

aisles at intervals no greater than one island per every twenty (20) spaces. Islands at the ends of aisles shall be counted toward meeting this requirement. Each required landscaped island shall be a minimum of one hundred eighty (180) sf in landscaped area.

- ii. One (1) two point five (2.5) inch caliper canopy tree, one (1) four (4) foot high under story tree, and three (3) twelve (12) inch high evergreen or fifteen (15) inch high deciduous shrubs shall be planted within each parking lot island. All landscaped areas shall be a minimum ten (10) feet in width in their smallest dimension and tree wells shall be a minimum thirty six (36) square feet in area. All parking lot landscaping shall be included in the site landscaping plan as described in section 508.30.D.1.c.
3. Outdoor sales. The following additional standards applicable only to retail establishments greater than 10,000 sf of floor area.
 - a. Areas for outdoor sales of products may be permitted if they are extensions of the sales floor into which patrons are allowed free access. Such areas shall be incorporated into the overall design of the building and the landscaping and shall be permanently defined and screened with walls and/or fences. Materials, colors and design of screening walls and/or fences shall conform to those used as predominant materials and colors on the building. If such areas are to be covered, then the covering shall be similar in materials and colors to those that are predominantly used on the building facade. Outdoor sales areas shall be considered as part of the gross floor area of the retail establishment.
 - b. Outdoor storage of products for sale in an area where customers are not permitted is prohibited unless such area is visually buffered from adjacent residences and public and private roads. This prohibition includes outdoor storage sheds and containers for sale. The Planning Board shall have the authority to determine the adequacy of such buffering.
 - c. Outdoor sales areas must be clearly depicted on site plan and separated from motor vehicle routes by physical barrier and ten (10) feet.
 4. Access from Public Roads. Access from Routes 26 and 122 and Carpenter Road shall be limited to two (2) per development with one access sited so as to provide the opportunity for joint access with an adjacent property.
 5. Building Setbacks. The maximum front setback of principal structures shall be one hundred fifty (150)¹²¹ feet. Said setback may be exceeded if the width of the landscape buffer required in section 508.30.D.1.b is increased to seventy-five (75) feet and the number of plantings described in subsection 508.30.D.1.b is proportionately increased.¹⁵⁴

509 SITE PLAN REVIEW

509.1 Purposes - The purposes of this Section are:

- A. To provide Municipal Review of projects that potentially could affect the environment and community;
- B. To promote and protect the health, welfare and safety of the residents of the Town of Poland;
- C. To provide local protection from those particular nuisances which are not governed by State law or regulation;
- D. To balance the rights of landowners to use their land with the corresponding right of abutting and neighboring landowners to live without undue disturbance from noise, smoke, fumes, dust, odor, glare, traffic, storm water runoff or the pollution of ground or surface waters;
- E. To reduce the off-site external problems created by developments thereby decreasing the cost of maintaining or improving Municipal services;
- F. To conserve the Town's natural beauty and visual character by ensuring that structures, signs and other improvements and uses of land are sited and developed with due regard to the aesthetic qualities of the natural

¹²¹ Amended 04/05/2014

terrain and that proper attention is given to exterior appearances of structures, signs, other improvements and uses of land; and

G. To implement the policies of the Town of Poland Comprehensive Plan.

509.2 Applicability

A. Site Plan Review by the Planning Board in conformity with the criteria and standards of this Section shall be required for the following:

1. Uses in each district which require Site Plan Review as identified in Section 506.1
2. A change in use when the new use is subject to Site Plan Review.
3. New uses of existing structures or land or existing uses that require Site Plan Review as defined in Section 506.1 when such uses would alter normal traffic patterns, or which would employ new materials and/or processes.
4. Existing uses that require Site Plan Review as defined in Section 506.1 which seek to expand by either one thousand (1,000) sq. ft. or twenty-five percent (25%) in area (whichever is lesser provided such expansion involves at least five hundred (500) sq. ft.) within any five (5) year period, with regard to floor space, seating capacity or outdoor storage area.
5. Resumption of conforming uses which have been abandoned for at least two (2) years which would require Site Plan Review if being newly established.
6. Creation of any back lot and back lot driveway under the provisions of Section 509.10¹²²

