limited to: square footage of structure(s), alteration to location of access drives and vehicular circulation, reduction in parking spaces, changes to: contour elevations, traffic flow or volume, drainage, water demand/availability, sewer capacity, and/or landscape elements.

The non-refundable fee as set forth in the then current City Council adopted fee schedule, payable to the City of Brewer and three (3) copies of the above information and the check shall be submitted to the Planning Department four weeks prior to the Planning Board meeting.

In the event that any Fill and Grade or Site Plan Planning Board approved use(s) conducted in a structure or otherwise, ceases, for whatever reason, for a period of one (1) year or more such use(s) shall become null and void and shall not be resumed without first having obtained Planning Board approval.

606 REQUIRED INFORMATION (#2) (#61) (#69)

Application for the establishment of uses and/or site improvements requiring site plan review shall be accompanied by 24" x 36" plans (one inch equals twenty feet is preferred) drawn to scale, and accompanying written materials bound either in a punch and bind or 3-ring binder. Site plans shall be based on field measurements and current on-site data prepared, signed, and stamped by a State of Maine licensed professional land surveyor, engineer, or landscape architect. For purposes of site plan review, the "site" consists of the entire parcel of land and not just the portion developed. The required submission containing at a minimum the following information:

606.1 INFORMATION FOR ALL SUBMISSIONS (#2) (#4)

1. A brief narrative describing the overall goals and objectives of the project, the nature of the operations of the site use, along with the expected schedule of operation and number of employees. Also included shall be the reason for the applicant's determination of the project as either a major or minor site plan. (#69)

2. Applicant. An application will be considered only when an applicant has demonstrated sufficient title, right or interest in all of the property which is proposed for development or use. If the applicant is a business or corporation, a current Certificate of Good Standing from the State of Maine shall be supplied. If the applicant is incorporated, a copy of the Articles of Incorporation shall be supplied. An applicant shall demonstrate in writing sufficient title, right or interest as follows:

   A. When an applicant claims ownership of the property, copies of the deeds to the property shall be supplied.

   B. When the applicant has an option to buy the property, a copy of the option agreement shall be supplied. Option agreements shall contain terms deemed sufficient by the Board to establish future title. Copies of the current deeds to the property shall also be supplied.

   C. When the applicant has a lease on the property, copy of the lease shall be supplied. The lease shall be of sufficient duration, as determined by the Board, to permit construction and reasonable use of the development. Copies of the current deeds to the property shall also be supplied.

   D. When the applicant has eminent domain power over the property, evidence shall be supplied of the ability and intent to use the eminent domain power to acquire sufficient title, right or interest as determined by the Board. Copies of the current deeds to the property shall also be supplied.

E. When the applicant has a bond for a deed on the property, a copy of the bond for a deed shall be supplied. Copies of the current deeds to the property shall also be supplied.

F. When the applicant has a purchase and sales agreement to purchase the property, the applicant shall provide a copy of the purchase and sales agreement. Copies of the current deeds to the property shall also be supplied.

3. Graphic scale with appropriate labels

4. A location map showing the relation of the proposed development to the surrounding area.

5. Current boundary survey showing boundaries of the tract of land, improvements, easements, and rights of ways therein, bearing the surveyor's seal, indicating north arrows, corners of parcel, date of survey and total acreage, prepared in accordance with the Board of Licensure for Professional Land Surveyors.

6. Location, height in stories, ground floor area and first floor elevation of existing and proposed buildings and other structures, including use and proposed use thereof. The number of floors, square footage for each floor, and use for each floor included on site plan and in narratives. (#57)

7. Location, ground floor area and height in stories of buildings within 100 feet of the proposed project.

8. Location, names and traveled way widths of existing public streets.

9. Location of proposed drives and drives serving the site to the lot from public streets, depicting, curb radii, centerline radii, grade (s) width, and sight distances. Locations of adjacent entrances as measured from the closest adjacent edge of each driveway excluding radii, whether these be located on the subject lot, or adjacent lots shall be depicted on the plan. Distances from intersections shall also be labeled. (#76)

10. Location and arrangement of proposed off-street parking loading areas and their appurtenant drives and maneuvering areas, including ADA requirements for parking and visitor parking as needed. Calculations determining the minimum required amount of parking spaces shall be included. The distance from the parking spaces to the nearest property line shall be labeled. (#57) (#69)

11. Specifications for landscaping/screening including species, spacing and height at time of planting of trees or shrubs are used; where earthen berms are used, slope, base dimensions and vegetation cover used; where fencing is employed, height, type and material of fencing. (#57)

12. Location of existing and proposed pedestrian walkways.

13. Location, size, material, and elevations of existing and proposed utilities and easements therefore, including sanitary sewerage, water, (including existing and/or proposed hydrants), telephone and electricity.

