

Thorndike Site Plan Review Ordinance

(Enacted on March 16, 1996; amended on 3/15/97 and 3/19/16)

Article I. Purpose

The purpose of this ordinance is to institute and define a municipal review and permit system for more intensive land-based activities which have the potential to disturb the health, safety and welfare of Thorndike residents if not managed in conformance with reasonable performance standards. This ordinance details the procedures to be followed and standards to be met by persons proposing applicable land-based activities. In the mutual interests of the townspeople and the developer, it is the Town's intent to conduct a fair, thorough and expedient review process for proposed activities subject to the provisions of this ordinance.

Article II. Authority and Incorporation of Referenced Maps

This ordinance is enacted pursuant to the enabling provisions of Article VIII, Part 2, §1 of the Maine Constitution, the provisions of Title 30-A MRSA, §3001 (*Home Rule*), and the provisions of Title 30-A §4311 et seq. (*Comprehensive Planning and Land Use Regulation, or "Growth Management" Act*). This ordinance is founded upon and pursuant to the *Town of Thorndike Comprehensive Plan*, adopted on December 6, 1991. The *Thorndike Village Boundary Map, Shoreland Zoning Map and Flood Insurance Rate Maps* are hereby incorporated by reference in this ordinance.

Article III. Applicability

3.1 General Provisions: Site plan approval by the Planning Board, evidenced in the form of a Site Plan Permit, shall be required for any new construction or new activity (including those in existing facilities) meeting any of the following criteria:

- A) any non-residential use, including a home occupation, that cumulatively involves (excluding any residence on the property) over 10,000 square feet of enclosed floor area and/or impervious surface (e.g asphalt or concrete), other than a road or a entrance issued a permit under the *Road Ordinance for the Town of Thorndike* or *Thorndike Land Use Ordinance*.
- B) any construction or excavation that will affect more than 20,000 square feet of land area, except for a road or entrance issued a permit under the *Road Ordinance for the Town of Thorndike* or *Thorndike Land Use Ordinance*.
- C) any activity that will generate an average of over 200 vehicle trips per day open for business.
- D) any activity that will generate more than a background level (*see definition*) of noise, odor, glare or other disturbance at any property boundary without adequate design and/or buffering.

3.2 Exceptions: This ordinance *does not apply* to activities or construction conducted in the course of:

- A) agricultural production (*see definition*);
- B) timber harvesting (*see definition*);
- C) temporary events, such as fairs, parades and yard sales; or
- D) developing a subdivision as approved by the Planning Board.

3.3 Expansions to Existing Facilities: Owners of facilities or conductors of activities that existed at the time of enactment of this ordinance shall be required to obtain a Site Plan Permit prior to expanding the existing facility or operation to the point at which it will collectively meet any of the thresholds listed above. The threshold will be measured including the pre-existing operation.

Article IV. Definitions

Abutting Property: The parcel(s) sharing a boundary line with, or across the road from, the subject property.

Agricultural Production: The activity of growing crops and/or raising livestock. This definition includes horticulture and nursery activity but does not include processing facilities, slaughterhouses or the composting of material imported from off-site.

Background Level: The all-encompassing level of attribute associated with a given environment, being, in the case of noise, a composite of sounds from many distant, individually indistinguishable sources, prior to the new noise being introduced, and excluding noise from individual identifiable vehicles, power tools in temporary use, or other sporadic emanators of noise at the site being evaluated. Similar analyses would be applied to other applicable attributes, such as odor, glare, dust, vibration, etc.

Commercial Activity: Any business endeavor operated for pecuniary gain, or involving the selling of goods or services, including non-profit operations.

Development: Any change by individuals or entities to improved or unimproved real estate, including but not limited to: the construction of buildings and other structures; construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation or drilling operations. Activities related to agricultural production or timber harvesting are exempted from the definition of development.

Impervious Surface: A material covering the earth, which is non-porous, e.g. concrete, or asphalt.

Major Development: A development involving over 20,000 square feet of enclosed floor area and/or impervious surface or expected to generate an average of over 400 vehicle trips per day open for business.

Minor Development: A development involving 20,000 square feet or less of enclosed floor area and/or impervious surface or expected to generate an average of no more than 400 vehicle trips per day open for business.

Site Plan Permit: Written authorization from the Planning Board that the activity applied for pursuant to this ordinance has been approved.

