

Proposed Amendments to Site Plan Ordinance

§ 229-1 Title, purpose and authority.

A. Title. This chapter shall be known and cited as the "Site Plan Ordinance of the Town of Cumberland, Maine."

B. Purpose. The site plan review provisions are intended to protect public health and safety, promote the general welfare of the community, and conserve the environment by assuring that all development is designed and constructed in a manner which assures that adequate provisions are made for traffic, utilities, stormwater, erosion and sedimentation, wildlife habitat and fisheries, and historic and archaeological resources. Site plan review will also serve to minimize any adverse impacts on neighboring properties and to ensure that new developments will fit in harmoniously to the fabric of the community while honoring the historical roots of the Town's agriculture-based economy and providing for less costly and time-consuming review of agriculture-related businesses.

[Amended 5-14-2018; _____]

C. Review and approval authority. The Town Planner is authorized to review and approve projects classified as "staff review." However, the Town Planner may refer a staff review project to the Planning Board when the nature of the application warrants a public hearing or poses the potential for significant impacts on municipal facilities or natural resources. ~~The Planning Board is authorized to review all other projects.~~



§ 229-2 Classification levels.

A. There are ~~three~~ four classification levels of site plan review:

(1) Minor staff review.

(2) Agriculture- related staff review

~~(2-3)~~ Major staff review.

~~(3-4)~~ Planning Board site plan review.

B. The Town Planner shall classify each project to determine the level of review required based on the applicability standards set forth in this section. Staff review is designed for the review of smaller projects, while larger projects will be reviewed by the Planning Board. When calculating square footage as referenced below, include the total area, in square feet, of all floors of the building as measured from the interior faces of the exterior walls, excluding unfinished attics and unfinished basements.

[Amended 11-26-2012; 5-14-2018; _____]

C. The Town Planner shall classify each project to determine the level of review required based on the applicability standards set forth in this section. Staff review is designed for the review of smaller projects, while larger projects will be reviewed by the Planning Board. When calculating square footage as referenced below, include the total area, in square feet, of all floors of the building as measured from the interior faces of the exterior walls, excluding unfinished attics and unfinished basements.

[Amended 11-26-2012; 5-14-2018]

Type of Activity		Minor Staff Review Required Subject to § 229-1C	Major Staff Review Required Subject to § 229-1C	Planning Board Site Plan Review Required
1.	The construction of a new structure (other than single-family and duplex) that contains any of the following:		Between 1,000 and 3,000 sq. ft.	Over 3,000 sq. Over 1,000 cubic yards of fill or excavation
a.	The expansion of a nonresidential building or structure, including accessory buildings, that increases the total floor area by: the total area, in square feet, of all floors of a building as measured from the interior faces of the exterior walls, excluding unfinished attics and unfinished basements	Less than 1,000 sq. ft.	Between 1,000 and 3,000 sq. ft.	Over 3,000 sq. ft.
b.	The construction of an impervious surface such as a support pad or paved or gravel parking area:	Less than 1,000 sq. ft.	Between 1,000 and 3,000 sq. ft.	Over 3,000 sq. ft.
c.	The conversion of existing approved buildings or structures from one approved use to another without enlargement of gross floor area or increase in required parking	X		
2.	Excavation or fill involving over 1,000 cubic yards of material for any type of development or site work that is not otherwise subject to site plan or subdivision review, including but not limited to single-family and duplex development			X
3.	Site preparation activities related to any type of development, including single-family or duplex development, consisting of over 1 acre of disturbed area, including clearing, grubbing, grading and the construction of driveways, entrances, and the installation of driveway culverts. Site plan review will not be required for any subdivision that includes the site preparation activities as part of its approval.			

4. Any of the above activities that are for an agriculture-related use shall be subject to Minor Staff Review unless the project is over 6,000 sf in which case the Planning Board shall conduct the review. As per Section 229-1C, the Town Planner may refer a staff review project to the

Planning Board when the nature of the application warrants a public hearing or poses the potential for significant impacts on municipal facilities or natural resources.



§ 229-11 Expiration of approval.

[Amended 2-25-2013; 6-17-2013; ____]

Construction of the improvements covered by any site plan approval must be substantially commenced within 12 months of the date upon which the approval was granted. If construction has not been substantially commenced within 12 months of the date upon which approval was granted, the approval shall be null and void. If construction has not been substantially completed within 24 months of the date upon which approval was granted or within a time period as specified by the Planning Board, the approval shall be null and void. The applicant may request an extension of the deadline to commence or complete construction prior to expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to two one-year extensions to the period if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

Construction of the improvements covered by any Agriculture-related staff review shall be five (5) years for commencement and 10 years for completion.