

TOWN OF FARMINGTON

Site Review Ordinance

ENACTED: March 11, 2002

CERTIFIED BY: Leanne E. Pinkham

Town Clerk
Title

Affix Seal

**Town of Farmington
Chapter 11 – Land Use
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Article 5 – Site Review

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Town of Farmington Site Review Ordinance

11-5.1. Title

This Ordinance, which repeals and replaces the Site Review Ordinance adopted on August 2, 1995, shall be known and cited as the Town of Farmington Site Review Ordinance and will be referred to as “this Ordinance”. This Ordinance establishes a process for review and approval of uses of land or structures, and construction, alteration or expansion of structures; prescribes application and approval criteria; implements the Town of Farmington Zoning Ordinance; and provides for additional performance standards.

11-5.2. Authority, Administration and Applicability

WHEREAS, the residents of the Town, desiring to preserve, maintain and promote the viability, sustainability and quality of life which are characteristic of the Town, adopted a Site Review Ordinance and subsequently wrote and adopted the Comprehensive Plan as a guide to the growth and development of the Town; and

WHEREAS, the residents of the Town, recognizing that the particular use of land or structures in a particular location may impact on community and/or individual goals, adopted the Zoning Ordinance, thereby implementing one of the strategies set forth in the Comprehensive Plan and directed the Planning Board to administer the Ordinance; and

WHEREAS, there is a recognized need to balance implementation of the Zoning Ordinance, the rights of landowners and their abutters, and the protection of that which is held in common by all residents; and

NOW THEREFORE, this Ordinance is adopted pursuant to the enabling provisions of Article VIII, part 2 section 1, of the Maine Constitution; the provisions of Title 30-A, MRSA §3001 (Municipal Home Rule Authority) and the provisions of Title 30-A MRSA §4312 et. seq. (Planning and Land Use Regulation Act).

The Planning Board of the Town of Farmington, herein referred to as “the Board”, shall administer this Ordinance.

This Ordinance shall apply to all proposals regarding the use of land and/or structures, alteration of land, and all construction of structures including erection, relocation, alteration or expansion of such within the Town of Farmington.

Persons or entities wishing to change the use of land or structures as defined above, must first obtain approval from the Code Enforcement Officer, herein after referred to as the “CEO”, or the Board and shall be subject to the provisions of this Ordinance and other applicable ordinances. This approval must be received before any building construction activity, or site preparation may commence.

11-5.3. Purposes

The purposes of this Ordinance are to:

- A. Provide local review of projects, which may or may not be governed by State law or regulation, that potentially impact the community or residents of the community and to assure consistency with the goals and policies of the Comprehensive Plan;
- B. Protect public health and safety, and promote the general welfare and quality of life of the Town;
- C. Maintain and protect the rural, agricultural character of the Town by fitting projects harmoniously into the fabric of the community;
- D. Conserve the natural resources of the Town and protect the environment and those resources held in common by the public from exploitation, abuse and degradation;
- E. Protect historical, archeological, and recreational resources of the Town;
- F. Balance the rights of landowners and/or tenants with the corresponding rights of abutting and neighboring landowners and/or tenants and minimize adverse impacts on adjacent property; and
- G. Identify potential problems created by a particular project and seek alternatives that minimize the impact on municipal services.

11-5.4. Conflict with Other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with other provisions of this Ordinance, or of any other ordinance, regulation or standard, the more restrictive provision shall apply.

11-5.5 Effective Date

The effective date of this Ordinance shall be August 2, 1995. *(To be updated after amendments are approved at Town Meeting.)*

11-5.6. Validity and Severability

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

11-5.7. Definitions

In general, words and terms used in these regulations shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined below. Additional definitions maybe found in the Zoning Ordinance or in the

various referenced Town Ordinances. Definitions from all Town Ordinances are collated in the Town of Farmington Lexicon for ease of reference.

Abutter. Abutter shall mean the owner(s) of record of property sharing a common boundary with a given piece of property, whether or not these properties are separated by a public or private street or right-of-way.

Agent. Agent shall mean a person empowered to act for another.

Applicant. Applicant shall mean the person seeking approval to change the use of land and/or structures, alter land, or construct structures including erection, relocation, alteration or expansion of such.

Aquifer. Aquifer shall mean a geological formation composed of rock, sand, gravel or any other permeable bedrock or surficial geological formation that stores and transmits significant quantities of recoverable water.

Campground. Campground shall mean a plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units of the general public for recreational use as transient living quarters.

Commercial. Commercial shall mean any connection with the buying or selling of goods or services on or away from the premises including the provision of facilities for a fee.

Hazardous Materials. Hazardous Materials shall mean any waste as designated by the Maine Board of Environmental Protection in Chapter 850 of their Rules under the authority of 38 MRSA, Section 1301, et. seq.

Historic or Archaeological Resources. Historic or Archaeological Resources shall mean areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource and any areas identified in the Comprehensive Plan.

Home Occupation. Home Occupation shall mean an occupation or profession which is customarily carried on in a dwelling unit or structure accessory to a dwelling unit which is incidental to residential use and employs no more than one full-time equivalent outside employee. The home occupation must be carried on by the owner of the home, who is living in the dwelling.

Major Projects. Major Projects shall mean the construction of any new structures or structure expansion or building addition having a total floor area of ten thousand (10,000) square feet or more; and/or the construction of any surface parking area(s) for more than ten thousand (10,000) square feet; and/or a change in the use of a total floor area of ten thousand (10,000) square feet.

Owner of Record. Owner of Record shall mean the party, individual, entity, corporation, trust or business which is currently listed at the Franklin County Registry of Deeds as the owner of a subject parcel, lot or property.

Person. Person shall mean an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Public Street. Public Street shall mean a street or road maintained by the Town of Farmington or the State of Maine.

Vicinity. Vicinity shall mean an area which encompasses the property and people who live in close proximity to one another and share a common landscape with its inherent sounds, noises, fumes, odors and other characteristics of a neighborhood.

