

Town of Damariscotta
21 School Street
Damariscotta, ME 04543



Isabelle Oechsle
Town Planner
(207) 563-5168

IOechsle@Damariscottame.com

Town of Damariscotta
Planning Board Meeting Agenda
Monday, September 19, 2022 – 6:00PM
Hybrid Meeting: Town Office & via Zoom

Join Zoom Meeting: <https://us02web.zoom.us/j/88985249796>
Meeting ID: 889 8524 9796
Passcode: DamaPB

1. Call to Order
2. Pledge of Allegiance
3. Review of Minutes of Previous Meetings: July 11, 2022 & August 1, 2022
4. New Business:
 - a. Review and discussion of draft, revised Planning Board Regulations
5. Other:
 - a. Questions from the public
 - b. Workshop on Town Planner's proposed Miscellaneous Ordinance Updates
 - c. Housekeeping
6. Adjournment

**PLANNING BOARD MEETING MINUTES
TOWN of DAMARISCOTTA
July 11, 2022 6:00 P.M.**

Live and via Zoom

MEMBERS: Jonathan Eaton, Chairperson; Jenny Begin, Neil Genthner, Wilder Hunt and Ann Jackson

ALTERNATES: Gary Rosenthal, and Dan Day

ABSENTEES: Dan Day

STAFF PRESENT: Isabelle Oechsle, Town Planner; Andrew Dorr, Town Manager; Lynda Letteney, Recording Secretary

PUBLIC PRESENT: Mark Hagar, Great Salt Bay School; Nader Tavassoli; Heidi Rosenwald; Clayton Giggey; and Larry Sidelinger, LCTV

III. MINUTES

On motion (Hunt/Genthner) to approve the minutes of June 9, 2022, as presented. Vote: 5-0-0

On motion (Genthner/Jackson) to approve the site visit minutes of June 16, 2022, at Great Salt Bay School. Vote: 5-0-0

IV. BUSINESS MEETING

A. OLD BUSINESS

1. Great Salt Bay School, 559 Main Street – Construction of a 936 sf Greenhouse and Installation of 453 SF Yurt and Temporary Classroom

A site visit was done 6/16/22. The Town Planner reported that the Fire Chief made verbal report to her, noting that he was satisfied with the placement overall and that there are no access concerns. The construction of the greenhouse, yurt, and temporary classroom will all require a building permit, where the Fire Department will be able to weigh in further on a concern related to the interior of the temporary classroom. **Neil Genthner** asked the Planner what the Fire Chief's concern with the temporary classroom was. **Mark Hagar** commented that the Fire Chief's concern was that the door to the classroom interferes with the bathroom. **Neil Genthner** suggested that they move forward pending a written statement from the Fire Chief. Classroom will be on cinder blocks on existing parking lot on the backside along the façade by boiler room and gym, some 20' from the building with sprinklers (30' if no sprinklers). **Wilder Hunt** felt it seemed okay to him and **Jonathan Eaton** agreed.

On motion (Genthner/Jackson) to approve application as complete. Vote: 5-0-0

On motion (Hunt/Genthner) to move project forward pending letter from the Fire Chief.

Vote: 5-0-0

B. NEW BUSINESS

1. 115 Cottage Point Road – Reapproval of Shoreline Zoning Permit

Owners Heidi Rosenwald and Nader Tavassoli were present. They live in London, and with Covid, time ran out before construction could be done. The permit is for the addition of a bathroom and study. The applicants noted that the plan is the same, but contractor has changed. Design and building are now to be done by Fred Lilly. All Board members present participated in the site visit on this project when it was originally approved.

On motion (Begin/Genthner) to approve the renewal of the previous permit with the new contractor. **Vote: 5-0-0**

2. Clayton Giggey – Request to Amend Description of the C2 District

Isabelle Oechsle began the discussion by saying that the mapping showing the zoning boundaries is correct, but there has been a parcel split that requires the Ordinance to be updated. The parent parcel (Tax Map 3, Lot 32) was split in half. Need to update description to align with the map. Isabelle reached out to the Town’s Attorney to ask if this was up to the Board, as an administrative change, or if it would need to go to a full Town Meeting vote. The Town Attorney was unable to provide a response in advance of this meeting, but Isabelle will report back if further action by the Board is needed. It is not a policy change, just a numbering issue within Appendix A of the Land Use Code.

On motion (Hunt/Jackson) to have the Planning Board recommend to the Select Board to change the description to match the map. **Vote: 5-0-0**

C. OTHER

1. Questions from the Public - None

2. Housekeeping –

Isabelle noted that she will make a presentation during the next meeting regarding administrative updates to the development review process, in an effort to be more transparent to both applicants and members of the public. **Wilder Hunt** commented that he is glad to hear of process improvements; applicants should have a clear path to get to the point of project approval.

Jenny Begin updated the Board on the Comprehensive Planning Committee’s work. They will be posting a “Town Vision Survey” on the website. It will consist of 5 general questions: Purpose is to ID issues; priorities; and to let people know what they are doing. Takes about 3 minutes to complete and paper copies will be available at the Town Office, Library and at the CLC. It will be open on the web for two months.

3. Planner’s Report- None

D. Adjournment

On motion (Begin/Hunt) to adjourn the meeting at 6:30 p.m. **Vote: 5-0-0**

Respectfully submitted,

Lynda Letteney
Recording Secretary

We the undersigned approve the minutes for the Planning Board Meeting of July 11, 2022.

Jonathan Eaton, Chairperson

Jenny Begin

Neil Genthner

Wilder Hunt

Ann Jackson

Absent
Daniel Day (alternate)

Gary Rosenthal (alternate)

Minutes for July 11, 2022 signed _____

Date

**PLANNING BOARD MEETING MINUTES
TOWN of DAMARISCOTTA
August 1, 2022 6:00 P.M.**

Live at the Town Office, and via Zoom

MEMBERS PRESENT: Neil Genthner, Wilder Hunt and Ann Jackson

ALTERNATES PRESENT: Gary Rosenthal, and Dan Day

ABSENTEES: Jenny Begin; Jonathan Eaton

STAFF PRESENT: Isabelle Oechsle, Town Planner; Lynda Letteney, Recording Secretary

PUBLIC PRESENT: Daniel Maguire, *Sandy River Corporation*; Doug Gardner, *North Country Associates*; Andrew Johnston, *Atlantic Resource Consultants*; Rebecca Dillon, *Gawron Turgeon Architects*; Blaine Buck, *Cordjia Capital Projects Group*; Brooks Betts, *Lincoln Health*; Cindy Wade, *Lincoln Health*; John Martins; Claire Sommer; Jim Gallagher; Geoff Keochakian, LCTV; and Evan Houk, *Lincoln County News*

I. Pledge of Allegiance

Vice-Chairperson Hunt led the Pledge at 6:00 p.m.

II. CALL TO ORDER

In the absence of the Chair, the meeting was called to order at 6:02 p.m. by **Vice-Chairperson Hunt**.

III. MINUTES

On motion (X) to approve the minutes from June 9, 2022 as presented **Vote: Tabled**

IV. Appointment of alternate to Board with all rights and privileges

On motion (Genthner/Jackson) to seat alternate Dan Day (alternate) with all rights and privileges for the 8/1/22 meeting of the Planning Board. **Vote: 3-0-0**

V. BUSINESS MEETING

A. OLD BUSINESS

1. None

B. NEW BUSINESS

1. Clippership Landing Development, LLC, Sandy River Corporation, 2 Piper Mill Road (Map 1 Lot 50) Pre-Application/Sketch Plan Review

Isabelle Oechsle introduced the item, noting that the purpose of this item is for the Planning Board to provide the applicants with non-binding feedback on the proposal. The site plan may be amended prior to returning to the Board for Site Plan and Minor Subdivision Reviews, which will be required as part of this development in order to: amend the lot line of the previously approved 2019 subdivision plan of the property, and to construct a 102-bed nursing care facility and associated site improvements (including parking areas and two curb cuts, stormwater management facilities, and courtyard areas and path systems for the enjoyment of residents). The property is in the Rural zone and the Town's designated Village Expansion Growth Area, per the 2014 Comprehensive Plan.

Isabelle flagged the following key considerations for the Planning Board:

1. Parking: 34 spaces would be required under current ordinance; proposed 109. Concern is with the placement of parking. Front façade spaces either need to move behind the front façade of the property or be screened by landscaping.

2. Stormwater Management: Isabelle recommended that the Board consider requiring a peer review of the stormwater management plan by the Knox-Lincoln Soil & Water District or another qualified engineer during the full project review.

3. The project will be subject to the Large-Scale Development Standards of Sec. 102.7D, which requires sidewalks and pedestrian facilities internal to the development and on any public streets. There are currently no sidewalks in the vicinity of the proposed development. However, the construction of sidewalks along School Street was identified as a priority in the 2015 Newcastle-Damariscotta Bicycle-Pedestrian Plan. Isabelle noted that the Planning Board should consider if interconnectivity to potential future sidewalks is a priority.

The Ordinance requires that the next step is a site visit.

Applicant's presentation began by **Dan Maguire**, Sandy River Corporation, and **Doug Gardner**, North Country Associates, who noted that they have been partners in this joint venture since 1981. They have just built the first "all private" nursing home in Rockland. They are planning a 102 private bed facility in Damariscotta – a unique and valuable asset. The facility is modeled after "3 neighborhoods" of 34 private rooms each. There are three sections – long term care, skilled nursing, and memory care. It will be a one-story building that feels like a home. Three separate dining areas, one for each neighborhood, seats about 30. Food will be prepped in a commercial kitchen and distributed to each neighborhood where it will be finished and plated in the "country kitchen" available in each neighborhood.

Rebecca Dillon said the ultimate goal of the proposal is to create a welcoming building, accomplished by using "residential" materials. Parking for visitors is handy; a spa and haircutting facilities are on site; vegetation screening being used between the facility and parking areas. **Andy Johnston** said that they began with an analysis of existing conditions, including wetland staking. He noted that one advantage to the site is the clear entrance site line. There will be buffering between the proposed parking and Piper Mill Road. The applicants stated that they believe that their amount of proposed parking spaces is right to accommodate for shift overlap of staff and visitors. There are two main entrances proposed, service and regular. Power is off a three-phase pole. Andy noted that the stormwater retention areas are rain gardens rather than detention basins; they are less than a foot deep and are landscaped. Stone and filtering drip edge will be used surrounding the proposed building, integrated into the landscape. MDEP is involved for SLODA and NRPA permitting. Fire lane is U-shaped as there is a large wetland complex adjacent, thus requiring the NRPA permitting for impacts. Courtyard landscaping plans are still being finalized. Remaining land will be utilized in the future. **Wilder Hunt** asked for an explanation of parking space allocation. Mr. Johnston replied that with 102 beds, there are 200 employees with 55 nursing staff days and 35 nights. Of 109 spaces that leaves 19 for visitors and other business/medical appointments. Staff shifts overlap necessitating at least 90 staff spaces.

Jim Gallagher spoke as a resident, stating that the project looks wonderful. It will have a positive effect on the residents. However, he has some concerns about the safety of citizens getting out of Bristol/School Streets. Concern for a backup to the old Cedar Lodge as well as US Rt.1 and the school. On High Street the line of sight is quite limited. Facility is wonderful, but he is concerned about location and staff changes clogging the entrance. Also he believes the contract submitted as part of the pre-application is defective as it has Clipper selling property it doesn't own, rather than being listed as the buyer. It needs proper review as to right, title, interest. He feels they need to reapply with these issues addressed.

Claire Sommer is a major abutter to the project on Castner Brook. She asked the applicants questions regarding the setbacks from the west fire lane to Castner Brook, mature tree preservation, and impacts to the peaceful, rural nature of the neighborhood. The applicants team provided the following response: There are 2 fire lanes, one east and one west. The western fire lane is more than 100' from Castner Brook, meeting required setbacks. Andrew suggested that the site walk was open to the public. Concern was also expressed about "run-off fouling Castner Brook." There were questions about light pollution, disturbance for wildlife and plans for the east side of the property, shown as remaining land.

Isbelle Oechsle said a full site plan application will be submitted that will provide detailed answers to many of these questions, reminding the Board that the pre-application is only the initial phase of review. Andy Johnston added that there were plenty of trees as buffer/preserve and that the applicant team is working with traffic engineer Bill Bray as their consultant, to be able to respond thoroughly to concerns regarding traffic. **Neil Genthner** reminded the applicants that they needed a plan that met the ordinances as written before the Board would address any requested waivers. Wilder Hunt asked if there were any more comments or questions from Board members. Hearing none, he closed the public section of the meeting.

On motion (Genthner/Jackson) to have the Town Planner coordinate a site visit of this project, including advertising and sending the Planning Board dates to review. Vote: 4-0-0

C. OTHER

1. Questions from the Public - None

2. Housekeeping - None

3. Planner's Report-

Isobelle Oechsle said she had some process improvements she wanted to share. She would like to make the development review process more streamlined so only one meeting was necessary. She sees her role as doing the up front work, having good relations with all stakeholders, and providing a recommendation to the decisionmakers (the Planning Board). She noted that she had been working on a flow chart to guide potential applicants through the development review process, and encouraged Board members to review the Planning Department page on the Town's website. **Wilder Hunt** commented that he was pleased to hear this and he thanked her for the efficiency.

Next meeting: First Monday is Labor Day; second Monday she is otherwise engaged. August 29th or September 19th are the options. She will get consensus and get back to the Board.

D. Adjournment

On motion (Genthner/Day) to adjourn the meeting at 7:21 p.m.

Respectfully submitted,

Lynda Letteney
Recording Secretary

We the undersigned approve the minutes for the Planning Board Meeting of August 1, 2022.

_____ absent _____
Jonathan Eaton, Chairperson

_____ absent _____
Jenny Begin

Neil Genthner

Wilder Hunt

Ann Jackson

Daniel Day (alternate)

Minutes for August 1, 2022 signed _____
Date

Adopted: 9/10/18
[Amended: XX/XX/22](#)

Bylaws of the Damariscotta Planning Board

1. Purpose and Scope

The purpose of these bylaws is to establish reasonable rules of procedure for [Planning Board](#) (“[Board](#)”) meetings and to promote the fair, orderly and efficient conduct of the Board's proceedings and affairs. These rules shall govern the Board's practices and procedures except as otherwise provided by law and shall be liberally construed so as to accomplish their intended purpose. Authority to adopt such rules is articulated within the Town Charter (Article II, Section 2.03 A4). These rules are intended to supplement those contained within the Town Charter and the various land use related ordinances.

2. Board Structure and Officers

The Planning Board is composed of five regular members and two alternate members appointed by the Select Board for staggered three-year terms. All members of the Planning Board shall be legal residents of the Town of Damariscotta and are expected to have a clear understanding of the ordinances which they are required to administer and, in particular, the Land Use, Site Plan Review and Subdivision Ordinances. At the Planning Board's annual organizational meeting, the five regular members of the Board shall elect a Chair and by separate vote the Vice-Chair.

The Chair shall preside at all Board meetings and shall have authority to rule on questions of evidence and procedure, to maintain order and determine the course of proceedings, and to take such other action as may be necessary and not inconsistent with these bylaws or other law to enable the Board to perform its duties and conduct its affairs. In the absence of the Chair, the Vice-Chair shall preside and shall have the same authority as the Chair.

The Secretary of the Board is the Deputy Town Clerk or her/his designee and shall maintain a permanent record of all Board meetings including resolutions, transactions, correspondence, findings and determinations of the Board. All records shall be deemed public and may be inspected at reasonable times. The Town Planner shall provide staff support to the Board under the direction of the Chair and the Town Manager. ~~The Chair, Town Planner and Town Manager shall work together to set the agenda for each meeting. Except as otherwise provided by law, the Town Planner, or designee, in consultation with the Chair shall set the Planning Board's agenda.~~ All agenda item materials shall be submitted to the Town Planner, ~~posted, included electronically into the Town Newsletter and website and published at least two weeks before scheduled meetings.~~ Items shall be placed on the agenda on a first come, first served basis (as determined by time and date of completed application). Any items which cannot be fit on the agenda because of the number or length of previously scheduled items, shall receive priority in scheduling for the next regularly scheduled meeting.

All materials for the Board's review shall be posted to the Town's website at least one week prior to the Planning Board meeting on which they will be heard. Agendas of all meetings will be posted at the Town Office. Notifications related to public hearings shall be posted in the Lincoln County News and mailed to abutting property owners (as applicable), in accordance with all Ordinance requirements.

3. Meetings

- a. **Regular Meetings.** Regular meetings of the Board shall generally be held at the Damariscotta Town Office on the first Monday of the month at 6:00 p.m. unless the date conflicts with a holiday or the meeting is rescheduled by the Board at the prior month's meeting.
- b. **Annual Organizational Meeting.** The annual organizational meeting of the Board shall be the first regular meeting of the year in July.
- c. **Special Meetings.** A special meeting may be called by the Chair or by a request of any three regular Board members. The Chair shall call a special meeting within fourteen (14) days of receipt of a written request from any three regular members of the board, which request shall specify the matters to be considered at such special meeting. To schedule a special meeting, at least thirteen (13) days written notice of the time, place and business of the meeting shall be given each member of the Planning Board, Select Board, Town Planner and Code Enforcement Officer. Public notice of any special meeting shall be provided in accordance with State Statutes, posted in Town Hall at least ten days prior to the meeting and be on the Town website.
- d. **Agenda.** The order of business (agenda) at regular meetings of the Board shall be as follows: (a) Pledge of Allegiance; (b) Call to Order and determination of a quorum; (b) Public Hearings (when scheduled); (c) Approval of the Minutes of the preceding meeting(s); (d) Old Business (action on unfinished cases); (e) New Business; (f) Other Business (including questions from the public and staff reports - no board decisions on questions or sketch plans are allowed unless they are specifically published as part of the agenda for that meeting under old or new business; (g) Adjournment.

~~All agenda item materials shall be submitted to the Town Planner at least two weeks prior to the scheduled meeting addressing that item. In order for an application to be included on the Planning Board's agenda, it must be deemed complete by the Town Planner at least two weeks prior to the scheduled meeting (unless an alternative timeline is required by the Town's Ordinances).~~

~~No new agenda items will be begun after 10:00PM. If, during the course of a Planning Board meeting, it becomes apparent that the Board will not reach certain agenda items, the Board may (prior to its established 10:00 PM cut-off, offer to the applicants present for such items the opportunity to have their items tabled immediately to the beginning of the next regularly scheduled meeting. Any agenda items remaining after the 10:00PM cut-off time will automatically be tabled to the next regularly scheduled meeting.~~

- e. **Open to the Public.** All meetings of the Board shall be open to the public, except executive sessions. No votes may be taken by the Board except in public meeting. The Board shall not hold executive sessions except as permitted by the Right to Know Law.
- f. **Work Sessions.** Informal work sessions may be held immediately prior to regular meetings or may be called as special meetings from time to time. The purpose of this type of meeting is to discuss business which may appear on the agenda of an immediate or future regular meeting of the Board or to discuss updates to ordinances and regulations or other matters of Board administration or procedure. All work session meetings shall be open to the public in accordance with State Law.

- g. **Site Visits.** Site visit meetings may be called by the Chair, Acting Chair or a majority of the Board for the purpose of allowing the Board and interested public to inspect the site of a pending proposal. Site visits are encouraged for all applications before the Board. The Vice Chair or her/his designee is responsible for minutes of site visits. To ensure full and fair disclosure of Board actions to all members of the public, no formal motions shall be made nor votes taken at a site visit. At least a week prior, public notice shall be given of all site visits.

4. Voting

- a. A quorum shall consist of three regular members including any alternate members voted onto the Board.
- b. All members who are present and not disqualified as provided herein shall vote in every matter to be voted upon unless excused by a quorum of the regular Board for good cause shown.
- c. Quorum. No hearing or meeting of the Board shall be held, nor any action taken, in the absence of a quorum; however, when no quorum exists, those members present shall be entitled to request the Chair to call a special meeting for a subsequent date. All matters shall be decided by a show of hands vote, unless otherwise required by law. Decisions on matters before the Board shall require the affirmative vote of a quorum (3) of regular voting members of the Board.

A tie vote or favorable vote by a lesser number than the required majority shall be considered a rejection of the application under consideration.

- d. Conflict of Interest. No member may participate or vote in any matter in which the member has a conflict of interest or other disqualification as defined by law. Any questions of whether a member has such a conflict of interest or other disqualification shall be decided by a majority vote of the remaining members including an alternate voted onto the Board as a regular member for the particular matter. If a member has a conflict of interest as defined by State Statute, that member shall not be counted by the Board in establishing the quorum for the matter in which he or she has a conflict.

The term "conflict of interest" shall be construed to mean direct or indirect pecuniary interest, which shall include pecuniary benefit to any member of the person's immediate family (e.g., grandfather, father, wife, son, grandson) or to his employer or the employer of any member of the person's immediate family.

- e. If there are alternate members in attendance, the Board shall vote to designate an alternate member to act for a regular member who is: disqualified from voting, unable to attend the hearing, or absent from a substantial portion of the hearing due to late arrival. The alternate member will act for the regular member until the case is decided.
- f. If a Board meeting has no alternate members present, no regular member shall vote on the determination of any matter requiring public hearing unless he or she has attended the public hearing thereon; however, where such a member has familiarized himself or herself with the matter by reading the record and listening to or watching any audio or video recording of the meeting(s) from which the member was absent and represents on the record that he or she has done so, that member shall be qualified to vote on that matter.