B. Site Plan Review approval is not required for the following:

1. The normal and customary practices and structures associated with agriculture and forestry. Other Sections of this Code may require permits or specify standards for agricultural and forestry activities.
2. Any residential construction project that is located in the Limited Residential or Stream Protection 1 and 2 Zoning Districts that involves an expansion of an existing residential structure of less than 1,000 sq. ft. and as long as the expansion is not located within one hundred (100') of the Normal High Water Line setback from a great Pond or 75' from the upland edge of a wetland or stream.¹²³

509.3 Administration

- A. In order to establish an orderly, equitable and expeditious procedure for reviewing Site Plan Reviews and to avoid unnecessary delays in processing applications for Site Plan Reviews, the Board shall prepare a written agenda for each regularly scheduled meeting.
- B. The agenda shall be prepared no less than one week in advance of the meeting, distributed to the Board members and any applicants appearing on the agenda, and posted at the Municipal Office.
- C. Applicants shall request to be placed on the Board's agenda at least ten (10) days in advance of a regularly scheduled meeting by contacting Poland's Code Enforcement Officer.
- D. Applicants who attend a meeting but who are not on the Board's agenda may be heard only after all agenda items have been completed, and then only if a majority of the Board so votes.
- E. The Board shall take no action on any application not appearing on the Board's written agenda.

509.4 Pre-application Meeting, Sketch Plan and Site Inspection

¹²² Amended 4-4-2015

¹²³ Added 4-4-2015

- A. Purpose - The purposes of the Pre-application Meeting and on-site Inspection is for the applicant to present general information regarding the proposed Site Plan Review to the Board and receive the Board's comments prior to the expenditure of substantial sums of money on surveying, soils identification, and engineering by the applicant.
- B. Procedure
1. The applicant shall present the Pre-application Sketch Plan and make a verbal presentation regarding the site and the proposed development.
 2. Following the applicant's presentation, the Board may ask questions and make suggestions to be incorporated by the applicant into the application.
 3. Exemption: The pre-application process may be skipped if there is no change of use and the estimated fair market value of construction, expansion, or renovation is less than \$10,000. The applicant may go directly to the Site Review in Section 509.7. An on-site inspection may still be required by the Planning Board.¹²⁴
- C. On-site Inspection - The date of the on-site Inspection is selected by the Planning Board.
- D. Submissions
1. The Pre-application Sketch Plan shall show, in simple sketch form, the proposed development area, and other features in relation to existing conditions. The Sketch Plan, which may be a free-hand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It is recommended that the Sketch Plan be superimposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located.
 2. The Code Enforcement Officer or Designee shall send notification to all property owners within five hundred (500) feet of the edge of the applicant's property lines of the submission of the Sketch Plan. This notice shall indicate the time, date and place of the Planning Board's first consideration of the Sketch Plan. The notifications shall be mailed at least seven days prior to the scheduled meeting date.¹²⁵

509.5 Requirements for On-site Inspection - Within thirty (30) days of the Pre-application Meeting, the Board may hold an on-site Inspection of the property.

- A. The Board shall not conduct on-site Inspections when there is six (6) inches or more of snow.
- B. The applicant shall place "flagging" at the location of structures and parking areas and lot corners, prior to the on-site Inspection.
- C. Notice of such on-site Inspection shall be posted in the Municipal Office as required by Title 1, M.R.S.A. Section 406.
- D. The public is allowed to accompany the reviewing authority on such on-site Inspections as per Title 1, M.R.S.A. Section 401-410.
- E. At its next regular meeting following on-site Inspection, the Planning Board shall discuss the inspection and note various features and conditions found.
- F. The Planning Board shall notify the applicant in writing of its findings from the inspection and inform the applicant of the contour intervals to be required for a formal application.

509.6 Rights Not Vested - The Pre-application Meeting, the submittal or review of the Sketch Plan or the on-site Inspection shall not be considered the initiation of the review process for the purposes of bringing the Plan under the protection of Title 1, M.R.S.A. Section 302.

