

## CHAPTER 4: SITE PLAN REVIEW

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## CHAPTER 4 SITE PLAN REVIEW

### SECTION 4-1 - PURPOSE

- A. In an era of increasing complexity in urban life, the development of private land can have a profound impact upon the cost and efficiency of public services, and upon those facilities and environmental qualities conducive to the well-being of citizens, such as open space and the efficiency and safety of vehicular and pedestrian movement. The regulations of Chapters I, II, and III of the Land Use and Development Code of the Town of Gorham are sufficient to advance those objectives and to protect the health, safety, convenience and general welfare of the citizens of the Town of Gorham where development involves only the construction of single and two-family dwellings and agricultural building units; but those regulations need to be supplemented when development involves commercial, retail, industrial, institutional uses or multiple family residential development to address site-specific concerns.
- B. The purpose and objectives of these site plan review requirements and the site review procedures for uses other than single-family and duplex dwellings in residential zones and agricultural uses and structures in Rural and Residential Districts are to:
- 1) Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of the development;
  - 2) Discourage monotonous, drab, unsightly, dreary and inharmonious developments;
  - 3) Conserve the Town's natural beauty and visual character and charm by insuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs, and other improvements;
  - 4) Protect and enhance the Town's appeal to its residents and visitors and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial properties;
  - 5) Stabilize and improve property values and prevent blighted areas and, thus, increase tax revenues;
  - 6) Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and, thus, decrease the cost of governmental services;
  - 7) Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvement;
  - 8) Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the Town's favorable environment; and
  - 9) Conserve and protect the natural environment;

And, thus, to promote and protect the health, welfare and safety of the Town.

## SECTION 4-2 - APPLICABILITY

- A. The requirements of this section shall apply to the following:
- 1) The construction of any new, nonresidential building or structure, except for nonresidential structures that are less than 250 square feet in area and that meet the following requirements:
    - a. The proposed structure meets all applicable dimensional requirements for the zoning district in which it is located;
    - b. The proposed structure will not be located in any area designated on an approved site plan or subdivision plan as open space, buffering, or drainage;
    - c. The proposed structure will not be located in the Urban Commercial or Village Centers Districts; and
    - d. All other state and local permits required for the construction of the proposed structure have been secured.
  - 2) The expansion of an existing nonresidential building or structure, except for additions to nonresidential structures that are less than 250 square feet in additional area cumulatively over a 5-year period and that meet the following requirements:
    - a. The proposed addition meets all applicable dimensional requirements for the zoning district in which it is located;
    - b. The proposed addition will not be located in any area designated on an approved site plan or subdivision plan as open space, buffering, or drainage;
    - c. The proposed addition will not be located in the Urban Commercial or Village Centers Districts; and
    - d. All other state and local permits required for the construction for the proposed addition have been secured.
  - 3) The conversion of an existing building, in whole or in part, from residential to nonresidential use;
  - 4) The construction of any new residential structure or development containing three (3) or more dwelling units;
  - 5) The modification or expansion of an existing residential structure which results in an increase in the number of dwelling units in the structure to three (3) or more;
  - 6) The conversion of an existing nonresidential building or structure into a residential use with three (3) or more dwelling units;
  - 7) Except as otherwise provided under Chapter 2, Section 2-1 (C), earth moving, removal, grading or filling activities which involve more than one thousand (1,000) cubic yards of material and which is not associated with a building construction project;
  - 8) The construction or expansion of impervious surface such as, but not limited to: pavement, concrete, brick, stone and gravel including access drives and parking lots involving an area of more than one thousand (1,000) square feet;
  - 9) The establishment of a new nonresidential use even if no buildings or structures are proposed. except as provided in Subsection B.2 of this section, or
  - 10) The construction of any residential condominium development as defined in Chapter 1, Section 1-5.
- B. 1) This section does not apply to the construction or modification of single-family

homes or two-family homes that are not part of a residential condominium development, the construction or modification of a residential unit in conjunction with a lawful home occupation, the placement of manufactured housing on individual lots, agricultural buildings or structures, agriculture and forest management and timber harvesting activities.

- 2) Notwithstanding the requirements of Subsection A.9) above, site plan review shall not be required for a change of use from an existing nonresidential use to a new nonresidential use if the following standards are met:
  - a. The new nonresidential use is a permitted use in the zoning district in which it is proposed;
  - b. The new nonresidential use will not substantially increase traffic or require the addition of any new curb cuts or driveways or the modification of any existing curb cut or driveway. For purposes of this section a substantial increase in traffic shall consist of any one or more of the following:
    - i. An increase in vehicle trips of 20% or more as determined using standards set forth in the Institute of Traffic Engineers Trip Generation Manual, latest edition, as may be amended from time to time;
    - ii. An increase in the number of parking spaces required by Chapter 2, Section 2-2(A); or
    - iii. The proposed addition of a drive through service window; or
  - c. The new non-residential use will not create a substantial fire or safety hazard as determined by the Fire Chief;
  - d. The hours of operation will not exceed 6:00 A.M. to 10:00 P.M.
  - e. The new nonresidential use will not require substantial changes to the existing exterior of the building or to the lot in any district, except the Urban Commercial and Village Centers Districts, where any proposed changes to the exterior of the building or to the lot itself will require site plan review under the requirements of Chapter 1, Sections 1-9 and 1-10; and
  - f. The area of the change of use in the existing building does not exceed 20,000 SF of floor area in the Industrial District or 5000 SF of floor area in any other District.
- C. No land, building or structure shall be used or occupied and no building permit, sign permit, plumbing permit, or certificate of occupancy shall be issued for a development within the scope of this chapter unless and until a final plan of the development has been approved in accordance with the procedures set forth below.

#### SECTION 4-3 - CLASSIFICATION OF PROJECTS

- A. Projects subject to site plan review shall be divided into two (2) classes, Minor Developments and Major Developments.
  - 1) A Minor Development project shall be subject to staff review and shall include any project which:
    - a. Involves the construction or addition of fewer than twenty thousand (20,000) square feet of gross floor area in a nonresidential building or structure in the Industrial, Olde Canal Industrial, Agricultural/Industrial, and Narragansett

Mixed-Use Districts. Lots in Planning Board approved commercial, industrial or business park subdivisions shall allow for minor development review equal to the building sizes outlined in the subdivision approval.

