

8/22/2020

## **TOWN OF WOOLWICH SITE PLAN REVIEW ORDINANCE**

### **1. STATEMENT OF PURPOSE**

Substantial development or major changes in the uses of land cause a profound impact on the cost and efficiency of municipal services and on the environment of the town. It is the purpose of this section to minimize such impacts caused by commercial development.

### **2. APPLICABILITY**

This section shall apply to:

2.1 Proposals for new construction or enlargement of commercial buildings or structures including accessory buildings and structures.

2.2 Proposals for conversion within an existing building or part thereof from a residential use to a non-residential use.

2.3 Proposals for conversion within an existing building or part thereof from one non-residential use to another non-residential use.

2.4 Proposals to pave, strip, grade, or remove earth materials from areas of more than 1 0,000 square feet within a five-year period.

2.5 Facilities related to the retail sales, manufacturing, testing or cultivation of marijuana as defined in the applicable ordinances.

2.5 This section does not apply to:

2.5.1 One-family dwellings and their accessory buildings and structures.

2.5.2 Two-family dwellings and their accessory buildings and structures.

2.5.3 Agricultural land management practices and forest management practices.

2.5.4 The construction or movement of temporary non-residential structures of any type onto a site for a period not to exceed nine months per calendar year.

2.5.5 Any development reviewed by the Planning Board as a subdivision.

2.5.6 The construction of ramps and other features required for compliance with the Americans with Disabilities Act, provided that the total area of such construction is less than 200 sq. ft. However, although such construction is exempt from this Section, it must nonetheless comply with all other Town Ordinances (including the Building Laws, Zoning Ordinance, and setback requirements), and must comply with any other applicable State and Federal Law.

### **3. APPLICATION PROCEDURE**

#### **3.1 PRE-APPLICATION**

**3.1.1** Prior to submitting an application for approval of the proposed use or construction, the developer shall meet informally with the Planning Board at a regular meeting to present a sketch plan which shall consist of a rough outline of the proposed construction or use and may be a freehand, penciled sketch showing features which maybe of assistance to the Board in making its determination. It should also indicate whether or not the proposed project is within the shoreland zone or within a flood plain zone. The purpose of this preapplication meeting shall be to understand what is proposed, and shall not include a binding commitment between the developer and the Planning Board.

**3.1.2** The Planning Board shall make an inspection of the site which may be conducted at or shortly after the time of submission by the sketch plan. The preapplication phase of the application process will not be considered complete until such inspection has been made.

**3.1.3** Within 30 days from submission of a pre-application and sketch plan, and following an on-site inspection, the Planning Board shall submit in writing (letter, email, or memorandum) to the applicant a checklist of the specific information which should be included in the formal application to the Planning Board if that information differs from that required by Sections 3.2.1 and 3.2.4

**3.1.4** if after the initial pre-application the applicant takes no action during a 4-month period towards obtaining final approval the application shall be considered null.

## **3.2. APPLICATION**

**3.2.1** The application for Site Plan Review shall consist of a written request addressed to the Planning Board by the applicant. The request shall include appropriate plans, documents and narratives that address all items described in Section 3.2.4. In fulfillment of Section 3.2.4 (18), the application shall address all items covered in Section 4 of this Ordinance. Items that the applicant believes are not applicable shall be noted, with rationale provided to support such determination. When an application is submitted to the Planning Board, it must include a Preliminary Site Plan and a fee of 500 if less than 3,000 square feet of floor space is planned and 1,000 when greater than 3,000 square feet are planned. For Marijuana Cultivation Facilities, the floor space square footage shall be interpreted as the combined square footage of the maximum canopy of mature marijuana plants proposed and the square footage of structure used in support of cultivation. If Subdivision approval is also required, the higher of the Site Review or Subdivision fees shall be charged. Upon receiving the application, the Planning Board or Code Enforcement Officer shall issue a dated receipt to the applicant.