Wetlands. As defined by Title 38, MRSA, Section 480 B.4

11-5.8 Levels of Review and Review Procedures

A. General Provisions

1. All changes of the use of land (as defined in the Zoning Ordinance Table of Uses) and/or structure(s), alteration of land, and all construction of structures including the erection, relocation, alteration or expansion of such within the Town shall be reported to the Code Enforcement Office before they are commenced.
2. All proposals must comply with all applicable standards of this Ordinance, the Zoning Ordinance and other applicable land use ordinances.
3. The Zoning Ordinance Table of Uses establishes the appropriateness of specific land uses in six defined zones. This Ordinance establishes the process and standards by which review is conducted. As such, proposed uses in certain categories under the Table of Uses may only require reporting to the CEO. Proposed uses in certain categories may be reviewed and approved by the CEO if properly documented to prove minimal or no impact on abutting properties or resources. All other proposed uses must be reviewed and approved by the Board.

4. Certain proposed uses, because of the nature of the activities associated with the use, may have more than one applicable use category in the Table of Uses. In such cases the more restrictive category shall apply.
5. Proposed commercial or industrial uses not specifically listed in the Zoning Ordinance Table of Uses or that would not be generally recognized by the CEO as a subset of an existing category shall be referred to the Zoning Board for interpretation, clarification and decision of where the proposed use fits in the Table of Uses.
6. Overlay Districts and Subdivisions
 - a. Proposals within certain overlay districts and proposals for subdivisions must first be reviewed and approved subject to application requirements and performance standards set forth in the applicable ordinance or regulations.
 - 1) Shoreland Zoning Ordinance (11-1)
 - 2) Floodplain Management Ordinance (11-2)
 - 3) Wellhead Protection Ordinance (11-7)
 - 4) Subdivision Regulations
 - b. In addition the proposal may require review and approval subject to application requirements and performance standards contained in this Ordinance, the Zoning Ordinance and/or other applicable land use ordinances, when determined to be applicable by the CEO or Board.

B. Levels of Review

1. Uses Not Requiring Approval

- a. The following uses, when listed as (Y) "Yes, permitted, subject to land use standards" in the Zoning Ordinance Table of Uses do not require CEO or Board approval.
 - 1) Construction of detached single-family and two-family dwellings and accessory structures.
 - 2) The normal and customary practices of agriculture and agricultural management activities. These practices shall be conducted, where applicable, according to and described in the State of Maine Strategy for Managing Nonpoint Source Pollution from Agricultural Sources and Best Management System Guidelines published by the Nonpoint Source Agricultural Task Force and dated October 9, 1991 and as amended thereafter.

Construction of accessory structures or expansion of existing structures used for normal and customary agricultural practices not exceeding five

thousand (5000) sq. ft. in new construction or not exceeding twenty five percent (25%) expansion of any existing building in area.

- 3) The normal and customary practices of forestry activities. These activities shall be conducted, where applicable, according to and described in the Erosion and Sediment Control Handbook for Maine Timber Harvesting Operations dated February 1991 and issued by the Maine Forest Service and as amended thereafter.
 - 4) The relocation of an existing retail or service business within the Town of Farmington which is in compliance with all local and State laws and regulations providing that the relocation meets the following criteria:
 - a) The relocated business will be located within existing structures, currently used for retail or service business and there will be no new buildings, demolitions, or building additions; and
 - b) The relocated business will not require any new curb cuts, driveways, or parking areas; and
 - c) The relocated business will not require any additional Town services.
 - 5) Home Occupations that meet the following criteria:
 - a) The primary activity associated with the Home Occupation is listed as (Y) "Yes, permitted, subject to land use standards" in the Zoning Ordinance Table of Uses;
 - b) The home occupation meets all of the performance standards contained in 11-8.11.B of the Zoning Ordinance; and
 - c) The proposal does not seek to expand the dwelling or accessory structure, or seek to construct a new structure to accommodate the home occupation.
 - 6) Telecommunication facilities exempted in 11-11.9 of the Wireless Telecommunication Facility Siting Ordinance.
 - 7) Earthmoving activities exempted in 11-9.10 of the Soil Erosion & Stormwater Runoff Management Ordinance.
 - 8) Extraction activities exempted in 11-8.11C. Extractive Industry performance standard in the Zoning Ordinance.
- b. Although the uses listed above (11-5.8.B1a.) do not require CEO or Board approval they remain subject to and must comply with applicable

standards of Town land use ordinances. The CEO shall make available information necessary to comply with applicable standards.

- c. When the use does not require CEO or Board approval, the applicant must complete a Registration Form with the Code Enforcement Office stating the name, address and phone number of owner; name, address and phone number of property owner (if different); and, if a business, the name, location and nature of the business.

2. CEO Review and Approval

Uses listed as (Y) "Yes, permitted subject to land use standards" in the Table of Uses means that the generic use category is acceptable in the zoning district, however a specific proposal for change to a permitted use or expansion of a current use, must be reviewed and approved by the CEO. Before approving such proposal, the CEO must find that the specific proposal conforms to the standards and criteria of this and other applicable ordinances and meets the following criteria:

- a. The use will not require alteration of existing land or the natural environment beyond the parameter of the CEO's authority under the Town's Shoreland Zoning, Floodplain and Soil Erosion Control/Storm Water Management Ordinances;
- b. The use will not require the addition of new structures or expansion of an existing structure which seeks to expand by more than one thousand (1000) sq. ft. or twenty-five percent (25%) in area (which ever is lesser) in any ten (10) year period, regarding (but not limited to) floor space, parking area, seating capacity, outdoor storage area or other facilities;
- c. The use will not create health, safety or municipal resource problems;
- d. The use will not have adverse impacts on the subject property or abutting properties;

A proposal not meeting the criteria stated above and/or a proposal the CEO feels he/she cannot approve will, at the request of the applicant, be processed for review by the Board.

The Board and abutting landowners will be notified of all CEO determinations.