- g. Records of Proceedings. The votes for and against the passage of a motion shall be taken and entered upon the record of the Minutes of the Board by the Clerk. Minutes of all regular and special meetings of the Board, except workshop meetings and site visits, shall be kept by the Clerk and shall take effect upon acceptance by the Board. An amendment by the Board of the minutes of a previous meeting shall not affect a previous vote of the Board.
- h. Notice of Decision. The Board's decision on a development application is contained in a Notice of Decision (NOD) that may contain Conditions of Approval (COA). ~~Each~~ The findings of fact and any conditions of approval shall be voted on separately expressly voted upon by the Board. ~~NODs are public documents.~~

Commented [AT1]: All records of the Planning Board are public documents, so this feels redundant.

5. Reconsideration

- a. The Board may reconsider any decision.
 - i. The Board must decide to reconsider any decision, notify all parties and make any change in its original decision at the same meeting or no later than the next monthly regular meeting or thirty-five (35) days at the latest after the original decision was made.
 - ii. After a vote for reconsideration and prior to a vote on a revised or amended action, the Board may conduct additional hearings and receive additional evidence and testimony.
- b. Reconsideration should be for one of the following reasons:
 - i. The record contains significant factual errors due to fraud or mistake regarding facts upon which the decision was based; or
 - ii. The Board misinterpreted the ordinance, followed improper procedures, or acted beyond its jurisdiction.

6. Public Hearings

Public hearings of the Board shall be called as required by law or on such other occasions, as a majority of the Board may deem appropriate. Notice of all such hearings shall be given as required by law and shall include the date, time, and place of the hearing and a general description of the subject matter.

a. Notice of Public Hearings

Notice of all public hearings shall be published in the Lincoln County News. The date of publication shall be at least seven (7) days before such hearing and the notice shall be posted in at least the Town Hall. The notice shall set forth the nature of the hearing, the time, date and the place of the hearing. (Note: This needs to be consistent with applicable land use ordinances and statutes, such as 30-A M.R.S.A. § 4403 regarding subdivisions, and with 1 M.R.S.A. § 601.)

b. Presiding Officer

The Presiding Officer shall, at all public hearings, either be the Chair or Vice-Chair of the Board or a member of the Board who is selected by those members present at the hearing.

The Presiding Officer shall have authority to:

- i. Rule upon issues of evidence;
- ii. Regulate the course of the hearing;
- iii. Rule upon issues of procedure;
- iv. Take such other actions as may be ordered by the Board or that are necessary for the efficient and orderly conduct of the hearing, consistent with these rules and applicable statutes.

c. Order of Business and Testimony

The order of business at a public hearing shall be as follows:

- i. The Presiding Officer calls the hearing to order.
- ii. The Presiding Officer determines whether there is a quorum.
- iii. The Presiding Officer, or a designee (such as the Town Planner), gives a statement of the [ease application](#) and reads all correspondence ~~and reports received not previously included in the record (such as correspondence received after the meeting packet was posted).~~
- iv. The applicant or their representative and witnesses are given the opportunity to present their [ease application](#) without interruption.
- v. The Board ~~and interested parties may ask questions of the applicant through the Presiding Officer~~ is provide the opportunity to ask questions of either the applicant, the applicant's representative, or Town staff.
- vi. A Board member makes a motion to open the public hearing. Once the motion is seconded and voted affirmatively upon, the public hearing shall be considered open.
- vii. The Board shall receive comments and questions from all observers and interested citizens who wish to express their views. Every party shall have the right to ~~present its~~ speakease in the order determined by the ~~Chairman~~ Presiding Officer and without interruption, provided, however, that the ~~Chairman~~ Presiding Officer may impose such reasonable time limits as may be necessary to ensure that all parties have an adequate opportunity to be heard.
- viii. The Board shall receive and retain copies of any written statements, documents, photographs or renderings offered to Board by any and all parties. These submissions shall become a matter of public record.
- ix. The Presiding Officer should provide an opportunity for Town staff or the applicant/the applicant's designee to answer any questions raised during the public hearing.
- x. Members of the public may speak a second time only with permission of the

Presiding Officer. Speakers may only speak a second time to present new information or to ask questions not yet answered. Repeat testimony is strongly discouraged.

xi. The hearing is closed after all parties have been heard. If additional time is needed, the date and place of the continued hearing shall be announced before adjournment of the initial hearing.

~~xi. The interested parties are given the opportunity to present their case. The Board may call its own witnesses, such as the Code Enforcement Officer.~~

~~xii. The applicant may ask questions of the interested parties and Board witnesses through the Presiding Officer.~~

~~xiii. All parties are given the opportunity to refute or rebut statements made throughout the hearing.~~

~~The Board shall receive comments and questions from all observers and interested citizens who wish to express their views. Every party shall have the right to present its case in the order determined by the Chairman and without interruption, provided, however, that the Chairman may impose such reasonable time limits as may be necessary to ensure that all parties have an adequate opportunity to be heard.~~

~~10. The Board shall receive and retain copies of any written statements, documents, photographs or renderings offered to Board by any and all parties. These submissions shall become a matter of public record.~~

~~11. The hearing is closed after all parties have been heard. If additional time is needed, the date and place of the continued hearing shall be announced before adjournment of the initial hearing.~~

~~12. Written testimony may be accepted by the Board for seven days after the close of the hearing.~~

~~13-12. ———No votes by the Board shall be taken during until the conclusion of a public hearing. The Board may vote on any matter only in a scheduled meeting, either after the close of a public hearing or at some other scheduled meeting.~~

d. Official Notice

The Board may, at any time, take notice of judicially cognizable facts, generally recognized facts of common knowledge to the general public, physical, technical and/or scientific facts within the specialized knowledge of the Board.

e. Documentary and Real Evidence

1. Upon Board's acceptance, all documents, materials, and objects offered as evidence shall be numbered or otherwise identified.
2. Board shall exclude irrelevant, immaterial, and/or unduly repetitious evidence, provided however that formal rules of evidence shall not apply. This pertains to all oral, illustrative, and documentary submissions.
3. Documentary and illustrative evidence may be received in the form of copies if the original is not readily available.
4. Board or Presiding Officer shall require that any party offering documentary, illustrative, and/or photographic evidence shall provide Board with an appropriate number of copies of said evidence, unless these documents, illustrations, or photographs are determined to be of such form, size, or character as not to be reasonably susceptible of reproduction.

5. All documents, materials, and objects accepted into evidence shall be made available during the course of the hearing for public examination and explanation.

6. All accepted evidence shall become part of proceeding's public record.

f. Objections

All objections to rulings of the Presiding Officer regarding evidence or procedure shall be made during the course of the hearing. If after the close of the hearing and during its deliberations the Board determines that any ruling of the Presiding Officer was in error, it may reopen the hearing or take other action as it deems appropriate to correct the error.

g. Conclusion of Hearing

At the conclusion of the hearing, no further evidence or testimony will be allowed into the record except as provided in Section 6.H.

h. Leaving the Record Open

Upon such request made prior to or during the course of the hearing, the Presiding Officer may permit persons participating in any hearing pursuant to these regulations to file proposed findings, determinations, or other written statements with the Board for inclusion in the record after the conclusion of the hearing within such time and upon such notification to the other participants as the Presiding Officer may require.

i. Other

At any time prior to a final decision, the Board or the Chair may reopen the record for further proceedings consistent with these Rules, provided, however, that the Chair shall give public notice of such further proceedings at least two weeks in advance to the participants and the public in such manner as is deemed appropriate.

j. Record

The record of the hearing shall consist of the recording of the hearing, all exhibits, all briefs, proposed findings and rulings thereon, and any proposed findings of fact and conclusions of the Presiding Officer. Such record shall be reported to the Board for its decision.

Any participant or other member of the public may obtain a copy of the ~~record from the records and files of the~~ Board by routing a request through the Town Clerk and upon payment to the Town Office of the cost of transcription, reproduction, and postage.

7. Standard Conditions of Approval

a. The following Standard Conditions of Approval will be attached to all Planning Board approvals:

| <u>Condition</u> | <u>Staff Assigned</u> | <u>Must be Completed By:</u> |
|------------------|-----------------------|------------------------------|
|------------------|-----------------------|------------------------------|

Commented [AT2]: I'd like to begin to adopt standard conditions of approval for projects that are intended to clarify or support Ordinance requirements and existing Town policies. The below would be my recommendations, but I am open to further discussion or any additional suggestions.

| | <u>Condition</u> | <u>Staff Assigned</u> | <u>Must be Completed By:</u> |
|-----|---|-----------------------|--|
| 1. | <u>This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents are subject to the review and approval of the Planning Board prior to implementation.</u> | <u>Town Planner</u> | <u>Ongoing</u> |
| 2. | <u>All adopted conditions of approval and any waivers granted shall appear on the face of the plans submitted for building permits, and the face of the subdivision plan, if applicable.</u> | <u>Code Officer</u> | <u>Prior to Issuing Building Permit</u> |
| 3. | <u>Prior to the issuance of a building permit, or release of the recording subdivision plat (if applicable), the applicant shall pay all outstanding review escrow account fees, post the necessary performance guarantee(s) in such amount(s) as established by the Town and hold a pre-construction meeting with the Town if necessary.</u> | <u>Town Planner</u> | <u>Prior to Issuing Building Permit</u> |
| 4. | <u>This Planning Board approval is valid for 12 months from the date of approval and shall expire if work has not substantially commenced within that time period.</u> | <u>Code Officer</u> | <u>Ongoing</u> |
| 5. | <u>Prior to submitting a building permit, the applicant shall submit three, hard-copy plans at 24" x 36" size to the Town Planner with all conditions and waivers listed on the plans.</u> | <u>Town Planner</u> | <u>Prior to Submitting a Building Permit</u> |
| 6. | <u>The applicant shall secure a Building Permit from the Code Enforcement Officer in coordination with the Town Planner, Fire Department, and all relevant review authorities, prior to commencing any construction activities.</u> | <u>Code Officer</u> | <u>Prior to Issuing Building Permit</u> |
| 7. | <u>A waiver has been granted pursuant to Section, _____, which allows _____</u> | <u>Town Planner</u> | <u>Ongoing</u> |
| 8. | <u>Only the topsoil directly impacted by proposed buildings, access ways, and parking areas may be removed from the site without returning to the Planning Board for further review.</u> | <u>Town Planner</u> | <u>Ongoing</u> |
| 9. | <u>All exterior lighting fixtures shall be full cut-off (shielded) fixtures in accordance with Section 102.6(D).</u> | <u>Town Planner</u> | <u>Ongoing</u> |
| 10. | <u>All noise associated with the proposed development shall be regulated in accordance with the provisions of Sec. 102.6. Applicants and their contractors are well-advised to familiarize themselves with that section of the Town's Ordinances.</u> | <u>Code Officer</u> | <u>Ongoing</u> |

Formatted: Font: (Default) Times New Roman, 11 pt

Formatted: Font: (Default) Times New Roman, 11 pt

Formatted: Font: (Default) Times New Roman, 11 pt

Formatted: Font: (Default) Times New Roman, 11 pt

Formatted: Font: (Default) Times New Roman, 11 pt

Formatted: Font: (Default) Times New Roman, 11 pt

Formatted: Font: (Default) Times New Roman, 11 pt

Formatted: Font: (Default) Times New Roman, 11 pt

Formatted: Font: (Default) Times New Roman, 11 pt

Formatted: Font: (Default) Times New Roman, 11 pt

Formatted: Font: (Default) Times New Roman, 11 pt

Formatted: Font: (Default) Times New Roman, 11 pt

Formatted: Font: (Default) Times New Roman, 11 pt

Formatted: Font: (Default) Times New Roman, 11 pt

Final Subdivision Applications

| | | | |
|-----|--|---------------------|--|
| 11. | <u>Prior to the issuance of any Certificates of Occupancy for the project, except as otherwise allowed by the Planning Board through a granted waiver, the applicant shall submit an inspection report to the Code Enforcement Officer documenting that the stormwater facilities have been installed and are functioning as designed and approved and are fully operational. This inspection report must be prepared by a qualified third-party inspector.</u> | <u>Code Officer</u> | <u>Prior to Occupancy</u> |
| 12. | <u>All underground utilities, including stubbing out all utilities to all lots, shall be completed prior to the final coat of paving.</u> | <u>Code Officer</u> | <u>Prior to Occupancy</u> |
| | Applications Proposing Wetland Impacts | | |
| 13. | <u>Prior to holding a pre-construction meeting and submitting a building permit, wetlands and associated setbacks and stream setbacks are to be staked to ensure that all erosion and sedimentation controls and site disturbance and construction activities avoid the protected wetland.</u> | <u>Town Planner</u> | <u>Prior to Submitting a Building Permit</u> |
| | Projects with Landscaping Plans | | |
| 14. | <u>The landscaping plan shall only use native plant species and shall not include trees and shrub species listed on the State's Advisory List of Invasive Plants.</u> | <u>Town Planner</u> | <u>Prior to Occupancy</u> |
| | Projects with New or Updated Lot Lines | | |
| 15. | <u>Prior to the issuance of a Building Permit, the applicant shall submit to the Town Planner an AutoCADD dataset, ArcGIS Shapefile dataset, or other equivalent geospatial dataset that may be readily converted to AutoCADD and ArcGIS-compatible files, of the approved parcel boundaries.</u> | <u>Town Planner</u> | <u>Prior to Issuing Building Permit</u> |
| | Site Plan Review for Structures with 3+ Units per 30-A M.R.S § 4402(6) | | |
| 16. | <u>The Damariscotta Planning Board finds that (a) Section 102.6 et seq. of the Site Plan Ordinance, governing standards for site plan review, is at least equivalent to the Town's subdivision review standards contained within the Subdivision Ordinance (Chapter 103), and addresses all statutory review criteria established in 30 A.M.R.S. § 4402(6); and (b) the Project meets the requirements of 30-A M.R.S. § 4402(6). Therefore, the Project is subject to municipal site plan review only and does not require subdivision review.</u> | <u>Town Planner</u> | <u>Prior to Issuing Building Permit</u> |

Formatted: Font: (Default) Times New Roman, 11 pt, Not Highlight

Formatted: Font: (Default) Times New Roman, 11 pt, Not Highlight

Formatted: Font: (Default) Times New Roman, 11 pt

Formatted: Font: (Default) Times New Roman, 11 pt

Formatted: Font: (Default) Times New Roman, 11 pt

Formatted: Font: (Default) Times New Roman, 11 pt

Formatted: Highlight

Formatted: Font: (Default) Times New Roman, 11 pt

Formatted: Font: (Default) Times New Roman, 11 pt

Formatted: Font: (Default) Times New Roman, 11 pt

Formatted: Font: (Default) Times New Roman, 11 pt

Formatted: Font: (Default) Times New Roman, 11 pt

Formatted: Highlight

Formatted: Font: Not Bold

8. Application Forms

All applications for Planning Board review shall be submitted on the Application Form which has been attached as Appendix A.

7.9 Amendments/ Waivers

These bylaws, or any provision thereof, may be waived on any occasion by majority vote of the Board unless otherwise provided by law. These bylaws may be amended at any time in writing by majority vote of the Board after notice and public hearing on the proposed amendment.

Adopted by the Board on: _____

Formatted: Font: Not Bold

Formatted: No bullets or numbering

Planning Department
Damariscotta Town Office
21 School Street,
Damariscotta, ME 04543



Isabelle Oechsle
Town Planner
Phone: (207) 563-5168
IOechsle@damariscottame.com

PLANNING BOARD APPLICATION

| | |
|-------------------------------|-------------------|
| OFFICE USE ONLY | |
| Application Fee: _____ | PID: _____ |
| Date Received: _____ | |

Applications will only be accepted electronically. We will no longer be accepting physical submissions. Please email your full submission binder to the Town Planner.

SITE DETAILS

Street Address: _____

[Deed Book and Page:](#) _____

Existing Subdivision Name: _____ Not Applicable

Lot within subdivision: _____ Not Applicable

[Tax Map & Lot:](#) _____

[Zoning district:](#) _____

Existing land use(s): _____

PROPERTY OWNER INFORMATION

Property Owner Name: _____

Mailing Address: _____

Phone Number: _____

Email: _____

APPLICANT INFORMATION (IF DIFFERENT FROM ABOVE)

Applicant Name: _____

Mailing Address: _____

Phone Number: _____

Email: _____

CONTACT PERSON / AGENT INFORMATION

The Planner will only contact one designated person regarding the application. Please identify the primary contact:

- Property owner Applicant Other (fill out section below):

Applicant Name: _____

Mailing Address: _____

Phone Number: _____

Email: _____

PROJECT INFORMATION

Description: _____

Is the project located within any of the following? (Please select all that apply):

- [Special Flood Hazard Area](#) [Shoreland Zoning Area](#)
 Historic District

APPLICATION TYPE

Please select **ALL** that apply:

- | | |
|---|--|
| <input type="checkbox"/> Conditional Use Application | <input type="checkbox"/> Site Plan Application |
| <input type="checkbox"/> Small Wind Energy System | <input type="checkbox"/> Site Plan Pre-application |
| <input type="checkbox"/> Conditional Use Application | <input type="checkbox"/> Preliminary Major Subdivision |
| <input type="checkbox"/> Final Major Subdivision | <input type="checkbox"/> Minor Subdivision |
| <input type="checkbox"/> Certificate of Appropriateness | <input type="checkbox"/> Sketch Plan Pre-application (Subdivision) |
| <input type="checkbox"/> Zoning Map Amendment | <input type="checkbox"/> Zoning Text Amendment |

Note: Please consult with the Planner if you are unsure about which applications you will need.

SIGNATURES

PROPERTY OWNER'S CONSENT REQUIRED:

I declare under penalty of perjury that I am the owner of said property. I certify that all of the submitted information is true and correct to the best of my knowledge and belief. I understand that any misrepresentation of submitted data may invalidate any approval of this application.

Signature of Property Owner

Date

I, _____, authorize the noted applicant or agent
named on this application to file this application on my behalf.
OWNER
INITIAL

APPLICANT / AGENT CERTIFICATION:

I certify that all of the information provided within this application form and accompanying materials is true and accurate to the best of my knowledge. I understand that any misrepresentation of submitted data may invalidate any approval of this application.

Signature of Applicant

Date

Print Name and Title

CHAPTER 101
LAND USE ORDINANCE
DAMARISCOTTA, MAINE

...

§101.4 DEFINITIONS

Except where specifically defined, all words used in this ordinance shall carry their customary meanings. The Word "shall" is always mandatory. The word "may" is always permissive. For the purposes of this Ordinance, the following words or terms shall have the following meanings, unless the context clearly indicates otherwise.

...

Sewered: Connected to the municipal sewer system.

Significant Tree: Trees having a diameter at breast height (DBH) of 30 inches or greater, or any trees which are located in shoreland areas (those areas within 250 feet of the normal high-water line of any great pond, river or saltwater body, within 250 feet of the upland edge of a coastal wetland, within 250 feet of the upland edge of a freshwater wetland, or within 75 feet of the high-water line of a stream).

...

§101.5 LAND USE DISTRICTS

...

A. MAP

1. The location and boundaries of the above districts are hereby established on the map entitled "Land Use Map of the Town of Damariscotta," dated January 23, 1998, as may be amended from time to time by majority vote at the Annual Town Meeting, certified by the attested or conformed signature of the Town Clerk. The most updated version of this map shall be on file in the office of the Town Clerk. Said map is hereby incorporated in and made a part of this Chapter and shall be the final authority as to the current status of district locations. Additional printed copies of said maps are also available in the Planning Department, filed with the Town Clerk, which map is hereby made a part of this Ordinance. And, as amended June 10, 2015 on the map entitled "Damariscotta Maine—June 10, 2015—Zoning Map" filed with the Town Clerk.
2. Where uncertainty exists with respect to district boundaries as shown upon such map the following rules shall apply:
 - a. Unless otherwise indicated, district boundary lines are the center lines of roads, streets or rights of way.

- b. ~~The Official Zoning Map shall be the authority as to the boundaries of zoning districts, except in regard to the Shoreland Zoning Overlay Districts, which are more particularly described in Sec. 105.3. Where discrepancy exists between the map and written description of each district, the written word shall prevail.~~
- c. Where discrepancy exists between physical features existing on the ground and the ~~Official Zoning Map and/or written district description~~, the Board of Appeals shall interpret the ~~—~~district boundaries.