Site Plan Permit Application: The information provided by the applicant as required by this ordinance for the Planning Board to use in its review. A Preliminary (Site Plan Permit) Application is always submitted and may, if in full compliance with the standards of this ordinance, be approved without further work on the part of the applicant. If the plan needs more than minor adjustments in order to be approved, a Final (Site Plan Permit) Application is required.

Site Plan Review: The process described within this ordinance in which the Planning Board and other relevant Town review authorities make findings of fact and determine whether a proposed activity as described within a Site Plan Permit Application meets the standards set out in this ordinance. Based upon this review, the Planning Board may either approve or deny a Site Plan Permit.

Sketch Plan: An informal drawing (approximately to scale) and set of basic information designed to give the Planning Board an idea of existing site conditions and what is to be proposed in a Site Plan Permit Application. The specific requirements for information to be included are outlined in Section 6.B of this ordinance.

Structure: Any material or a combination of materials which are constructed or erected, the use of which requires location on the ground, or attached to something located on the ground, exclusive of tents and fences.

Timber Harvesting: The cutting and removing of trees from their growing site, and the attendant operation of mobile and portable chipping mills and of cutting and skidding machinery, including the creation and use of skid trails and winter haul roads. Timber harvesting does *not* include the clearing of land for other land uses.

Trip: A single or one direction vehicle movement with either the origin or destination inside the development area.

Article V. Administration

5.1 Delegation of Responsibility and Authority: The Planning Board shall be primarily responsible for administering this ordinance and has the authority to approve, approve with conditions or deny a permit application. The Town Clerk is responsible for receiving application materials and fees, forwarding applications to Planning Board members, and notifying abutters. Other Town officials who may be involved in assisting the Planning Board during the site review procedure are the Code Enforcement Officer, Road Commissioner, Fire Chief and Plumbing Inspector. The Board of Appeals may hear appeals related to a permit decision or procedural step arising from application of this ordinance.

5.2 Application Fees:

- A) Basic Fee: All applications for Preliminary Site Plan approval shall be accompanied by the prescribed application fee established by the Board of Selectmen payable to the Town of Thorndike.
- B) Related Permit Application Fees: In addition, applications shall be attached, together with the prescribed fee, for any other individual aspect of the development requiring a Town permit under the *Thorndike Land Use Ordinance, Shoreland Zoning Ordinance, Floodplain Management Ordinance, Road Ordinance for the Town of Thorndike*, or any other applicable ordinance, except that the Site Plan Permit Application fee includes the building permit fee for up to one new principal structure. If more than one new structure will be built, an additional fee for each principal and accessory structure shall be remitted. *[Example: An application for a new store on an undeveloped lot in a flood hazard zone would likely require the site plan permit fee, an entrance permit fee, and a flood hazard development permit fee.]*
- C) Waivers: The Planning Board may waive a portion of the fees assessed if the total amount is deemed to be disproportionate to the Town's cost of review. Such a finding shall not be made until the review process is completed; fees shall be paid in full to initiate the review process.

5.3 Coordination with Other Town Permit Requirements: Successful completion of the site review process will include the approval of other necessary Town land use permits.

- A) Subsurface Wastewater Disposal System Permit Required Prior to Submittal: The applicant shall pursue the design of any planned subsurface wastewater disposal system and obtain the Plumbing Inspector's approval of the design prior to submitting a Preliminary Application.
- B) Other Relevant Applications Attached: Upon request for a Site Plan Permit Application, the Town will attach applications for all potentially relevant permits to the basic Site Plan Permit Application form. Attached permit applications will be numbered as both Site Plan Permit Applications and individual permit applications. All relevant applications shall be completed and submitted together with the Site Plan Permit Application.
- C) Site Plan Permit Contingent on Other Permit Requirements: Standards required for the following other applicable Town permits related to the proposed development shall be met as conditions of any Site Plan Permit issued: Subsurface Wastewater Disposal Permit, Entrance Permit, Road Permit, Flood Hazard Development Permit, Shoreland Zoning approval, and Building Permit.
- D) Coordinated Review by Planning Board: The Site Plan Permit application will be considered by the Planning Board, with portions that are normally reviewed by the Code Enforcement Officer, Road Commissioner and/or Fire Chief delegated to those officials by the Planning Board. The reviewing authorities will report their findings directly back to the Planning Board; approval for final construction (of a road, entrance, building, etc.) will not be granted until the Site Plan Permit is approved.
- E) Rights Reserved if Site Plan Permit is Denied: If the Site Plan Permit is denied, permits for other uses on the site may be requested by the applicant as outlined in Town ordinances. The request must be made in writing and dated by the Town Clerk.

