SITE PLAN REVIEW ORDINANCE
For the
TOWN OF WEST PARIS, MAINE

2024

ADOPTED:
March 2nd, 2024

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SECTION I PURPOSE

The purposes of this Ordinance are to protect the public health, safety, and welfare of the residents ofthe Town of West Paris, to implement the Comprehensive Plan and to ensure an orderly growth and development of the Town.

SECTION H **AUTHORITY, VALIDITY,** SEVER.ABILITY AND AMENDMENTS

A. Authority

1. This Ordinance is adopted pursuant to Article VIII-A of the Maine Constitution and Title 30-A M.R.S.A. Section 3001 (Horne Rule).
2. This Ordinance shall be known as the "Site Plan Review Ordinance" of the Town of West Paris, Maine.

B. Validity and Separability, Confiict with other Ordinances and Effective Date

1. Validity and Separability: Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

2. Conflict with Other Ordinances: Whenever the requirements of this Ordinance are inconsistent with the requirements of any other ordinance, code or statute, the more restrictive requirements shall apply.

3. Effective Date: The effective date of this Ordinance is March 2nd, 2024. the date of its adoption at Town Meeting.

C. Amendments

This Ordinance may be amended by a majority vote of the Town Meeting. Amendments may be initiated by a majority vote of the Planning Board or by request o f the Board of Selectmen to the Planning Board or on written petition of a number of voters equal to at least 10% of the number of votes cast in the last gubernatorial election in the Town. The Selectmen shall conduct a public hearing on any proposed amendment.

SECTION III APPLICABILITY

A. This Ordinance shall apply to:

1. All development proposals for new, or substantial enlargements (an expansion by either a 20 percent in new gross floor area or a 20 percent increase in new impervious surface area provided such expansion involves at least 500 square feet within any five-year period) of commercial, retail, industrial, institutional, public, and recreational structure(s) or uses and their accessory uses and structures.

2 Change in use including new uses of existing structures or land which would employ new materials and/or processes not normally associated with the existing or previous use.

3. Home Occupations when determined by the Code Enforcement Officer that a Site Plan Review is required.

B. This Ordinance does not apply to:

1. Construction of detached single family dwellings, two-family dwellings, and accessory structures for the use of the residents there of Construction of barns, stables, and other agricultural related buildings by and for

the use of families owning the property on which the building is to be located.

1. All nonstructural uses of land for agricultural or forestry purposes.

2. Home occupations which meet the following conditions do not need Site Plan approval.

   a. The home occupation is incidental and secondary to the primary residential use of the premises.

   b. Do not employ persons who do not make the residence their permanent

   c. Do not display any exterior sign larger than eight (8) square feet, any exterior indications of the home occupation or variation from the residential character of the principal dwelling or accessory structure.

   d. Do not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal telephone, radio or television reception, or causes other nuisances which extend beyond the limits of the subject property; and

   e. Are not likely to generate regular daily or seasonal traffic not associated with residential uses.

3. Home Occupations which do not meet the criteria in Section 4 above shall comply with Section VIII.A.

SECTION IV ADMINISTRATION

A. The Planning Board of the Town of West Paris shall administer this Ordinance.

B. No building permit, plumbing permit, or septic permit shall be issued by the Planning Board, Code Enforcement Officer or Local Plumbing Inspector for any use or development within the scope of this Ordinance until a Site Plan of Development Application has been reviewed and approved by the Planning Board.

C. All Site Plan approvals shall expire one (1) year after the date of approval unless substantial construction thereunder has commenced. If work is not completed within two (2) years from the date of approval, the approval lapses and a new application must be made and approved. The Planning Board may grant up to a twelve (12) month extension to these time periods upon request by the applicant and a showing that the time periods cannot be complied with due to circumstances beyond the control of the applicant. There will be no additional charge for application review provided the application is unchanged.

D. All applications for Site Plan Review shall be made in writing to the Planning Board on forms provided for that purpose and shall be by the owner of the property or the owner's agent as designated in writing by the owner.

E. An application for Site Plan Review shall be accompanied by a fee based on the estimated time required to administer the ordinance. A minimum fee of $100 and an additional$ 84.00 per meeting will be charged. This application fee shall be made by check payable to the Town of West Paris and shall not be refundable. The Planning Board shall not consider an application complete until the fees have been received by the Town.

F. If the services of outside consulting engineers or other professions are required by the Planning Board to assist in the review of the application, or the amount or conditions of any performance guarantee that may be required, the Planning Board shall notify the applicant of the nature of such services, the firm or individual selected, and the cost of services. The cost of such services shall be paid by the applicant and evidence of such payment shall be provided to the Planning Board before the application is approved.

SECTION V APPLICATION PROCEDURE

A. Pre-Application Meeting

1. Prior to submitting an application for development, the applicant or the applicant's authorized agent should appear informally at a regular or special meeting of the Planning Board to discuss the proposed development.

2. The applicant shall present to the Planning Board, at this time for info1mal review and comment, a sketch plan of the proposed development. The sketch plan shall consist of a rough outline of the proposed development and may be a freehand, penciled sketch of the parcel showing the proposed layout of buildings, roads, and other features which may aid the Planning Board to understand the development.

