

Site Plan Review Ordinance

Enacted March 23, 1991

Revised March 28, 1992 (repealed 3-28-09)

Amended March 26, 2011

Amended June 5, 2021

Amended November 21, 2024

Amended March 29, 2025

ARTICLE II - TITLE AND PURPOSE

§1 Title

This ordinance shall be known and may be cited as the Site Plan Review Ordinance of the Town of Montville, Maine.

§2 Purpose

The purposes of this Ordinance are to promote the health, welfare and safety of the residents of the Town of Montville, Maine; to provide a level of municipal review for projects that could potentially impact the community; to balance the rights of landowners to use their land while minimizing adverse impacts on adjacent properties; to protect the town's natural resources; to reduce the off-site effects of development, thereby controlling the costs of maintaining or improving municipal services; and to promote a fair, thorough, and expedient review process for proposed activities subject to this ordinance,

ARTICLE III -ADMINISTRATION AND APPLICABILITY

§1 Administration

As described herein, this ordinance shall be administered by the Town of Montville Planning Board and enforced by the Code Enforcement Officer (CEO) appointed by the Municipal Officers. The Planning Board shall act in this capacity in the absence of a Code Enforcement Officer.

§2 Approval Required

A person or entity with right, title, or interest in a parcel of land must obtain site plan approval prior to commencing any of the following activities on the parcel:

- A. New development of the following: commercial uses, retail uses, industrial uses, high-impact recreational uses, the establishment of a new nonresidential use even if no buildings or structures are proposed, institutional uses and multiple family dwelling units consisting of three or more attached dwelling units and their accessory uses and structures, or
- B. Retail markets associated with agricultural or horticultural land use practices with sales space more than 2,500 square feet or
- C. The commercial production or processing of meat associated with an agricultural land use practice or
- D. A Forestry Management practice that includes a lumber yard or lumber mill, as herein defined, or
- E. Changing the use of an existing building, structure, or lot area from a residential to any of the uses listed herein or
- F. Solar Fields and Cell Towers, or
- G. Rural Events Locations holding 3 or more events per year, or
- H. Substantial expansion or alteration of the aforementioned uses.

§3 Approval Not Required

Site plan approval is not required for the following:

- A. This ordinance does not apply to:
 - 1. Detached single- and two-family dwelling units (the Town of Montville Subdivision Ordinance may apply),
 - 2. Agricultural land use practices
 - 3. Horticultural land use practices
 - 4. Forest management practices
 - 5. Municipal projects.
- 6. Home occupations as defined herein, although the following rules shall apply to Home Occupations:
 - a. There shall be no exterior display, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.
 - b. Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare or activity at unreasonable hours, shall not be permitted.
 - c. Hazardous waste storage, as a part of the business shall be permitted but where used or created, a site review is required. In that review, the applicant shall demonstrate that appropriate state and federal regulations are being followed.
 - d. The traffic generated by such home occupation shall not increase the volume of traffic to create a traffic hazard or disturb the residential character of the immediate neighborhood. The traffic generated by such occupation shall not exceed 25 vehicle trips per day or create a traffic hazard.
 - e. If existing off-street parking is required to be expanded, it shall be adequately screened from the road and adjacent lots.
 - f. The maintenance and repair of vehicles and equipment used in one's business and owned by the resident may be done at one's residence as an extension of a home occupation as long as no more than four vehicles are serviced, and the requirements of Montville's Home Occupation standards are met. If more than four vehicles are serviced, or if work is done for a fee, a Site Review will be required.
 - g. Should the Planning Board determine that the operation no longer fits the definition of a home occupation or exceed the conditions above, it shall be subject to site plan review.
- B. Nothing in this ordinance shall be construed to prevent ordinary repair, maintenance or replacement of any part of the building or landscaping which does not involve a substantial change.
- C. Minimal Impact Developments as defined in Article IV, 52 below.

ARTICLE IV - CLASSIFICATION OF PROJECTS

§1 Project Classes

The Planning Board shall classify each project as one of three classifications: Minimal Impact Development, Minor Development, or Major development.

§2 Minimal Impact Development

A Minimal Impact Development shall include those projects involving the construction or addition of less than 300 square feet of gross non-residential floor area, and/or projects involving the installation of less than 300 square feet of impervious surfaces. Minimal Impact Developments will not require site plan review.

§3 Minor Development

A Minor Development shall include those projects involving:

- A. The construction, enlargement or expansion of at least 300 square feet, but less than 2,500 square feet, of gross non-residential floor area, and/or
- B. Those projects involving the installation of at least 300 square feet, but less than 2,500 square feet, of impervious surfaces, or
- C. Those projects involving the conversion of existing buildings or structures from residential to non-residential use as outlined in the provisions of this Ordinance.
- D. Minor Developments will require site plan approval. The Building Design Standards of Article 10 §3 shall not be applicable.
- E. In the Preapplication process, the Planning Board will assess the nature of the minor review and waive submission requirements or standards in accordance with Section Article IX, A.

§4 Major Developments

A Major Development shall include those projects involving:

- A. The construction, enlargement or expansion of 2,500 or more square feet of gross nonresidential floor area, and/or
- B. Projects involving the installation of 2,500 or more square feet of impervious surfaces, or
- C. Projects involving the establishment of a campground, communications tower, or other commercial project not classified as a Minimal Impact or Minor Development.
- D. Major Developments will require site plan approval.

ARTICLE V - INTERPRETATION OF THE ORDINANCE

The Code Enforcement Officer (CEO) shall be responsible for administering the provisions of this ordinance including interpreting the provisions hereof.

Any person who believes that the CEO has made an error in the interpretation or application of the provisions of this ordinance, may appeal such determination to the Board of Appeals as an administrative appeal. If the Board finds that the CEO erred in his/her interpretation of the ordinance, it shall modify or reverse the action accordingly.

ARTICLE VI - REVIEW AND APPROVAL AUTHORITY

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Maine Constitution and Title 30-A IVIRSA S300I. In considering site plans under this provision, the Montville Planning Board may act to approve, disapprove or approve with conditions, any projects governed by the Ordinance.

ARTICLE VII - REVIEW PROCEDURES

§1 Pre-Application Procedures

The Planning Board shall use the following procedures in reviewing applications for site plan review. Prior to submitting a formal application, the applicant or his/her representative may request a pre-application conference with the Planning Board. A pre-application conference is strongly advised. The pre-application conference shall be informal and informational in nature and an opportunity for the developer and the Board to discuss any potential issues with the project. There shall be no fee for a pre-application review, and such review shall not cause the plan to be a pending application or proceeding under Title I **M.R.S.A.**, 902. No decision on the substance of the plan shall be made at the pre-application conference.

