

## **Article 11 Site Plan Review**

### **Section 1101. Purpose**

The purpose of this Article is to provide for the review of commercial, industrial, institutional and multifamily residential developments that are of a scale that they may affect the environment, the provision of public services, and the value and rights of adjoining properties, and thereby to protect the health, safety, and welfare of the citizens of Saco.

### **Section 1102. Applicability**

This Article shall apply to:

1. Proposals for new construction, outside of an Industrial District, of nonresidential buildings or structures, including accessory buildings or structures, having a total floor area of more than 1,000 square feet.
2. Proposals for new construction in an Industrial District of nonresidential buildings or structures, including accessory buildings and structures, having a total floor area of more than 10,000 square feet.
3. Proposals to enlarge nonresidential buildings or structures, including accessory buildings or structures, by more than 1,000 square feet of ground floor area within a five year period if outside of an Industrial District, or by more than 10,000 square feet if within an Industrial District.
4. Proposals for new construction of multifamily dwellings, or the construction of a multi-unit residential project, or for conversion of single family or two family dwellings to multifamily use, or for enlargement of multifamily dwellings, either by the addition of units within an existing structure or expansion of the structure to accommodate new units. (Amended 11/16/11)
5. Proposals to convert structures in Residential Districts to professional offices.
6. Proposals to pave, strip, or grade, more than 10,000 square feet within a five-year period, or to remove earth materials of more than 10,000 square feet in area within a five-year period.
7. In the B-5 zone, boat building and repair facilities, and marinas, piers, docks, boat

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houses, and port facilities.

8. The addition of any drive-in window.
9. Site developments needing approval under Title 38 M.R.S.A., § 481-488, to the degree permitted under § 489 A, shall be reviewed under the procedures of Article XI, Site Plan Review, of the Saco Zoning Ordinance, and shall meet the standards of Title 38, § 481 to 490, as amended, as well as those in the regulations of the D.E.P., including Chapters 371, 372, 373, 374, 375, 376, 377 and others which may be issued by the D.E.P., which are hereby adopted by reference for projects falling under this article. Projects subject to this section shall also meet the standards of the Saco Zoning Ordinance. The City will notify the Department of Environmental Protection upon the submission of any projects subject to this Article.
10. Site Developments requiring stormwater permits pursuant to Title 38 MRSA Section 420-D shall, to the extent permitted under 38 MRSA Section 489-A, be reviewed under the procedures of Article XI of this Ordinance; and, they shall meet and comply with those Rules promulgated by the Bureau of Environmental Protection pursuant to Section 420-D, specifically Rules 500 and 502, adopted September 22, 2005, said Rules taking effect November 16, 2005, as enacted by by Legislative Resolve, Chapter 87, Public Laws of 2005 (LD 625/HP 458).  
(Amended 3/20/06)
11. Private Roads, See Section 724.
12. Marinas, See Section 731. (Amended 6/2/08)

**Section 1103. Administration**

1. No building permit, plumbing permit, or certificate of occupancy shall be issued by the Code Enforcement Officer or local Plumbing Inspector for any use or development within the scope of this Article until a site plan of development has been approved and signed by the Planning Board, or in the case of minor site plans under Section 1103-7, approved and signed by the City Planner.
2. Every applicant applying for site plan approval shall submit to the planning department twelve (12) copies of a complete site plan of the proposed development which shall be prepared in accordance with Section 1104, accompanied by a fee as

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prescribed by the city's cost recovery ordinance. Applicants submitting minor site plans for review by the City Planner shall submit four (4) copies.

3. After an application is submitted, the planning department within ten (10) working days shall determine whether all information required under Section 1104, or requests for waivers of submission for items that have not been addressed, have been submitted. Any requests for waivers must be explained in detail and supported by substantial evidence where appropriate. If the application appears to be complete, it shall be scheduled for Planning Board consideration within four weeks. Nothing in this subsection shall preclude a determination by the Planning Board that additional information is needed before the application is treated as complete. A determination of completeness by the Planning Board does not constitute approval of any waiver requests, unless a specific finding to that effect is made by the Planning Board. (Amended 7/7/08)
4. Prior to taking final action on a site plan review application, the Planning Board shall hold a public hearing. Property owners shall be notified by first class mail at least seven days prior to a public hearing. Property owners in the Conservation District, any industrial district, the Resource Protection district, or the R-1, R-2, and R-4 districts, shall be notified of the hearing if their property is within six hundred (600) feet of the applicant's property. Property owners in the R-3 district, any business district or MU district shall be notified if their property is within two hundred (200) feet of the applicant's property. Failure of any property owner to receive a notice shall not necessitate another hearing or invalidate any action by the Planning Board. The hearing shall also be advertised in a local newspaper at least seven days prior to a public hearing. (Amended 10/3/11)

Minor site plans shall be subject to first class mail notification requirements as described above.