- b. Involves the addition of less than twenty percent (20%) of the existing gross floor area but not more than ten thousand (10,000) square feet of floor area in a nonresidential building or structure in any district other than the Industrial, Olde Canal Industrial, Agricultural/Industrial, and Narragansett Mixed-Use Districts within any three-year period. Lots in Planning Board approved commercial, industrial, or business park subdivisions shall allow for minor development review equal to the building sizes outlined in the subdivision approval.
- c. Involves the construction of less than ten thousand (10,000) square feet of floor area in a nonresidential building or structure in the Rural, Mosher Corner Mixed-Use, or Roadside Commercial Districts within any three-year period. Lots in Planning Board approved commercial, industrial, or business park subdivisions shall allow for minor development review equal to the building sizes outlined in the subdivision approval.
- d. Involves the construction of less than two thousand (2,000) square feet of floor area in a nonresidential building or structure in the Urban Residential, Suburban Residential, Village Centers, Urban Commercial, Office Residential, or Village Expansion Districts, 10 Preble Street Conditional Zone and McLellan-Sampson House Conditional Zone, within any three-year period.
- e. Involves the construction of a residential structure with four (4) or fewer units..
- f. Involves the modification or expansion of an existing residential structure in which the number of dwelling units after construction will be four (4) or less.
- g. Involves the conversion of an existing residential building, in whole or in part, to a nonresidential use with the exception of bed and breakfast establishments with public dining as an accessory use and inns, which shall be reviewed as major developments under this Chapter.
- h. Involves earth moving, removal, grading or filling activities which involve ten thousand (10,000) cubic yards of material or less and which are not subject to the gravel pit provisions of Chapter 2, Section 2-1(C). Lots in Planning Board approved commercial, industrial, or business park subdivisions shall allow for minor development review equal to the amount of fill outlined as part of the subdivision approval.
- i. Involves the construction or expansion of an impervious surface excluding structures such as, but not limited to: pavement, concrete, brick, stone and gravel with fewer than ten thousand (10,000) square feet of area within any three-year period. Lots in Planning Board approved commercial, industrial, or business park subdivisions shall allow for minor development review equal to the imperious surfaces outlined in the subdivision approval.

- 2) Major development - A major development shall be any project requiring site plan review which is not classified as a Minor Development Project.

#### SECTION 4-4 - REVIEW AND APPROVAL AUTHORITY

- A. Major Developments - The Planning Board is authorized to review and act on all site plans for major developments. In considering site plans under this section, the Planning Board may act to approve, disapprove or approve the project with such conditions as are authorized by this Chapter.

- B. Minor Developments - The Site Plan Review Committee shall consist of the Town Planner, Town Engineer, Code Enforcement Officer, or their designees. It is authorized to review all site plans for minor developments and may approve, disapprove, or approve the project with such conditions as are authorized by this Chapter. Actions of the Site Plan Review Committee to approve an application or approve an application with conditions shall require the affirmative vote of all members of the Committee or their designees. The disapproval of one (1) or more members shall constitute denial of the application.

#### SECTION 4-5 - OPERATION OF THE SITE PLAN REVIEW COMMITTEE

The Town Planner shall serve as Chairman of the Site Plan Review Committee and shall be responsible for calling meetings of the Committee, presiding at its meetings, and maintaining the records of the Committee. In the absence of the Town Planner or his designee, the Town Engineer shall serve as chairman pro tem.

If any member of the Site Plan Review Committee shall be unable to attend any meeting of the Committee, he may designate another member of that department to serve in his place. Such designation shall be in writing and shall apply only to that meeting. This designee shall have all the power and authority as the department head.

The Site Plan Review Committee shall meet as needed on a day agreeable to the members of the Committee. Meetings of the Committee shall be advertised in the same manner as those of other Town committees and shall be open to the public.

If a vacancy exists in any of the positions serving on the Committee, the Town Manager shall name an interim committee member with appropriate expertise in the respective department, until such vacancy is filled.

#### SECTION 4-6 - CLASSIFICATION PROCEDURES

Upon receipt of an application for site plan review, the Town Planner shall classify the application as a Major Development or Minor Development.

#### SECTION 4-7 - PROCEDURES FOR AN ADMINISTRATIVE REVIEW OF DEVELOPMENTS

- A. Pre-application Conference - Applicants for site plan review of a Minor Development are encouraged to schedule a pre-application conference with the Town Planner. The purpose of this meeting is to familiarize the applicant with the review procedures and submission requirements, and the approval criteria and to familiarize the Town Planner with the nature of the project. No decisions relative to the plan may be made at this meeting.

In connection with the pre-application review, the Town Planner may determine that an on-site inspection be held to familiarize the Site Plan Review Committee with the project site. The on-site inspection shall be scheduled by the Town Planner and shall be attended by the applicant and/or the applicant's representative and members of the Site Plan Review Committee.

- B. Application Procedure - The owner or his representative shall submit a formal application for Minor Site Plan Review and approval to the Office of the Town Planner. The application shall consist of:
- 1) A fully executed and signed copy of the application for site plan review (provided by the Town);
  - 2) Seven (7) copies of a site plan and supporting documentation as described in Subsection C; and
  - 3) The required publishing and public notice, application, and field inspection fees.

Upon receipt of an application, the Planning Office shall provide the applicant with a dated receipt showing the nature of the application and the fees paid.

Within ten (10) working days of receipt of an application for a Minor Site Plan Review, the Town Planner shall review the application and determine if the application meets the submission requirements set forth in Subsection C. Prior to determining the completeness of the application and considering waiver requests, the Town Planner may solicit the input of other department heads, including those who participate in the Site Plan Review Committee. If the application is complete, the Town Planner shall notify the applicant and the Chairman of the Planning Board in writing of this determination and the action on any waivers and shall provide copies of the application to the Code Office, Town Engineer, and any other Department Head as needed. If the application is incomplete, the Town Planner shall notify the applicant in writing of this determination, specify what additional materials or information are required to complete the application, and advise the applicant that the revised application package will be re-reviewed for completeness when it is resubmitted.

In addition, if the application is deemed to be complete, the Town Planner shall notify all abutters to the site as shown on the Assessor's records, in writing, that an application has been filed. This notice shall contain a brief description of the proposed activity and the name of the applicant. It shall advise the party that a copy of the application is available for inspection, that written comments on the application will be received and considered by the Site Plan Review Committee if submitted by the end of the departmental review period, and that they may request that the application be considered by the Committee at a meeting of the Committee. Failure of any abutter to receive such notice shall not be grounds for delay of any consideration of the application or denial of the project.

C. Submission Requirements - The application for site plan review of a Minor Site Plan Review shall contain at least the following exhibits and information:

1) Seven (7) copies of written materials plus seven (7) sets of site plans, maps, or drawings containing the information listed below. The written materials shall be contained in a single report. The site plan, maps, or drawings shall be at a scale sufficient to allow review of the items listed under approval criteria, but in no case shall be more than fifty (50) feet to the inch for that portion of the tract of land being proposed for development:

a. General Information

1. Record owner's name, address, and phone number and applicant's name, address and phone number if different.
2. Location of all building setbacks, yards and buffers required by this Ordinance.
3. Names and addresses of all abutting property owners, including those in neighboring towns, if applicable.
4. Sketch map showing general location of the site within the Town based upon a reduction of the Town tax maps.
5. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.
6. The assessing tax map and lot number of the parcel or parcels.
7. A copy of the deed to the property, option to purchase the property or

other documentation to demonstrate right, title or interest in the property on the part of the applicant.

