

**SITE REVIEW ORDINANCE
FOR THE
TOWN OF VASSALBORO**

as Revised and Adopted June 11, 2012

SITE REVIEW ORDINANCE

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SITE REVIEW ORDINANCE

SECTION I. PURPOSE

The purpose of this Site Plan Ordinance is to promote public health, safety, and general welfare by requiring plans to be submitted to, reviewed, and approved by the Planning Board. The purpose of such review shall be to ensure orderly, beneficial, and environmentally sound development and the most appropriate use of land in keeping with the purposes of the general area in which a development is proposed.

SECTION II. APPLICABILITY

A. This Ordinance shall apply to all new uses, and structures, new construction, alterations and substantial enlargement to existing uses and structures for commercial, retail, industrial, and institutional purposes. This Ordinance does not apply to detached single and two-family dwelling units, multiple family dwelling units consisting of three (3) or more units along with accessory uses and structures thereof, agricultural land management or forest land management practices, or home occupations as defined in Section XVII.

B. This Ordinance shall also apply to any commercial, retail, industrial or institutional activity that commenced prior to the adoption of this Ordinance and is discontinued for more than 90 (ninety) calendar days.

C. This Ordinance also applies to any seasonal, commercial, retail, industrial or institutional activity which commenced prior to the adoption of this Ordinance and is discontinued for more than 1 (one) year.

SECTION III. AUTHORITY

Review and Approval Authority:

The Planning Board is authorized to review and act on site plans for both Minor and Major developments as defined below in "Classification of Projects".

In considering Site Plans under this section, the Planning Board may act to approve, disapprove, or approve the project with conditions as are authorized by these provisions.

SECTION IV. CLASSIFICATION OF PROJECTS

The Planning Board shall classify each project as a minor or major development. Minor developments are smaller scale, less complex projects for which a less complex review process is adequate to protect the Town's interest. Major developments are larger, more complex projects for which a more detailed review process and additional information may be required.

A. Minor Developments shall include:

1. Projects involving the construction or addition of fewer than five thousand (5,000) square feet of gross developed area.
2. Projects involving the conversion of existing uses or structures five thousand (5,000) square feet or less from one use to another without enlargement of the gross developed area.

B. Major Developments shall include:

1. Projects involving the construction or addition of five thousand (5,000) or more square feet of developed area.
2. Projects involving the conversion of existing buildings or structures five thousand (5,000) square feet or more from one use to another without enlargement of the developed area.
3. Other projects requiring review which are not classified as minor developments.

SECTION V. APPLICATION PROCEDURE – MINOR

- A. Persons seeking Site Plan approval shall file site plans in duplicate (meeting the specifications of this Ordinance) with the Planning Board, which shall immediately refer copies of such plans to the Code Enforcement Officer. The filing of required plans with the Planning Board shall constitute filing of an application for Site Plan Review.
- B. The applicant shall be required to notify, by mail, all abutting property owners that a Site Plan has been filed. For notification purposes, the East Vassalboro Water Company is considered to be an abutting property owner to all projects located on parcels wholly or partially within their Wellhead Protection Area as mapped by the Maine Drinking Water Program. Return receipts will be required to verify notification of all abutting property owners.
- C. The application shall be filed with the Planning Board for review and accompanied by a fee of \$50 for processing the application. Within thirty (30) days of the filing of an application, the Planning Board shall notify the applicant, in writing, either that the application is a complete application or, if the

application is incomplete, the specific additional material needed to make a complete application. After the Planning Board has determined that a complete application has been filed, it shall notify the applicant, in writing, and begin its review of the proposed development.