3. Board Review and Approval

- a. Proposals for use not meeting the criteria set forth in 11-5.8.B.2. above, proposals the CEO feels he/she cannot approve, proposals subject to review under 11-5.8.B.2. that a member of the Board requests Board

consideration and/or an abutter has requested review.

- b. Uses listed as (Y*) “permitted subject to land use standards and Planning Board approval” means that the generic use category is acceptable in the zoning districts, however a specific proposal in a particular location must be developed in accordance with a detailed plan reviewed and approved by the Board. Before approving such uses the Board must find that the specific proposal in the particular location conforms to the standards and criteria of this and other applicable ordinances.
- c. Uses listed as (*) “permitted on a site specific basis, subject to land use standards and Planning Board approval” in the Table of Uses means that the generic use category is not generally acceptable in the zoning district, but that a specific proposal in a particular location developed in accordance with a detailed plan reviewed and approved by the Board may be allowed. In addition to providing all the submissions required for site review, an applicant for such a use must submit a detailed statement describing the probable impacts of the use with reference to the criteria listed below. The applicant must demonstrate to the Board that the specific proposal in the particular location conforms to the standards and criteria of this and other applicable ordinances and meets the following criteria:
 - 1) The use will be developed, implemented and operated in a way which is consistent with the Comprehensive Plan and with the stated purpose of the zoning district in which the use is to be located;
 - 2) The use will be developed, implemented and operated in a way which will not have adverse impacts on the subject property and on nearby properties which are greater in degree or different in kind from the impacts of permitted uses existing in the vicinity of the proposed use;
 - 3) The use will be developed, implemented and operated in a way which will not alter the essential character of the area in which it is located;
 - 4) The use will be developed, implemented and operated in a way which will not substantially reduce the value of or impair the reasonable use of adjoining properties;
 - 5) Sounds, noises, odors, fumes, vibrations, smoke, dust and discharges to the air which will be generated by the proposed use shall not be greater in degree, either in number of occurrences or magnitude (levels) or concentration, or different in kind than those generated by permitted uses existing in the vicinity of the proposed use. If detectable at or beyond the boundary of the property, the use will be developed, implemented and/or operated in such a way that the change in ambient conditions, existing at the time, will not adversely impact residents in

the vicinity of the proposed use;

- 6) The hours of operation of the proposed use will be compatible with those of permitted uses existing in the vicinity of the proposed use;
- 7) The use will be developed, implemented and operated in a way which will not create public health, safety or municipal resource problems greater in degree or different in kind from those connected with permitted uses existing in the vicinity of the proposed use;
- 8) The proposed use will not create erosion and sedimentation problems, water quality problems or problems associated with floodplain development; and
- 9) The proposed use will not have unreasonable adverse impacts on natural resources and archaeological or historic resources.

4. Additional Review Considerations

a. Notice to Abutters

1) CEO Review

Abutting property owners shall be notified by certified mail, by the Town, of an application which the CEO determines is ready for approval by the CEO. Abutters will have a fifteen (15) day period (from date of CEO's determination) to request consideration by the Board. The cost of notification shall be borne by the applicant.

2) Board Review

Abutting property owners shall be notified by certified mail, by the Town, at least fifteen (15) days prior to initial Board consideration, of a pending application for Site Review. This notice shall indicate the time, date and place of Board consideration of the application. The cost of notification shall be borne by the applicant.

a. Onsite Visit

All applications shall have an onsite visit by the CEO. An additional site visit(s) may be scheduled by the Board.

b. Public Hearing

If the Board decides to hold a public hearing, it shall publish notice of the day, time and place of the hearing in a newspaper of general circulation in the municipality at least twice, the date of the first publication to be at least fifteen (15) days prior to the hearing. The cost of advertising shall be borne by the applicant.

Notice of the public hearing shall be sent through regular mail to all abutters of the proposed development fifteen (15) days prior to the hearing by the Town of Farmington.

c. Professional Review

1) Professional Services

The Board may require that a fully qualified consultant(s) review one or more submissions of an application and report as to compliance or noncompliance with this Ordinance and recommend, if possible, procedures which will result in compliance. The consultant(s) shall be determined by the Board to be competent in a field germane to the issue under consideration and shall be mutually acceptable to the Board and the applicant. The consultant shall 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 consultant from the escrow account and reimburse the applicant if funds remain after payments are completed. If escrowed funds are insufficient, the applicant shall deposit additional funds with the Town, based on the consultant's estimate, sufficient for completion (if said completion is still desired).

2) Additional Studies

The Board may require the applicant to undertake any study which the Board deems necessary to insure that the requirements of the Ordinance are met. The costs of all such studies shall be borne by the applicant.

d. Departmental Notification and Review

The application shall be forwarded to applicable department heads for their comments and recommendations. All comments and recommendations shall be received within fifteen (15) days unless an extension is requested by the department head.

C. Review Procedures

1. The CEO shall review all proposals to determine if CEO or Board approval is required and within seven (7) days make his/her determination and notify the applicant.
2. Where CEO or Board approval is required, the CEO shall provide the applicant with all necessary application forms, advise the applicant of review criteria and performance standards contained in any applicable Town land use ordinances

and inform the applicant of any other submissions he/she feels necessary to deem the application complete for initial review.

3. Where CEO approval is required, a second meeting will be scheduled for final review of the completed application and required submissions. Within seven (7) days the CEO shall notify the Board and the applicant of his determination.

An application which the CEO determines is ready for approval by the CEO will be considered finally approved after a fifteen (15) day period (from the date of the CEO's determination) unless consideration by the Board has been requested by a Board member or an abutter.

If such consideration has been requested the Board shall, at its next meeting, determine if further Board review and approval is required.

4. Where Board approval is required, the CEO shall review the application and required submissions to determine if all requested information has been provided and required fees, reimbursements, and deposits have been received. Upon completion of this review the applicant shall be placed upon the next available Board agenda for Initial Review allowing for a fifteen (15) day processing and notification period. The CEO shall forward the application to the Board along with any written comments and recommendations from applicable department heads provided that the proposal is not known to be in violation of any Town land use ordinances.

