

TOWN OF CHELSEA

**Site Plan
Review Ordinance**

June 2018

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1. PURPOSE

The site plan review provisions set forth in this subchapter 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 residential 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 stormwater, erosion, and sedimentation; protection of the groundwater; protection of the environment, wildlife habitat, fisheries, and unique natural areas; protection of historic and archaeological resources; minimizing the adverse impacts of the activity on adjacent properties; and fitting the project harmoniously into the fabric of the Town.

These site plan review provisions operate in conjunction with all other applicable provisions of the Town's ordinances that apply to the construction, alteration, or enlargement of a building, the installation of paving or other impervious surfaces, or the change of use of a property for non-residential, multifamily residential, or mixed-use purposes.

2. AUTHORITY

This Ordinance is prepared in accordance with the provisions of Title 30-A Section 3001 of the Maine Revised Statutes Annotated (M.R.S.A.).

3. EFFECTIVE DATE

This Ordinance is effective upon adoption at a Town Meeting.

4. AMENDMENTS

This Ordinance may only be amended by majority vote of the legislative body, either at Town Meeting or through a referendum ballot, as determined by the Board of Selectpersons. Amendments may be initiated by a majority vote of the Board of Selectpersons or by written petition in accordance with 30-A M.R.S.A. § 2522 or any successor statute.

5. CONFLICTS WITH OTHER ORDINANCES

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the Town of Chelsea, the more restrictive provision shall control.

6. SEVERABILITY

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

7. AVAILABILITY

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted in the Town Office.

8. WAIVERS

Where the Board finds extraordinary and unnecessary hardships may result from strict compliance with this Ordinance, or where there are special circumstances of a particular plan, it may waive portions of this ordinance or submittal requirements, provided the public health, safety and welfare are protected. Any waiver of a requirement or standard of this Ordinance provided that such waiver will not have the effect of nullifying the purpose of this Ordinance, the Chelsea Comprehensive Plan, or any other ordinance or law. The Planning Board shall require such conditions as will assure that the objectives of this ordinance are met, including, as appropriate, covenants with an abutter that specifies terms satisfactory to the Planning Board

9. WAIVER PROVISIONS

The Planning Board may waive individual requirements of the Site Plan Review Ordinance provided that they waiver does not result in:

1. Undue water or air pollution;
2. An inadequate water supply;
3. Unreasonable soil erosion;
4. Unreasonable traffic congestion or safety risk;
5. Inadequate sewage disposal or solid waste capacity;
6. Natural beauty, aesthetics, historic sites, or rare or irreplaceable natural areas;
7. Substantial non-conformance with this Ordinance or the Town of Chelsea's Comprehensive Plan.

10. APPLICABILITY AND CLASSIFICATION OF DEVELOPMENTS

1. Applicability The following developments shall require a Site Review Permit:
 - a. The construction or placement of any new building or structure for a non-residential use, including accessory buildings and structures, totaling 10,000 square feet or more.
 - b. The expansion of an existing non-residential building or structure, including accessory buildings and structures, that will enlarge the building or structure to 10,000 square feet or more.
 - c. The conversion or change in use of an existing building, in whole or in part, from a residential use to a non-residential use, provided the construction or modification of any non-residential buildings or structures will total 10,000 square feet or greater.
 - d. The conversion of an existing non-residential use, in whole or in part, to another non-residential use, provided the non-residential building or structure will total 10,000 square feet or more.
 - e. The establishment of a new, non-residential use, even if no buildings or structures are proposed, including such uses as gravel pits, mining operations, cemeteries, and golf courses, provided the use will develop at least 10,000 square feet of land area.
 - f. All development 35 feet or over in height. This requirement shall not apply to agricultural structures.
 - g. For an existing non-residential use with at least 10,000 square feet of development: construction or modification of any structure or use on site, must conform to the requirements of this ordinance.
2. Developments shall be classified as follows:
 - a. **MINOR IMPACT USES**: 0 to 9,999 square feet, SPR not required.

- b. **MODERATE IMPACT USES**: 10,000 square feet to 19,999 square feet: SPR shall be required
- c. **HIGH IMPACT USES**: 20,000 square feet or larger and/or high traffic volume: SPR shall be required

11. ACTIVITIES THAT DO NOT REQUIRE SITE PLAN APPROVAL

The following activities do not require site plan approval. Certain of these activities will, however, require the owner to obtain a building permit, plumbing permit, or other state or local approvals:

1. The construction, placement, alteration, or enlargement of a single family or two-family dwelling, or a single manufactured housing or mobile home dwelling on an individually owned lot, including accessory buildings and structures.
2. Farming as defined by the State of Maine, Department of Agriculture, Conservation and Forestry.
3. Timber harvesting and forest management activities.

Residence Based Businesses. Residence Based Businesses which meet the following conditions, do not need Site Plan approval. However, all businesses, home occupations, or e-commerce conducted within a residence must complete a Site Plan Review exemption form, which is available from the Code Enforcement Officer and may be reviewed by the Planning Board for Site Plan Review applicability.

