

Sec. 13-300 Site Design Review Ordinance.

1. Title.

This Section shall be known and may be cited as the "*Site Design Review Ordinance of the City of Caribou*".

2. Administration.

The Planning Board of the City of Caribou shall administer this Section.

Sec. 13-301 Applicability of Site Design Review.

1. Site Design Review in conformity with the criteria and standards of this Section shall be required for the following:

- A. Uses in each District which require Site Design Review as identified in the land use chart, above;
- B. A change in use when the new use is subject to Site Design Review;
- C. Resumption of conforming uses which have been discontinued for at least one (1) year which would require Site Design Review if being newly established;
- D. The construction of a commercial building, industrial building, or other non-residential building when the gross impervious surface is 6000 square feet or greater;
- E. The addition(s) to a commercial building, industrial building, or other non-residential building, having a total gross floor area in excess of four thousand (4000) square feet cumulatively within a three (3) year period;
- F. The construction of any parking area(s) in excess of ten (10) parking spaces;
- G. The construction of any impervious surface in excess of four thousand (4000) square feet cumulatively within a three (3) year period;
- H. The alteration of a water course, ditch, or swale;
- I. The change of use of any portion of any existing building or structure in excess of four thousand (4000) square feet cumulatively within any three (3) year period;
- J. The change in on-site vehicle access of any existing parking lot or driveway; or
- K. Filling, grading, or excavation projects which move in excess of one thousand (1000) cubic yards of materials.

2. Site Design Review shall not be required for:

- A. Single-family and two-family (duplex) residential dwelling unit development, including their basement excavations.
- B. Multi-family, cluster, and mobile home park development, including their basement excavations. (It shall be noted that multi-family, cluster, and mobile home park development, including their basement excavations will require subdivision review.)
- C. The normal and customary repairs, replacement, and/or maintenance not requiring structural elements, decorative changes in existing structures or buildings, provided that the activity is in conformance with federal, state, and/or local laws and does not involve any other physical modifications or changes requiring a permit under this Ordinance.
- D. The normal and customary practices and structures associated with agriculture and borrow pits approved or established prior to the effective date of this Ordinance.

Sec. 13-302 Site Design Review Procedure and Requirements.

1. Site Design Approval.

- A. All applicable development projects shall require the review and approval of the Planning Board or CEO as provided by this Ordinance.
- B. A public hearing may be scheduled for any application if the proposed development poses the potential for significant impacts to municipal facilities or natural resources. Said hearing shall be conducted prior to final action on the application.
- C. All site design approvals shall expire within one (1) year of the date of final approval, unless work thereunder is

commenced and 50 percent of the approved Plan is completed and an extension is approved by the CEO for an additional year. If work is not completed within two (2) years from the date of final approval, a new application must be made. There will be no additional charge.

- D. In the event that a site design is recorded with the Registry of Deeds without final approval, the design shall be considered null and void, and the CEO shall institute proceedings to have the design stricken from the records of the Registry of Deeds. Any site design not recorded in the Registry of Deeds within ninety (90) days of the date of final approval shall become null and void.
- E. Final approval of a site design shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the Plan to be dedicated to the municipality, approval of the design shall not constitute an acceptance by the municipality of such areas. The CEO or Planning Board shall require the design to contain appropriate notes to this effect. The CEO or Planning Board may also require the filing of a written agreement between the applicant and the municipal officers covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

2. Site Design Notification.

- A. The City Clerk shall notify all property owners within (500) feet of the property involved and such other property owners as the CEO or Planning Board may deem necessary. It shall be the responsibility of the applicant to supply the names and mailing addresses of the abutting or other identified property owners. Failure to provide full documentation could delay the application. The notice shall include a description of the nature of the applicant's proposal and the time and place of any meeting or the public comment time period required.
- B. The City Clerk shall notify the identified property owners of the application at least fourteen (14) days before the first workshop meeting and first public meeting, if a public meeting is necessary, where the application will be discussed. A final decision shall not be made on the application for a period of thirty (30) days after the date the CEO or Planning Board has determined that the application is complete to provide an opportunity for public comment.
- C. The agenda of any meetings shall be published in a local newspaper at least seven (7) days before the date of the meeting and displayed in two (2) places of general public access. The agenda notice shall include a brief description of the application and the Ordinance(s) by which the proposal is to be reviewed.

