

ARTICLE VI. SITE PLAN REVIEW

SECTION 1. PURPOSE

The purposes of Site Plan Review are to:

- A. Provide a level of municipal review that would not otherwise occur for projects that could adversely impact the surrounding Community as a whole;
- B. Maintain/protect the Town's rural character and natural resources, including scenic and historic resources, by requiring that structures, signs and other alterations on, or to the land, are sited and developed in accordance with certain standards.
- C. Promote and protect the health, safety and welfare of the Townspeople.

SECTION 2. APPLICABILITY

This Article shall apply to any proposed use, listed in the Table of Permissible Uses (Article V, Sec. 2), which is marked as requiring Site Plan Review.

SECTION 3. CLASSIFICATION OF PROJECTS

Projects subject to Site Plan Review shall be divided into two (2) classes: minor developments and major developments.

Minor developments shall include:

- A) projects involving the construction, addition or conversion of less than five thousand (5,000) square feet of gross floor area;
- B) projects involving the construction or installation of less than five-thousand (5,000) square feet of impervious surfaces; and
- C) projects involving the construction or establishment of less than five (5) lots or dwelling units.

Except for any of the above projects which are deemed by the Planning Board to require review as a major development in order to protect the health, safety, and welfare.

Major developments shall include all other projects or uses requiring Site Plan Review.

SECTION 4. ADMINISTRATION

- A. Pre-Application Meeting. Applicants are required to schedule a meeting with the Planning Board, prior to a formal submission for review, so as to discuss their plans and gain an understanding of the review procedures, requirements and standards.
- B. Applications in Writing. All applications for Site Plan Review shall be made in writing to the Code Enforcement Officer on the forms provided for this purpose. Applications shall be made by the owner of the property, or his agent, if so authorized in writing by the owner.

The Code Enforcement Officer shall make an initial determination of the completeness of the application, which shall then be subject to the determination of the Planning Board. If an application is not complete, it shall be returned to the applicant with an indication of the additional information required. When an application is determined to be complete, including all documentation required by this Article, the Planning Board shall issue a dated receipt to the applicant. Unless the applicant and Board agree to an extension, the Board shall (within sixty [60] days of the dated receipt) act to approve or disapprove the Site Plan Application in accordance with this Article.

For major development activities, applications for Site Plan Review shall not be submitted until a Site Inventory and Environmental Assessment is first submitted to the Code Enforcement Officer and reviewed by the Planning Board. The Planning Board shall act on the completeness of the Site Inventory and Environmental Assessment within thirty (30) days of its receipt.

The Planning Board may waive specific application requirements when an applicant can show that such requirements are not relevant to the proposed project.

- C. Application Fees. An application for Site Plan review shall be accompanied by a non-refundable fee in accordance with the fee schedule in Appendix B.
- D. Notice to Abutters. The Planning Board shall mail all abutting property owners (and others, if appropriate) notice of a pending application for Site Plan Review. This notice shall indicate the time, date, and place of Planning Board consideration of the application.

E. Independent Review and Advice

1. Professional Services. The Planning Board may require that an attorney or consultant review one or more aspects of an application for compliance, or noncompliance with this Ordinance and to advise the Board. The attorney or consultant shall first estimate the cost of such review and the applicant shall deposit, with the Town, the full estimated cost, which the Town shall place in an escrow account. The Town shall pay the attorney or consultant from the escrow account and reimburse the applicant if funds remain after payment.
2. Additional Studies. The Planning Board may require the applicant to undertake any study which it deems reasonable and necessary to demonstrate and ensure that the requirements of the Ordinance are met. The costs of such studies shall be borne by the applicant.

F. Public Hearing. Prior to taking final action on any Site Plan Review Application, the Planning Board may hold a hearing to afford the public an opportunity to comment on the application.

G. Financial Guarantee. Prior to final approval of any plan, the Planning Board may require the applicant to post a performance bond, letter of credit or escrow agreement, in such amount as is reasonably necessary, to ensure completion of all improvements and in such form as is approved by the Board and the Town Selectmen, in accordance with Section 9 of this Article.

The Town shall have access to the site at all times to review the progress of the work and shall have the authority to review all records and documents related to the project.