The applicant shall erect a sign on the lot in question, reading, "Public Notice – This property is the subject of a site plan review application now before the Saco Planning Board. For information please contact the Saco Planning Department, 282-3487." The sign shall be of a size no smaller than two feet by three feet, with two-inch letters in black on a white background, and shall be clearly visible to passersby. (Amended 10/17/01)

5. The Planning Board shall act to approve, approve with modifications or conditions, or disapprove the site plan within thirty (30) days of the close of the

public hearing, or by a date mutually agreeable with the applicant.

6. No application for site plan review shall be considered complete and acted upon by the Planning Board until all conditional uses and/or variances which may be required for the proposed development first have been obtained. The Planning Board may conduct its review of a conditional use, shoreland zoning permit, or subdivision application simultaneously with its site plan review.

7. **MINOR SITE PLANS.** (Amended 2/19/02; 6/6/16)

In order to process site plans more efficiently, site plans for the following items shall be reviewed by the City Planner rather than the Planning Board:

- a. buildings, structures or additions of less than six thousand (6,000) square feet;
- b. Private Roads;
- c. nonresidential buildings or structures in an approved industrial park, including accessory buildings and structures, having a total floor area of not more than 30,000 square feet.

The City Planner shall approve, approve with modifications or conditions, or deny the site plan within fifteen (15) working days of receiving a complete plan. The City Planner shall consider comments from all applicable City departments during the course of plan review. If the City Planner has not acted within fifteen (15) working days the applicant may seek approval from the Planning Board, rather than the City Planner. Inaction by the City Planner does not constitute approval or disapproval of the plan. If a party is not satisfied with the determination of the City Planner, the aggrieved party may appeal the decision to the Planning Board. The City Planner can decline review, for any reason, and forward a minor site plan to the Planning Board for site plan review. Any minor plan that also requires conditional use, subdivision, or any other review by the Planning Board, shall be reviewed by the Planning Board. The City Planner shall, within 30 days, inform the Planning Board and abutters after making a determination on a minor site plan. Any appeal from a determination of the City Planner to the Planning Board shall be governed by Section 1114 hereinbelow.

8. **SITE LOCATION OF DEVELOPMENT AMENDMENT.** Once approved and signed by the Planning Board, no changes may be made to approved plans, without an amended approval from the Planning Board in the case of a major amendment, or from the City Planner in the case of a minor amendment. For the purposes of the Site Location of Development reviews, minor amendments can include any of the following, or similar issues: changes in the record owner, altering phases of development, the addition of accessory structures of less than two thousand

(2,000) s.f. each, the addition of impervious area of less than five thousand (5,000) s.f., the addition of minor site features, such as lighting, signs or other amenities, reductions in performance guarantees, and changes in construction details necessitated by changing circumstances found during construction. In the case of a major amendment, the Board shall conduct a public hearing. Any proposed minor change to a Site Location permit that would require Board approval to amend a local approval, will be referred to the Board. The City Planner will have the authority to refer any changes to the Board if it is determined to be necessary. If the applicant or the abutter is not satisfied with the determination of the City Planner, the applicant or abutter shall be permitted to have the entire application reviewed by the Planning Board, if such a request is made within thirty (30) days of the City Planner's determination. The City Planner shall inform the Planning Board after making a determination on a minor amendment. (Amended 11-7-94)

9. NEIGHBORHOOD MEETING REQUIRED

a. Applicability and Purpose. An applicant intending to file a site plan review application for certain projects shall hold a neighborhood meeting in accordance with the requirements of this section before submitting an application for Site Plan Review. The goal of the meeting is to inform the public about the project and to identify concerns so they might be addressed in the design and review of the project. The neighborhood meeting, as described in this section, shall be held for any potential application for site plan review that involves:

- 1) The construction or expansion of a commercial, industrial, or other nonresidential structure with more than one thousand (1,000) square feet of total floor area that is located in a mixed use or residential zoning district, or that abuts a residential zoning district.
- 2) The construction or expansion of a multi-unit residential project that will create six (6) or more new dwelling units in a mixed use or residential zoning district, or that abuts a residential zoning district.

b. Timing and Location of the Neighborhood Meeting. An applicant for a site plan review shall conduct at least one neighborhood meeting no more than ninety (90) days prior to submitting the site plan application. The meeting shall be held at a convenient city building. All costs associated with the neighborhood meeting shall be borne by the applicant.

c. Procedures for the Neighborhood Meeting.

- 1) Notice. The applicant shall mail notice of the neighborhood meeting to all property owners who will be entitled to receive notice when the site plan

review application is filed and to the Planning Department at least ten (10) days before the meeting. The date of the meeting shall be coordinated with the Planning Department so that a member of the department can attend. The notice shall be mailed by first class mail with a Post Office certificate of mailing. The notice shall contain a brief description of the potential project, the location of the project, the permits for which the applicant will be seeking approval, and the date, time and place of the neighborhood meeting. The Post Office certificate(s) of mailing with the list of the people who were mailed the notice shall be provided to the Planning Department.

2. Digital Copy. The applicant shall provide the Planning Department with a digital copy of the neighborhood meeting notice, at least ten (10) days before the meeting, which the City may forward to other interested persons or groups.

3. Presentation. At the meeting the applicant shall present a summary of the proposed project and a plan or drawing of the project, indicate what permits and licenses are required for the project, and provide adequate opportunity for public questions and comments.

4. Attendance Sheet. At the neighborhood meeting the applicant shall circulate a sign-in sheet for those in attendance who choose to sign. The sign-up sheet shall be submitted to the Planning Department and shall become part of the application submitted to the Planning Board.

5. Minutes. The applicant shall keep minutes of the meeting to be submitted to the Planning Department and, as part of the application, to the Planning Board. Any other person attending the meeting may submit comments on the neighborhood meeting to the Planning Department or Planning Board. (Amended 11/16/11)

## **Section 1104. Submission Requirements**

### **1104-1. BASIC INFORMATION**

When the applicant or his authorized agent makes formal application for site plan review, his application shall contain at least the following exhibits and information. The Planning Board or the City Planner may require the submission of additional information if the submissions below are insufficient to determine whether the application meets the criteria for approval. (For minor site plans submitted under Section 1103-7, four (4) copies of items 1, 2, 3, 4, 8, 9, 11, 12 and 15 from the list below shall be submitted. The City Planner may require additional submissions if these are inadequate to evaluate the plan.)

1. A fully executed and signed copy of the application for site plan review.

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2. Twelve (12) copies of a site plan on paper not larger than 24 by 36 inches nor smaller than 11 by 17 inches, drawn at a scale sufficient to allow review of the items listed under the approval criteria herein, but at not more than 50 feet to the inch for that portion of the total tract of land being proposed for development. (Amended 2/19/02)

The site plan shall be prepared by an engineer, architect, landscape architect, or land surveyor registered in Maine using the following standards:

- a. Plan units; decimal feet, NAD83, Maine State Plane West, vertical datum NAVD1988
- b. Georeferencing; drawing features should be tied into state plane coordinates
- c. Rotation of grid north maintained. Plan data should not be “rotated” in any way which might compromise data coordinate integrity. (Alternately, a ‘dview, twist’ or similar CAD display operation will allow for convenient plotting/layout fitting while still properly maintaining spatial reference.)
- d. Coordinates shall be shown on at least four corners of the site plan. Coordinates shall be referenced to the Maine State Coordinate System. (Amended 3/16/09)

The site plan shall show the following:

- a) owner's and applicant's name and address, names and addresses of consultants who aided in preparing the plan, if any, and the name and address of the person or company leasing the property, if applicable, and, in order to establish right, title and interest, a deed, an executed lease, option, or purchase and sale agreement;
- b) names and addresses of all abutting property owners;
- c) sketch map showing general location of the site within the city and north arrow;
- d) boundaries of the property and of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time;
- e) zoning classification(s) of the property and the location of zoning district boundaries if the property is located in two or more zoning districts or abuts a different zone.
- f) the location and width of all building setbacks required by the Zoning Ordinance;
- g) the location and delineation of site elements, including: all existing and