- a. Initial Review

The applicant, or his duly authorized agent, shall attend the meeting of the Board to discuss the proposal. The Board shall provide the applicant with a dated receipt of the Site Review initial application at the Board meeting where the application is first presented and heard by the Board. If the applicant or agent is not present, the Board shall table the review of the application. Review of the application shall be rescheduled at a subsequent meeting of the Board at the request of the applicant. Absence of the applicant at a second Board meeting shall result in the nullification of the application and will require resubmission of the application.

- b. Complete Application

Within fifteen (15) days of the Board's receipt of a Site Review initial application, the Board shall notify the applicant in writing that the application is complete, or what additional submissions and/or additional studies are required for a complete application. The Board shall determine whether to hold a public hearing and/or conduct an additional onsite visit once the application is determined by the Board to be a complete application.

c. Subsequent Review

If additional submissions, additional studies, public hearing(s), or an additional onsite visit, were required as a result of the initial review, a final review will be scheduled by the Board to consider these additional findings and to determine that the application is complete. The Board reserves the right to require professional review of any submission in which compliance or noncompliance with the standards of this ordinance or any other applicable land use ordinance exists.

11-5.9. Approval, Conditions, Findings, Denial

Within thirty (30) days of a public hearing, or within sixty (60) days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact on the application and approve, approve with conditions, or deny the application. The Board may attach conditions to the proposal approval to ensure conformity with the standards and criteria of this Ordinance and/or other applicable ordinances. The Board shall specify, in writing, its findings of facts and reasons for any conditions or denial.

11-5.10. Site Plan Revision

The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval shall require approval of the revised site plan by the CEO or Board, whichever is applicable.

11-5.11. Expiration and Extension of Approval and Completion Date

A. Expiration of Approval

All Site Review approvals shall expire within one (1) year of the date of issuance unless work thereunder is commenced. Normally, if work is not completed within two (2) years from the date of issuance, a new application must be made (See C. Extension of Completion Date). The CEO shall make determinations regarding commencement and completion.

1. In determining commencement the CEO shall consider:
 - a. Surveying;
 - b. Land work (to include but not be limited to clearing, grading, erosion and storm water runoff control and access road preparation); and
 - c. Foundation work if applicable.

2. In determining completion the CEO shall consider:
 - a. Final grading;
 - b. Completion of access roads to include final surfacing, culverts, and ditches;

- c. Permanent erosion and storm water runoff control;
- d. External building completion; and
- e. Finished landscaping and seeding of appropriate areas.

B. Extension of Approval

Proposal approvals may be extended for one (1) year from the date of issuance by the CEO for projects not commencing within one (1) year of initial Board approval. Written extension requests must be submitted to the CEO at least forty-five (45) days before the one (1) year expiration.

Proposal approvals which are granted a one (1) year extension from the date of issuance shall also have their completion date extended by one (1) year.

Before extending an approval the CEO must determine that extenuating circumstances beyond the control of the applicant exist. Extenuating circumstances may include but are not limited to procurement of financing, legal issues, availability of materials, availability of qualified contractors, and adverse weather conditions.

C. Extension of Completion Date

The CEO may extend the completion date of a commenced proposal by one (1) year beyond the allotted two (2) years.

In determining this extension the CEO shall consider factors such as, but not limited to, financial hardship, legal difficulties, site condition problems, contract delay, disruption in supply of labor and/or materials, or personal issues (illness, injury, death in the family, etc.)

11-5.12. Fees

- A. All applications must be accompanied by the appropriate application fee that shall be set by the Board of Selectmen.
- B. All applicable fees including but not limited to postage reimbursement, advertising fees, consultant fees, will be the responsibility of the applicant and must be paid before receiving written confirmation of approval by the CEO or Board.

11-5.13. Site Review Application Requirements

A. General Requirements

1. If the applicant and the property owner of record are not one in the same, the applicant shall provide evidence of consent to the proposal by the property owner. A statement signed by the property owner, shall delegate to the applicant the right to develop and implement the proposal in accordance with a

complete Site Review Application approved by the Board. This shall include any changes or conditions required by the Board.

2. If another person(s) is/are to represent the applicant in dealings with the Board that person(s) shall be designated as an agent, in writing, by the applicant.
3. All applications for Site Review shall be submitted on application forms provided by the Code Enforcement Office. The required fees, ten (10) sets of the application form, and ten (10) sets of the required plans, maps and supplemental information shall be submitted to the Code Enforcement Office.
4. Maps, plans or other drawings must of a scale sufficient to allow for review of the proposal under the performance standards of this Ordinance and other applicable ordinances. In no case shall the scale be more than one hundred (100) feet to the inch for that portion of the tract of land being proposed for the project.

B. Submission Requirements for a Complete Site Review Application

A complete site review application shall contain the following:

1. A fully executed and signed Town of Farmington Site Review Application form;
2. A signed Site Review Check List of required submissions;
3. Property owner's statement if owner and applicant are not one in the same;
4. Statement designating agents(s) if applicable;
5. Letter(s) of Review from applicable Town departments;
6. Copy of deed;
7. Evidence of payment of application fee;
8. A site plan if applicable (See 11-5.13.C1);
9. A detailed narrative appropriate to the project describing the proposed development activity;
10. Building plans showing, as a minimum, the first floor footprint and all elevations;
11. Required supplemental information or additional studies; and

12. Copies of all applicable local, State and federal approvals and permits, provided, however, that the Board may approve site plans subject to the issuance of special local, State and federal licenses and permits in cases where it determines that it is not feasible for the applicant to obtain them at the time of site review.