14. If the site is not to be served by a public sewer line, plan shall show the location of test pits, and the proposed location of the sub-surface disposal system, including reserve leach field locations. An on-site soils investigation report by a licensed site evaluator shall be provided. The report shall contain the types of soil, location of test pits, and proposed locations and design of the best practical subsurface disposal system for the site, including reserve leach field locations.

15. Location of existing natural drainage ways, critical areas and proposed storm drainage facilities, including size, material and elevations culverts, pipes, etc. Where channels are used, the depth, slope, grade and type of channel covering of lining shall be shown. Where subsurface drainage is employed, the layout of the system and the disposition of the flow shall be shown.

16. Lighting intensity, type, size and direction of all outdoor lighting.

17. Location and proposed use of areas proposed for outdoor recreation.

18. Location and type of existing and proposed landscaping, fences, hedges and trees fourteen inches in diameter and over, measured at a point 4.5 feet above ground level. Existing trees and landscaping to remain and be preserved shall be labeled. Existing specimen trees fourteen inches in diameter and over and unique stands of trees shall be shown and labeled. (#69)

19. All existing and proposed contours of the entire site with spot elevations at critical areas. No more than two foot contour intervals shall be used, unless the City Engineer determines that large contour intervals are adequate to evaluate the effect on adjacent property and site conditions. All plans showing contour lines and/or elevations shall include a note stating the basis of elevation and who/how the contours were determined. On plans with proposed improvements, a temporary benchmark shall be included. (#57)

20. Locations and size of signs and all permanent outdoor fixtures, existing or proposed.

21. All existing and proposed setback dimensions. Distances from proposed buildings to nearest property line shall be shown and labeled on the site plan. (#57) (#69)

22. The type, size and location of all incineration devices and dumpsters.

23. The type, size and location of all machinery likely to generate noise at the lot lines.

24. The quantity and type of any raw, finished or waste materials to be stored outside of roofed buildings, including their physical and chemical properties, as appropriate.

25. The location of all wetlands over 4,000 sq. ft. cumulatively on the site, prepared by a State Certified Soil Scientist or Geologist registered in the State of Maine or other qualified professional showing expertise in wetland delineation, and based on a current on-site investigation. Said submission shall include a narrative describing method of delineation and location and description of such wetland features including functions and values. All plans showing wetlands and/or vernal pools shall include a note stating who, how, and when the delineation and locations were determined. (#69) (#76)

26. An appropriate place on the site plan for the signatures of the Planning Board.

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

28. The location of the project site drawn to scale on the Federal Emergency Management Agency Flood Insurance Rate Map for the City of Brewer, Maine.

29. Supporting design calculations for (a) sanitary sewage and (b) water demand.

30. Supporting calculations indicating the average daily volume of traffic to be generated by the project along with the expected peak hour volume as determined from the ITE manual “Trip Generation”.

31. Stormwater drainage provisions showing existing and proposed methods of handling stormwater runoff and directional arrows showing the flow.

32. An erosion and sedimentation control plan detailing the methods of controlling erosion and sedimentation during and after construction.

33. For projects proposing to disturb 1 (one) acre or more, a stormwater management plan will be required to meet the requirements of Chapter 31, Article 6-C of the City of Brewer’s Charter, Codes and Ordinances. This section refers to post construction stormwater monitoring and maintenance requirements for all persons discharging into the City storm sewer system. (#44)

34. For projects involving residential uses, the applicant shall include information on the number of potential students added to the school system estimated by using the most recent available published regional numbers. The applicant shall also include a written statement from the Superintendent of Schools indicating any concerns with the additional students and bus stop locations. (#69)

35. Written request for waivers of any item(s) specified.

606.2 ADDITIONAL INFORMATION REQUIRED FOR MAJOR DEVELOPMENTS (#2)

1. A stormwater management plan, prepared by a Maine licensed professional engineer with supporting storm drainage calculations based on a 25 year storm, unless stipulated higher by the City Engineer, and a separate map of the drainage area(s) using either the rational method TR-20 or the TR-55, "Urban Hydrology" method. (#44)

2. A traffic impact analysis, prepared by a professional traffic engineer, demonstrating the impact of the proposed project on the capacity, level of service and safety on adjacent streets including supporting calculations indicating the average daily volume of traffic to be generated by the project along with the expected peak hour volume as determined from the ITE manual "Trip Generation".