**3.2.2** If the Planning Board hires one or more state-certified or licensed expert consultants to provide the Board with advice as to whether or not a developer's application, if approved, would comply with the provisions of

the subdivision and site review ordinances and applicable state and federal laws relevant to the consultant's expertise, the applicant shall be responsible for any and all associated charges.

**3.2.3** The Applicant shall submit to the Planning Board ten (10) copies of a fully executed and signed copy of the ~~Planning~~ Site Plan application, proof of right title and interest in the property proposed to be developed, and the Site Plan.

**3.2.4** The Site Plan shall be drawn at a scale of not less than one (1) inch equals fifty (50) feet and shall include:

- (1) Applicant's name and address;
- (2) Existing soil conditions as described by a Maine licensed soil scientist, geologist, engineer, or Soil Conservation Service medium intensity soil survey;
- (3) Municipal lot numbers and names of abutting landowners;
- (4) Scale, true north arrow, legend, and a space for signatures of Planning Board members and dates of any revisions which may be required;
- (5) Exact dimensions and acreage of parcel to be built upon; the corners of the parcel shall be located and marked on the ground and shall be referenced in the plan: for a site for which construction or grading is proposed. other than an enlargement of an existing buildin<sup>2</sup> or construction of an accessory building, the Planning Board shall require that the site plan include an actual field survey of the boundary lines of the lot, giving complete descriptive data by bearings and distances made and certified by a registered land surveyor;
- (6) A note on the plan listing area calculations of the following:
  - (a) Total parcel(s)
  - (b) Existing and proposed building coverage
  - (c) Existing and proposed impervious surface
  - (d) Existing and proposed gross floor area.
- (7) Existing and proposed locations and dimensions of any utility lines, sewer lines, water lines, easements, drainage ways, and public or private rights-of-way;
- (8) The size, shape and location, proposed material and color of existing and proposed buildings on the parcel;
- (9) If the site is not to be served by a public sewer line, an on-site soils investigation report by a licensed geologist or soil scientist shall be provided, and the report shall state whether or not the soil is suitable for sewage disposal in accordance with state law;

(10) Zoning classification(s) of the property and the location of zoning district boundaries if the property is located in two or more zoning districts or if it abuts a different zone;

(11) Location of all building setbacks required by the Town of Woolwich Planning Ordinance

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

(13) Landscape plan showing location, type and approximate size of plantings and location and dimensions of all fencing and screening;

(14) Natural contours at intervals of 2 feet and final contours at intervals of 2 feet unless sufficient detail cannot be shown with 2 foot contours, when spot elevations shall be required; contours and/or spot elevations shall be required only for that portion of the lot which will be altered in any way and portions of the lot downslope from the proposed alterations to an extent sufficient to clearly delineate the existing and proposed course of drainage and the point or points of discharge from the lot;

(15) Location of aquifers and aquifer recharge areas, if any, are mapped by the Maine Bureau of Geology; and:

(16) Specifications of quantities and grades of material to be used if land filling is proposed;

(17) Location and type of existing and proposed exterior lighting; and

(18) Such other information as is necessary to enable the Planning Board to determine whether the proposed structure and use of land will conform to the provisions of this and any other Town Ordinance.

(19) For Marijuana Establishments, evidence documenting compliance with the provisions of the respective ordinances.

**3.2.5** No building permit or plumbing permit shall be issued by the Code Enforcement Officer or Local Plumbing Inspector for any use or development within the scope of this Article until a site plan of development has been approved by the Planning Board and a performance guarantee as set forth in Section 8 herein has been given. The Code Enforcement Officer shall not issue a Certificate of Occupancy until he or she has determined that the use or development has been completed in conformance with the site plan approval, except that he or she may issue a temporary Certificate of Occupancy (not to exceed 6 months) for

improvements which are covered by an approved performance guarantee to the Town. New owners shall bring the site review plan before the planning Board for review if the property is sold before the project is completed.