§2 Purpose of Pre-Application

The purposes of the pre-application conference are to:

- A. Allow the Planning Board to understand the nature of the proposed use and the issues involved in the proposal,
- B. Allow the applicant to understand the development review process and required submissions,
- C. Identify issues that need to be addressed in future submissions,

- D. Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities, and
- E. Determine if a site inspection, in accordance with Article VII, 54, F, is deemed necessary,
- F. In the case of Minor Developments, identify those submission requirements (Article IX) and approval standards (Article X) that can be waived because of the limited nature of the activity,
- G. In the case of Major Developments, the standards that may be waived because of the nature of the application,
- H. Identify, for the Planning Board, whether a land use constraints map should be developed to provide a further base understanding of the land in question. The Planning Board may request such a map from a private consultant or through their membership with Midcoast Council of Governments. If costs are incurred, said costs shall be paid for by the applicant consistent with Article VIII, Section 3.

§3 Information Required

There are no formal submission requirements for a pre-application conference. However, the applicant should be prepared to show a simple Sketch Plan and discuss the following with the Board:

- A. The proposed site, including its location, size, and general characteristics,
- B. The nature of the proposed use and potential development, with specific attention paid to the potential impact of the proposed development on abutters and neighboring landowners.
- C. Any issues or questions about existing municipal regulations and their applicability to the project,
- D. Any requests for waivers from the submission requirements.

§4 Formal Application Procedures

The applicant must prepare and submit a site plan review application, including the development plan and supporting documentation that meets the submission requirements set forth below. This material must be submitted to the Chair of the Planning Board.

- A. At the first meeting in which the application is considered, the Planning Board shall give a dated receipt to the applicant or to their appointed representative who shall be in attendance. The Town of Montville shall notify, by certified return receipt mail, all property owners within 1,000 feet of the parcel on which the proposed development is located. A copy of a Neighbor Impact Statement (5A) shall be included. The cost of said mailing will be the responsibility of the applicant. The town will bill the applicant for said costs. Written notice of the pending application shall be mailed to the Selectmen, Fire Chief, Road Commissioner, Plumbing Inspector, Code Enforcement Officer, the Town Clerk for public posting, and other interested parties. The list of property owners located within 1,000 feet and a copy of the written notice shall be submitted to the Planning Board and made part of the official record.
- B. Within 45 days of the receipt of a formal site plan review application, the Planning Board shall review the material and determine whether or not the submission is complete. If the application is determined to be incomplete, the Board shall notify the applicant in writing of this finding, specify the additional materials required to make the application complete, and advise the applicant that the application will not be considered by the Board until additional information is submitted. These steps, except the notification requirements, shall be repeated until the application is found to be complete.
- C. As soon as the Board determines that the application is complete, the Board shall notify the applicant in writing of this finding, meet the notification requirements of subsection (E) below, and place the item on the agenda for substantive review within 45 days of this finding.
- D. The Planning Board shall hold a public hearing on the Site Plan Review application and schedule the hearing within 45 days of receipt of the completed application.

- E. The Planning Board shall give written notice of the date, time, and place of the meeting at which the application will be considered to the applicant and all persons who received the written notice under subsection (A).
- F. The Planning Board and/or Code Enforcement Officer may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted and investigate the development proposal. The Board may schedule this visit either before or after the first meeting at which the application is considered and may exceed 45-day timelines if weather inhibits on-site visits. Written notice of the on-site inspection shall be provided to all parties entitled to notice under subsection (A).
- G. The Planning Board shall take final action on said application within 45 days of determining that the application is complete. The Board shall act to deny, to approve, or to approve the application with conditions. The Board may impose such conditions as are deemed advisable to assure compliance with the standards of approval.
- H. In issuing its decision, the Planning Board shall make written findings of fact establishing that the proposed development does or does not meet the standards of approval and other requirements of the Town. In making findings of fact, the Planning Board shall consider the following:
 - 1. Will not result in unsafe or unhealthful conditions and the following general standards;
 - 1.i. Will not result in water pollution, erosion, or sedimentation to surface waters consistent with the standards of 11.3 and 11.4;
 - 1.ii. Will not adversely affect the quality or quantity of fresh groundwater in the bedrock or elsewhere, or result in the depletion of the fresh groundwater so that saltwater intrusion into wells occurs, or adversely affect any groundwater recharge areas as mapped (11.5 & 11.9);
 - 1.iii. Will adequately provide for the disposal of all wastewater (11.6);
 - 1.iv. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
 - 1.v. Will conserve shore cover and visual, as well as actual points of access to inland and coastal waters;
 - 1.vi. Will protect archaeological and historic resources as designated in the comprehensive plan (11.13);
 - 1.vii. Will not have an unreasonable impact on natural beauty or viewsheds (12.13);
 - 1.viii. Will avoid problems associated with flood plain development and use (11.14);
 - 1.ix. Will meet general fire protection and response requirements (11.15), and
 - I. Meets the performance standards, generally described in Article X of this ordinance, and addresses specifically:
 - 1.i. Water (§7). Provides adequate supply of clean water and meets fire suppression requirements.
 - 1.ii. Water Quality Protection. Provides an adequate plan to protect ground and surface water quality in conformance with Water Quality Protection (§12)
 - 1.iii. Stormwater Management and erosion control. Provides an adequate plan to manage stormwater and limit erosion (§5 & 6)
 - 1.iv. Sewage Disposal. Has a sewage disposal plan that is consistent with Maine Subsurface Wastewater Disposal rules (§8)
 - 1.v. Parking & Traffic (§3). No decrease in level of service for traffic movement at the entrance or to adjacent public or privately shared roads.

- 1.vi. Hazardous, Special, and Radioactive Materials (§13). that if applicable, there is an adequate plan to address hazardous materials as a result of the project.
- 1.vii. Building and Site Design Standards. The project shall satisfy the requirements of Building and Site Standards (§2 & 3);
- 1.viii. Exterior Lighting. Meets the lighting standards (§18).
- 1.ix. Vibration. The applicant shall demonstrate that the use shall not increase ambient vibration levels at the property's boundary (§19).
- 1.x. Noise. The applicant shall demonstrate that the use will not increase ambient noise levels at the property's boundary (§17).
- 1.xi. Odor. The applicant shall demonstrate that the use will not increase the ambient odor levels at the property's boundary (§20)
- 1.xii. Buffering and screening. Addresses the buffering requirements of (§3, part E)
- 1.xiii. View Protection. Shall address the standards for view protection (§21).

J. All time limits provided for in this section may be extended by mutual agreement of the applicant and Planning Board.

§5 Final Approval and Filing

Upon completion of the requirements outlined in this Ordinance and an approval vote by the majority of the Planning Board, the application shall be deemed to have final approval. A Findings of Fact will be provided to the applicant and placed on file at Town Hall with the site plan shall be signed by a majority of the members of the Board and must be filed with the Code Enforcement Officer.

ARTICLE VIII - PERFORMANCE GUARANTEES AND FEES

§J Performance Guarantees

With submittal of the application for Final Plan approval, the applicant shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs:

- A. Either a certified check payable to the Town of Montville or a savings account or certificate of deposit naming the Town of Montville as owner for the establishment of an escrow account, or
- B. A performance bond payable to the Town of Montville issued by a surety company licensed to do business in the State of Maine and approved by the Selectmen, or
- C. An irrevocable letter of credit from a financial institution establishing funding for the construction of the project, from which the Town may draw if construction is inadequate, approved by the Selectmen.