8. The name, registration number and seal of the architect, engineer and/or similar professional who prepared the plan.
9. A general description of the proposed activity or use.

b. Existing Conditions

1. Zoning classification(s) of the property and the location of zoning district boundaries if the property is located in two (2) or more zoning districts or abuts a different district.
2. Location and size of any existing sewer and water mains, culverts and drains, on-site sewage disposal systems, wells, and power and telephone lines and poles on the property to be developed and of any that will serve the development from abutting streets or land.
3. Location, names, and present widths of existing streets and rights-of-way within or adjacent to the proposed development.
4. Location, dimensions and ground floor elevations of all existing buildings on the site.
5. Location and dimensions of existing driveways, streets, parking and loading areas and walkways on the site.
6. Location of intersecting roads or driveways within two hundred (200) feet of the site.
7. Location of open drainage courses, floodplains, wetlands, stands of trees, and other important natural features, with a description of such features to be retained.
8. The direction of existing surface water drainage across the site.
9. Location, front view and dimensions of existing signs.
10. Location and dimensions of any existing easements and copies of existing covenants or deed restrictions.
11. Location of the nearest fire hydrant, dry hydrant or other water supply for fire protection and any existing fire protection systems.

c. Proposed Development Activity

1. Location and dimensions of all provisions for water supply and wastewater disposal and evidence of their adequacy for the proposed use including test pit data if on-site sewage disposal is proposed.
2. The direction of proposed surface water drainage across the site.
3. Provisions for handling solid wastes including the location and proposed treatment of any on-site collection or storage facilities.
4. Location, dimensions, and ground floor elevations of all proposed buildings or expansion on the site.



5. Location and dimensions of proposed driveways, parking and loading areas, and walkways.
  6. Location, front view, materials, and dimensions of proposed signs together with the method for securing the sign.
  7. Location and type of exterior lighting.
  8. Proposed landscaping and buffering.
  9. Schedule of construction, including anticipated beginning and completion dates.
  10. Location of all utilities, including fire protection systems.
  11. Statement of any hazardous materials that will be stored or used on the site.
- d. Wind Energy Systems – Additional Plan Requirements
1. Property lines and physical dimensions of the property directly abutting the properties in all directions and properties for which easements have been granted.
  2. Location of the wind system tower.
  3. Location of all residential structures within 250 feet of the proposed wind system tower.
  4. Location of all overhead utility and telephone lines within 250 feet of the proposed wind system tower.
  5. Location of all public and private road rights-of-way within 250 feet of the proposed wind system tower.
  6. Location of other rights-of-way, including but not limited to, railroads and utility corridors within 250 feet of the proposed wind system tower.
  7. Location of other Wind Energy Systems, telecommunication towers, MET towers, and water towers within 250 feet of the proposed wind system tower.
  8. Wind Energy Systems supported by lattice tower(s) are required to submit the following:
    - a. Elevation drawings of the proposed wind tower system in relation to other structures and existing vegetation.
    - b. Photo representations of the proposed facility taken from the perspectives determined by the Site Plan Review Committee or the Town Planner during the pre-application conference. Each photo must be labeled with the line of sight, elevation, and the date taken imprinted on the photograph. The photos must show the color of the facility and method of screening.
    - c. A narrative discussing:
      - i. The tree line elevation within 100 feet of the facility.

- ii. The extent to which the proposed facility would be visible from abutting properties and from designated scenic resources.

e. Supplemental Information

If the Town Planner determines that the project has the potential for having significant adverse impact on traffic flow or safety or on the environment, he may require the applicant to submit a traffic impact assessment and/or an environmental impact assessment.

The Town Planner may require the applicant to provide a boundary survey of the parcel if the property lines are not clearly and easily determined on the ground.

The applicant shall delineate on the plan or supply such other information, studies and/or reports from qualified professionals that the Town Planner may request under this section when the Town Planner determines said information to be reasonably necessary to make any of the determinations required by this Chapter, or to impose or carry out conditions of approval. The applicant shall submit such additional information within twelve (12) months of said request. The failure to timely submit such information will result in the application being placed on a subsequent Site Plan Review Committee meeting agenda for final review.

f. Approval Block

Space shall be provided on the plan for the three signatures of the Site Plan Review Committee and the date, together with the following words, "Approved: Town of Gorham Site Plan Review Committee.

The applicant may request a waiver of any of the submission requirements. Such request shall be in writing and shall be made at the time of submission of the application. The request shall specify why the waiver is being sought. The Town Planner shall review any requests for waivers and shall act on those requests prior to determining the completeness of the application. Upon request, the Town Planner shall waive any such submission requirement as he determines unnecessary to allow the Site Plan Review Committee to determine the application's compliance with the approval standards.

- D. Review Procedures - Within ten (10) days of the application being determined to be complete, all the Department Heads and review staff shall review the application and shall provide the Town Planner with a written review of the application. These reviews shall evaluate the application's conformance with the approval criteria and standards and identify any areas in which the department has questions about conformance with local ordinances. If any department fails to respond within the ten (10) working day review process, this shall mean that the department has no concerns about the project.

1) No adverse comments

If no adverse comments are received by the Town Planner as a result of the department review process and if no adverse written comments or written requests for a meeting of the Committee are received from an abutter to the project by the end of the ten (10) working day review period, the Town Planner shall:

- a. Declare the application approved, sign the site plan, and have the members of the Site Plan Review Committee sign the site plan,

- b. Notify the applicant and Chairman of the Planning Board in writing of the approval, and
- c. Notify any abutter who requested to be notified or who commented on the application of the action.

2) Site Plan Review Committee meeting

The Site Plan Review Committee shall consider the application at a regular meeting of the Committee within 30 days of the application being considered complete. The Town Planner shall notify the applicant, Chairman of the Planning Board, media, and any abutters who commented on the application or requested a Committee meeting in writing of the date, time, and place of the meeting.

The applicant and/or his representatives shall be allowed to make a presentation on the application, address any comments made by the staff or public, and present any revisions to address these issues.

Any abutters may comment on the application or ask questions of the applicant and/or his representatives. The focus of the Committee's review shall be on those areas of the application that produced adverse comments or raised questions.

The Site Plan Review Committee shall consider if the application complies with the standards and criteria of Section 4-9. If the Committee finds that the application conforms to these requirements, the Committee shall vote to approve the application. Approval by the Committee shall require the affirmative vote of all members of the Committee. The applicant may request a continuation of the Site Plan Review Committee's meeting if only two members are present.

The applicant, Planning Board, and any abutters who provide written comments shall be notified in writing of the Committee's action. The minutes of the Committee shall be adequate notification.

3) Appeal to the Planning Board

Any party aggrieved by the decisions of the Site Plan Review Committee may seek an appellate review by the Planning Board. The appellant shall have ten (10) days in which to file such an appeal with the Chairman of the Planning Board. The appeal shall be in writing and shall specify why the appellant believes the action of the Committee was in error. The appeal shall be accompanied by a fee in such amount(s) and for such purpose(s) as the Town Council may from time to time establish by Council order.

If an appeal is filed, the application shall be placed on the agenda of the next regular meeting of the Planning Board. The appellant, applicant, and any abutters who provide written comments or requested a Committee meeting shall be notified in writing of the Planning Board meeting. The Town Planner shall provide members of the Planning Board with copies of the application, supporting material, staff review comments, abutters' comments, and minutes of the staff workshop and Committee meeting at which the application was considered.