1. The business is incidental and secondary to the primary residential use of the premises.
2. At least one member of the residential household must own the business be actively involved in the business and have control over the business activities.
3. There will be not more than ten full-time equivalent employees working on the premises, other than immediate family members residing on the premises.
4. No more than two business vehicles with three or more axles may be operated from the premises.
5. Off- street parking must be provided for employees and customers.
6. The business shall not dispose of any wastes other than domestic sanitary sewage into a subsurface sewage disposal system.
7. Solid waste generation shall be less than two cubic yards per week. Waste shall be stored in closed, weather and rodent proof containers.
8. Hazardous or liquid waste (other than domestic sewage) generation shall be less than 27 gallons a month and no more than 55 gallons on site. Wastes shall be stored inside in water-tight, secure containers. Waste shall be disposed or recycled in accordance with State law.
9. Signs shall be limited to 16 square feet, may be externally lit, and shall be no more than 8 feet in height. Outdoor lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or adjacent properties.

12. HIGH IMPACT USES

These standards are designed to ensure that high impact activities fit into the existing community fabric when high impact economic development is occurring in a rural and/or residential area.

High Impact Uses Defined

High impact use are those activities, due to their size, intensity, density, traffic generation, water usage, sewage generation, or solid waste generation, anticipated to impact Chelsea's rural character, residential neighborhoods, and municipal services and infrastructure.

These activities are subject to development standards set forth in this section to ensure that any negative impacts are mitigated. The following activities are defined as high impact uses:

- Industrial and manufacturing facilities having a footprint more than 20,000 square feet;
- A nonresidential use that generates 100 or more passenger or car equivalents at peak hour (passenger car equivalents are defined in Title 23 MRSA, Section 704-A);
- Detention and correctional facilities;
- Hotels, motels, or inns with more than 40 units or rooms;
- Group homes, hospitals, nursing homes, assisted living facilities with more than 40 units/beds.

Performance Standards

All high impact uses shall conform to the following standards.

Road Access

The entrance and exit to the activity shall have access onto Routes 17, 9 or 226.

Proximity to Residential Structures

The proposed buildings or structures shall be located a minimum of 200 feet of any residential building and no less than 50 feet from the property boundary. Parking areas shall be located a minimum of 50 feet from the property boundary and no less than 75 feet from any residential building.

Buffer Requirements

An existing or proposed buffer shall be required from the side or rear property boundaries whenever the proposed buildings or structures are located closer than 200 feet from any residential building. The buffer shall be of sufficient height, width and material to limit to the greatest extent possible the view of the proposed building and structures from the neighboring residential building. The buffer may consist of vegetation, berms, trees, fences or a combination of materials.

Streetscape Requirements

A front landscape area consisting of a 30-foot wide vegetative buffer except for necessary access points shall be installed along all roadways. The landscape shall be preserved in its natural state by minimizing tree removal, and keeping existing desirable vegetation whenever possible and shall be set back at least 10 feet from the right-of-way boundary. The applicant shall be responsible for maintaining the trees including replacement as necessary.

13. REVIEW AND APPROVAL AUTHORITY

The Planning Board is authorized to review and act on all site plans for development requiring site plan review under this subchapter. The Planning Board may act to approve, disapprove, or approve the project with conditions.

14. PREAPPLICATION CONFERENCE/MEETING

Prior to submitting a formal application, the applicant or his/her representative may request a preapplication conference with the Code Enforcement Officer. A preapplication conference is optional but is strongly advised and shall be informal in nature. There is no fee for a preapplication review and such review shall not cause the plan to be a pending application or proceeding under Title 1 M.R.S.A. §302. No decision on the substance of the plan shall be made by the Code Enforcement Officer at the preapplication conference. Any determination or guidance given during a preapplication conference shall be considered preliminary, subject to review and revision, and not appealable.

Purpose. The purposes of the preapplication conference are to:

1. Allow the Staff to understand the nature of the proposed use and the issues involved in the proposal;
2. Allow the applicant to understand the development review process and required submissions;
3. Identify issues that need to be addressed in future submissions;
4. Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities;
5. Allow the Code Enforcement Officer to provisionally classify the project.

Related Actions. The Code Enforcement Officer may schedule a site inspection in conjunction with the preapplication conference if deemed necessary.

Preparation for the Preapplication Conference. There are no formal submission requirements for a preapplication conference. However, the applicant should be prepared to discuss the following with the Code Enforcement Officer:

1. The proposed site, including its location, size, and general characteristics;
2. The nature of the proposed use and potential development;
3. Any issues or questions about existing municipal regulations and their applicability to the project.

The applicant's presentation and written materials about the nature and scope of the project must allow the Code Enforcement Officer to be able to provisionally classify the project.

15. ADMINISTRATION AND ENFORCEMENT

The Planning Board shall have the following powers and duties:

1. Administer this Ordinance,
2. Hear and decide upon applications per this Ordinance,
3. Develop site review application forms,

4. Exercise additional powers and duties authorized by statute,
5. Review and propose updates to this Ordinance,
6. Conduct site visits and to review applications as authorized by this Ordinance,
7. Provide the Code Enforcement Officer with a written decision of each application.