H. Conditions. The Planning Board may attach reasonable conditions to Conditional Use Permits to ensure compliance with the standards and criteria of this Ordinance.

SECTION 5. CONTENTS OF SITE INVENTORY AND ENVIRONMENTAL ASSESSMENT FOR MAJOR DEVELOPMENT ACTIVITIES

- A. The Site Inventory and Environmental Assessment for major developments is intended to provide both the applicant and the Planning Board with an understanding of the site and surroundings, and the opportunities of and constraints on the proposed use of the site.
- B. The Site Inventory and Environmental Assessment shall contain, at least, the following information:
 1. The name(s), address(es) and phone number(s) of the owner(s) of record and the applicant, if different.

2. The name(s), address(es) and phone number(s) of all consultants working on the project.
3. An accurate plan of the parcel, at an appropriate scale, showing at least:
 - a. the name of the development, north arrow, date and scale;
 - b. the boundaries of the parcel;
 - c. the topography of the site at an appropriate contour interval (2' to 5') depending on the proposed use and the character of the site;
 - d. manmade and natural features of the site and within 1,000 feet of the site, including dwellings, farms, roads, wetlands, streams, ponds, flood plains, groundwater aquifers, scenic resources, and significant wildlife habitats;
 - e. any legal restrictions or benefits (e.g. easements) attached to the site;
 - f. the location and size of existing utilities or improvements servicing the site;
 - g. if on-site sewage disposal is proposed, soils information to identify those portions of the site which are suitable and those which are unsuitable for on-site disposal systems; and
 - h. areas of potential off-site conflicts or concerns (e.g., noise, lighting, traffic).
4. A narrative describing the existing conditions of the site and surrounding area, the proposed use of the site, and the constraints and opportunities of the site and surrounding area, including: any traffic studies, utility studies, market studies or other preliminary work that will assist the Planning Board in understanding the site, the surrounding area, and the proposed use.
5. Where a major development consists of a subdivision, the applicant must submit two (2) preliminary sketch plans to include a clustered development approach, as well as a conventional subdivision.
6. Two (2) copies of the Site Inventory and Environmental Assessment shall be submitted.

SECTION 6. REVIEW OF SITE INVENTORY AND ENVIRONMENTAL ASSESSMENT FOR MAJOR DEVELOPMENT ACTIVITIES

The Planning Board shall review the Site Inventory and Environmental Assessment to

determine if it provides a clear statement of the opportunities and constraints of the site for the proposed use. If additional information or analysis is required, the Planning Board shall advise the applicant in writing.

Based on its review of a complete Site Inventory and Environmental Assessment, the Board shall advise the applicant in writing of the issues and constraints that must be addressed in the formal Site Plan Review Application.

SECTION 7. SITE PLAN REVIEW APPLICATION

Applications for Site Plan Review shall be submitted on application forms provided by the Town. The complete application form, required fees, and the required plans and related information shall be submitted to the Code Enforcement Officer, who shall make a record of its receipt and forward the application to the Chairman of the Planning Board.

A site inspection shall be conducted by the board prior to approval. Once approved, the plan shall not be altered without prior approval of the Planning Board.

The Planning Board may modify or waive any of the following submission requirements if it determines that, because of the size of the project or circumstances of the site such requirement(s) would not be applicable or would be an unnecessary burden upon the applicant and would not adversely affect the abutting landowners or the health, safety, and welfare of the Town.

The submission shall contain at least the following exhibits and information:

- A. Two (2) copies of the completed and signed application form (with any attachments) and two (2) sets of maps or drawings, all of which shall contain the information listed below, unless additional copies are requested by the Board;
- B. One (1) original of all maps and drawings on durable, permanent, transparency material.

The maps or drawings shall be at a scale sufficient to allow review of the items listed under approved criteria, but in no case shall be more than fifty (50) feet to the inch for that portion of the tract of land being proposed for development.

C. General Submission Information.

1. Name(s), address(es) and phone number(s) of record owner(s) and of applicant, if different.
2. The name of the proposed development.
3. Names and addresses of all property owners within five hundred (500) feet of the edge of the property lines of the proposed development.
4. Sketch map showing general location of the site within the Town.
5. Boundaries of all contiguous property under the control of the owner or applicant, regardless of whether all or part is being developed at this time.
6. The tax map and lot number of the parcel or parcels.
7. 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 applicant.
8. The name, registration number and seal of the land surveyor, architect, engineer and/or similar professional who prepared any plan.