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- proposed buildings (including dimensions where appropriate), driveways, sidewalks, parking spaces, loading areas, open spaces, large trees, wetlands preservation measures and protection measures, stormwater control facilities, dumpsters and recycling facilities, etc. (Amended 2/19/02)
- h) the location and widths of nearby streets.
  - i) The location and delineation of natural resource areas, historic features and archaeological features of the site including, but not limited to floodplains, wetlands, open drainage courses, sand and gravel aquifers, scenic areas, significant wildlife habitats, habitat areas for rare and endangered plants and animals, deer wintering areas, stands of trees, stone walls, graveyards, fences, unique natural areas, historically significant structures or features, archaeologically significant features, or other important Unusual Natural Areas and site features. (Amended 2/19/02; 2/17/04-3/18/04)
3. Copies of existing and proposed easements, covenants, or deed restrictions.
  4. Copies of applicable local and state approvals and permits, provided however, that the Planning Board or in the case of minor site plans the City Planner, may approve site plans subject to the issuance of specified state licenses and permits in cases where it determines that it is not feasible for the applicant to obtain them at the time of site plan review.
  5. Names and addresses and tax map and lot numbers of all property owners within six hundred (600) feet of the applicant's property if it is located in the Conservation District, any industrial district, the Resource Protection District or the R-1, R-2, and R-4 districts, or within two hundred (200) feet when the applicant's property is located in the R-3 District or any business district.
  6. For site plans in which ten thousand (10,000) square feet of impervious surface will be created, a storm water drainage plan, prepared by a registered Maine Professional Engineer, showing:
    - a) the existing and proposed method of handling storm water run-off;
    - b) the direction of flow of the run-off through the use of arrows;
    - c) the location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewer engineering calculations used to determine drainage requirements based upon the 2, 10, 25 and 50 year 24 hour storm event that show the predevelopment and postdevelopment runoff rates. If the postdevelopment runoff rate exceeds the predevelopment runoff rate on-site



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- mitigation measures, such as detention basins or flow restrictors, shall be required unless a drainage plan prepared by a Maine registered engineer demonstrated that the increase has no adverse impact to the downstream conditions.
7. Existing and proposed topography of the site at two (2) foot contour intervals, or such other interval as the Board may determine.
  8. A utility plan showing provisions for water supply and wastewater disposal including the size and location of all piping, holding tanks, leach fields, and showing the location and nature of all electrical, telephone and any other utility services to be installed on the site.
  9. A landscape plan, with a planting schedule keyed to the site plan and indicating the varieties and sizes of trees, shrubs and other plants to be planted on the site.
  10. A standard boundary survey by a registered land surveyor showing the location of all property lines. The Board may waive the requirement of a boundary survey when sufficient information is available to establish, on the ground, all property boundaries.
  11. The location, size and character of all signs.
  12. A waste disposal plan describing how all solid waste will be handled on site, how it will be removed from the site, the disposal facilities to which it will be transported, and, if the waste is of an unusual nature, information indicating that a suitable disposal facility will accept the waste. For businesses which use industrial chemicals and produce hazardous waste, the name, amount, and nature of all chemicals used, and the manner of disposal of all chemical, hazardous and industrial wastes.
  13. A medium intensity soils map of the site. (This may be obtained at the Planning Office.) The Board may require a high intensity soils map if issues of water quality, wetlands, or other natural constraints are noted.
  14. For projects which will create over ten thousand (10,000) square feet of impervious surface, a plan showing the methods of controlling erosion and sedimentation both during and after construction, including a written description of these methods and a schedule for implementing them in accordance with the

requirements of the York County Soil and Water Conservation District.