The Planning Board shall review on an appellate basis the existing record of materials and shall determine if the application conforms to the approval criteria and standards. If the Board finds that the application conforms to the standards, it shall approve the application; otherwise, it shall deny the same.

The Town Planner shall notify the appellant, applicant and abutters who participated in the review of the action of the Planning Board.

#### SECTION 4-8 - PROCEDURES FOR MAJOR DEVELOPMENTS

- A. Pre-application conference - Applicants for site plan review of a major development are required to schedule a pre-application conference with the Planning Director. The purpose of this meeting is to review procedures and submission requirements, review the approval criteria, and familiarize the Director with the nature of the project. The Planning Director may ask other department heads/representatives to participate in the conference. No decisions relative to the site plan may be made at this meeting. Where appropriate to facilitate expeditious review, the Planning Director may schedule a pre-application conference site walk.
- B. Application Procedure - The owner or his representative shall submit a formal application for review and approval of a major development to the Office of the Planning Director. The application shall consist of:
- 1) A fully executed and signed copy of the application for site plan review (provided by the Town),
  - 2) One (1) original of the site plan on durable, permanent transparency material,
  - 3) Fifteen (15) copies of a site plan and supporting documentation as described in Subsection C,
  - 4) The required publishing and public notice, application, and independent consulting and peer review fees.

Upon receipt of an application, the Planning Office shall provide the applicant with a dated receipt showing the nature of the application and the fees paid.

Within fifteen (15) working days of receipt of an application for a major development, the Planning Director shall review the application and determine if the application meets the submission requirements set forth in Subsection C. The Planning Director shall review any requests for a waiver from the submission requirements and shall act on these requests prior to determining the completeness of the application. Prior to determining the completeness of the application and considering waiver requests, the Planning Director may solicit the input of other department heads. Upon request, the Planning Director shall waive any such submission requirement as he determines unnecessary to allow the Planning Board to determine the application's compliance with the approval standards; provided, however, if the Planning Board determines that such submission is necessary, it may require the same. If the application is complete, the Planning Director shall notify the applicant and the Chairman of the Planning Board in writing of this determination and shall provide copies of the application to the Planning Office, Code Enforcement Office, Engineering Department, Police Department, and Fire Department. If the application is incomplete, the Planning Director shall notify the applicant in writing of this determination, specify what additional materials or information are required to complete the application, and advise the applicant that the revised application package will be re-reviewed for completeness when it is resubmitted.

C. Submission Requirements

The application for site plan review of a major development shall contain at least the following exhibits and information:

- 1) Fifteen (15) copies of written materials plus fifteen (15) sets of site plans, maps, or drawings containing the information listed below. The written materials shall be contained in a single report. The site plans, maps, or drawings shall be at a scale sufficient to allow review of the items listed under approval criteria, but in no case shall be more than fifty (50) feet to the inch for that portion of the tract of land being proposed for development:
  - a. General Information

1. Record owner's name, address, and phone number and applicant's name, address and phone number if different
2. Location of all building setbacks, yards and buffers required by this Ordinance
3. Names and addresses of all abutting property owners, including those in neighboring towns, if applicable
4. Sketch map showing general location of the site within the Town based upon a reduction of the Town tax maps
5. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time
6. The bearings and distances of all property lines and the sources of this information. The Planning Board may waive the requirement of a formal boundary survey when sufficient information is available to establish, on the ground, all property boundaries.
7. Assessing tax map and lot number of the parcel or parcels
8. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant
9. The name, registration number and seal of the architect, engineer and/or similar professional who prepared the plan.
10. A general description of the proposed activity or use.

b. Existing Conditions

1. Zoning classification(s) of the property and the location of zoning district boundaries if the property is located in two (2) or more zoning districts or abuts a different district.
2. Location and size of any existing sewer and water mains, culverts and drains, on-site sewage disposal systems, wells, and power and telephone lines and poles on the property to be developed and of any that will serve the development from abutting streets or land.
3. Location, names, and present widths of existing streets and rights-of-way within or adjacent to the proposed development.
4. Location, dimensions and ground floor elevations of all existing buildings on the site.
5. Location and dimensions of existing driveways, streets, parking and loading areas and walkways on the site.
6. Location of all buildings within fifty (50) feet and the location of intersecting roads or driveways within two hundred (200) feet of the site.
7. Location of open drainage courses, floodplains, wetlands, stands of trees, and other important natural features, with a description of such features to be retained.

8. Direction of existing surface water drainage across the site.
  9. Location, front view and dimensions of existing signs.
  10. Location and dimensions of any existing easements and copies of existing covenants or deed restrictions.
  11. Location of the nearest fire hydrant, dry hydrant or other water supply for fire protection and any existing fire protection system.
  12. Existing topography of the site shown with contour lines with a two-foot interval.
- c. Proposed Development Activity
1. A grading plan showing the proposed changes in the topography of the site at a two-foot contour interval. This plan may be combined with the site plan.
  2. Location and dimensions of all provisions for water supply and wastewater disposal and evidence of their adequacy for the proposed use including test pit data if on-site sewage disposal is proposed.
  3. Provisions for handling solid wastes including the location and proposed treatment of any on-site collection or storage facilities.
  4. Location, dimensions, and ground floor elevations of all proposed buildings or expansion on the site.
  5. Location and dimensions of proposed driveways, parking and loading areas, and walkways.
  6. Location, front view, materials, and dimensions of proposed signs together with the method for securing the sign.
  7. Location and type of exterior lighting.
  8. Storm water drainage and erosion control program showing:
    - a. The existing and proposed method of handling storm water runoff.
    - b. The direction of flow of the runoff through the use of arrows.
    - c. Location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.
    - d. Engineering calculations used to determine drainage requirements based upon the 25-year 24-hour storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed and the pre and post development rates of runoff; provided, if clearly warranted in the professional opinion of the Town Engineer, the Town Engineer may require information on the storm frequency greater than that for the 25-year 24-hour storm.

- e. Methods of controlling erosion and sedimentation during and after construction
- 9. Location and nature of electrical, telephone and any other utility services to be installed at the site in accordance with Land Use Code Chapter 2-10 Section 2-10A "Provision of Underground Utilities".
- 10. Building plans showing, at a minimum, the first floor plan and elevations of all proposed principal and accessory buildings and structures and a schedule of the type, color, and texture of exterior surface materials.
- 11. A planting schedule keyed to the site plan indicating the varieties and sizes of shrubs, trees, and other plants to be installed at the site.
- 12. Location and nature of any proposed fire protection systems.
- 13. A statement of any hazardous materials that will be stored or used on the site.
- 14. A schedule of construction, including anticipated beginning and completion dates.
- d. Assessments of the Impact of the Project
  - 1. A groundwater impact analysis prepared by groundwater hydrologist for projects involving on-site water supply or sewage disposal facilities with a capacity of two thousand (2,000) gallons per day or greater. In addition, the Planning Board may require such an analysis if it determines that the relationship of the project to other activities creates concern about the quality or quantity of the groundwater.
  - 2. A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service, and safety of adjacent streets, if the project will provide parking for fifty (50) or more vehicles or generate more than one hundred (100) trips during the A.M. or P.M. peak hour based on the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers.
- e. Approval Block
 

Space shall be provided on the site plan for the seven (7) signatures of the Planning Board and the date, together with the following words, "Approved: Town of Gorham Planning Board".