D. Existing Conditions.

1. The bearings and distances of all property lines of the property to be developed and the source of this information.
2. Location and size of any existing sewer and water mains, culverts and drains that will serve the development whether on or off the property, along with the direction of existing surface water drainage across the site.
3. Location, names, and present widths of existing streets and rights-of-way within or adjacent to the proposed development.
4. The location, dimensions and ground floor elevations Above Ground Level (AGL) of all existing buildings on the site.
5. The location and dimensions of existing driveways, streets, parking and loading areas and walkways on the site.
6. Location of intersecting roads or driveways within two hundred (200) feet of the site.
7. The location of open drainage courses, wetlands, stands of trees, and other

important natural features, with a description of such features to be retained.

8. The location, front view and dimensions of existing signs.
9. The location and dimensions of any existing easements and copies of existing covenants or deed restrictions.

E. Proposed Development Activity.

1. The location of all building setbacks, yards and buffers, required by this or other Town Ordinances.
2. The location, dimension, and ground flood elevations (AGL) of all proposed buildings.
3. The location and dimensions of proposed driveways, parking and loading areas, and walkways.
4. The location and dimensions of all provisions for water supply and wastewater disposal.
5. The direction and route of proposed surface water drainage.
6. The location, front view, and dimensions of proposed signs.
7. The location and type of exterior lighting.
8. The proposed landscaping and buffering.
9. Demonstration of any applicable State applications, or permits which have been or may be issued.
10. A schedule of construction, including anticipated beginning and completion dates.
11. Space shall be provided on the plan for the signatures of the Planning Board and date, together with the following words, "Approved: Town of Dresden Planning Board."

F. Applications for major developments shall include the following additional information:

1. Existing and proposed topography of the site at two (2) foot contour intervals, or such other intervals as the Planning Board may determine.
2. A storm water drainage and erosion control program showing:

- a. The existing and proposed method of handling storm-water run-offs;
 - b. The direction of flow of the run-off;
 - c. The location, elevation, and size of all catch basins, drywells, drainage ditches, swales, retention basins, and storm sewers;
 - d. Engineering calculations used to determine drainage requirements based upon the 25-year, 24-hour storm frequency, but only if the project will significantly alter the existing drainage pattern, due to such factors as increased impervious surfaces from paving and building;
 - e. Methods of controlling erosion and sedimentation during and after construction.
3. A groundwater impact analysis prepared by a groundwater hydrologist for projects, located within a Water Resource Management Overlay District, or involving common on-site water supply or sewage disposal facilities with a capacity of two-thousand (2,000) gallons per day.
 4. A utility plan showing the location and nature of electrical, telephone, and any other utility services to be installed on the site.
 5. A planting schedule, keyed to the Site Plan, indicating the varieties and sizes of trees, shrubs, and other plants to be planted.
 6. Analysis of the solid or hazardous waste to be generated and a plan for its recycling and disposal, along with evidence of disposal arrangements.
 7. A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent streets.
 8. Construction drawings for streets, sanitary sewers, water and storm drainage systems, which are designed and prepared by a professional engineer who is registered in the State of Maine.
 9. The location of any pedestrian ways, lots, easements, open spaces and other areas to be reserved for, or dedicated to, common or public use and/or ownership. For any proposed easement, the developer shall submit the proposed easement language with a signed statement certifying that the easement will be executed upon approval of the development. The location, width, typical cross-section, grades and profiles of all proposed streets and sidewalks.

Two sketch plans shall be submitted with one layout as a standard subdivision and the second as a cluster development, indicating open space and significant natural features.