The Planning Board, with the advice of the Code Enforcement Officer, Road Commissioner, Selectmen, and/or Town Attorney, shall determine the conditions and amount of the performance guarantee.

§2 Application Fee

An application fee must accompany an application for site plan review. This fee is intended to cover the cost of the municipality's administrative processing of the application, including notification, advertising, mailings, and similar costs. The fee shall not be refundable. This application fee must be paid to the municipality and evidence of payment of the fee must be included with the application. The application fee shall be established by the Town of Montville Board of Selectmen following posting of the proposed schedule of fees and public hearing.

§3 Technical Review Fee

In addition to the application fee, the applicant for site plan review may be required to pay a technical review fee to defray the municipality's legal and technical costs of the application review. The application will be considered incomplete until evidence of payment of this fee is submitted to the Planning Board.

- A. The fee will be set by the Planning Board. The Board, in consultation with the Code Enforcement Officer will determine the costs of technical assistance needed after receiving estimates for the services.
- B. This fee must be paid to the municipality and shall be deposited in the Development Review Trust Account, which shall be separate and distinct from all other municipal accounts. If funds are expended then additional funds will be requested of the applicant and placed into the account.
- C. The technical review fee may be used by the Planning Board to pay reasonable costs incurred by the Board, at its discretion, which relate directly to the review of the application pursuant to the review criteria. Such services may include, but need not be limited to, consulting, engineering or other professional fees, attorney fees, recording fees, and appraisal fees.
- D. The municipality shall provide the applicant, upon written request, with an accounting of his or her account and shall refund all of the remaining monies, including accrued interest, in the account after the payment by the Town of all costs and services related to the review. Such payment of remaining monies shall be made no later than 60 days after the approval of the application, denial of the application, formal withdrawal of the application, or approval with condition of the application. Such refund shall be accompanied by a final accounting of expenditures from the fund. The monies in such fund shall not be used by the Board for any enforcement purposes nor shall the applicant be liable for costs incurred by or costs of services contracted for by the Board which exceed the amount deposited to the trust account.

ARTICLE IX- SUBMISSION REQUIREMENTS

§Applications

Applications for site plan review must be submitted on application forms provided by the town of Montville. The complete application forms, evidence of payment of the required fees, and the required plans and related information must be submitted to the Code Enforcement Officer and the Chair of the Planning Board. The submissions must contain at least the following exhibits and information unless specifically waived in writing.

A. Waiver of Submission and Approval Standard Requirements

- 1.a. Minor Plan. The Planning Board may modify any of the submission requirements and approval standards for minor development when it determines that because of the size of the project, or circumstances of the site or use, such requirements would not be applicable, and that such modification or waiver would not adversely affect the abutting landowners or the general health, safety, and welfare of the town.
- 1.b. Major Plan. The Planning Board may modify the approval standards for a major development plan when it determines that because of the size, use or circumstances of the project proposal, such standards would not be applicable, and that such modification or waiver would not adversely affect the abutting landowners or the general health, safety, and welfare of the town.

1.c. Waivers may be granted upon a written request of the applicant. Such a request must be made at a pre-application conference. The request by the applicant shall specify the waivers, with reference to Article IX or X of this ordinance, as applicable.

1.d. A waiver of any submission requirement may be granted only if the Board makes a written finding that the information is not required to determine compliance with the standards of Article IX or X. That waiver action shall use the findings of fact list of Article VII, Section G to identify the reviews being waived. In determining whether a waiver is appropriate, the Planning Board may request additional material at the pre-application meeting for further review.

1.e. The waiver shall be formally granted as part of the Planning Board's determination that the application is completed (Article 7, §4.C)

§2 Information Required

All applications for site plan review must contain the following information:

- A. A fully executed and signed copy of the application for site plan review.
- B. Evidence of payment of the application and all other required fees.
- C. Thirteen copies of written materials plus thirteen sets of maps or drawings containing the information listed below. The written materials must be contained in a bound report. The maps or drawings must be at a scale sufficient to allow review of the items listed under the approval standards and criteria, but in no case shall be more than 100 feet to the inch for that portion of the tract of land being proposed for development:

§3 General Information

The following general information must be included in all applications:

- A. Record owner's name, address and phone number and applicant's name, address and phone number if different.
- B. The location of all required building setbacks, yards, and buffers.
- C. Names and addresses of all property owners within 1,000 feet of any and all property boundaries.
- D. Sketch map showing general location of the site within the municipality. The DeLorme map is preferred.
- E. Boundaries of all contiguous property under the total or partial control of the owner or applicant regardless of whether all or part is being developed at this time.
- F. The tax map(s) and lot number(s) of the parcel(s) on which the project is located.
- G. A copy of the deed to the property, an option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.
- H. The name, registration numbers, and seal of the person who prepared the plan, if applicable.

The following general information must be included with applications for Major Developments only:

- A. Evidence of the applicant's technical and financial capability to carry out the project as proposed.

§4 Existing Conditions

The following existing conditions must be included in all applications:

- A. The boundaries of the Shoreland District of any portion of the property being developed are located in the Shoreland Zone as depicted on the Town of Montville Shoreland Zoning Map.
- B. A boundary survey depicting the bearings and length of all property lines of the property to be developed and the source of this information. The Planning Board may waive this

requirement of a boundary survey when sufficient information is available to establish, on the ground, all property boundaries.

- C. Location and size of any existing sewer and water mains, culverts and drains, on-site sewage disposal systems, wells, underground tanks or installations, power and telephone lines, poles on the property to be developed, or abutting streets, or land that may serve the development, and an assessment of their adequacy and condition to meet the needs of the proposed use. Appropriate elevations must be provided as necessary to determine the direction of flow.
- D. Location, names, and present widths of existing public and/or private streets and rights-of way within or adjacent to the proposed development.
- E. The location and dimensions of existing driveways, parking and loading areas, walkways, and sidewalks on or immediately adjacent to the site.
- F. Location of intersecting roads or driveways within 200 feet of the site.
- G. The location of open drainage courses, wetlands, stonewalls, graveyards, fences, stands of trees, and other important or unique natural areas and site features, including but not limited to floodplains, deer wintering areas, significant wildlife habitats, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, and historic and/or archaeological resources, together with a description of such features.
- H. The direction of existing surface water drainage across the site.
- I. Location and dimensions of any existing easements and copies of existing covenants or deed restrictions.
- J. The location and description of the nearest water supply for fire protection.
- K. Upon receipt of data from the applicant, a licensed site evaluator will describe the existing subsurface wastewater disposal system and determine the system's viability. A written statement of the proposed operating hours.