C. Site Plan Requirements

1. A basic Site Plan shall, for new construction and/or land alteration (not for change of use within an already permitted structure) be sufficient to allow review of the following items:
 - a. Dimensions of all lot lines (including street frontage) and total square footage of the lot;
 - b. The location of all required setbacks;
 - c. The location, dimensions and first floor area (sq.ft.) and height of all existing and proposed buildings;
 - d. Location and width of proposed streets, curbs, driveways, sidewalks, bike paths, if any;
 - e. Location of existing and/or proposed fences, retaining walls, parking spaces, loading areas, open spaces, stands of trees, open drainage courses, service areas and easements (rights-of-way, drainage, utility and grading, etc);
 - f. Location of wells and septic systems on site (planned or existing);
 - g. Plan scale and orientation to North; and
 - h. Location, dimensions, and character of all existing and/or proposed signs and exterior lighting.
2. Major projects or any projects involving significant grading or the construction of roadways, utilities, stormwater drainage facilities, or similar items shall have a site plan prepared by a professional licensed to practice site design and/or engineering in the State of Maine.
3. When an architect, engineer, surveyor, geologist, soil scientist or other professionals licensed or certified and issued a seal by the State of Maine, prepared the plan, the preparer's seal shall be affixed to the plan.

4. An approval block must be provided on the plan drawing for the signatures of the Planning Board and date together with the following words, "Approved: Town of Farmington Planning Board".

D. Supplemental Information

All applications shall contain at least a detailed narrative appropriate to the project describing the existing conditions of the site and proposed development activities.

Depending on the size, complexity and/or nature of the proposal, the CEO and/or the Board may require sufficient information on one or more of the following to allow for review of the proposal under the performance standards of this Ordinance and other applicable ordinances.

Supplemental information may be in the form of a detailed narrative, reports, studies, surveys, charts, maps, plans or other drawings.

1. Existing Conditions

To allow for a thorough understanding of existing conditions on the proposed site, information on one or more of the following may be required:

- a. Location of zoning district boundaries of the property if located in two or more zoning districts and/or overlay districts;
- b. 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;
- c. The bearings and distances of all property lines and the source of this information. A formal boundary survey may not be required when sufficient information is available to establish all property boundaries on the ground;
- d. The location of existing buildings within fifty (50) feet of the parcel to be developed and the location of intersection roads or driveways within two-hundred (200) feet of the parcel;
- e. All existing contours and proposed grade elevations of the entire site. Contour intervals shall be twenty (20) feet or as specified by the Board;
- f. Locations and size of any existing sewer and water mains, culverts and drains on the property to be developed and of any that will serve the development from abutting streets or land;
- g. Location, names and present widths of existing streets and rights-of-way within or adjacent to the proposed development; and

- h. Location, dimensions and ground floor elevations of all existing buildings on the site.

2. Proposed Development Activities

To allow for a thorough review of the proposal, information on one or more of the following maybe required:

- a. Location, dimensions and materials to be used in the construction of proposed driveways, parking and loading areas and walkways;
- b. A utility plan showing provisions for water supply and wastewater disposal including the size and location of all piping, holding tanks, leach fields, etc;
- c. Location and nature of electrical, telephone and any other utility services to be installed on the site;
- d. A landscaping schedule keyed to the site plan and indicating the varieties and sizes of trees, shrubs, and other vegetation to be planted on the site;
- e. Locations of all existing and/or proposed easements (rights-of-way, drainage, utility, grading, etc.) and other legal restrictions that may affect the premises;
- f. An on-site soils investigation report by a Maine Department of Human Services licensed Site Evaluator for sites not served by Town sewer. The report shall identify the types of soil, location of test pits, and proposed location and design for the subsurface disposal system; and
- g. An Access Management Plan containing, as a minimum, the information listed below:
 - 1) Site description - A description of the site, including, as applicable, the locations of driveways and streets located on any property immediately adjacent to the site and across the street or road in the immediate vicinity of the project driveway(s);
 - 2) Overall use of the parcel - A description of the existing and proposed uses of the site;
 - 3) Traffic distribution - A description and diagram of the anticipated distribution of traffic entering and exiting the site;
 - 4) Vehicular circulation system within the parcel - A description and diagram of the anticipated distribution of traffic within the lot and the parking;

- 5) Trip distribution description and diagram - A description and diagram of the anticipated distribution of traffic entering and exiting the site, to include the relationship of all driveways and intersecting roads exiting onto the roadway in terms of angle and grade;
- 6) Driveway volume - Accompanying the Access Management Plan shall be a letter that shall certify the number of peak hour vehicle trips that the proposed land use will generate (according to the Trip Generation Manual, 6th Edition, published by the Institute of Transportation Engineers or any subsequent adopted revision);
- 7) Minimum sight distance for all exiting driveways in both directions – Measurement shall be from the driver’s seat of a vehicle that is ten (10) feet behind the curb (or edge of shoulder) line with the height of eye three and one-half (3½) feet above the pavement and the height of object four and one-quarter (4¼) feet; and
- 8) Driveway spacing - Spacing between the development’s driveway and driveways on contiguous lots.

3. Impacts of the Proposed Development Activities

To allow for a thorough review of the potential impacts of the proposal on adjacent properties, the community or the environment, information on one or more of the following may be required:

- a. Assessment of all machinery, processes and activities likely to generate air pollution, fumes/odors, sound or noise, to include type, size, location and potential impacts beyond the lot lines;
- b. The provision for handling all solid wastes, including hazardous and special wastes and the location and proposed screening of any on-site collection or storage facilities; and

c. Traffic Impact Study

- 1) If the project meets a) or b) below, the developer shall provide a full traffic impact study at his/her own expense.

a) Volume

During any one (1) hour period, traffic (inbound or outbound) attributable to the development equals or exceeds one hundred (100) passenger car equivalents per hour at the project driveway(s).

b) Safety or capacity deficiencies

The Planning Board determines that a traffic impact study must be conducted because of traffic safety or capacity deficiencies in the

vicinity of the development.