DISTRICT DESCRIPTIONS (see Appendix A)

B. DISTRICT REGULATIONS

1. SCHEDULE OF LAND USES

| Land Use ^{2,67} | District (P=Permitted; C=Conditional) ⁶ | | | | | |
|---|--|----|----|---|----|---|
| | GR | C1 | C2 | R | WC | M |
| Commercial/Service | | | | | | |
| Adult business establishments | | | C | | | |
| Art and crafts studios, antique shops and galleries | C | C | C | C | | |
| Automotive services including repair | | C | C | | | |
| Boat storage and repair | | | C | | | |
| Contractor's offices and associated facilities | | | C | C | | |
| Day care centers (more than 12 children under 13 years of age) | | | C | C | | |
| Day care centers (when accessory to public schools, religious facilities, multi-family or MF or mixed | | | | | | |

Commented [1]: Tables may look different. Policy changes were not made, but I put the tables in alphabetical order for usability.
Formatted Table

| | | | | | | |
|--|---|---|----------------|---|--|--|
| residential- developments, and mobile homeMH parks (see note 2)) | | | | | | |
| Day care facilities, small (3-12 children under 13 years of age) | C | C | C | C | | |
| Drinking places | | C | C | | | |
| Drive-thru facilities as an accessory use | | C | C | | | |
| Engineering, management and professional offices and related services | | C | C | C | | |
| Equipment dealers and equipment repair | | | C | | | |
| Farmer's market | C | C | C | P | | |
| Financial institutions including banks | | C | C | | | |
| Formula business | | | C ³ | | | |
| Gasoline service stations | | | C | | | |
| Gasoline service stations which are a part of and subordinate to a retail use | | | C | | | |
| Hotels, motels, inns | | C | C | | | |
| Lumber and building materials dealer | | | C | | | |
| Movie theaters except drive-in | | C | C | | | |

| | | | | | | |
|--|--|----------------|----------------|---|--|--|
| theaters | | | | | | |
| Neighborhood stores | | C | C | | | |
| New and used car dealers | | | C | | | |
| Personal Services | | C | C | | | |
| Places of indoor assembly, amusement or culture | | C | C | C | | |
| Recreational vehicle, mobile home dealers | | | C | | | |
| Research and testing laboratories | | | C | C | | |
| Restaurants | | C | C | | | |
| Retail stores | | C ³ | C ³ | | | |
| Service stations | | C | C | | | |
| Veterinary facilities excluding kennels and humane societies | | | C | C | | |
| Veterinary facilities including kennels and humane societies | | | | C | | |

| Industrial | GR | C1 | C2 | R | WC | M |
|--|-----------|-----------|-----------|----------|-----------|----------|
| Building and construction contractors | | | C | C | | |
| Commercial solid waste disposal facilities | | | | | | |
| Fuel oil dealers and related facilities | | | C | | | |
| Industrial uses | | | | | | |

Formatted Table

| | | | | | | |
|---|--|--|----------------|---|--|--|
| (includes assembling, fabricating, finishing, manufacturing, packaging or processing operations, including the processing of raw materials) | | | | | | |
| Junkyards and auto graveyards | | | | | | |
| Light manufacturing uses (other than industrial uses) | | | C | | | |
| Printing facilities including newspaper publishers and information services | | | C | | | |
| Recycling and reprocessing facilities | | | C | C | | |
| Warehousing and distribution facilities and self-storage facilities | | | C | | | |
| Wholesale sales | | | C ³ | | | |

| Transportation | GR | C1 | C2 | R | WC | M |
|--|-----------|-----------|-----------|----------|-----------|----------|
| Airports or heliports | | | | C | | |
| Parking facilities as a principal use | | | C | C | | |
| Transit and ground transportation facilities | | | C | C | | |

Formatted Table

| | | | | | | |
|------------------------|--|--|---|--|--|--|
| including bus stations | | | | | | |
| Truck wash facilities | | | C | | | |

| Public and Utility | GR | C1 | C2 | R | WC | M |
|--|----------------|----------------|----------------|----------------|----------------|----------------|
| Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use | C | C | C | C | C | C |
| Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use | C | C | C | C | C | C |
| Solar energy systems (see §109 Solar Energy Systems Ordinance) | | | | | | |
| Wireless communication facilities | C ⁴ | C ⁴ | C ⁴ | C ⁴ | C ⁴ | C ⁴ |

Formatted Table

| Institutional | GR | C1 | C2 | R | WC | M |
|---|-----------|-----------|-----------|----------|-----------|----------|
| Academic institutions, including buildings or structures for classroom, administrative, laboratory, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures | | C | C | | | |
| All medical and medical related facilities ⁸ | | | C | | | |
| Cemeteries | C | | C | C | | C |
| Civic and social organizations | | C | C | C | | |
| Congregate care and independent living facilities, assisted living facilities, institutions or services for the disabled, nursing care facilities, residential care facilities, group care facilities | | C | C | C | | |

Formatted Table

| | | | | | | |
|---|----------------|----------------|----------------|----------------|-----------|----------|
| Governmental buildings and operations | | C | C | C | | C |
| Hospitals, medical clinics | | | C | | | P |
| Municipal buildings and facilities | C | C | C | C | C | C |
| Museums, libraries, and non-profit art galleries and theaters | | C | C | | | |
| Religious facilities | | C | C | | | |
| Residential | GR | C1 | C2 | R | WC | M |
| Bed and breakfast establishments | C | C | C | C | | |
| Bed and breakfast establishments as a home occupation | C | C | C | C | | |
| Boardinghouse, rooming house or lodginghouse | C | C | C | C | | |
| Home occupations | C | C | C | C | | |
| In-law or accessory apartments | P ¹ | P ¹ | P ¹ | P ¹ | | |
| Mixed residential developments (mixed single-family attached and detached, two-family and multi-family dwellings) | C | | C | C | | |
| Mixed single-family residential developments | C | | C | C | | |

| | | | | | | |
|--|---|---|---|---|--|--|
| (mixed single-family attached and detached dwellings) | | | | | | |
| Mixed use structures (one or more residential units and non-residential space) | | | C | | | |
| Mobile home parks | | | | C | | |
| Mobile homes on individual residential lots | P | P | P | P | | |
| Multifamily dwellings | | C | C | C | | |
| Planned unit developments | C | C | C | C | | |
| Single-Family attached dwellings | C | C | C | C | | |
| Single-family detached dwellings on individual residential lots | P | P | P | P | | |
| Two-family dwellings | P | P | P | P | | |

| Natural Resource | GR | C1 | C2 | R | WC | M |
|--|-----------|-----------|-----------|----------|-----------|----------|
| Agriculture | | C | C | P | | |
| Community gardens | C | | C | C | | |
| Earth material removal | | | | C | | |
| Equestrian facilities | | | | C | | |
| Forest management and timber harvesting activities | | | | P | | |

Formatted Table

| | | | | | | |
|--|--|---|---|---|--|--|
| Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet | | C | C | C | | |
| Plant nurseries | | C | C | P | | |

| Recreation | GR | C1 | C2 | R | WC | M |
|--|----|----|----|---|----|---|
| Campgrounds | | | | C | | |
| Commercial outdoor recreation such as playgrounds, facilities associated with boating and kayaking classes and rentals, climbing walls, zip line operations, skateboard parks and similar facilities and activities operated as a business and which require payment of a fee for usage or participation | | C | C | C | | |
| Drive-in theaters | | | C | C | | |
| Fitness and recreational | | C | C | | | |

Formatted Table

| | | | | | | |
|---|--|--|---|---|--|--|
| sports centers | | | | | | |
| Golf courses and related facilities | | | | C | | |
| Public or private facilities for non-intensive outdoor recreation | | | C | C | | |

| Marijuana-Related | GR | C1 | C2 | R | WC | M |
|---|-----------|-----------|----------------|----------------|-----------|----------|
| Home Cultivation of Marijuana | P | P | P | P | | |
| Marijuana cultivation facilities | | | C ⁵ | C ⁵ | | |
| Marijuana products manufacturing facilities | | | C ⁵ | C ⁵ | | |
| Marijuana stores | | | C ⁵ | C ⁵ | | |
| Marijuana testing facilities | | | C ⁵ | C ⁵ | | |
| Medical marijuana manufacturing facilities | | | C | C | | |
| Registered caregiver retail stores | | | C | C | | |

Formatted Table

Notes:
¹As long as the requirements of Article 9.Q are met, accessory apartments are allowable under a permit from the Code Enforcement Officer (CEO). The CEO may forward an accessory apartment application to the Planning Board for review as a 'Conditional Use Permit' under the Site Plan Review Ordinance. NOTE: Accessory apartments are not allowed in overlay Shoreland Zones.
² Accessory buildings and uses to permitted uses are permitted; accessory buildings and uses to conditional uses are conditional.
³ No outside storage
⁴ Within the bounds of the Wireless Communications District

⁵ Must be located at least 1,000 feet from schools

⁶ A use which is not specifically listed as a permitted or conditional use within this table shall be regulated as a conditional use if the planning board determines that the proposed use is substantially similar to and compatible with permitted or conditional uses in that district.

2. DIMENSIONAL STANDARDS

| Dimensional Standard ⁸ | Key: DU = dwelling unit | | | | | |
|--------------------------------------|---|--------------------|---|---|---------------|----------------------------------|
| | District ² | | | | | |
| | GR | C1 ^{7,15} | C2 ^{7,14} | R | WC | M |
| Minimum land area, Sewered | 10,000 sf per first principal building or DU, 6,000 sf thereafter | 10,000 sf | 10,000 sf per first principal building or DU, 6,000 sf thereafter | 10,000 sf per first principal building or DU, 6,000 sf thereafter | ¹³ | 10,000 sf per principal building |
| Minimum land area, Non-sewered | 40,000 sf per DU | N/A | 40,000 sf per principal building or DU | 80,000 sf per principal building or DU | ¹³ | 40,000 sf per principal building |
| Front Setback | 20 feet ¹ | ³ | 20 feet ^{1,12} | 20 feet ¹² | ¹² | 20 feet |
| Side Setbacks | 15 feet | ^{4,5,6} | 15 feet ^{9,12} | 15 feet ¹² | ¹² | 0 feet |
| Rear Setback | 15 feet | ^{4,5,6} | 15 feet ^{9,12} | 15 feet ¹² | ¹² | 0 feet |
| Minimum street frontage, Sewered | 75 feet | None | 100 feet | 200 feet | ¹³ | 200 feet |
| Minimum street frontage, Non-sewered | 100 feet | N/A | 100 feet | 200 feet | ¹³ | 200 feet |
| Maximum building height | 35 feet | 40 feet | 40 feet ¹⁰ | 35 feet ^{10,11} | ¹⁰ | 40 feet ¹⁰ |

Notes:

¹ Or the average of existing setbacks on abutting properties

² Or as required by the Shoreland Zoning Ordinance

³ For those lots with existing buildings, front yard setbacks shall be the same or greater than the setback of existing buildings on that lot. If a structure is removed as part of the project, the location of that structure may be considered as an existing building provided the permit for new construction remains valid. For those lots with no existing buildings, the setback shall be the average setback of buildings on abutting properties.

⁴ If walls adjacent to side lot lines on buildings on both the applicants and adjacent property are of noncombustible construction as defined in this ordinance, the setback from the property lines may be reduced to 0 feet.

⁵ If the conditions stated in note 4 are not met, then a minimum 10-foot buffer strip to the side or rear lot lines or a 20-foot separation distance to adjacent buildings shall be maintained.

⁶ Yards abutting other districts shall be at least 15 feet deep and have a landscaped buffer strip.

⁷ No single retail store whether located in a single building, a combination of buildings, single tenant space, and/or combination of tenant spaces shall exceed 35,000 gross square feet of floor area in the aggregate. This size restriction shall apply to new retail stores and expansion of existing retail stores, effective November 1, 2005.

⁸ Unless modified by the requirements of § 101.6.

⁹ Except abutting the Municipal District they shall be 0 feet

¹⁰ Maximum 190 feet for wireless communications facilities

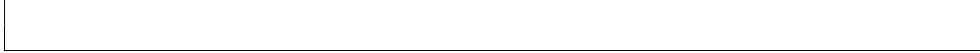
¹¹ Water supply standpipes for water supply utilities may be 100 feet above the ground

¹² A new or expanded wireless telecommunications facility must comply with the setback requirements for the zoning district in which it is located, or be set back one hundred five percent (105%) of its height from all property lines, whichever is greater. The setback may be satisfied by including the areas outside the property boundaries if secured by an easement. The following exemptions apply: i. The setback may be reduced by the Planning Board upon a showing by the applicant that the facility is designed to collapse in a manner that will not harm other property. ii. An antenna is exempt from the setback requirement if it extends no more than five (5) feet horizontally from the edge of the structure to which it is attached, and it does not encroach upon an abutting property.

¹³ The standards of the underlying district (C2 or Rural) will apply.

¹⁴ See § 101.7 for additional performance standards for adult entertainment establishments

¹⁵ The parking standards of the Site Plan Review Ordinance as amended for this district shall apply.



§101.6 GENERAL PROVISIONS

...

Formatted: Font: (Default) Arial, 11 pt, Not Bold, Font color: Black

F. Single Family, Two Family and Multi-Family Dwelling Units

Formatted: Font: (Default) Arial, 11 pt, Font color: Black

- 1. Single Family dwelling units.
 - a. Single family dwelling units shall meet all the dimensional requirements for the district therein.
- 2. Two family dwelling units.
 - a. Lots for two family units shall meet all the dimensional requirements for single family dwelling units, except that the lot area shall be a minimum of 30,000 square feet per dwelling unit for lots that are unsewered and the road frontage shall exceed by 50% the requirements for a single-family dwelling unit.
- 3. Multi family dwelling units. Multi-family (3 or more) dwelling units shall meet all of the following criteria:
 - a. Lot area shall be equal to the following minimum requirements:
 - i. For lots, other than those in the C2 District, served by a private central collection system, the minimum area for 3 units shall be 60,000 square feet and an additional 10,000 square feet per dwelling unit for each unit thereafter.
 - ii. For lots in the C2 District, the minimum area shall be as specified in Article 5.C.3.b, sewerd.
 - b. Lots for multi-family dwelling units shall meet all other dimensional requirements for single-family dwellings.
 - ~~b.c.~~ No building shall contain more than thirty-two (32) dwelling units, except housing for the elderly associated with extended care facilities, which shall contain no more than 45 dwellings.
 - ~~e.d.~~ Multi family dwelling units shall submit and comply with the requirements of the Damariscotta Site Review Ordinance.

Formatted: Indent: Left: 0.57", Hanging: 0.25", Outline numbered + Level: 4 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63" + Indent at: 0.82"

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

Formatted: Outline numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

G. Planned Unit Development

Formatted: Font: (Default) Arial, 11 pt, Font color: Black

2.1. Purpose. The purpose of these provisions is to allow for new concepts of housing development where maximum variations of design may be allowed, provided that the net residential density shall be no greater than is permitted in the district in which the development is proposed except that for a planned unit development that is served by public water and sewer, up to one-half of the land area excluded from net residential acreage may be included in calculating permitted residential density.

Formatted: Space After: 12 pt, Outline numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.31" + Indent at: 0.52"

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

Formatted: Indent: Left: 0.31", Hanging: 0.25", Space After: 12 pt, Outline numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.31" + Indent at: 0.52"

3.2. Basic requirements. Planned unit developments and cluster developments shall meet all of the following criteria:

Formatted: Font: (Default) Calibri, Font color: Auto

a. All planned unit and cluster developments shall meet all requirements for a residential subdivision.

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

...

I. Accessory Apartment

1. Purpose: The purpose of accessory apartments is to allow single-family house owners to create a living space for a relative, such as a grandparent, or to rent to another household, thus helping to enable the single-family house owner to remain in her/his home. The house owner may live in the accessory apartment and provide or rent the main house to a relative or another household. The single-family house owner may also use an accessory apartment to rent for additional income.

Formatted: Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: (Default) Times New Roman, 12 pt, Font color: Black

2. Regulations:

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

a. The house owner must reside in either the main house or the accessory apartment.

Formatted: Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

...

§101.8 ADMINISTRATION

...

F. Building Permits

1. Applicability. The provisions of this section apply to all structure(s) constructed, reconstructed, enlarged, relocated or moved in the Town of Damariscotta. This Ordinance does not require permits for maintenance and repair, or for accessory structure(s) or addition(s) of less than 100 square feet. Except that, all accessory structure(s) or addition(s) of less than 100 square feet within the Shoreland Zone shall obtain permits.

The provisions of this Section shall apply to any change in ownership of any commercial enterprise within the Town of Damariscotta.

2. Permits Required. The owner of the property shall obtain a permit issued by the Code Enforcement Officer for all structure(s) constructed, reconstructed, enlarged, relocated in or moved to the Town of Damariscotta, prior to the fact.

a. Application. The application for the permit shall be in writing on a form available from the Municipal Office, and shall contain:

i. a description of any structure(s) prior to their construction, reconstruction, enlargement, or relocation in or movement to the Town of Damariscotta is contemplated;

ii. a description of the establishment of any commercial business in the Town

of Damariscotta or change in a business establishment, regardless of the size of the floor area;

Each application shall contain a drawing of the structure(s) and a plan of the site shall accompany the application. The drawing shall include project dimensions, distances to property lines, names of abutters, roads, streets and bodies of water, location of sewer disposal and water supply. When required by the State Plumbing Code, the Code Enforcement Officer shall require evidence of adequate capacity of the septic system to support the structure(s) contemplated.

- b. Permit Approval. The Code Enforcement Officer, after receipt of the application, shall either issue the requested permit or transmit notice of refusal to the applicant within a reasonable time, not to exceed five (5) working days for residential applicants, and fifteen (15) working days for commercial applicants. The application shall be approved if all relevant ordinance requirements have been met. Notice of any refusal shall be in writing and shall state the reason therefore. All other permits required for the proposal shall be obtained prior to issuance of the permit.
- c. Modifications. Any modifications to the description, drawing, or site plan required in Section 6 (a) of the proposed structure(s) shall require a revised permit application and a permit prior to beginning the work.
- d. Appeals. An appeal to the Board of Appeals may be taken from an order issued by the Code Enforcement Officer or from his refusal to grant a permit. Such appeal shall be filed within thirty (30) days of the date of the order being appealed, accompanied by a \$50.00 fee to cover the cost of appeal. The board may reverse the decision, or failure to act, of the Code Enforcement Officer only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance or unsupported by weight of the evidence in the record.
- e. Duration of Permit. All building permits shall be void unless there is substantial completion of the project within three (3) years of the date of the permit. Construction authorized by a permit and which is not completed within three (3) years of the effective date of the permit shall not continue until another permit is obtained.
- f. Conditional Use Permit. In cases where the CEO believes that a Conditional Use Permit is required, the CEO shall also provide a copy of his decision to the Planning Board.
- g. Records. Applications for permits with their accompanying plans and Building Permits shall be maintained as a permanent record by the Municipal Officers and the Code Enforcement Officer.
- h. Other Permits. Where plumbing or septic work is required to make a building habitable, no Building Permit shall be issued unless a Plumbing Permit has been previously obtained. All sewerage and water connections and systems must comply with the regulations of the Maine State Plumbing Code.

~~3-Fees.~~ [Fees shall be as described on the Town of Damariscotta Fee Schedule, as may be amended](#)

~~from time to time at Town Meeting. A fee payable to the Town of Damariscotta in accordance with the following shall accompany each application:~~

- ~~a. Commercial or Industrial:
Under 10,000 square feet \$0.30 per square foot
10,001 to 25,000 square feet \$0.15 per square foot
More than 25,000 square feet \$0.10 per square foot~~

- ~~b. Residential \$0.15 per square foot
With a maximum fee of \$250.00~~

- ~~c. Accessory Structure or
Addition (such as deck,
garage, greenhouse, barn, etc. \$0.10 per square foot~~

- ~~d. Swimming Pool, (in ground or
above ground) \$25.00~~

- ~~e. After the fact Permit Fee:~~

~~If work is performed which requires a permit, but the permit is not obtained until after the work has begun, in addition to any other fees and fines, the fees for such after the fact permits shall be two (2) times the regular permit fee or \$100.00, whichever is greater.~~

- ~~f. Variance and Conditional Use Hearing Fee:
For each Variance and Conditional Use hearing required, a fee will be charged to cover administrative and advertising expenses as follows:
 administrative expenses \$50.00
 advertising fee \$30.00~~

~~3. These fees are subject to adjustment as deemed appropriate by the Board of Selectmen after public hearing.~~

4. Proof of Compliance. No building shall be occupied after its construction, reconstruction, enlargement, or relocation in or movement to the Town of Damariscotta until a Certificate of Occupancy has been issued by the Code Enforcement Officer. The Code Enforcement Officer shall issue said Certificate after proper examination shows that all work performed is in compliance with the provisions of all State and Local codes.

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

§101.9 APPEALS AND CONDITIONAL USES

A. Authority

1. All Appeals or applications for Conditional Use Permits shall be based upon a written decision of the Code Enforcement Officer or the Planning Board.

...

§101.12 AMENDMENTS

1. All changes and amendments to this Ordinance must be made at a regular or special Town Meeting of Damariscotta, by a majority of the governing body.
2. All changes and amendments to this Ordinance must first be presented to the Planning Board for a public hearing thereon. Notice of the hearing before the Board shall be made in at least one newspaper of general circulation in the area twice, the date of the first publication must be at least 12 days before the hearing and the date of the second publication must be at least 7 days before the hearing, with said published notice including a small map of the area to be affected, as required by 30-A M.R.S.A § 4352(9) as may be amended.
- 4.3. When a proposed change will impact only a specific geographic area within the municipality, mailed notice also shall be made to all property owners impacted by the proposed change. This mailed notice shall follow the procedures required by 30-A M.R.S.A § 4352(10) as may be amended.