- 1) Applications Identical to Site Plan Permit Application: To the extent that Town permit officials have already approved portions of the proposed development during the Site Plan Review procedure (e.g. an entrance design), a permit will be issued upon request of the applicant if the design does not change.
- 2) Applications Changed from Site Plan Permit Application: If the application is at all altered from the design submitted for the Site Plan Permit, a new application must be filed but the fee will be waived, as long as the new application is made within 12 months of the Site Plan Permit denial.
- 3) Applications filed more than 12 months from Site Plan Permit Denial: After 12 months, any application will be treated like a new application.

5.4 Classification of Development: The proposed development shall be categorized as either a major or minor development. Major developments shall be considered those with impervious surface and/or enclosed floor space of over 20,000 square feet or that will generate an average of over 400 vehicle trips per day open for business. In general, minor developments may be processed in a shorter time period than major developments, although the Town reserves the right to review any development as a major development in the event of an unanticipated or controversial aspect of a proposed development of any size or traffic volume. Site Plan Review will be kept to the minimum level necessary to assure compliance with the standards in this ordinance.

Article VI. Application Procedure

6.1 Application Process Outline:

- A) For Minor Developments (those with 20,000 square feet or less of enclosed floor area and/or impervious surface, and expected to generate an average of 400 or fewer vehicle trips per day open for business), applicants shall:
 - 1) Submit a Sketch Plan and attend a Sketch Plan Review meeting (see Article VI, Step 1), where application submission requirements are reviewed and a site visit is scheduled if necessary;
 - 2) Submit a Site Plan Permit Application, usually in two stages (see Preliminary Application--Article VI, Step 3, and Final Application--Article VI, Step 4).
- B) For Major Developments (those with over 20,000 square feet of enclosed floor area and/or impervious surface or expected to generate an average of over 400 vehicle trips per day open for business), applicants shall:
 - 1) Submit a Sketch Plan and attend an initial Sketch Plan Review meeting (see Article VI, Step 1), where Site Inventory and Analysis submission requirements are reviewed and a site visit is scheduled if necessary;
 - 2) Submit a Site Inventory and Analysis and attend a meeting (see Article VI, Step 2) to both review the Site Inventory and Analysis and discuss the application submission requirements; and
 - 3) Submit a Site Plan Permit Application, usually in two stages (see Preliminary Application--Article VI, Step 3, and Final Application--Step 4).

These procedures are detailed below.

6.2 Step 1. Sketch Plan Review (all developments):

- A) The applicant shall submit to the Town Clerk, at least 10 days prior to the Planning Board’s scheduled monthly meeting, 10 copies of a Sketch Plan showing the proposed layout of the development or the commercial activity in relation to existing conditions and a brief narrative containing the following information:
 - 1) Sketch Plan Narrative (10 copies):
 - a) names, addresses and phone numbers of property owner(s), applicant(s), and all consultants working on the project;
 - b) name and description of the proposed development and desired timeframe;

- c) description of site opportunities (e.g. road access, good soils, existing buildings) and constraints (e.g. wetlands, streams).
 - d) identification of any other relevant studies that are available or will be commissioned during project development.
- 2) Sketch Plan Graphic (10 copies): The sketch shall be drawn roughly to scale, preferably superimposed over an aerial photograph (copies may be made of the Town's aerial photos at the Town Office). Outlines of proposed buildings, roads and other aspects of the development shall be included in the sketch. Existing natural and built features, including streams, wetlands and existing buildings should be clearly identifiable on the sketch.
- B) Combined Sketch Plan and Site Inventory Analysis Allowed at Applicant's Option: An applicant who is proposing a Major Development and who does not wish to have any Site Inventory and Analysis requirements waived, may present a Sketch Plan with the Site Inventory and Analysis at the initial meeting. The Town Clerk shall mail one copy to each Planning Board member and the Code Enforcement Officer for their review prior to the meeting, post one copy for public inspection in the Town Office, and file the other copy.
- C) Attendance at Board Meeting: The applicant shall attend the Planning Board meeting to discuss the proposed development. Ordinance requirements will be reviewed with the applicant and a site visit will be scheduled if deemed necessary for the Board to understand the proposed development and its relationship to existing conditions. Within 7 days of the site visit, or of the regular Board meeting if no site visit is held, the Board shall inform the applicant in writing of the submission requirements for the next application phase (*Preliminary Application for Minor Developments; Site Inventory and Analysis for Major Developments*).
- D) Official Initiation of Review Process: The submittal or review of the Sketch Plan or Site Inventory and Analysis shall not be considered the initiation of the review process for the purposes of bringing the Site Plan Permit Application under the protection of Title 1, MRSA, §302.