15. An estimate of the amount and type of traffic generated daily and at peak hours. For sites that generate more than four hundred (400) one-way vehicle trips per day, a traffic impact analysis, prepared by a licensed professional engineer with experience in traffic engineering and transportation, shall be submitted. The study area should extend, at a minimum, to intersections where traffic attributable to the subdivision equals or exceeds 35 vehicles in a lane in a peak hour. The analysis shall show, at a minimum, (1) existing traffic volumes, (2) proposed traffic generation, (3) proposed access, (4) types of vehicles expected, (5) effect on level of service within the study area, (6) sight lines, and (7) accident history in the study area. The report will recommend improvements both on site and off site to meet the requirements of this ordinance. (Amended 4/30/07)
  
16. A hydrogeologic assessment may be required by the Board for projects in which groundwater quality is a concern. Such instances include, but are not limited to, sites:
  - A. Over a sand and gravel aquifer;
  - B. Not served by public water or sewer;
  - C. Where the depth to groundwater is less than 48 inches;
  - D. In soils rated by the SCS Soil Survey as poor or very poor for subsurface septic systems;
  - E. In coarse soils categorized as having "severe" limitations for septic systems;
  - F. Where a septic system of over 2000 gallons per day is proposed.

When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:

- A. A map showing the basic soil types;
- B. The depth to the water table at representative points throughout the lot;
- C. Drainage conditions throughout the project;
- D. Data on the existing ground water quality, from test wells in the project or from existing wells on neighboring properties;
- E. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the project and within 200 feet of the project boundaries;
- F. An analysis and evaluation of the effect of the project on ground water resources. In the case of residential developments, the evaluation shall, at a

minimum, include a projection of post development nitrate - nitrogen concentrations at any wells within the project, at the project boundaries, and at a distance of one thousand (1000) feet from potential contamination sources, whichever is a shorter distance. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).

17. If the project is subject to the stormwater quality standards of Section 805-2, a stormwater quality management plan that includes the following:
  - a. A narrative describing how the site is oriented within the watershed, identifying downstream waterbodies including wetlands, and addressing the potential effects of site runoff. The narrative shall identify and discuss the stormwater treatment methods proposed to be used on the site.
  - b. A plan showing relevant existing contours, proposed contours, existing and proposed subwatersheds, proposed topographic features, and existing and proposed site features including buildings and other facilities, natural and manmade drainageways, streams, channels, culverts, catch basins, and stormwater treatment facilities. The plan shall include detail drawings of the stormwater Best Management Practices proposed to be used and the location of both structural and non-structural BMPs.
  - c. Calculations demonstrating that the proposed stormwater treatment facilities will meet the standards of Section 805-2.
  - d. A stormwater facilities management plan which sets forth the types and frequencies of proposed maintenance activities needed to maintain the efficiency of the stormwater treatment facilities and which identifies the party that will be responsible for carrying out each maintenance activity and for submitting the Annual Maintenance Report and the proposed institutional arrangements that will assure that all maintenance occurs as proposed.  
(Amended 6/18/2001)
18. A lighting plan, prepared by a qualified lighting professional, showing at least the following at the same scale as the Site Plan:
  - a. The location of all buildings, landscaping, parking areas, and proposed exterior lighting fixtures;

- b. Specifications for all proposed lighting fixtures including photometric data, designation as “cut-off” fixtures, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information on the fixtures;
- c. The proposed mounting height of all exterior lighting fixtures;
- d. Analyses and illuminance level diagrams or photometric point by point diagrams on a twenty foot grid showing that the proposed installation conforms to the lighting level standards of this ordinance together with statistical summaries documenting the average illuminance, maximum illuminance, minimum illuminance, average to minimum uniformity ratio, and maximum to minimum uniformity ratio for each parking area, drive, canopy, and vehicle sales or storage area; and
- e. Drawings of all relevant building elevations showing the fixtures, the portions of the walls to be illuminated, the illuminance levels of the walls, and the aiming points for any remote light fixtures.

19. **ARCHAEOLOGICAL OR HISTORICAL SITES** Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or known by the City to be eligible to be listed on the National Register of Historic Places shall be submitted by the applicant to the Maine Historic Preservation Commission and the Saco Historical Preservation Commission (as appropriate) for review and comment prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commissions prior to rendering a decision on the application. (Amended 2/19/02)

20. A design analysis demonstrating how the project conforms to the design standards of Section 729 including any district specific additional requirements. This analysis must address each of the applicable design standards and allow the Planning Board to determine if each standard has been met. The analysis must provide information about the proposed development and the characteristics of neighboring properties and the adjacent neighborhood and an analysis demonstrating how the proposed development meets the standards. This analysis should include plans, building elevations, visual simulations, and a narrative as appropriate to document conformance with the standards. (Amended 11/16/11)

### **Section 1105. Waiver of Submission Requirements**

The Planning Board, or in the case of a minor site plan, the City Planner, may waive any of the submission requirements of this Article when it is determined that the scale of the project is of such limited size or the project is of such a nature as to make the information unnecessary.