3. Fees and Guarantees.

- A. An application for site design approval shall be accompanied by a fee of ninety dollars (\$90) plus ten dollars (\$10) per 2,000 square feet of total gross floor area for commercial, industrial, or other non-residential applications. This application fee shall be made payable to the "*City of Caribou*" and shall not be refundable.
- B. The CEO or Planning Board may request the City Council require that an expert consultant(s) review one or more submissions of an application and report as to compliance or non-compliance with this Ordinance, and advise if necessary, of procedures which will result in compliance. The consultant shall estimate the cost of such review and the applicant shall deposit with the municipality the full estimated cost which the municipality shall place in an escrow account. The municipality shall pay the consultant from the escrow account. If the balance in the escrow account is drawn down by 75 percent, the CEO shall notify the applicant and require an additional amount. Any balance in the account remaining after a final decision on the application has been rendered shall be returned to the applicant. The consultants shall be fully qualified to provide the required information and shall be mutually acceptable to the municipality and the applicant.
- C. At the time of final approval, the applicant may be required to tender a performance guarantee (See: Sec. 13-750, "*Performance Guarantees*") adequate to cover the total costs of all required improvements, taking into account the time-span of the guarantee and the effects of inflation upon costs. The conditions and amount of the guarantee shall be reasonably necessary to ensure the completion of all improvements required as condition of approval of the application, in such form as approved by the CEO or Planning Board and the City Council. The municipality shall have access to the site to review the progress of the work and shall have the authority to review all records and documents related to the project.

- D. The applicant shall provide a one year defect bond upon completion of all public improvements. The amount of the defect bond shall be ten percent (10%) of the amount of those public improvements approved as part of the site design. The bond shall be placed in an account in the municipality's name. The bond, including accrued interest, remaining in the account and which has not been spent or appropriated shall be returned to the applicant within three-hundred and sixty-five (365) days from date of final approval.
- E. Irrespective of any other provision of this Ordinance, the application shall not be considered complete if the applicant fails to pay any of the fees, bonds, or guarantees, or appeals any fee, bond, or guarantee determination. If the applicant appeals the payment of any fees, bonds, or guarantees to the Board of Appeals, the Board shall decide whether the fee, bond, or guarantee is reasonable for the purpose found necessary. The fee, bond, or guarantee shall be placed into an appropriate account in the municipality's name. The money, including any accrued interest, remaining in the account and which has not been spent or appropriated, shall be returned to the applicant within thirty (30) days from date of final approval.

4. Site Design Application and Review Process.

- A. A person informed by the CEO that they require site design review approval shall file a site design review application with the CEO on forms provided for the purpose. It shall be the responsibility of the applicant to demonstrate that the proposed use meets all of the design criteria and standards, herein.
- B. All applications shall be made by the owner of the property or their agent, as designated in writing by the owner. A site design application must be diligently pursued from the date of submission.
- C. The CEO shall make an initial determination of the completeness of all applications. An application requiring review and approval by the Planning Board shall be subject to the final determination by the Planning Board. An application requiring review and approval by the CEO shall be subject to the final determination by the CEO. Any application which the CEO initially determines to be incomplete shall be returned to the applicant by the CEO with a written notice of the additional information required. The written notice shall set forth those items which need to be submitted and that the applicant will have one hundred and twenty (120) days to complete the application. If the applicant fails to submit any item specified within the one hundred twenty (120) days of the date of said notice from the CEO, the application shall expire and shall be deemed null and void. Nothing in this Section shall prevent the CEO from requiring additional information as otherwise permitted or required by the terms of this Ordinance. At such time that the additional information has been supplied, the CEO shall pass the application on for review and final determination of completeness.
- D. An application shall not be considered as having pending status and shall be subject to changes in local, state, or federal laws until at which time it has been determined to be a complete application.
- E. The CEO or Planning Board may require the applicant to undertake any study which it deems reasonable and necessary to insure that the requirements of the Ordinance are met. The cost of all such studies shall be borne by the applicant.
- F. The following application process shall be followed to facilitate site design review.
 - 1. Upon receipt of an application for site design review, the CEO shall determine and schedule the development for either concept or Final Plan review. The CEO may advise the applicant whether Concept Plan review is appropriate prior to submission of a Final Plan; however, the applicant shall determine whether to seek concept or Final Plan review prior to submitting an application for Final Plan review. Neither concept or Final Plan review shall occur unless there is evidence that the required public notice has been given and the material required by this Ordinance is filed in a timely manner. The application is distributed to the appropriate municipal departments. Final determination as to the completeness of applications for Concept Plan and Final Plan review shall be made by the CEO or Planning Board, whichever is the reviewing authority.