6.3 Step 2. Site Inventory and Analysis (Major Developments Only):

- A) Content: The Site Inventory and Analysis shall contain the following information, unless waived by the Board:

Two copies of an accurate inventory plan of the site at a scale of not more than 100 feet to the inch including:

- 1) project name, north arrow, scale, date, and legend;
- 2) topography of the site at an appropriate contour interval (2 to 20 foot), depending upon the character of the site and the proposed use, with arrows identifying existing drainage patterns on the site (the survey references from which elevation was determined should be clearly marked both on the plan and at/near the site);
- 3) major natural features of the site, including wetlands, streams, ponds, flood hazard areas, springs, wooded vs. cleared land, etc.;
- 4) existing legal restrictions, easements, or zoning applicable to the property;
- 5) soils information of at least medium intensity, analyzed for relevant drainage characteristics;
- 6) identification of any current use of site for agricultural production;
- 7) existing and/or proposed access to site;
- 8) parcel boundaries and names of abutting landowners;
- 9) location of existing wells on any property within 200 feet of the area proposed for development; and
- 10) any existing structures, culverts, utility poles, signs or other prominent man-made features located on the parcel or on any property within 100 feet of the area to be developed.

- B) Waivers: The Planning Board may waive any of the above requirements that are not pertinent to the site or proposed development.
- C) Board Review of Site Inventory and Analysis: The applicant shall attend the meeting of the Planning Board at which the Site Inventory and Analysis will be considered, present an oral summary of the information and answer questions the Board may have. Following the review of the Site Inventory and Analysis, the Board and applicant will review the Preliminary Site Plan Submission Requirements and determine which of them, if any, may be waived due to inapplicability.

6.4 Step 3. Preliminary Application (All Developments):

- A) Timing: Within six months after the Sketch Plan has been reviewed by the Board, the developer shall submit a Preliminary Application at least 10 days prior to a scheduled meeting of the Board. If the developer fails to act within the six-month time frame, the Board may require the developer to resubmit the Sketch Plan for reasons including but not limited to possible changes in Board membership, changes in local or state regulations, and subsequent development in the town that could have an impact on the proposed plan. The Preliminary Site Plan shall approximate the layout shown on the Sketch Plan and may include recommendations made by the Board based upon its on-site inspection of the proposed project.
- B) Number of Copies Submitted: The applicant shall submit ten (10) copies of the narrative portion of the Preliminary Application. One copy of any aerial photo is sufficient. Ten (10) copies of each plan describing site conditions and the proposed development shall be submitted and shall be drawn at a scale of not more than 100 feet to an inch. One copy of each submittal shall remain on file in the Town Office and another will be posted for public inspection.
- C) Board and Abutter Notification: Upon receipt of a Preliminary Application and all applicable fees, the Town Clerk shall mail one copy to each Planning Board member and the Code Enforcement Officer. The Town Clerk, as advised by the Planning Board, shall notify by certified mail the owners of all property abutting the proposed development. The notice will contain:
- 1) a brief description of the proposal before the Board;
 - 2) the statement that the application is available for public inspection during Town Office hours;
 - 3) the date, time and place of the Planning Board meeting at which the proposal will be discussed; and
 - 4) advice that any request for a public hearing on the proposal should be made before or at this Planning Board meeting.

A copy of the notice will be kept in the applicant file with the names and addresses to whom it was sent, and a copy of the certified mail receipt. The applicant will be billed for the postage.

- D) Preliminary Application Submission Requirements: The Preliminary Application shall include:
- 1) Narrative (10 copies): Each copy of the narrative information shall be stapled or otherwise bound together, and shall follow the order of this section. Any additional information offered should be added to the end of the narrative.