Formatted: Font:

§101.13 EFFECTIVE DATE

The effective date of this Ordinance is 1 April 1998 and revisions as of 2/23/2002, 6/12/2002, 7/10/2002, 12/4/03, 11/10/04, 3/21/06 6/11/08, 1/21/09, 3/18/15, 3/10/15 and June 15, 2016.

Revised 11/05/2019, effective 01/06/2020 – Medical and Adult-Use Marijuana

§101.14: REPEAL OF EXISTING ORDINANCES:

The enactment of this ordinance hereby amends the Land Use Ordinance of November 16, 2016.

Legislative History:

Revised 3/23/98
Revised 2/23/2000: Article 2 - Definition of Light Manufacturing and Article 3. C.2.b Other Commercial (C2)
Revised June 12, 2002: Wireless Communication
Revised July 10, 2002
Revised December 4, 2003: Article 10 – Building Permits, Article 3 – Districts, Article 5 – Commercial Districts, Article 8 – Municipal District; renumbered several sections for clarity. Revised November 10, 2004: Article 9 F (3)
Revised March 21, 2006: Article 5-Commercial Districts A; B(3)3; C(3); Article 9-General Provisions F(3) a.1.a & b
Revised June 11, 2008 – Revisions to Board of Appeals: Article 11
Revised January 21, 2009 – Revisions to Article 6 – Rural district and Article 2 - Definitions
Revised March 18, 2015-Revisions to -Adult Entertainment, Article 5(C)(2) Conditional Uses, Article 5(C)(3) Standards, Article 12 Adult Entertainment Establishment Definitions and Standards
Revised June 10, 2015: Art. 3.C.2.b - Change to Comm. C2 boundary near Biscay Rd.
Revised June 15, 2016: Art. 3.C.2.b – Change from Rural to C2 District, Lots 1/67 & 3/32
Revised November 16, 2016: Art. 2, 4, 5, 6, 9 – insert Accessory Apartment Ordinance
Revised November 5, 2019 – effective January 6, 2020 – Medical and Adult-Use Marijuana & edibles
Revised June 15, 2022: §101.4 Definitions, §101.6.D.1 Update Uses in Land Use Table, Add Formula Businesses, §101.6.D.2 Increase GR and R Residential Density, §101.6.G Expand Provisions for PUDs

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

APPENDIX A

DISTRICT DESCRIPTIONS

1. GENERAL RESIDENTIAL DISTRICT

a. Land South of Business Route One.

Beginning at the intersection of Bristol Road and the town line of Bristol and Damariscotta; thence easterly along the town line 2700 feet; thence North to the Northeast Corner of Lot 14-19 of Map 1; thence westerly along the southerly bound of Lot 19, Map 1 to a point 500 feet east of the center line of Bristol Road; thence northeasterly parallel to the center line of Bristol Road and School Street, 500 feet east of each to a point making the southeast corner of Lot 25, Map 10; thence northwesterly along the easterly line of Lot 25 to a point 500 feet from the center line of Business Route 1; thence westerly parallel to and 500 feet from the center line of Business Route 1 until converging at the southerly corner of Lot 30, Map 9; thence

along the easterly and northerly lines of Lot 31A to the intersection with the westerly line of Lot 31, Map 9; thence northwesterly to the southwest corner of Lot 119, Map 6; thence northerly along the easterly lines of Lots 122, 121, and 120 of Map 6 to the intersection with the center line of Business Route 1; thence northwesterly along Business Route 1 to its intersection with the Bristol Road Extension; thence southwest along the center line of the Bristol Road Extension to the Bristol Road; thence southeasterly along the center line of Bristol Road to the intersection with Cross Street; thence westerly along Cross Street to the northeast corner of Lot 128, Map 6; thence southerly to the southeast corner of Lot 128; thence westerly to the northwest corner of Lot 125; thence southerly to the southeast corner of Lot 134; thence westerly along the northerly bound of Lot 134A to the center line of Water Street; thence northerly along Water Street to the northeast corner of Lot 3, Map 6; thence westerly along the northerly bound of Lot 3 to the shore and water of the Day's Cove; thence following the shore and water of Day's Cove to the southwest corner of Lot 3, Map 9; thence following the northerly, easterly, bounds of Lot 63, Map, the easterly bounds of Lots 29, 30 of Map 11, and the easterly and southerly bound of map 27, Map 11 to the Shore of the Damariscotta River; thence following the shore south to the Bristol Town line; thence easterly to the point of the beginning.

b. Land westerly of Business Route 1.

Beginning at the shore of Cottrell's Cove at the Northeast corner of Lot 41, Map 6; thence southeasterly along the sideline of Lot 41 to the centerline of Elm Street; thence along Elm Street to the Northeast corner of lot 70; thence following the easterly line of Lot 70, and the northerly and easterly lines of Lot 83 to Business Route 1, thence along Business Route 1 to the intersection of Vine Street and Business Route 1; thence easterly along Vine Street to lot 112, Map 6; thence follow the westerly bound of Lot 112 to the Southeast corner of Lot 95; thence to the southwest corner of Lot 94; thence easterly to the southeast corner of Lot 90; thence along the westerly bound of Lot 90 to the centerline of Chapman Street; thence along Chapman Street to the southwest corner of Lot 11 Map 7; thence north along sideline of Lot 11 100 feet; thence easterly to the southeast corner of Lot 18A. Northerly along the East bound of Lot 18A to the

centerline of Church Street; thence easterly along Church Street to the Northeast corner of Lot 13; thence along the west, south and east lines of Lot 16 to the southeast corner of Lot 15; thence easterly along the north bound of Lot 13, crossing School Street and along the south bound of Lot 49, Map 7 to the centerline of the "Creek"; thence south along the stream to the southwest corner of Lot 48; thence following the southerly line of Lot 48 to its intersection with Lot 23, Map 8; thence continuing to a point of intersection with a line 200 feet from and parallel to Business Route 1; thence easterly along this line to its intersection with Lot 21; thence westerly to the centerline of Church Street; thence along Church Street to the southwest corner of Lot 7, map 8; thence along the west line of Lot 7 and across Lot 6 to the intersection of the north line of Lot 6 and 500 feet from the centerline of Business Route 1; thence northerly along this line 500 feet from and parallel to the centerline of said road to Lot 17, Map 3; thence westerly to the shore of the Damariscotta River; thence southerly following the shoreline to the point of beginning.

2. COMMERCIAL

a. Downtown Commercial (C1)

Beginning at the shore of Day's Cove and the north bound of Residential I; thence easterly along the northerly line of Residential I to its intersection with Business Route 1 and Bristol Road; thence to the southwest corner of Lot 84, Map 6; thence along the easterly and northerly lines of Lot 83 and the east line of Lot 70 to the center line of Elm Street; thence west along Elm Street to the southeast corner of Lot 41; thence northerly along the sideline of Lot 41 to Cottrell's Cove; thence westerly along the shore to the point of beginning.

b. Other Commercial (C2)

Beginning at the intersection of Business Route 1 and Main Street; thence northerly along the boundary of the C1 District to the northeast corner of lot 83, Map 6; thence along the western and southern and eastern boundary of General Residential district (west of Business Route 1 to Lot 17, Map 3; thence continuing 500 feet west of Business Route 1 to the intersection with the southerly bound of Lot 32, Map 3; thence westerly along the southern bound of Lot 32, Map 3; thence northerly along the western bound of Lot 32, Map 3 to a point 500 feet south of the centerline of Belvedere Road; thence westerly 500 feet south of the centerline and parallel to Belvedere Road to the intersection with the eastern bound of Lot 33-1, Map 3; thence northerly to a point 500 feet north of Belvedere Road; thence easterly to the intersection with the western bound of Route 1; thence northerly following Route 1 to the intersection with the eastern side of the Mideoast Road; thence following Mideoast Road and the Center Street to the northwest corner of Lot 64E, Map 3; thence easterly to the northeast corner of Lot 64E; thence south to the intersection with lot 64C, thence easterly to a point 500 feet easterly of the centerline of Route 1; thence south following a line 500 feet from the centerline and parallel to Route 1 to its intersection with Business Route 1; thence southerly following a line 500 feet east of and parallel to Business Route 1 to the northerly bound of lot 14, Map 3, thence easterly to the northeast corner of lot 14; thence southerly following the easterly bound of lot 14 to the southwest corner of lot 12B, Map 3; thence easterly in a straight line parallel to the northerly bound of lot 10, Map 3,

crossing lot 7 Map 3 to the northeast corner of Lot 8, Map 3 (which is also the southwestern corner of Lot 12-4 Map 3), thence northerly along the eastern boundary of Lot 7, Map 3 (which is also the western boundary of Lot 12-4 Map 3) to the northeasterly corner of Lot 12-4, thence easterly along the northerly boarder of Lot 12-4, Map 3 to a point about 325 feet to the east, thence southerly along a straight line (approximately parallel to the eastern boundary of Lot 7, Map 3) to the northeastern corner of Lot 8, Map 3 and then following the northerly bound of Lot 7-1, Map 3 to a point 200 feet east of the southwest corner of Lot 9, Map 3; thence southerly to a point 500 feet south of Biscay Road; thence westerly (parallel to and 500 feet from Biscay Road) to the easterly bound of Lot 67, Map 1; thence southerly along the easterly bound of Lot 67, Map 1 to the southerly bound of Lot 67, Map 1; thence westerly along the southerly bound of Lot 67, Map 1 to the center line of Heater Road; thence southerly to the southeast corner of Lot 59, Map 1; thence westerly to the intersection with the point 1000 feet east of Business Route 1; thence southerly following a line 1000 feet east of and parallel to Business Route 1 to the intersection of the general Residential District (south of Business Route 1); thence westerly following the northerly bound of the Residential District to the point of beginning. Also included are the Lots 63, 64, 65 and 66 of map 9 and Lots 27, 29 and 30 of Map 11. Excluded from the C-2 District is the new lot 13A, Map 7 created by the gift of land given to the Town and defined in the new Municipal District.

3. RURAL DISTRICT

Beginning at the westerly shore of Biscay Pond at the Bristol Town line; thence westerly along the town line to a point of intersection with the General Residential District (south of Business Route 1); thence northerly following the boundary of the General Residential District to its intersection with the southerly bound of District C2; Thence along the boundary of C2 north to its northerly terminus; thence westerly and southerly following the westerly boundary of C2 to its intersection with the northerly bound of General Residential District at Lot 17, Map 3; thence westerly to the shore of the Damariscotta River; thence northerly following the shore of the Damariscotta River and Oyster Creek to the intersection with the Nobleboro town line; thence easterly along the town line to its intersection with the shore of Pemaquid Lake; thence southerly following the western shores of Pemaquid Lake and Biscay Pond to the point of beginning.

4. WIRELESS COMMUNICATIONS DISTRICT

Beginning at the intersection of Route 1 and the northerly town line, proceed easterly along the town line a distance of 1000 feet; thence southerly parallel to and 1000 feet from Route 1 to the intersection of the northerly bound of Lot 10, Map 3; thence easterly along the north boundary of the C2 district to its easterly extent; thence southerly to the centerline of Biscay Road; thence westerly along Biscay road to the intersection of Business Route 1; thence north following Business Route 1 and Route 1 to the point of beginning.

5. MUNICIPAL DISTRICT

~~Beginning at the Southeast corner of Lot 13A, Map 7, of the Town Tax Maps, 2003, proceed northerly along the easterly boundary of Lot 13A, Map7, to the northeast corner of the lot, thence westerly along the northerly boundary to the northwest corner of the lot and thence southerly along the west boundary to its intersection with Chapman street, thence easterly to the point of beginning.~~

Formatted: Indent: Left: 0", First line: 0.01", Right: 0"

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

Chapter 102

**SITE PLAN REVIEW ORDINANCE
DAMARISCOTTA, MAINE**

| | | |
|---------|---|---------------|
| §102.1 | AUTHORITY..... | 2 |
| §102.2 | PURPOSE..... | 2 |
| §102.3 | APPLICABILITY..... | 3 |
| §102.4 | DEFINITIONS..... | 4 |
| §102.5 | PRE-APPLICATION AND APPLICATION PROCEDURES..... | 12 |
| §102.6 | PERFORMANCE STANDARDS..... | 21 |
| §102.7 | LARGE-SCALE DEVELOPMENT..... | 38 |
| §102.8 | ADMINISTRATION..... | 45 |
| §102.9 | APPEALS AND VARIANCES..... | 45 |
| §102.10 | SEVERABILITY..... | 46 |
| §102.11 | CONFLICTS WITH OTHER ORDINANCES..... | 46 |
| §102.12 | AMENDMENTS..... | 46 |
| §102.13 | EFFECTIVE DATE AND AVAILABILITY..... | 47 |
| §102.14 | ENFORCEMENT..... | 47 |
| | APPENDIX A PROCEDURAL FLOW CHART AND TIME LINE..... | 49 |
| | APPENDIX <u>AB</u> NATIVE TREE AND SHRUBBERY <u>SHUBBERY</u> SPECIES LIST..... | 52 |
| | APPENDIX <u>BC</u> MODEL SITE PLAN..... | |

•••

i. §102.2 PURPOSE

Substantial development or major changes in the use of land cause a profound impact on the cost and efficiency of municipal services and on the environment of the town. Such development can have adverse impact on schools, sewers, water lines, and other public utilities; recreational facilities; liquid and solid waste disposal; police and fire protection; open space; road systems and circulation; traffic congestion, safety and access; emergency access; placement of buildings and structures; property values; water supply and quality; management of ~~stormwater~~~~storm-water~~, erosion, and sedimentation; protection of the groundwater; protection of historic and archaeological resources; adverse impacts upon adjacent properties, the visual characteristics of the neighborhood and Town. The site plan review provisions set forth in this ordinance are intended to protect the public health and safety, promote the general welfare of the community, and conserve the environment, wildlife habitat, fisheries, and unique natural areas; and to fit the project harmoniously into the fabric of the community by assuring that the following objectives are accomplished with the least possible regulation:

- A. To minimize impacts caused by nonresidential, multifamily residential, and other developments described in §102.3, in a manner, which assures that adequate provisions are made for all of the concerns, listed above.
- B. To establish a Site Review procedure whereby Town officials will review, depending on the size of the project, new proposals to use land and buildings for uses listed in paragraph A above. The Ordinance also applies to the review of significant expansion, significant front-facing façade renovation or change-of-use in previously approved developments.
- C. To establish a fair and reasonable set of standards for evaluating each development proposal impartially on its own merits;
- D. To provide a Public Hearing process where required by the Ordinance through which town residents may raise questions and receive answers about how new development proposals would affect them;
- E. To suggest ways in which development proposals may be modified so that potential problems and nuisances can be minimized or eliminated;
- F. To exempt conventional lot by lot residential subdivisions already regulated under the town's Subdivision Ordinance, and other residential uses described in §102.3.
- G. To minimize the review process of existing land uses and developments. Replacing structures, significant changes to design or landscape plans are not exempt from this Ordinance (see §102.2.B).
- H. To balance the right of ~~landowners~~~~land-owners~~ to use their land for purposes stated in §102.2(G) above, with the corresponding right of abutting and neighboring ~~landowners~~~~land-owners~~ and other citizens of the Town to live without undue disturbance from noise, smoke, fumes, dust, odor, glare, traffic, or storm-water runoff, or the pollution of ground or surface water resources.
- I. To provide local protection from those particular nuisances which are not governed by State law or regulations;

Formatted: Space After: 10 pt

Formatted: Font: (Default) Dutch801 Rm BT, 12 pt

J. To protect property values;

K. ~~Comprehensive Plan.~~—To ensure that new development is located and designed in a way as to be consistent with the ~~adopted~~Damariscotta Comprehensive Plan ~~of the Town of Damariscotta.~~

ii.

•••

§102.4 DEFINITIONS

Meaning of Words. All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural.

•••

EXPANSION -

1. An increase of the building footprint and/or increase in the height of the structure beyond ~~its present~~it present highest point. Alterations of existing buildings which are required in order to meet the requirements of the Americans With Disabilities Act (ADA) and/or State Fire Code are not considered to be enlargements or expansions of a structure and are not required to meet otherwise applicable setback requirements, provided the alterations are the minimum necessary to satisfy the ADA and/or State Fire Code.

2. Any intensification of use in time, volume or function, whether or not resulting from an increase in the footprint, height, floor area, land area or cubic volume occupied by a particular use. Increases which are required in order to meet the requirements of the Americans With Disabilities Act and/or the State Fire Code are not considered to be enlargements or expansions of use.

3. (As it applies to telecommunication facilities) - the addition of antennas, towers or other devices to an existing structure.

•••

SIGNIFICANT TREE – Trees having a diameter at breast height (DBH) of 30 inches or greater, or any trees which are located in shoreland areas (those areas within 250 feet of the normal high-water line of any great pond, river or saltwater body, within 250 feet of the upland edge of a coastal wetland, within 250 feet of the upland edge of a freshwater wetland, or within 75 feet of the high-water line of a stream).

•••

b. §102.5 PRE-APPLICATION AND APPLICATION PROCEDURES:

A. General Pre-Application: The applicant shall ~~meet with the~~ obtain a Site Plan Application Form with Checklist and Flow Chart (that specifies conditional triggers for the time sequence of the process—Appendix A). Applicant shall fill out Application to the maximum feasible extent and ~~and set a possible meeting date with the Town to review the Site Plan Review application.~~ The project should be reviewed informally with Code Enforcement Officer and Town Planner/Board Chairman (or Planner) to determine if the proposed project will

Formatted: Font: (Default) Dutch801 Rm BT, 12 pt

generally conforms to applicable ordinance requirements.- If the project appears to conform to applicable ordinance requirements, the applicant may request to be placed on the Planning Board's agenda for a Pre-Application Sketch Plan review as described in subsection B below. shall complete a building permit application, provide supporting documents and pay only the Site Plan Application fee and submit it with the Site Plan Review Ordinance application.

~~To be placed on the agenda for Pre Application Sketch plan review, the applicant shall submit those items contact the Town Office at least 10 days prior to meeting. If the agenda for said meeting is full, the Chair of the Planning Board may place the project on the agenda of the next available meeting. Refer to Pre application Procedures below for required documents.~~

To submit an application for review, 10 copies of a completed application and supporting documents and plans (each in a bound, stapled or otherwise attached report) along with the Site Plan Review fee, must be submitted to the town office no later than 15 business days prior to the next regularly scheduled Planning Board meeting. If the agenda for said meeting is full, the project shall be placed on the agenda of the next available meeting.

- B. Pre-Application Procedures: The following procedures and requirements shall apply to all applications for Site Plan Review:
1. Prior to submitting an application the applicant may meet informally with the Board at a regular meeting to present a sketch plan, generally discuss the proposal and to obtain guidance in development of the plan and how to ensure it conforms to town ordinances. In order to be placed on the Board's agenda, the applicant must submit the following to the Town Planner at least 10 days in advance of an upcoming meeting: shall be. The sketch plan may be a freehand drawing and will show:
 - a. A cover letter describing the proposed project;
 - ~~a.b.~~ The outline of the tract or parcel with estimated dimensions, road rights of way and existing easements;
 - ~~b.c.~~ The proposed layout of the building(s), driveways, and parking areas; identification of general areas of steep slopes, wetlands, streams, and flood plains;
 - e. —
 -
 - ~~d.~~ Any oOther information pertinent to the project.;
 2. There shall be a presumption of no waivers being allowed to Section 10 of this ordinance concerning submittals. Upon written request by the applicant the Board may allow a waiver(s). The burden of proof is on the applicant to prove why waivers to any standards are needed. Applicants shall provide documentation as to the negative effects of being denied waiver(s).
 - ~~3. The Board shall indicate any additional studies and other approvals from local and regional and State agencies that may be required. Letters from these agencies shall be included as a part of the application and/or review.~~

Formatted: Outline numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Formatted: Indent: Left: 0.25", Hanging: 0.25"

Formatted: Indent: Left: 0", First line: 0"

Formatted: Font: (Default) Dutch801 Rm BT, 12 pt, Font color: Auto

34. The Board may, at its discretion, make an inspection of the site prior to submission of the full Site Plan application.

~~5. Within 30 days from submission of a pre-application and sketch plan and following an on-site inspection, if applicable, the Board shall submit in writing to the applicant a checklist of the specific information which shall be included in the formal application to the Board (see Appendix A).~~

Commented [1]: No longer needed as the checklist of what is required is posted to the Town's website, available for applicants to see prior to even submitting a pre-application.

...

E. Submission Requirements (except Wireless Telecommunications facilities): The application shall include ~~10 copies of all of~~ the following:

1. A fully executed and signed copy of the application for site plan review.
2. Evidence of right, title, or interest in the property such as deed, option to purchase, lease, or agreement.
3. A site plan drawn at a scale sufficient to allow review of the items listed under the preceding general standards but not at more than 50 feet to the inch for that portion of the total tract of land being proposed for development. At all preliminary and final plan stages in the review process at least two plans must be presented by the applicant on 24x36" sheets hang-able from an easel to facilitate Board review and at the largest scale possible for the size of the sheet, e.g. 20, 30 or 40 feet to the inch but no less than 50 feet to the inch. In addition, applicants may also electronically project their plans visually onto the wall with an image size sufficient for easy interpretation of all details including any wording. The site plan shall show the following:
 - a. Names and addresses of all abutters on the plan and names and addresses of all abutters on a separate listing.
 - b. Sketch map showing general location of the site within the town.
 - c. 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.
 - d. The bearings and distances of all property lines and the source of this information. The Board may waive the requirement of a formal boundary survey when sufficient information is available to clearly establish, on the ground, all property boundaries.
 - e. Classification(s) of the property and the location of zoning district boundaries as applicable.
 - f. Soil types and location of soil boundaries suitable for waste water disposal as certified by a registered engineer or soil scientist.
 - g. The location of all building setbacks and buffers required by this or other ordinances of the Town of Damariscotta.
 - h. The location, size, and character of all signs and exterior lighting.
 - i. The location of all existing and proposed buildings (including size and height),

driveways, sidewalks, parking spaces and associated structures, snow storage areas, loading areas, open spaces, ~~Significant-large T~~ trees, open drainage courses, signs, exterior lighting, service areas, easements, and landscaping.