The applicant may request a waiver of any of the submission requirements. Such request shall be in writing and shall be made at the time of submission of the application. The request shall specify why the waiver is being sought. The Planning Director shall review any requests for waivers and shall act on those requests prior to determining the completeness of the application.

- D. Review Procedures - Within twenty (20) days of the application being determined to be complete, the Planning Department, Code Enforcement Office, Engineering Department, Police Department, and Fire Department shall review the application and shall provide the Planning Director with a written review of the application. These reviews shall evaluate the application's conformance with the approval criteria and standards and identify any areas in which the department has questions about conformance with local ordinances.

- 1) Staff report - The Planning Director or his representative shall prepare a written report summarizing the review comments and the application's conformance with the approval criteria. This report shall be provided to the applicant within thirty-five (35) days of the application being determined to be complete. If the staff report does not identify any issues with the application, a site walk shall be scheduled. If, however, the staff identifies concerns, a staff workshop shall be scheduled prior to scheduling a site walk.
- 2) Staff workshop - If the staff report identifies any concerns with the application or any areas in which the staff does not believe that the approval criteria are met, the Planning Director shall schedule a staff workshop with the applicant. This workshop is intended to provide the applicant with guidance on how the application could be modified to comply with the review criteria and standards to address concerns raised in the review process. This meeting shall be attended by the Planning Director and the applicant and/or his representative. Any department that provided adverse comment on the application shall also be represented at the staff workshop. The staff shall work with the applicant to attempt to resolve all issues.

Within five (5) days of the staff workshop, the applicant shall advise the Planning Director of his intention with regard to the pending application. If the applicant desires, the Planning Director shall proceed with the processing of the application as submitted and schedule a site walk or the applicant may submit revised and/or supplemental material before processing of the application proceeds.

- 3) Supplemental submission - Based upon the results of the staff workshop, the applicant may choose to revise the application and/or submit additional materials. These materials should address or rebut the issues raised in the staff review. Fifteen (15) copies of all new or revised materials shall be submitted. Revised materials shall be clearly labeled as revised and shall include the date of the revisions.

Within fifteen (15) days of receiving a supplemental submission, the Planning Director shall

Distribute copies of the supplemental materials to the department heads for review.

Prepare a revised staff report summarizing the current status of the application and the application's conformance with the approval criteria.

Provide the applicant and Chairman of the Planning Board with the revised staff report.

Schedule a site walk for the Planning Board.

- a) Request for Additional Information by Planning Board and Expiration of Application – The Planning Board may request the applicant to provide additional information, studies and/or reports from qualified professionals when the Planning Board determines that such information is necessary for the Planning Board to make any of the determinations required by this Chapter or to impose or carry out conditions of approval. The applicant shall submit such additional information within twelve (12) months. The failure to timely submit such information will result in the application being placed on the next Planning Board meeting agenda for final review.
- 4) Site walk – Site walks may be called by the Planning Board Chairman or a majority of the members of the Planning Board. The site walk shall be held within thirty (30) days of the Planning Board's calling for a site walk. This time



may be extended with the consent of the applicant if inclement weather or snow cover make a site walk impractical. The site walk shall be an official meeting of the Planning Board and notice of the site walk shall be provided to the Planning Board, staff, applicant, abutters, and the media in accordance with Town procedures.

The Town Planner shall provide informational packets to the members of the Planning Board. These packets shall include:

- The application and any supplemental submissions.
- The site review report
- Any correspondence from the applicant or abutters.

The applicant and/or his representative shall attend the site walk. The applicant shall be responsible for assuring that the major features of the proposed development (i.e., roads, buildings, waterways, etc.) or such features as requested by the Planning Board can be visually identified at the physical site location.

The site walk shall be directed by the Chairman of the Planning Board. The Chairman shall coordinate the inspection of the site and shall direct the discussion to assure that all members of the Planning Board and others in attendance receive the same information.

- 5) Public hearing - A public hearing on the application shall be held by the Planning Board at its first regularly scheduled meeting following the site walk. This public hearing shall be scheduled by the Chairman of the Planning Board.

The Planning Department shall publish notice of the public hearing in a newspaper having general distribution in Gorham at least seven (7) days prior to the hearing. The department shall also provide the abutters to the site with written notice of the public hearing at least seven (7) days prior to the hearing. Failure of an abutter to receive a notice of the public hearing shall not be grounds for postponement of the hearing or denial of the application.

The public hearing shall be conducted by the Chairman of the Planning Board. The applicant and/or his representatives shall be allowed to present the application. Abutters or other parties with standing shall be allowed to present information or ask questions of the Board and/or applicant.

- 6) Consideration by the Board - Following the public hearing, the Planning Board shall consider the application and its conformance with the approval criteria and standards. Within sixty (60) days of the public hearing, the Planning Board shall complete its review of the application and shall take action on the application. The Board may extend this review period with the consent of the applicant.

If the applicant submits a revised application or supplemental submissions while the application is under consideration by the Planning Board, the Planning Board shall have at least thirty (30) days from the receipt of this material in which to make its decision, notwithstanding the sixty (60) day limit provided for above.

- 7) Conditions of approval - The Planning Board may impose conditions on the approval of a site plan review for a major development. Any conditions imposed by the Planning Board must relate directly to the approval criteria and standards.

- 8) Improvement guarantee - The Planning Board may require the posting of an improvement guarantee in such amount as is reasonably necessary to ensure the proper installation and one year of maintenance of all off-site improvements required as conditions of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.

a. Application

1. As a condition of final site plan approval, the Planning Board may require and shall accept in accordance with the standards adopted by ordinance, the following guarantees:
  - a) The furnishing of a performance guarantee in an amount equal to one hundred twenty five (125%) percent of the cost of installation for proposed public or quasi-public off-site improvements.
  - b) Provision for a maintenance guarantee for a period not to exceed one (1) year after final acceptance of the improvement, in an amount not to exceed fifteen (15%) percent of the cost of the improvement. In the event improvements are covered by a performance or maintenance guarantee to another governmental agency, which guarantee is at least as stringent as that required hereunder, no performance or maintenance guarantee, as the case may be, shall be required by the Planning Board for such improvements.
  - c) The time allowed for installation of the off-site improvements for which the performance guarantee has been provided may be extended by the Planning Board, but for no more than two additional years.
2. Upon substantial completion of all required improvements, the developer shall notify the Planning Board of the completion or substantial completion of improvements, and shall send a copy of such notice to the appropriate municipal officials: the Director of Planning and Zoning, the Fire Chief, and/or the Town Engineer. The respective municipal officials shall inspect all improvements of which such notice has been given and shall file a report with the Planning Board indicating either approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection. The cost of the improvements as approved or rejected shall be set forth.
3. The Planning Board shall approve, partially approve, or reject the improvements on the basis of the report of the municipal officials.
4. Where partial approval is granted, the developer shall be released from all liability except for that portion of improvements not yet approved.

a. Form of Guarantee

Performance and maintenance guarantees may be provided by a variety of means including, but not limited to, the

following, which must be approved as to form and enforceability by the Town Manager and Town Attorney:

1. Security Bond. The applicant may obtain a security bond from a surety bonding company authorized to do business in the state.
2. Letter of Credit. The applicant may provide an irrevocable letter of credit from a bank or other reputable lending institution.
3. Escrow Account. The applicant may deposit cash, or other instruments readily convertible into cash at face value into a non interest bearing agreement with the Town, which shall stipulate that the Town can withdraw the money upon forty-eight (48) hours advance notice to the applicant.