- D. On all Minor Site Review Applications the Planning Board may hold a public hearing within thirty (30) days of the filing of the completed application. The Planning Board shall publish the time, date, and place of the hearing at least two (2) times; the date of the first publication to be at least seven (7) days prior to the hearing in a newspaper of area wide circulation. The abutting landowners shall be notified of the hearing and return receipts will be required to verify their notification.
- E. Public hearings by the Planning Board shall be conducted according to the procedures outlined in Title 30, M.R.S.A., §241 1, Subsection 3, (A), (B), (C), (D), and (E).
- F. The Planning Board may determine that it is necessary to conduct a site visit in order to obtain first hand knowledge of the site. Written permission for members of the Planning Board and the interested public to enter the property will be necessary. Proper public notice of the site visit must be given to interested parties and abutters since the site visit is technically a meeting. The applicant shall be required to notify all abutting property owners that a site visit is scheduled. Return receipts or signed affidavits will be required to verify notification of all abutting property owners.
- G. Within thirty (30) days of the public hearing or sixty (60) days of receiving the completed application, the Planning Board shall approve, approve with conditions, or dis-approve the application.
- H. Within seven (7) days of reaching their decision, the Planning Board shall notify the applicant, in writing, of any action taken and the reason for taking such action.
- I. All time limits provided for in this section may be extended by mutual agreement of the applicant and the Planning Board.
- J. Minor changes in approved plans to address field conditions may be approved by the Code Enforcement Officer provided that such change does not affect compliance with the standards or alter the essential nature of the proposal. Any such change must be endorsed in writing by the CEO on the approved plan.
- K. Approvals of site plans are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed by the applicant. Any variation from the plans, proposals, and supporting documents, except minor changes as noted in paragraph G of this section, is subject to further review and approval.

SECTION VI. APPLICATION PROCEDURE – MAJOR

- A. Preapplication: *Prior to submitting a formal application, the applicant or his/her representative shall attend a preapplication conference with the Planning Board. The preapplication meeting shall be informal and informational in nature. There shall be no fee for a preapplication review, and such review shall not cause the plan to be a pending application or proceeding under Title 1 M.R.S.A.302. No decision on the substance of the plan shall be made at the pre-application conference.*

There are no formal submission requirements for a preapplication conference. However, the applicant should be prepared to discuss the following with the Board:

- 1. The proposed site, including its location, size, and general characteristics;*
 - 2. The nature of the proposed use and potential development;*
 - 3. Any issues or questions about existing municipal regulations and their applicability to the project; and*
 - 4. Any request for waivers from the submission requirements.*
- B. *Persons seeking Site Plan approval shall file site plans in duplicate (meeting the specifications of this Ordinance) with the Planning Board, which shall immediately refer copies of such plans to the Code Enforcement Officer. The filing of required plans with the Planning Board shall constitute filing of an application for Site Plan Review.*
- C. *The applicant shall be required to notify, by mail, all abutting property owners that a Site Plan has been filed. For notification purposes, the East Vassalboro Water Company is considered to be an abutting property owner to all projects located on parcels wholly or partially within their Wellhead Protection Area as mapped by the Maine Drinking Water Program. Return receipts will be required to verify notification of all abutting property owners.*
- D. *The application shall be filed with the Planning Board for review and accompanied by a fee of \$50 for processing the application. Within thirty (30) days of the filing of an application, the Planning Board shall notify the applicant, in writing, either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application.*
- E. *After the Planning Board has determined that a complete application has been filed, it shall notify the applicant, in writing, and begin its review of the proposed development.*
- F. *On all Major Site Review Applications the Planning Board may hold a public hearing within thirty (30) days of the filing of the completed application. The Planning Board shall publish the time, date, and place of*

the hearing at least two (2) times; the date of the first publication to be at least seven (7) days prior to the hearing in a newspaper of area wide circulation. The abutting landowners shall be notified of the hearing and return receipts will be required to verify their notification.