2. Concept Plan Review.

Concept Plan review is intended to provide the applicant with an opportunity to discuss the proposed development; obtain CEO or Planning Board comments prior to expending significant resources in furtherance of specific development plans; and gain an understanding of the review procedures, requirements, and standards. The CEO or Planning Board may identify issues that are to be addressed in the Final Plan application. No decision is made during Concept Plan review.

3. Final Plan Review.

Within sixty (60) days after determining that an application is a complete, a public hearing on the proposed development may be called if the development poses the potential for significant impacts to municipal facilities or natural resources, or either the applicant, CEO, or the Planning Board determines that additional workshops are necessary. The CEO or Planning Board shall issue a written decision approving, approving with conditions, denying, or tabling the Final Plan,. If the CEO or Planning Board tables the item, an additional public hearing must be held. If the CEO or Planning Board shall vote to approve the site design application, the CEO shall issue a permit, provided that all other requirements of the Ordinance are met.

4. Statement of Findings.

All findings and decisions by the CEO or Planning Board denying or conditionally approving any site design shall be made in writing or reduced to writing within thirty (30) days of the decision and shall state the reason(s) therefore sufficient to appraise the applicant and any interested member of the public of the basis for the decision. The decisions regarding site designs are appealable by the applicant or an abutter to the Board of Appeals. Decisions of the Board of Appeals are appealed to the Superior Court.

5. Applications Requiring Other Public Agency Review.

- a. The CEO or Planning Board may approve complete final applications subject to the condition that all necessary permits be received from agencies such as, but not limited to, the Army Corps of Engineers, Maine Department of Environmental Protection, Maine Department of Transportation, or Maine Department of Human Services. However, the CEO or Planning Board may require that approvals required by state or federal law be submitted to the municipality prior to final approval upon finding that the permits from state or federal agencies may have a significant effect on the site design application.
- b. The CEO or Planning Board may request copies of the application to be forwarded to other municipal committee(s). The comments of the committee(s) are advisory to the CEO or Planning Board and shall pertain to the application's conformance with the review criteria of this Ordinance. The CEO or Planning Board may postpone final decisions regarding the application until such time as the comment from the municipal committee(s) has been submitted.

5. Site Design Application Requirements.

A. Required Number of Copies.

Final application for site design review shall consist of five (5) copies of the required information. The applications are to be submitted to the CEO no later than twenty-one (21) days prior to the meeting at which the item is to be heard.

B. Concept Plan.

1. The CEO or Planning Board may review applications as a Concept Plan. These are applications that do not meet the Final Plan requirements. At a minimum, Concept Plan applications shall include the following information:
 - a. Concept Plan Requirements.

