

**TOWN OF CORINTH, MAINE**  
**SITE PLAN REVIEW ORDINANCE**  
**October 27, 2016**

**1. Title.** This Ordinance shall be known and may be cited as the “Town of Corinth Site Plan Review Ordinance”.

**2. Purpose.** This Ordinance is enacted by the voters of the Town of Corinth for the purpose of:

2.1. Protecting the Town and its residents against development of industrial, commercial, and multi-family residential housing at locations that are unsuitable for such development based on environmental considerations; adverse impact on adjacent properties and uses; or traffic, sanitation and public health considerations; and

2.2. Assuring that development of new industrial, commercial and multi-family residential housing projects in the Town of Corinth occurs only where adequate provision has been made for traffic safety and public ingress / egress; emergency vehicle access; water supply; wastewater / sewage disposal; storm water management; protection of the environment; and protection of historic and archaeological resources.

**3. Authority.** This Ordinance is enacted as a municipal police power ordinance pursuant to the statutory home rule provisions of Title 30-A Maine Revised Statutes (M.R.S.) sections 3001 *et seq.*

**4. Effective Date.** This Ordinance shall take effect upon approval by the voters of the Town of Corinth, at the annual or a special Town meeting or municipal referendum election duly called for that purpose.

**5. Applicability.**

5.1. Notwithstanding Title 1 M.R.S. section 302, this Ordinance shall apply to all development projects requiring site plan approval as defined herein, for which any required final permits had not been obtained, or for which a substantial start on project construction had not been made, as of April 28, 2016, the date of approval of the Town of Corinth, Multi-family Residential Construction Moratorium ordinance.

5.2. Development projects requiring site plan approval shall consist of:

5.2.1. All new commercial or industrial development projects in the Town of Corinth.

5.2.2. All new multi-family housing projects and mobile home parks in the Town of Corinth that, as planned, will result in creation of three or more new residential dwelling units or mobile home park lots, respectively.

5.3. This Ordinance shall not apply to commercial, industrial or multi-family housing projects and mobile home parks in existence on the effective date of this Ordinance. Provided, however, that any expansion of such existing projects after the effective date of this Ordinance shall require municipal site plan approval in accordance with this Ordinance.

5.3.1. Existing structures in any commercial, industrial or multi-family housing projects and mobile home parks in existence on the effective date of this Ordinance that are removed, demolished, or destroyed by fire or other casualty may be replaced or rebuilt in their original location, without complying with the permit requirements and approval standards of this Ordinance, provided that:

5.3.1.1. There is no enlargement or increase in the nonconforming aspects of the property or structures concerned;

5.3.1.2. A building permit is obtained from the Code Enforcement Officer for the replacement or reconstruction within one (1) year after removal, demolition or destruction of the structures concerned;

5.3.1.3. The replacement or reconstruction is completed within the time specified in the building permit; and

5.3.1.4. Any replacement mobile home must comply with the safety and appearance standards of the Town of Corinth Mobile Home Safety Ordinance.

5.3.2. Upon application by the property owner, the Planning Board may approve replacement or reconstruction of an existing structure that has

been removed, demolished, or destroyed by fire or other casualty, at a different location on the same lot, upon written findings by the Planning Board that replacement or reconstruction at a different location will eliminate or reduce the nonconforming aspects of the property or structure concerned with the provisions of this Ordinance. Following Planning Board approval of replacement or reconstruction at a different location on the same lot, the property owner shall obtain a building permit and complete the replacement or reconstruction within the times provided in this subsection.