The following additional existing conditions must be included with Major Development applications:

- A. A statement from the Code Enforcement Officer regarding the applicability of the Town of Montville Floodplain Management Ordinance is required for all development in the floodplain.
- B. A general description of the soils in the area of the proposed development or expansion. This information can be taken from the Soil Survey of Waldo County or provided by a certified soil scientist.
- C. The location, front view, dimensions, and lighting of existing signs.
- D. The location, dimensions and ground floor elevation of all existing buildings on the site.

§5 Proposed Development Activity

The following proposed development activities must be included in all applications:

- A. A Neighbor Impact Statement. This statement must outline any foreseeable potential impacts that the proposed project or development may have on abutters and neighbors. It shall address the standards of Article X and include considerations of noise, vehicular traffic and safety, lighting, building and site design, and land use changes such as earthworks, tree removal, and subsequent landscaping and buffering. The Planning Board may invite applicant and abutters/neighbors to meet with the Planning Board to review this statement as part of the formal application procedures as outlined in Article VII herein.
- B. Estimated demand for water supply and sewage disposal together with the location and dimensions of all provisions for water supply and wastewater disposal, and evidence of their adequacy for the proposed use, including soils test pit data if on-site sewage disposal is proposed.

- C. The direction of proposed surface water drainage across the site and from the site, with an assessment of impacts on downstream properties.
- D. Descriptions by type and amount, as well as provisions for handling all solid wastes, including hazardous and special wastes and the location and proposed screening of any on-site collection or storage facilities.
 - E. The location, dimensions, and materials to be used in the construction of proposed driveways, parking and loading areas, and walkways and any changes in traffic flow onto or off-site.
- F. Proposed landscaping and buffering.
- G. The location, dimensions, and ground floor elevation of all proposed buildings or building expansion proposed on the site.
- H. Location, front view, materials, and dimensions of proposed signs together with the method for securing the sign.
- I. The size, location, direction, and intensity of illumination and method of installation of all major outdoor lighting apparatus and signs.
- J. The location of all utilities, including fire protection systems. J. A general description of the proposed use or activity.
- K. An estimate of the peak hour and daily traffic to be generated by the project.
- L. The amount and type of any raw, finished, or waste materials to be stored outside of roofed buildings, including their physical and chemical properties if appropriate.
- M. Copies of applicable State approvals and permits. The Board may approve development plans subject to the issuance of specified State approvals and permits where it determines that it is not feasible for the applicant to obtain them at the time of development review.
- N. A schedule of construction including anticipated beginning and completion dates.
- O. The following proposed development activities must be included with Major Development applications:
 - A. Stormwater calculations, erosion and sedimentation control measures, and water quality and/or phosphorous export management provisions, if the project requires a stormwater permit from the Maine Department of Environmental Protection or if the Planning Board determines that such information is necessary based upon the scale of the project or the existing conditions in the vicinity of the project.

§6 Approval Block .

Space must be provided on the plan drawing for the signatures of the Planning Board and date together with the following words, "Approved: Town of Montville, Maine, Planning Board."

ARTICLE X - APPROVAL STANDARDS AND CRITERIA

§1 Approval Standards

The following criteria shall be used by the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

§2 Utilization of the Site

The plan for the development must reflect the natural capabilities of the site to support development. Buildings, lots, and support facilities must be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand

and gravel aquifers must be maintained and preserved to the maximum extent. Natural drainage areas must also be preserved to the maximum extent. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

§3 Building, Design, and Impact Standards

The following Design Standards shall be used by the Planning Board to review applications for site plan review and shall serve as minimum standards of impact, in addition to the remaining standards of Article X. The design standards reflect that the community has limited zoning ordinance districts, permitting a variety of mixed uses; these standards are meant to ensure that those uses can coexist with adjacent uses while enhancing the rural nature of Montville.

A. Building and site plan standards generally.

- a.i.1. A building to be renovated or newly constructed within Montville is to be designed to blend with that neighborhood. As such, it can be viewed as a single structure or a collection of structures with many exterior characteristics of a neighborhood house or structure, except where a commercial use reflects the high level of ground story glass, openings for access and activity. Building characteristics include small yards, building patios, entrances in the front, with parking mainly in the side or rear yards. Directional signage is designed to provide guidance without being intrusive.
- a.i.2. Supportive structures such as workshops, storage buildings or warehouse facilities will use building materials and architectural style to blend with the neighborhood. Larger doors, loading docks, and service entries will either be screened or treated to provide transition from the retail building or office, typical to the traditional attached or detached barn.
- a.i.3. The remaining site, including customer access and movement, parking, outdoor seating, pedestrian, and bike access, loading and delivery areas, is expected to provide smooth transitions between those spaces, reflecting the patterns of the neighborhood.
- a.i.4. Standard franchise design for small box retail, franchise restaurants, fuel and grocery combinations are prohibited. Applicants are encouraged to blend franchise design with local building types and designs, following the guidance of this ordinance.

B. Design Guidelines for building or structures: The following design standards will assist the Planning Board in ensuring that a new or modified building is consistent with its neighbors and the general building design found in Montville.

- a.1. Scale and Relationships of the Building and its Facade. The scale, height, and width of the front and side facades of a building should be visually compatible with its site and blend with the surrounding neighborhood and its site. Window and door openings, their height and width, shall create a visual rhythm that is consistent with its neighbors. Facades should be broken with window, door or architectural treatment (colors and materials, for example clapboards, shingles, patterned shingles, and brick) avoiding large solid areas in the wall surface of the façade.
- a.2. Roof Shapes. The shape, proportion and pitch of the roof should be visually compatible with the architectural style of the building, blend with window and door design, and be consistent with those of neighboring buildings. Flat roofs are not permitted.
- a.3. Rhythm of Spaces to Building on Streets. The building itself is not the only thing you see when you look at it; you are also aware of the space where the building is not, i.e., the open space which is around the building. The rhythm of surrounding open space and space to buildings should be

considered when determining visual compatibility, whether it is between buildings or between buildings and the street (setback).

- a.4. Site Features. The size, placement and materials of walks, walls, fences, signs, driveways and parking areas may have a visual impact on a building. These features should be visually compatible with the building, its site, and neighboring buildings.

C. Further Building and Site Design considerations:

1. Setback and Alignment of Buildings: In areas identified in the

- a. Building Scale: When large new buildings or structures are proposed where their scale (size) and other features may be significantly different from that which already exists in the immediate neighborhood, care must be taken to design the new building or structure so that it is compatible with its neighbors. This may include making the building appear small, using traditional materials styles and/or proportions.
- b. Parking Lot Placement: The site design, in addition to meeting all of the standards of Section 3 below, shall also comply with the applicable provisions in federal law in the Americans with Disabilities Act of 1990, as amended, and any other applicable provisions of federal and state law.
- c. The design shall avoid creating a building surrounded by a parking lot and avoid parking in the front. Site characteristics and topography permitting, parking shall be located to the side or rear of the building. Before approving a parking lot design that establishes parking between the building and the access road or street, the Planning Board shall consider setback, site internal vehicular and pedestrian movement, site characteristics and topography and site buffering. Special consideration shall be given to municipal or privately owned public safety facilities as to their needs regarding fast, efficient and safe response. Incorporation of shared parking, shared driveways and cross connection of parking lots into the design is encouraged.

