$5.00

TOWN OF WATERBORO

SITE PLAN REVIEW ORDINANCE

ADOPTED JUNE 28, 1988
Amended March 11, 1989
Amended April 27, 2002
Amended August 19, 2008
Amended October 20, 2009

TOWN OF WATERBORO, MAINE
SITE PLAN REVIEW ORDINANCE
ADOPTED JUNE 28, 1988
AMENDED August 19, 2008
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I. PROCEDURE:

A. Any Site Plan Review applicant shall go directly to the Town Planner to whom they shall submit a sketch plan for comment and review. The Town planner and Code Enforcement Officer will submit a written report and pre-application checklist to applicant within five (5) business days.

B. Site Plan Review and Approval by the Planning Board shall be required before issuance of a building permit or certificate of occupancy for any building or structure or any expansion of any building or structure of 1,000 square feet or more; including but not limited to: office buildings; multi-family residences; shopping centers; mobile home parks; travel trailer parks; and commercial complexes; except as provided in Subparagraph (C).

C. Site Plan Review and Approval shall not be required:
   1. To change a use permitted by the zoning ordinance to another permitted use, in an existing structure, provided;
      a. The change does not increase the requirements for off-street parking, as provided by the Zoning Ordinance for the Town of Waterboro; and
      b. The floor area devoted to the proposed use is equal to or no less than that devoted to the existing use; and
      c. No structural changes are proposed for the existing building; and
      d. No changes are proposed for the site on which the existing building is located.
   2. For single-family dwellings and accessory facilities.
   3. For multi-family dwellings of no more than two dwelling units and their accessory facilities.
   4. Any development reviewed by Planning Board as a residential subdivision.

D. This Ordinance shall operate in conjunction with the Zoning Ordinance, Shoreland Zoning, Land Subdivision Regulations and Road Standards of the Town of

Waterboro. Compliance with all applicable zoning requirements shall be a prerequisite for obtaining site plan approval.

E. All applications for Site Plan Review shall be filed concurrently with the Town Planner and Code Enforcement Officer. The application shall also include eight (8) copies of a 24 x 36 blue line or black line print or photocopy of a plan drawn to a scale of not greater than 1" to 100' showing the following features, both existing and proposed:

1. Boundaries of the site and abutting streets with widths indicated.

2. Footprints of all buildings - showing the number of stories, access and use.

3. Layout and location of off-street parking; loading; and access drives; and vehicular maneuver-areas to conform with the standards set forth in Article 5 of the Waterboro Zoning Ordinance.

4. Location and size of all signs, gasoline pumps, and other freestanding structures.

5. Location, direction, and type of outdoor lighting.

6. Location and type of screening and/or buffers and other landscaping.

7. Location of all utilities.

8. Topography of a contour interval not greater than two feet showing the effects of drainage from the site upon adjacent property. A greater contour interval may be used if the Planning board determines that the plan is adequate to evaluate site conditions.

9. The applicant shall, in addition, submit for any project utilizing an on site septic disposal system if the septic system has a design system flow in excess of 800 gallons or if predominantly made up of non typical septic waste, a hydrogeologic impact study prepared by a State of Maine Certified Geologist of a Registered Professional Engineer with experience in hydrogeology. This study shall contain, at a minimum, the following components:

    a. A map showing the soil types using the Unified Soil Classification System (USCS).

    b. Groundwater levels and flow rates through the site, and the aquifer type.

    c. An analysis of surface drainage conditions and their relationship to off-site conditions.

    d. Data on existing groundwater quality and quantity for the site should be provided. Collection of this data can either be provided by test

wells on the proposed site or by existing wells on abutting properties, provided that the data collected from those wells would represent the groundwater on the site. If public water is to be used, the applicant shall submit a written statement from the Waterboro Water District that it can provide adequate water service to the proposed development.

e. A calculation of average nitrate nitrogen levels on-site after development and a calculation of nitrate nitrogen levels at the down-gradient property line(s). These calculations should be done under simulated conditions of both normal rainfall and draught ~~conditions~~.

f. A map showing the recommended sites for the subsurface wastewater disposal system(s) and well(s) on the site.

F. The Town Planner, Code Enforcement Officer and Fire Chief shall review the application and evaluate its compliance with the Zoning Ordinance, and shall within five (5) business days of receipt of a complete application:

1. Forward a complete application which, in their opinion, complies with all applicable zoning requirements, Shoreland Zoning, Land Subdivision Regulations and Road Standards together with written certification to that effect, to the Town Planning Board for scheduling of Site Plan Review; or

2. Notify the applicant in writing of the reasons why the application site plan is incomplete or does not comply with the applicable ordinance(s).

