



M E M O R A N D U M

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To: Steve Moriarty, Chairman
Planning Board

From: William R. Shane, Town Manager

Date: April 11, 2018

Re: Site Plan Changes

Attached are the proposed changes to the Site Plan Ordinance. Typically, single family homes have been exempted from this Ordinance. In order to prevent significant impacts to abutting neighbors from the filling or excavation of 1,000 or more cubic yards (100 dump trucks +/-), the Town Council's Ordinance Committee believes a Planning Board review should be required when dealing with large levels of excavation or fill. This does not apply to lots within an approved subdivision.

Chapter 229

Site Plan Review

[HISTORY: Adopted by the Town of Cumberland 1-9-2012; amended 3-26-2012. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Floodplain management — See Ch. 105.

Impact fees — See Ch. 137.

Shoreland zoning — See Ch. 226.

Stormwater management — See Ch. 242.

Subdivision of land — See Ch. 250.

Zoning — See Ch. 315.

§ 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 nonresidential** 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.
- 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 classification levels of site plan review:
 - (1) Minor staff review.
 - (2) Major staff review.
 - (3) 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]

§229-3 Non- Residential Site Plan Review

	Type of Activity Non- Residential	Minor Staff Review	Major Staff Review Required	Planning Board
<u>.1</u>	Construction of a new structure (other than single family or duplex)	Less Than 1,000 square feet	Between 1,000 and 3,000 square feet	Over 3,000 square feet
<u>.2</u>	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	Less than 1,000 square feet	Between 1,000 and 3,000 square feet	Over 3,000 square feet
	An accessory dwelling unit as permitted in § 315-45A. Construction, alteration, or expansion of a residential building to include one accessory dwelling unit.	X		
<u>.3</u>	The construction of an impervious surface such as a support pad or paved or gravel parking area:	Less than 1,000 square feet	Between 1,000 and 3,000 square feet	Over 3,000 square feet
<u>.4</u>	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		
<u>.5</u>	<u>The placement of fill material or removal of earth or rock materials</u>			<u>Over 1,000 cubic yards of fill or excavation</u>

§229-4 Residential Site Plan Review

	Type of Activity Residential	Minor Staff Review	Major Staff Review Required	Planning Board
<u>.1</u>	<u>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.</u>			<u>X</u>
<u>.2</u>	<u>Site preparation activities related to any type of development, including single-family or duplex development, consisting of up to 1 acre of disturbed area, including clearing, grubbing, grading and the construction of driveways and entrances, including the installation of driveway culverts. Site plan review will not be required for any previously approved subdivision</u>	<u>Less than 5 Acres*</u>		<u>Greater than 5 Acres</u>

** May require MDEP Notice of Intent or NRPA Permit By Rule.*

§ 229- 3-5 Fees.

- A. Application fee. Any application for any type of site plan review must be accompanied by an application fee set by order of the Town Council. This fee is to cover the cost of the municipality's administrative processing of the application, including notification, advertising, mailings, staff review, and similar costs. The fee shall not be refundable.
- B. Technical review fee. A technical review fee may be required to pay reasonable costs incurred by the Board or the Town Planner to review the application for technical conformance with the requirements of this chapter. The municipality shall provide the applicant, upon written request, with an accounting of his or her account and shall refund all of the remaining moneys in the account after the payment by the Town of all costs and services related to the review; provided, however, that where the cost of technical reviews exceeds the amount of moneys in the escrow account, the applicant shall pay to the Town prior to the issuance of any building permit the amount by which the technical reviews exceed the amount of moneys in the escrow account.

The current section numbers in the remainder of the ordinance require renumbering

§ 229-3 - § 229-15