The Code Enforcement Officer shall have the following powers and duties:

1. Enforce the provisions of this Ordinance,
2. Issue stop work orders and other appropriate notices of violation,
3. Investigate complaints and reported violations,
4. Maintain an appropriate public record of all permits issued, permit applications, enforcement actions and other appropriate documents,
5. Provide the state of Maine with information concerning permits and development activity as required,
6. Revoke permits issued in error or which are based upon erroneous information,
7. Assist the public with inquiries and other requests for information concerning this Ordinance,
8. Enter property at reasonable hours or enter any building with the consent of the property owner, occupant or agent to inspect the property or building for compliance with this Ordinance,
9. Exercise additional powers and duties authorized by statute,
10. Assist the Planning Board with the review process,
11. Conduct site visits and to review applications as authorized by this Ordinance.

16. BURDEN OF PROOF

The applicant shall have the burden of proof to show the proposal meets the applicable review criteria and the standards contained in this Ordinance.

Rights not Vested

The submittal of the application to the Code Enforcement Officer to review for a complete application shall not be considered the initiation of the review process for the purposes of bringing the application under the protection of Title 1, MRSA, Section 302. The formal review process shall begin upon written notification to the applicant that a complete application has been received.

Site Inspection

The Code Enforcement Officer and/or the Planning Board may perform an on-site inspection of the proposed project to obtain knowledge about the site and the surrounding area. By applying under this Ordinance, the applicant certifies that he or she understands if the Planning Board requires a site visit, the public must be allowed onto the property during the scheduled visit.

Conditions

Upon consideration of the review criteria, the Planning Board may attach such conditions to the proposed application it finds necessary to further the purposes of this Ordinance. Conditions are limited further to address items already contained in this Ordinance. A condition may not be imposed to regulate any item not specifically addressed in this Ordinance.

In determining whether conditions are appropriate or necessary, the Planning Board shall consider the unique features of the following: site and surrounding area, proposed use and proposed structure. A written finding of fact shall be created stating that unique features are found to exist and suitable conditions can be imposed that will allow the proposal to meet the purposes of this Ordinance.

The conditions shall be listed in the permit and shall be made enforceable under this Ordinance.

17. PUBLIC HEARING REQUIREMENTS

The Planning Board may hold a public hearing on each site review application as follows:

The public hearing shall be held within 45 days after the proposed application is deemed complete. This period may be extended for up to 60 days by mutual consent by the applicant and the Planning Board. The notice of the date, time and place of the public hearing shall be made as follows:

The Town shall publish a notice in a newspaper having general circulation within the town. The date of the first publication shall be at least 10 days before the public hearing.

The applicant shall notify all direct abutters by certified return receipt mail at least 7 days before the public hearing and shall provide proof of said mailing at or before the public hearing. The town shall supply a list of property abutters and addresses to the applicant. Failure of any person to receive a notice shall not invalidate the public hearing nor shall it require the Planning Board to schedule another hearing. Direct abutters shall be considered to have standing to participate in the hearing as interested parties. The Planning Board may designate any other person as an interested party if presented with evidence the person stands to be impacted by the use applied for in a way that is substantially more significant than the impact on the public.

18. REVIEW CRITERIA

An applicant for a Site Review Permit shall demonstrate the proposed use or project meets the review criteria listed below. The Planning Board shall not approve an application unless it makes written findings these criteria have been met. For additional information regarding these criteria, please reference the General Development Standards of this ordinance.

1. The proposal conforms to all the applicable provisions of this Ordinance.
2. The proposed activity will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that an unsound or unhealthy condition results.
3. The proposed activity will not have an adverse impact on wetlands.
4. The proposed activity will not have an adverse impact upon any waterbody such as a lake, pond or stream.
5. The proposed activity will provide for adequate storm water management.
6. The proposed activity will provide for adequate sewage disposal.
7. The proposed activity will not adversely impact any floodplain areas and will conform to the applicable requirements of the Town of Chelsea Floodplain Management Ordinance, as applicable.
8. The proposed activity has sufficient water available for the current and foreseeable needs of the development.
9. The proposed activity will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

10. The proposed activity will dispose of all solid waste in conformance with all local regulations and that the type and quantity of waste proposed to be sent to Town facilities will not exceed their capacity.
11. The proposed activity will not have a significant detrimental effect on adjacent land uses or other properties, which might be affected by waste, noise, glare, fumes, smoke, dust, odors or their effects.
12. The proposed activity will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of existing or proposed highways or roads.
13. The proposed activity to the maximum extent possible will not have an adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the Town of Chelsea, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
14. The proposed activity shall conform to all the applicable requirements of the Town's Shoreland Zoning Ordinance and all other local Ordinances.
15. The Town has the capacity to provide fire and rescue services to the development.
16. Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures.

19. APPLICATION PROCEDURES

A. Preliminary Review.

The applicant for a Site Plan Review Permit must submit to the Code Enforcement Officer, with the application, the appropriate application and escrow fees as well as written evidence abutters have been properly notified. The application must include an index clearly showing where the information that addresses each of the submission requirements and the approval standards can be found.