3. The Planning Board may request that the applicant arrange for an inspection of the site with the Planning Board, or an individual appointed by the Board Chairman to act as the Board's representative. A non-refundable inspection fee of $100.00 will be paid.

4. No binding commitments shall be made between the applicant and the Planning Board at this stage. The purpose of the pre-application meeting shall be to understand what is proposed.

B. Site Plan Review Application Requirements

I. Applications for Site Plan Review approval shall be submitted on application forms provided by the town. The completed application form, required fees, and the required plans and related information shall be submitted to the Planning Board no less than seven (7) days prior to the Planning Board's regular scheduled meeting.

2. One copy of the plan(s), which may be reduced to 8 ½" X 11", shall be mailed or delivered to each member of the Planning Board, Code Enforcement Officer and PI at least ten (10) days prior to the Planning Board's regular scheduled meeting. If the Planning Board deems necessary, the applicant shall mail via certified mail, return receipt request, the application to the Fire Chief, Road Commissioner, and Town Manger no less than ten (10) days prior to the meeting. These individuals shall provide to the Planning Board, prior to the next regularly scheduled meeting, comments upon the adequacy of their department's existing capacity to service the proposed development.

3. Notice to Abutters: Upon filing an application, abutting property owners including those across a road or street shall be notified by certified mail, return receipt requested by the applicant, of a pending application for Site Plan Review. This notice shall indicate the time, date and location of the Planning Board's consideration of the application. The applicant shall show proof that abutting property owners were notified. The Planning Board shall maintain for the record all undeliverable notices required by this section.

C. Submission Requirements

When the owner of the property or his authorized agent makes formal application for site plan review, the application shall contain at least the following exhibits and information:

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

2. Two (2) copies of a site plan drawn at a scale sufficient to allow review of the items listed under the preceding general standards, but at not more than 50 feet to the inch for that portion of the total tract of land being proposed for development, and showing the following:

a. Owner's name, address and signature.

b. Names and addresses of all abutting property owners.

c. Sketch map showing the general location of the site within the Town.

d. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at the time of application.

e. If requested by the Planning Board, a perimeter survey of the parcel, made and certified by a Professional Land Surveyor pursuant to Rule 12, Standards of Practice, by the State Board of Regulation of Land Surveyors. This survey shall relate to reference points showing magnetic north, graphic scale, comers of parcel and date of survey and total acreage.

f. Soil types and location of soil boundaries as certified by a registered engineer or soil scientist.

g. The location of all building setbacks.

h. The location, size, and character of all signs and exterior lighting.

i. The area of the parcel and street frontage.

The location of all existing and proposed structures (including size and height), driveways, sidewalks, parking spaces, loading areas, open spaces, open drainage courses, signs, exterior lighting, service areas, easements, and landscaping.

k. The location of all buildings within 100 feet of the parcel to be developed and the location of intersecting roads or driveways within 500 feet of the parcel.

1 Existing and proposed topography of the site at contour intervals as determined by the Planning Board, if major changes to the existing topography are being proposed.

m. A storm water drainage plan showing:

1. The existing and proposed method of handling storm water runoff.

2 The direction of flow of the runoff through the use of arrows.

3. The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.

4. Engineering calculations used to determine drainage requirements based upon a 25-year storm frequency if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.

n. Location of aquifers and aquifer recharge areas, if mapped.

o. Location of wetlands, significant wildlife habitat, known or potential archaeological resources, scenic locations as identified in the Comprehensive Plan and historic buildings and sites to be developed or adjacent to the parcel.

p. Location and elevation of the 100-year flood plain as identified by the Federal Emergency Management Agency.

q. If the development site is located in the direct watershed of any great pond, the name of that watershed shall be indicated on the plan.

r. A utility plan showing provisions for water supply, wastewater disposal, snow removal/storage, electrical and communications.

5Where the plan was prepared by an architect, engineer, surveyor, geologist, soil scientist or other professional licensed or certified and issued a seal by the State of Maine, the preparer's seal shall be affixed to the

3. A written, narrative statement by the applicant that supplies the following information and is substantiated by the appropriate documents.

a. Evidence by the applicant of right, title or interest in the property for which the application covers.

b. A description of the proposed uses to be located on the site including products to be manufactured, description of and volume of manufacturing by-product, smoke, odors and wastes, type of products to be warehoused, and

type of products to be sold.

c. Total floor area and ground coverage of each proposed building and structure and percentages of lot covered by each building or structure.

d. A copy of the existing and/or proposed easements, restrictions and covenants placed on the property.

e. Method of solid waste disposal.

f. Erosion and sedimentation control plan.

g. Copies of letters mailed by the applicant to the abutting landowners notifying them of the proposed development; sent by certified mail, receipts to be returned to the Planning Board.

h. Statement of financial capacity which should include the names and sources of the financing parties including banks, government agencies, private corporations, partnerships, and limited partnerships and whether these sources of financing are for construction loans or long-term mortgages or both.

i. A list of applicable local, state, and federal ordinances, statutes, laws, codes, and regulations which must be complied with, or a permit issued before the project may begin.

j. The applicant's evaluation statement of the availability and suitability of off-site public facilities including sewer, water, and streets.

k. A statement from the Fire Chief as to the availability of fire hydrants and/or fire ponds or provisions of fire protection services.

l. An estimate of the date when construction will start and when the development will be completed. If the project includes phases, provide an estimation of completion dates of each phase.

m. A description of the current or most recent use of the building or land including type of products(s) sold or manufactured, operating hours, nature and number of patrons served on a daily basis, peak hours, and other items as the Planning Board may find necessary.

n. Traffic data shall include the following when required by the Planning Board:

1) the estimated peak hour and average daily traffic to be generated by the proposal.