## SECTION 4-9 - APPROVAL CRITERIA AND STANDARDS

The following criteria shall be used by the Site Plan Review Committee and the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Site Plan Review Committee or the Planning Board determines that the applicant has failed 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 sufficient to warrant a finding that all applicable criteria have been met.

- A. Utilization of the Site - The plan for the development will reflect the natural capabilities of the site to support development. Buildings, lots, and support facilities will be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas such as wetlands, steep slopes, flood plains and unique natural features will be maintained and preserved to the maximum extent. Natural drainage areas will be preserved to the maximum extent.
- B. Access to the Site - Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development. For developments which generate one hundred (100) or more peak hour trips based on the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers, intersections on major access routes to the site within one (1) mile of any entrance road which are functioning at a Level of Service of C or better prior to the development will function at a minimum at Level of Service C after development. If any intersection is functioning at a Level of Service D or lower prior to the development, the project will not reduce the current level of service.

The Planning Board of Site Plan Review Committee may approve a development not meeting this requirement if the applicant demonstrates that:

- 1) A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or
  - 2) The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will guarantee the completion of the improvements within one (1) year of approval of the project.
- C. Access into the Site - Vehicular access into the development will provide for safe and convenient access.
  - 1) Any exit driveway or proposed street will be so designed as to provide the minimum sight distance to meet the Maine Department of Transportation standards.
  - 2) Points of access will be located to avoid hazardous conflicts with existing turning movements and traffic flows.
  - 3) The grade of any proposed drive or street will be a -2.0% for a minimum of five (5) feet from the existing pavement edge or to the centerline of the existing drainage swale. From the above control point, a grade of not more than -3% shall be required for a minimum of two (2) car lengths or forty (40) feet.
  - 4) The intersection of any access drive or proposed street will function at a Level of Service of C following development if the project will generate an ADT of one thousand (1,000) or more vehicle trips, or at a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated.
  - 5) Projects generating an ADT of one thousand (1,000) or more vehicle trips will provide two (2) or more separate points of vehicular access into and out of the site.
- D. Internal Vehicular Circulation - The layout of the site will provide for the safe movement of

passenger, service and emergency vehicles through the site.

- 1) Nonresidential projects will provide a clear route for delivery vehicles with appropriate geometric design to allow turning and backing for WB-40 vehicles.
  - 2) Clear routes of access will be provided and maintained for emergency vehicles around all buildings and will be posted with appropriate signage (fire lane - no parking).
  - 3) The layout and design of parking areas will provide for safe and convenient circulation of vehicles throughout the lot and will prohibit vehicles from backing out onto a street.
  - 4) All roadways will be designed to harmonize with the topographic and natural features of the site. The road network will provide for vehicular and pedestrian safety, all season emergency access, snow storage, and delivery and collection services.
- E. Pedestrian Circulation - The development plan will provide for a system of pedestrian circulation within and to the development. If the project is located in a village area, this system will connect with existing sidewalks if they exist in the vicinity of the project.
- F. Storm water Management - Adequate provisions will be made for the disposal of all storm water collected on streets, parking areas, roofs or other impervious surfaces through a storm water drainage system and maintenance plan which will not have adverse impacts on abutting or downstream properties:
- 1) To the extent possible, the plan will detain storm water on the land at the site of development, and do so through the wise use of the natural features of the site. Storm water runoff systems will detain or retain water falling on the site such that the rate of flow from the site does not exceed the predevelopment rate. Discharge of additional storm water caused by the development onto adjacent properties will be prohibited unless written easements are obtained from the owners of such adjacent properties.
  - 2) If the post development runoff is greater than predevelopment runoff, the developer will demonstrate that downstream channel or system capacity is sufficient to carry the flow without adverse effects, or will be responsible for the improvements to provide the required increase in capacity.
  - 3) All natural drainage ways will be preserved at their natural gradients and will not be filled or converted to a closed system except as approved by the Planning Board and appropriate state agencies.
  - 4) The design of storm water drainage systems will be based upon a storm frequency established by the Town Engineer, consistent with the frequency that would otherwise be required under the Town's subdivision ordinance, and shall provide for the disposal of storm water without damage to streets, adjacent properties, or downstream properties.
  - 5) The design of the storm drainage systems will be fully cognizant of upstream runoff which must pass over or through the site to be developed.
  - 6) The biological and chemical properties of the receiving waters will not be degraded by the storm water runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and the reduction in use of deicing salts and fertilizers may be required, especially where the development storm water discharges into a gravel aquifer area or other water supply source.
- G. Erosion Control - For all projects, building and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible. Filling, excavation and earth moving activity will be kept to a minimum. Parking lots on sloped

areas will be terraced to avoid undue cuts and fills, and the need for retaining walls. Natural vegetation will be preserved and protected wherever possible.

During construction, soil erosion and sedimentation of watercourses and water bodies will be minimized by an active program meeting the requirements of the Cumberland County Soil and Water Conservation District's Best Management Practices.

- H. Water Supply - The development will be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water. When required by Chapter 2, Section 2-9., the project shall be served by public water provided by the Portland Water District.

If a public water supply system is to be used, the developer has secured in writing a statement from the Water District that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to serve domestic water and fire protection needs.

- I. Sewage Disposal - A sanitary sewer system will be installed at the expense of the developer if the project is located within a sewer service area as identified by the sewer user ordinance. The Site Plan Review Committee or Planning Board may allow individual subsurface waste disposal systems to be used where sewer service is not available.

- 1) Upstream sewage flows will be accommodated by an adequately sized system through the proposed development for existing conditions and potential development in the upstream area or areas tributary to the proposed development.
- 2) All components of sanitary sewerage facilities that connect to the Town system have been designed by a professional engineer registered in the State of Maine and will be tested in full compliance with the design specifications and construction practices as established by the Town Engineer. The construction of sewer lines will include the construction of laterals to the property line of each lot where individual lots are created.
- 3) All individual on-site systems will be designed by a licensed soil evaluator in full compliance with the Maine State Plumbing Code, as amended. Upon the recommendation of the Local Plumbing Inspector, the Site Plan Review Committee or Planning Board may require the location of reserve areas for replacement systems.

- J. Utilities - The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project in accordance with Land Use Code Chapter 2-10 Section 2-10A "Provision of Underground Utilities".

- K. Natural Features - The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction.