**3.2.6** A complete application for site plan approval shall be submitted at least 30 days prior to Planning Board meeting at which the applicant wishes to be heard. Any application which is not complete shall not be placed on the agenda, but shall be returned to the applicant with instructions as to the additional information required. The site plan application, once determined to be complete, shall be placed on the next available agenda of the Planning Board.

**3.2.7** The Planning Board shall hold a public hearing on the application for site plan approval within 30 days of notification to the applicant that the application is complete. The Board shall give written (letter or email) notice of the date, time and place of such hearing to the person making the application and also publish such notice in a newspaper of general circulation in Woolwich at least two (2) times; the date of the first publication to be at least ten (10) days prior to the hearing.

**3.2.8** The applicant shall notify adjacent property owners at least ten (10) days prior to the hearing by certified mail return receipt requested.

**3.2.9** Within 30 days after the public hearing on the application for site plan approval, the Planning Board shall act to approve, approve with conditions, or disapprove the site plan application. When additional submissions or plan revisions are needed in order for the Planning Board to complete its review, the time limit for review may be extended by mutual agreement between the Planning Board and the applicant. The maximum time limit for providing the additional submissions to the Planning Board shall be three (3) months, unless otherwise specified by the Planning Board.

**3.2.10** No application for site plan development shall be considered complete or may be acted upon by the Planning Board until all variances which may be required for the proposed development have first been obtained. Additionally, no permits or approvals shall be granted by the Planning Board or Codes Enforcement Officer for Marijuana Establishments until all provisions of the respective Town of Woolwich Marijuana Use Ordinances have been met, the local licensing authority has granted approval, and documentation of the same has been provided to the Planning Board pursuant to the Site Plan review process.

**3.2.11** Within ten (10) days of reaching its decision, the Planning Board shall notify the applicant in writing of its decision and its reasons for reaching its decision.

#### **4. PERFORMANCE STANDARDS**

The following standards are to be used by the Planning Board in judging applications for Plannings and shall serve as minimum requirements for approval of the site plan. The site plan shall be approved or approved with conditions unless in the judgment of the Planning Board the applicant is not able to reasonably meet one or more of these performance standards. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary to complete the application.

#### **4.1 PRESERVE AND ENHANCE THE LANDSCAPE**

The landscape shall be preserved in its natural state insofar as practical by minimizing tree removal, disturbance of soil, and by retaining existing vegetation during construction. After construction is completed, landscaping shall be designed and planted to define, soften, or screen the impacts of development.

#### **4.2 BUFFERS BETWEEN NONRESIDENTIAL PROJECTS AND ADJOINING RESIDENTIAL PROPERTIES:**

Effective buffers shall be maintained or created between nonresidential projects and adjoining residential properties.

#### **4.3 FILLING AND EXCAVATION**

Filling, excavation and earth moving activity shall be carried out in a way that keeps erosion and sedimentation to a minimum. In furtherance of this standard, the following criteria apply:

**4.3.1** Building designs, parking lots, and other site development elements shall fit, respect, and be oriented to existing topography and natural surroundings to the fullest extent possible. Filling, excavation, and earth moving activity shall be kept to a minimum.

**4.3.2** The area disturbed by stripping of vegetation, soil removal, and regrading shall be the minimum necessary at any one time.

**4.3.3** The duration of exposure of the disturbed area shall be kept to a practical minimum.

**4.3.4** Permanent soil erosion measures for all slopes, channels, or disturbed land area shall be complete within fifteen (15) calendar days after final grading has been completed.

**4.3.5** When it is not possible to permanently stabilize disturbed land, temporary soil erosion control measures (plants, seeding, and/or mulch) shall be implemented within thirty (30) calendar days of exposure of the soil.

**4.3.6** Until a disturbed area is stabilized, sediment in run-off shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods.

**4.3.7** Storage of fill materials within fifty (50) feet of the banks of any stream, intermittent or perennial, or water body shall not be allowed.