- G. Public hearings by the Planning Board shall be conducted according to the procedures outlined in Title 30, M.R.S.A., §241 1, Subsection 3, (A), (B), (C), (D), and (E). *Any public hearings by the Planning Board shall be conducted according to the procedures outlined in Title 30, M.R.S.A., §241 1, Subsection 3, (A), (B), (C), (D), and (E). Within thirty (30) days of the public hearing or sixty (60) days of receiving the completed application, the Planning Board shall approve, approve with conditions, or dis-approve the application.*
- H. *The Planning Board may determine that it is necessary to conduct a site visit in order to obtain first hand knowledge of the site. Proper public notice of the site visit must be given to interested parties and abutters since the site visit is technically a meeting. The applicant shall be required to notify all abutting property owners that a site visit is scheduled. Return receipts or signed affidavits will be required to verify notification.*
- I. *Within seven (7) days of reaching their decision, the Planning Board shall notify the applicant, in writing, of any action taken and the reason for taking such action.*
- J. *All time limits provided for in this section may be extended by mutual agreement of the applicant and the Planning Board.*
- K. *The Code Enforcement Officer may approve minor changes in approved plans to address field conditions provided that such changes do not affect compliance with the standards or alter the essential nature of the proposal. Any such changes must be endorsed in writing by the CEO on the approved plan.*
- L. *Approvals of site plans are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed by the applicant. Any variation from the plans, proposals, and supporting documents, except minor changes as noted in paragraph G of this section, is subject to further review and approval*

SECTION VII. SITE PLAN CONTENT - *Minor*

- A. The Final Plan shall be drawn to scale of not less than one (1") inch equals (50') feet, and shall contain the following:
1. Name and address of owner and applicant.
 2. Scale and north arrow.
 3. Location, dimensions, and acreage of parcel to be built upon.
 4. Existing contours at intervals of not more than ten (10') feet and proposed contours at intervals of not more than five (5') feet. *The Board may waive this requirement or require closer contour intervals depending on the nature of the project.*
 5. The size, shape, and location of existing and proposed buildings.
 6. The location and dimensions of existing and proposed parking areas, loading and unloading facilities, and points of ingress and egress of vehicles to and from the site to public streets.
 7. Location of all existing and proposed easements and rights-of-way.
 8. Location and dimension existing and proposed of pedestrian access ways.
 9. Location and size of existing and proposed water and sewer mains, culverts, and storm drains.
 10. Location of existing and proposed outdoor lighting.
 11. Location of natural features such as watercourses, marshes, rock out-cropping, and stands of trees.
 12. Landscape plan showing location and type of existing and proposed plantings and screenings.
 13. Location and size of existing and proposed signs and advertising features.
 14. Any other provisions contained in the Town of Vassalboro's Subdivision Regulations or *Shoreland Zoning Ordinance*, whenever applicable.
 15. *Due to the nature of the project, the Planning Board may require one or more additional plan contents as specified in the "Site Plan Content – Major", Section VIII.*
 16. *For projects located wholly or partially within the Wellhead Protection Area of the East Vassalboro Water Company as mapped by the Maine Drinking*

Water Program, a written statement obtained from the East Vassalboro Water Company indicating that the proposed project will not negatively impact their essential operations.

- B. A narrative, with supporting data, shall be required to address the environmental suitability of the chosen site to support the proposed development. This may require the use of appropriate qualified profession(s). This narrative shall address the standards as listed in Section IX.

SECTION VIII. SITE PLAN CONTENT - Major:

- A. *The Final Plan shall be drawn to a scale of not less than one (1") inch equals (50') feet, and shall contain the following:*
 - 1. *Name and address of owner and applicant.*
 - 2. *Scale and north arrow.*
 - 3. *Location, dimensions, and acreage of parcel to be built upon.*
 - 4. *Existing contours at intervals of not more than ten (10') feet and proposed contours at intervals of not more than five (5') feet. The Board may require closer contour intervals depending on the nature of the project.*
 - 5. *The size, shape, and location of all existing and proposed buildings.*
 - 6. *The location and dimensions of all existing and proposed parking areas, loading and unloading facilities, and points of ingress and egress of vehicles to and from the site to public streets. Parking Layout and Design - Off-street parking must conform to the following standards:*
 - (a) *Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.*
 - (b) *All parking spaces, access drives, and impervious surfaces must be located at least five (5) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within five (5) feet of the front property line. Parking lots on adjoining lots may be connected by access ways not exceeding twenty-four (24) feet in width.*
 - (c) *In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.*
 - (d) *Parking areas for nonresidential uses must be designed to permit each motor vehicle to proceed to and from the parking space*

provided for it without requiring the moving of any other motor vehicles.