Following receipt of the appropriate application, fees and written evidence to abutters, the Town of Chelsea shall complete the following:

1. The Town of Chelsea shall issue a dated receipt to the applicant upon receiving the application fee.
2. Within 21 days of receipt of the application, the Code Enforcement Officer shall make a determination whether the application is complete and prepared in accordance with the submission requirements based on the following and notify the applicant of his/her determination.
3. If the application is not complete the Code Enforcement Officer shall notify the applicant of the specific materials needed to complete the application. The applicant shall provide the required materials per listed procedures.
4. If the application is complete, the Code Enforcement Officer shall notify the Planning Board that a complete site review application has been received and place the application on the Planning Board's agenda for review and consideration.
5. Substantive review of the application shall not be deemed to have begun until the Code Enforcement Officer provides written notice to the applicant the application is complete.

6. At least 10 days prior to the scheduled Planning Board meeting, the applicant shall submit to the Code Enforcement Officer 2 physical copies and electronic copy of the site review application and all attachments. The Code Enforcement Officer shall distribute to the Planning Board copies of the application prior to the meeting. The applicant shall provide reduced copies of maps and plans, however, at least one full size (typically 24"x 36" depending on readability) set of plans shall be submitted.
7. The Planning Board shall make a final decision upon the application within 60 days of the initial meeting unless additional time is necessary to complete a public hearing. Upon mutual consent of the applicant and the Planning Board, the final decision may be extended.
8. The Planning Board shall submit its final decision in writing to the applicant and to the Code Enforcement Officer within 7 working days from the Planning Board meeting. Any conditions imposed upon the application shall be listed in final decision.

B. Submission Requirements

Applicability. The requirements of this section apply to applications for Site Plan Review.

Application Form. Applications for site plan review must be submitted on application forms provided by the Town. The completed application form, evidence of payment of the required fees, and the required plans and related information must be submitted to the Code Enforcement Officer. The application must include an index clearly showing where the information that addresses each of the submission requirements and the approval standards can be found. Applicants who believe it would be burdensome to provide all required information must complete a waiver form referencing each item they are requesting a waiver from.

Required Information. All applications for site plan review must contain the following exhibits and information:

1. A signed application for development review;
2. Evidence of payment of the application fee;
3. Plans, designs, and drawings

The following general information must be included:

1. Record owner's name, address, signature and phone number and applicant's name, signature, address and phone number, if different;
2. The location of all required building setbacks, yards, and buffers;
3. Names and addresses of all abutters notified within 500 feet of proposed site;
4. Sketch map showing general location of the lot within the municipality based upon a reduction of the tax maps including the name of the street on which the lot is located;
5. Boundaries of all contiguous property under the total or partial control of the owner and/or applicant regardless of whether all or part is being developed at this time;
6. The tax map and lot number of the lot or lots on which the project is to be located;
7. A copy of the deed to the property, an option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant;
8. The name, registration number and seal of the person who prepared the plan, if applicable;

If applicable, the following information about the proposed use and development activity must be included:

1. A general description of the proposed use or activity;
2. Estimated demand for water supply and sewage disposal, together with the location and dimensions of all provisions for water supply and wastewater disposal, and evidence of their adequacy for the proposed use, including soils test pit data if on-site sewage disposal is proposed;
3. The direction of proposed surface water drainage across the site, and from the site, with an assessment of impacts on downstream properties;
4. Provisions for handling all solid wastes, including hazardous and special wastes, and the location and proposed screening of any onsite collection or storage facilities;
5. The location, dimensions, and materials to be used in the construction of proposed driveways, parking and loading areas, and walkways and any changes in traffic flow onto or off-site;
6. Proposed landscaping and buffering;
7. The location, dimensions, and ground floor elevation of all proposed buildings or building expansion proposed on the lot;
8. The location, front view, materials, and dimensions of proposed signs;
9. The location and type of exterior lighting;
10. The location of all utilities, including fire protection systems;
11. An estimate of the peak hour and daily traffic to be generated by the project;
12. Stormwater calculations, erosion and sedimentation control measures, and water quality and/or phosphorous export management provisions, if the project requires a stormwater permit from the Maine Department of Environmental Protection or if the Planning Board determines that such information is necessary based upon the scale of the project or the existing conditions in the vicinity of the project;
13. A grading plan showing the existing and proposed topography of the lot at five (5) foot contour intervals or such other interval as the Planning Board may determine;
14. A stormwater drainage and erosion control plan/program showing the following information if a stormwater permit is required from the Maine Department of Environmental Protection (DEP):
 - i. The existing and proposed method of handling stormwater runoff;
 - ii. The direction of flow of the runoff, using arrows;
 - iii. The location, elevation, and size of all stormwater facilities including catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers;
 - iv. Engineering calculations used to determine drainage requirements in accordance with the requirements of Chapter 500 and 502 of the DEP stormwater rules;
 - v. Methods of controlling erosion and sedimentation during and after construction.
15. A utility plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, communication, and any other utility services to be installed on the lot;
16. A planting schedule keyed to the site plan indicating the general varieties and sizes of trees, shrubs, and other vegetation to be planted on the lot, as well as information pertaining to

- provisions that will be made to retain and protect existing trees, shrubs, and other vegetation;
17. A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent streets if a traffic movement permit is required from the Maine Department of Transportation;
 18. If public water or sewerage will be utilized, written statements from the Hallowell Water District and/or Greater Augusta Utility District, as applicable, as to the adequacy of the water supply in terms of quantity and pressure for both domestic and fire flows, and the Greater Augusta Utility District as to the capacity of the sewer system to accommodate additional wastewater;
 19. The estimated value of the development activity subject to site plan review upon completion of construction.

