# **TOWN OF FORT KENT**

## PLANNING BOARD

## Final Site Design Review Criteria and Standards.

The following criteria and standards shall be utilized by the Planning Board in reviewing applications for site design approval. It should be noted that these design criteria and standards do not apply to mobile home park developments. The standards are not intended to discourage creativity, invention, or innovation. The Planning Board may waive the criteria presented in this section upon a determination by the Planning Board that the criteria are not applicable to the proposed action or upon a determination by the Planning Board that the application of these criteria are not necessary to carry out the intent of this Ordinance. The Planning Board may not approve the site design if in its determination one (1) or more of the following criteria or standards are not met:

All the following information **IS** required unless indicated by (**N/A**):

1. **Conformance with Comprehensive Plan:** The proposed development shall be located and designed in such a manner as to be in conformance with the Town's Comprehensive Plan.

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**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 Town 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.

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**C. Site Access**: Vehicular access to the development shall provide for safe and convenient access and shall be in conformance with the Road Design, Construction, and Acceptance Standards of this Ordinance. A copy of the application shall be provided to the appropriate Town authority(s), and to the Maine Department of Transportation if on a state maintained road, for timely review and comment.

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**D. Parking and Vehicle Circulation**: The proposed plan provides for adequate parking and vehicle circulation and shall be in conformance with the Road Design, Construction, and Acceptance Standards of this Ordinance. A copy of the application shall be provided to the appropriate Town 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 and shall prohibit vehicles from backing out onto a road.

4. All roads and access ways 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.

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**E. Pedestrian Circulation**: The development plan shall provide for a system of pedestrian circulation within the development. This system shall connect with existing sidewalks if they exist in the vicinity of the project. The pedestrian network may be located either in the road 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 the Road Design, Construction, and Acceptance Standards of this Ordinance. A copy of the application shall be provided to the appropriate Town authority(s) for timely review and comment.

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**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 Code Enforcement Officer.

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 Code Enforcement Officer.

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**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, roads, 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, road, 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.

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**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 underground wastewater disposal systems to be used. The proposed development will not cause an unreasonable adverse effect to the Town 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.

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 wastewater 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.

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**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 Fort Kent Water Department. A copy of the application shall be provided to the Department for timely review and comment.

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**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 applicable standards. 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.

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**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.

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 (1) cubic yard of recyclable materials such as, but not limited to, office paper and corrugated cardboard. The floor space requirement shall be met for every two thousand five hundred (2,500) square feet of floor area.

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**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 road from residential or agricultural uses or Districts; and

2. as required by the standards of this Ordinance.

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**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, the Maine Department of Economic and Community Development's, Natural Areas Program, 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.

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**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 the Supplementary Regulations of this Ordinance.

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**O. Storm Water 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 (25) 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 Town 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.

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**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, watercourses, 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.

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 local shoreland zoning ordinance and the State Natural Resources Protection Act, Title 38 MRSA, Sections 480-A to 480 HH. 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.

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**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.

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**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 four and one half (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.

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**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, wastewater treatment facilities, roadways, sidewalks, trail systems, and street lights, existing or planned by the Town.

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**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 Supplementary Regulations for Signs of this Ordinance.

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**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.

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**V. Scenic Vistas and Areas:** The proposed development shall not result in the loss of scenic vistas or visual connection identified in the Town's comprehensive plan.

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**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.

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**X. Mineral Exploration**: Mineral exploration to determine the nature and extent of mineral resources shall be 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.

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**Y. 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 (5) year intervals, subject to a reasonable appropriation by the Town 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 nonstructural measures prior to allowing the use of high maintenance structural measures such as infiltration systems and wet ponds.

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## Conditional Approvals for Site Design.

A. The 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 the Site Design Review Criteria and Standards of this Ordinance; 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.