1. Name and address of the owner of record and applicant (if different);
2. Name of the proposed development;
3. Names and addresses of all property owners within 500 feet of the edge of the property line and others indicated by the Planning Board as being impacted;
4. Names and addresses of all consultants working on the project;
5. Graphic scale and north arrow;
6. A copy of the deed to the property, option to purchase the property, or other documentation to demonstrate right, title, or interest in the property on the part of the applicant;
7. Location and dimensions of any existing or proposed easements and copies of existing covenants or deed restrictions;
8. Name, registration number, and seal of the land surveyor, architect, engineer, and/or similar professional who prepared the Plan;
9. All property boundaries, land area, and zoning designations of the site, regardless of whether all or part is being developed at this time;
10. Size, shape, and location of existing and proposed buildings on the site including dimensions of the buildings and setbacks from property lines;
11. Location and layout design of vehicular parking, circulation areas, loading areas, and walkways including curb cuts, driveways, parking space and vehicle turn around area dimensions;
12. Location and names of streets and rights-of-way within and within 200' adjacent to the proposed development;
13. Proposed finish grades and graphic arrows indicating the direction of storm water runoff;
14. Conceptual treatment of on and off site storm water management facilities;
15. Location and sizes of existing and proposed sewer and water services including connections;
16. Conceptual treatment of landscaping buffers, screens, and plantings;
17. Location of outdoor storage areas, fences, signs (front view and dimensions) , advertising features, and solid waste receptacles;
18. Context map illustrating the area surrounding the site which will be affected by the proposal including all streets, sidewalks, intersections, storm water drainage ways, sanitary sewer lines and pump stations, nearby properties and buildings, zoning Districts, and geographic features such as, but not limited to, wetlands, natural features, historic sites, flood plains, significant scenic areas, and significant wildlife habitats as provided in the Comprehensive Plan; and
19. Plans for all proposed exterior lighting including the location, type of light, radius of light, manufacturer's specifications sheet, and the ground level intensity in foot-candles.

b. Project Description.

The project description is to describe the proposal, its scheme of development, and proposed land uses. The project description shall also include estimates from qualified professionals as to the anticipated gallons per day of wastewater, the number of vehicles entering and leaving the site during the day (and at peak traffic hours), the increased amount of stormwater runoff, and the rate of the stormwater runoff of the post-development site.

C. Final Site Design Plan.

The Final Site Design Plan application shall include all information required in the Concept Plan requirements, above and in addition shall require the following information:

1. Boundary Survey. Prepared by a licensed Maine surveyor indicating the boundaries, artificial monuments, encumbrances, and topography of the site.
2. Stormwater Management Plan. Prepared by a Maine Registered Engineer analyzing the proposal's impact on existing stormwater facilities and watersheds. The stormwater management plan shall include a map of all watersheds significantly impacted by the proposal and identify all areas of existing or anticipated flooding, locations of existing and proposed culverts, pipes, detention ponds, and flow restrictions to be affected by the proposal. The stormwater management plan shall comply with the review criteria found in this Ordinance.

3. Finish Grading Plan. Prepared by a Maine Registered Engineer or landscape architect indicating the final grading of the site, the amount of fill to be imported to or exported from the site, and graphic arrows indicating the direction of storm water run off.

4. Site Improvement Details. Including sufficient information to enable the creation of an itemized cost estimate for all required on/or off site improvements.

5. Building Elevations. Scale plans of exterior building surfaces including materials, doorways, and advertising features.

6. Additional Information. Additional information as deemed necessary to review the proposal's conformance with the site design review criteria and Sec. 13-700, "*General Requirements*". Additional information may address items such as, but not be limited to, traffic, wetlands, high intensity soils, environmental analyses, or the interpretation of the data by municipal consultants. Additional information shall be financed pursuant to the consulting fees of this Ordinance.

7. General topography of the site.

8. High intensity soils classifications of the soils located on the site.

9. A copy of any variances granted or deed restrictions on the subject use or property. Such variances and/or restrictions shall be noted on the final (recording) copy of the plan.

D. Waiver of Required Information.

The CEO or Planning Board may waive the submittal of required application materials upon finding that the specific information is unnecessary in order to review the application's conformance. Such waiver(s) shall be noted on the final (recording) copy of the plan.

E. Final Copies of the Plan.

The applicant shall submit three (3) signed copies of the final approved plan to the CEO. One copy shall be forwarded to the Planning Board as part of its permanent records. One copy shall be forwarded to the Tax Assessor. One copy shall be kept by the CEO.