2) existing traffic counts on surrounding roads.

3) traffic accident data covering the most recent three-year period for which such data is available.

o. A copy of the approved Driveway Permit or Entrance Permit issued by the Maine Department of Transportation if a driveway or entrance will enter on to Route 26, 219 or High Street. In addition, a driveway entrance approval letter from the Town of West Paris Road Commissioner for entrances onto all other town roads.

p. The type, size, and location of all machinery likely to generate appreciable noise at the lot lines.

q. If located in the direct watershed of any yearly sustainable body of water a phosphorous control plan prepared in accordance with Section VII.9.a.

D. The Planning Board may waive any of the submission requirements when it makes written finding of fact that and determines that the scale of the project is of such magnitude as to make the information unnecessary.

SECTION VI APPLICATION REVIEW

A. Within 30 days of the Planning Board receiving an application, the Planning Board shall notify the applicant in writing

either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the Plam1ing Board has determined that a complete application has been received, it shall notify the applicant in writing and begin its review of the proposed development.

B. The Planning Board may hold a public hearing within 30 days of the date of determination of a complete application. The Planning Board shall publish the time, date, and place of the hearing at least two times. The date of the first publication to be at least seven days prior to the hearing in a newspaper of area wide circulation. The abutting landowners shall be notified by the Planning Board of the hearing. Public hearings by the Planning Board shall be conducted according to the procedures outlined in Title 30-A M.R.S.A. Section 2691, Subsection 3 (A), (B), (C), (D), and (E).

C. Within 30 days of the public hearing or 60 days of the determination of a complete application, the Planning Board shall either approve the application, approve the application with conditions, or disapprove the application. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.

D. Within fifteen (15) days of reaching their decision, the Planning Board shall notify the applicant in writing of any action taken and the reason for taking such action.

E. The Planning Board may impose conditions on any site plan approval where it finds that such conditions are necessary to ensure that the development will comply with the criteria and standards of this Ordinance. All elements and features of the plan and all representations made by the applicant concerning the development and use of the property which appear in the record of the Planning Board proceedings are conditions of approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board.

F. Where the Planning Board makes written findings that the applicant will incur an unreasonable economic or other hardship if certain of the criteria or standards of this Ordinance are strictly applied, the Board may waive the necessity of strict compliance in order to permit a more practical and economical development, provided that the public health, safety and welfare will not be compromised and provided no other standards of this Ordinance are waived.

SECTION VII PERFORMANCE STANDARDS

A. The following standards are to be used by the Planning Board in judging applications for site plan review and shall serve as minimum requirements for approval of the site plan. The site plan review application shall be approved, unless in the judgment of the Planning Board 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 and such burden of proof shall include the production of evidence necessary to complete the application ensuring the Board that the proposed site plan conforms to other applicable ordinances relating to lot size and density, setbacks, and lot coverage.

1. Preserve and Enhance the Landscape: The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree removal, disturbance of soil, retaining existing vegetation during construction. Within one (1) year after construction is completed, landscaping shall be designed and planted that will define, soften or screen the appearance of off-street parking areas from the public right-of-way and abutting properties and/or structures in order to enhance the physical design of the building(s) or site, and to minimize the encroachment of the proposed use on neighboring land uses.

Environmentally sensitive areas which include wetlands, significant wildlife habitat, unique natural areas and archaeological sites as identified in the Comprehensive Plan shall be conserved to maximum extent.

The Board shall assess the proposed activities' impact upon scenic areas and views and historic sites as identified in the Comprehensive Plan. Where the Board finds that the proposed activity would have an undue adverse effect on identified scenic views or historic sites, the Planning Board shall require the applicant to minimize such effects.

2. Relationship of the Proposed Buildings to the Environment: Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity which have a visual relationship to the proposed buildings so as to have a minimal adverse effect on other environment and the aesthetic qualities of the developed and neighboring areas. The Planning Board shall consider the following criteria.

a. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.

b. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.

c. Mechanical equipment or other utility hardware excluding communication devices on roofs, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be located so visibility from any public way is minimized.

3. Vehicular and Pedestrian Access: The proposed site layout shall provide for safe entrances and exits from public and private streets by providing adequate locations, numbers and control of access points including site distances, turning lanes, and traffic signalization when required by existing and projected traffic flow on the public street system and for pedestrian ways within the development appropriate to the type and scale of the development. The Planning Board shall consider the following criteria.

a. Vehicular Access: The proposed site layout shall give special consideration to the location, number, and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization.