- (e) Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.*

- 7. Location of all existing and proposed easements and rights-of-way.*
- 8. Location and dimensions of all existing and proposed pedestrian access ways.*
- 9. Location and size of existing and proposed water and sewer mains, culverts, and storm drains.*
- 10. Location of all existing and proposed outdoor lighting.*
- 11. Location of natural features such as watercourses, marshes, rock out-cropping, and stands of trees.*
- 12. Landscape Plan showing location and type of all existing and proposed plantings and screenings.*

Landscaping must be provided as part of site design and may include plant materials such as trees, shrubs, groundcovers, perennials, and annuals, and other materials such as rocks, water, sculpture, art, walls, fences, paving materials, and street furniture.

- 13. Location and size of all existing and proposed signs and advertising features.*

Freestanding commercial business signs should be placed at right angles to the street so as to be viewed from both directions. Signs shall be no larger than 4' X 8'.

In urban, built-up areas commercial business signs should be placed on the building, unless visibility is impaired and a freestanding sign is the best option.

- 14. Any other provisions contained in the Town of Vassalboro's Subdivision Regulations whenever applicable.*
- 15. Any other requirements deemed necessary by the Planning Board based on the nature of the proposed development.*
- 16. For projects located wholly or partially within the Wellhead Protection Area of the East Vassalboro Water Company as mapped by the Maine Drinking*

Water Program, a written statement obtained from the East Vassalboro Water Company indicating that the proposed project will not negatively impact their essential operations.

- B. *A narrative, with supporting data, shall be required to address the environmental suitability of the chosen site to support the proposed development. This may require the use of appropriate qualified professional(s). This narrative shall address the standards as listed in Section X.*

SECTION IX. PERFORMANCE STANDARDS – Minor

- A. The Site Plan shall be approved, unless the Planning Board makes a written finding that the applicant is not able to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary to complete the application.

1. The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will create no hazards to safety.

Internal Vehicular Circulation - The layout of the site must provide for the safe movement of passenger, service and emergency vehicles through the site.

2. The location or height of proposed structures and the proposed uses thereof will not be detrimental to other public or private development in the neighborhood.
3. The provision for on-site landscaping provides adequate protection to neighboring properties from detrimental features of the development.
4. The proposed use will not impose undue burdens so as to exceed the capacity of the sewers, sanitary and storm drains, water, solid waste, fire protection, or other public facilities.
5. The Site Plan provides sufficient information to show that storm water will be adequately drained from the site with no adverse impact on other property or publicly-owned drainage systems.
6. Soil erosion and all other adverse impacts on the soil ground water and surface water shall be prevented. Ground water shall not be adversely impacted in quality or quantity.
7. The provisions for exterior lighting do not create hazards to motorists traveling on adjacent public streets and are adequate for the safety of

occupants or users of the site and such provisions will not damage the value and diminish the usability of adjacent properties.

8. An applicant for Site Plan approval has provided evidence of his financial capability to complete the development as planned.
9. The proposed development will not create safety hazards and will provide adequate access for emergency vehicles to the site, and to all buildings on the site.
10. The proposed development will not adversely affect the use and enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare, or other cause.

SECTION X. PERFORMANCE STANDARDS – Major

A. *The Site Plan shall be approved, unless the Planning Board makes a written finding that the applicant is not able to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary to complete the application.*

1. *The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will create no hazards to safety and will conform to the following:*

Access to the Site:

- a. *Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.*
- b. *Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.*
- c. *The grade of any proposed drive or street must be not more than +3% for a minimum of two (2) car lengths, or forty feet, from the intersection.*
- d. *The intersection of any access/egress drive or proposed street must function at a level which will allow for safe access into and out of the project if at least one thousand (1,000) trips are generated.*
- e. *Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if is safe and does not promote shortcutting through the site.*
- f. *Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the applicant shall be*

responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.