- j. The location of all buildings within 50 feet of the parcel to be developed and the location of intersecting roads or driveways within 200 feet of the parcel.
- k. Existing and proposed topography of the site at two foot contour intervals if major changes to the existing topography are being proposed.

Formatted: Space After: 10 pt

Formatted: Font: (Default) Dutch801 Rm BT, 12 pt, Font color: Auto

•••

F. Submission Requirements for Wireless Communication Facilities: The application shall include ~~10 copies of all of~~ the following:

- 1. Documentation of the applicant's right, title, or interest in the property on which the facility is to be sited, including name and address of the property owner and the applicant.

•••

G. Notification and Hearing requirements

- 1. The Applicant shall notify all abutting property owners by certified mail, return receipt requested, of all requests for site plan review. If two or more abutters, or 5 residents of the Town, object in writing, and such objection is received by the Board, or postmarked, within 15 days after a public notice of the request for Site Plan Review, the Board shall schedule a public hearing on the proposal. Such hearing shall be scheduled within 30 days of acceptance of an application as complete.
- 2. The Board shall schedule a public hearing and site visit for applications containing one or more buildings with ~~an~~ individual or total footprint of 7,500 sq. or more pursuant to §102.5.G.1. The Board may at its own discretion hold a public hearing and site visit for projects with a smaller footprint than 7,500 sq.ft. The Board shall give written notice of the date, time, and place of such a hearing to the person making the application, and the applicant shall arrange with the ~~Town~~ Office to pay for the cost of publishing such notice. ~~Such~~ notice shall be published by the Board in a newspaper of general circulation in Damariscotta at least two (2) times; the date of the first publication to be at least seven (7) days prior to the hearing. Written notification by the Board of the hearing shall also be sent to the applicant and adjacent property owners by certified mail, return receipt requested, at least seven (7) days prior to the hearing.
- 3. If other agency permits are required, such as D.O.T. traffic movement permits, with ~~road work~~ roadwork involved, notifications as described in subsection G1 above shall be expanded as follows:
 - a. All property owners and lessees affected by the road modifications shall be notified by publication of intent in a newspaper of general circulation in Damariscotta.
 - b. Copies of the notifications shall be submitted with the application.

H. Board Review

2. Within 45 days of the Board finding the application complete or within 45 days after the conclusion of a public hearing, the Board shall vote to approve, approve with conditions or disapprove the application. This period may be extended by mutual written agreement ([such as](#) by being recorded in the Board meeting Minutes).
2. The Board shall inform the applicant in writing of its decision (by a Notice of Decision) on final plan applications within fifteen (15) days of ~~their~~ its action. The 15 day period may be extended by mutual agreement in writing (email approvals are acceptable) to 30 days for good cause such as, but not limited to, a heavy work schedule by the Town Planner or other staff of the Planning Board.
3. One copy of the approved site plan shall be retained in the Town Office and one copy shall be given to the Code Enforcement Officer.
4. The Board may require the posting, prior to final approval of any plan, of a [performance](#) bond, agreement, or letter of credit in such amount as is approved by the Board as being reasonably necessary to insure completion of all improvements required as conditions of approval of such plan, and in such form as approved by the Planning Board and the Selectmen.
5. The Board may attach reasonable conditions to approvals to ensure conformity with the purposes and provisions of this ordinance. The Board may condition final approval on receipt of copies of all state or federal permits required by the project including, but not limited to, Natural Resource Protection Act Permit, Traffic Movement Permit, Site Location of Development Permit and US Army Corps of Engineers permits.
6. If the application concerns property which in whole or part is within any Shoreland Zone, the criteria included in the Shoreland Zoning Ordinance shall be reviewed concurrently with the Site Plan Review.
7. All approvals shall expire within one year of the date of issuance unless work thereunder is substantially commenced within one year from the date of approval. [Applicants may request an extension to an approval for up to one year, if received in writing by the Planning Board before the expiration of the original approval. However, if](#) work is not substantially completed within two years from the date of issue [of an approval](#), a new application may be required by the Board.
8. Approvals may be made for site plans designated for construction over two or more phases. The Board may require the applicant to come back before the Board with proof of technical and financial capacity for the Board's approval before the applicant may apply for building permits for constructing each phase. Securing of building permits and work on the designated first phase must commence within one year of the initial approval of the over-all plan. Approval of the first phase may include the Board's requirement to construct some elements of the overall plan such as the overall stormwater management system or the overall parking and internal circulation plan. Building permits and work must commence within two year after the applicant has come back to the Board for approval of the technical and financial capacity of the second or further phases of the site plan.

i.§102.6 PERFORMANCE STANDARDS

•••

B. Relationship to Environment and Neighboring Buildings

1. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity which have a visual relationship to the proposed building.
2. Except in the Downtown Commercial (C1) Area, the following setbacks and buffers from parking/paved areas shall be provided:
 - a. Frontage on Road: For new Construction along the C2 area of Rte. 1B (Upper Main Street), a 50 foot buffer/setback from the property line to parking/paved areas will be maintained. In other districts a 15 foot buffer from the property line to parking/paved areas is required.
 - b. Side and rear lot lines: For developments resulting in more than 50% of the parcel covered in impervious surface and/or with a parcel size greater than 3 acres a 30 foot minimum buffer strip with undisturbed natural vegetation from the property line to any parking/paved areas will be maintained.
3. In the Downtown Commercial (C1) area, the following setbacks for parking areas shall be provided:
 - a. Frontage on road: Setbacks for parking shall be the same as that for structures as required by the Damariscotta Land Use Ordinance.
 - b. Side and rear lot lines: No setbacks are required for parking areas in this district.

•••

5. The applicant shall demonstrate to the satisfaction of the Board that the proposed lighting is appropriate for the intended use. The Board shall consider the hours of operation, characteristics of the neighborhood and the specific activities proposed in making its determination. During nighttime hours when the activity is not occurring, exterior lighting at all commercial and other non-residential properties, as a condition of approval, shall be required by the Board to be turned off to the minimum security level. Some exterior lighting at **residential** properties may be required to be turned down or turned off.

•••

7. Non-parking lot pathways, sidewalks and trails may be lighted with low mushroom-type standards or bollard type lights 3 feet or less in height.

•••

G. Access into the Site

Vehicular access to and from the development must be safe and appropriate.

1. Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation (MDOT) standards. Unless otherwise specified by MDOT, the following standards apply:

| Posted Speed - Required Sight Distance (1)* | |
|---|--------|
| 25 mph | 200 ft |
| 30 mph | 250 ft |
| 35 mph | 305 ft |
| 40 mph | 360 ft |
| 45 mph | 425 ft |

***(1) Sight distance shall be increased by up to 50% if 30% or more of the vehicles using the proposed driveway or street will consist of vehicles larger than pickup trucks**

2. For developments on lots of record (created after the effective date of this Ordinance), the applicant shall meet, to the maximum extent possible, the above MDOT sight-distances. When meeting their MDOT sight-distances adjacent to said lots of record is clearly a hardship, the Planning Board may vary the sight-distance requirements so long as the public safety is substantially served.
3. Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows. The proposed site layout shall provide for safe access to and egress from public and private roads. Provision shall be made for providing and maintaining convenient and safe emergency vehicle access to all structures at all times.

Formatted: Space After: 10 pt

Formatted: Font: (Default) Dutch801 Rm BT, 12 pt, Font color: Auto

Formatted: Font: (Default) Dutch801 Rm BT, 12 pt, Font color: Auto

...

H. Parking and Circulation

...

3. Off-street Surface Parking Lot Placement

- a. In no case shall parking lots be located between the front facade of principal buildings and the primary abutting streets unless the Planning Board and the parking area is screened from view from the frontage street based upon an affirmative showing by the applicant based on clear and convincing evidence in which case the building and parking areas must be screened by appropriate landscaping from the frontage street in a manner agreed to by the applicant and the Town's consultants and planners. Developments consisting of out buildings (defined in §102.7.H.2) (i.e. buildings less than seven thousand, five hundred (7,500) square feet of floor area) and placement of 6 foot walls, singly or together may be used to screen parking areas.
- b. Parking lots shall be set back a minimum of 15 feet from the lot line along non-frontage streets excluding alleys (see §102.6.T Buffer Areas). In the C1 Downtown Commercial District parking lots may be set back 15 feet from non-frontage streets or in accordance with the Land Use Ordinance, whichever is less.

4. Developments containing interior vehicular and pedestrian circulation shall provide layouts that demonstrate safe and efficient movement. The designs will show parking arrangements, flow and separation for vehicles and pedestrians along with designated service/loading areas.
5. Parking areas shall be off street and designed so that vehicles leave the parking area in a forward motion. To minimize the number of entrances ~~onto~~ to the main travel way, a single combined entrance/ exit is encouraged, while a maximum of 2 separate curb cuts is permitted. For those lots in the C2 District as defined herein, the requirements of this paragraph may be modified to fit the prevailing pattern of development.
6. Parking Lot Lay-out
 - a. Parking lots shall be divided into small areas of no more than 40 parking spaces each by landscaping, such as but not limited to, shade trees, shrubs, and evergreens. For those lots in the C1 District, the Board may consider the Municipal Parking lot when assessing the project's parking requirements. Layout should take into account requirement for on-site snow management and storage.
 - b. Each 40 space (or fraction thereof) parking area shall be landscaped to accommodate both parking and stormwater management needs by incorporating vegetated islands/swales and/or tree box filters as landscaped islands designed to retain stormwater. (see Storm Water Management Section L.) Each of these parking areas shall be landscaped with curbed medians with a minimum curb to curb width of ten (10) feet. Curbed landscaped islands shall be sited at the end of each parking aisle and within parking aisles at intervals no greater than one island per every twenty (20) spaces. Islands at the ends of aisles shall be counted toward meeting this requirement. Each required landscaped island shall be a minimum of three hundred sixty (360) square feet in landscaped area.
7. The parking spaces provided will meet the needs of the particular use and the following standards shall be used as a guide:
 - a. Access to stalls. Access to parking stalls should not be from major interior travel lanes, and shall not be immediately accessible from any public way.
 - b. Movement to and from spaces. Parking areas shall 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.
 - c. Pedestrian access. Parking aisles should be oriented perpendicular to stores or businesses for easy pedestrian access and visibility.
 - d. Setbacks. See §102.6.B.
 - e. Parking stalls. Parking stalls and aisle layout shall conform to the following standards:

Formatted: Space After: 10 pt

Formatted: Font: (Default) Dutch801 Rm BT, 12 pt, Font color: Auto

| Parking Angle | Stall Width | Skew Width | Stall Depth | Aisle Width |
|---------------|-------------|------------|-------------|--------------|
| 90° | 9'-0" | | 18'-5" | 24'-0" |
| 60° | 8'-6" | 10'-5" | 16'-0" | one-way only |
| 45° | 8' | 12'-9" | 17'-5" | one-way only |
| 30° | 8' | 17'-0" | 12'-0" | one-way only |

| | | | | |
|----------|----|-----|--------|-----|
| Parallel | 9' | n/a | 20'-0" | n/a |
|----------|----|-----|--------|-----|

- f. Parking stripes. In paved parking area painted stripes shall be used to delineate parking stalls. Stripes should be a minimum of 4" in width.
 - g. Directional arrows. In aisles utilizing diagonal parking, arrows should be painted on the pavement to indicate proper traffic flow.
 - h. Bumpers. Bumpers and/or wheel stops shall be provided where overhang of parked cars might restrict traffic flow on adjacent through roads, restrict pedestrian movement on adjacent walkways, or damage landscape materials.
 - i. Number required. Off-street parking spaces shall be provided, unless the applicant can demonstrate that another standard is appropriate, to conform to the number required in the following schedule (s.f. = square feet; du = dwelling unit):

Formatted: Not Highlight

| <u>Use</u> | <u>Spaces Required</u> |
|--------------------------------------|---|
| <u>Light industrial</u> | <u>1.5/1000 s.f.</u> |
| <u>Industrial park</u> | <u>1.5/1000 s.f.</u> |
| <u>Manufacturing</u> | <u>1.5/1000 s.f.</u> |
| <u>Warehousing</u> | <u>1.5/1000 s.f.</u> |
| <u>Residential</u> | <u>2/du</u> |
| <u>Apartments, condominiums</u> | <u>2/du</u> |
| <u>Senior citizen multi-family</u> | <u>1/du</u> |
| <u>Hotel/Motel/Inn</u> | <u>1/rm</u> |
| <u>Bed and breakfast</u> | <u>1/guest room</u> |
| <u>Club, lodge</u> | <u>1/every 2 persons allowed, based on maximum legal capacity</u> |
| <u>Hospital/medical facility</u> | <u>1/3 beds and 1 per 2 employees per shift</u> |
| <u>Art gallery, museum, library</u> | <u>6.5/1,000 s.f.</u> |
| <u>School, primary</u> | <u>1.5 per classroom</u> |
| <u>School, secondary</u> | <u>8 per classroom</u> |
| <u>School, post-secondary</u> | <u>1 per student and 1 per faculty & staff member</u> |
| <u>Theater, auditorium, assembly</u> | <u>1/every 3 seats based on maximum legal capacity</u> |
| <u>Marina</u> | <u>1/every 2 berths</u> |
| <u>Sports club, health spa</u> | <u>5/1000 s.f.</u> |
| <u>Church</u> | <u>1/every 2 seats</u> |

| | |
|-------------------------------------|---|
| <u>Nursing Home</u> | <u>1/every 3 rooms</u> |
| <u>Medical, dental office</u> | <u>4/1000 s.f.</u> |
| <u>General offices</u> | <u>3/1000 s.f.</u> |
| <u>Governmental offices</u> | <u>4/1000 s.f.</u> |
| <u>Retail store</u> | <u>4/1000 s.f.</u> |
| <u>Home improvement, hardware</u> | <u>3/1000 s.f.</u> |
| <u>Shopping center</u> | <u>4/1000 s.f.</u> |
| <u>Restaurant</u> | <u>9/1000 s.f. or 1/every 3 seats</u> |
| <u>Fast food restaurant</u> | <u>14/1000 s.f. or 1/every 2 seats</u> |
| <u>Bank</u> | <u>4/1000 s.f.</u> |
| <u>Services</u> | <u>4/1000 s.f.</u> |
| <u>Child care</u> | <u>1/every 4 children licensed to care</u> |
| <u>Auto, truck repair</u> | <u>5/service bay</u> |
| <u>Funeral home</u> | <u>1/100 s.f.</u> |
| <u>Campgrounds</u> | <u>1/campsite</u> |
| <u>Barber, beauty shop</u> | <u>3/chair</u> |
| <u>Car, truck dealers</u> | <u>5 plus 1/3000 s.f. indoor or outdoor display</u> |
| <u>Convenience store</u> | <u>4/1000 s.f.</u> |
| <u>Convenience store with pumps</u> | <u>4/1000 s.f.; one-half of service spaces at the gas pumps may be applied to meet not more than one-half of total parking required</u> |
| <u>All other uses</u> | <u>Sufficient spaces to accommodate the normal parking demand as determined by the Planning Board</u> |

| | |
|---|--------------------------|
| 1. Light industrial | 1.5/1000 s.f. |
| 2. Industrial park | 1.5/1000 s.f. |
| 3. Manufacturing | 1.5/1000 s.f. |
| 4. Warehousing | 1.5/1000 s.f. |
| 5. Residential | 2/du |
| 6. Apartments, condominiums | 2/du |
| 7. Senior citizen multi-family | 1/du |

| | |
|--------------------------------------|--|
| 8. Hotel/Motel/Inn | 1/rm |
| 9. Bed and breakfast | 1/guest room |
| 10. Club, lodge | ½ persons based on maximum legal capacity |
| 11. Hospital/medical facility | 1/3 beds and 1 per 2 employees per shift |
| 12. Art gallery, museum, library | 6.5/1,000 s.f. |
| 13. School, primary | 1.5 per classroom |
| 14. School, secondary | 8 per classroom |
| 15. School, post-secondary | 1 per student and 1 per faculty & staff member |
| 16. Theater, auditorium, assembly | 1/3 seats based on maximum legal capacity |
| 17. Marina | ½ berths |
| 18. Sports club, health spa | 5/1000 s.f. |
| 19. Church | ½ seats |
| 20. Nursing home | 1/3 rooms |
| 21. Medical, dental office | 4/1000 s.f. |
| 22. General offices | 3/1000 s.f. |
| 23. Governmental offices | 4/1000 s.f. |
| 24. Retail store | 4/1000 s.f. |
| 25. Home improvement, hardware | 3/1000 s.f. |
| 26. Shopping center | 4/1000 s.f. |
| 27. Restaurant | 9/1000 s.f. or 1/3 seats |
| 28. Fast food restaurant | 14/1000 s.f. or ½ seats |
| 29. Bank | 4/1000 s.f. |
| 30. Services | 4/1000 s.f. |
| 31. Child care | ¼ children licensed for care |
| 32. Auto, truck repair | 5/service bay |
| 33. Funeral home | 1/100 s.f. |
| 34. Campgrounds | 1/campsite |
| 35. Barber, beauty shop | 3/chair |
| 36. Car, truck dealers (see also 32) | 5 plus 1/3000 s.f. indoor or outdoor display |
| 37. Convenience store | 4/1000 s.f. |
| 38. Convenience store with pumps | 4/1000 s.f.; one half of service spaces at the gas pumps may be applied to meet not more than one half of total parking required |
| 39. Other uses | sufficient spaces to accommodate the normal parking demand as determined by the Plan. Board |

...

Q. Filling and Excavation

Excavations of sand & gravel, borrow, clay, topsoil, silt or rock that are not incidental to a development approved by the Planning Board and which exceed 1 (one) acre in area shall conform to the following performance standards. The Planning Board may approve modifications to these standards if such modifications have been approved by the Department of Environmental Protection. Where the project schedule for excavation that is incidental to a development approved by the Planning Board will exceed two years, such excavation shall default to comply with this section.

- The following minimum setbacks from the excavation must be maintained. Such setbacks shall be maintained as a natural buffer. Existing vegetation cannot be removed. If existing vegetation has ~~previously been removed~~~~previously removed~~, it must be replaced in conformance with a plan approved by the Planning Board. A buffer strip is not required between excavations owned by abutting property owners with abutters' written permission.

| | |
|--|----------------------------|
| Point-driven or dug well in existence prior to the excavation | 200 feet |
| Drilled well into bedrock in existence prior to the excavation | 100 feet |
| Public drinking water source serving 500 persons or less | 300 feet |
| Public drinking water source serving 501-1,000 persons | 500 feet |
| Public drinking water source serving over 1,000 persons | 1,000 feet |
| Great pond or river | 100 feet |
| All other water bodies | 75 feet |
| Public road unless reduced by agreement with authority to grant such reduction | 100 feet (topsoil 25 feet) |
| Private road unless reduced by agreement with legal users of such road | 75 feet |
| Public right-of-way not containing a road | 50 feet |
| Property boundary | 50 feet (topsoil 25 feet) |

...

V. Building Appearance

The following standards **shall apply to all** buildings less than the size standard for large-scale development. Buildings required to meet the standards for large scale development (7,500 square feet and larger) shall comply with those standards contained in Section 12 of this ordinance.

- The building's architecture (e.g. buildings of less than 7,500 square feet of gross floor area) **shall reflect traditional New England building forms including, but not limited to, hipped and gabled roofs, dormers, windows (rather than plate glass) and clapboard, shingle or brick siding.** Freestanding accessory structures, such as ATMs, gas pump canopies, sheds or drive-thrus (so called), etc., shall be treated as architectural elements and meet the same design standards as the principal structures on the site. **Waivers of these requirements are not permitted and all proposals coming before the Planning Board must meet these requirements to be considered for Approval.**

Formatted: Font: (Default) Times New Roman, 11 pt, Font color: Auto

Formatted: Font: (Default) Times New Roman, 11 pt, Not Bold, Font color: Auto

Formatted: Font: (Default) Times New Roman, 11 pt, Font color: Auto

Formatted: Font color: Auto

Formatted: Indent: Left: 0", First line: 0"

2. Pitched roofs with a minimum pitch of 5/12 ~~are required~~^{are be required} by the Planning Board to complement existing abutting buildings or otherwise maintain a particular ~~aesthetic objective.~~
3. Building facade colors shall be non-reflective, subtle, neutral or earth tone. The use of high intensity colors, metallic colors, fluorescent colors or black on facades shall be prohibited. Building trim and architectural accent elements may feature colors of black, but such colors shall be muted, not metallic, not fluorescent and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on signage.