D. Building Materials

- a.i.1. High quality exterior building materials must be used. All exterior wall surfaces must include a variation in building materials and color, which are to be distributed throughout the building facades and coordinated into the architectural design of the structure. Acceptable exterior building materials include the following:
 - a.i.1.a. Brick or similar custom masonry unit having brick like appearance.
 - a.i.1.b. Architectural glass (i.e., curtain wall).
 - a.i.1.c. Wood or comparable composite materials
 - a.i.1.d. Metal
- a.i.2. The Planning Board may approve an alternative material or mix of materials provided the applicant demonstrates that the modification results in a better integration of the building with the surrounding area and will further the intent of this Section.
- a.i.3. Front facades and side and rear facades visible from a public right-of-way, parks and adjacent residential uses must be composed of not more than 65 percent of any one acceptable material. Brick with a distinctively different color may be considered a second material. Side and rear facades not visible from a public right-of-way, parks and adjacent residential uses may use any combination of acceptable material.
- a.i.4. Where approved, a motor vehicle fuel pump canopy roof must have the same shape, materials, and design appearance as the main structure. There shall be a consistent rhythm and treatment of canopy that ties it to the building façade and roof line.

E. Buffering and Landscaping

1. The development shall provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for screening of mechanical equipment, loading and service areas, and storage facilities.
2. Buffering shall be designed and maintained to provide a year-round visual screen in order to minimize adverse impacts. It may consist of fencing, evergreens, berms, rocks, boulders, mounds, or a combination thereof. The use of native species is encouraged.
3. A development shall provide sufficient buffering when topographical or other barriers do not provide reasonable screening and where there is a need:
 - a. Shield neighboring properties from any adverse external effects of the development, or
 - b. Shield the development from the negative impacts of adjacent uses.
4. A vegetated buffer strip must be established and maintained along the edge of the road right-of-way, and wherever possible, existing vegetative areas will be left intact. This buffer strip must soften the appearance of the site from the road and must create defined points of access to and egress from the site. For new or additional plantings, use of native species is encouraged. A generous landscape buffer between the road and parking lot is to be provided. Unused areas should be kept natural, like field, forest, wetland, etc.
5. The depth and height of buffers shall be designed to reduce the visual and noise impacts on abutting properties. Areas adjacent to mechanical services, loading, or storage shall be screened from the view of abutting properties and the public right of way.

§4 Internal and External Vehicular Movement

A. Vehicular access to the site must be on roads that have adequate capacity to accommodate the additional traffic generated by the development. For developments that generate 100 or more peak-hour trips (based on the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers), intersections on major access routes to the site within one mile of any entrance road which are functioning at a Level of Service of D or better prior to the development, must function at a minimum at Level of Service D after development.

1. If any such intersection is functioning at a Level of Service E or lower prior to the development, the project must not reduce the current level of service.
2. This requirement may be waived by the Planning Board if the project is located within a growth area designated in the Town's adopted Comprehensive Plan and the Board determines that the project will not have an unnecessary adverse impact on traffic flow or safety.
3. A development not meeting this requirement may be approved if the applicant demonstrates that:

4. A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or

5. The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will ensure the completion of the improvements with a financial guarantee acceptable to the municipality.

B. Access into the Site. Vehicular access to and from the development must be safe, convenient and include:

1. Any driveway or proposed street must be designed so as to provide at least the minimum sight distance according to the Maine Department of Transportation standards.
2. Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.
3. The grade of any proposed drive or street must be not more than 2% for a minimum of two car lengths, or 40 feet from the intersection.

4. The intersection of any access/egress drive or proposed street must function at a Level of Service D following development if the project will generate 1,000 or more vehicle trips per 24-hour period; or (b) at a level which will allow safe access into and out of the project if less than 1,000 trips are generated.
5. Where a lot has frontage on two or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if it is safe.
6. Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the applicant shall be responsible for providing traffic controls within public streets.
Access ways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.
7. The following criteria must be used to limit the number of driveways serving a proposed project:
8. No use that generates less than 100 vehicle trips per day shall have more than one two-way driveway onto a single roadway. Such a driveway must be no greater than 30 feet wide.
9. No use that generates 100 or more vehicle trips per day shall have more than two points of entry from and two points of egress to a single roadway. The combined width of all accessways must not exceed 60 feet.

C. Accessway Location and Spacing. All accessways must meet the following standards:

1. Private entrances/exits must be located at least 50 feet from the closest unsignalized intersection and 150 feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the accessway. This requirement may be reduced if the shape of the site does not allow conformance with this standard.
2. Private accessways in or out of a development must be separated by a minimum of 75 feet where possible.

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

1. Nonresidential projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing.
2. Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).
3. The layout and design of parking areas must provide for safe and convenient circulation of vehicles and pedestrians throughout the lot.
4. All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction.
5. The road network must provide for vehicular, pedestrian, and cyclist safety, all-season emergency access, snow storage, adequate parking, and delivery and collection services.

E. Parking Layout and Design. Off-street parking must conform to the following standards:

1. Parking areas with more than two parking spaces must be arranged so that it is not necessary for vehicles to back into the street and parking to the side or rear of buildings is encouraged. Parking stalls shall not be directly accessible from any public way. Ingress and egress to parking areas shall be limited to driveway entrance.

2. All parking spaces, access drives, and impervious surfaces must be located at least five feet from: any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within five accessways not exceeding 24 feet in width.
3. Parking stalls and aisle layout must conform to the following standards.

Parking Stall Angle	Skew Width	Stall Width	Qm1h	Aisle Width
90°		9'-0"	18'-0"	24'-0" two way
60°	8'-6"	10'-6"	18'-0"	16'-0" one way only
45°	8'-6"	12'-9"	17'-6"	12'-0" one way only
30°	8'-6"	17'-0"	17'-0"	12'-0" one way only

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4. In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings (required for all paved parking lots only) or other permanent indications and maintained as necessary.
5. Parking areas for non-residential uses must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Double stack parking may be permitted for resident parking in conjunction with residential uses if both spaces in the stack are assigned to the occupants of the same dwelling unit.
6. Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

§5 Pedestrian Circulation

The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project.

§6. Stormwater Management

Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties and include:

- A. The stormwater plan must retain stormwater on the site for a 100-year storm, using the natural features of the site, blending the built and natural design.
- B. Unless the discharge is directly to a lake or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate for a 100-year storm.
- C. The applicant must demonstrate that on- and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to flooding and erosion of shoreland areas, or that he/she will be responsible for whatever improvements are needed to provide the required increase in capacity and/or mitigation.
- D. All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.
- E. The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.
- F. The design of the storm drainage systems must be fully cognizant of upstream runoff that must pass over or through the site to be developed and provide for this movement.
- G. The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The applicant must demonstrate that a project's

stormwater management system includes treatment measures that will provide pollutant removal or treatment. Treatment systems can include the use of oil and grease traps in manholes, the use of on-site vegetated waterways and vegetated buffer strips along waterways and drainage swales, wetponds, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

§7. Erosion Control

All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and/or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.