- g. Access ways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.*
- h. The following criteria must be used to limit the number of driveways serving a proposed project:*
 - No use that generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.*
 - No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all access ways must not exceed sixty (60) feet.*

Access way Location and Spacing:

Access ways must meet the following standards:

- a. Private entrance/exits must be located at least fifty (50) feet from the closest un-signalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the access way. This requirement may be reduced if the shape of the site does not allow conformance with this standard.*
- b. Private access ways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.*

Internal Vehicular Circulation

- a. The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.*
- b. Nonresidential projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing for a minimum of a vehicle with a wheelbase of 40 feet.*
- c. Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).*
- d. The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.*
- e. All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for*

vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

2. *The location or height of proposed structures and the proposed uses thereof will not be detrimental to other public or private development in the neighborhood.*
3. *The provision for on-site landscaping provides adequate protection to neighboring properties from detrimental features of the development. The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for screening of mechanical equipment and service and storage areas.*

Buffering must be designed to provide a year-round visual screen in order to minimize adverse impacts. It may consist of fencing, evergreens, berms, rocks, boulders, mounds, or a combination thereof.

A development must provide sufficient buffering when topographical or other barriers do not provide reasonable screening and where there is a need to:

- Shield neighboring properties from any adverse external effects of the development, or*
- Shield the development from the negative impacts of adjacent uses.*

The width of the buffer may vary depending on the treatment of the area. Within densely built-up areas, a buffer with dense plantings, fencing, or changes in grade may be as little as five (5) feet in width. A buffer with moderate levels of planting should be ten (10) feet to fifteen (15) feet in width. In suburban and rural settings, the width of the vegetated buffer should be increased to a minimum of twenty-five (25) feet. Areas adjacent to service loading or storage areas should be screened by dense planting, berms, fencing, or a combination thereof with a width of a minimum of five (5) feet.

4. *The proposed use will not impose undue burdens so as to exceed the capacity of the sewers, sanitary and storm drains, water, solid waste, fire protection, or other public facilities.*

Storage of Materials - Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.

All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces, which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.

Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition.

- 5. The Site Plan provides sufficient information to show that storm water will be adequately drained from the site with no adverse impact on other property or publicly owned drainage systems.*
- 6. Soil erosion and all other adverse impacts on the soil, ground water, and surface water shall be prevented. Ground water shall not be adversely impacted in quality or quantity. Adequate provisions must be made for the collection and disposal of all storm water that runs off from proposed streets, parking areas, roofs and other surfaces, through a storm water drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.*
- 7. The provisions for exterior lighting do not create hazards to motorists traveling on adjacent public streets and are adequate for the safety of occupants or users of the site and such provisions will not damage the value and diminish the usability of adjacent properties.*

Exterior Lighting - The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated.

Lighting may be used which serves security, safety and operational needs but which does not directly or indirectly produce deleterious effects on abutting properties or which would impair the vision of a vehicle operator on adjacent roadways. Lighting fixtures must be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings and so that they do not unnecessarily light the night sky. Direct or indirect illumination must not exceed 0.5 foot-candles at the lot line or upon abutting residential properties.

All exterior lighting, except security lighting, must be turned off between 11 P.M. and 6 A.M. unless located on the site of a commercial or industrial use that is open for business during that period.

Wiring to light poles and standards must be underground.

8. *An applicant for Site Plan approval has provided evidence of his financial capability to complete the development as planned. This could include a letter of support from an accredited financial institution or some other means of documenting financial solvency.*
9. *The proposed development will not create safety hazards and will provide adequate access for emergency vehicles to the site, and to all buildings on the site.*
10. *The proposed development will not adversely affect the use and enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare, or other cause.*

The maximum permissible sound pressure level of any continuous, regular or frequent or intermittent source of sound produced by any activity on the site shall be limited by the time period and by the abutting land use as listed below. Sound levels shall be measured at least four (4) feet above ground at the property boundary of the source.

Sound Pressure Level Limits Using the Sound Equivalent Level of One Minute (leq 1) (Measured in dB(a)Scale)

<u>Abutting Use</u>	<u>7 am- 10pm</u>	<u>10pm - 7am</u>
<i>Residential</i>	55	45
<i>Residential in a commercial area</i>	65	55
<i>Public, semipublic and institutional</i>	60	55
<i>Vacant or rural</i>	60	55
<i>Commercial</i>	65	55
<i>Industrial</i>	70	60

Noise shall be measured by a meter set on the A-weighted response scale, fast response. The meter shall meet the American National Standards Institute (ANSI S1 4-1961) 'American Standards Specification for General Purpose Sound Level Meters.'