¹²⁴ Amended 4-30-2005

¹²⁵ Amended 04/05/2014

509.7 Application Procedure

- A. Applications in Writing - All applications for Site Plan Review shall be submitted to the Planning Board within six (6) months of the date of the first Planning Board meeting to discuss the Sketch Plan. If such application is not made within this time period the application shall be deemed withdrawn. Applications for Site Plan approval shall be made in writing on forms provided for this purpose. Applications shall be received by the Planning Board in order filed and when the Board agenda permits.

All applications shall be made by the owner of the property or his agent, as designated in writing or person which shows evidence of right, title or interest.

- B. Development Plan - A Site Plan meeting the standards of this Section shall be submitted to and reviewed by the Planning Board and shall be approved by the Planning Board before any Building Permit may be issued. In the case of proposed resumption of uses which have been abandoned for at least two (2) years, Planning Board approval shall be required before such uses may be resumed if such a use requires Site Plan Review if being newly established.
- C. Dated Letter - The applicant, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Site Plan. The Planning Board shall provide the applicant a dated letter of a Site Plan Review Application after the Planning Board meeting where the application is first presented.¹²⁶
- D. Application Completeness - Within thirty (30) days of receipt of a Site Plan Review application form and fee, the Planning Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application. The Planning Board may request the applicant to provide additional information necessary for the Planning Board review after a determination that a complete application has been received. The Planning Board shall determine whether to hold a Public Hearing.
- E. Public Hearing - If the Planning Board decides to hold a Public Hearing, it shall hold the hearing within thirty (30) days after finding it has received a complete application and shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the Municipality at least two (2) times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice of the Public Hearing shall be mailed to all abutters within five hundred (500) feet of the applicant's property lines at least seven (7) days prior to the hearing by the Town of Poland.

Within thirty (30) days after the record is closed of a Public Hearing, or within sixty (60) days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Planning Board and the applicant, the Planning Board shall issue an order and approve, approve with conditions, or deny the Site Plan. The Planning Board shall specify, in writing, its findings of facts and reasons for any conditions or denial.

- F. Additional Studies - The Planning Board may require the applicant to under-take any study which it deems reasonable and necessary to demonstrate that the requirements of this Code are met. The costs of all such studies shall be borne by the applicant.
- G. Notice to Abutters - Upon filing an application, the Code Enforcement Officer or designee shall notify the property owners within five hundred (500) feet of the edge of the applicant's property lines of a pending application for Site Plan Review. This notice shall indicate the time, date and place of the Planning Board's first consideration of the application. The notifications shall be mailed at least seven days prior to the scheduled meeting date.¹²⁷
- H. Financial Guarantee - Prior to Final Approval of any Site Plan Review application, the Planning Board may require the applicant to provide a performance guarantee in accordance with Chapter 614. The amount of the Performance Guarantee shall be in an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the Construction Schedule and the inflation rate for construction cost. The Town shall have access to the site at all times to review the progress of the work.

¹²⁶ Amended 4-26-2003

¹²⁷ Amended 04/05/2014

- I. Conditions - The Planning Board may attach reasonable conditions to the Site Plan Review approvals to ensure conformity with the standards and criteria of this Code.
- J. Minor Changes to Approved Plans - Minor changes in approved Plans necessary to address field conditions or structure orientation may be authorized by the Code Enforcement Officer provided that any such change does not affect the standards of this Code or alter the intent of the approval. A request for a minor change to an approved Plan shall be in writing to the Code Enforcement Officer. In making the determination to approve a minor change to an approved Plan the Code Enforcement Officer shall consult with the Planning Board Chairman or the Chairman's designee. All approvals for minor changes to approved Plans shall be in writing by the Code Enforcement Officer. A copy of the written approval and revised Site Plan shall be filed with the Planning Board within thirty (30) days from the date of the written approval.
- K. Limitations of Approvals - Approvals of Site Plans are dependent upon and limited to the proposals and Plans contained in the application and supporting documents submitted and affirmed by the applicant. Any variations from the Plans, proposals and supporting documents, except minor changes as permitted in Subsection J. above, are subject to review and approval by the Planning Board.