The following information about the **existing conditions** on the lot or portion of the lot proposed for use or development **may be requested by the Planning Board depending on the intended use:**

1. The bearings and length of all property lines of the property to be developed and the source of this information. The Planning Board may waive this requirement for a boundary survey when sufficient information is available to establish, on the ground, all property boundaries.
2. The location and size of any existing sewer and water mains, culverts and drains, on-site sewage disposal systems, wells, underground tanks or installations, and power and telephone lines and poles on the property to be developed and on abutting streets or land that may serve the development and an assessment of their adequacy and condition to meet the needs of the proposed use. Appropriate elevations must be provided as necessary to determine the direction of surface water flow.
3. The location, names, and present widths of existing public and/or private streets and rights-of-way within or adjacent to the proposed development.
4. The location, dimensions, and ground floor elevation of all existing buildings on the lot.
5. The location and dimensions of existing driveways, parking and loading areas, walkways, and sidewalks on or immediately adjacent to the lot.
6. The location of intersecting roads or driveways within two hundred (200) feet of the lot.
7. The location of open water, drainage courses, wetlands, significant vernal pools, stonewalls, 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, 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. This information may be based on available, published sources unless the Planning Board determines that field determination is needed to allow review of the proposal.
8. The direction of existing surface water drainage across the site.
9. The location, front view, dimensions, and means of lighting of existing signs.
10. The location and dimensions of any existing easements and copies of existing covenants or deed restrictions.
11. The location of the nearest fire hydrant, dry hydrant or other water supply for fire protection.

Approval Block. Space must be provided on the plan drawing for the signatures of the Planning Board and the date, together with the following words, "Approved: Town of Chelsea Planning Board".

Note: If the Planning Board is unsure whether a permit or license from a state or federal agency is necessary, the applicant may be required to obtain a written opinion from the appropriate agency as to the applicability of their regulations.

20. GENERAL DEVELOPMENT STANDARDS

Air Quality

Development which will cause emissions of dust, ash, smoke, or other particulate matter likely to damage human or animal health, vegetation, or property must meet all State and Federal Laws.

Erosion Control

All soil disturbance must be conducted in a manner which avoids sediment leaving the property. Development must employ best management practices (BMPs) for erosion control. Erosion of soil and sedimentation of watercourses, including intermittent drainage swales, and waterbodies shall be avoided by employing BMP's as established by the most recent version of "Maine Erosion & Sediment Control Handbook for Construction-Best Management Practices" Cumberland County SWCD & MDEP-March 1991.

Temporary erosion control measures shall be installed prior to the start of any development. The applicant shall be responsible for the proper installation and operation of all erosion control measures. Permanent measures shall be installed as appropriate upon completion of the development.

Materials Storage

All outdoor storage areas, including areas used for the storage or collection of solid waste, automobiles, auto parts, building materials, machinery, or other such items, shall have screening sufficient to minimize impact on roads, and neighboring and other properties in the area. Walls, fencing, dense plant material, or a combination of techniques can be used to achieve this intent. A dense evergreen hedge six (6) feet or more in height at the time of planting shall be the preferred means of attaining this standard. These provisions shall not apply to the outdoor retail display of vehicles and goods.

Noise

The proposed development shall not cause the background noise level to increase by 10 Decibels (DBA) during the day and 5 DBA at night. Sounds emanating from safety signals, warning devices, emergency pressure relief valves other emergency or public safety devices and temporary noise such as construction activity are exempt from these requirements. In no case, shall the ambient noise level as measured from the property boundary exceed the following absolute noise criteria.

The maximum permissible noise from any continuous, regular, or frequent source of sound within a development shall be no more than 65 decibels between the hours of 7: 00 a.m. to 9:30 p.m. and 50 decibels at other times as measured on any property other than the development or any property having an agreement with the owner or operator of the development that allows for greater noise.

Noise shall be measured by a meter set on the A-weighted response scale, slow response. The meter shall meet the American National Standards Institute - 9ANSI S1. -1961) "Specification for General Purpose Sound Level Meters." Sound levels shall be measured at least 4 feet above ground level at the property boundary.

The applicant is responsible for measuring noise levels. Background noise levels shall be measured at each property boundary line. A day and night reading shall be taken at the same location along each of the property boundary lines. Readings shall not be taken when construction activity, abnormal traffic conditions or other extraordinary conditions are occurring within 500 feet of the property boundary.

The applicant shall modify the development as necessary to ensure the noise emanating from the project conforms to the noise limits set forth in this section. The applicant shall provide the Planning Board written certification from an engineer or other appropriate professional the noise measurements are accurate and the noise from the completed development will conform to this section.

Outdoor Lighting

A development may employ outdoor lighting which serves security, safety and operational needs to the extent that it does not impair the vision of vehicles on adjacent roads or infringe on the enjoyment of neighboring properties.