10. A copy of any covenants or deed restrictions intended to cover all, or part of, the property. Such covenants or deed restrictions shall be referenced on the plan.
 11. If any legal interest in land is to be dedicated to the Town for public use, then a copy of a written offer of dedication or conveyance to the Town, in a form satisfactory to the Town Attorney, for all such land shall be included.
 12. Evidence of adequate provision for maintenance of the development.
 14. Cost estimates of the proposed development and evidence of financial capacity to complete it. This evidence should include a letter from a bank, or other source of financing, indicating the name of the project, amount of financing proposed, and the means of financing the project.
 15. A narrative and/or plan describing how the proposed development scheme relates to the Site Inventory and Environmental Assessment.
- G. Applications for Special Exception Permits. In addition to the foregoing requirements, applications for Special Exception Permits shall include:
1. An alternative sites analysis identifying and analyzing other reasonable alternative sites and justification of how the proposed site is the most suitable; and
 2. A neighborhood environmental impact report evaluating the potential impacts on neighboring properties and environs and presenting mitigation measures that alleviate adverse effects.

SECTION 8. CRITERIA FOR REVIEW AND APPROVAL OF SITE PLANS AND SUBDIVISIONS

In approving sites plans and subdivisions within the Town of Dresden, the Planning Board shall consider the following criteria and before granting approval shall make findings of fact that the provisions of this Ordinance have been met and that the proposed development will meet the guidelines of Title 30-A, M.R.S.A., Section 4404, as amended, which includes the following:

- A. Aesthetic, Cultural and Natural Values. The proposed activity will not have an undue 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 Dresden, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
- B. Conformity with Local Ordinances and Plans. The proposed activity conforms with a duly adopted ordinance and comprehensive plan.

- C. Erosion. The proposed activity will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;
- D. Financial Burden on Town. The proposed activity will not cause an unreasonable financial burden on the Town for provisions of public services and facilities.
- E. Financial and Technical Ability
 - 1. Financial Capacity. The applicant shall have adequate financial resources to construct the proposed improvements and meet the criteria of the statute and the standards of these regulations. In making the above determinations, the Planning Board shall consider the proposed time frame for construction and the effects of inflation.
 - 2. Technical Ability. In determining the applicant's technical ability, the Planning Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations of previous approvals granted to the applicant.
- F. Flood Areas. The Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented in the application will determine whether the activity is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.
- G. Freshwater Wetlands. All freshwater wetlands within the proposed site have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.
- H. Groundwater. The proposed activity will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
- I. Municipal Solid Waste Disposal. The proposed activity will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized.
- J. Municipal Water Supply. The proposed activity will not cause an unreasonable burden on an existing water supply, if one is to be used;
- K. Neighborhood Compatibility
 - 1. The proposed activity will be compatible and sensitive to the character of the site

and neighborhood relative to land uses; scale, bulk and building height; neighborhood identity and historical character; and orientation on lot.

2. The proposed activity maximizes the opportunity for privacy by the residents of the immediate area.
 3. The proposed activity ensures safe and healthful conditions within the neighborhood.
 4. The proposed activity will minimize any detrimental effects on the value of adjacent properties.
- L. Pollution. The proposed activity will not result in undue water or air pollution. In making this determination, the Planning Board shall at least consider:
1. The elevation of the land above sea level and its relation to the flood plains;
 2. The nature of soils and subsoils and their ability to adequately support waste disposal;
 3. The slope of the land and its effect of effluents;
 4. The availability of streams for disposal of effluents;
 5. The applicable State and local health and water resource rules and regulations; and
 6. The impact of phosphorous export and other pollutants on water bodies.
- M. River, Stream or Brook. Any river, stream or brook within or abutting the proposed project has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, Section 480-B, Subsection 9.
- N. Sewage Disposal. The proposed activity will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.
- O. Storm Water. The proposed activity will provide for adequate storm water management.
- P. Sufficient Water. The proposed activity has sufficient water available for the reasonably foreseeable needs of the proposed development;
- Q. Surface Waters; Outstanding River Segments. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond

or river as defined in Title 38, Chapter 3, Subchapter I, Article 2-B (Sections 435-449), the proposed development will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

- R. Traffic. The proposed activity will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed;

SECTION 9. PERFORMANCE GUARANTEES

- A. Types of Guarantees. As required by the Planning Board, the developer shall provide one of the following Performance Guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the timespan of the construction schedule and the inflation rate for construction costs;
1. Either a certified check, payable to the Town, or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account;
 2. An irrevocable letter of credit from a financial institution establishing funding for the construction of the project, from which letter the Town may draw if construction is inadequate; or
 3. A Performance Bond, payable to the Town, issued by a surety company, and acceptable to the Town.