3. A written statement from a professional engineer or licensed architect stating the adequacy of the water supply for both domestic and fire protection.

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

5. The location, width, typical cross-section, grades and profiles of all proposed streets and sidewalks.

6. An assessment of the impact of the development on wetlands, streams, ponds, flood plains, archaeological resources and significant wildlife habitats, including review letters from appropriate State Officials.

606.3 OTHER INFORMATION

1. When a development has a use with specific Performance Standards included in Article 4 of this Land Use Code, the application shall include sufficient information to show said Performance Standards are met. Such uses include, but are not limited to, narcotic treatment facilities, marijuana uses, and solar energy systems. (#57)

2. In cases where construction or operation of the proposed project may adversely affect such things as light, noise, public safety or cause electromagnetic effects, the applicant may be required to provide expert outside testimony at the applicant's expense.

3. Such additional information as requested in writing by the City Planner to insure compliance with the terms of this Land Use Code.

607 STANDARDS GOVERNING SITE PLAN REVIEW

The following standards are to be used by the Planning Board in evaluating Site Plan Review applications and shall serve as minimum requirements for approval of the site plan. Upon consideration of these factors and standards, the Planning Board may attach such conditions, in addition to those listed elsewhere in this ordinance, that it finds necessary to further the purposes of this ordinance. Such conditions may include, but are not limited to, specifications for: increased setbacks and yards; landscaping and planting screens; period of operation; locations of parking and signs; or any other conditions necessary to fulfill the purposes of this Land Use Code. Violation of any conditions so attached to an approved Site Plan shall constitute a violation of this Land Use Code. In all instances, the burden of proof shall be upon the applicant to produce evidence sufficient to warrant a finding that all applicable criteria have been met. (#76)

607.1 COMPATIBILITY WITH LAND USES

The proposed development is compatible with land use of adjacent properties and other property in the district.

1. The proposed development is a use which is allowed within that district.

2. Historic and Archaeological Sites - any proposed land use activity in the Shoreland Zoning protection District or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the application to the Maine Historic preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application. The development shall include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, limiting extent of excavation.

3. The layout and arrangement of structures are visually and/or functionally related to one another or adjoining properties in a reasonable manner.

4. The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade, and/or a combination of these or other techniques.

607.2 COMPATIBILITY WITH LANDSCAPE

The plan for the development will reflect the natural capabilities of the site to support development. Buildings, lots, and support facilities will be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers will be maintained and preserved to the maximum extent. The development shall include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

1. The proposed development does not use excessive cuts or fills
2. The development attempts to create focal points with respect to avenues of approach, terrain features, or other buildings.
3. The development is consistent with the City's Open Space and Trail Plan, if any, and preserves open space to the maximum extent possible.

607.3 EROSION (#44)

Adequate provisions must be made for minimizing erosion and controlling sedimentation.

1. For all projects, Performance Standards set forth in Article 4, Section 440 Erosion Control of this Land Use Code shall be met. (#54)

2. Whenever State or Federal permits are required for a proposed site plan application, whichever standard between City, State, or Federal standards is more strict shall govern.

607.4 STORM WATER (#44)

Adequate provision must be made for the collection and disposal of stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

1. For all projects, Performance Standards set forth in Article 4, Section 439 Stormwater Management of this Land Use Code shall be met.

2. Unless the discharge is directly to the Penobscot River, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.

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

4. Site designs shall include Low Impact Development (LID) techniques as feasible. The use of dry ponds, rain gardens, and stormwater management chamber systems are encouraged in lieu of traditional wet ponds. If space is limited, other stormwater treatment systems, such as tree boxes, should be considered. LID techniques mimic natural processes by promoting the use of relatively small scale treatment measures to disconnect impervious surfaces and enhance filtration, treatment, and management of stormwater runoff as close to its source as possible. These measures include, but are not limited to bioretention filters, grass swales and channels, vegetated filter strips, permeable pavements, and rain gardens. (#54)

5. Whenever State or Federal permits are required for a proposed site plan application, whichever standard between City, State, or Federal standards is more strict shall govern.

607.5 ACCESS AND PARKING (#4) (#57)

The location of points of access to public streets and the design and location of access roads are such that traffic congestion and unsafe conditions on public streets are minimized.