- 1) Extensive grading and filling will be avoided as far as possible.
- 2) Cutting of trees on the northerly borders of the development will be avoided to the extent possible to retain a natural wind buffer.

- L. Groundwater Protection - The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems. Projects involving on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater have demonstrated that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

- M. Exterior Lighting - The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.

- 1) All exterior lighting will be designed and shielded to avoid undue adverse impact on neighboring properties and rights-of-way.
  - 2) Lighting shall be provided, at a minimum, in the following areas:
    - a. Entrances to facilities and recreation areas;
    - b. Street intersections;
    - c. Pedestrian crossings; and
    - d. Entrance roads.
- O. Waste Disposal - The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.
- 1) All solid waste will be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.
  - 2) All hazardous wastes will be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility has been submitted.
- P. Landscaping - The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.
- (1) The use of Invasive Terrestrial Plants is not allowed in any landscaping on the site per the standards and requirements under Chapter 2, Section 2-1, J. Invasive Terrestrial Plants.
- Q. Shoreland Relationship - The development will not adversely affect the water quality or shoreline of any adjacent water body. The development plan will provide for access to abutting navigable water bodies for the use of occupants of the development.
- R. Technical and Financial Capacity. The applicant has demonstrated that he has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan.
- S. Buffering - The development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas. The buffer areas required by the district regulations will be improved and maintained.
- (1) The use of Invasive Terrestrial Plants is not allowed in any landscaping on the site per the standards and requirements under Chapter 2, Section 2-1, J. Invasive Terrestrial Plants.
- T. Noise – The applicant has demonstrated that the development will comply with the following noise regulations:
- The maximum permissible hourly A-weighted equivalent sound level produced by any activity regulated by this Ordinance shall be established by the time period and type of land use listed below in Table 1. The term **A-weighted equivalent sound level** shall be as defined by applicable American National Standards Institute (ANSI) Acoustical Terminology.

Table 1: Sound Level Limits: A-weighted hourly equivalent sound level

District	Sound Level Limit (dBA)	
	Daytime (7 am–7pm)	Nighttime (7 pm–7am)
Residential: <i>Urban, Suburban, Rural, Village Center, Office Residential</i>	60	50
Industrial/Commercial: <i>Urban Commercial, Roadside Commercial, Industrial, Commercial/Office, Narragansett Development</i>	70	60
The district classification of a lot is determined by that lot's zoning classification. Where two lots of differing district classifications abut, the residential sound level limit will apply.		

Sound level limits shall apply at all lot lines of the facility or development where the sound is produced including all Residential District lot lines. Measurements shall be taken in accordance with this Noise Ordinance, which is generally consistent with appropriate ANSI standards. Sound levels shall be measured at a height of at least five (5) feet (1.52 meters) above the ground surface using a Type 1 or Type 2 sound level meter (as defined by ANSI S1.4) at all major lot lines. The sound level meter and microphone shall be field calibrated at the site prior to and after conducting the sound level measurements. The sound level meter, microphone and field calibrator shall also have been calibrated by a certified acoustic laboratory within 12 months of field measurements.

Short duration repetitive sounds are a sequence of repetitive sounds which occur more than once within an hour, each clearly discernible as an event and causing an increase in the sound level of at least 6 dBA on the fast meter response above the sound level observed immediately before and after the event, each typically less than ten seconds in duration, and which are inherent to the process or operation of the development.

When routine operation of a development produces short duration repetitive sound, the following maximum limits shall apply:

- (i) For the purposes of determining compliance with the above sound level limits, 5 dBA shall be added to the measured hourly  $L_{Aeq}$  whenever short duration repetitive sounds result from routine operation of the development. The resultant adjusted A-weighted hourly equivalent sound shall not exceed the sound level limit (dBA) permitted in the district established by Table 1.
- (ii) In addition to the hourly equivalent sound level ( $L_{Aeq}$ ), the maximum sound level ( $L_{AFmax}$ ) of the short duration repetitive sounds shall not exceed the following limits:
  - (a) At any protected lot line for which the zoning is in a Residential District (see Table 1):
    - 65 dBA between 7:00 a.m. and 7:00 p.m., and
    - 55 dBA between 7:00 p.m. and 7:00 a.m.
  - (b) At any protected lot line for which the zoning is in an Industrial/Commercial District (see Table 1):
    - 75 dBA between 7:00 a.m. and 7:00 p.m., and
    - 65 dBA between 7:00 p.m. and 7:00 a.m.

The noise levels established by this section do not apply at lot lines where the abutting property owner has granted a noise easement to the applicant. Such an easement shall state the abutting property owner agrees that the sound level limits at the shared property line can be exceeded a specified amount but not by more than 10 dBA above the applicable sound level limits. Any agreement or easement concerning noise levels shall be included in the reciprocal deeds, shall be only for the specific noise, land use and term covered by the noise easement and shall have no effect on the sound level limits applicable to other properties.



As part of the project application to the Town of Gorham, sufficient evidence shall be provided to demonstrate that a proposed new development or modification to an existing development will comply with applicable sound level limits of this section. Submissions to the Planning Board shall include the following:

1. Site Area Map – with scale or dimensions, showing the location and arrangement of the proposed development in relation to surrounding land uses, lot lines, and zoning districts.
2. Noise Sources - descriptions, operating hours, and sound levels (octave band when appropriate) for noise sources associated with a proposed development.
3. Noise Controls – descriptions, sketches with scales or dimensions, locations, and expected noise reduction of proposed noise control measures required to meet the applicable sound level limits.
4. Combined Sound Level – calculations showing the combined sound level of all regulated noise sources for a proposed development and comparison to the applicable sound level limits.

Once a proposed development begins routine operation, the Planning Board may require demonstration that a proposed development meets the applicable sound level limits. Such a demonstration shall require that sound level measurements include representative daytime and/or nighttime periods for a duration adequate to quantify the loudest modes of routine operation. Measurements shall be conducted during suitable weather conditions and shall be generally consistent with applicable ANSI standards. Compliance measurements shall be conducted during periods of no measurable precipitation, when the ground is not covered with new, freshly fallen snow and downwind when the wind speed measured at 33 feet (10 meters) above the ground is equal to or greater than 5 miles per hour (1.52 meters per second). Wind speed can be measured on-site or taken from the Portland Jetport. A sound testing report shall be provided to the Town that includes a description of measurement procedures, identification of sound level instrumentation and calibration, descriptions of measurement locations, sound level measurements and field observations, measurement and analysis of short duration repetitive sounds, and weather conditions (wind speed and direction, temperature, humidity, cloud cover). Justification for measurements during weather conditions that do not adhere to the requirements set forth in this Noise Ordinance, if any, shall also be provided.