§102.7 LARGE-SCALE DEVELOPMENT

In addition to the standards of §102.6, the following standards apply to larger non-residential buildings or structures, ~~as well as multi-family dwellings. These standards shall apply when the total floor area of all buildings (including connected buildings or accessory buildings and structures) is greater than or equal to 7,500 square feet. and multi-family dwellings, including connected buildings, accessory buildings and structures, on site plans with the building or connected/associated buildings being 7,500 square feet or more of total floor area.~~ The following standards are to be used by the Board in reviewing applications for site plan review. After the effective date of this Section, additions to a building (as defined herein) that exceeds the 7,500 square foot threshold, either individually or cumulatively, shall meet the following standards for large-scale development. The Board may modify or waive specific performance standards for such additions if it finds that, due to the design, location, function or layout of the principal structure, the application of specific performance standards is impractical or inappropriate.

•••

B. Outdoor Sales.

Additional standards are applicable to large-scale development consisting of retail establishments greater than seven thousand and five hundred (7,500) square feet of floor area.

1. Areas for outdoor sales of products may be permitted if they are extensions of the sales floor into which patrons are allowed free access. Such areas shall be incorporated into the overall design of the building and the landscaping, be counted as part of the minimum 7,500 square feet (or maximum of 35,000 square feet) of floor area and shall be permanently defined and screened with walls, roofs and shall conform to those compatible predominant materials and colors used on the rest of the building.
2. Outdoor sales areas not counted toward minimum 7,500 square feet (or maximum 35,000 square feet) of floor area at commercial buildings include the location, storage and display of such hardscape or softscape landscaping, nursery, gardening or agricultural products such as, but not limited to, cement or brick pavers, outdoor pottery, outdoor furniture or plants, mulch, fertilizer or sand bags. Except for such agricultural, gardening, landscaping, nursery and similar products normally stored outdoors, the outdoor storage of products for retail sale is prohibited in an area where customers are not permitted unless such area is visually buffered from adjacent streets and abutting developed properties. This prohibition includes outdoor storage sheds and containers. There may, however, be outdoor storage of such things, but not limited to, excess stock

of products normally found outdoors such as patio furniture, if properly visually screened and for display purposes only.

3. Outdoor sales areas must be clearly depicted on the site plan. They must be outside the buffer/setback requirements of Town Ordinances.

•••

D. Bicycles and Pedestrian Facilities

•••

5. The development shall provide exterior pedestrian furniture in appropriate locations at the rate of one seat for every five thousand (5,000) square feet of gross floor area and secure bicycle parking at the rate of at least three bicycle rack spaces for every fifty (50) vehicle parking spaces.

E. Landscaping

1. **The applicant shall submit a site landscaping plan that presents the location and quantity of all project plantings.** At least 75 % of all vegetation shall be native species. The applicant shall also submit a planting schedule keyed to the site landscaping plan that lists the botanical and common names, size at planting and quantity of all project plantings. Landscaping shall be considered an integral component of the approved project. (See Appendix AB - Native Tree & Shrubbery Species List). The applicant shall replace within thirty (30) days, or as seasonally required by the species, any landscaping that dies, is removed or otherwise requires replacement. Such replacement landscaping shall be equivalent in species and size to the original landscaping unless the applicant can demonstrate to the satisfaction of the Planning Board that the site conditions require an alternative species of comparable size. Landscaping as depicted on the site plan is considered an integral component of the approved development. Should any portion of the landscaping that dies, is removed or otherwise requires replacement, is not replaced within thirty (30) days, or as seasonally required by the species, it shall be considered a violation of the approval granted by the Board pursuant to §102.5.H and shall be subject to the enforcement provisions of §102.14.
2. A minimum of thirty (30) percent of the building's total foundation, including a minimum of fifty (50) percent along the building's façade facing a public street, shall be planted with landscaping, based on proper planting conditions, consisting of trees at least 2" in diameter appropriate to USDA Plant Hardiness Zone 5 and placed into soil that would allow long-term growth and survival. Add adequate coverage by shrubbery to visually screen the base (foundation) of the building(s). At a minimum, planted shrubbery shall be eighteen inches (18) in height. Landscaping shall include areas near entrances and facades facing public streets as well as in parking areas. If the building will be located in a C1 village area and there will be no setback between it and a public sidewalk or street right-of-way, landscaping along the building's front façade is not required.
3. Parking islands shall be landscaped in conformance to Subsection 2 above §102.6.H.
4. Buffer strip landscaping shall consist of trees, based on proper planting conditions, at least 2" in diameter and placed into soil that would allow long-term growth and survival and in

Formatted: No underline

Formatted: No underline

Formatted: No underline

Formatted: No underline

Formatted: No underline

Formatted: No underline

sufficient ~~numbers~~number to form a visual barrier consisting of understory, trees, evergreen or deciduous shrubs and evergreen trees. These shall be planted along and within a minimum thirty (30) foot ~~(or 15 foot as appropriate)~~ deep green buffer strip adjacent to all public and private streets and drives including parking lot connections, circulation drives (including those adjacent to buildings) and loading areas. If the building(s) will be located in a C1 village area and there will be no setback between it and a public sidewalk or street right-of-way, landscaping adjacent to the public sidewalk or street right-of-way is not required.

- Formatted: Font: Not Bold
- Formatted: Font: Not Bold
- Formatted: Font: Not Bold
- Formatted: Font: Not Bold
- Formatted: Font: Not Bold

•••

F. Screening

1. Ground and wall-mounted mechanical equipment, refuse containers and permitted outdoor storage must be fully concealed from on-site and off-site ground level views with materials identical to those on building exteriors.
2. All trash collection areas that are not within an enclosed building or underground, must be screened or recessed so that they are not visible from public sidewalks, internal pedestrian walkways or adjacent residential properties and at least 50 feet from any lot line. Screening and landscaping of these areas shall conform to the predominant materials used on the site.
3. Roof-top equipment must be screened by parapets, upper stories or exterior walls from viewing from public streets within one-thousand (1,000) feet. Roof-top solar panels or ~~wind power~~windpower generators shall be screened only to the extent that their function is not compromised.
4. Gates and fencing may be used for security and access. Chain link, wire mesh or wood slat fencing are acceptable for security purposes. Such security fencing, however, does not satisfy buffering or screening requirements of this Ordinance.
5. Loading docks must be screened from surrounding roads and developed properties by walls matching the building's exterior or by fully opaque landscaping.

•••

H. Additional Standards for Large Scale Developments with buildings 20,000 square feet or greater in total floor area. These standards are intended to ensure that the buildings are not prominently visible from roads unless they are sited close to the road in a manner similar to traditional village commercial development.

•••

3. Community Impacts

The Planning Board shall require an economic and fiscal impact analysis for a proposed large-scale development. The applicant shall provide adequate funding to the Town to retain a consultant of the Town's choice with appropriate experience to [provide a peer review of the submitted analysis, if a peer review is determined to be necessary by the](#)

Planning Board, complete and present such analysis.

i...

ii.

iii. §103.12 AMENDMENTS

- A. All changes and amendments to this Ordinance must be made at a regular or special Town Meeting of Damariscotta, by a majority of the governing body.
- B. All changes and amendments to this Ordinance must first be presented to the Planning Board for a public hearing thereon. Notice of the hearing before the Board shall be made in at least one newspaper of general circulation in the area twice, the date of the first publication must be at least 12 days before the hearing and the date of the second publication must be at least 7 days before the hearing, with said published notice including a small map of the area to be affected, as required by 30-A M.R.S.A § 4352(9) as may be amended.
- C. When a proposed change will impact only a specific geographic area within the municipality, mailed notice also shall be made to all property owners impacted by the proposed change. This mailed notice shall follow the procedures required by 30-A M.R.S.A § 4352(10) as may be amended. ~~This Ordinance may only be amended by majority vote at any regular or special town meeting of Damariscotta. All changes and amendments to this Ordinance must first be presented to the Planning Board for a public hearing thereon. Notice of the hearing before the Board shall be made in at least one newspaper of general circulation in the area as required by 30-A M.R.S.A § 4352(9) and (10).~~

Formatted: Outline numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: (Default) Dutch801 Rm BT, 12 pt, Font color: Auto

2.

...

APPENDIX A

SITE PLAN REVIEW PROCEDURAL FLOW CHART AND TIME LINE

FLOW CHART

This Flow Chart outlines the major steps an applicant must take in seeking a site plan permit (documented by a Notice of Decision and a Board signed site plan). This chart is informational only. For the full description of the application process see §102.5 PRE APPLICATION and APPLICATION PROCEDURES.

1. ~~Before or after a pre-application meeting, prospective applicants can come to a Planning Board meeting informally (not on the Agenda) to ask questions of the Board. Board cannot make decisions, just answer questions. (§102.5.B.1)~~
2. ~~Pre-Application Meeting: with Planner and/or other town staff to review ordinance(s), procedure list and checklist for applicant to be informed on the forms and fees needing submittal and on what is likely to constitute a complete application for the proposal. (§102.5.A)~~
3. ~~Pre-Application Sketch Plan Review: at a Planning Board meeting applicant reviews the submission requirements with the Board (using the checklist). These include a sketch site plan and any waiver requests for not submitting some documents in section 10.E or F for good cause. The Board must vote to approve or not any waiver requests. The Board may require studies or permits from state or federal agencies. The Board may require either and/or a site visit or public hearing at this pre-application stage. The Board completes the submissions checklist for the submittals required for the plan to be declared a complete application. (§102.5.B)~~
4. ~~Complete Application: Planner, CEO or other town staff may be requested to provide the Board with studies or other reports deemed necessary for a thorough review of an application (e.g. dimensional requirements in the Land Use Ordinance). For complex aspects of an application the Board may determine to hire expert review (e.g. stormwater management) by a consultant paid from an escrow account set up by the applicant. (§102.5.C & D)~~

~~In addition to a full site plan map, a Complete Application applicant may be required to demonstrate financial and technical capacity to complete the plan as proposed, provide letters from local (e.g. Fire Chief), state and federal agencies on safety, environmental or historic aspects of the proposed plan. (§102.5.E)~~
5. ~~Performance Standards: Proposed developments shall meet all the performance standards of Section 11. For applicants seeking any waivers from any performance standards, two plans shall be submitted. The first is a plan that meets all the standards. The second would show the proposed waived standards accompanied by a written narrative on how the proposed waiver would still meet the intent of the ordinance. The Board shall vote on approval or not of any waiver requests. (§102.6)~~

~~Plans with floor area of more than 7,500 sq. ft. or facades of 50 feet or more, may have to meet additional performance standards in Section 12. (§102.6)~~

~~6. Notification and Public Hearing: The applicant notifies by certified mail all abutters of the date of their appearance on the agenda at a Planning Board meeting. If two or more abutters or five town residents object in writing, the Board shall hold a public hearing. The Board on its own may decide to hold a public hearing with advertising expenses borne by the applicant. (§102.5.G.1&2)~~

~~—The Board is required to hold one or more public hearings or site visits for all site plans with building footprints in the aggregate of 7,500 sq. ft. or more before the application can be declared complete (§102.5.H.1)~~

~~—For applications with less than 7,500 sq. ft. footprint that the Board determines do not need a public hearing or site visit, may then be voted by the Board to be Final Plans. Then the Board would vote to approve, approve with conditions or deny. (§102.5.H.1)~~

~~7. Final Action by the Board: Within 45 days after an application is voted by the Board to be complete or within 45 days of the completion of a public hearing, the Board votes to approve, approve with conditions or disapprove the application. The 45-day period may be mutually extended by the applicant and the Board. (§102.5.H.1)~~

~~—The Board may require before final approval, the posting of a bond or other surety to insure completion of (public) improvements in the plan.~~

~~—The Board may attach reasonable conditions of approval to assure compliance with the Performance standards or to receive required studies, permits or recommendations from local, state or federal authorities~~

~~—When all the review deemed by the Board to be completed, the Board votes on it as a Final Plan to approve, approve with conditions or deny.~~

~~8. Documentation: The Board will sign two paper copies the final plan it has approved with the date of its approval: one for the applicant, one for the Town (Planning) office (§102.5.H.3). The applicant is requested to provide an electronic copy of its approved final plan via email attachment to the Town Planner for record keeping and for use by the Town Assessor for tax purposes.~~

~~—The Board will notify the applicant of its decision by a written Notice of Decision within 15 days after its action or extended to 30 days by mutual consent between the two. (§102.5.H.2).~~

~~—Approved ‘multifamily dwelling’ site plans containing three or more ‘condominium’ dwellings’, i.e. individually-owned dwellings on a communally-owned lot, may need to be filed, similar to a subdivision plan, in the LCRD. Multifamily site plans with leased dwellings may not need filing in the LCRD. (MSRA 30-A §4401.4.G)~~

TIME LINE

~~§102.5.A: **Pre Application**— Placement on PB Agenda for a Sketch plan review— applicant contact TP (Town Planner) at least 10 days prior.~~

~~§102.5.B.5: By 30 days after receiving a sketch plan and a site visit if applicable, PB (TP) submits a written checklist of required submittals (listed in §102.5.E).~~

~~§102.5.A: **Application**— submittal by applicant for formal review— applicant submit 10 copies of completed application plus site plan fee at least 15 business days prior to PB meeting.~~

~~§102.5.G.1: Before an applicant is place on a PB Agenda, applicant must notify all abutters by certified mail (not stated but may be assumed by 7 days before the PB meeting).~~

~~§102.5.G.1: If two or more abutters or 5 residents object to application within 15 days after public notice of request for site plan review (assume it means posted in LCN or Town Hall) then a public hearing is required within 30 days after the application is deemed **complete**.~~

~~§102.5.G.2: After the date the PB votes an application as **complete**, a public hearing required either by 10.G.1 or chosen by PB, must take place within 30 days. Notice of public hearing published by PB in newspaper at least 7 days prior and then 2nd time. Notice of public hearing sent to abutters and applicant at least 7 days prior.~~

~~§102.5.H.1: Within 45 days of PB voting the application complete or within 45 days of the conclusion of a public hearing, the Board votes to approve, approve with conditions or disapprove the **application**. Timeline may be extended by mutual consent of Applicant and PB.~~

~~§102.5.H.1: All applications consisting of 7500 sf+ in building footprints must have a public hearing & site visit before being declared a **Final Plan**. 45 day period does not start until after the public hearing. Timeline before voting may be extended by mutual consent of Applicant and PB.~~

~~§102.5.H.2: After voting on a **Final Plan** for either approval, approval with conditions or denial, PB has 15 days to deliver NOD (Notice of Decision) to applicant. Period may be extended to 30 days by mutual consent.~~

APPENDIX AB

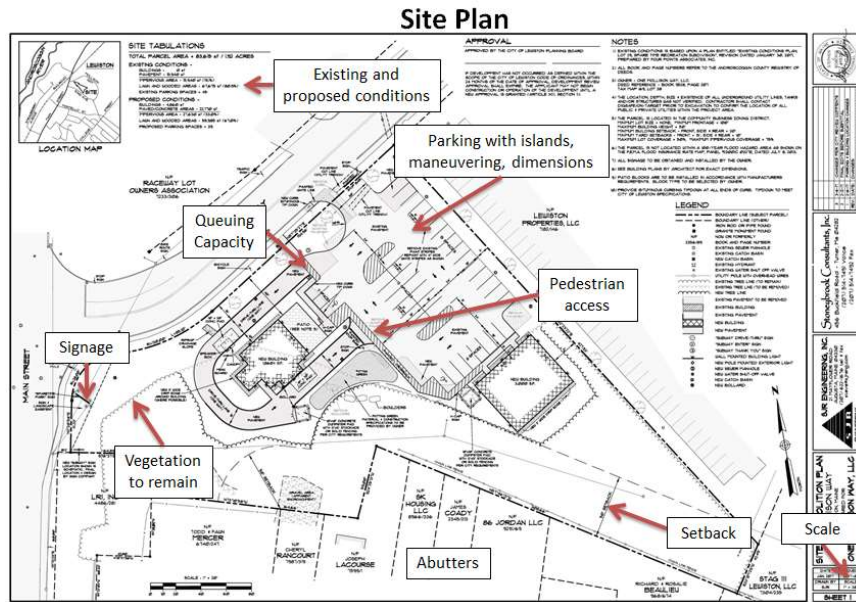
NATIVE TREE AND SHUBBERY SPECIES LIST

| Recommended Tree & Shrub Species List | | | | | | | | |
|--|---------------------------------|-------------------------------|-----------------------|--------|-------------------------------|---------------|--------------|-------------------------------------|
| Where a tree is designated as a park tree it is done so because of its size or its intolerance to such things as salt or pollution. If a tree of this type is used as a street tree, make certain it is used on the side of the street opposite the utilities and set back from the road. | | | | | | | | |
| The trees are listed by common and scientific names including cultivars where appropriate. The suggested cultivars noted are recommended over the parent stock. The mature height and spread figures are accurate where the tree is growing on a favorable site. | | | | | | | | |
| DECIDUOUS | | | | | | | | |
| "S" Street "P" Park | Throughfare Type/Crown Shape | Scientific Name | Common Name | Native | Suggested cultivars | Mature Height | Crown Spread | Recommended Root Growth Space WxVxD |
| S | Oval/Rounded | <i>Acer rubrum</i> | Red Maple | Native | 'Red Sunset' | 60 | 60 | 30x30x3 |
| P | Oval/Rounded | <i>Acer saccharum</i> | Sugar Maple | Native | | 80 | 60 | 38x38x3 |
| P | Spreading | <i>Amelanchier canadensis</i> | Shadblow Serviceberry | Native | | 20 | 25 | 15x15x3 |
| P | Floundered | <i>Betula alleghaniensis</i> | Yellow Birch | Native | | 50 | 35 | 25x25x3 |
| P | Spreading | <i>Betula lenta</i> | Sweet Birch | Native | | 65 | 40 | 25x25x3 |
| P | Floundered | <i>Betula nigra</i> | River Birch | Native | | 70 | 40 | 25x25x3 |
| P/S | Rounded | <i>Carpinus caroliniana</i> | American Hornbeam | Native | | 35 | 25 | 15x15x3 |
| P | Rounded | <i>Cladostis lutea</i> | American Yellowwood | Native | | 60 | 60 | 30x30x3 |
| P/S | Spreading | <i>Cornus racemosa</i> | Gray Dogwood | Native | | 15 | 15 | 10x10x3 |
| S | Rounded | <i>Cataegus phaenopyrum</i> | Washington Hawthorn | Native | 'Fastigiata' CAUTION - THORNS | 30 | 20 | 10x10x3 |
| P | Rounded | <i>Fagus grandifolia</i> | American Beech | Native | | 75 | 75 | 25x25x3 |
| P | Oval | <i>Gymnocladus dioica</i> | Kentucky Coffeetree | Native | | 75 | 55 | 25x25x3 |
| P | Conical | <i>Larix laricina</i> | American Larch | Native | | 75 | 30 | 15x15x3 |
| P | Oval/Rounded | <i>Lonicera canadensis</i> | Tulip Tree | Native | | 90 | 50 | 20x20x3 |
| P/S | Rounded | <i>Magnolia acuminata</i> | Cucumber Magnolia | Native | | 65 | 35 | 25x25x3 |
| P | Conical/Rounded | <i>Nyssa sylvatica</i> | Sour Gum, Tupelo | Native | | 60 | 35 | 15x15x3 |
| P/S | Rounded | <i>Ostrya virginiana</i> | American Hophornbeam | Native | | 40 | 25 | 10x10x3 |
| P | Rounded | <i>Platanus occidentalis</i> | American Sycamore | Native | | 100 | 75 | 30x30x3 |
| P/S | Oval/Rounded | <i>Quercus alba</i> | White Oak | Native | | 55 | 45 | 25x25x3 |
| P/S | Oval/Rounded | <i>Quercus bicolor</i> | Swamp White Oak | Native | | 55 | 45 | 23x23x3 |
| P/S | Spreading | <i>Quercus coccinea</i> | Scarlet Oak | Native | | 70 | 50 | 25x25x3 |
| P/S | Rounded | <i>Quercus imbricaria</i> | Shingle Oak | Native | | 65 | 65 | 25x25x3 |
| P/S | Conical | <i>Quercus palustris</i> | Pin Oak | Native | | 70 | 40 | 18x18x3 |
| P/S | Rounded | <i>Quercus rubra</i> | Red Oak | Native | | 70 | 75 | 30x30x3 |
| P/S | Oval/Rounded | <i>Scotsus americana</i> | American Mountain Ash | Native | | 30 | 30 | 5x5x3 |
| EVERGREEN | | | | | | | | |
| Type | Form | Species | Common Name | Native | Remarks | Mature Height | Crown Spread | Recommended Root Growth Space WxVxD |
| "P" Park | Throughfare Type/Crown Shape | Scientific Name | Common Name | Native | | | | |
| P | Conical | <i>Abies concolor</i> | Concolor Fir | Native | | 75 | 50 | 15x15x3 |
| P | Conical | <i>Abies fraseri</i> | Fraser Fir | Native | | 50 | 30 | 15x15x3 |
| P | Columnar | <i>Chamaecyparis thyoides</i> | Atlantic Whitecedar | Native | | 40 | 20 | 10x10x3 |
| P | Columnar | <i>Juniperus virginiana</i> | Eastern Redcedar | Native | | 40 | 20 | 10x10x3 |
| P | Oval | <i>Pinus resinosa</i> | Red/Longleaf Pine | Native | | 75 | 40 | 18x18x3 |
| P | Spreading | <i>Pinus strobus</i> | Eastern White Pine | Native | | 75 | 55 | 20x20x3 |
| P | Columnar | <i>Taxia occidentalis</i> | American Arborvitae | Native | | 50 | 20 | 7.5x7.5x3 |
| P | Conical | <i>Taxus caroliniana</i> | Carolina Hemlock | Native | | 60 | 30 | 18x18x3 |
| <p><i>References:</i></p> <p><i>Dirr's Hardy Trees and Shrubs, An Illustrated Encyclopedia.</i> Michael A. Dirr</p> <p>Lincoln County Co-Operative Extension, University of Maine, Elizabeth Staley, Horticulturalist</p> <p>Maine Community Forestry Council Recommended Tree Species List for Street and Park Trees. Maine Forest Service, 1988</p> <p><i>Abundant Woods Landscapes Photos.</i> Michael A. Dirr</p> <p><i>Selecting Trees for Urban Landscapes: Ecosystems, Hardy Species for Northern New England Communities.</i></p> <p>NH Dept. of Resources and Economic Development, Division of Forests and Lands, 1994</p> <p>List Compiled by Laurie Green, MCLD. April 2011</p> | | | | | | | | |
| <p>Definition of Native Species: A plant occurring within local jurisdictional boundaries prior to foreign contact, according to the best scientific and historical documentation. This includes species that are considered indigenous, occurring in natural associations with habitats that existed prior to significant anthropogenic impacts and alteration to the landscape.</p> <p>*Native is defined with parameters of time and geography. A Native species is one that existed, without human involvement, in North America (and specifically in this case to Maine) prior to European settlement, with proven adaptability to Maine climate and soil conditions in the past few thousand years.</p> | | | | | | | | |