G. The Planning Board Secretary shall within five (5) business days after receiving a Site Plan Review packet from the Town Planner and Code Enforcement Officer, identify the next available appointment before the Planning Board, schedule the application for Planning Board Review; and notify the applicant; the Board of Selectmen; the Chief of the Fire Department and the Chairmen of the Economic Development and Road Review Committees.

H. Owners of abutting property shall be notified by the applicant, by certified mail of the date, time and purpose of that appointment.

II. SITE PLAN REVIEW STANDARDS:

A. In reviewing a site plan application, the Planning Board shall require the applicant to provide written evidence that the following standards have been met:

1. The proposed use meets the definitions and/or requirements set forth in the Zoning Ordinance;

2. The proposed use will not create fire safety hazards by not providing adequate access to the site, or to the buildings on the site, for emergency vehicles; adequate dry hydrants; or adequate access to off-site dry hydrants and from there to the site;

3. The proposed exterior lighting will not: create hazards to motorists traveling on adjacent public streets: be inadequate for the safety of occupants or users of the site or will damage the value and diminish the usability of adjacent properties;

4. The provisions for buffers and on-site landscaping provides adequate protection to neighboring properties from detrimental features of the development;

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

6. The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets will not create hazards to safety or will not impose significant burdens on public facilities which could be avoided by reasonable modification of the plan;

7. The bulk, location, height or design of proposed buildings, structures or paved areas, or the proposed uses thereof, will not have a significant detrimental effect on private development on adjacent properties, or on the value of adjacent properties which could be avoided by reasonable modifications of the plan;

8. The design of the site will not result in significant flood hazards or flood damage and is in conformance with applicable flood hazard protection requirements; or storm water detention pond(s) are not adequate;

9. Adequate provisions have been made for the disposal of wastewater or solid waste or for the prevention of ground or surface water contamination;

10. Adequate provisions have been made to control erosion or sedimentation;

11. Adequate provisions have been made to handle storm water run-off or other drainage problems on the site;

12. The proposed water supply will meet the demands of the proposed use or for fire protection purposes;

13. Adequate provisions have been made for the transportation, storage and disposal of hazardous substances and materials as defined by state law and Waterboro Hazardous Waste Ordinance;

14. The proposed use will not have an adverse impact on significant scenic vistas or on significant wildlife habitat which could be avoided by reasonable modification of the plan;

15. The project will not increase nitrate nitrogen concentrations in surface or groundwater at the property line of the site in excess of State of Maine Drinking Water Standards. If groundwater contains contaminants in excess of the primary drinking water standards and the project is to be served by on site groundwater supplies, the applicant shall demonstrate how water quality will be improved or treated to meet applicable standards.

B. Statement of Findings: All findings by the Planning Board under this section shall be accompanied by written statements that set forth with particularity the precise reasons why the findings were made. The Statement of Findings shall be provided to applicant within five (5) business days after vote and adjournment.

III. ADMINISTRATION

A. Where the Board determines that, due to conditions existent in a proposed development, the provisions of certain improvements otherwise required by this ordinance is not necessary to the public interest, or is inappropriate because of inadequacy or lack of prerequisite facilities in proximity to the proposed site, it may waive such requirements, subject to appropriate conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified, and of this ordinance in general.

B. The Planning Board shall schedule a public hearing upon initial review of the application and at any point thereafter, with applicant bearing all responsibility for the cost of publicizing the hearing notice and the responsibility to notify abutters within 7 days prior to the hearing by certified mail. Applicant shall provide proof of certified notices to the town. The remaining balance due, if any, shall be paid prior to final plan approval.

C. The Planning Board may require professional services based on staff recommendations, and/or legal fees, to evaluate a proposal or design's compliance with this ordinance, the expense of that review shall be borne by the applicant. The estimated cost of the consultant's review fees shall be paid by the applicant to the Planning Board at the time the design subject to review is submitted. The remaining balance due, if any, shall be paid prior to final plan approval.

D. Applicant shall provide a certified as built survey at the completion of the project to insure the construction was built according to the approved plans.

E. Planning Board shall require the applicant to employ a clerk of the works to certify that the project is being built according to the approved plans except where the board finds that extraordinary hardship will result from strict compliance with this requirement and votes to grant a waiver.