509.8 Formal Site Plan Review Application Requirements - Within six (6) months after the on-site Inspection or the Sketch Plan if it was deemed by the Board to not need an onsite inspection, the applicant shall submit a Formal Site Plan Review Application. Failure to submit the application within six (6) months shall require resubmission of the Sketch Plan to the Board.¹²⁸

- A. Submission Requirements - The submission shall contain at least the following exhibits and information:
 - 1. Site Plan shall consist of one or more reproducible, stable base transparent original, to be filed at the Municipal Office, drawn at a scale of not smaller than one (1) inch equals fifty (50) feet or other scale as determined by the Planning Board. In addition, ten (10) copies and one (1) pdf copy of the Formal Site Plan Review Application and all accompanying information shall be delivered to the Code Enforcement Office no less than ten (10) days prior to the meeting.¹²⁹
 - 2. A fully executed and signed copy of the application for Site Plan Review.
 - 3. General information:
 - a. Name and address of owner(s) of record and applicant's name and address, if different;
 - b. The name of the proposed development;
 - c. Names and addresses of all property owners within five hundred (500) feet of the edge of the property line;
 - d. Sketch Map showing general location of the site within the Town;
 - e. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time;
 - f. The tax map and lot number of the parcel or parcels;
 - g. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant;
 - h. The name, State of Maine registration number and seal of the Site Evaluator, Land Surveyor, Architect, Professional Engineer, Geologist and/or person who prepared the Plan;
 - i. Written response or email from the Road Commissioner, Police Department, Fire Chief, Rescue Chief, and School Superintendent; and

¹²⁸ Amended 04/05/2014

¹²⁹ Amended/Added 04/05/2014

- j. If applicable, list all permits or approvals required from state or federal government for this project.

4. Existing Conditions

- a. Zoning classification(s) of the property and the location of Zoning District boundaries if the property is located in two or more Zoning Districts or abuts a different District;
- b. The bearings and distances of all property lines of the property to be developed and the source of this information. The Planning Board may require a Formal Boundary Survey when sufficient information is not available to establish, on the ground, all property boundaries;
- c. Location and size of any existing sewer and water mains, culverts and drains on the property to be developed and of any that will serve the development from abutting streets or land;
- d. Location, names and present widths of existing streets and right-of-ways within or adjacent to the proposed development;
- e. The location, dimensions and ground floor elevations of all existing buildings on the site;
- f. The location and dimensions of existing driveways, streets, parking and loading areas and walkways on the site;
- g. Location of intersecting roads or driveways within two hundred (200) feet of the site;
- h. The location of open drainage courses, wetlands, significant wildlife habitat, known or potential archaeological resources, historic buildings and sites, significant scenic areas, mapped sand and gravel aquifers, rare and endangered species, other important natural features with a description of how such features will be maintained or impacts upon them minimized;
- i. The direction of existing surface water drainage across the site;
- j. If any portion of the property is in the 100-year floodplain, its elevation shall be delineated on the Plan;
- k. The location and dimensions of existing and proposed signs; and
- l. Location and dimensions of any existing easements and copies of existing covenants or deed restrictions.

5. Proposed Development Activity

- a. The location, dimensions, design and exterior materials of all proposed buildings and structures;
- b. All existing and proposed setback dimensions;
- c. The size, location and direction and intensity of illumination and method of installation of all major outdoor lighting apparatus;
- d. The type, size and location of all incineration devices;
- e. The type, size and location of all machinery and other activities to take place on the property that is likely to generate appreciable noise;
- f. The nature of odors to be generated by the project;
- g. An on-site Soils Investigation Report by a State of Maine, Department of Human Services licensed Site Evaluator. The report shall identify the types of soil, location of test pits, and proposed location and design for the Subsurface Wastewater Disposal System;
- h. The type and location of water supply to be used;