- 2) In general, the Traffic Impact Study shall include a description of the traffic movement to be generated by the development, including types and peak hour, average daily vehicle trips, travel routes, and duration of traffic movement both during and following construction. The study shall contain, as a minimum, the information listed below:
 - a) Site description - A description of the site, including, as applicable, the locations of driveways and streets located on any property immediately adjacent to the site and across the street or road in the immediate vicinity of the project driveway(s);
 - b) Use description (site) - A description of the existing and proposed uses of the site;
 - c) Regional map - A regional map showing the site, and roads in the vicinity of the development, and other proposed projects in the vicinity of the development;
 - d) Description of traffic increases - A description of any traffic increases that are likely to occur in the vicinity of the development during the study period. The Developer shall include, as applicable, projects that are: under construction and not fully occupied; are pending State or local approval; or have State or local approval, but are not constructed or fully occupied;
 - e) Trip generation calculation and summary table - The study shall include a calculation of the trip generation for the development and other likely traffic increases, including a summary table listing each type of land use, the size involved, the average trip generation used, and the resultant total trips generated;
 - f) Trip distribution description and diagram - The study shall include a description and diagram of the anticipated distribution of traffic entering and exiting the site; and
 - g) Definition of the study area - The study shall include a definition of the study area, including all links and intersections using the following threshold criteria:
 - i) The study area shall include the first major intersection to either side of the project driveway(s);
 - ii) The study area shall be expanded beyond the first major intersection(s) to either side of the project driveway to include those links and intersections for which, during any one (1)-

hour peak period, traffic attributable to the development equals or exceeds the following at any intersection in the vicinity of the development:

- Twenty-five (25) vehicles in a left-turn only lane;
- Thirty-five (35) vehicles in a through lane, right-turn lane, or a combined through and right-turn lane; or
- Thirty-five (35) vehicles (multiplying the left-turn lane volume by 1.5) in a combined left-turn, through and right-turn lane;

- iii) Capacity analysis of signalized intersections located outside of the study area may be required, if these signals are, or should be, interconnected with an intersection located within the study area. The study area may need to be extended, if signal progression on a signal interconnect system is changed.
- h) Use description and diagram (roads) - The study shall include a description and diagram of an anticipated utilization of roads and intersections in the vicinity of the development.
- i) Diagram/documentation of traffic volume - The study shall include a diagram and appropriate documentation of the traffic volume on roads and intersections in the vicinity of the development for both the estimated annual average daily traffic and the AM/PM peak hour traffic (including turns during the peak hour). The study shall show the following on the traffic diagrams:
 - i) Existing traffic volume based on actual counts;
 - ii) Traffic attributable to other projects that are proposed or approved;
 - iii) Traffic attributable to the development assuming full build-out and full occupancy;
 - iv) Projected traffic volume for the design hour at the time the development will begin operation, assuming full build-out and full occupancy of the development; and
 - v) Left-turn lane/right-turn lane warrant analysis.
- j) Capacity analysis - The study shall include a capacity analysis for determination of the level of service for each road and intersection in the vicinity of the development. Capacity analyses must be

performed for all intersections that are currently operated or will be operated as part of a signal interconnect system. The analysis shall report whether or not length of storage for through or turning lanes is adequate.

- k) Traffic signal analysis - The study shall include an analysis of the need for new traffic signals in the vicinity of the development. The "Manual of Uniform Traffic Control Devices" shall be used as the basis to analyze the need for construction or elimination of traffic signals, as appropriate.
 - l) Sight distance determination - The study shall include a determination of the available sight distance in all directions at each intersection in the vicinity of the development.
 - m) Inventory and analysis of accidents - The study shall include an inventory and analysis of traffic accidents in the vicinity of the development during the most recent three (3) year period. A collision diagram shall be provided for all links and intersections found to meet MDOT criteria for "High Accident Locations."
 - n) Description of improvements - The study shall include a description of recommendations for improvements to deficient roads or intersections, and the results of implementation of the recommendations.
- d. Assessment of stormwater runoff and potential effect on ground water and contiguous soils.
 - e. Assessment of proposed exterior lighting and its impact on adjacent properties.

E. Performance Guarantee

The Board may require the posting of an improvement guarantee in such amount as is reasonably necessary to ensure the proper installation and maintenance of all offsite improvements, and onsite improvements with offsite impacts, required as a condition of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.

In the event that a development is abandoned, the performance guarantee may be utilized to stabilize, secure, and/or restore the site as may be necessary, including, but not limited to, re-vegetation of areas, grading and fencing.

11-5.14. Performance Standards

The following criteria and standards shall be utilized by the Board in reviewing applications for Site Plan Review approval.

A. Landscaping

The landscape shall be preserved in its natural state and enhanced insofar as practicable by minimizing tree removal, disturbance of soil, and retaining existing vegetation during construction, and/or placing new plantings as specified in Landscaping Standards of the Town of Farmington's Zoning Ordinance (11-8.11 E).

Environmentally sensitive areas such as wetlands, steep slopes, floodplains and unique natural features, and natural drainage areas will be maintained and preserved to the maximum extent as delineated in the Town of Farmington's Floodplain Management Ordinance and by State and federal law.

B. Historic and Archaeological Resources

If any portion of the site has been identified or is found to contain historic or archaeological resources, the Maine Historic Preservation Commission must be notified and requested to make an evaluation of the site and include subsequent measures for protecting these resources.

C. Relation to Proposed Buildings to Existing Environment

Proposed structures shall be related harmoniously to existing buildings which represent the historic character of the community and that have a visual relationship to the proposed structures, so as to have a minimally adverse affect on the aesthetic qualities of the developed and neighboring areas.

D. Vehicular Access and Parking

The proposed development shall provide safe access to and from public and private roads. Safe access shall be assured by providing an adequate number and location of access points, with respect to sight-distances, intersections, schools and other traffic generators.

E. Off-Street Parking

A use shall not be extended and no structure shall be constructed or enlarged unless sufficient off-street automobile parking space is provided. The location of parking to the side or rear of buildings is encouraged. (See the Town of Farmington's Zoning Ordinance 11-8.11.D.)

