

Town of Sullivan – Site Plan Review Process Outline

Application:

1. Site Plan Review application form - completed
2. Site Plan Map (see submission requirements on application form)

Notification:

1. The Planning Board shall initiate a public hearing on all applications within 60 days of submitted application.
2. The Planning Board shall initiate notification of all landowners within 500 feet from applicant's property lines.

Criteria and Standards:

1. Environmental
 - A. Air and Water Pollution
 - B. Dust, Fumes, Vapors and Gases
 - C. Odor
 - D. Setbacks
 - E. Hazardous Material
 - F. Soil Erosion
 - G. Scenic and Natural Beauty
2. Traffic Congestion
3. Solid Waste and Sewage Waste Disposal
4. Comprehensive Plan
5. 100 Year Flood Elevation
6. Relationship of Structure to the Environment
7. Exterior Lighting
8. Noise
9. Signs
10. Building Height
11. Lot Coverage
12. Hours of Operation
13. Required Maintenance
14. State Regulations
15. Performance Conditions
16. General Conditions: Modifications of Standards & Waivers
17. Road Entrance Standards
18. Performance Guarantees

Site Plan Review Ordinance

Section 4 Review Procedures

4.1 Informal pre-application procedure

Prior to submission of a formal application, applicants should present a sketch of the development plan to the Code Enforcement Officer (CEO) or the Planning Board. The CEO or Planning Board may offer suggestions toward the drafting of formal plans and review with the applicant the appropriate information required for the project. The sketch plan shall show the lot number and appropriate tax map for reference.

4.2 Application Procedures

4.2.1 Application

The applicant shall submit a Site Plan Review to the Planning Board. The Site Plan application is shown in Appendix A. The application shall include the following items and shall include an applicable fee per the current fee schedule available at the Town Office:

- Seven (7) copies of a formal Site Plan Review application.
- Seven (7) copies of a map showing the following information and drawn to a scale of not more than 100 feet to the inch and not less than 40 feet to the inch on standard 24 inch by 36-inch paper: Information provided on this drawing should include the following:
 - Name and address of applicant and development
 - Scale and true or magnetic north indicator
 - Total land area of the site
 - Location of development on the site
 - Location of watercourses, marshes or bedrock on the site
 - Existing soil conditions as described by either a soil scientist, geologist, engineer, or Soil Conservation Service medium intensity soil survey
 - Location of proposed public utilities, culverts, wells and leach fields.
 - Location of fencing, screening or landscape work
 - Contour lines may be required and specified by the Planning Board showing elevations in relation to mean sea level
 - Municipal tax map and lot numbers and names of abutting landowners shown on map
 - The Planning board may also require an updated survey completed by a licensed Maine surveyor or engineer
 - State of Maine Department of Environmental Protection (DEP) Permit by Rule

- Seven (7) copies of a site location map drawn to a scale of not more than 100 feet and not less than 40 feet to the inch to fit on standard 24 inch by 36-inch paper showing the following information:
 - Exact dimensions and acreage of parcel
 - Location of all buildings within 300 feet of the property boundaries
 - Location of all other structures, wells, sewer systems, water bodies and easements, drainage ways, public and private water ways and roads within 300 feet of the
 - boundary lines
 - The size, shape and location of existing and proposed buildings on the parcel
 - Location and dimensions of on-site pedestrian and vehicular access ways, parking areas, loading and unloading facilities and design of ingress and egress of vehicles to and from the site onto public streets
 - Traffic impact of proposed development
- The applicant shall attend a meeting of the Planning Board to discuss the application and all supporting data requested.
- Upon determining that a complete application has been submitted for review and appropriate fees have been paid, the Town shall issue a dated receipt.
- The Planning Board shall initiate a public hearing on all applications within 60 days of submitted application.
- The Planning Board shall initiate notification of all landowners within 500 feet from applicant's property lines.
- The Planning Board may solicit written comments from the Select Board, Fire Chief, Town Manager and CEO on the impact of the proposed development.
- Before the Planning board gives final approval, the applicant must meet the performance guarantees contained in Paragraph 5.19.

4.2.2 Approval

Within sixty (60) days after submission of a completed application (dated receipt), the Board shall act to approve, approve with conditions, or disapprove the Site Plan application submitted and amended, if necessary. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant. In respect to all review criteria, the burden of proof rests with the applicant.

Section 5 Criteria and Standards

Before granting approval of any Site Plan Review application, the Planning Board shall consider the following criteria and shall determine that the proposed activity is in accordance with the provisions of this Ordinance.

5.1 Environmental

Protection of the environment is an important consideration for approval of any development plans and applicants should refer to the State of Maine DEP Best Management Practices web site (Best Management Practices: Water Resources: Forest Policy and Management: Maine Forest Service: Maine ACF). For example, Volume III of the series Protecting Maine's Natural Resources suggests the following:

"The standard erosion control measures listed below, also referred to in this guidance document as BMPs (Best Management Practices), are designed for your use wherever appropriate and practical for your project. The DEP developed these measures to assist you in developing an Erosion & Sedimentation Control Plan (ESC), when required. You can avoid developing a custom ESC plan for your project if you agree to follow them."