- i. The amount and type of any raw, finished or waste materials to be stored outside of roofed buildings including their physical and chemical properties, if appropriate;
- j. All existing contours and proposed finished grade elevations of the entire site and the system of drainage proposed to be constructed. Contour intervals shall be specified by the Planning Board.
- k. The location, type and size of all curbs, sidewalks, driveways, fences, retaining walls, parking space areas, and the layouts thereof, together with their dimensions;
- l. Landscape Plan indicating all landscaped areas, fencing and size and type of plant material proposed to be retained or planted with special emphasis placed on front setback areas;
- m. All existing or proposed right-of-ways, easements and other legal restrictions which may affect the premises in question;
- n. The property lines of all properties abutting the proposed development, including those properties across the street, with the names and addresses of the owners as disclosed on the tax maps on file in the Municipal Office as of the date of the Site Plan Review application;
- o. Traffic Data: Traffic data shall include the following:
 - (1) The estimated peak-hour traffic to be generated by the proposal;
 - (2) Existing traffic counts and volumes on surrounding roads;
 - (3) Traffic Accident Data covering the most recent three-year period for which such data is available;
 - (4) The capacity of surrounding roads and any improvements which may be necessary on such roads to accommodate anticipated traffic generation; and
 - (5) The need for traffic signals and signs or other directional markers to regulate anticipated traffic.
- p. A Storm Water Drainage and Erosion Control Plan showing:
 - (1) The existing and proposed method of handling storm water run-off;
 - (2) The direction of flow of the run-off on and off the site 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 the 2-, 10- and 25-year, 24-hour 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 and will consider hydraulic and water quality impacts on down stream waterways hydraulic structures, land uses and receiving waters; and
 - (5) Methods of controlling erosion and sedimentation during and after construction.
- q. A Groundwater Impact Analysis prepared by a Groundwater Hydrologist for projects involving shared on-site water supply or sewage disposal facilities with a capacity of two thousand (2,000) gallons or more per day;
- r. A Utility Plan showing, in addition to provisions for water supply and subsurface wastewater disposal, the location and nature of electrical, telephone and any other utility services to be installed on the site;
- s. The location, width, typical cross-section, grades and profiles of any proposed streets and sidewalks;
- t. Construction Drawings for streets, sanitary sewers, water and storm drainage systems, designed and prepared by a State of Maine registered Professional Engineer;

- u. Cost of the proposed development and evidence of financial capacity to complete it. This evidence should be in the form of a letter from a bank or other source of financing indicating the name of the project, amount of financing proposed, and interest in financing the project;
 - v. If located in the direct watershed of a Great Pond, a Phosphorous Control Plan prepared in accordance with Section 612.17; and
 - w. If non-residential, state hours of operation. ¹³⁰
6. Submission Waivers - Where the Planning Board makes written findings of fact that there are special circumstances of a particular application, it may waive portions of the submission requirements, unless otherwise indicated in this Code, provided that the applicant has demonstrated that the standards of this Code have been or will be met, the public health, safety and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Town of Poland Comprehensive Plan and this Code.

509.9 General Review Standards - The following criteria and standards shall be utilized by the Planning Board in reviewing applications for Site Plan Review approval. The standards are not intended to discourage creativity, invention and innovation. The Planning Board shall approve the Site Plan unless it finds that the applicant has not satisfied one or more of the following criteria provided that the criteria were not first waived by the Planning Board in accordance with Section 509.10.

- A. Preservation of Landscape - The landscape will be preserved in its natural state, insofar as practical, 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. If the site contains a scenic site and/or view as identified in the Town of Poland Comprehensive Plan, special attempts shall be made to preserve the natural environment of the skyline and view.

Environmentally sensitive areas which include wetlands, significant wildlife habitat, areas of two (2) or more contiguous acres with sustained slopes greater than twenty percent (20%), unique natural features and archaeological sites as identified in the Town of Poland Comprehensive Plan shall be conserved to the maximum extent.

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

- B. Relation of Proposed Buildings to 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 structures so as to have a minimally adverse affect on the environmental and aesthetic qualities of the developed and neighboring areas. The Planning Board shall consider the following criteria.
1. 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.
 2. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.
 3. Materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.
 4. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.
 5. Materials shall be of durable quality.
 6. Building components, such as windows, doors and eaves, shall have good proportions and relationships to one another.
 7. Colors shall be harmonious and shall use compatible accents.