F. Soil Erosion Control & Storm Water Management

Adequate provisions shall be made to minimize soil erosion and to allow for storm water runoff so that the removal of surface waters will not adversely affect neighboring properties, downstream conditions, or the public storm drainage. All activities must be in compliance with the Town of Farmington Soil Erosion Control & Storm Water Runoff Management Ordinance.

In addition, all erosion and sedimentation controls shall be completed in conformance with the Best Management Practices (BMP'S) as described in:

The Maine Forest Service - Erosion and Sediment Control Handbook for Maine Timber Harvesting Operations Best Management Practices. Maine Forest Services. June, 1991 and as amended thereafter;

State of Maine Strategy for Managing Nonpoint Source Pollution from Agricultural Sources and Best Management System Guidelines. NPS Agricultural Task Force. October, 1991 and as amended thereafter; and

Maine Erosion and Sediment Control Handbook for Construction Best Management Practices. Cumberland County SWCD/Maine Department of Environmental Protection, March 1991 and as amended thereafter.

G. Site Conditions

1. Within thirty (30) days of completion of building, developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris and excess or scrap building materials shall be removed.
2. Final sitework must be completed within two (2) years from the date of issuance (see 11-5.10 A).
3. No significant change shall be made in the elevation or contour of any lot or site by the removal of earth to another lot or site other than as shown on the approved Site Review Plan.

H. Advertising Features

The size, location, design, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties, and must be in compliance with the Town of Farmington Sign Ordinance.

I. Hours of Operation

The hours of operation of the proposed development will not have an unreasonable adverse effect on prevailing conditions in the vicinity due to noise during otherwise quiet hours of the day, excessive lighting during the nighttime hours, conditions conducive to loitering, disorderly conduct or

public safety problems, or other conditions in the nature of a nuisance. If the prevailing character in the vicinity of the development is rural or residential, operation during certain nighttime, weekend and holiday hours shall be presumed to have an adverse impact, but may be allowed by the Planning Board if the applicant demonstrates that the proposed development can be operated in ways which will not create adverse impacts during those hours. These certain nighttime, weekend and holiday hours shall be determined on a site specific basis by the Planning Board.

J. Special Features

Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures, shall be subject to such setbacks, screen plantings, or other screening methods deemed reasonable, practicable and required by the Planning Board (see 11-8.9 E. and 11-8.11 E. of the Town of Farmington Zoning Ordinance).

K. Exterior Lighting

All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public (see 11-8.11F. of the Town of Farmington Zoning Ordinance).

L. Emergency Vehicle Access

Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures. Fire lanes shall be not less than twenty (20) feet of unobstructed width, able to withstand live loads of fire apparatus and have a minimum of 13 ft. 6 in. of vertical clearance. An approved turnaround for fire apparatus shall be provided where an access road is a dead end and is in excess of one hundred fifty (150) feet in length; the turnaround shall have a minimum centerline radius of fifty (50) feet.

M. Public Services

The development will not have an unreasonable adverse impact on the public services including municipal road systems, fire department, police department, sewer department, and other municipal services and facilities.

N. Ground Water

The proposed development shall not result in a reduction of the quality or a substantial reduction in the quantity of ground water. In making this determination, the Board shall consider the location of aquifers and aquifer recharge areas and the nature of the proposed development and its potential threat to ground water

resources. The Board may place conditions upon an application to minimize potential impacts to the Town's ground water resources.

1. The use will not decrease the quantity of ground water available on nearby properties below that needed to support existing uses, potential expansions of existing uses or allowable uses. Projects anticipating the use of more than the State average yield of five (5) gallons per minute (7,200 gallons per day) from bedrock wells and the State average minimum high yield of ten (10) gallons per minute (14,400 gallons per day) from wells in sand and gravel aquifers will require evaluation by a State licensed hydrogeologist.
2. The use will not increase the contaminant concentration in the ground water to more than eighty percent (80%) of the State and federal Primary and Secondary Drinking Water Standards.
3. For above ground fuel storage, and chemicals or industrial wastes and potentially harmful raw materials, an impermeable diked area shall be provided. The diked area must be sized to contain the total volume of fuel tanks and piping; roofed to prevent accumulation of rainwater in the diked area and shall be properly vented. There shall be no drains in the facility. All concrete, whether walls or pads, shall be reinforced concrete and shall be designed by a Professional Engineer Registered in the State of Maine when required by the Board. All such storage structures must be approved by the State Fire Marshal's Office.
4. Underground petroleum tanks shall be installed in accordance with the standards promulgated by the Maine Board of Environmental Protection.

O. Air Pollution

The applicant must demonstrate that the proposed development shall not create emission levels of dust, dirt, fly ash, vapors, or gases which could lower ambient air quality, at any point beyond the lot line of the commercial or industrial establishment creating that emission. All such activities shall also comply with applicable federal and State regulations.

P. Fumes/Odors

The applicant must demonstrate that the proposed development will not produce offensive, harmful or unhealthy fumes or odors, that are greater in degree, or different in kind than those generated by permitted uses existing in the vicinity of the proposed use. If detectable at or beyond the boundary of the property, the use will be developed, implemented and/or operated in such a way that the change in ambient conditions, existing at the time, will not adversely impact residents in the vicinity of the proposed use and/or development.

An exception to this standard will exist when the Planning Board and

residents of the vicinity of the proposed development are generally in agreement that the change in the ambient environment is acceptable. Such an exception pre-supposes that there will be a recognizable change in the ambient environment.

Q. Noise (unwanted sound)

The applicant must demonstrate that the nature of sound emanations from the proposed development, regardless of sound pressure level, duration and intensity will not be inconsistent with and will not be abhorrent to the ambient sound environment (nature of sound emanations) generally experienced in the vicinity in which the development is proposed.

An exception to the performance standard for noise will exist when the Planning Board and residents of the vicinity of the proposed development are generally in agreement that the proposed change in the sound environment is acceptable. Such an exception pre-supposes that there will be a recognizable change to the ambient sound environment.