F. The Planning Board shall, based on the standards in Article II above, approve; approve with conditions; or deny the application and forward its action in writing to the Code Enforcement Officer, the applicant; and all parties entitled to notice under Article I, Section H and Section G.

G. Appeals involving an action of the Planning Board under this ordinance shall be to the Zoning Board of Appeals.

H. Failure to comply with any conditions of the Site Plan Review subsequent to the receipt of a building permit or certificate of occupancy shall be construed to be a violation of this ordinance and shall be grounds for the revocation of the building permit or certificate of occupancy by the Code Enforcement Officer.

I. Each applicant shall pay a filing fee in the amount determined by the current Town Site Plan Application Fee Structure at the time the application is submitted, and consultant fees as required by Article III, Section C. See current Town Site Plan Application Fee Structure for any additional site plan fees.

Applicant will also pay cost associated with advertising and mailing.

J. Violations of this Ordinance shall be subject to enforcement under the provisions of 30-A M.R.S.A. Sec. 4452.

J. No Certificate of Occupancy shall be issued until all improvements shown on site plan are installed or a sufficient Performance Guarantee has been posted for improvements not yet completed (including but not limited to grading, drainage, paving, planting, and landscaping).

Section IV Added (3/11/89)

IV. DEFINITIONS

Accessory Facilities - see accessory use or structure as defined in Town of Waterboro Zoning Ordinance.

Aquifer - Geological unit composed of rock, gravel, sand, silt, or clay which contains sufficient saturated permeable materials to conduct ground water and yield economically significant quantities of ground water to wells, springs, and streams.

Buffer of Screening - A natural or man-made barrier maintained to reduce the usual or audible impacts of a use to abutting properties or roadways. Examples of screening or buffers would be stockade fencing, tree plantings or earthen berms.

Commercial Complexes - A single commercial building with more than one use. It can be a combination of commercial and residential uses.

Dwelling Unit - A single-family residence, living quarters for one family.

Multi-family dwelling - See multi-family dwelling as defined in the Town of Waterboro Zoning Ordinance.

Non-typical septic waste - Would be any waste disposed of into a septic system that is not typical to a residential home. Examples of non-typical waste are petroleum products, hazardous materials (as listed in the Waterboro Hazardous Waste Ordinance), liquid waste from manufacturing processes, or industrial cleaning products.

Structure - See structure as defined in the Town of Waterboro Zoning Ordinance.

Structural Change - See structural alteration in the Town of Waterboro Building Code.

Town Planner – Person appointed by Board of Selectman to be Town Planner.

TOWN OF WATERBORO
APPLICATION FOR SITE PLAN REVIEW

Applicant (must be owner, lessee, or hold an option on property):_____

_____

Address:_____

_____

Name and Address of Owner of property:_____

_____

Size of Lot_____Zone_____Map #_____Lot #_____

Size of Proposed Building:_____

Proposed Use_____

Ten (10) copies of 24" x 36" plans drawn at a scale not greater than 1" to 100' of the site plan shall be submitted to the Codes Enforcement Office (where possible, electronic copy in PDF format is requested).

The plan must be drawn to scale and must include the following details:

1. Boundaries of the site and abutting streets with widths;
2. Dimensions of the building(s) showing the number of stories, accesses and use;
3. Layout and location of off-street parking and loading, access drives and vehicular maneuvering areas;
4. Location and size of all signs, gasoline pumps, and similar free standing structures;
5. Location, direction, and type of outdoor lighting with tear sheet/specifications;
6. Location and type of screening and/or buffers with tear sheet/specifications;
7. Landscape plan with schedule of plant species;
8. Location of all utilities;
9. Topography of a contour interval not greater than 2' showing the effects upon adjacent property;
10. All existing structures and buildings on adjacent/contiguous lots shall be plotted to scale; and,
11. The location of existing or proposed subsurface disposal systems.

_____ _____

Signature of Applicant or Agent Date

The fee structure is as follows:

Site Plan Application Fee	$ 300.00
Additional charges for site plan	
Up to 1,999 sq. ft footprint of structures	$ 300.00
2,000 to 9,999 sq. ft. footprint of structures	$ 600.00
10,000 to 19,999 sq. ft. footprint of structures	$2,000.00
Each additional 1,000 sq. ft. footprint of structures (rounded to the nearest thousand)	$ 50.00

Applicant will also pay cost associated with advertising and mailing.