1) The proposed development shall provide safe vehicular access to and from public and private streets.

a) Vehicular access to the site shall be on streets which have adequate capacity to accommodate the additional traffic generated by the development.

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 shall assume financial responsibility for the improvements necessary and will guarantee the completion of the improvements within one (1) year of approval of the project.

b) Any exit driveway or driveway land shall be so designed in profile and grading and so located as to provide the following minimum sight distance measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway from distances of between IO and 15 feet behind the curb line or edge of the shoulder with the height of the eye 3.5 feet to the top of an object 4.25 feet above the pavement.

MINIMUM SITE DISTANCE

Posted Speed	
25mph	200'
30mph	250'
35 mph	305'
40mph	360'
45mph	425'
50mph	495'
55mph	570’

c) Where more than one business or structure is located on a single parcel, all vehicular access to and from a public street shall be via a common access or entrance way(s) serving all business and structures except as provided for herein.

d) The grade of any exit driveway or proposed street for a distance of fifty (50) feet from its intersection with any existing street will be a maximum of three (3) percent.

e) Projects generating 400 or more vehicle trips per 24-hour period will provide two or more separate points of vehicular access into and out of the site.

f) The Planning Board may require the applicant to conduct a traffic impact study. In making the determination as to the need for a traffic impact study, the Planning Board shall consider the following:

(1) The proposed development will generate 100 or more peak hour site trips.

(2) The existence of a current safety problem in the area: high accident location, confusing intersection, etc.

(3) Current or projected capacity deficiencies near the development.

(4) Sensitive neighborhood areas adjacent to the development.

(5) The proximity of site drives to other drives or intersections.

2) Vehicular access to Route 26, 219 and High Street shall comply with the following provisions in addition to the above. Where conflicts exist between this section and a Driveway or Entrance Permit issued by the Maine Department of Transportation, the most stringent or restrictive shall apply.

a) Where a proposed development is to be located at the intersection of Route 26, 219 or High Street and a minor or collector street, entrance(s) to and exit(s) from the site shall be located only on the minor or collector street, provided that this requirement may be waived where the applicant demonstrates that existing site conditions preclude the location of a driveway on the minor or collector road, or that the location of a driveway on the minor or collector street would conflict with residential areas.

b) Curb cuts or access points shall be limited to one per lot for all lots with less than the required street frontage as of the effective date of this ordinance. For lots with greater than 150 feet of frontage, a maximum of one curb cut per 150 feet of frontage shall be permitted to a maximum of two, provided the Planning Board makes a finding that (a) the driveway design relative to the site characteristics and site design provides safe entrance and exit to the site and (b) no other practical alternative exists.

c) The maximum number of curb cuts to a particular site shall be governed by the following:

(1) No low volume traffic generator shall have more than one two-way access onto a single street.

(2) No medium or high-volume traffic generator shall have more than two two-way accesses in total onto Routes 26, 219 or High Street.

d) Curb cut widths and design shall conform to the following standards:

(l) Low volume driveways: Defined as driveways with less than 50 vehicle trips/day based on the latest edition of the Institute of Traffic Engineers' Trip Generation Report, as the same may be amended from time to time shall:

(a) have two-way operation
(b) intersect the street at an angle as close to 90 degrees as site conditions permit, but at no less than 60 degrees
(c) not require a median
(d) slope from the gutter line on a straight slope of 3 percent or less for at least 50 feet, with a slope no greater than 8 percent thereafter, except where unique site conditions permit a waiving of the slope standard to 10 percent; and
(e) comply with the following geometric standards:

NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

Item	Desired Value (ft.)	Minimum Vaine (ft.)	Maximum Value (ft)
R (radius)	15-25*	10	15-25*
W (drive width)	20-30*	20	24-30*

*Upper values apply where major street speed and/or volume is high.

(2) Medium volume driveways with more than 50 vehicle trips/day but fewer than 200 peak hour vehicle trips, based on the latest edition of the Institute of Traffic Engineers' Trip Generation Report, as the same may be amended from time to time, and generally including all land uses not in the low or high-volume groups shall:

(a) have either two-way or one-way operation and be a minimum of 50 feet in length.

(b) intersect the street at an angle as close to 90 degrees as site conditions permit, but at no less than 60 degrees.
(c) not require a median.
(d) slope upward from the gutter line on a straight slope of 3 percent or less for at least 50 feet and a slope of no more than 6 percent thereafter, with the preferred grade being a 4 ½ percent, depending on the site; and
(e) comply with the following geometric standards.

NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

Item	Desired Value (ft.)	Minimum Value (ft)	Maximum Value (ft.)
ONE WAY			
RI (radius)	30	25	40
R2 (radius)	5	5	10
W (drive width)	20-24	20	24
TWO WAY			
R	30	25	40
WS	26-36*	24	30-40*

*Where separate left and right exit lanes are desirable.

(3) High volume driveway defined as driveways with more than 200 peak hour vehicle trips and generally 25,000 sq. ft. or more of retail space, or 75,000 sq. ft. or more of office space, or 150,000 sq. ft. or more of industrial space, shall:

(a) have two-way operations separated by a raised median of 6 to 10 feet in width and be a minimum of 50 feet in length.