5.4. This Ordinance shall not apply to:

5.4.1. Municipal, State of Maine and public school (RSU/MSAD) construction projects;

5.4.2. Single-family residential construction projects;

5.4.3. Church or other non-profit entity construction projects;

5.4.4. Commercial or private timber harvesting activities;

5.4.5. Agricultural activities or construction of buildings for agricultural purposes.

**6. Prohibition.** After the effective date of this Ordinance, no person, firm, corporation, partnership, limited liability company or other legal entity shall build, occupy, use or maintain any development project requiring site plan approval or expansion requiring site plan approval under section 5.0 of this Ordinance, without first applying for and obtaining a valid, final site plan permit in accordance with this Ordinance. Any violation of this section shall constitute a land use violation and shall be subject to prosecution in accordance with Title 30-A M.R.S. section 4452 *et seq.*

## **7. Definitions.**

7.1. Mobile Homes / Manufactured Housing. All terms used within subsection 10.0(J) of this Ordinance relating to mobile home parks, including without limitation “manufactured housing”, “mobile home park”, “mobile home park lot” and “pitched, shingled roof”, shall be defined as provided in Title 30-A M.R.S. section 4358 (Regulation of Manufactured Housing) and

Article 5 of the Town of Corinth Mobile Home Safety Ordinance, adopted March 16, 2010, as may be amended.

7.2. Other Terms. All other terms in this Ordinance relating to lots, lot area, lot frontage, lot width, setbacks, road frontage, and development of land shall be defined as provided in the Maine subdivision statute, 30-A M.R.S. section 4401 and the Town of Corinth Subdivision Ordinance adopted March 17, 2009, as may be amended. In the event of a conflict between these two references, the definitions of the subdivision statute shall control.

7.3. Terms Not Defined. Terms not defined in any of the references cited above shall be given their ordinary or dictionary meaning.

**8. Application Procedure.** Any person seeking approval of a proposed project under this Ordinance shall file an application with the Town of Corinth Planning Board, through the Town's Code Enforcement Officer, containing the below-listed elements, together with the required application fee. A total of eight (8) copies of the application shall be provided by the applicant.

8.1. Cover Letter. A cover letter explaining the type and scope of the project.

8.2. Number of Copies; Scale of Plans. Eight (8) copies of required plans as described further below. All plans shall be drawn to a scale no smaller than 1" = 100'.

8.3. Site Plan. The site plan shall contain the following items, unless the Board, by formal action, waives specific requirements:

8.3.1. A title block containing the name and address of the applicant and property owner; the name and address of the preparer of the plan, with professional seal, if applicable; location of the property according to municipal tax maps; and the date of plan preparation or revision.

8.3.2. A north arrow, a graphic scale, and a signature block for members of the Board.

8.3.3. The location and description of all buildings existing or to be placed on the site.

- 8.3.4. The location of physical features such as ledge, wetlands, watercourses, sand and gravel aquifers and forested areas.
- 8.3.5. The location and design details of existing and proposed utilities including power, water, sewer or septic system, and drainage structures.
- 8.3.6. The location of any permanently installed machinery likely to cause appreciable noise at the lot lines.
- 8.3.7. Existing contours and finished grade elevations within the site.
- 8.3.8. The location and necessary design details of all parking and paved areas.
- 8.4. Storm water management. A plan for the treatment and management of storm water.
- 8.5. Soil Survey. A copy of the soil survey map of the area.
- 8.6. Material Storage. A description of any raw, finished or waste materials to be stored outside the buildings and any stored materials of a hazardous nature.
- 8.7. Wastewater disposal. A description of the type and location of sewage / wastewater disposal facilities, including the following:
  - 8.7.1. Where disposal will be accomplished through an on-site subsurface wastewater disposal system, an analysis of test pits prepared by a licensed site evaluator, together with a copy of the applicant's permit application to the Maine Department of Environmental Protection (DEP) for a wastewater disposal license under 38 M.R.S. section 413, as may be amended, or certification from a Licensed Plumbing Inspector that the wastewater disposal system as proposed complies with State of Maine plumbing code requirements and does not require a license from Maine DEP. In all cases where approval by MDEP or other State agencies or officials is required, final site plan approval under this Ordinance shall be conditioned on the applicant providing evidence of binding, final approval of a wastewater disposal license or other required permit(s).

8.7.2. Where disposal will be accomplished through an off-site public or community wastewater facility, certification by the owner, operator or superintendent of the facility concerned that the facility possesses all required licenses and permits; has sufficient available capacity to handle wastewater from the proposed development; and that the proposed development has been approved for connection to or use of the facility concerned.