## SECTION 4-10 – POST APPROVAL ACTIVITIES

### A. Recording of Approved Plan or Decision Document

1. The conditions of approval, waivers granted by the Planning Board or Site Plan Review Committee, along with variances granted by the Board of Appeals, must be added to the approved Site Plan and the Plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board.
2. The applicant shall submit three (3) copies of the plans for signature. The final recording copy for any site plan may be signed by the Planning Board at the close of the meeting only if the original and three (3) paper copies have been filed with the Planning Division by noon on Monday one (1) week prior to a Planning Board meeting. Two (2) signed copies of the approved Site Plan or Decision Document shall be retained by the Town, the Planning Division (1) and the Assessing Division (1). One (1) original of the signed plan or Decision Document shall be recorded in the Registry of Deeds. Should a site plan not be completed by a professional engineer, surveyor, or landscape architect then a decision document shall be completed by the Town for recording in the Registry of Deeds. A copy of the recorded site plan or Decision Document shall be returned to the Planning Division prior to a pre-construction meeting being held.
3. No approved site plan or Decision Document shall be released for recording at the Registry of Deeds until the required performance guarantee has been posted for off-site public improvements. If an approved plan or Decision Document is not recorded in the Registry of Deeds within one (1) year of the original approval, it shall be come null and void.

### B. Performance Guarantee and Inspection Escrow

#### 1. Performance Guarantee

- a) Purpose: Improvement guarantees shall be provided to ensure that the applicant has the financial capability to properly construct the project as approved by the Planning Board or Site Plan Review Committee.

#### b) Types of Guarantees

- 1) Off-site improvements: The applicant shall provide a performance guarantee for an amount adequate to cover 150% of the total construction costs of all required improvements located off private property and located on public property and/or rights-of-ways. Off-site improvements are required to have performance guarantees in place prior to the final plan or Decision Document being released for recording at the Registry of Deeds. The Town Planner may allow a temporary occupancy permit to be issued prior to completion of all off-site improvements but are required to be completed within a year from issuance of the temporary occupancy permit.
- 2) On-Site Improvements: The applicant shall provide a performance guarantee for an amount adequate to cover 125% of the total construction costs of all remaining site improvements not completed prior to issuance of a temporary or final occupancy permit. The applicant shall complete all required improvements as soon as possible but the remaining improvements are required to be completed within a year from issuance of the temporary occupancy permit.

- 3) Performance and maintenance agreements shall be provided by a variety of means including, but not limited to, the following, which must be approved as to form and enforceability by the Town Manager and Town Attorney:
  - i. Escrow Account: Either a certified check payable to the municipality or a savings account or certificate of deposit naming the municipality as sole owner;
  - ii. Security Bond: A performance bond payable to the municipality issued by a surety bonding company authorized to do business in the State of Maine;
  - iii. Letter of Credit: An irrevocable letter of credit from a bank or other reputable lending or financial institution.
- c) Contents of Guarantee: The performance guarantee must contain the following:
  - 1) Construction schedule; and
  - 2) Cost estimates for each phase of construction taking into account all construction costs for site improvements, provisions for inspections of each phase of construction, and a date after which the applicant will be in default and the municipality shall have access to the funds to finish construction.
- d) Escrow Account: A cash contribution for the establishment of an escrow account must be made by either a certified check made out to the Town of Gorham, with a direct deposit into a savings account or the purchase of a certificate of deposit.
  - 1) For any account operated by the applicant, the Town of Gorham must be named as owner or co-owner, and the consent of the Town must be required for any withdrawal.
  - 2) The Town of Gorham shall be authorized to make withdrawals without the signature of the applicant pursuant to the performance schedule.
- e) Performance Bond: A performance bond must detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the municipality. The bond documents must specifically reference the site plan for which approval is sought and the approved costs estimates.
  - 1) The applicant shall submit a draft copy of the performance bond to the Town Planner for review and approval prior to issuance of the final performance bond.
- f) Letter of Credit: An irrevocable letter of credit from a bank or other reputable lending institution with offices in the region must indicate that funds have been set aside for the construction of the site plan.
  - 1) The letter of credit must use the template established by the Town of Gorham, unless waived by the Town Manager in consultation with the Town Attorney.
- g) Phasing of Development: The Planning Board or Site Plan Review Committee

may approve plans to develop a site plan in separate and distinct phases. The phases must be designed so that they can be recorded at the Registry of Deeds as separate and distinct plans. No phased plans will be released for recording in the Registry of Deeds until the performance guarantee for the off-site improvement for that phase has been established as required under this section.

- h) Release of Guarantee: While partial draws are permitted, the amount of each must be no less than twenty percent (20%) of the original amount. The developer shall submit to the Town Planner a copy of the approved schedule of values identifying items substantially completed and being requested for release. Prior to the release of any part of the performance guarantee, the Town Manager or his designee shall determine to their satisfaction, in part upon the report of the Town's consulting engineer or other qualified individual and departments who may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the subdivision for which the release is requested.
- i) Default: If upon investigation the Town or Gorham or the Town's consulting engineer finds that any of the required improvements have not been constructed in general performance with the plans and specifications filed as part of the application, they shall report in writing to the Town Manager, the Town Planner, the Code Enforcement Officer, and the applicant or builder. The Town Manager or his designee shall take any steps necessary to preserve the municipality's rights
- j) An escrow account for field inspection and compliance work equivalent to two and one-half percent (2.5%) of the approved estimated costs of both off and on site improvements prior to the start of construction must be established with the Town Planner by the developer to guarantee payment in advance of the pre-construction meeting being held.

#### C. Submission of AutoCAD Plans

Prior to the project that require a survey plan a State of Maine licensed surveyor shall submit information in an AutoCAD.dwg or .dxf format (preferably .dwg) electronically to the Town Planner prior to a pre-construction meeting being held.

#### D. Pre-construction Meeting

Prior to the start of construction, the applicant shall schedule with the Town Planner a pre-construction meeting with Town staff. At a minimum, the applicant, design engineer or other design professional, and his earthwork construction contractor shall be in attendance.

#### SECTION 4-11 - FEES

To help recover costs incurred by the Town in the review, administration, site inspection, and public notice associated with the application, the following fees and deposit in such amount(s) and for such purpose(s) as the Town Council may from time to time establish by Council order shall be paid by the applicant to the Town of Gorham at the time of filing site plan application:

- A. Publishing and public notice fee;
- B. Review fee; and
- C. Independent consulting and peer review escrow account to be established with the Town in accordance with Chapter 2, Section 2-9 of this Code.

All fees shall be non-refundable except unexpended escrow deposits, which shall be refunded in accordance with Chapter 2, Section 2-9, Subsection B of this Code. If a site plan application is also subject to subdivision review or municipal review under any other ordinance, the applicant shall pay only the larger review fee amount exclusive of escrow deposit.

#### SECTION 4-12 - WAIVERS

The Planning Board shall have the authority to waive specific site plan review requirements as may be reasonable and within the general purpose and intent of this district by an affirmative vote of at least five of the seven members, if the granting of a waiver shall not have a significantly adverse impact on the environment, the public health and safety, or the cost of providing municipal services. The applicant shall submit a waiver request in writing accompanying the site plan application submission. The Planning Board shall state upon its records the reasons for granting any specific site plan waiver.

#### SECTION 4-13 - APPEAL OF PLANNING BOARD ACTIONS

Appeal of any actions taken by the Planning Board with respect to this Chapter shall be to the Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80B.

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