The narrative shall at a minimum contain the following information:

General Information:

- a) Signed copy of the application cover sheet obtained from the Town Clerk.
- b) Names, addresses and telephone numbers of (a) the property owner; (b) the applicant; and (c) all consultants hired to date to assist with the project (e.g. surveyors, engineers, architects, planners, site evaluators, builders etc.), with area of responsibility indicated.
- c) Name and brief description of proposed development.
- d) Number of acres in the parcel and of the portion to be involved in the proposed development.
- e) Tax map and lot number of the parcel(s) involved.
- f) A copy of the deed to the property, option to purchase the property, or other documentation to demonstrate right, title or interest in the property on the part of the owner.
- g) If the applicant is not the owner of the property, written certification signed by the owner that the applicant is the owner's duly authorized agent.
- h) The name, registration number and seal of the land surveyor, architect, engineer or similar professional who prepared the plan.
- i) A copy of all covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
- j) A copy of any proposed covenants, deed restrictions, easements, rights-of-way, or other encumbrances to be placed upon the property or secured from abutting properties.

Specific Information:

- a) In the case of new construction, a copy of the Subsurface Wastewater Disposal System Design (Form HHE-200), prepared by a licensed site evaluator and approved by the Plumbing Inspector. In the case of existing systems, if the original system design is not available, certification from the Plumbing Inspector that the system is sufficiently sized for the proposed activity and is functioning properly.
 - b) Number and type of vehicle trips anticipated to be generated by the proposed use averaged for days open for business. The method of estimation for each type of trip (employee, customer, delivery, etc.) should be explained.
 - c) Description of parking needs, based on similar analysis.
 - d) A soil erosion and sedimentation control plan. The acceptability of the proposed and employed methods of erosion and sedimentation control will be judged utilizing the *Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices*, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, March 1991. The vegetative buffer required to absorb surface water runoff (*see Section 7.3.D*) should be incorporated in the plan.
 - e) A storm water management plan, prepared by a registered professional engineer in accordance with *Urban Hydrology for Small Watersheds, T.R. 55, 1986 edition*, published by the U.S. Soil Conservation Service. Another methodology may be used if the applicant can demonstrate it is equally or more applicable to the site. The plan should anticipate the volume of water generated by the 25-year, 24-hour storm event. The storm water management plan must be designed to work in concert with the erosion and sedimentation control plan, along with the vegetative buffer, to control the quality as well as direction of storm water runoff.
 - f) A description of the location, extent, slope and vegetation to be used to absorb surface water runoff, as required in Section 7.3.D (*this may be incorporated in the erosion and sedimentation control plan*).
 - g) If any new or improved road is proposed as part of the development, the applicant shall submit information as required in the *Road Ordinance for the Town of Thorndike*.
 - h) A description of any noise, odor, smoke, glare, electromagnetic fields or other nuisance that may be generated by the development, and proposed methods of complying with the standards outlined in Section 7.5.
 - i) Description of the source of water for the project, including firefighting water source.
 - j) Description of any land on the property (including acreage, location and use) currently used for agricultural production and plan for future use of the land in compliance with Section 7.2.D.
 - k) If potentially permeable substances that might pollute ground and/or surface water will be used at the proposed site, the means of complying with Section 7.3.C of this ordinance.
 - l) If 400 or more vehicle trips will be generated by the proposed development, documentation prepared by a qualified professional (usually a traffic engineer) of sufficient detail to enable the Board to ensure that the traffic flow standard cited within Section 7.4.C is met.
- 2) Aerial photograph (one copy): Aerial photograph of the land, to a scale of not more than 100 feet to an inch, either marked or with an acetate overlay showing the general configuration of the proposed development.
- 3) Accurate Inventory Plan of the Site (10 copies): Plan showing the existing site conditions, at a scale of not more than 100 feet to an inch, including at a minimum the number of acres within the proposed development, the location of the property lines, contour intervals at an appropriate interval of 2-20 feet (set by the Board, depending upon the character of the site and the proposed development), wooded and clear land, watercourses, wetland areas, agricultural land, existing buildings, utility poles, location of culverts, soil test sites, and other essential existing physical features. For major developments, the Site Inventory and Analysis will already have included this information.