(b) intersect with the street at an angle as close to 90 degrees as possible but at no less than 60 degrees.

(c) be striped for 2 to 4 lanes, with each lane 12 feet wide.

(d) slope upward from the gutter line on a straight slope of 3 percent or less for at least 75 feet and a slope of no more than 5 percent thereafter.

(e) have a "STOP" sign control and appropriate "Keep Right" and "Yield" sign controls for channelization; signalization may be required. Level of service and traffic signal warrants should be conducted for all high-volume driveways; and

(t) comply with the following geometric standards.

NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

Item	Desired Value (ft.)	Minimum Value (ft.)	Maximum Value (ft)
W/O CHANNELIZATION			
R (radius)	50	30	50
R (radius)	24	20	26
W (drive width)	6	6	10
W/CHANNEUZATION			
R (radius)	100	75	100
WD	24	20	26
M	6	6	10
WR	20	16	20

*For industrial developments with a high percentage of truck traffic maximum values are desired.

g) When the proposed development is to be located on the opposite side of an existing development, the driveway shall be directly opposite of the existing driveway or separated from the opposite driveway by a minimum of seventy-five (75) feet whenever possible.

h) When a conversion or expansion of an existing use occurs, access shall be upgraded to comply with these standards. This requirement may be waived upon a written finding that (a) the need to demolish or relocate an existing building on the site or (b) denial of full access to Routes 26, 219 or High Street where full access presently exists and cannot be provided by Route 26, 219 or High Street and/or adjacent side street.

4. Parking and Circulation: The layout and design of all means of vehicular and pedestrian circulation including walkways, interior streets, drives, and parking areas shall provide for safe general circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and the arrangement and use of parking areas.

a. A use shall not be extended, and no structure shall be constructed or enlarged unless sufficient off-street parking space is provided that conforms to the following:

l) Parking spaces shall be arranged so that it is not necessary for vehicles to back into the street.

2) Where the development will abut an existing or potential parking area, provisions shall be made for internal vehicular connections.

3) Parking areas shall be designed to permit each motor vehicle to proceed to and from parking space provided for it without requiring the moving of any other motor vehicle.

4) Off-street parking spaces shall comply with the following standards.

(a) Except as provided below, each parking space shall contain a rectangular area at least eighteen (18) feet long and nine (9) feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs and aisles, so long as the parking spaces so created contain within them the rectangular required by this section.

(b) Up to twenty (20) percent of the required parking spaces needed may contain a rectangular area of only eight (8) feet in width by fifteen (15) feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.

5) Off-street parking shall be provided to conform with the number required below:

Multiple dwellings	two per two-bedroom apartment
Retail	one per 300 sq. ft of gross floor area
Office	one per 300 sq. ft. of gross floor area
Wholesale/warehouse	one per 1,200 sq. ft. of storage or gross floor area
Industrial/manufacturing	one per employee on maximum working shift
Hotels, motels, tourist homes	one per room plus½ per employee
Nursing/convalescent homes	½ per bed
Schools	
Elementary	one per classroom
Secondary	5 per classroom
Theaters/auditoria/churches	one per five seats and one space per 100 sq. ft. of area for assembly
Eating and drinking establishments	one per three seats

For those uses not specifically listed or able to be placed into one of the above categories, there shall be sufficient off-street spaces to accommodate the normal parking demand as determined by the Planning Board.

6) Required off-street parking for lots which cannot provide their own parking because of location, lot size or other existing development may be substituted by parking facilities which, in the public's interest, may be provided for by the Town of West Paris or private parking resources. No such public or private off-street parking shall be considered as a substitute unless located within 500 feet of the principal building or use as measured along lines of public access.

If the required off-street parking is to be provided by off-site private parking such areas shall be held in fee simple by the owner of the use served, or in other tenure as assures continued availability for parking as long as the particular land will be needed for such use provided that if the tenure is other than ownership in fee simple, the form of the tenure shall be approved by the Town Manager prior to final approval by the Planning Board.

7) The joint use of a parking facility by two or more principal buildings or uses may be approved by the Planning Board where it is clearly demonstrated that said parking facilities would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees of such establishments.

8) The use of an existing building for its current use shall be deemed to be in compliance with the off-street parking requirements of this section. However, any change in the use above the first floor or any renovation which increases the floor area shall be required to comply with the required off-street parking requirements for the increased floor area.

5. Advertising Features: The size, location, design, lighting, and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties and shall not interfere with or obstruct pedestrian or vehicular traffic.

6. Special Features of the 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.

7. Emergency Vehicle Access: Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

8. Municipal Services: The development will not have an unreasonable adverse impact on the municipal services including municipal road systems, fire department, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

The Planning Board may require the applicant to obtain, at the applicant's expense, a professional review of the impact of the development on off-site public improvements including any new public improvements that may be required to accommodate the development. A one-time "impact fee" may be charged to a new development, by the Town, to accommodate the new development, as determined by the Planning Board through professional review.