R. Sound Pressure

The proposed development must not exceed federal and State mandated maximum sound pressure levels at or beyond the boundaries of the development.

1. Sound Level Measurement

Sound pressure levels shall be measured with a sound level meter with a frequency weighting network manufactured according to standards prescribed by the American National Standards Institute (ANSI) or its successor body. All measuring meters must be calibrated by a certified laboratory and certificates of calibration shall be made available to the Board upon their request.

Measurements shall be made at all abutting lot lines of the site, at a height of at least four (4) feet above the ground surface.

In measuring sound pressure levels under this sections, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast).

Sounds with a continuous duration of sixty (60) seconds or more shall be measure on the basis of the energy average sound level over a period of sixty (60) seconds equivalent sound level (LEQ).

2. Maximum Permissible Sound Pressure Levels

The maximum permissible sound pressure level at or beyond the boundaries of

the development of any continuous, regular or frequent source of sound produced by an activity shall be as follows:

- a. Sixty (60) dBA between the hours of 7:00 A.M. and 10:00 P.M. as measured at or within the boundaries of any residential zone.
- b. Fifty (50) dBA between the hours of between the hours of 10:00 P.M. and 7:00 A.M. as measured at or within the boundaries of any residential zone.
- c. In addition to the sound pressure level standards established above, best practicable sound abatement techniques shall be employed to minimize noise impacts.

S. Sewage Disposal

The development shall provide for suitable sewage disposal. All individual on-site systems will be designed by a licensed Site Evaluator in full compliance with the Maine Subsurface Wastewater Disposal Rules.

All installation and connection of building sewers and the discharge of waters and wastes into the public sewer system shall be done in compliance with the Town of Farmington Sewer Use Ordinance.

T. Waste Disposal

The proposed development will provide for adequate disposal of solid and hazardous wastes in a timely manner. All disposal activities shall be done in compliance with the Town of Farmington Solid Waste Ordinance and all applicable State and federal laws.

1. All solid and hazardous wastes will be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.
2. All hazardous waste will be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the licensed facility and/or licensed hauler shall be submitted.

U. Setbacks

The proposed development will provide adequate setbacks and shall be done in compliance with the Town of Farmington Zoning Ordinance (See Sections 11-8.9 E).

V. Screening and Buffering

No industrial or commercial buildings or uses shall be established in, or adjacent to, a residential use, or an existing agricultural use unless a landscaped buffer strip is provided to create a visual screen between the uses. Where no natural vegetation

can be maintained or due to varying site conditions, the landscaping screen may consist of fences, walls, tree plantings, hedges or combinations thereof. The buffering shall be sufficient to minimize the impacts of any kind of potential use such as; loading and unloading operations, outdoor storage areas, vehicle parking, mineral extraction, waste collection and disposal areas. Where a potential safety hazard to small children would exist, physical screening or barriers shall be used to deter entry to such premises. The buffer areas shall be maintained and vegetation replace to insure continuous year-round screening.

11-5.15. Appeals

Any person aggrieved by the final action of the CEO or Planning Board may appeal to the Board of Appeals by filing a notice of appeal within thirty (30) days after receipt of the CEO's or Planning Board's notification. The CEO determination under §11-5.8C.3 that an application is ready for approval by the CEO is not a final, appealable action until 15 (fifteen) days have passed from the date of such determination and no abutter or Planning Board member has requested Planning Board review. Administrative appeals submitted under this Ordinance shall be subject to the standards and procedures established by the Town of Farmington Board of Appeals Ordinance.

11-5.16. Amendments

A. Initiation of Amendments

An amendment to this Ordinance may be initiated by:

1. The Board of Selectmen, provided a majority of the Board of Selectmen has so voted;
2. Written petition of a number of voters equal to at least ten percent (10%) of the number of votes cast in the municipality at the last gubernatorial elections;

B. Public Hearing

The Board of Selectmen shall hold a public hearing on the proposed amendment. Notification of the hearing shall be posted and advertised in a newspaper of general circulation in the municipality at least seven (7) days prior to the hearing.

11-5.17. Enforcement

A. Violations

1. Any violation of this Ordinance, including failure to comply with any condition, shall be deemed to be a violation of 30-A §4452. Every day a violation exists constitutes a separate violation.
2. Commencement of any project without Planning Board or CEO approval shall

be considered a violation of this Ordinance. Any party committing such a violation shall immediately cease project operations, whether of a construction, renovation or business nature, upon notification by the CEO per B.1. below or upon self-discovery of the violation. In such cases, an after-the-fact (ATF) application for Site Review must be immediately filed with the CEO. The ATF application fee will be double the normal application fee and must be paid prior to Planning Board or CEO review. Payment of this ATF application fee does not preclude the Town from pursuing fines and/or penalties under 30A MRSA §4452 (per A. 1. above and D. below) or preclude the Town from negotiating and executing an administrative consent agreement to recover fines without court action (per C. below).

B. Code Enforcement Officer

1. It shall be the duty of the CEO to enforce the provisions of this Ordinance. If the CEO finds that any provision of this Ordinance is being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement or mitigation of violations. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
2. The CEO shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The CEO shall also investigate all complaints of alleged violations of the Ordinance.
3. The CEO shall keep a complete record of all essential transactions of the CEO, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found and fees collected.

C. Legal Actions

When the above action does not result in the correction or abatement of the violation, the Municipal Officers, upon receiving written notification from the CEO, shall institute any and all actions and proceedings, either legal or equitable, including injunctions of violations and the impositions of penalties and/or fines in order to enforce the provisions of this Ordinance. The Municipal Officers or their authorized agent are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action.

D. Penalties/Fines

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance, or

upon failure to comply with any of its requirements, shall be penalized in accordance with title 30-MRSA Section 4452. The owner or tenant of any building, structure, premises, or part thereof and any architect, builder, contractor, agent, or other person who commits, participates in, or maintains such violation may be found guilty of a separate offense and be subject to the penalties herein provided.