1. If the development is located in a commercial or industrial district, the entrances shall comply with Section 906.4 of this ordinance.

2. Driveways and access roads intersect streets at an angle as close to 90 degrees as possible for a minimum of 50 feet.

3. Curb cuts or access drives are located and designed to provide safe sight distances in each direction as outlined in the table below:

Design Speed	25	30	35	40	45
Sight Distance	300'	380'	480'	580'	710'

Sight distances shall be measured at a distance of 15' back from the edge of the travel lane and at a height of 3.5' above the proposed access road grade to an object 4.25 feet above the pavement.

4. Curb cuts are located so as to allow a minimum clearance as prescribed in 906.4 of this Land Use Ordinance from unsignalized intersections of streets. The minimum clearance distance at signalized intersections shall be 150 feet. Clearance distances are to be measured from the point of tangency (pt.) for the corner to the pt. for the access drive. (#69)

5. Left turning traffic will not block or impede turning traffic out of another driveway or intersection.

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

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

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

9. The following criteria must be used to limit the number of driveways serving a proposed project:

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

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

10. The site has adequate maneuvering areas, loading zones, and parking to meet the minimum ordinance requirements and the project needs. Parking shall also meet minimum ADA requirements.

607.6 ROAD SYSTEM IMPACT

The proposed development will not cause an unreasonable burden on existing road systems.

Levels of service "D" (see Article 14) as determined by capacity analysis shall be considered the minimum necessary to provide safe, reasonable traffic movement.

Where such a level of service is determined to operate at a lower level of the project's build-out year, a finding of safe, reasonable traffic movement shall be made given the following:

1. Improvements will be made to raise the level of service to "D" or above;

OR

2. If the above is found not to be reasonable by the Board, improvements will be made such that the proposed development will not increase delay at a signalized intersection, decrease the reserve capacity at an unsignalized intersection, or otherwise worsen the operational condition of the road or intersection in the project build-out year.

607.7 LANDSCAPING AND PLANTING

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

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

1. Areas with (4) four or more parking spaces are screened from view of abutting properties. Front yard screening for Narcotic Treatment Facilities shall meet the requirement of Section 424.2. (#11) (#55)

2. Parking areas larger than 12,000 square feet shall have interior landscaping equivalent to seven percent of the total parking; except in the industrial zone where the requirement is five per cent. Each separate interior landscaped area contains a minimum of (50) fifty square feet and have a minimum dimension of (5) five feet. Interior landscaped areas shall be planted with trees, shrubs, ground cover or other acceptable landscaping material which shall not exceed three feet in height where necessary for site distances. Such interior landscaping is located as an aid to traffic and pedestrian safety and circulation and shall include raised landscaped islands at the end of parking rows and raised parking row dividers with landscaping for every other row of double parking. (#55)

3. Additional plantings of shrubs and trees beyond that specifically required elsewhere in this Land Use Code are included to break up extensive building facades, front, side or rear yards of more than (50) fifty feet in length; or open

space areas not used for active recreation of more than (500) five-hundred square feet in area. (#55)

4. Landscaping materials are specified as number 1 grade as determined by the American Association of Nurserymen. Landscape materials will be maintained and dead plant material replaced within one year or by the next planting season, whichever occurs first.

5. A Medical Marijuana Registered Dispensary, Medical Marijuana Cultivation Facility, and/or Adult-Use Marijuana Establishment shall meet the requirements of Article 4, Section 424.2.3.c. of this Ordinance. (#16) (#55)

NOTE: The Planning Board may waive the requirement for screening of more than (5) five parking spaces in the General Business District, the Industrial District and the Industrial-two District, upon written request provided that the proposed project does not abut a Residential District. If the proposed project does abut Residential District screening of parking from the Residential District is required. If screening is waived, tree planting, at a rate of one tree per (50) fifty feet of parking perimeter, shall be substituted for screening. (#55)

6. The minimum plant sizes, unless specifically indicated otherwise by the Planning Board, shall meet the following minimum standards:
   A. Shade trees: high crowned species with ascending or lateral branching habit indigenous to the area, tolerant to existing soils and urbanized conditions, caliper measured six inches up from the base 1 1/2 inches to two inches
   B. Flowering and evergreen trees will be a minimum of (5) five to (6) six foot size. (#55)
   C. Shrubs, deciduous will be a minimum of (2) two to (3) three foot size. (#55)
   D. Shrubs, evergreen will be a minimum of (36) thirty-six to (42) forty-two inch size (for those specified by height); (18) eighteen to (24) twenty-four inches for those specified by spread. (#55)

607.8 OUTDOOR LIGHTING

Outdoor lighting is designed so that it will not cause glare (either directly or indirectly) on adjacent properties or on a public way so as to impair the vision of the driver of any vehicle upon that public way.