**4.3.8** The top of a cut or the bottom of a fill shall not be closer than ten (10) feet from a property line.

**4.3.9** Removal of topsoil from any lot shall not be allowed, except for that removed from areas to be occupied by buildings, paving or other surfaces that will not be revegetated, as shown on an approved site plan.

**4.3.10** Any filling, excavation and earth moving activity, including dredging, in or beneath a water body shall comply with all applicable state and federal standards.

#### **4.4 AIR QUALITY AND NOISE**

The applicant must establish that the proposed development or use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants. The proposed development shall not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to neighboring properties.

#### **4.5 WATER SUPPLY**

**4.5.1** Adequate provision shall be made for water supply and sewage disposal.

**4.5.2** On-site waste disposal systems shall comply with the Maine Subsurface Wastewater Disposal Rules.

**4.5.3** If water supply and sewage disposal are both to be handled on-site, separation distances between wells and sewage disposal areas shall be at least the minimum distance established in the Maine Subsurface Wastewater Disposal Rules.

#### **4.6 RELATIONSHIP TO ENVIRONMENT AND NEIGHBORING BUILDINGS**

Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity, so as to have a minimally adverse effect on the environmental and aesthetic qualities of the developed and neighboring areas. The Planning Board may require sketch plans or renderings of the proposed structures.

#### **4.7 VEHICULAR ACCESS, CIRCULATION, AND PARKING**

**4.7.1** The proposed site layout shall provide for safe access to and egress from public and private roads. In furtherance of this standard, the following criteria apply: shared driveway entrances and curb cuts are encouraged for adjacent sites in order to minimize the number of driveways and curb cuts along the Town's traffic corridors. Wherever feasible, primary access shall be from local side streets.

**4.7.2** Parking and loading areas shall be designed such that vehicles will not back out into the street.

**4.7.3** Provisions shall be made for convenient and safe emergency vehicle access to all buildings at all times of the year.

**4.7.4** Off-street parking shall be adequate for the proposed use.

**4.7.5** Where delivery vehicles are anticipated, the site design shall delineate a clear route for them, with appropriate geometric design to allow the vehicles to safely turn.

**4.7.6** The layout and design of all means of vehicular circulation, including interior drives and parking areas shall provide for safe general interior circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and arrangement of parking areas.

#### **4.8 PEDESTRIAN CIRCULATION**

Adequate provision shall be made for safe pedestrian circulation both on-site and off-site. In furtherance of this standard, the following criteria shall apply:

**4.8.1** Pedestrian ways shall be safely separated from vehicular traffic.

**4.8.2** Where an on-site walkway abuts a parking area, a planting strip at least two (2) feet wide shall separate them.

**4.8.3** Where a walkway abuts a street, it shall be separated from the street shoulder by curbs, intervening vegetation and/or swales.

**4.8.4** For site plans that may generate or accommodate significant pedestrian traffic, the Planning Board may require the construction of a public sidewalk.

#### **4.9 SURFACE WATER DRAINAGE**

Adequate provision shall be made for surface drainage so that removal of storm waters shall not adversely affect neighborhood properties, downstream water quality, soil erosion or the public storm drain system, and whenever possible, on-site absorption of runoff waters shall be used to minimize discharges from the site.

Natural drainage ways on the site shall be maintained in their natural state to the maximum extent possible. Development layout shall account for this, and incorporate these natural watercourses into the site design wherever possible, in order to avoid the need for culverts, pipe systems, and concrete channels on site.

#### **4.10 EXISTING UTILITIES AND MUNICIPAL SERVICES**

The proposed development shall not impose a burden on sewers and storm drains, water lines or other public utilities and will be connected to these systems when available.

The proposed development shall not have an adverse impact on the municipal services, including municipal road systems, fire department, police department, solid waste program, sewage treatment plant, open spaces, and other municipal services and facilities.

#### **4.11 NEW UTILITIES**



Electrical and phone utility lines and components serving the site shall be placed in a manner that is not hazardous or unsightly. Transformer boxes, meters, pumping stations, and other components of the utility system shall be appropriately located and buffered so as to minimize their visual and safety impact to the greatest extent possible.