SECTION XI. PERMITS

- A. **Permits required:** After the effective date of this ordinance, no person shall engage in any use or construct, alter, or substantially enlarge any structure to which this Ordinance applies without first obtaining a permit. Following the issuance of a permit, if no substantial start is made in construction (completion of the exterior shell) or in the use of the property within one year of the date of permit, the permit shall lapse and become void.

The Planning Board may grant up to two (2), six (6) month extensions to the periods if the approved plan conforms to the ordinance in effect at the time the extension is requested and all federal, state and local approvals and permits are current. The permittee's request for an extension must be received at least 30 days prior to the expiration of the permit and include explanations for the request.

- B. Permits expire for use or structures that are discontinued for more than 90 days, unless the permittee can demonstrate that the discontinuance was for factors beyond his/her control.
- C. Permits expire for seasonal uses or structures that are discontinued for more than 1 (one) year, unless the permittee can demonstrate that the discontinuance was for factors beyond his/her control.
- D. Permits shall be issued to the applicant of record. The permit(s) are not transferable to a new owner.

SECTION XII. GENERAL PROVISIONS

- A. The Planning Board may modify or waive any of the above application requirements or Performance Standards when the Planning Board determines that because of the special circumstances of the site or the nature of the project, such application requirements or standards would not be applicable or would be an unnecessary burden upon the applicant and when such waivers would not adversely affect the abutting land owners and the general health, safety, welfare, and environment of the Town.
- B. The Planning Board shall require proof of ownership of the site or written authority from the owner verifying the applicant's right, title, and interest to develop the site.
- C. The Planning Board may require the filing of a Performance Bond or the execution of a conditional agreement with the municipality by the applicant.
- D. All construction performed under the authorization of a building permit or certificate of occupancy issued for development within the scope of this Ordinance shall be in conformance with the approved Site Plan.

SECTION XIII. ADMINISTRATION

- A. The Planning Board of the Town of Vassalboro shall administer this Ordinance.

- B. No building permit or plumbing permit shall be issued by the Municipal Officers or Code Enforcement Officer for any use or development within the scope of this Ordinance until a Site Plan has been reviewed and favorably acted upon by the Planning Board.

SECTION XIV. ADMINISTRATIVE APPEALS

An aggrieved party may appeal any decision of the Board or the Code Enforcement Officer under this Ordinance to the Superior Court within thirty (30) days from the date of the written notice of such decision.

SECTION XV. VIOLATION, ENFORCEMENT, AND FINES

- A. Code Enforcement Officer (CEO): It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the CEO shall find that any provision of this Ordinance is being violated, he shall notify, in writing, the person(s) responsible for such violation. The notification will indicate the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, building, structure, or work being done, removal of illegal building or structure, and abatement of nuisance conditions. A copy of such notice shall be maintained as a permanent record.
- B. Legal Action: When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the CEO, are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunction of violation and the imposition of a fine that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.
- C. Fine: Any person who continues to violate any provision of this Ordinance, after receiving notice of such violation, shall be guilty of a misdemeanor subject to a fine of up to \$100 for each violation. Each day such a violation is continued is a separate offense.

SECTION XVI. VALIDITY AND SEVERABILITY AND CONFLICT WITH OTHER ORDINANCES.

- A. 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 of the Ordinance.

- B. Conflict with Other Ordinance: Whenever the requirements of this Ordinance are inconsistent with the requirements of any other ordinance, code, or statute, the more restrictive requirements shall apply.

SECTION XVII. AMENDMENTS

This Ordinance may be amended by a majority vote of the Town meeting. Amendments may be initiated by a majority vote of the Planning Board, or by request of the Board of Selectmen to the Planning Board, or on petition of ten (10%) percent of the votes cast in the last gubernatorial election in the Town. The Planning Board shall conduct a public hearing on any proposed amendment.