1. If the proposed development is within, or abuts a residential area, the lighting is designed so that it will not cause an illumination in excess of 0.5 foot-candles at the property line abutting the residential area, as measured by a photoelectric photometer having a spectral response similar to that of the human eye.

2. All exterior lighting, except security lighting, must be turned off between 11 P.M. and 6 A.M. unless located on the site of a commercial or industrial use which is open for

business during that period. Wiring to light poles and standards must be underground.

607.9 OUTDOOR RECREATION

Outdoor recreation areas are located so as to minimize potential effect on adjacent properties.

1. Screening is of such a nature to mitigate noise levels to Noise Performance standards in Article 4 of this Land Use Code.

607.10 WASTEWATER

The proposed development does not impose an unreasonable burden on sanitary sewers or the Wastewater Treatment Plant (WWTP).

1. The development will not over tax the existing downstream sanitary system or, where necessary, improvements to the existing system are proposed so as to avoid overtaxing the system.

2. The development will not cause the WWTP to operate beyond its licensed discharge or any limitations or allowances placed thereon by State and Federal agencies. The WWTP superintendent will be formally consulted for each site plan review involving municipal wastewater treatment.

3. If the development is to be served by an on-site wastewater disposal system, the system has been designed according to Maine Department of Human Services, Division of Health Engineering rules and is of sufficient capacity to handle wastewater from the number of people expected to use the system.

4. The requirements of Chapter 31, City of Brewer Sewer and Pretreatment Ordinance of the City of Brewer Charter, Codes and Ordinances are met.

607.11 SUFFICIENT WATER (#4)

The proposed development will not impose an unreasonable burden on the municipal water system and has sufficient water available to meet its needs for the foreseeable future for both domestic water and fire protection.

1. The Water Department Superintendent and the Fire Chief will be formally consulted for each site plan review involving municipal water service.

2. Hydrants shall also be placed such that one (or more if required by the Authority Having Jurisdiction (AHJ)) shall be located within five hundred (500) feet of all structures. The hydrants are to be standard hydrants as approved by the AHJ. Said hydrants to supply seven hundred fifty (750) gpm or more each with a residual

pressure of 20 psi. Further, for selected developments, subject to the AHJ, more hydrants and larger fire flows may be required for greater than normal hazards or large structures. (#69)

3. A minimum storage capacity of 10,000 gallons shall be provided for a project not served by a public water supply. Additional storage of 2,000 gallons per lot or commercial development unit shall be provided. If multiple principal buildings are present in the project, storage capacity shall be provided sufficient for initial flows to automatic fire suppression systems required by the Brewer Building Code.

4. Hydrants or other provisions for drafting water shall be provided to the specifications of the Fire Department. Minimum pipe size connecting dry hydrants to ponds or storage vaults shall be eight inches.

5. Where the dry hydrant or other water source is not within the right-of-way of a proposed or existing street, an easement to the municipality shall be provided to allow access. A suitable access way to the hydrant or other water source shall be constructed.

6. The Board shall require an opinion of adequacy of fire protection water supply from the Fire Chief and the Brewer Water Department Superintendent.

607.12 SCHOOL SYSTEM

The proposed development will not cause an unreasonable burden on the school system.

1. The superintendent of schools will be formally consulted for each site plan review involving residential developments. The number of students added to the school system as a result of the development will be estimated using the most recent available published regional multipliers.

607.13 DEVELOPMENTS IN FLOOD HAZARD AREAS - See Article 8, Floodplain Management

607.14 IMPACT ON ABUTTING PROPERTIES

The use of the proposed project will not have a significant detrimental effect on the use and peaceful enjoyment of abutting properties as a result of noise, vibrations, fumes, odor, dust, glare, or other cause.

1. Operation of the project will be in compliance with the performance standards in Article 4 of this Land Use Code.

2. The design of the proposed development takes into account the scenic character of the surrounding area.

3. A development which is not in keeping with the surrounding scenic character will be located, designed and landscaped to minimize its visual impact to the fullest extent possible.