8.8. Water Supply. Evidence of a water supply sufficient in quantity and quality for normal domestic use, use as process water for industrial operations, and use for fire protection. The Town of Corinth Fire Chief shall review and provide comments on all site plan applications submitted under this Ordinance, in regard to the adequacy of the proposed water supply for fire protection purposes, taking into account the nature of the proposed use; the size, type and proximity of all planned structures to other existing structures on and off the proposed development site; the adequacy of the proposed access routes for fire emergency purposes; the type of fire protection in existing and proposed structures (*e.g.*, sprinkled versus non-sprinkled); available Town fire equipment (*e.g.*, tank and pumper trucks); and the likely effect of the proposed project's fire protection arrangements on the Town of Corinth's ISO / Fire Suppression Rating Schedule (FSRS) rating.

8.9. Preconstruction Cost Estimate. An engineer's preconstruction cost estimate for construction of the proposed project, including a separate estimate for construction all planned public improvements that are part of the project, including but not limited to roads; turning lanes; traffic signals; public water and sewer lines; and storm water storage and detention facilities.

8.10. Right, Title or Interest. Evidence of the applicant's right, title or interest in the project site. Evidence of right, title or interest may consist of (i) evidence of fee title to the project site in the applicant's name; (ii) a binding purchase and sale agreement or option agreement under which the applicant has the ability to acquire the property at the applicant's discretion; (iii) a binding long-term land lease giving the applicant authority to develop the property; (iv) written consent of the property owner to the applicant to file and maintain the application; or other similar evidence.

8.11. Technical and Financial Capacity. Evidence of the applicant's technical and financial capacity to complete the project.

8.12. Application fee. The non-refundable application fee for site plan approval shall be as provided in the Town of Corinth Fee Ordinance, adopted March 22, 2011, as may be amended from time to time.

8.12.1. In addition to the application fee, the Planning Board may require the applicant to deposit a sum not to exceed two percent (2%) of the engineer's preconstruction cost estimate for construction of the proposed project, with the Corinth Town Treasurer, for the purpose of reimbursing the Town's cost of legal and professional services incurred by the Planning Board in reviewing the application. Said amount shall be maintained as a separate line item account in the Town's financial records, and may be drawn upon by the Planning Board as needed. All unexpended amounts remaining after final approval or disapproval or withdrawal of the application shall be reimbursed to the applicant.

8.13. Review Procedures. Any site plan permit application for a project that also requires review and approval as a subdivision or subdivision amendment under the Town of Corinth Subdivision Ordinance shall be reviewed at the same time as the subdivision permit application for the same project, in accordance with the review procedures established under the Subdivision Ordinance.

Any site plan permit application for a project that does not require review and approval as a subdivision or subdivision amendment shall be reviewed in accordance with the following procedures:

8.13.1. Completeness Review. Upon receipt of a site plan permit application, the Code Enforcement Officer shall note the date and time of receipt, and shall review the application for completeness. The Code Enforcement Officer shall inform the applicant of any deficiencies in the required submittals, within fourteen (14) days following receipt of the application.

The applicant shall have fourteen (14) days following receipt of a notice of deficiency from the Code Enforcement Officer to provide

the missing or corrected items. The Code Enforcement Officer may reasonably extend this period upon request of the applicant. Upon satisfaction of any deficiencies in the application, the Code Enforcement Officer shall forward the full application to the Planning Board for its review.

In event the applicant disagrees with a finding by the Code Enforcement Officer that the application is incomplete, the applicant may request that the application, as submitted, be forwarded to the Planning Board for the purpose of conducting a completeness review.

- 8.13.2. Planning Board Action. Upon receipt of the application and resolution of any completeness issues that have been referred to the Planning Board, the Board shall schedule an initial meeting on the application, for the purpose of receiving an overview from the applicant. At the initial meeting, the Planning Board shall also schedule a time for a site visit by members of the Planning Board, the applicant or applicant's representative, and all other interested persons. Following the site visit, the Planning Board shall hold a hearing or hearings on the application, with prior public notice, in accordance with the Planning Board's rules of procedure, which shall include opportunities for the applicant, other interested persons and members of the general public to provide information and present their views.