SECTION XVIII. EFFECTIVE DATE

The effective date of this revised ordinance is June 11, 2012. The first effective date was June 7, 1986. Past amendments have been accepted in 1987, 1989, 1992, and 2003.

SECTION XIX. DEFINITIONS

- A. Accessory Use or Structure: A subordinate use of a building, other structure, or land, or a subordinate building or other structure:
 - 1. Whose use is customary in connection with the principal building, other structure or use of land; and
 - 2. Whose use is clearly incidental to the use of the principal building, other structure, or use of land; and
 - 3. Which is located on the same lot with the principal building, other structure, or use of land, or on a lot adjacent to such a lot if in the same ownership.
 - 4. Is part of the same establishment.
- B. Agricultural Land Management Practices: Those devices and procedures utilized in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.
- C. Alteration: Structural changes, rearrangement, change of location, or addition to a building or structure other than repairs and modification in building equipment involving more than twenty-five (25%) percent increase in the overall floor space, or bulk of the building, or structure at any time or in total since the effective date of this Ordinance.
- D. Building: Any structure having a roof or partial roof supported by columns or walls used for the shelter or enclosure of persons, animals, goods, or property of any kind. A building shall include a multiple family dwelling.

- E. Commercial: Connected with the buying or selling of goods or services or the provision of facilities for a fee.
- F. Developed area: any site where the existing features (natural features i.e., topography, soils, vegetation, water bodies or resources, floodplains, unique natural features) are modified in some way (i.e., building structures or changing the use of buildings, locating public utilities or water supplies, sewage disposal facilities, locations of curb cuts for driveways) shall constitute a developed area.
- G. Discontinuance: Cessation of use.
- H. Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for one family including provisions for living, cooking, and eating.
- I. Forest Management Activities: Includes timber cruising and other forest resource evaluation activities, pesticide application, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar associated activities, but not the construction, creation of maintenance of land management roads.
- J. Home Occupations: Home occupation means an occupation conducted within a dwelling unit by a resident thereof which is customarily incidental and secondary to the residential use of the unit which such use does not occupy more than fifty (50%) percent of the dwelling unit devoted to living quarters, except that the area devoted to living quarters shall not be reduced below six hundred (600) square feet by this subsection; which requires no display of goods, no stock in trade, no commodity sold on the premises; not more than two (2) non-residents of the dwelling unit employed, and which does not interfere with the peace and quiet of the neighborhood. The office of a doctor or dentist shall be considered as a home occupation provided that it conforms to the restrictions set forth above.
- K. Industrial: Connected with the assembling, fabrication, finishing, manufacturing, packaging or processing of goods or the extraction of minerals.
- L. Institutional: A building devoted to some public, governmental, educational, charitable, medical, or similar purpose.
- M. Multiple Family Dwelling: A building consisting of three (3) or more attached dwelling units designed and intended for long-term occupancy, rather than temporary occupancy as with a hotel or motel.
- N. Persons: Means any person, firm, association, partnership, corporation, municipal, or other local government entity, quasi-municipal entity, state agency, educational, or charitable organization or institution or other legal entity.

- O. Recreational Vehicle: A vehicle or vehicular attachment for temporary sleeping or living quarters for one or more persons which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer, or motor home.
- P. Retail: Connected with the sale of goods to the ultimate consumer for direct use and consumption and not for trade.
- Q. Seasonal: Less than or equal to seven (7) months of use.
- R. Structure: Anything constructed, erected, or placed in or on the ground, the use of which requires location on the ground or attachment to something on the ground, including but not limited to buildings, mobile homes, recreational vehicles, piers, floats, recreation areas, and parking lots. Boundary walls and fences are not included under this regulation.
- S. Substantial Enlargement: An expansion of the land area of the development site, *volume or square footage of buildings, addition of fixtures or equipment involving more than twenty-five percent (25%) increase in floor space*, or the volume of activity by more than twenty-five (25%) percent, at any one time or in total since the effective date of this Ordinance.
- T. Substantial Start: Completion of thirty (30%) percent of a permitted structure or use measured as a percentage of the estimated total cost. *Exterior walls and roof must be completely closed in and finish applied.*