The form, time periods, conditions and amount of the Performance Guarantee shall be determined by the Planning Board.

- B. Contents of Guarantee. The Performance Guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspection of each phase of construction, provisions for the release of part or all of the Performance Guarantee to the developer, and a date after which the developer will be in default and the Town shall have access to the funds to finish construction.
- C. Escrow Account. A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the developer, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal, but the consent of the subdivider shall not be required for a withdrawal. Any interest earned on the escrow account shall be returned to the

developer unless the Town has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the subdivider and the amount withdrawn to complete the required improvements.

Any certified check shall be deposited in the name of the Town by the Treasurer, in an interest bearing account and shall bear the name of the developer and of the proposed project, and withdrawals shall be made after a qualified engineer has certified the work as completed. The Planning Board shall be duly notified prior to any withdrawal. Any work which has not been completed, shall be performed at the direction of the Selectmen and such work shall be paid for from the escrow account, in accordance with a disbursement schedule recommended by the Planning Board.

- D. Letter of Credit. An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the project and may not be used for any other project or loan.
- E. Performance Bond. A Performance Bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the subdivider, and the procedures for collection by the municipality. The bond documents shall specifically reference the development activity for which approval is sought.
- F. Phasing of Development. The Planning Board may approve plans to develop a Major Subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that Section of the proposed development street which is covered by a Performance Guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.
- G. Release of Guarantee. Prior to the release of any part of the Performance Guarantee, the Planning Board shall determine to its satisfaction, in part upon the report of a qualified engineer and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.
- H. Default. If, upon inspection, the Code Enforcement Officer finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he shall so report in writing to the Selectmen, the Planning Board, and the developer. The Selectmen shall retain the authority to take any steps necessary to preserve the Town's rights.
- I. Improvements Guaranteed. Performance Guarantees shall be tendered for all improvements required by the Planning Board, including the construction of the

streets.

SECTION 10. SUBDIVISION PLAT PLANS

A. Submission and Contents of a Final Subdivision Plat Plan

Within six (6) months of the date of Planning Board action on the site plan review of the subdivision, the subdivider shall submit the Final Plat Plan to the Planning Board with the appropriate fee, as established in Appendix B. The check shall be made payable to the Town of Dresden. Failure to submit the Final Plat Plan within the designated time period shall require the submission of a new subdivision application, except that the Planning Board may waive this requirement for good cause.

The Final Plat Plan shall consist of one (1) original transparency (mylar) and four (4) copies of one or more maps or drawing similar to the maps or drawings prepared for preliminary plat plan submission.

In addition to all of the items required in the site plan approval and unless otherwise indicated by the Planning Board, the following items shall be required as part of the Final Plat Plan submission;

1. Registered Land Surveyor. The name, registration number, and seal of the registered land surveyor who prepared the Final Plat (show on plat);
2. Streets. The names and lines, lengths of all straight lines, the deflection of angles, radii, length of curves, and central angles of all curves, and tangent distances and bearings (show on Plat);
3. Open Spaces. The designation of all easements, areas reserved for, or dedicated to, public use or the common use of lot owners, and areas reserved by the subdivider;
4. Lots. The location, bearing and length of every lot line, with all lots to be numbered in accordance with local practices;
5. Permanent Reference Monuments. The location of permanent markers set at all lot corners, as shown on the plat;
6. Performance Guarantee. A performance guarantee to secure completion of all public improvements if required by the Planning Board and written evidence that the municipal officers are satisfied with the legal sufficiency of such guarantee;
7. Land Dedication. Written copies of any documents of land dedication, and written evidence that the municipal officers are satisfied with the legal sufficiency of any documents accomplishing such land dedication;

8. Approval Space. Suitable space to record on the approved plat plan the date and conditions of approval, if any. This space shall be similar to the following example:

Approved: Town of Dresden Planning Board

Signed: _____ Chairman

_____ member

_____ member

_____ member

_____ member

Date: _____

Conditions: (or reference to separate text

or document with conditions)

B. Notification of Completed Subdivision Application

After the Planning Board has received the Final Plat Plan and all of the information required to be submitted with it, the Planning Board shall notify the subdivider in writing that a completed subdivision application has been filed, and shall begin its final evaluation.