4) Proposed Development Plan (10 copies):

The plan should be drawn at the same scale as the Inventory Plan, and at a minimum include the following:

- a) Location of soil test pits and elevation references used in Subsurface Wastewater Disposal System Design;
- b) Location and dimensions of all proposed structures, roads, entrances, parking areas, signs, lighting, utilities and other physical features to be constructed, with applicable setbacks identified;
- c) Location and size of culverts, direction of drainage paths and other elements of the Stormwater Management Plan.
- d) Location of areas referenced within the Erosion and Sedimentation Control Plan.
- e) Location, extent and slope of vegetative buffer, with description of vegetation noted.
- f) Location of water supply.
- g) Location, description and visual rendering of proposed landscaping and buffering.
- h) Plans for pedestrian access and circulation, including accommodations for persons with disabilities.
- i) If any portion of the development contains land used for agricultural production, delineation of remaining portion of land available for agricultural use.
- j) If any portion of the development is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.
- k) Any other graphic information necessary to demonstrate the satisfaction of the requirements of Section 7 of this ordinance.

5) Waivers The Board may waive any submission requirement that it feels is unnecessary for reaching its findings of fact in approving or disapproving the proposed development in accordance with the provisions of this ordinance.

- E) Notification of Complete Application: Within 30 days of receipt of a Preliminary Application form and fee(s), the Board shall notify the applicant in writing whether or not the application is complete and what, if any, additional submissions are required for a complete application.
- F) Public Hearing: If a public hearing is deemed necessary by the Board for reasons including but not limited to expressed public concern, a dramatic physical change of the environment or a population increase of considerable proportions that may result from the proposed development, the hearing will be scheduled within 30 days of determining that the Preliminary Application is complete. The Board shall have notice of the date, time and place of the hearing given to the applicant and published at least 2 times in a newspaper of general circulation, with the first notice published at least 7 days before the hearing. An additional fee shall be charged to the developer to cover the costs of advertising.
- G) Timing of Decision: The Board shall within 30 days of a public hearing, if held, or within 60 days of a complete Preliminary Application, or within another time limit as may be otherwise mutually agreed to by the Board and the developer, make findings of fact on the application, and approve, approve with conditions, or deny the Preliminary Application. If the Board finds that any of the standards of this ordinance have not been met, the Board shall either deny the application or approve the application with conditions to ensure that all of the standards will be met by the development.
- H) Independent Review: The Board reserves the right to require an independent review by one or more professional(s) of its choice of any proposed plans, specifications, surveys, improvements, or environmental impact reports submitted by the developer as part of the application. If the Board feels such an analysis is necessary, the Board shall choose the professional(s), obtain an estimate for the work, and notify the developer that the amount of the estimate must be paid to the Town of Thorndike before any further consideration is given to the application. No work will be initiated until the developer pays the estimated amount to the Town. Following the completion of the work, the developer will be billed for any cost incurred over the estimate or will be refunded any remaining balance from the estimate. Refusal to pay for the professional assistance will result in automatic denial of the application.

- I) Nature of Preliminary Plan Approval: Approval of a Preliminary Application shall not constitute approval of the Final Application or intent to approve the Final Application, unless this is clearly stated by the Board. The Board may, upon Preliminary Application approval, issue a Site Plan Permit if the Preliminary Application satisfies conditions of this ordinance without needing to be redrawn or changed enough to warrant a Final Application. If the requirements of the Board are clear and agreeable to the applicant, the Board may attach permit conditions to a Site Plan Permit based upon a Preliminary Application rather than require submittal of a Final Application.
- J) Final Plan Submission Requirements Determined: In its written decision on the Preliminary Application, the Board shall indicate what information and the number of copies the applicant will have to submit in the Final Application. The Board shall seek to minimize redundancy of the Preliminary Application and avoid unnecessary costs to the applicant.