9 Water Pollution: The development will not result in water pollution. In making this

determination, the Planning Board shall consider the evaluation of land above sea level and its relation to flood plains, the nature of soils and subsoils and, if necessary, their ability to adequately support waste disposal and/or any other approved licensed discharge; the slope of land and its effect on effluents; the aquifer and aquifer recharge areas; the availability of streams for disposal of surface run off; and the applicable federal, state and local laws, ordinances, codes, and regulations.

a. Phosphorus Export. When required by the Planning Board, projects proposed within the direct watershed of any Great Pond shall be designed to limit phosphorous run off.

1) Phosphorous export from the proposed development shall be calculated according to the procedures defined in "Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development" (Maine Department of Environmental Protection, September 1989 with revisions in 1992 and as may be revised). Upon request, copies of all worksheets and calculations shall be provided to the Planning Board.

2) Phosphorus control measures shall meet the design criteria contained in "Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development" (Maine Department of Environmental Protection, September 1989 with revisions in 1992 and as may be revised).

The Planning Board shall require the reasonable use of vegetative buffers, limits of clearing, and minimizing road lengths, and shall encourage the use of other nonstructural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.

10. Ground Water: The development will not have unreasonable adverse effects on the quality or quantity of groundwater.

11. Floodplain Protection: The proposed development will avoid problems associated with floodplain development and use.

12. Shoreland Areas: Whenever situated in whole or in part, within 250 feet of any pond, lake, river, or wetland as delineated on the Town of West Paris, Official Shoreland Zoning Map, will not adversely affect the quality of such water body or unreasonably affect the shoreline of such body of water, and will be in compliance with the Shoreland Zoning Ordinance of the Town of West Paris.

13. Water Supply: The development shall have sufficient water available for the reasonably foreseeable needs of the development and will not cause an unreasonable burden on an existing water supply, if one is to be utilized.

14. Sewage Disposal: The development shall provide for adequate sewage disposal. Where a septic system is to be used, it shall be built in accordance with the Maine Subsurface Wastewater Disposal Rules.

15. Storm water Drainage: Adequate provision shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality, soil erosion, or the public storm drainage system. Whenever possible, on-site absorption of run off waters shall be utilized to minimize discharges from the site.

16. Soil Erosion and Sediment: Soil erosion and sedimentation of water courses and water bodies shall be minimized. The Planning Board shall find that the standards set forth in the Maine Erosion and Control Handbook for Construction, Best Management Practices (March 1991 and as amended) will be used.

17. Exterior Lighting: All exterior lighting shall be designed to minimize adverse impact on neighboring properties and to insure the safe flow of pedestrian or vehicular traffic.

18. Noise: The proposed development shall not raise noise levels to the extent that abutting and/or nearby residents are adversely affected.

a. The maximum permissible sound pressure level of any continuous, regular or frequent or intermittent source of sound produced by any activity shall be limited by the time period and land use which it abuts listed below. Sound levels shall be measured at least 4 feet above the ground at the property boundary of the source.

Sound Pressure Level Limits Using the Sound Equivalent Level of One Hour (leq 60) (measured in dB(a) scale)

	7a.m. - 10.p.m.	10 p.m. - 7a.m.
Residential	55	45
Commercial	65	55
Industrial	70	70

b. Noise shall be measured by a meter set on the A-weighted response scale, fast response. The meter shall meet the American National Standards Institutes (ANSA SI 4-1961) "American Standard Specification for General Purpose Sound Meters."

c. The following uses and activities shall be exempt from the sound pressure level regulations.

1. Noise created by construction and temporary maintenance activities between 6:30a.m. and 8:00 p.m.

2. The noise of safety signals, warning devices and emergency pressure relief valves and other emergency activity.

19. Air Pollution: The development will not result in undue air pollution. In making this determination, the Planning Board shall consult federal and state authorities to determine applicable air quality laws and regulations.

20. Odors: The proposed development will not produce offensive or harmful odors perceptible beyond the lot lines, either at ground level or habitable elevation.

21. Financial and Technical Capacity: The applicant has adequate financial and technical capacity to meet the above standards.

22. Conformance with the Comprehensive Plan: The proposed development is in conformance with the Comprehensive Plan and other applicable ordinances.

SECTION VIH SPECIAL REGULATIONS

The following regulations shall be complied with, in addition to the performance standards contained in Section VII of this Ordinance.

A. Home Occupations: Home Occupations which do not meet the criteria contained in Section UI.B.4.a-e shall obtain a permit from the Planning Board and comply with the following conditions:

1. The business must be incidental and secondary to the primary residential use of the premises;

2. At least one member of the residential household must own the business and be actively involved in the business and have control over the business activities. There will be no more than two full or part-time employees working on the premises, other than immediate family members residing on the premises;

3. The appearance of the structure or accessory structure may not be altered, except as provided under subsection 4 below and the occupation within the residence must be conducted in a manner that would not cause the residence to differ from its residential character by means of colors, lights or sounds;

4. Additions to the residence or accessory structure for the express purpose of a home occupation shall be constructed and finished in the same manner as the original structure such that the character and appearance of the principal structure is maintained.