Outdoor lighting fixtures shall be shielded or hooded so the lighting elements are not exposed to normal view by motorist, pedestrians or adjacent properties. The maximum height of an outdoor lighting fixture is 25 feet.

Parking

All development shall provide suitable off-road parking to serve the needs of the project.

The access to parking areas shall be designed to allow continuous and uninterrupted traffic movement on the public road, through the provision of adequate throat length, deceleration lanes, or other measures. No parking space shall be directly accessible from the public road.

Parking stalls shall be a minimum of 9 feet in width by 18 feet in length.

Loading bays shall be provided as necessary and shall be designed so as not to interfere with traffic flow.

Adequate off-road parking shall be provided according to the following:

<u>Activity</u>	<u>Number of Spaces</u>
Motel, Hotel	1 space per room
Nursing Care, Group Home	1/3 space per room
Detention Facility	1 space per employee at maximum shift
Place of Assembly	1/2 space per seat, based upon maximum capacity
Industrial and manufacturing	1 space per 1,000 sq. feet of gross floor area
Retail & Office	3 spaces per 1,000 sq. feet of gross floor area
Warehouses	1 space per 1,000 sq. feet of gross floor area
Hospitals	6 spaces per 1,000 sq. feet of gross floor area

For uses not listed, the publication "Parking Demand Institute of Transportation Engineers (ITE)" 2010, or most recent edition, shall be used.

Signs

Signs for non-residence based businesses may be illuminated internally or externally by lights which are shielded or hooded so that the light source is not a nuisance to traffic or neighboring properties. Signs shall not give off or reflect light at intensity greater than 50-foot candles as measured 100 feet from the sign.

A sign for a non-residence based business may be placed in the front setback area but may not protrude beyond the property boundary. Signs near an access point shall not obstruct traffic. The maximum height of a free-standing pole sign is 25 feet.

Screening

Parking areas shall have a minimum buffer strip 10 feet wide extending along the side and rear property boundaries. The buffer shall be landscaped with vegetation or landscape materials. Parking areas containing more than 100 parking spaces shall increase the buffer width by an additional 10 feet.

A screen shall be required whenever a proposed development abuts a residential development or pre-existing residence. The screen shall consist of natural or man-made materials sufficient to block the view of the proposed activity from the neighboring building. The screen shall not be required if the distance between the proposed structures and the property line is more than 200 feet. The screen shall not be required for expansions of developments, which existed before the adoption of this Ordinance.

Traffic Access

The number of access points shall be the minimum necessary to assure safe and proper vehicular access to the site. No more than two access points onto a single roadway will be allowed unless the Planning Board finds additional access is necessary based upon the results of a traffic study. Where more than one road abuts the development, the Planning Board may require the developer to access the site from the road with less potential for congestion and traffic hazard.

All roads which can be expected to carry traffic from the development shall have sufficient capacity or be suitably improved to accommodate the amount and types of traffic generated by the development.

Access points shall be designed to have sufficient capacity to avoid the stopping or standing of vehicles attempting to enter the development from the road. Where necessary the developer shall install turning lanes, traffic directional islands, frontage roads, signalization, or other traffic controls within the road. All such installations shall conform to the standards in the "Manual on Uniform Traffic Control Devices" published by the American Traffic Safety Services Association.

All access points shall be located to provide sight distance of 10 feet for each mile per hour of posted speed limit in both directions. Sight distance is measured from a point 10 feet behind the edge of the traveled way, with the height of the eye at 3 ½ feet, to the top of an object 4 ½ feet above the road surface.

All access points shall intersect the road at an angle as nearly to 90 degrees as site conditions permit, but in no case less than 75 degrees.

The curb radius for two-way access points shall be at least 20 feet. The curb radius for one-way access points with median islands shall be between 5 and 10 feet on the inside corner and at least 30 feet on the outside corner.

The width of an access point shall be between 20 and 26 feet. For access points with a median island, the width shall apply to each side. Where truck traffic is a major element, the width may be increased to 40 feet.

From the edge of the traveled way the access point should not exceed a grade of 3% for a minimum of 20 feet as site conditions permit, but in no case, shall the grade exceed 5%.

Additional requirements for Lots Less Than 2 Acres

At the date of application, any nonresidential use proposed must have a legal lot of record as defined by the Town's Minimum Lot Size Ordinance.

The total building footprint area including existing and proposed buildings and structures shall not exceed 10% of the total lot area.

21. SITE REVIEW PERMITS

The Planning Board shall review and decide upon all applications and shall submit their written decision on each application to the applicant and the Code Enforcement Officer. The Planning Board shall prepare the permit approval, including any conditions and submit it to the Code Enforcement Officer, who shall issue the permit to the applicant.

No work or other development shall be undertaken on any use or project that requires review until a permit has been issued by the Code Enforcement Officer.

22. FEES

Application Fee. An application for site plan review must be accompanied by an application fee. The fee is intended to cover the cost of the Town's administrative processing of the application, including notification, advertising, mailings and similar costs. The fee shall not be refundable. This application fee shall be made payable to the Town of Chelsea and accompany the application. The application and fee must be submitted to the Code Enforcement Officer prior to consideration of the application, and evidence of the payment of the fee shall be included with the application.