Historical Note: Section 13-302 §3A as amended April 24, 2006.

Sec. 13-303 Site Design Review Criteria.

The following criteria shall be utilized by the CEO or Planning Board in reviewing applications for site design approval. The standards are not intended to discourage creativity, invention, or innovation. The CEO or Planning Board may waive the criteria presented in this subsection upon a determination by the CEO or Planning Board that the criteria are not applicable to the proposed development or are not necessary to carry out the intent of this subsection. The CEO or Planning Board shall approve or approve with conditions the site design plan, unless the plan does not meet the intent of the following criteria and standards.

A. Conformance with Comprehensive Plan. The proposed development shall be located and designed in such a manner as to be in conformance with the municipality's comprehensive plan.

B. Traffic. The proposed development will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways, public roads or pedestrian walkways existing or proposed. Vehicular access to the site shall be on roads which have adequate capacity to accommodate the additional traffic generated by the development. The Planning Board may require mitigation when the proposed development is anticipated to result in a decline in service, below Level of Service "C", of nearby roadways of intersections. Levels of service are defined by the Highway Capacity Manual, Special Report #209, published by the Research Board, National Research Council, Washington DC, 1985. If an existing intersection is functioning at a Level of Service of "D" or lower prior to the development, the project shall not reduce the current level of service. A copy of the application shall be provided to the appropriate municipal authority(s), and to the Maine Department of Transportation if on a state maintained road, for timely review and comment. The Planning Board may approve a development not meeting this requirement if the applicant demonstrates that:

1. A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard; or
 2. The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will guarantee the completion of the improvements within one (1) year of project approval.
- C. Site Access. Vehicular access to the development shall provide for safe and convenient access and shall be in conformance with Sec. 13-710, "*Access Management, ...*". A copy of the application shall be provided to the appropriate municipal authority(s), and to the Maine Department of Transportation if on a state maintained road, for timely review and comment.
- D. Parking and Vehicle Circulation. The proposed development provides for adequate parking and vehicle circulation and shall be in conformance with Sec. 13-710, "*Access Management, ...*". A copy of the application shall be provided to the appropriate municipal authority(s) for timely review and comment. The layout of the site shall provide for the safe movement of passenger, service, and emergency vehicles throughout the site.
1. Projects shall provide a clear route for delivery vehicles with appropriate geometric design to allow turning and backing for vehicles expected to use the facility.
 2. Clear routes of access shall be provided and maintained for emergency vehicles to all portions of the site and shall be posted with appropriate language.
 3. The layout and design of dedicated parking areas provided on-site or within a reasonable walking distance from the site shall provide for safe and convenient circulation of vehicles throughout the lot, shall prohibit vehicles from backing out onto a street.
 4. All streets and accessways shall be designed to follow the topographic and natural features of the site. The road network shall provide for vehicular and pedestrian safety, all season emergency access, snow storage, delivery and collection services.
- E. Pedestrian Circulation. The development plan should provide for a system of pedestrian circulation within the development. The system shall connect with existing sidewalks if they exist in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system shall be designed to link residential units with recreational and commercial facilities, other common facilities, school bus stops, existing sidewalks in the neighborhood, and shall be in conformance with Sec. 13-710, "*Access Management, ...*" and Sec. 13-700 (28), when applicable. A copy of the application shall be provided to the appropriate municipal authority(s) for timely review and comment.
- F. Site Conditions.
1. During construction, the site shall be maintained and left each day in a safe and sanitary manner. The site area shall be regularly sprayed to control dust from construction activity.
 2. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris, and excess or scrap building materials shall be removed or destroyed immediately upon request and to the satisfaction of the CEO.
 3. No changes in elevation shall be made of any lot or site by the removal of earth to another lot or site other than as shown on an approved site design plan. Minimal changes in elevations or contours necessitated by field conditions may be made only after approval has been obtained from the CEO.
- G. Open Space.
1. Common open space shall be contiguous, where possible.
 2. Common open space as shown on any approved development plan shall contain a notation that common open space areas shall not be further developed for any other use.
 3. When reviewing the location and type of open space designated in an application, the Planning Board shall require:
 - a. Individual lots, buildings, streets, and parking areas shall be designed and situated:
 1. To minimize alterations of the natural site;