**Section 1106. Approval Criteria**

The following criteria are to be used by the Planning Board, or in the case of a minor site plan, the City Planner, in judging applications for site plan reviews and shall serve as minimum requirements for approval of the site plan. The site plan must also comply with the specific design standards in Articles 7 and 8 of this ordinance, as well as all other sections of this ordinance. The site plan shall be approved unless in the judgment of the Planning Board, or in the case of a minor site plan, the City Planner, the applicant is not able to reasonably meet one or more of these standards. In all instances the burden of proof shall be on the applicant.

1. GENERAL

The proposed use will meet the specific requirements set forth in this Ordinance, other local ordinances, and will be in compliance with applicable state or federal laws.

2. COMPATIBILITY WITH NEIGHBORING BUILDINGS

The bulk, location, and height of proposed buildings and structures, shall be compatible with neighboring properties.

3. NATURAL FEATURES

The building and other improvements shall be oriented with respect to the natural features of the site, preserve the natural landscape insofar as practical, and minimize grade changes.

4. PUBLIC SAFETY

The proposed use will provide adequate access to the site, and to the buildings on the site, for emergency vehicles at all times of the year, and will not create fire safety hazards or other safety hazards.

5. LIGHTING

The proposed exterior lighting will not create glare, or create hazards to motorists traveling on adjacent public streets, is adequate for the safety of occupants or users of the site and will not damage the value and diminish the usability of adjacent properties.

6. LANDSCAPING

The provisions for buffers, screens and on-site landscaping will minimize the impact of detrimental features of the proposed use on neighboring property, shall define,

soften, or screen the appearance of parking areas from public rights-of-way and abutting properties, and shall meet the specific requirements of Sections 708 and 807.

7. OFF SITE IMPACTS

The proposed use will not have a significant detrimental effect on the use and peaceful enjoyment of abutting property as a result of noise, vibrations, fumes, odors, dust, or other cause, and shall meet the standards of this ordinance and other city ordinances regulating these impacts.

8. VEHICLE CIRCULATION AND PEDESTRIAN ACCESS

The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets will not create hazardous and unsafe conditions, and are designed in accordance with the standards of Article 7 of this ordinance.

9. FLOOD HAZARDS

The design of the site will be in conformance with applicable flood hazard protection requirements.

10. WASTEWATER

Adequate provision has been made for disposal of wastewater.

11. SOLID WASTE

Adequate provision has been made for the disposal of solid waste as required by state law and local ordinance, including provisions for recycling.

12. EROSION CONTROLS

Adequate provision has been made to control erosion or sedimentation and that the standards of Section 806 shall be followed.

13. DRAINAGE

Adequate provision has been made to manage storm water run-off and other drainage problems on the site and the plan conforms with Section 805. If the postdevelopment runoff rate exceeds the predevelopment runoff rate on-site mitigation measures, such as detention basins or flow restrictors, shall be required unless it is demonstrated that the increase has no adverse impact to the downstream conditions. Adequate provision has been made for maintenance of drainage facilities.

14. WATER SUPPLY

The proposed water supply will meet the demands of the proposed use and the demands for fire protection purposes and will not cause a degradation of service in the area.

15. HAZARDOUS MATERIALS

Adequate provision has been made for the transportation, storage and disposal of hazardous substances and materials as defined by state and federal law, and city ordinance.

16. WILDLIFE, SCENERY, AND UNIQUE AND CRITICAL AREAS

The proposed use will not have an adverse impact on significant scenic vistas or on significant wildlife habitat, or identified unique and critical natural areas that could be avoided by reasonable modification of the plan.