6.4 Step 4. Final Application (All developments, unless approved at Preliminary Application step):

- A) Final Plan Submittal: The developer shall, within six months after the approval of the Preliminary Application, file a Final Application with the Board. If the Final Application is not submitted within six months after Preliminary Application approval, the Board may refuse without prejudice to act on the Final Application and require resubmission of the Preliminary Application. The Final Application shall include the information required by the Board in the Preliminary Application approval (*see Section 6.3.J above*), plus copies of any required written approvals from state agencies such as the Maine Department of Environmental Protection. The Town Clerk will mail copies to members of the Planning Board and the Code Enforcement Officer, and post one copy for public inspection.
- B) Attendance at Board Meeting: The developer or his/her duly authorized representative shall attend the meeting of the Board to discuss the Final Plan.
- C) Determination of Complete Application: The Board, within 30 days of receiving a Final Application, shall decide whether the application is complete. It shall also decide whether any new circumstances or information received since approval of the Preliminary Application warrants requirement of further study prior to proceeding with the review.
- D) Timing of Decision: The Board, within 60 days of receiving a complete Final Application, shall make findings of fact and conclusions relative to the standards contained in this ordinance. If the Board finds that all standards of this ordinance have been met, the Board shall approve the Final Application. If the Board finds that any of the standards of this ordinance have not been met, the Board shall either deny the application or approve the application with conditions to ensure that all of the standards will be met.

Article VII. Standards for Approval

7.1 Legal Standards:

- A) Laws: Proposed developments and activities shall be in conformance with the requirements in the *Thorndike Land Use Ordinance* and all other applicable federal, state and local laws.
- B) Comprehensive Plan: Proposed developments and activities will be consistent with the *Town of Thorndike Comprehensive Plan*.

7.2 Land Preservation Standards:

- A) Topsoil Protection: Topsoil shall be considered part of the development and shall not be removed from the site except for surplus topsoil from approved construction of roads, driveways, parking areas, and building excavations.
- B) Stormwater Management: The proposed development will provide for adequate stormwater management, and will not create a negative impact on other properties, receiving water bodies or the road system. Erosion, sedimentation and quality of runoff shall be considered, along with the sizing and direction of drainage design. The design shall also satisfy the requirements of Section 7.3.D below.

- C) Erosion Control: The development will be designed, constructed and maintained in accordance with accepted erosion and sedimentation control methods. The acceptability of the proposed methods will be judged utilizing the *Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices*, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, March 1991.
- D) Agricultural Land Protection: If the land proposed for development contains land that is currently being or has recently been used for agricultural production, the developer shall demonstrate that the proposed development design minimizes adverse impact and that all feasible options to continue agricultural use of undeveloped portions of the farmland shall be pursued. This standard shall not be construed to obstruct purposeful alternative uses of land, but shall seek to prevent land from being permanently removed from agricultural production unnecessarily.

7.3 Water Quality Standards:

- A) Water Supply: The proposed development has planned for an adequate source of water to serve the needs of the development, including fire protection.
- B) Wastewater Disposal: The proposed development will provide for adequate subsurface wastewater disposal in accordance with the *State of Maine Subsurface Wastewater Disposal Rules*.
- C) Groundwater Protection: The proposed development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water. The applicant shall have to demonstrate to the Planning Board's satisfaction that there is no unusual risk posed to the groundwater by the proposed development or activity. The Board may require, as a condition of permit approval, that spill prevention and control measures be installed, and that all activities involving potentially permeable pollutants, including delivery and transfer points, be conducted under cover and over an impervious surface surrounded by dikes.
- D) Surface Water Protection: In order to avoid negative impacts on surface water quality, the proposed development will be designed to retain an absorbent vegetative buffer of at least 75 feet downslope of any developed area (i.e. impervious surface). The buffer shall be located, designed and vegetated in such a manner as to effectively prevent any channelization of water or measurable amount of sediment from leaving the site, thus minimizing phosphorus runoff. If access must be provided through the buffer area, drainage shall be designed to guide stormwater from the accessway into the buffer area to prevent phosphorus runoff. The Board may require larger buffer areas or interruption of impervious surface of over one acre in extent with buffer areas if necessary to effectively prevent channelization and absorb runoff on site. Alternative measures (e.g. detention ponds) may be proposed and approved to accomplish this objective.

7.4 Road and Traffic Standards:

- A) Roads: Development roads shall conform to the provisions of the *Road Ordinance for the Town of Thorndike*.
- B) Access Management: In order to promote public safety and maintain road carrying capacity, the development shall be designed so as to minimize access points to any public road, utilizing side roads and combining entrances where feasible. Access shall be designed from the least busy road available (e.g. a corner lot shall have its entrance on the less busy road, unless hazardous).
- C) Traffic Flow and Intersection Design: The proposed development will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed. The intersection of any entrance shall function at a level which will allow safe access into and out of the project if less than 400 trips are generated daily. If 400 or more trips are generated, the access will be engineered so that there will be no more than a 20 second delay for traffic traveling through the intersection.