Soil erosion and sedimentation of watercourses and water bodies will be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, current version as adopted by Maine Department of Environmental Protection.

§8. Water Supply

The development must be provided with a system of water supply that provides each use with an adequate supply of water for domestic and fire protection purposes. Determination of adequate water supply for "automatic fire protection sprinkler systems shall be governed by the rules and regulations of the Office of State Fire Marshall and applicable National Fire Protection Association (NFPA) standards, particularly NFPA 1231 Standard on water supplies for Suburban and Rural Fire Fighting

§9. Sewage Disposal

The development must be provided with a method of disposing of sewage that is in compliance with the State of Maine Subsurface Wastewater Disposal Rules.

When two or more lots or buildings in different ownership share the use of a common subsurface disposal system, the system must be owned and maintained in common by an Owners Association. Covenants in the deeds for each lot must require mandatory membership in the association and provide for adequate funding of the association to ensure proper maintenance of the system.

§10. Utilities

The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

§11. Natural Features

The landscape must be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction. Extensive grading and filling must be avoided as far as possible.

§12 Groundwater Protection

The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of 2,000 gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

§13 Water Quality Protection

All aspects of the project must be designed so that:

- A. No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwater so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
- B. All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials must meet the standards of the Maine Department of Environmental Protection and the State of Maine Fire Marshall's Office.
- C. If the project is located within the watershed of a 'body of water' most at risk from development! as identified by the Maine Department of Environmental Protection (DEP), the project must comply with the standards of the DEP with respect to the export of total suspended solids and/or phosphorous.

§14 Hazardous, Special and Radioactive Materials

The handling, storage, and use of all materials identified by the standards of all federal or state agencies as hazardous, special or radioactive must be done in accordance with the standards of these agencies. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground unless they are located at least 75 feet from any lot line, or 40 feet in the case of underground storage. AH materials must be stored in a manner and location which is in compliance with appropriate rules and regulations of the Maine Department of Public Safety and other appropriate federal, state, and local regulations.

§15 Solid Waste Disposal

The proposed development must provide for adequate disposal of solid wastes. All solid waste must be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

§16 Historic and Archaeological Resources

If any portion of the site has been identified by appropriate state agencies or the Montville Comprehensive Plan as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

§17 Floodplain Management

If any portion of the site is located within a flood hazard area as identified by the Federal Emergency Management Agency's Flood Insurance Rate Maps, or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils, all use and development of that portion of the site must be consistent with the Town of Montville Floodplain Management Ordinance.

§18 Noise Limitations

The maximum permissible sound pressure level of any continuous, regular, frequent, or intermittent source of sound produced by any activity on the site shall be limited by the time period and sound levels as listed below.

<u>7:00 a.m. to 7:00 p.m. <65:</u>	<u>7:00 p.m. to 7:00 a.m. <50</u>
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Sound levels shall be measured at least four feet above ground at the property boundary of the source. Measurements of sound pressure level limits are to be made using the sound equivalent level of one minute (leql) (measured in dB[a] scale).

§19 Exterior Lighting.

1. The proposed development must have an adequate exterior lighting plan to provide for its safe use during nighttime hours. The lighting plan shall demonstrate how that lighting need is met without impact beyond the property lines. The lighting plan will describe all exterior luminaries, including security and sign lighting and shall be full cut-off fixtures that are directed downward. The lighting plan shall demonstrate how the new lighting shall not exceed ambient foot candles at the property line.
2. The lighting plan shall demonstrate how lighting shall not unnecessarily light the night sky
3. Lighting shall be designed so that it does not directly or indirectly produce deleterious effects on abutting properties or impair the vision of a vehicle operator on adjacent roadways.
4. All exterior lighting, except security lighting, must be turned off between 11 P.M. and 6 A.M. unless located on the site of a commercial or industrial use which is open for business during that period. For security purposes, the cut-off and projection restrictions on to adjacent property lines shall apply.
5. Building entrances may be illuminated using recessed lighting in overhangs and soffits, or by use of spotlighting focused on the building entrances with the light source concealed (e.g., in landscaped areas). Direct lighting of limited exterior building areas is permitted only when necessary for security purposes.
6. The following types of outdoor lighting are specifically prohibited:
 - a.i.1.i. Lighting that could be confused for a traffic control device;
 - a.i.1.ii. Lighting that is oriented upward, except as otherwise provided for in this ordinance;
 - a.i.1.iii. Searchlights, beacons, and laser source light fixtures;
 - a.i.1.iv. Lights that blink, flash, move, revolve, flicker, change intensity, or change color;
 - a.i.1.v. Any lamp or bulb when not within a luminaire and which is visible from the property boundary line of the parcel on which it is located, except for landscape ornamental lighting; and
 - a.i.1.vi. Lighting inside of an awning when the awning material is translucent.

§20 Vibrations

Vibrations created by any new activity or use shall not exceed ambient vibrations at the property line. If the use proposed will create vibration, the applicant will provide a plan for how those vibrations will be attenuated at the property line.

§21 Odors

Odors created through process on the site shall be contained within buildings and shall be treated such that their impact shall not exceed ambient air quality and dissipate at the property line

§22 View Protection

When a proposed development is located within the viewshed, from a public street, road, water body or facility, the development must be designed to minimize the encroachment of all buildings, structures, landscaping, and other site features on the identified view. Design modifications to minimize encroachment

may include, but are not limited to, orientation of the building on the site, building height limits, clustering of buildings, and maintaining open space areas free of tall shrubs and fences.

§23 Signs

Signs shall be integrated into the overall site design in a way that enhances the visual appeal and functionality of the development while minimizing any negative impacts on the surrounding area. The following shall be considered:

Location and Dimensions: The location and dimensions of all signs must be included in the site plan submission. This ensures that the signs are appropriately placed and sized according to the overall site design.

Compatibility with Design Standards: Signs must comply with the design standards specified in this ordinance. This includes ensuring that the signs are visually compatible with the architectural style of the building and the surrounding area.

Lighting: If the signs are illuminated, the lighting must not create glare or hazards to motorists, and it must be adequate for safety without damaging the value or diminishing the usability of adjacent properties.

Screening and Buffers: The site plan must provide for adequate screening and buffers to minimize the visual impact of signs on neighboring properties.

ARTICLE XI - POST-APPROVAL ACTIVITIES

§1 Limitation of Approval

Substantial construction of the improvements covered by any site plan approval must be commenced within 12 months of the date upon which the approval was granted. If construction has not been substantially commenced and substantially completed within the specified period, the approval shall be null and void. The applicant may request an extension of the approval deadline prior to the expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to two six month extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

§2 Incorporation of Approved Plan

All construction activities must conform to the approved plan, including any conditions of approval and minor changes approved by the Code Enforcement Officer to address field conditions. Any changes approved by the Code Enforcement Officer shall be in writing and made part of the project file.