5. Retail sales shall be limited to the sale of products or goods produced, fabricated or substantially altered on the premises as a result of the home occupation. This may include products that are not manufactured on the premises as defined above

6. There is adequate off-street parking on the premises for customer or client use.

7. There is no objectionable increase in commercial vehicle traffic over that traffic normal for the neighborhood.

8. It does not adversely affect any natural resource or environmentally sensitive area including, but not limited to, a wetland, aquifer, watercourse, or water body.

9. The home occupation shall not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal radio or television reception or causes other nuisances which extend beyond the limits of the subject property. All waste material from the home occupation shall be removed promptly from the premises, according to state laws and local ordinances.

B. Applications Located on Sand and Gravel Aquifers: The Planning Board shall utilize the following standards in addition to the other criteria contained in this Section for reviewing development applications located on a mapped sand and gravel aquifer.

1. When boundaries of the sand and gravel aquifer are disputed due to the lack of sufficient detail on the available maps, the applicant or agent may submit hydrological evidence prepared by a geologist, certified in the State of Maine, which identifies actual field locations of the aquifer boundaries within the project area.

2. No use shall dispose of other than normal domestic waste water on site without approval of the Planning Board. Disposal of waste water shall be in strict compliance with the Maine Subsurface Wastewater Disposal Rules and other relevant State and local laws, rules, and ordinances.

3. Indoor use or storage facilities where hazardous materials, wastes, or other liquids with the potential to threaten groundwater quality are used or stored shall be provided with containment which is impervious to the material being stored and have the capacity to contain 10 percent of the volume of the containers or 110 percent of the volume of the largest container, whichever is larger.

4. Petroleum and other hazardous material storage and transfer. A Spill Control and Countermeasure Plan shall be submitted and approved by the Planning Board.

5. In those areas identified as sand and gravel aquifers as defined in subsection 1 above, the following newly established land uses are prohibited unless the Plam1ing Board finds that no discharges will occur such that water quality at the property line will fall below State Drinking Water Standards and all provisions of this Ordinance will be met.

SECTION IX ENFORCEMENT

A. The Code Enforcement Officer shall act in all cases of violations of this Ordinance by notifying, in writing, the owner or lessor of the development and the Selectmen of the nature of the violation and the correction of the same, if possible. Notification shall be deemed to have been made when sent to the owner or lessor by certified mail.

B. The Selectmen are charged with the prosecution for all violations of the provisions of the Ordinance. In cases where such notices referred to in Paragraph IX A, above, are not promptly complied with after receipt of said notices, the Selectmen shall make such complaints to the courts as, in their judgment, are proper, or may institute such actions or proceedings at law or in equity as are proper to restrain, correct, remove or punish such violations.

C. Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply with any of the requirements thereof, shall be fined not less than $100.00 nor more than $2,500.00 as provided by State law. Each day on which the violation shall continue shall constitute a separate offense.

SECTION X APPEALS

A. If the Planning Board disapproves an application or grants approval with conditions that are objectionable to the applicant, or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of the Ordinance do not apply, or that the true intent and meaning of the ordinance have been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, or aggrieved party may appeal the decision of the Planning Board in writing to the Board of Appeals within 30 days of the Board's decision. If it is shown, after public hearing, that the Planning Board erred in the interpretation of this Ordinance in making a final decision, the Board of Appeals may affirm, amend or reverse the decision of the Planning Board.

SECTION XI DEFINITIONS

Abutting Landowners: Owners of any lot which is physically contiguous with the lot in question even if only at a point and any lot which is located across a public or private street or way from the lot in question.

Agricultural Land Management Practices: Those devices and procedures utilized in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.

Accessory Use or Structure: A subordinate use ofa building, other structure or or a subordinate building or other structure:

1. whose use is customary in connection with the principal building, other structure or use of land; and

2. whose use is clearly incidental to the use of the principal building, other structure or use of land; and

3. which is located on the same lot with the principal building, other structure or use of land, or on a lot adjacent to such lot if in the same ownership or part of the same establishment.

Building: Any structure having a roof or partial roof supported by columns or walls used for shelter or enclosure of person, animals, goods or property of any kind.

Change in Use: The conversion of a building or parcel of land from one type of nonresidential use to any other type of nonresidential use. By way of example, the change from retail to office or retail to a restaurant.

Commercial: Connected with the buying or selling or goods or services or the provision of facilities for a fee, exclusive of rental or residential buildings and/or dwelling units.

Dwelling Unit: A room or group of rooms designated and equipped exclusively for use as living quarters for one family including provisions for living, cooking, and eating.

Forest Management Activities: Includes timber cruising and other forest resource evaluation activities, pesticide application, timer stand improvement, pruning, timber harvesting, and other forest harvesting, regeneration of forest stands, and other similar associated activities, but not the construction, creation, or maintenance of land management roads.

Home Occupation: An occupation or profession which-results in a product or service and is conducted in whole or in part in a residential structure, accessory structure to a residential use or property which is:

1. clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and

2. which employs no more than two (2) persons other than family members residing in the home.

Impervious Surface: The area of land covered by buildings, structures and paved and gravel surfaces.

Industrial: Connected with the assembling, fabrication, finishing, manufacturing, packaging, or processing of goods of the extraction of minerals.

Institutional: A building devoted to some public, governmental, education, charitable, medical or similar purpose.