The following paragraphs establish environmental standards for the Town of Sullivan.

5.1.1 Air and Water Pollution

No land use or establishment shall result in undue water or air pollution either on or off the site as defined in the following subparagraphs (5.1.1, 5.1.2 and 5.1.3). In making this determination, the Planning Board shall consider the following: the elevation of the site above sea level and relation to the flood plain; the nature of soils and sub-soils on the site to adequately support waste disposal; and the slope of the site. Adequate provision shall be made for surface drainage so that removal of surface water will not adversely affect neighboring properties. The site shall have sufficient water available for the foreseeable needs of the development including, but not limited to, potable water and fire control water. The Plan shall not, alone or in conjunction with other activities, adversely affect the quality or quantity of the ground water. The plan shall not cause an unreasonable burden on existing water supplies including private ground water.

5.1.2 Dust, Fumes, Vapors and Gases

No land use or establishment shall be permitted to cause the emission of dust, dirt, fly ash, fumes, vapors or gases. All planned activities shall also comply with applicable Federal and State regulations.

5.1.3 Odor

No land use or establishment shall be permitted to produce offensive or harmful odors perceptible beyond their lot lines, either at ground or habitable elevation.

5.1.4 Setbacks

All State mandated setbacks from wells, water bodies, wetlands and public water supplies shall be maintained. Property line setbacks shall be twelve (12) feet from boundary lines. Setbacks from right of ways shall be seventy-five (75) feet from the centerline of the roadway.

5.1.5 Hazardous Material

The use of hazardous material shall not be allowed unless approved by the Planning Board and monitored by the CEO. Any hazardous material in use shall be stored in containers to prevent spilling of the material.

5.1.6 Soil Erosion

No land use or establishment shall cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result both on and off site. Until a disturbed area is stabilized, sediment in running water shall be trapped with debris basins, sediment basins, silt traps, or other acceptable methods as determined by the Planning Board. The top of a cut or the bottom of a fill section shall not be closer than twelve (12) feet to an adjoining property. Extraction operations (sandpits, rock quarries, etc.) shall not be permitted within sixty (60) feet of any property line.

5.1.7 Scenic and Natural Beauty

The proposed plan shall not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare irreplaceable natural areas.

5.2 Traffic Congestion

The proposed plan shall not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed both on and off site. The proposed site shall provide for safe entrances and exits. The applicant shall obtain all necessary MDOT permits required.

5.3 Solid Waste and Sewage Waste Disposal

The applicant shall provide for the adequate disposal of all solid and liquid wastes in an environmentally safe manner. An HHE-200 shall be submitted for the Site Plan application to be complete. The Town of Sullivan shall not accept any applications involving medical, chemical, industrial or plastic waste.

5.4 Comprehensive Plan

The proposed plan shall be in conformance with the Town of Sullivan Comprehensive Plan.

5.5 100 Year Flood Elevation

All principal structures within the development, located within designated Flood Hazard Areas, shall be constructed with the lowest floor, including the basement, at least one (1) foot above the 100-year flood elevation.

5.6 Relationship of Structure to the Environment

Proposed structures shall relate harmoniously to the land and existing buildings. Special attention shall be paid to the bulk, location and height of buildings. In historical areas, the Planning Board may require new construction to harmonize with surrounding properties to be designed so as not to be architecturally incompatible. Exposed storage areas, service areas, utility buildings and similar structures shall be screened. Commercial uses, exposed storage areas, utility buildings shall establish a buffer zone appropriate for the activity to screen visually the uses year-round.

5.7 Exterior Lighting

To preserve enjoyment of the night sky and to reduce light pollution, glare, and offensive lighting, all new residential and commercial outdoor lighting shall be regulated by the following standards:

- A. Pole-mounted lights shall not be placed higher than fifteen (15) feet at private residences and not higher than thirty (30) feet in commercial areas and shall be directed downward.
- B. Building-mounted lights shall not be placed higher than thirty (30) feet and shall be directed downward.

5.8 Noise

Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness, or volume as shown in Table 1. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any commercial or industrial activity regulated by this Ordinance shall be as established by the time period and type of land use listed in Table I. Sound pressure levels shall be measured on a sound level meter at all major lot lines of the proposed site, at a height of at least four (4) feet above the ground surface.