§3 Improvement Guarantees

The Planning Board may require the posting of an improvement guarantee in such amount and form as specified in Article VIII, Section I, Performance Guarantees, and as is reasonably necessary to ensure the proper installation of all offsite improvements required as conditions of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.

Upon substantial completion of all required improvements, the developer must notify the Planning Board of the completion or substantial completion of improvements, and must send a copy of such notice to Selectmen, Planning Board, and Code Enforcement Officer who shall inspect all improvements and must file a report indicating either approval, partial approval, or rejection of such improvements with a statement of reasons for

any rejection. The Planning Board shall approve, partially approve, or reject the improvements on the basis of the report of the Planning Board, Selectmen, and Code Enforcement Officer. If the improvements are approved, the guarantee shall be released. Where partial approval is granted, the developer shall be released from liability only for that portion of the improvements approved.

§4 Submission of As-Built Plans

Any project involving the construction of more than 20,000 square feet of gross floor area or 50,000 square feet of impervious surface, must provide the Code Enforcement Officer with a set of construction plans showing the building(s) and site improvements as actually constructed on the site. These "as-built" plans must be submitted within 30 days of the issuance of a certificate of occupancy for the project or occupancy of the building. The as-built plans shall be made part of the project file.

§5 Minor Changes to Approved Plans

Minor changes in approved plans necessary to address field conditions may be approved by the Code Enforcement Officer provided that any such change does not affect compliance with the standards or alter the essential nature of the proposal. The Code Enforcement Officer must endorse any such change in writing on the approved plan. Any changes approved by the Code Enforcement Officer shall be in writing and made part of project file.

§6 Amendments to Approved Plans

Approvals of site plans are 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, except minor changes that do not affect approval standards, is subject to review and approval.

ARTICLE XII - ENFORCEMENTS AND VIOLATIONS

§1 Nuisances

Any violation of this Ordinance shall be deemed to be a nuisance.

§2 Code Enforcement Officer

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal or discontinuance of the illegal use of land, buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
- B. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
- C. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On an annual basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.
- D. Legal Actions
 - i. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary

to enforce the provisions of this Ordinance in the name of the Town of Montville. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage. E. Fines

- ii. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. Section 4452.

ARTICLE XIII -APPEAL OF PLANNING BOARD AND/OR CODE ENFORCEMENT OFFICER ACTIONS

§1 Administrative Appeal

Any person aggrieved by an action from determinations of the Planning Board or the Code Enforcement Officer pursuant to this Ordinance may file an application for appeal.

- A. All appeals shall be in writing and submitted within 30 days of the granting or denial of approval from the Planning Board or a decision of the Code Enforcement Officer. The applicant shall file this appeal with the Chair of the Board of Appeals, who shall issue a dated receipt within 7 days, and notify the applicant in writing that the application is either complete or incomplete. The Chair shall specify what additional material is needed, if any, to make the application complete.
- B. A fee to accompany applications for appeal shall be determined by the Town of Montville Board of Selectmen.
- C. The Board of Appeals shall, upon complete written application of an aggrieved party, and after public notice, hear appeals within 30 days of such application. Such hearing shall be held in accordance with Maine State Law. The Appeals Board shall cause notice of the date, time and place of public hearing with the general nature of the question involved to be given in writing to the applicant of the appeal. Notice shall be published in a newspaper of general circulation in the Town of Montville, Maine at least two times. The date of the first such publication shall be at least 14 days prior to the hearing. The Board shall also cause notice of the hearing be given to the Selectman, the Planning Board, and the Code Enforcement Officer.
- D. Following such hearing the Board of Appeals may reverse the decision of the Planning Board or the Code Enforcement Officer only upon a finding in fact that the decision of the Planning Board or the Code Enforcement Officer is clearly contrary to specific provisions of this Ordinance. The Board of Appeals shall render a decision in writing to the applicant, Planning Board Chair, Code Enforcement Officer, and the Selectmen within 30 days of the appeal hearing.

§2 Appeal to Superior Court

Any aggrieved party, having proper standing, may appeal any decision of the Appeals Board under this Ordinance to the Superior Court of Waldo County, within thirty days of a written decision in accordance with Maine State Law.

ARTICLE XIV - AMENDMENTS to THE ORDINANCE

§1 Initiation of Amendment

An amendment to this ordinance may be initiated by:

- A. The Planning Board (provided that a majority of the Board has so voted), or
- B. Request of the Selectmen to the Planning Board, or
- C. Written petition to the Selectmen bearing signatures of registered voters of the Town of Montville, Maine numbering at least 10% of the number who voted in the last gubernatorial election.

§2 Adoption of Amendment

All proposed amendments to this ordinance shall be referred to the Planning Board for their recommendation. The Planning Board may hold a public hearing on any proposed amendment. Within 30 days of receiving a proposed amendment, the Planning Board shall make known their recommendation to the Selectmen and the Town. After receiving the recommendation of the Planning Board, the amendment shall be voted on by the voters of the Town of Montville, Maine at a Town Meeting, a simple majority vote being required for adoption.

ARTICLE XV - SEVERABILITY

Should any article or provision of the ordinance be declared by the courts of the State of Maine or the courts of the United States to be invalid, such decisions shall not invalidate any other article or provision of the ordinance.

This ordinance shall in no way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law. Where this ordinance provides a greater restriction upon the use of the land, buildings or structures, the provisions of this ordinance shall prevail.

ARTICLE XVI - AVAILABILITY

A certified copy of this ordinance shall be filed with the Town 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 the availability of this ordinance shall be posted.

ARTICLE XVII - DEFINITIONS

§1 Construction of Language

In general, all words and terms used in this Ordinance shall have customary dictionary meanings. More specifically, certain words and terms shall be described below.

§2 Relationship to Other Town Ordinances

Where there is a conflict between the language contained in this Ordinance and any other Town ordinances, the stricter language shall apply for purposes of the Ordinance.

§3 Definitions

Abutting Property: Any lot which is physically contiguous with the subject lot even if only at a point and any lot which is located directly across a street or right-of-way from the subject lot such that the extension of the side lot lines of the subject lot would touch or enclose the abutting property.

Accessory Building: A detached, subordinate building, the use of which is clearly incidental and related to that of the principal building or use of the land, and which is located on the same lot as that of the principal building or use.

Accessory Structure or Use: A use or structure that is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Aggrieved Party: An owner of land whose property is directly or indirectly affected by the granting or denial of an approval under this ordinance; a person whose land abuts land for which approval has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such approval.

Agricultural land use practices are the growing, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to forages and sod crops; grains and seed crops; dairy animals and the milking process; poultry; and livestock;

Arterial: A controlled access road or a street or road with traffic signals at important intersections and/or stop signs on side streets or which is functionally classified by the Maine Department of Transportation as an arterial.