All Planning Board hearings and final action on the application shall be completed no later than ninety (90) days following the Planning Board's receipt of the completed application, unless the applicant requests or consents to an extension. Upon completion of its hearings, the Planning Board shall deliberate upon the application and enter findings concerning the application's compliance with the Ordinance's approval standards. The Planning Board shall issue its written decision to the applicant, granting, conditionally granting, or denying the application. Copies of the Board's written decision shall be provided to all other interested persons who have participated in the Planning Board's hearings on the application.

Promptly following approval of the site plan permit by the Planning Board, or the applicant's satisfaction of any final approval conditions imposed by the Planning Board, and subject to payment of any required fees, the Code Enforcement Officer shall issue any necessary building permits or other permits to the applicant to commence construction.

Unless appeal proceedings remain pending, failure of the applicant to commence development of the approved project within two (2) years after the applicant's receipt of a building permit, or to complete construction within four (4) years after building permit approval, shall be deemed to constitute an abandonment of the project, and the Town's site plan approval shall be deemed to have expired. The Planning Board, upon written request of the applicant for good cause shown, may extend the start or completion dates for the project by up to two additional years each.

8.13.3. Appeals. Any party may take an appeal from the final decision of the Planning Board on the permit application within thirty (30) days after notice of the Planning Board's decision. All appeals from decisions under this Ordinance shall be filed in writing with the Town of Corinth Board of Appeals, in accordance with that Board's procedures. Permits approved by the Planning Board shall be deemed to remain in effect during the Board of Appeals' consideration of the appeal, unless a party to the appeal seeks and obtains a stay or preliminary injunction from the Penobscot County Superior Court.

**9. Review Criteria.** The following criteria and standards shall be utilized by the Planning Board in reviewing applications for Site Plan Review. These standards are intended to provide a guide for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, and innovation.

9.1. Preservation of Landscape: The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas.

The Planning Board shall consider the comments, if any, of the State Historic Preservation Officer, and may require that significant archaeological sites be preserved to the maximum extent possible both during construction and following completion of the development.

- 9.2. Relation of Proposed Buildings to the Environment. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings. Special attention shall be paid to the scale of the proposed building(s), massing of the structure(s), and such natural features as slope, orientation, soil type, and drainage courses.
- 9.3. Parking and Circulation. The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas shall consider general interior circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and the arrangement and use of parking areas.. These facilities shall be safe and convenient and, insofar as practicable, shall not detract from the proposed buildings and neighboring properties.
- All entrance and exit driveways shall be located to afford maximum safety to traffic, provide for safe and convenient ingress and egress to and from the site and to minimize conflict with the flow of traffic.
  - Any exit driveway or driveway lane shall be designed in profile and grading and located as to provide the maximum possible sight distance measured in each direction. The sight distance available shall not be less than the stopping distance for oncoming traffic at the posted speed limit (ten feet [10'] per mph).
  - Acceleration and deceleration lanes shall be provided where the volume of traffic using the driveway and the volume of traffic on the road would create unsafe traffic conditions.
  - Evidence of compliance with the applicable Maine Department of Transportation rules and regulations concerning road entrances, minimum sight distances and turning, acceleration and deceleration lanes shall constitute compliance with this Ordinance in regard to those items.