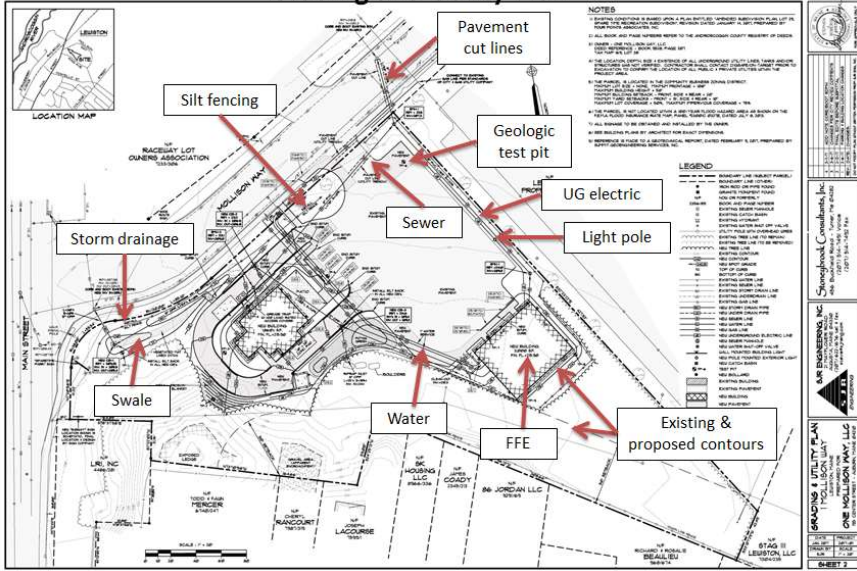
| Native* Shrubs | |
|--|--------------------|
| Aronia melanocarpa | Black Chokeberry |
| Clethra alnifolia | Summersweet |
| Cornus sericea | Redoiser Dogwood |
| Corylus americana | American Filbert |
| Hamamelis virginiana | Common Witchazel |
| Ilex verticillata | Winterberry |
| Juniperus Bar Harbor' | Bar Harbor Juniper |
| Juniperus communis | Common Juniper |
| Kalmia latifolia | Mountain Laurel |
| Myrica pennsylvanica | Northern Bayberry |
| Symphoricarpos alba | Common Snowberry |
| *Native is defined with parameters of time and geography. A Native species is one that existed, without human involvement, in North America (and specifically in this case to Maine) prior to European settlement, with proven adaptability to Maine climate and soil conditions in the past few thousand years. | |

| Other Recommended Trees | | | | | | | | | |
|--|------------------------------|----------------------------------|-----------------------|--------|---------------------|---------------|--------------------------|-----------|-------------------------------|
| "S" Street "P" Park | Form | Species | | | | Remarks | Physical Characteristics | | Recommended Root Growth Space |
| | Throughfare Type/Crown Shape | Scientific Name | Common Name | Native | Suggested cultivars | Mature Height | Crown Spread | WxWxD | |
| | | DECIDUOUS | | | | | | | |
| S | Rounded | <i>Acer campestre</i> | Hedge Maple | | 'Queen Elizabeth' | 45 | 30 | 12x12x3 | |
| S | Rounded | <i>Acer ginnala</i> | Amur Maple | | | 18 | 18 | 10x10x3 | |
| S | Spreading | <i>Amelanchier x grandiflora</i> | Apple Serviceberry | | | 15 | 12 | 7.5x7.5x3 | |
| P/S | Oval/Rounded | <i>Cercidiphyllum japonicum</i> | Katsura | | | 60 | 40 | 25x25x3 | |
| P/S | Oval | <i>Corylus colurna</i> | Turkish Filbert | | | 50 | 25 | 18x18x3 | |
| P | Rounded | <i>Fagus sylvatica</i> | European Beech | | | 70 | 50 | 23x23x3 | |
| P/S | Oval | <i>Ginkgo biloba</i> | Maidenhair Tree | | 'Autumn Gold' | 60 | 30 | 20x20x3 | |
| P | Conical | <i>Larix decidua</i> | European Larch | | | 75 | 30 | 20x20x3 | |
| P | Oval | <i>Larix kaempferi</i> | Japanese Larch | | | 75 | 35 | 20x20x3 | |
| S | Rounded | <i>Maackia amurensis</i> | Amur Maackia | | 'Beurgenii' | 45 | 45 | 15x15x3 | |
| S | Oval/Rounded | <i>Magnolia stellata</i> | Star Magnolia | | | 20 | 15 | 7.5x7.5x3 | |
| P/S | Varied | <i>Malus spp. Many cultivars</i> | Flowering Crabapple | | Select disease resi | 10-35 | 10-35 | 5x5x3 | |
| P/S | Spreading | <i>Malus floribunda</i> | Japanese Crabapple | | Select disease resi | 45 | 25 | 7.5x7.5x3 | |
| P/S | Spreading | <i>Phellodendron amurense</i> | Amur Corktree | | 'Macho' | 55 | 55 | 15x15x3 | |
| P/S | Rounded | <i>Prunus maackii</i> | Amur Chokecherry | | | 40 | 35 | 10x10x3 | |
| S | Oval/Rounded | <i>Prunus sargentii</i> | Sargent Cherry | | | 25 | 10 | 18x18x3 | |
| P/S | Oval/Rounded | <i>Sorbus alnifolia</i> | European Mountain Ash | | | 30 | 30 | 18x18x3 | |
| S | Oval/Rounded | <i>Syringa pekinensis</i> | Pekin Lilac | | | 25 | 20 | 23x23x3 | |
| S | Oval/Rounded | <i>Syringa reticulata</i> | Japanese Tree Lilac | | 'Ivory Silk' | 30 | 20 | 10x10x3 | |
| P/S | Vase | <i>Ulmus americana x</i> | American Elm | | 'Princeton' | 75 | 40 | 18x18x3 | |
| P/S | Oval | <i>Ulmus americana x</i> | American Elm | | 'Valley Forge' | 50 | 40 | 18x18x3 | |
| Type | Form | Species | | | | Remarks | Physical Characteristics | | Recommended Root Growth Space |
| "P" Park | Throughfare Type/Crown Shape | Scientific Name | Common Name | Native | Suggested cultivars | Mature Height | Crown Spread | WxWxD | |
| | | EVERGREEN | | | | | | | |
| P | Conical | <i>Picea abies</i> | Norway Spruce | | | 75 | 55 | 19x19x3 | |
| P | Conical | <i>Picea glauca</i> | White Spruce | | | 50 | 30 | 13x13x3 | |
| P | Conical | <i>Picea omorika</i> | Serbian Spruce | | | 50 | 25 | 7.5x7.5x3 | |
| P | Columnar | <i>Pinus cembra</i> | Swiss Stone Pine | | | 50 | 20 | 7.5x7.5x3 | |
| P | Spreading | <i>Pinus densiflora</i> | Japanese Red Pine | | | 50 | 50 | 20x20x3 | |
| P | Conical/Spreading | <i>Pinus koraiensis</i> | Korean Pine | | | 35 | 30 | 7.5x7.5x3 | |
| References: | | | | | | | | | |
| <i>Dirr's Hardy Trees and Shrubs. An Illustrated Encyclopedia</i> Michael A. Dirr | | | | | | | | | |
| Lincoln County Co-Operative Extension, University of Maine, Elizabeth Stanley, Horticulturalist | | | | | | | | | |
| Maine Community Forestry Council Recommended Tree Species List for Street and Park Trees. Maine Forest Service, 1998 | | | | | | | | | |
| <i>Manual of Woody Landscape Plants</i> Michael A. Dirr | | | | | | | | | |
| <i>Selecting Trees for Urban Landscape Ecosystems: Hardy Species for Northern New England Communities</i> | | | | | | | | | |
| NH Dept. of Resources and Economic Development, Division of Forests and Lands, 1994 | | | | | | | | | |
| List Compiled by Laurie Green, MCLD. April 2011 | | | | | | | | | |

MODEL SITE PLAN



Grading and Utility Plan



Chapter 103

**SUBDIVISION ORDINANCE
DAMARISCOTTA, MAINE**

(Notes and Explanations)

§103.1 AUTHORITY..... 2
§103.2 PURPOSE..... 2
§103.3 APPLICABILITY..... 4
§103.4 DEFINITIONS..... 4
§103.5 PRE-APPLICATION AND APPLICATION PROCEDURES..... 8
§103.6 GENERAL REQUIREMENTS..... 24
§103.7 DESIGN STANDARDS..... 30
§103.8 ADMINISTRATION..... 39
§103.9 WAIVERS AND APPEALS..... 39
§103.10 SEVERABILITY.....40
§103.11 CONFLICTS WITH OTHER ORDINANCES..... 40
§103.12 AMENDMENTS.....40
§103.13 EFFECTIVE DATE AND AVAILABILITY..... 40
§103.14 ENFORCEMENT..... 40

Appendix A OPEN SPACE SUBDIVISIONS.....42
Appendix B LOW-IMPACT DEVELOPMENT (LID) STANDARDS.....57
Appendix C TREE AND SHRUB RECOMMENDATIONS.....61

Revised and replaced June 12, 2019
Amended June 11, 2014
Effective Date: May 27, 1989

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

§103.1 AUTHORITY

A. This Ordinance has been prepared in accordance with the provisions of the Maine Revised Statutes Amended, Title 30-A, §§ 4401-4407 and all amendments thereto.

B. This Ordinance shall be known and may be cited as "**Subdivision Ordinance of the Town of Damariscotta, Maine.**"

§103.2 PURPOSE

The purpose of this Ordinance shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Damariscotta, Maine, the Planning Board shall evaluate the proposed subdivision, using the following criteria:

•••

J. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's ~~phosphorus~~~~phosphorous~~ concentration during the construction phase and life of the proposed subdivision;

K. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion ~~or be unsafe~~~~or unsafe~~ with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

•••

§103.4 DEFINITIONS

In general, words and terms used in these Standards shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows:

•••

Significant Tree - Trees having a diameter at breast height (DBH) of 30 inches or greater, or any trees which are located in shoreland areas (those areas within 250 feet of the normal high-water line of any great pond, river or saltwater body, within 250 feet of the upland edge of a coastal wetland, within 250 feet of the upland edge of a freshwater wetland, or within 75 feet of the high-water line of a stream).

•••

§103.5 PREAPPLICATION AND APPLICATION PROCEDURES

(This ordinance envisions a three-step process – preapplication, or sketch plan, preliminary plan and final plan. Most of the work is done in the preliminary plan phase with the final plan being little more than a final review and signature.)

A. **Preapplication Procedure for Major and Minor Subdivisions**

Commented [1]: The 30 inches number is what is recommended by the International Society of Arboriculture.

Formatted: Indent: Left: -0", Hanging: 0.01 ch, Outline numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

1. The subdivider shall submit for informal discussion a Sketch Plan ~~(as further described in subsection B1 below)~~ and any other data relative to the proposed subdivision, which may be of assistance to the Board in making its determination.

2. The Sketch Plan shall be submitted to the ~~Town Planner~~Board at least fifteen (15) days prior to the ~~first~~ Planning Board meeting ~~of the month~~ during which the subdivider wishes to be heard. ~~If the agenda for said meeting is full, the Sketch Plan will be placed on the agenda for the next regularly scheduled meeting. Ten (10) copies of the sketch plan shall be submitted.~~

3. ~~At said meeting, the Planning Board and the subdivider shall arrange for a joint inspection of the site with the Board. Said joint inspection shall be posted on an agenda and made available in the same way that agendas of regular Planning Board meetings are.~~

(This is important for any size subdivision and it needs to be attended by all Board members if possible. The site visit cannot be delegated to a subcommittee of the Board.)

4. Within fifteen (15) days after the ~~site inspection, the Town Planner shall communicate in writing minutes of the Preapplication meeting and site walk, which shall be intended to guide the applicant through their subsequent submissions. Feedback provided by the Board at this time is non-binding. preliminary inspection, the Board shall inform the subdivider in writing that the plans and data as submitted or as modified do or do not meet the objectives of these standards. Specific suggestions, in writing to be incorporated by the applicant in the applicant's subsequent submissions, shall be made where deemed necessary.~~

5. Rights not vested. The sketch plan meeting, the submittal or review of the sketch plan or the on-site inspection shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1 M.R.S.A., §302.

•••

B. C. Minor Subdivision Procedure

(note—there is no preliminary plan application and review for a minor subdivision; it requires only final plan review and approval.)

1. Within six (6 months) after Sketch Plan acceptance by the Board, the subdivider shall submit an application for the consideration of a Final Plan for a Minor Subdivision. ~~The application and all required preliminary plan documentation shall be submitted to the Town at least fifteen (15) days prior to the first Planning Board meeting of the month during which the subdivider wishes to be heard.~~ Failure to do so shall require re-submission of the Sketch Plan to the Board for review. The Final Plan shall conform to the general layout shown on the Sketch Plan plus any recommendations made by the Board.

2. The application for the Final Plan for a Minor Subdivision shall be accompanied by a fee as established in a Town Fee Schedule as may be revised from time to time by the Board of Selectmen and payable by check to the Town of Damariscotta, Maine with a note indicating the specific purpose of the fee.

3. In addition, if the Board determines there are conditions unique to the proposed minor subdivision or its location that warrant professional review, the Board may require the ~~applicant~~owner or the owner's authorized agent to deposit in escrow an amount of money sufficient to cover the costs of any

Formatted: No bullets or numbering

professional review of the subdivision application, which the board may feel, is reasonably necessary to protect the general welfare of the Town. The amount for this escrow payment is established in the Town Fee Schedule. This escrow payment shall be made before the Board engages any outside party to undertake this review and to make recommendations to the Board. -When 75% of the escrow has been disbursed, review of the application shall cease until the applicant replenishes the escrow in an amount to be determined by the Board.- Any part of this escrow payment in excess of the final costs for review shall be returned to the ~~applicant upon conclusion of review, owner or the owner's agent.~~

4. The subdivider, or the subdivider's duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan.

5. ~~Within 30 days of the date of submission, The Planning Board shall review the Town Planner and any additional staff or peer reviewers will provide comments on~~ the application and determine whether it is complete or, if the application is incomplete, the specific additional material needed to complete the application. ~~This determination will be provided in writing to the applicant or their authorized representative.~~

6. ~~Within 30 days of an application being deemed complete (or within a timeframe mutually agreed upon by the applicant and the Planning Board) Within sixty (60) days of receipt of a completed Final Plan Application or within thirty (30) days of a public hearing,~~ the Board shall take action to give final approval, with or without modifications, or disapproval of such Final Plan. The reason ~~for~~ any modification required or the ground for disapproval shall be stated upon the records of the Board ~~with~~ and a copy provided to the subdivider.

7. If the proposed subdivision requires a permit under the Site Location of Development Act, the Stormwater Management Law or the Natural Resources Protection Act or is otherwise under the jurisdiction of the Maine Departments of Environmental Protection or Transportation, the final plan shall not be approved by the Board until all such approvals are obtained.

8. No Final Plan shall be acted on by the Board until the Board has scheduled and conducted a public hearing thereon. Notice of the time, place and date of such hearing shall be sent not less than seven (7) days before the hearing to the subdivider and to owners of property within 250 feet of the properties involved. Property owners shall be those listed in the most recent tax records of the Town of Damariscotta. Notice shall also be published in a newspaper of general circulation in the Town of Damariscotta at least two times, and the first date of the publication shall be at least seven (7) days prior to the public hearing. Failure to receive notice shall not invalidate the public hearing held.

9. Upon completion of the requirements of §103.5 C & D and approval by the Board of the Minor Subdivision a ~~copy of the final plan, including any conditions of approval and any waivers granted, mylar copy~~ shall be properly signed by a majority of the members of the Board, using black ink. After the Final Plans have ~~been signed had the mylar approval entered upon them,~~ a copy of the plans shall be returned to the subdivider. One (1) signed copy, ~~including the sepia copy,~~ shall be retained by the Town to be maintained in the ~~Subdivision Plan File.~~ The Final Plan shall be filed by the applicant with the Lincoln County Registry of Deeds. Any Subdivision Plan ~~not filed not so filed~~ or recorded within sixty (60) days of the date upon which such Plan is approved, shall become null and void, unless the particular circumstances of said applicant warrant the Board to grant an extension which shall not exceed two additional periods of sixty (60) days. This 60-day period shall begin the day the plan is signed by the Planning Board.

10. Any extension of this 60-day period must be requested of the Planning Board before the first 60-day period expires. The applicant shall provide the ~~Town Planner Code Enforcement Officer (CEO)~~ with

a receipt from the Lincoln County Registry of Deeds within that time limit stating that the Plan has been filed and giving the Book and Page numbers. No building permits for an approved plan will be issued until the plan has been registered with the Lincoln County Registry of Deeds and a letter from the subdivider has been submitted to the Town stating that all permanent monuments as required by §103.7.A of this Ordinance have been placed.

C.B. Minor Subdivision Submissions

1. Location Map. The Preliminary Plan shall be accompanied by a Location Map drawn at a scale of not over four hundred feet (400') to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The Location Map shall show:

1.1 All the area within 2,500 feet of any property line of the proposed subdivision showing:

- i. All existing subdivisions and approximate tractlines of acreage parcels.
- ii. Location, widths and names of existing, filed or proposed streets, easements, building lines and alleys pertaining to the proposed subdivision and to the properties as designated in Section D.1 above.
- iii. The boundaries and designations of parks and other public spaces.
- iv. Outline of the proposed subdivision together with its street system and an indication of the future probable street system of the remaining portion of the tract, if the Preliminary Plan submitted covers only part of the subdivider's entire holding.

2. Final Plan. The Final Subdivision Plan shall be submitted, ~~with ten (10) copies of each map or drawing~~, together ~~with ten (10) copies of~~ any attachments ~~or additional information~~ required for approval. All dimensions shall be shown in feet or decimals of a foot and drawn to a scale of not more than 100 feet to the inch (preferably forty (40) feet to the inch). Unless a waiver of one or more submission requirements is approved by majority vote of the Board pursuant to §103.9, the Final Plan and accompanying materials shall show:

- 2.1 All existing information provided as part of the Sketch Plan.
- 2.2 The name, registration number and seal of the land surveyor or engineer who prepared the plan.
- 2.3 Number of acres within the proposed subdivision and zone boundaries.
- 2.4 Proposed lot lines with dimensions, lot numbers, areas in square feet and suggested locations of buildings.
- 2.5 Sufficient data to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Parting lines of all lands adjoining the subdivision shall be shown.
- 2.6 Permanent reference monuments shown thus: "X". They shall be constructed and placed in accordance with specifications herein, and their location noted and referenced upon the Final Plan.
- 2.7 Proposed easements, forested areas, perennial and intermittent watercourses, and wetlands. The boundaries of any wetlands depicted on the plans shall be delineated by a wetlands scientist.