2. To avoid the adverse effects of shadows, noise, and traffic on the residents of the site; and
 3. To relate to the surrounding properties, to improve the view from and of buildings.
- b. Diversity and originality in lot layout and individual building, street, parking, and lot layout shall be encouraged.
 - c. Open space shall include irreplaceable natural features located on the tract (such as, but not limited to, stream beds, significant stands of trees, individual trees of significant size, and rock outcroppings).
 - d. Open space intended for recreation or public use shall be determined by the size, shape, topographic, and location requirements of the site.
- H. Sanitary Sewage. A sanitary sewer system shall be installed at the expense of the developer, or, if in the opinion of the Planning Board, service by a sanitary sewer system is not feasible, the Board may allow individual subsurface wastewater disposal systems to be used. The proposed development will not cause an unreasonable adverse effect to the municipal sewerage treatment facilities and will not aggravate an existing unhealthy situation. A copy of the application shall be provided to the sewer authority for timely review and comment. (See: Sec. 13-700 (27))
1. Upstream sewage flows shall be accommodated by an adequately sized system through the proposed development for existing conditions and potential development in the upstream area or areas tributary to the proposed development.
 2. When not serviced by a public sewerage system, the approval of an application shall be subject to presentation of a completed site evaluation form (HHE-200) which evidences adequate soil conditions for on-site waste water disposal. All individual on-site systems shall be designed by a Maine licensed soil evaluator in full compliance with the Maine State Plumbing Code, as amended. Upon the recommendation of the local Plumbing Inspector, the Planning Board may require the location on the individual lots of reserve areas for replacement systems.
- I. Water. The development shall be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water. The proposed development will not cause the depletion of local water resources or be inconsistent with the service plan of the Caribou Utilities District. A copy of the application shall be provided to the District for timely review and comment. (See: Sec. 13-700 (37))
- J. Emergency Vehicle Access. All site design applications shall be reviewed by the Fire Chief or their designee and shall receive the approval for conformance with Sec. 13-710, "Access Management, ...". The proposed development shall be located and designed in such a way as to provide and maintain convenient and safe access and response time for emergency vehicles or mitigates inadequate access or response time by providing adequate safety features as part of the proposed development.
- K. Waste Disposal. The proposed development shall provide for adequate disposal of solid wastes and hazardous wastes. A copy of the application shall be provided to the solid waste coordinator for timely review and comment. (See: Sec. 13-700 (6))
1. All solid waste shall be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.
 2. All hazardous waste shall be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted.
 3. All commercial and industrial developments shall devote floor space suitable to accommodate two (2) recycling containers designed to hold at least one cubic yard of recyclable materials.
- L. Buffering. The proposal provides for adequate on-site buffering in the vicinity of property boundaries, when required. On-site buffering is required:
1. Wherever commercial, industrial, or other non-residential development is proposed adjacent to or across a street from residential or agricultural uses or Districts; and
 2. As required by Sec. 13-700, (5).
- M. Natural Areas. The proposal does not cause significant adverse impacts to natural resources or areas such as wetlands, significant geographic features, significant wildlife and marine habitats, and natural fisheries. A copy of the

application shall be provided to the Maine Department of Inland Fisheries and Wildlife and to the local office of the Maine Department of Environmental Protection for timely review and comment. The proposal shall be consistent with the recommendations of the Departments. (See: Sec. 13-700 (14))