Escrow Fee. In addition to the application fee, the Planning Board may require an applicant for a Site Review Permit to pay an escrow fee, to be deposited in a special escrow account designated for that development application. This fee shall be used for hiring independent consulting services to review engineering and other technical submissions associated with the application and to ensure compliance with this Ordinance. If the balance in this special account is drawn down by 75%, the Planning Board shall notify the applicant, and require the balance be brought back up to the original deposit amount. The Planning Board shall continue to notify the applicant, and require a deposit as necessary whenever the balance of the escrow account is drawn down by 75% of the original deposit. Failure to comply with this escrow fee requirement, at any time during the review

process, renders the application incomplete and precludes further review of the application. Any remaining balance in the escrow account after a final decision on the application shall be returned to the applicant. At any time during the application review, the municipality shall provide the applicant, upon written request, an accounting of the expenditures from the fund.

Establishment of Fees. The Board of Selectmen may, from time to time and after consultation with the Planning Board, establish the appropriate application fee and site inventory and analysis review fees following posting of the proposed schedule of fees and public hearing.

23. PERMIT EXPIRATION

Permits are valid for 12 months from the date of Planning Board approval for the substantial start of construction. Work shall be completed within 24 months of permit issuance unless the Planning Board has permitted a later completion date. A permit may be extended once, for a period of 12 months, with no additional fee if the applicant demonstrates substantial progress to the Planning Board. Permits that have expired shall become null and void and the applicant shall obtain another permit as required by this Ordinance by submitting another site review application to the Planning Board. A permit is transferable to subsequent owners of the property.

24. DECISIONS

After review of a complete application, the Planning Board shall determine whether the proposal meets the review criteria contained in this Ordinance. The Planning Board shall make a written finding of fact to support its decision and vote to approve the application, approve the application with conditions, or deny the application. The Planning Board shall submit its decision to the applicant and the Code Enforcement Officer.

25. POST APPROVAL ACTIVITIES

Limitation of Approval. Construction of the improvements covered by any site plan approval must be substantially commenced within twelve (12) months of the date upon which the approval was granted. All work shall be completed within 24 months of permit issuance unless the Planning Board has permitted a later completion date. The applicant may request an extension of the approval deadline, in writing to the Planning Board, prior to the expiration of the period. A permit may be extended once, for a period of 12 months, with no additional fee if the applicant demonstrates substantial progress to the Planning Board provided the approved plan conforms to the ordinances in effect at the time the extension is granted and all federal and state approvals and permits are current.

Incorporation of the Approved Plan in the Building Permit. The approved site plan must be included with the application for the building permit for the project and all construction activities must conform to the approved plan, including any conditions of approval and minor changes approved by the Code Enforcement Officer to address field conditions.

Improvement Guarantee. The Planning Board, as a condition of approval of the site plan, may require that the applicant provide a financial guarantee of any or all improvements:

1. The Planning Board may require the posting of an improvement guarantee in such amount and form as is reasonably necessary to ensure the proper installation of improvements required as conditions of approval. The amount of the guarantee shall be determined by the

Planning Board based on the estimated cost of the improvements covered by the guarantee.

2. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.
3. The guarantee must be approved by the Planning Board as to its form and enforceability.
4. The guarantee must be in force prior to the issuance of the building permit or any other permit for the activities covered by the approved site plan.
5. The developer must notify the Code Enforcement Officer of the completion or substantial completion of improvements.
6. The Code Enforcement Officer or his/her designee shall inspect all improvements and shall file a report indicating either approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.
7. The Code Enforcement Officer shall submit the inspection report to the Planning Board.
8. The Planning Board shall approve, partially approve, or reject the improvements based on the report.
9. If the improvements are approved, the guarantee shall be released. Where partial approval is granted, the developer shall be released from liability only for that portion of the improvements approved.

Submission of Record Plan. Any project involving the construction of more than ten thousand (10,000) square feet of gross floor area or twenty-five thousand (25,000) square feet of impervious surface, must provide the Code Enforcement Officer with a set of construction plans showing the building(s) and site improvements as actually constructed on the site. These "record" plans must be submitted within thirty (30) days of the issuance of a certificate of occupancy for the project or occupancy of the building.

Minor Changes to an Approved Plan. Minor changes to an approved plan necessary to address field conditions may be approved by the Code Enforcement Officer if any change does not affect compliance with the standards or alter the essential nature of the proposal. Any change must be endorsed in writing on the approved plan by the Code Enforcement Officer.

Amendments to an Approved Plan. The approval of a site plan depends on and is limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any deviation from the plans, proposals, and supporting documents, except minor changes that do not affect approval standards, is subject to review and approval.

26. APPEALS

Appeal of any actions taken by the Planning Board with respect to an application shall be to the Board of Appeals, which shall consider appeals on an appellate basis, based on the record before the Planning Board. The appellant shall have the burden of proof to show that the Planning Board's decision was arbitrary and capricious, based upon error of law or findings of fact not substantially supported by evidence in the record. All appeals shall be received within 30 days of the Planning Board's final written decision on the application, and shall be made on an official administrative appeal form. Appeals of a decision of the Board of Appeals shall be made to the Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80B.