- 9.4. Surface Water Drainage. Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. Adequate treatment shall be provided to mitigate potential impacts to receiving wetlands and water bodies from pollutants, excess nutrients and elevated temperatures in storm water runoff from developed areas.
- 9.5. Water Supply; Wastewater Disposal. Adequate provisions shall be made for water supply and wastewater disposal in accordance with state standards.
- 9.6. Special Features. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
- 9.7. Exterior Lighting. All exterior lighting shall be designated to encourage energy efficiency, to ensure safe movement of people and vehicles, and 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. The Planning Board shall determine the necessity for lighting depending upon the nature of the intended use.
- 9.8. Emergency Vehicle Access. Convenient and safe emergency vehicle access shall be provided to all buildings and structures at all times.
- 9.9. Landscaping. Landscaping shall be designed and installed to define, soften, or screen the appearance of off-street parking areas from the public right-of-way and abutting properties to enhance the physical design of the building(s) and site.
- 9.10. Road Standards. Except as provided separately below for interior streets in new mobile home parks, when a project requires the construction of public or private ways, these ways shall conform to the Town's design and construction standards for Town public roads.

- 9.11. Site Conditions. During construction, the site shall be maintained and left each day in a safe and sanitary manner and any condition that could lead to personal injury or property damage shall be immediately corrected by the developer upon an order by the Town's Code Enforcement Officer, Building Inspector or other authorized personnel. The developer shall make provision for disposal of oil and grease from equipment and the site area shall be regularly sprayed to control dust from construction activity.
- 9.12. Location. New mobile home parks and multi-family housing projects requiring site plan approval under this Ordinance must be located entirely within those areas designated as eligible for mobile home parks and multi-family housing projects in the Site Plan Review Map adopted herewith and attached to this Ordinance (Appendix A).

## **10. Performance Standards.**

- 10.1. General Performance Standards. Except as expressly provided below with respect to mobile home parks, the following performance standards shall apply to all site plans.
- 10.1.1. Road Standards. See section 9.10, above.
- 10.1.2. Setbacks. All principal and accessory structures shall be set back at least one hundred feet (100') from the center line of any adjacent public highway or Town road. All parking areas shall be set back at least fifty feet (50') from the center line of any adjacent public highway or Town road.
- 10.1.3. Buffers. All principal and accessory structures shall be set back at least fifty feet (50') from each property line with an adjacent lot.
- 10.1.4. Lot Coverage / Impervious Surface Ratio. The unvegetated or impervious surface area of each separate lot or parcel comprising the proposed project shall not exceed seventy percent (70%) of the total area of the lot or parcel concerned. For expansions of existing projects that otherwise would not be subject to this Ordinance, the

seventy percent (70%) maximum impervious surface ratio shall apply to the project as a whole, following the proposed expansion.

10.1.5. Maximum Building Footprint. The maximum building footprint area within each separate lot parcel comprising the proposed project shall not exceed fifty percent (50%) of the total area of the lot or parcel concerned. For expansions of existing projects that otherwise would not be subject to this Ordinance, the fifty percent (50%) maximum building footprint area shall apply to the project as a whole, following the proposed expansion.

10.1.6. Accessibility. All projects shall comply with any applicable provisions of the federal Americans with Disabilities Act and regulations thereunder, and with all applicable provisions of Maine law and regulations thereunder, pertaining to physical access by disabled persons.

10.1.7. Floodplain Management. All projects requiring site plan approval under this Ordinance shall comply with all applicable provisions of the Town of Corinth Floodplain Management Ordinance adopted March 18, 2014, as may be amended.

10.1.8. Waste Disposal. The developer shall make adequate provisions for collection and disposal of garbage, household waste and other solid wastes generated by the project. Such provisions shall include, at a minimum, weekly pick-up and collection of garbage and household waste and monthly collection of bulky and other solid waste items. Unless collection of garbage and other household waste takes place on a twice-weekly or more frequent basis, the developer shall provide and maintain a dumpster or other centralized collection facilities for disposal of solid waste generated by the project.

## 10.2. Mobile Home Parks.

10.2.1. Unit Standards. All manufactured housing units (mobile homes) placed or installed in a mobile home park for which site plan approval is required under this Ordinance shall comply with the application requirements, siting standards, safety standards and appearance standards of Articles 4, 6, 7 and 8 of the Town of

Corinth Mobile Home Safety Ordinance, as may be amended. Mobile home park owners shall be responsible for ongoing maintenance of the mobile home park as necessary to maintain compliance with siting, appearance and safety standards.