- N. Exterior Lighting. All exterior lighting shall be designed to encourage energy conservation and efficiency, to ensure the safe movement of people and vehicles, to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public and shall be in conformance with Sec. 13-700 (11).
- O. Stormwater Management. The plan provides for adequate storm water management facilities so that the post development runoff rate will be no greater than the predevelopment rate, the removal of storm water will not adversely affect neighboring properties, and that there is no adverse downstream impact. Proposed storm water detention facilities and calculations shall provide for the control of twenty-five year storm frequency rates. On-site absorption shall be utilized to minimize discharges whenever possible. The design, construction, and maintenance of private facilities are not anticipated to cause the expenditure of additional municipal resources for maintenance of private storm water management facilities. Maintenance responsibilities shall be reviewed to determine their adequacy. Emphasis shall be placed on the protection of floodplains and wetlands; preservation of stream corridors; establishment of drainage rights-of-way; and the adequacy of the existing system; and the need for improvements, both on and off site, to adequately control the rate, volume, and velocity of storm drainage. (See: Sec. 13-700 (30))
- P. Erosion and Sedimentation Control. The proposed development includes adequate measures to control erosion and sedimentation and will not contribute to the degradation of nearby streams, water courses, or lowlands by virtue of soil erosion or sedimentation. The erosion control measures are to be in conformance with the most current standards of the Maine Soil and Water Conservation Commission. The following measures shall be included where applicable as part of any site design review and approval. (See: Sec. 13-700 (10))
1. Stripping of vegetation, regarding or other development shall be done in such a way as to minimize erosion.
 2. Development shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with the topography so as to create the least amount of erosion potential, and so as to adequately handle surface water run-off.
 3. The disturbed area and the duration of exposure of the disturbed area shall be kept to a practical minimum.
 4. Disturbed soils shall be stabilized as quickly as practical.
 5. Temporary vegetation, mulching, or other acceptable measures shall be used to protect exposed critical areas during development.
 6. The permanent (final) vegetation and mechanical erosion control measure shall be installed as soon as practical on the site.
 7. Until the disturbed area is stabilized, sediment in the run-off water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable measures.
 8. Whenever sedimentation is caused by stripping vegetation, regarding or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses, and to repair any damage at their expense as quickly as possible.
 9. Any activity on a stream, watercourse, or swale or upon a floodway or right-of-way shall comply with the Caribou Shoreland Zoning Ordinance and the State's Natural Resources Protection Act, Title 38 MRSA, §480A-480S. Any such activity shall be conducted in such a manner so as to maintain as nearly as possible the present state of the stream, watercourse, swale, floodway, or right-of-way for the duration of the activity and shall be returned to its original or equal condition after such activity is completed.
 10. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.
- Q. Buildings. The bulk, location, and height of proposed buildings or structures will not cause health or safety problems to existing uses in the neighborhood, including without limitation those resulting from any substantial reduction in light and air or any significant wind impact.

- R. Existing Landscaping. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing to the greatest extent feasible any disturbance or destruction of significant existing vegetation, including mature trees over four (4) inches in diameter measured at 4.5 feet from ground level, soils, and significant vegetation buffers. If a site includes a ridge or ridges above the surrounding areas and provides for scenic vistas for surrounding areas, special attempts shall be made to preserve the natural environment of the skyline of the ridge. Existing vegetation and buffering landscaping are potential methods of preserving scenic vistas.
- S. Infrastructure. The proposed development shall be designed so as to be consistent with off premises infrastructure, such as but not limited to, sanitary and storm sewers, waste water treatment facilities, roadways, sidewalks, trail systems, and street lights, existing or planned by the municipality.
- T. Advertising Features. The size, location, design, color, texture, material, and lighting of all permanent signs and outdoor lighting fixtures shall not detract from the design of proposed buildings or neighboring properties and shall be in conformance with the requirements for signs within these Ordinances. (See: Sec. 13-700 (29))
- U. Design Relationship to Site and Surrounding Properties. The proposed development provides a reasonably unified response to the design constraints of the site and is sensitive to nearby developments by virtue of the location, size, design, and landscaping of buildings, driveways, parking areas, storm water management facilities, utilities storage areas, and advertising features.
- V. Scenic Vistas and Areas. The proposed development shall not result in the loss of scenic vistas or visual connection to scenic areas as identified in the municipality's comprehensive plan.
- W. Utilities. Utilities such as natural gas, propane, electric, telephone, and cable TV services located above ground shall be located so as not to be unsightly or hazardous to the public and shall be landscaped or otherwise buffered so as to screen the components from public view. The underground placement of utilities is encouraged. (See: Sec. 13-700 (35))
- X. Mineral Exploration. Mineral exploration to determine the nature and extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance. A permit from the Planning Board shall be required for mineral exploration which exceeds the above limitations. (See: Sec. 13-730)
- Y. General Requirements. The proposed development meets the requirements of Sec. 13-700, "*General Requirements*", except as may be waived by the CEO or Planning Board.
- Z. Phosphorus Export. Proposed development within the watershed of a lake or pond shall be designed to limit phosphorous runoff. The Planning Board shall keep an accurate record of permits issued by watershed using an appropriate record keeping system, and shall review actual development rates and recommend adjustments at five year intervals, subject to a reasonable appropriation by the municipality to conduct such an assessment, or the availability of adequate state or regional grant programs or technical assistance programs. Phosphorus export from a proposed development shall be calculated according to the procedures defined in "*Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*", (Maine DEP et. Al., 1989, as amended). Phosphorus control measures shall meet the design criteria contained in "*Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*", (Maine DEP et. Al., 1989, as amended). The Planning Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimizing road lengths, and shall encourage the use of non-structural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds. (See: Sec. 13-700 (16))