17. TRAFFIC CONDITIONS

The use will not cause unreasonable safety hazards on public roads and will not result in a decrease in level of service below LOS D at intersections. The Board may consider a lower level of service at unsignalized intersections provided further physical improvements cannot be made to improve the level of service and provided that warrants for a traffic signal are not met, or signal installation is not desirable and the Board finds that adequate provisions for safety can be attained through imposing conditions of approval such as restrictions including one-way driveways and/or prohibiting certain turning movements, construction of turning lanes, sidewalks, bicycle paths, or other improvements, payment of a Traffic Mitigation Fee, or through a program of Transportation Demand Management measures. (Amended 4/30/07)

18. WATER QUALITY

A. Surface Water: The proposed development will conform to the following standards:

- 1) The project will not discharge any water pollutants which affect the state classification of any water body (38 M.R.S.A. § 363 et seq.)
- 2) The project will conform to the stormwater quality standards of section 805-2.
- 3) The project will not change water temperatures more than permitted by DEP regulations 582-1 through 582-8.

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- B. Ground Water: The proposed development will not increase any contaminant concentration in ground water to more than one half of the Primary Drinking Water Standards, nor shall it increase any contaminant concentration in ground water to more than the Secondary Drinking Water Standards.

19. UTILITIES

The development shall not impose an unreasonable burden on sewers and storm drains, water lines or other public utilities.

20. SPECIAL FEATURES OF DEVELOPMENT

Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings and similar structures shall have sufficient setbacks and screening to provide an audio/visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.

21. ADDITIONAL STANDARDS IN SHORELAND AREAS

For applications in the RP, SR, and SO Districts, the Planning Board shall find that the project:

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
6. Will protect archaeological and historic resources as in accordance with the comprehensive plan;
7. Will not adversely affect existing commercial fishing or maritime activities in a Marine Business and Residential District;
8. Will avoid problems associated with flood plain development and use; and
9. Is in conformance with the provisions of Section 7.1-3 Land Use Standards;
10. If located in a structure, the structure is located in an approved subdivision and will not violate any other local ordinance or regulation or any State law which Saco is responsible for enforcing. (Amended 4/3/02)

22. MASTER PLANNED DEVELOPMENTS IN THE MU-3 AND MU-4 DISTRICTS



When the application for site plan review involves a project that is located in a Master Planned Development for which a Master Plan has been approved by the Planning Board, the Planning Board must find that the project is consistent with the approved Master Plan and its development standards. (Amended 7/1/13)

**Section 1107. Conditions of Approval**

The Planning Board, or in the case of a minor site plan, the City Planner, may attach such conditions, in addition to those required elsewhere in this Ordinance, that it finds necessary to further the purposes of this Ordinance. Such conditions may include, but are not limited to, specifications for: type of vegetation, specified sewage disposal and water supply facilities, landscaping and planting screens, period of operation, operational controls, professional inspection and maintenance, sureties, deed restrictions, phasing of construction, restrictive covenants, type of construction, or any other reasonable conditions necessary to fulfill the purposes of this Ordinance.

**Section 1108. Endorsement of Plan**

At the time of final approval of a site plan the applicant shall submit one reproducible clear film copy and three paper copies of the plan for the Planning Board's signature, to be maintained in city records.

**Section 1109. Changes in Plan (Amended 6/6/16)**

Any proposed significant change to a major site plan must be reviewed and approved by the Planning Board at public hearing, and no action may be taken without all parties having notice and opportunity to present evidence and argument. Any proposed minor change to a major site plan, and any proposed changes of any nature in minor site plans, and any other decisions expressly delegated to the City Planner as part of a plan approval, may be reviewed and approved by the City Planner without further public hearing but notice of decisions by the City Planner shall be sent within 30 days to all previously noticed parties, including abutters, to assure appeal rights under Section 1114 below. Examples of minor changes include but not limited to: changes in the record owner, altering phases of development, the addition or alteration of minor site features such as lighting, signs or other similar amenities, the timing or scheduling of building or site work if necessitated by cold weather. The decision as to what constitutes a minor change shall be made by the City Planner, and the decision is presumed to be reasonable until established otherwise. Construction not performed according to the approved plan or in violation of any approved conditions placed on a plan shall be a violation of this ordinance.