4. The development must provide for buffering of adjacent uses where there is a transition from one type of use to another use and for screening of mechanical equipment and service and storage areas. Buffering must be designed to provide a year-round visual screen in order to minimize adverse impacts. It may consist of fencing, evergreens, berms, rocks, boulders, mounds or a combination thereof.

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

      The width of the buffer may vary depending on the treatment of the area. Within densely built-up areas, a buffer with dense plantings, fencing or changes in grade may be as little as five (5) feet in width. A buffer with moderate levels of plantings should be ten (10) feet to fifteen (15) feet in width. In suburban and rural settings, the width of the vegetated buffer shall be increased to a minimum of twenty-five (25) feet. Areas adjacent to service, loading or storage areas should be screened by dense planting, berms, fencing, or a combination thereof with a width of a minimum of five (5) feet.

608 SCREENING MAINTENANCE REQUIREMENTS

As a condition of any site plan review approval, the applicant shall furnish the City of Brewer an irrevocable letter of credit, performance bond, cash, or other form of security approved by the Code Enforcement Office, equal to at least 15% of all planting required for screening, buffering, and/or internal parking area. The dollar amount shall be proposed by the applicant and found acceptable by the Code Enforcement Office. The bond shall be binding for a minimum of two years commencing on the final approval of the Code Enforcement Office and the issuance of the permanent Certificate of Occupancy, and shall be subject to the condition that such plantings be maintained in accordance with the terms of the site plan approval and in a good and healthy condition.

609 CERTIFICATE OF OCCUPANCY (#82)

No Certificate of Occupancy shall be issued by the Code Enforcement Officer unless all improvements shown on the approved site plan, including but not limited to screening, planting, landscaping, paving, parking lot striping and signage and stormwater improvements and/or stormwater agreements are completed. For projects that include a phasing plan, the site improvements shown on the approved site plan for each phase must be completed prior to issuance of a Certificate of Occupancy for any units/structures in that phase. If changes occur during construction, the applicant may need to be amend their site plan approval prior to any issuance of a Certificate of Occupancy. If the Planning Board requires a Certificate of Compliance stamped by a registered professional engineer or a registered land surveyor be provided by the applicant at the applicant's expense as a condition of site plan approval, ~~if~~ the Code Enforcement Officer shall not issue the Certificate of Occupancy until said Certificate of Compliance is submitted to the Code Enforcement Officer.

Prior to issuance of a Certificate of Occupancy, the City Planner shall provide to the Code Enforcement Officer written verification that the landscaping and/or plantings have been completed to the specifications of the site plan approval by the Planning Board.

If the Planning Board requires the applicant to submit an "as built" site plan, the Code Enforcement Officer shall not issue the Certificate of Occupancy until the "as built" site plan is received.

The applicant may request, or the Code Enforcement Office may require, a performance bond or other financial assurance where completion of a project is precluded by winter conditions or other factors as per Article 2 of this Land Use Code. (#76)

610 SITE PLAN AMENDMENTS (#57)

Minor revisions to an approved site plan may be permitted by the City Planner, subject to the following conditions:

610.1 A narrative and revised 24”x36” plan(s) based on field measurements and current on-site data prepared, signed, and stamped by a State of Maine licensed professional land surveyor, engineer, or landscape architect showing the revision is submitted (in four copies) to the Planning Department along with the non-refundable fee as set forth in the then current City Council adopted fee schedule, payable to the City of Brewer. (#61) (#76)

610.2 The City Engineer and Code Enforcement Officer agree that the proposed change is a "minor revision" and that the proposed change does not violate this Land Use Code or materially change a plan approved by the Planning Board.

610.3 If the City Engineer and Code Enforcement Officer request it, the proposed plan revision will be placed on the agenda of the next Planning Board Meeting for the Board's review.

610.4 Minor revisions to the Site Plan may be approved by the City Planner, provided that such "minor revision" will not materially alter the layout or scale of the development nor its impact on its surroundings, nor will it specifically:

1. Expand the size of a project by increasing the number of lots or dwelling units; or by increasing the gross floor area of a primary use structure; or by adding a primary use structure or an accessory use structure containing more than two hundred (200) square feet of gross floor area to the site;
2. Violate the provisions of any City Code or Ordinance;
3. Delete landscaping, screening or buffer yard elements;
4. Change the number of vehicular access points to the public street system or significantly alter the location of such access drives; and
5. Reduce the number of parking spaces below the number required by this ordinance or significantly alter on-site vehicular circulation.

610.5 Major revisions to an approved site plan require review and approval as if a new project.