#### 10.2.2. Lot Standards:

##### 10.2.2.1. Minimum Lot Size:

- 6,500 square feet, for parks with public sewer service
- 12,000 square feet, for parks served by a central, on-site wastewater disposal systems approved by Maine Department of Health and Human Services (DHHS)
- 20,000 square feet, for lots with on-site subsurface wastewater disposal systems

10.2.2.2. For mobile home parks served by public sewer service, the developer shall provide an additional area for open space, storage or recreation, equal to ten percent (10%) of the total area of all lots within the mobile home park. The Planning Board may reduce the required additional area in proportion to the percent by which all lots in the mobile home park exceed the 6,500 square foot minimum lot area. By way of example, if all lots in the mobile home park exceed 7,150 square feet (= 6,500 square feet plus 650 square feet), the open space requirement may be reduced to 0.

10.2.2.3. For mobile home parks served by a central, on-site wastewater disposal system approved by DHHS, the overall density of the mobile Home Park may not exceed one home for every 20,000 square feet.

#### 10.2.3. Road Standards:

10.2.3.1. New mobile home park roads proposed for acceptance as public ways of the Town of Corinth shall conform to the design and construction standards for Corinth town roads.

10.2.3.2. Interior mobile home park roads and access roads that shall remain privately owned must:

- be built to professional engineering standards with a professional engineer's seal as required by the State of Maine Manufactured Housing Board;
- have a minimum right-of-way width of 23 feet;
- have a minimum pavement width of 20 feet;
- Conform to National Highway Safety Administration standards of the U.S. Department of Transportation in regard to intersections with public ways adjacent to the mobile home park.
- Make adequate provisions for ingress, egress, and turn-around by fire engines and other emergency vehicles responding to emergency calls at the mobile home park. Provisions for this purpose may include secondary entrances / exits to the park; cul-de-sacs; "T" or hammer-head lanes; emergency fire lanes kept clear of all other obstructions or development and so designated on the mobile home park site plan; or any combination of these measures. The Town of Corinth Fire Chief shall review the adequacy of provisions proposed for this purpose, and shall give his or her opinion in writing to the Planning Board

10.2.3.3. Setbacks:

10.2.3.3.1. Mobile homes on lots adjacent to any public way shall be set back from the public way concerned the same distance as is required for single-family residential structures on lots adjacent to the mobile home park.

10.2.3.3.2. Buffer Yards: Individual mobile homes shall be set back not less than fifty feet (50') from any property line of the mobile home park adjacent to any parcel that is: (A)

Undeveloped, (B) Developed primarily for single-family residential use.

10.2.4. **Health and Safety, Miscellaneous.** A person developing or expanding a mobile home park under this Ordinance has the burden of proving that the development will not

10.2.4.1. Pollute a public water supply or aquifer

10.2.4.2. The developer of the mobile home park shall make adequate provisions for supplying potable water to the park for domestic use. The developer must demonstrate that the proposed water supply shall be safe and reliable, in accordance with all State (DHHS) and federal drinking water requirements.

10.2.4.3. The developer shall make adequate provisions for supplying water to the park for firefighting purposes. Provisions for this purpose may include one or more fire ponds with hydrants; a public or private pressurized hydrant system; an on-site standpipe with fire hose connections; or any combination of these or other measures. The Town of Corinth Fire Chief shall review the adequacy of provisions proposed for this purpose, and shall give his or her opinion in writing to the Planning Board.

10.2.4.4. No above-ground heating oil supply tank shall be installed within the wellhead protection zone of a community drinking water well serving the mobile home park, except in conformity with 38 M.R.S. section 1395.

10.2.4.5. No individual mobile home or other structure shall be located within seventy-five feet (75') of the upland edge of any pond, wetland or vernal pool, nor within one hundred feet (100') from the normal high water line of any river, brook or perennial stream.

**APPENDIX A**  
**Site Plan Review Ordinance Map**

**CHANGE CONTROL**

10/27/2016 Ordinance adopted at Special Town Meeting - Article 2  
Effective as of April 28, 2016 (per Section 5.1)