Building: Any permanent structure, having one or more floors and a roof, which is used for the housing or enclosure of persons, animals or property. When any portion thereof is separated by a division wall without opening, then each such portion shall be deemed a separate building.

Building Footprint: The area covered by a building measured from the exterior surface of the exterior walls at grade level exclusive of cantilevered portions of the building. Where the building is elevated above grade level on posts or similar devices, the building footprint is the area the building would cover if it were located at ground level.

Campground: A lot area upon which 2 or more campsites are located, established, or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education, or vacation purposes, including erection of tents, trailers, recreational vehicles, lean-tos, overnight cabins, or similar structures and parking facilities.

Change From One Category of Nonresidential Use to Another Category of Nonresidential Use: A change in the type of occupancy of a nonresidential building or structure, or a portion thereof, such that the basic type of use is changed, such as from retail to office or storage to a restaurant, but not including a change in the occupants.

Collector Street: A street that collects traffic from local streets and connects with arterials or a street or road functionally classified as a collector by the Maine Department of Transportation.

Commercial Use: the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Curb Cut: The opening along the curb line or street right-of-way line at which point vehicles may enter or leave the street.

Enlargement or Expansion of Structure: An increase of the building footprint and/or increase in the height of the structure beyond its 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 the 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.

Enlargement or Expansion of Use: 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.

Fisheries, Significant fisheries: Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife, Atlantic Salmon Authority, or Maine Department of Marine Resources as having significant value as fisheries and any areas so identified in the municipality's comprehensive plan.

Floor Area: The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

Forest management practices are timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber harvesting, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, and the construction, creation or maintenance of associated roads, except as strictly specified in the Montville Shoreland Zoning ordinance.

Groundwater: All of the water found beneath the surface of the ground. For purposes of aquifer protection, this term refers to the subsurface water present in aquifers and recharge areas.

Hazardous Wastes: As defined by the Maine DEP in the Maine Hazardous Waste Management Regulations, Chapters 850 through 858 that are generally defined by their ignitability, corrosivity, reactivity, or toxicity.

Historic or Archeological Resources: Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource and any areas identified in the municipality's comprehensive plan.

High-impact recreational uses: Recreational uses that have the potential to negatively impact abutters or neighbors in an appreciable or demonstrable manner, such as but not limited to golf courses, shooting ranges, sporting venues, amusement parks, and campgrounds. Such development need not be commercial in nature.

Home Occupation: This term shall include both professional and personal services. It includes those occupations carried on in a dwelling unit or structure accessory to the dwelling unit which:

- a) Are primarily conducted within such unit or structure,
- b) Are clearly incidental and secondary to the use of the dwelling for residential purposes and do not change the character thereof,
- c) Are carried on exclusively by a member or members of the family residing in the dwelling unit, except, however, three additional full-time employees or the equivalent thereof, not residents of the dwelling unit nor members of the family, are additionally included, and,
- d) Where there is hazardous waste, as defined herein, on the site, that a management plan is reviewed and approved by the Planning Board and enforced by the CEO.

Horticultural land use practices are the growing of fruits and vegetables, ornamental and flowers, including the use of greenhouses and the development of greenhouse products.

Impervious Surface: The area covered by buildings and associated constructed facilities, areas which have been or will be covered by a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas, which have been or will be compacted through design or use to reduce their permeability. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen material and oiled, macadam, or other surfaces which similarly impede the natural infiltration of stormwater.

Local Street: A public street or road that is not identified as an arterial or collector. A local street includes a proposed street shown on an approved and recorded subdivision.

Lot Area: The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

Lumber Mill. A land use area that involves the sawing of logs into lumber products.

Lumber Yard. A parcel or building or both where bulk supplies of lumber and other building materials are stored, offered or kept for retail sale and may include storage on or about the premises of such material.

Multi-Family Dwelling: a building containing three or more dwelling units, such buildings being designed for residential use and occupancy by three or more families living independently of one another, with the number of families not exceeding the number of dwelling units. The term also includes commercial space as the principal use.

Natural Areas and Natural Communities, Unique Natural Areas and Natural Communities: Areas identified by a governmental agency such as the Maine Department of Conservation Natural Areas Program as having significant value as a natural area and any areas identified in the municipality's comprehensive plan.

Nonresidential use without structures: Commercial development that occurs with no buildings or structures such as but not limited to: gravel pits, mining operations, cemeteries. The hours of operation at these sites may be limited, if necessary, to avoid adverse impacts on abutters and neighbors.

Principal Structure: A building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal Use: A use other than one that is wholly incidental or accessory to another use on the same premises.

Recharge Area: Area composed of permeable, porous material through which precipitation and surface water infiltrate and directly replenish groundwater in aquifers.

Rural Events Location: the use of a piece of land in Montville to host commercial (paid) events like weddings, conferences, concerts, dinners or other gatherings, typically utilizing existing structures like barns or open fields and requiring site plan adjustments to accommodate non-traditional activities on the property.

Setback, Front: An open area extending the entire width of a lot from lot sideline to lot sideline and extending in depth at a right angle from the street right-of-way to such depth as specified. Such area shall be unoccupied and unobstructed by any building from the ground upward.

Setback, Rear: An open area extending the entire width of a lot from lot sideline to lot sideline and extending at a right angle from the rear property line of such lot to such depth as specified. Such area shall be unoccupied and unobstructed by any building from the ground upward.

Setback, Side: An open area extending along each sideline of a lot between the front setback and the rear setback on such lot and extending at a right angle from the sidelines of such lot to such depth as specified. Such area shall be unoccupied and unobstructed by any building from the ground upward.

Structure: Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground, but not including a tent or vehicle.

Substantial Change: A substantial change shall be an increase of more than 500 square feet or 20% of the existing building footprint, whichever is less, within any three-year period.

Substantially Commenced, Substantially Completed: Construction shall be considered to be substantially commenced when any work beyond the state of excavation, including but not limited

to, the pouring of a slab or footings, the installation of piles, the construction of columns, or the placement of a manufactured home on a foundation has begun. Construction shall be considered to be substantially completed when it has been completed to the point where normal functioning, use, or occupancy can occur without concern for the general health, safety, and welfare of the occupant and the general public. At a minimum it shall include the completion of no less than 70% of the costs of the proposed improvements within a development and shall include permanent stabilization and/or re-vegetation of areas of the site that were disturbed during construction.

Use: The purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

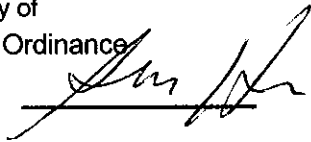
Vegetation: All live trees, shrubs, ground cover, and other plants.

Wildlife Habitat, Significant Wildlife Habitat: Areas identified by a governmental agency such as the Maine Department of inland Fisheries and Wildlife as having significant value as habitat for animals and any areas identified in the municipality's comprehensive plan.

True attested copy of

Site Plan Review Ordinance

Signed

A handwritten signature in black ink, appearing to be "Dan [unclear]", is written over a horizontal line.

Date

3-29-2025