#### **4.12 WATER QUALITY**

The developer shall show that there will be no continuing undue water pollution as a result of the proposed development. In making this determination the Applicant shall address the nature of soils and sub-soils and, if necessary, their ability to support waste disposal; the potential for new or increased discharge of unpotable waste waters to surface and sub surface water bodies; the slope of the land; the availability of streams for disposal of surface runoff; and the applicable federal, state and local laws and ordinances.

### **5. GENERAL PROVISIONS**

**5.1** The Planning Board may modify or waive any of the above application requirements or performance standards when the Planning Board determines that because of the small size (less than 2,000 square feet) of the project, or for other reasons deemed appropriate by the Planning Board such application requirements or standards would not be applicable or would be an unnecessary burden upon the applicant and not adversely affect the abutting landowners and the general health, safety and welfare of the town.

**5.2** All construction performed under the authorization of a building permit issued for development within the scope of this Ordinance shall be in conformance with the approved site plan and within the time frame agreed in the Planning Board authorization.

**5.3** Prior to final approval, the date for completion shall be agreed to by the applicant and the Planning Board. The Board shall not extend this date unless the applicant can show hardship or other unusual circumstance prior to the date.

**5.4** Approval of the site plan and any building permit issued for development within the scope of this Ordinance shall expire, if development has not begun after a period of twelve (12) months from the date of site plan approval (i.e. when plan is signed by the Planning Board), or, the date of the decision on any appeal taken from the Planning Board's decision.

**5.5** In the event of hardship or unusual circumstances, the Planning Board may grant up to three (3) one-year extensions to the expiration deadline provided that:

**5.5.1** The request is submitted prior to the expiration of the site plan approval;

**5.5.2** The approved plan conforms to zoning in effect at the time the extension is granted; and

**5.5.3** Any and all Federal and State approvals and permits are current.

**5.6** The proposed development shall not require a capital investment of the town for additional municipal services.

**5.7** Signs will be in accordance with the Town of Woolwich ~~Planning~~ Sign Ordinance.

## **6. VALIDITY/SEVERABILITY CLAUSE**

The invalidity of any provision of this Ordinance shall not invalidate any other part.

## **7. VIOLATIONS**

**7.1** Failure to comply with any conditions of approval shall be construed to be a violation of this Ordinance. It shall also be a violation to make changes which are described in Section 2 above as requiring Site Review without such review and approval. Violations shall be the ground for revoking the approval, initiating legal proceedings to enjoin construction development, or any specific activity violating the conditions of permit approval, or applying the legal penalties detailed below.

**7.2** Violations shall be punishable by a fine of not less than fifty (50) dollars, nor more than one hundred (100) dollars, for each day that the violation continues to exist after official notification b the Planning Board.

**7.3** Whenever sedimentation is caused by stripping vegetation, regrading, or other development, it shall be the responsibility of the owner to remove sediment from all adjoining surfaces, drainage systems and water courses, and to repair any drainage at his expense as quickly as possible. Failure to do so within two (2) weeks after official notification by the Board shall be punishable by a fine of one hundred (100) dollars for each day the offence continues after formal notification by the Board that such a fine is being imposed.

## **8. PERFORMANCE GUARANTEE**

The provisions of Section 4B of the Woolwich Subdivision Ordinance generally apply except that applicant substitutes for sub-divider”.

## **9. APPEALS**

Any person aggrieved by a decision of the Planning Board regarding a site plan application may appeal within 30 days of the Planning Board’s decision to the Board of Appeals. The procedure for making an appeal to the Board of Appeals is set forth in the Town of Woolwich Planning Ordinance.

Attest: A true copy of the ordinance which was enacted at a Special Town Meeting on May 5, 2005, and on August 22, 2020

Anthony P. Blasi

Town Clerk

Town of Woolwich