Mineral Extraction: Any operation which within any twelve (12) successive month period removes more than 5,000 cubic yards of soil, topsoil, loam, sand, gravel, clay, peat, or other like material from its natural location, and to transport the product removed away from the extraction site.

Persons: Any person, firm, association, partnership, corporation, municipal or other local governmental entity, quasi-municipal entity, state agency, educational or charitable organization or institution, or other legal entity.

Recreational Vehicle: A vehicle or vehicular attachment for temporary sleeping or living quarters for one or more persons, which is not a dwelling, and which may include a pick-up camper, travel trailer, tent trailer, or motor home.

Retail: Connected with the sale of goods to the ultimate consumer for direct use and consumption, and not for trade.

Sign: Any device, fixture, placard or structure that uses any color, form, graph, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Structure: Anything constructed, erected or placed on the ground, which is permanent, temporary, or mobile. Structure(s) include, but are not limited to: building(s), mobile homes, recreational vehicles, and processing facilities. Boundary walls, fences and flag poles are not considered structures.

Substantial Construction: Completion of thirty (30) percent of a permitted structure or use measured as a percentage of the total estimated cost.

Substantial Enlargement: An expansion by 20 percent or greater feet of new gross floor area or 20 percent or greater of new impervious surface area provided such expansion involves at least 500 square feet within any five-year period

Use: Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Wetlands: Freshwater swamps, marshes, bogs and similar areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

TOWN OF WEST PARIS
APPLICATION FOR SITE PLAN REVIEW

Name: .....

APPLICATION INFORMATION

1.

Address: .....

_____

Telephone# or Cell#: _____

2. Name of Property Owner: _____

Address: _____

_____

Telephone# or Cell#: _____

3. Name of Applicant's Authorized Agent: _____

Address: _____

_____

Telephone# or Cell#: _____

4. Name of person and address to which all correspondence regarding this Application should be sent to:

_____

_____

5. Name and registration number(s) of professional(s) who prepared plan:

_____

_____

6. If the applicant is a corporation, check if licensed in Maine.

_____ Yes _____ No

If yes, attach a copy of the state registration.

7. Nature of Project- Please describe the nature of the proposed project including total floor area, type of materials/products to be handled, hours of operation and other information to familiarize the Board with your application. (Attach additional pages, if necessary.)

_____

_____

_____

_____

_____

_____

_____

8. What legal interests does the applicant have in the property to be developed (ownership, option, purchase and sales, contract, other)? (Attach evidence of interest.)

_____

_____

9. List below the names and mailing addresses of abutting property owners including those across a road or street of the proposed project. (Attach additional pages, if necessary,)

Name Address Map/Lot

_____

_____

_____

_____

_____

_____

LAND INFORMATION

1. Location of property: Map _____ Lot _____

2. Acreage of parcel: _____

3. Acreage to be developed: _____

4. Is any portion of acreage in Tree Growth? _____ Yes _____ No

5. Is any portion of the property within 250 feet of the high-water mark of any lake, pond, river, stream or wetland, as identified on the Town of West Paris Shoreland Zoning Map? _____ Yes _____ No

State below the estimated cost of the project, as proposed in the application, and itemize major categories.

Legal _____
Sewage disposal _____
Roads/Parking _____
Storm Water _____
Structures _____
Water Supply _____
Landscaping _____
Erosion _____
Other _____

Total _____

Attach a statement as how you plan to finance the project.

DEVELOPMENT INFORMATION

1. Gross floor area: _____

2. Percentage of lot to be covered by structures and parking: _____

3. Method of Infrastructure:

   a. water supply _____
   b. sewage disposal _____
   c. fire protection _____
   d. electricity _____
   e. solid waste disposal _____

4. Describe the amount and type of any raw, finished or waste materials to be stored including their physical and chemical properties.

_____

_____

_____

_____

5. Type of on-site signs: _____
(Attach a plan in front view and dimensions of proposed signs.)

6. Number of parking spaces and entrances to road serving the development: _____

7. Describe the proposed erosion and sedimentation control methods to be employed during construction and maintenance of proposed project.

_____

_____

_____

_____

OTHER INFORMATION

1. List applicable State permit requirements and attach copies of applicable State permit approvals:

_____

_____

_____

2. List any waivers to be requested:

_____

_____

_____

3 Proposed construction schedule:

_____

_____

_____

The application must be accompanied with the following:

a. A development plan drawn to a scale of not less than 1 inch equals 50 feet indicating the nature of the project and containing information required in Section V.C. of the Site Plan Review Ordinance for the Town of West Paris.

b. A location map drawn to scale not greater than 1-inch equals 2000 feet to show the relationship of the proposed development to the surrounding area.

c. A copy of any existing or proposed easements.

To the best of my knowledge, all information submitted in the application is true and correct.

_____ _____

Signature of Applicant or Agent Dated

NOTE: Applicants are encouraged to review Section V.C. of the Site Plan Review Ordinance to determine other necessary submission requirements.

Adopted this 2nd day of March, 2024

_____

John Eli White Selectboard Chairman

_____

Shawn Boutilier - Selectman

_____

Wade Rainey - Selectman