27. ENFORCEMENT

This Ordinance shall be enforced by the Code Enforcement Officer. Violations of this Ordinance shall be subject to all the statutory penalties available pursuant to 30-A M.R.S.A. §4452 and may be assessed on a per-penalty, per day basis.

28. DEFINITIONS

Abutter: Any contiguous lot/contiguous property with the lot in question or within 500 feet horizontal distance of the lot line, even if only at a point and any lot which is located directly across the public or private street from the lot in question.

Accessory Building, Structure, or Use: A detached, subordinate building or structure, the use of which is clearly incidental and related to that of the principal building or structure and which is located on the same lot as that of the principal building, structure or use.

Aggrieved Party: An owner of land whose property is directly or indirectly affected by granting or denial of a permit under this Ordinance; a person whose land abuts land for which a permit has been granted or group of persons who have suffered particularized injury as a result of the granting or denial of such permit.

Applicant: A person, group of people, business or corporation applying for a permit under this Ordinance.

Bulk Oil/Fuel Storage Structure: Buildings and fuel storage facilities designed for the storage of oil and gas for resale to retail fuel distributors.

Building: Any permanent structure having on or more floors and a roof, which is used for the housing or enclosure of persons, animals, or property. When any portion is separated by a division wall, without opening, then each such portion shall be deemed a separate building.

Building Footprint: The area covered by a building measured from the exterior surface of the exterior walls at grade level exclusive of cantilevered portions of the building. Where the building is elevated above grade level on posts or similar devices, the building footprint is the area the building would cover if it were located on the ground.

Commercial: The use of lands, buildings, or structures, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Complete Application: An application shall be considered complete upon submission of the required fee and all information required by this Ordinance, or by a vote by the Board to waive the submission of required information. The Board shall issue a receipt to the applicant upon its determination that an application is complete.

Comprehensive Plan: As defined in Title 30-A MRSA section 4301.

Construction: Activity and operations associated with the facility or expansion of the facility or its site.

Contiguous Lot or Contiguous Property: Lots which adjoin at any line or point, except that lots on opposite sides of a public or private road shall be each considered a separate tract or parcel unless such road was established by the owner of land on both sides thereof subsequent to September 22, 1971.

Days: Means calendar days.

Development: Any man-made changes to improved or unimproved real estate including, but not limited to, buildings, landscaping, parking areas, and roads.

Developed Area or Distributed Area: Any area on which site improvements or change is made, including buildings, landscaping, parking areas and roads.

Dwelling Unit: A room or group of rooms designated and equipped exclusively for use as living quarters for one family including provisions for living, cooking and eating; includes single family houses and the units in a duplex, apartment houses, multi-family dwelling and residential condominiums.

Emergency: An unforeseen combination of circumstances which calls for immediate action at a facility.

Forest Management Activities: Same definition as "Timber Harvesting."

Height of Structure: The vertical distance between the mean finished grade at the downhill side of the structure measured from the finished top floor level intended for human habitation.

Industrial: Activities that involve the processing and manufacturing of products or materials from raw materials.

Institutional: A non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

Lot: An area of land in one ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a subdivision plan approved by the Planning Board and recorded in the Registry of Deeds.

Manufacturing: An activity engaged in the manufacture, predominately from previously prepared materials of finished products or parts including processing, fabrication, assembly, treatment and packaging.

Multifamily Housing: 3 or more dwelling units.

Noise Ambient: At a specified time, the all-encompassing sound associated with a given environment, being usually a composite of sounds from many sources at many directions, near and far, including the specified development of interest.

Noise Background: The all-encompassing sound associated with a given environment being a composite of sounds from many sources at many directions, near and far, prior to construction of the proposed development.

Nonresidential Uses: Activities and structures that include the following: commercial, industrial, recreational facilities, communication tower, retail, warehouse, government uses and structures, hospitals, offices, storage buildings, motels, institutional uses and structures, transportation facilities, educational facilities and schools, places of assembly, and correctional and detention facilities.

Person: Includes an individual, firm, association, partnership, trust, company, corporation, municipal or other local government entity, quasi-municipal entity, state agency, educational or charitable organization or institution or other legal entity.

Principal building: The building in which the primary use of the lot is conducted.

Principal structure: A building other than one which is used for purposes wholly, incidental or accessory to the use of the buildings or use on the same premises.

Public Road: A road maintained with public funds.

Principal building: The building in which the primary use of the lot is conducted.

Principal structure: A building other than one which is used for purposes wholly, incidental or accessory to the use of the buildings or use on the same premises.

Residential: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal or temporary living quarters for only one family at a time and containing cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

Road: Public and private ways such as Town ways, public right-of-ways and private right-of-ways other than driveways.

Screening: Visually shielding or obscuring one abutting or nearby structure or use from another utilizing fencing, walls, berms, or vegetation. The purpose of a screen is to block undesirable views, effectively providing privacy to neighboring land uses.

Structure: Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

Timber Harvesting: Includes timber cruising and other forest resource evaluation activities, pesticide application, timber stand improvement, planting, pruning, thinning, timber harvesting and other forest harvesting, regeneration of forest stands, and maintenance of roads used primarily for timber harvesting and related activities.