Sec. 13-304 General Requirements for Site Designs.

The "*General Requirements*" contained in Sec. 13-700 and the "*Access Management, Off-Street Parking, Loading, and Road Design and Construction*" contained in Sec. 13-710, as applicable, shall apply to all proposed development. The term "development" used within these Sections shall mean both site design and subdivision proposals. Where the CEO or Planning Board finds that due to special circumstances of a particular plan, the provision of a technical standard, which is not requisite in the interest of public health, safety, and general welfare, may be waived.

Sec. 13-305 Conditional Approval of Site Designs.

- A. The CEO or Planning Board may impose any condition upon approval of any site design for the following reasons:
1. To minimize or abate, to the extent feasible, any adverse impact of the proposed development on the value or utility of other private property, or on public property or facilities; or
 2. To bring the development into compliance with the requirements of these Ordinances; or
 3. To mitigate any other adverse effects of the proposed development.
- B. Such conditions may include, but are not limited to, the imposition of a time limit for the conditional use; the employment of specific engineering, construction, or design technologies; modes of operation or traffic patterns; and may also include the construction of on or off site improvements including, without limitation, roads, intersection improvements, sidewalks, sewers, and drainage courses. All such conditions shall be consistent with the purposes set forth in this Ordinance.

Sec. 13-306 Revisions to Approved Site Plans.

The site shall be developed and maintained as depicted in the approved site design and the written submission of the applicant. Modification of any approved site design shall require the prior approval of a revised site design by either the CEO or Planning Board, whomever conducted the initial review, pursuant to the terms of this Ordinance. Any such parcel lawfully altered prior to the effective date of this Ordinance shall not be further altered without approval as provided herein. Modification or alteration shall mean and include any deviations from the approved site design, including but not limited to, topography, vegetation, and impervious surfaces shown on the site design. Field changes for site designs may be made by the CEO and are limited to minor variations necessary to deal with unforeseen difficulties that arise during the course of construction involving such technical detail as utility location and substitution of equivalent plantings and shall not include any substantial alteration of the approved plan or change any condition imposed by the Planning Board.

Sec. 13-307 Post Application Submissions.

Following site design approval and prior to issuance of any permit, the applicant shall submit copies of the contract plans and specifications, in reproducible form, showing the design of all infrastructure improvements, including without limitation all streets, sewers, drainage structures, and landscaping, to the CEO for review and approval for compliance with the municipality's construction standards. Thereafter, all departures from such plans may be approved by the CEO as "field changes", subject to *Revisions of Approved Site Designs*, above. Nothing herein shall diminish the obligation of the applicant to supply plans or specifications as provided in this Ordinance.