5.9 Signs

Identification signs mandated by government agencies such as 911 address, etc. are exempt from this Ordinance. Also exempt are signs with names of streets, owner, occupant, property name, home occupation, temporary real estate, business, construction or political yard signs which do not exceed 12 square feet per side. All other freestanding signs require a permit from the CEO. The maximum square footage of any freestanding sign, or signs when more than one (1) sign is permitted, shall not exceed a total of sixty-four (64) square feet per side. Signs shall be placed such that sight distance along a public way is not obstructed. Internally illuminated signs that blink, flash, change color or brightness and neon signs are not permissible. All signs must be maintained in good condition or removed per order of the CEO if not repaired within thirty (30) days after notice.

5.10 Communication Towers

Communication towers exceeding thirty-six (36) feet in height may be permitted subject to the following standards:

1. Lot size: the minimum lot size shall be in conformance for lot sizes established in the Town of Sullivan for residential structures.
2. The structure is not within a Shoreland Zone.
3. The structure is placed on the lot so that its minimum setback from all lot lines, occupiable structures and rights-of-way is equal to its height.
4. All State and Federal permits have been obtained prior to the issuance of the building permit, including but not limited to FAA and ECC approvals.
5. Confirmation by a registered structural engineer that the structure's design meets the minimum wind and structural loads as established in the Uniform BOCA Code or more stringent Federal, State or local code which appropriately applies to the project.
6. The permit application shall include the construction of lockable security fences around the structure which shall be designed to prohibit unauthorized access to the tower.
7. An antenna may be added to an existing local tower, provided that a permit is issued by the Town, and the applicant presents documentation confirming that the proposed application complies with all State and Federal FCC requirements.

The Planning Board shall advertise and hold a public hearing and shall inform the known abutting property owners in writing of such meeting, prior to the issuance of any building permit to allow the public an opportunity to comment on the proposal's conformance to the standards enumerated above.

The Planning Board shall approve the permit when it determines that the applicant conforms to the standards enumerated above unless any person presents factual evidence that the proposal otherwise violates the public health, safety, or welfare.

The applicant shall be given an opportunity to modify the proposal prior to final action by the Planning Board if any such evidence is presented.

5.11 Building Height

Buildings shall be limited in height to thirty-five (35) feet.

5.12 Lot Coverage

Building footprints, accessory building footprints and impervious surfaces shall cover no more than 35% of the total lot size unless approved by the Planning Board.

5.13 Hours of Operation

Hours of operation shall be within the time from 7:00 AM to 10:00 PM unless the particular business requires extended hours of operation with the approval of the Planning Board.

5.14 Required Maintenance

All buildings, grounds, or parts thereof shall be maintained to prevent unsafe or unsanitary conditions. Liability for on-going maintenance is the responsibility of the current property owner.

5.15 State Regulations

All plans shall be in conformance with all applicable Maine State regulations.

5.16 Performance Conditions

All site plans shall include a vegetation plan. All plans shall mix planting of grass, flowers, bushes and trees for the enhancement of the beauty of the Town of Sullivan.

5.17 General Conditions

The Planning Board may modify or waive any of the above application requirements or performance standards when the Planning Board determines that, because of special circumstances of the site or the size of the project such application requirements or standards would not be applicable or would be an unnecessary burden upon the applicant and not adversely affect the abutting landowners and the general health, safety and welfare of the Town.

Approval of the site plan and any building permit issued for development within the scope of this Ordinance shall expire after a period of twelve (12) months if construction has not been substantially commenced.

The Planning Board may, for the purposes of this Ordinance, require additional conditions necessary to protect the public interest and to fit harmoniously within neighborhoods. The Planning Board may impose such reasonable conditions on approvals granted under this Ordinance as it may deem necessary or appropriate to further the applicant's compliance with the review criteria or other provisions of this Ordinance. Such conditions may include, but are not limited to, specifications for the following: increased setbacks and yards; adequate water supplies; type of vegetation; landscaping and planting screens (vegetative buffers); fences; post development slopes; property reclamation; periods and methods of operation; routing of traffic; and performance guarantees. Such conditions imposed, and the reasons for these conditions, shall be written as part of those permits issued by the Planning Board.

5.18 Road Entrance Standards

No person shall access any public way, including Town Roads, unless the proposed access is approved by the Road Commissioner. Entrances shall meet State standards of a minimum of 32' wide to a maximum of 40' wide for a Business, and a minimum 50' to 55' wide for Municipal use, such as Fire Station, Salt/sand Building road and/or Schools. If the Road Commissioner requires the installation of a culvert to access a public way or town road, the culvert shall meet the State minimums of 15 inches for intermittent flow and 18 inches for big water flow unless the depth needed is unobtainable. The culvert shall be new black plastic.

5.19 Performance Guarantees

The final plan shall be accompanied by a performance guarantee at the discretion of the Select Board and Town Manager. The performance guarantee shall be an amount adequate to cover the total construction costs of all required improvements for roads, utilities, sewage collection and other improvements and for all infrastructure to be used publicly or privately maintained and used in common. The performance guarantee shall be in the form of a certified check payable to the Town of Sullivan.