**Section 1110. Financial Guarantees**

The Planning Board, or in the case of a minor site plan, the City Planner, may require the posting with the city, prior to the start of site work or issuance of a building permit, either an escrow account established with the City, or a certified letter of credit, or a passbook account established at a state or federally chartered bank or credit union that names the City as either account holder or co-holder. The consent of the City shall be required for any withdrawal. Said account or letter of credit shall be found suitable by the city, so as to ensure the completion of all site improvements. The financial guarantee shall include date of completion for the project. The City shall have access to the site at all times to review the progress of the work and shall have the right upon default to enter on to the site and perform the work necessary to remedy the default. (Amended 3/16/09)

**Section 1111. Time Limits on Site Plan Approvals**

If substantial construction is not commenced within twelve (12) of the Planning Board's approval of a site plan, the site plan approval shall be null and void. Substantial construction shall mean the completion of a foundation, addition, or other evidence satisfactory to the Planning Department. The deadline may be extended for two additional twelve (12) month periods by the City Planner upon the written request of the applicant. The written request for an extension must be submitted before the date of expiration of the site plan approval. After the site plan approval has expired or an extension denied by the City Planner, the applicant may reapply for site plan review at any time without prejudice. (Amended 7/16/12)

The City Planner shall approve the request for an extension unless one of the following occurs:

- a. additional information that indicates that the plan does not meet the standards of the zoning ordinance;
- b. failure to meet a condition of approval;
- c. an amendment in the zoning ordinance that prohibits or alters the proposed site plan.

For site plans approved before the adoption of this Section (formerly Section 1107) on September 19, 1989, if substantial construction is not commenced one year after the adoption of this amendment on March 2, 1992, the site plan approval shall be null and void.

**Section 1112. As-Built Plans** (Amended 11/07/05; 3/16/09)

## Article 11 - Site Plan Review

As-built plans shall be prepared by an engineer, architect, landscape architect, or land surveyor registered in Maine. Prior to the release of the Letter of Credit and Inspection Fee Account, the developer shall submit to the Planning Office a digital copy of the Final Site Plan approved by the Planning Board, and including all approved amendments to the plan during construction. The digital data shall be a single composite AutoCAD (up to Release 2007) drawing file as well as a 'pdf' file, and may be submitted on CD-ROM, via e-mail, or other format acceptable to the City Planner. The following standards shall be followed:

- a. Plan units; decimal feet, NAD83, Maine State Plane West, vertical datum NAVD1988
- b. Georeferencing; drawing features should be tied into state plane coordinates
- c. Rotation of grid north maintained. Plan data should not be "rotated" in any way which might compromise data coordinate integrity. (Alternately, a 'dview, twist' or similar CAD display operation will allow for convenient plotting/layout fitting while still properly maintaining spatial reference.)
- d. Coordinates shall be shown on at least four corners of the site plan. Coordinates shall be referenced to the Maine State Coordinate System.
- e. AutoCAD (up to Release 2007) drawing or equivalent
- f. Any dependent external referenced (xref's) should be bound to the drawing file(s)
- g. Drawing layers should be named in a logical fashion to allow identification of features; preferably, all drawings should be accompanied by a file that describes the layer structure
- h. Significant proposed polygon features, ie: building footprints, parking areas, driveways, should be closed 2d polylines (looped for closure).

As-built plans for the electrical system shall be submitted separately, and either prepared or approved in writing by a licensed electrician. The electrical as-built plan shall include:

- a. Cross section every fifty (50) feet.
- b. Cross section where a substantial change in a conduit run occurs.
- c. Length, size and use of all conduit and conductors.

### **Section 1113. Penalties**

In addition to any other penalty authorized under this ordinance, the Planning Board, after holding a public hearing on an alleged violation, may revoke a site plan approval if it is determined that a violation has occurred.

**Section 1114. Appeals** (Amended 6/6/16)

The exclusive remedy from decisions of the Planning Board by the applicant or abutter on site plans (both major and minor) is an appeal to Superior Court under Rule 80B of the Maine Rules of Civil Procedure, or any successor rule or statute. Appeals of decisions by the City Planner as to major or minor site plans by the applicant or abutter, including plan changes proposed during construction pursuant to Section 1109, shall be made to the Planning Board within 30 days of the date of the decision. The review and appeal from decisions of the City Planner shall be conducted as a de novo matter, and the Board may hear and take new evidence and testimony. Thereafter, any appeal by the applicant or abutter shall be to Superior Court. (Amended 2/19/02)