Formatted: Indent: Left: -0", Hanging: 0.01 ch, Outline numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

- 2.8 Contour lines at intervals of not more than two (2) feet for all portions of the property proposed to be developed.
- 2.9 Connection with existing or proposed water supply or alternative means of providing water supply to the proposed subdivision.
- 2.10 Connection with existing or proposed sanitary sewerage system or alternative means of treatment and disposal proposed.
- 2.11 If a private sewage disposal system is proposed, location and results of tests to ascertain subsurface soil ground water conditions and depths to maximum ground water level.
- 2.12 Typical erosion control procedures to be applied to each lot. As an alternative, the Board may impose a condition of approval that all site work on each lot must be completed by a contractor certified by the State of Maine in erosion and sedimentation control whether such work is authorized by the applicant or by a subsequent lot purchaser.
- 2.13 Preliminary designs of any bridges or culverts, which may be required along with State approval ~~if required~~if, required.
- 2.14 A standard boundary survey plan of the property to be developed prepared by a licensed land surveyor and the location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field.
- 2.15 All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- 2.16 The location of all natural features or site elements to be preserved.
- 2.17 Certification by a registered professional engineer or a registered land surveyor that all survey, deed and supporting information accurately reflects the true conditions existing on the proposed subdivision.
- 2.18 Base Flood Elevation Data.
- 2.19 The location of significant resources including important deer wintering areas, other important plant or wildlife habitat and areas with visual significance.
- 2.20 The location of any trail, trail system or greenbelt that crosses the property.
- 2.21 An owner or his authorized agent shall submit information on the location of the development to the following address:

State Historic Preservation Officer
Maine Historic Preservation Commission
55 Capitol Street - State House Station 55
Augusta, Maine 04333

Include a request that the Damariscotta Planning Board be notified of any comments. The applicant shall submit to the Planning Board proof of such notification, including a copy of the letter to the State Historic

Preservation Officer.

2.22 A phosphorous control plan for any portion of the subdivision within the watershed of a great pond prepared in conformance with the provisions of §103.6.O. If the subdivision requires a Stormwater Permit from the Department of Environmental Protection (DEP), the Board may accept the Stormwater Permit issued by DEP as evidence that §103.2.S has been satisfied.

2.23 Right, title or interest of the applicant in the property to be subdivided

2.24 Any conditions of approval required by the Board

2.25 A statement indicating that any change or modification to any aspect of the approved plan shall be considered an amendment to the plan and shall require approval of the Board.

E. Preliminary Plan for Major Subdivisions Procedure

1. Within six (6 months) after Sketch Plan acceptance by the Board, the subdivider shall submit an application for the consideration of a Preliminary Plan for the Subdivision. ~~Failure to do so shall require re-submission of the Sketch Plan to the Board for review.~~ The application and all required preliminary plan documentation shall be submitted to the Town ~~and must be deemed complete by the Town Planner~~ at least fifteen (15) days prior to the first Planning Board meeting of the month during which the subdivider wishes to be heard. ~~Failure to do so shall require re-submission of the Sketch Plan to the Board for review.~~ The Preliminary Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Board.

~~1.2.~~ The application for conditional approval of the Preliminary Plan shall be accompanied by a fee as established in a Town Fee Schedule ~~as may be~~ revised from time to time by the Board of Selectmen and payable by check to the Town of Damariscotta, Maine with a note indicating the specific purpose of the fee.

~~2.3.~~ In addition, the Board shall require the ~~applicant~~ ~~owner or the owner's authorized agent~~ to deposit in escrow an amount of money sufficient to cover the costs of any professional review of the subdivision application, which the board may feel is reasonably necessary to protect the general welfare of the Town. The amount for this escrow payment is established ~~in~~ in the Town Fee Schedule. This escrow payment shall be made before the Board engages any outside party to undertake this review and to make recommendations to the Board. When 75% of the escrow has been disbursed, review of the application shall cease until the applicant replenishes the escrow in an amount to be determined by the Board. Any part of this escrow payment in excess of the final costs for review shall be returned to the owner or the owner's agent.

(These provisions are common in Maine and permit the board to retain a consultant to assist in the review of the application. The assistance could consist of an engineer, planner, attorney or similar professional.)

~~3.4.~~ The subdivider, or the subdivider's duly authorized representative, shall attend the meeting of the Board to discuss the Preliminary Plan.

~~4.5.~~ The ~~Town Planner~~ ~~Planning Board~~ shall review the application and determine whether it is complete or, if the application is incomplete, the specific additional material needed to complete the application.

Formatted: Indent: Left: -0", Hanging: 0.01 ch, Space After: 10 pt

~~5.6.~~ Within ~~thirtysixty (360)~~ days of receipt of a completed Preliminary Plan Application, ~~or within thirty (30) days of a public hearing~~, the Board shall take action to give preliminary approval, with or without modifications, or disapproval of such Preliminary Plan. The reason ~~for anyof any~~ modification required or the grounds for disapproval shall be stated upon the records of the Board ~~withand~~ a copy provided to the subdivider.

~~6.7.~~ No Preliminary Plan shall be acted on by the Board until the Board has scheduled and conducted a public hearing thereon. Notice of the time, place and date of such hearing shall be sent not less than seven (7) days before the hearing to the subdivider and to owners of property within 250 feet of the properties involved. Property owners shall be those listed in the most recent tax records of the Town of Damariscotta. Notice shall also be published in a newspaper of general circulation in the Town of Damariscotta at least two times, and the first date of the publication shall be at least seven (7) days prior to the public hearing. Failure to receive notice shall not invalidate the public hearing held.

~~7.8.~~ Preliminary approval of a Preliminary Plan shall not constitute approval of the Final Plan, but rather it shall be deemed as an expression of approval of the design submitted on the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Board upon fulfillment of the requirements of this Ordinance and the conditions of the preliminary approval, if any. Prior to approval of the Final Subdivision Plan, the Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at a public hearing but it is expected that if the Board gives preliminary approval, it will not revisit issues during final plan review that were satisfactorily addressed during preliminary review except for those contained in any conditions included with preliminary approval.

F. Preliminary Plan for Major Subdivisions Submissions

The following submissions shall be provided for all subdivisions unless the Board determines by majority vote that, pursuant to §103.9 and based on evidence provided by the applicant, one or more submissions is not applicable due to the size, location, type or other physical feature of the proposed subdivision. It is the intent of this section that waivers of submission requirements be the minimum necessary to reasonably accommodate specific and unique conditions of the proposed subdivision. If the applicant desires additional waivers of submission requirements, they should only be considered as part of an application for an Open Space Subdivision (see §103 Appendix A).

(This section gives the Board authority to waive some submission requirements. Any such waivers must be for good reason and should be stated in the vote and recorded in the minutes. Most potential waivers would be related to project size but size alone should not justify a lot of waivers.)

1. Location Map. The Preliminary Plan shall be accompanied by a Location Map drawn at a scale of not over four hundred feet (400') to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The Location Map shall show:

1.1 All the area within 2,500 feet of any property line of the proposed subdivision ~~including~~showing:

- i. All existing subdivisions and approximate tractlines of acreage parcels.
- ii. Location, widths and names of existing, filed or proposed streets, easements, building lines and alleys pertaining to the proposed subdivision and to the properties as designated above.
- iii. The boundaries and designations of parks and other public spaces.

iv. An outline of the proposed subdivision together with its street system and an indication of the future probable street system of the remaining portion of the tract, if the Preliminary Plan submitted covers only part of the subdivider's entire holding.

2. Preliminary Plan. The Preliminary Subdivision Plan shall be submitted, ~~with ten (10) copies of each map or drawing, together with ten (10) copies of any attachments required in order to demonstrate compliance with Sec. 103.2 and Sec. 103.6 for approval.~~ All dimensions shall be shown in feet or decimals of a foot and drawn to a scale of not more than 100 feet to the inch (preferably forty (40) feet to the inch). The Preliminary Plan and accompanying materials shall show:

2.1 All existing information provided as part of the Sketch Plan.

...

G. Final Plan for Major Subdivisions Procedure

1. The subdivider shall, within six (6) months after the preliminary approval of the Preliminary Plan, file with the Board an application for approval of the Final Subdivision Plan in the form described herein. The subdivider may be granted an extension ~~of this time requirement~~ by the Planning Board if a letter is submitted explaining the need for additional time. If the Final Plan is not submitted to the Board within six (6) months after approval of the Preliminary Plan, the Board may refuse without prejudice to act on the Final Plan and require resubmission of the Preliminary Plan. All applications for Final Plan approval for subdivisions shall be accompanied by a fee payable by check to the Town of Damariscotta, Maine. (See Town Fee Schedule.) The application and all required final plans shall be submitted to the Town Planner, Town Office in sufficient t ~~at least fifteen (15) days prior to the first Planning Board meeting of the month during which the subdivider wishes to be heard.~~

...

G. Final Plan for Major Subdivisions Submissions

1. The Final Plan shall be submitted ~~together with with the mylar original, two reproducible mylars and ten (10) copies, of each map or drawing, together with ten (10) copies of any attachments required to demonstrate compliance with Sec. 103.2 and Sec. 103.6 for approval.~~ All maps and drawings shall be printed or reproduced in the same manner as the Preliminary Plan. Space shall be reserved thereon for endorsement by all appropriate agencies. The Final Plan shall show:

1.1 All of the information presented on the Preliminary Plan, Location Map and any amendments thereto suggested or required by the Board.

1.1 The name, registration number and seal of the land surveyor or engineer or planning consultant who prepared the plan.

1.3 Street names and lines, pedestrian ways, lots, easements and areas to be reserved for or dedicated to public use.

1.4 Sufficient data to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Parting lines of all lands adjoining the subdivision shall be shown.

1.5 The length of all straight lines, the deflection angles, radii, length of curves and central angles of

all curves, tangent distances and tangent bearing for each street.

1.6 Lots within the subdivision, numbered as prescribed by the Board.

1.7 By proper designation, all public open space for which offers of cession are made by the subdivider and those spaces to which title is reserved by him.

1.8 Permanent reference monuments shown thus: "X". They shall be constructed and placed in accordance with specifications herein, and their location noted and referenced upon the Final Plan.

1.9 The Plan shall indicate the proposed landscaping program of the subdivider.

1.10 Any conditions of approval required by the Board

1.11 A statement indicating that any change or modification to any aspect of the approved plan shall be considered an amendment to the plan and shall require approval of the Board.

2. There shall be submitted to the Board with the Final Plan:

2.1 Written offers of cession to the Town of Damariscotta of all public open space shown on the Plan that is to be transferred to the Town, and copies of agreements or other documents are to be submitted showing the manner in ~~which spaces will be reserved in title by the subdivider, which spaces, title to which is reserved by the subdivider.~~

H. Final Plan for Major Subdivisions Approval and Filing

1. Upon completion of the requirements in Article VI and VII above, it shall be deemed to have final approval and the ~~Final Plan~~ ~~mylar copy~~ shall be properly signed by a majority of the members of the Board, using black ink.

2. The Board shall act on a Final Plan within thirty (30) days from the date of ~~an application being deemed complete by the Town Planner, receipt of the completed application~~ unless the subdivider agrees to an extension of ~~this time~~ ~~ee~~ period.

3. At the time the Board grants Final Plan approval, it may permit the Plan to be divided into two or more ~~phased~~ sections subject to any conditions of the Plan. The applicant may request that only a section of the approved Plan be filed with the Board and the Lincoln County Registry of Deeds if said section constitutes at least twenty-five (25) percent of the total number of lots contained in the approved Plan. In these circumstances, Plan approval on the remaining sections of the Plan shall remain in effect for two (2) years or a period of time mutually agreed to by the Board and the Subdivider.

4. After the Final Plans have ~~been signed by the Planning Board had the mylar approval entered upon them,~~ a copy of the plans shall be returned to the subdivider. One (1) signed copy, ~~including the sepia copy,~~ shall be retained by the Town to be maintained in the Subdivision Plan File. The Plan shall be filed by the applicant with the Lincoln County Registry of Deeds. Any Subdivision Plan ~~not filed~~ ~~not so filed~~ or recorded within sixty (60) days of the date upon which such Plan is approved, shall become null and void, unless the particular circumstances of said applicant warrant the Board to grant an extension which shall not exceed two additional periods of sixty (60) days. This 60-day period shall begin the day the plan is signed by the Planning Board.

Any extension of this 60-day period must be requested of the Planning Board before the first 60-day

period expires. The applicant shall provide the ~~Town Planner~~~~Code Enforcement Officer (CEO)~~ with a receipt from the Lincoln County Registry of Deeds within that time ~~frame~~~~limit~~ stating that the Plan has been filed and giving the Book and Page numbers. No building permits for an approved plan will be issued until the plan has been registered with the Lincoln County Registry of Deeds and a letter from the subdivider has been submitted to the Town stating that all permanent monuments as required by §103.7.A of this Ordinance have been placed.

I. Amendments to Previously Approved Subdivision Plan

Prior to making any change, erasure, modification or revision to a final Subdivision Plan which has been approved by the Board and endorsed in writing on the plan, the plan must be resubmitted to the Board for their review and approval of the proposed modifications. A public hearing may be held concerning a subdivision amendment as prescribed in §103.5.E.6 of this Ordinance. All amended plans must be signed by the Board and recorded in the Lincoln County Registry of Deeds within sixty (60) days of the date of approval. Any amended plan not so filed or recorded within sixty (60) days of the date upon which such plan is approved shall become null and void, unless the particular circumstances of said applicant warrant the Board to grant an extension which shall not exceed two additional periods of sixty (60) days. The applicant shall provide the ~~Town Planner~~~~Code Enforcement Officer (CEO)~~ with a receipt from the Lincoln County Registry of Deeds within that time ~~frame~~~~limit~~ stating that the plan has been filed and giving the book and page numbers.

...

L. Performance Guarantees

1. The subdivider shall, in an amount set by the ~~Planning Board~~~~Board of Selectmen~~, file with the Town, prior to the issuance of a building permit, a performance guarantee in the form of a certified check payable to the Town of Damariscotta, a performance bond running to the Town of Damariscotta, an irrevocable letter of credit to cover the full cost of required improvements or some other form of surety that is acceptable to the ~~Planning Board~~~~Board of Selectmen~~. For the purposes of this section, required improvement shall mean all public and private roads, all drainage structures and ditches, all erosion control measures, all utilities, all landscaping and all recreation facilities. Any such bond shall be satisfactory to the ~~Planning Board~~~~Board of Selectmen~~ and the municipal attorney as to form, sufficiency, manner of execution and surety.

(The guarantee ensures that the overall project will be constructed in accordance with the approved plans, including both public and private roads, prior to the sale or development of any lots.)

2. At the discretion of the ~~Planning Board~~~~Board of Selectmen~~, the subdivider may be allowed to submit individual bonds for each phase of a project's development. If this option is chosen, prior to submission of each individual bond, the developer shall submit to the Town a written statement detailing completion dates for all roads and other public improvements planned for that phase.

3. A period of one year (or such period as the ~~Planning Board~~~~Board of Selectmen~~ may determine appropriate, not to exceed three (3) years) shall be set forth in the bond time within which required improvements must be completed.

4. Inspection of Required Improvements

4.1. At least fifteen (15) days prior to commencing construction of required improvements, the subdivider shall hold a pre-construction meeting with the Town Planner, Code Enforcement Officer,

~~or their designee(s) notify in writing the Code Enforcement Officer of the time when he proposes to commence construction of such improvements so that the Board of Selectmen can cause inspection can to be made~~ to assure that all specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board. Inspection shall be made of all required public improvements as defined above.

4.2 At least five (5) days prior to commencing construction of required improvements, the subdivider shall pay an inspection fee equal to the estimated cost of inspection by an engineer appointed by the Town, payable by check to the Town of Damariscotta stating the purpose of the fee. No building permits shall be issued on the project and no work begun until the inspection fee has been paid.

(This inspection fee covers the cost of inspecting improvements as they are constructed.)

4.3 If the inspector shall find, upon inspection of the improvement performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, the inspector shall so report to the ~~Town Planner and Code Enforcement Officer~~Board of Selectmen, Road Commissioner and Building Inspector. The ~~Code Enforcement Officer~~Board of Selectmen shall then notify the subdivider and, if necessary, the bonding company or bank, and take all necessary steps to preserve the municipality's rights under the bond or letter of credit. No plan shall be approved by the Board as long as the subdivider is in default on a previously approved Plan.

~~4.4~~ If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the inspector that unforeseen conditions make it necessary or preferable to modify the location or design of any required improvement, the inspector may, upon approval of the ~~Town Planner~~Board of Selectmen, authorize modifications, provided these modifications are within the spirit and intent of the Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. ~~The inspector shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Code Enforcement Officer.~~

~~4.4~~ *(Unexpected conditions sometimes require changes to plans during construction. Rather than stop the project until the plans are revised and approved by the Board, the Town Planner ~~CEO~~ and the Board of Selectmen, with the advice of the inspector, can allow reasonable changes.)*

4.5. Upon completion and final inspection of all required improvements, any funds remaining in a project's inspection fee account, after all inspection fees have been paid, shall be returned to the subdivider.

4.6. The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the legislative body.

~~5.~~ 5. The performance guarantee shall not be released by the ~~Planning Board~~Board of Selectmen until:

5.1. The inspecting engineer has completed his final inspection of the project and has submitted a written report stating that all required public improvements as defined above have been completed in accordance with approved plans and specifications.

5.2. The ~~Board of Selectmen and~~ Code Enforcement Officer has ~~ve~~ examined the site, has ~~ve~~ reviewed the inspecting engineer's report and concur with his findings.

Formatted: Font color: Auto

Formatted: Indent: Left: -0", Hanging: 0.01 ch, Line spacing: At least 0.05 pt, Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 3 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75", No widow/orphan control, Border: Top: (No border), Bottom: (No border), Left: (No border), Right: (No border), Between : (No border)

Formatted: Indent: Hanging: 0.01 ch, Left -0.01 ch, First line: -0.01 ch, No bullets or numbering

Formatted: Font: (Default) Arial, Font color: Black

5.3 Performance guarantees collected on phased work segments shall be released in the same manner as outlined above, upon the completion of each phase.

§103.6 GENERAL REQUIREMENTS

A. In reviewing applications for the subdivision of land, the Board shall consider the following general requirements unless the Board grants a waiver pursuant to §103.9. It is the intent of this section that waivers of any general requirements be the minimum necessary to reasonably accommodate specific and unique conditions of the proposed subdivision. If the applicant desires additional waivers of general requirements, they should only be considered as part of an application for an Open Space Subdivision (see §103 Appendix A). In all instances, the burden of proof shall be upon the person proposing the subdivision to prove that a waiver is needed.

(These requirements should be applicable to all subdivisions and reflect many of the legislative review criteria. They also provide guidance to the applicant in preparing some of the submissions listed in §103.5.)

B. Conformity with Comprehensive Plan

Any proposed subdivision shall be in conformity with the Comprehensive Plan of the Town of Damariscotta and with the provisions of all pertinent state and local codes and ordinances.

C. Retention of Proposed Public Sites and Open Spaces

1. For residential subdivisions, the subdivider shall reserve a minimum of ten (10) percent of the gross area of the subdivision as open space. Depending on the size and location of the subdivision, the Board may require the developer to provide up to ten (10) percent of his total area for recreation. It is desirable that areas reserved for recreation be at least one acre in size and easily accessible from all lots within the subdivision.

2. Developers shall be encouraged to retain any existing trail system, which crosses the property, or to re-route the trail system to a suitable portion of the property such that the integrity and continuity of the trail is retained.

~~*(If preservation of snowmobile trail is an important issue in Damariscotta, this section could be strengthened. For example, the PB could allow trail preservation to substitute for, all or in part, the open space requirement, above.)*~~

3. Developers shall be encouraged to retain the integrity and continuity of any greenbelt, which crosses the property.

4. The Planning Board shall consider the comments of the State Historic Preservation Officer, if any, and may require that significant archaeological or historical sites be preserved to the maximum extent possible both during construction and following completion of the development.

5. Land reserved for park and/or recreational purposes shall be of a character, configuration and location suitable for the particular use intended. A site to be used for active recreation purposes, such as a playground or a playfield, should be relatively level and dry, have a total frontage on one or more streets of at least 200 feet, and have no major dimensions of less than 200 feet. Sites selected primarily for scenic

or passive recreation purposes shall have such access as the Board may deem suitable and shall have no less than twenty-five (25) feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.

6. Where the proposed subdivision is located on a lake, pond, river, saltwater body or stream, a portion of the waterfront area shall be included in reserved land, which shall be a minimum of 200 feet plus ten (10) additional feet for each unit/lot.

7. Ownership shall be clearly indicated for all reservations of park and playground purposes on the Final Plan and shall be clearly established in a manner satisfactory to the town attorney so as to ensure the continuation of responsibility for ownership maintenance. The land or a part of it may be deeded to the Town of Damariscotta subject to the approval of the Town.

8. The Board may further require that the developer provide space for future municipal uses, in accordance with a Comprehensive Plan or policy statement, giving the Town first option on the property.

D. Preservation of Natural and Historic Features

The Board shall require that a proposed subdivision design include a landscape plan that will show the preservation of existing significant trees, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible. A fifty (50) foot buffer strip shall be provided where the proposed subdivision abuts an existing road.

•••

J. Lots

1. In a new subdivision, each lot shall contain buildable land equivalent to at least 50% of the minimum lot size.

(For example, if the minimum lot sizeMLS is 80,000 sf, the lot would need at least 40,000 sf buildable land whether its actual size were 80,000 sf or 10 acres.)

2. Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development proposed.

3. Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan and deed restrictions shall indicate that vehicular access shall be located only on the less traveled way.

4. Wherever possible, side lot lines shall be perpendicular to the street.

•••