- D) Parking: The development will provide for adequate off-road parking for anticipated residents, customers, guests and deliveries. Parking areas will be designed to provide safe and convenient circulation within the lot and to prevent vehicles from backing out onto a road. Parking lots designed for over 10 cars shall be screened year-round to effectively block at least 50% of the parking area from view from any public way. Screening may be achieved by placing the parking area behind buildings and/or vegetation; fences are not an acceptable substitute for natural screening, although they may be incorporated into the landscaping plan. Plantings should grow to the point of providing the desired screening within 5 years.

7.5 Nuisance and Aesthetic Standards:

- A) Nuisance Containment: The development or activity shall be designed so as to incur no off-site adverse impacts, including but not limited to glare, dust, smoke, fumes, noise and odor, beyond those consistent with existing background levels. In order to achieve this standard, the Board may require landscaped buffer areas adequate to protect neighboring property owners and/or the traveling public from disturbance that would otherwise exceed background levels.
- B) Noise Levels: Noise perceptible at the property boundary, exclusive of background noise, shall not exceed 45 dB(A) from 6am (8am on Sundays) to 8:30pm and 40 dB(A) from 8:30pm to 6am (8am on Sundays), where dB(A) refers to the decibel (20 times the logarithm to the base 10 of the ratio of the measured sound pressure to 20 micropascals) level recorded when using the A-weighting measurement of a sound level meter conforming to A.N.S.I. Type I or II standards. Noises related to livestock, emergency equipment, temporary maintenance, construction, and church bells are excluded from these limitations.
- C) Hours of Operation: The Board may set reasonable limits to hours of operation as a condition of permit approval; any such restrictions will be held to the minimum necessary to provide neighboring residents with adequate relief from any unavoidable adverse impacts caused by the development or activity, including traffic. Normal hours of operation shall be deemed to be 6am to 8:30pm (Monday-Saturday) and 8am-8:30pm Sunday, although variations from this standard may be approved by the Board if affected parties are agreeable.
- D) Lighting and Advertising: Exterior lighting, signs and other advertising features shall not be placed so as to cause glare, block sunlight, or constitute a safety hazard for the public or neighboring properties. Emergency lighting shall be consistent with state and federal law. Lighting shall be limited to that required for safety and operational purposes, and shall be shielded from abutting properties, directed downward and incorporate full cut-off fixtures to reduce light pollution.
- E) Buffer: Developments and commercial activities located within 100 feet of existing residential uses shall be required to plant a vegetative buffer that will effectively shield 80% of the activity from residential view on a year-round basis within 5 years of establishment, unless the Board, based upon input from abutting property owners, finds this to be unnecessary to preserve compatibility. The Board may also require sufficient landscaping to protect the traveling public from distraction.
- F) Aesthetic Compatibility: The proposed development will not have an undue adverse impact on the scenic or natural beauty of the area, aesthetics, historic sites, rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

Article VIII. Enforcement

8.1 Violations and Fines: Construction of any portion of a development or commercial activity regulated under this ordinance without a Site Plan Permit will be considered in violation and shall be subject to a fine of not less than \$100 for each offense as provided in Title 30-A MRSA §4452. Each day in which a violation is proved to exist shall constitute a separate offense under this section.

8.2 Enforcement Authority and Legal Fees: The Code Enforcement Officer (CEO) is authorized and directed to enforce the provisions of this ordinance in accordance with the *Code Enforcement Officer Ordinance*. In addition, the municipal officers are authorized and directed to institute any action or proceedings that may be required to enforce the provisions of this ordinance. If any legal action is brought against any person or persons for violating this ordinance, and the Town prevails, then the violators shall be liable for the Town's legal fees, court cost and any other cost involved in bringing the suit or action.

Article IX. Effective Date

This ordinance shall become effective on March 16, 1996.

Article X. Severability

In the event that any provision of this ordinance is found to be unenforceable, the remaining provisions shall remain in full force and effect.

Article XI. Amendments

At any time this ordinance is amended, the Town Clerk, upon advice from the Planning Board, is authorized to insert and/or delete amended language, insert and/or delete clearly inconsistent references caused by such amendments, renumber sections of the amended ordinance in a logical and appropriate fashion, and correct typographical errors, provided such changes do not result in any substantive alteration in the meaning of the ordinance and further the clear intent of such amendment.