¹³⁰ Amended 4-27-2002

8. Mechanical equipment or other utility hardware on roof, ground and/or buildings shall be screened from public view with materials harmonious with the building, or they shall be located so as not to be visible from any public way. ⁷⁷
 9. Exterior lighting shall be part of the architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with building design, and shall follow the requirements of section 508.27 of this Code. ⁷⁷
 10. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways, using materials as stated in the criteria for mechanical equipment screening. ⁶⁷
 11. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form and siting shall be used to provide visual interest. In multiple building projects, viable siting or individual buildings may be used to prevent a monotonous appearance.
- C. Compatibility with Residential Areas - When the proposed development would be located in or adjacent to a residential area the proposed development shall be compatible with that residential area and its residential uses. In determining compatibility the Planning Board shall consider the following.
1. The proposed development will not increase traffic above that normal for the area.
 2. The proposed development will not create unsightly views for the effected residential residents.
 3. The proposed development will not create a noise nuisance to the effected residents.
 4. The proposed development will not create artificial lighting glare on effected residents.
 5. The proposed development will not create an odor nuisance for affected residents.
 6. The proposed development will not lead to the loss of privacy for the affected residents.
- D. Vehicular Access - The proposed development shall provide safe vehicular access to and from public and private streets. The applicant for a development to be located on a parcel of land of ten (10) acres or greater or five hundred (500) feet or more of frontage on a public street shall file a Conceptual Access Master Plan with the Planning Board. The Conceptual Access Master Plan shall address the overall use of the parcel, the overall vehicular circulation system within the parcel, and the coordination of access into and out of the site. The Conceptual Access Master Plan shall demonstrate how the requirements for access as contained in this Section will be met.

After the Conceptual Access Master Plan has been filed with the Planning Board, any application for approval shall be consistent with the Plan unless a revised Plan is filed.

1. Vehicular access to the site shall be on roads which have adequate capacity to accommodate the additional traffic generated by the development. Inter-sections on major access routes to the site within one half (½) mile of any entrance road which are functioning at a Level of Service of C or better prior to the development must function at a minimum at Level of Service C after development. If any intersection is functioning at a Level of Service D or lower prior to the development, the project must not reduce the current level of service.

The Planning Board may approve a development not meeting this requirement if the applicant demonstrates that:

- a. A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or
 - b. The applicant shall 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 approval of the project.
2. Any exit driveway or driveway lane 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 between ten (10) and fifteen (15) feet behind the curb line or edge of shoulder, with the height of the eye three and one-half (3.5) feet to the top of an object four and one-quarter (4.25) feet above the pavement.

| <u>Posted Speed Limit</u> | <u>Sight Distance</u> |
|---------------------------|-----------------------|
| 25 mph | 250' |
| 30 mph | 300' |
| 35 mph | 350' |
| 40 mph | 400' |
| 45 mph | 450' |
| 50 mph | 500' |
| 55 mph | 550' |

Where truck traffic is expected to be substantial, the minimum site distance shall be increased by fifty percent (50%) of that required in the table above. The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway from distances between ten (10) and fifteen (15) feet behind the curb line or edge of shoulder. Height of the eye should be six (6) feet with height of object no more than four and one-quarter (4.25) feet above the pavement.

3. Where more than one business or structure is located on a single parcel, all vehicular access to and from a public or private road shall be via a common access or entrance way(s) serving all business and structures except as provided for herein.
 4. The grade of any exit driveway or proposed street for a distance of fifty (50) feet from its intersection with any existing street shall be a maximum of three percent (3%).
 5. The intersection of any access drive or proposed street must function at a Level of Service of C following development if the project will generate four hundred (400) or more vehicle trips per 24-hour period or a level which will allow safe access into and out of the project if less than four hundred (400) trips are generated.
 6. Projects generating four hundred (400) or more vehicle trips per 24-hour period must provide two or more separate points of vehicular access into and out of the site.
- E. Vehicular access to Routes 11, 26, 121 and 122 shall comply with the following provisions in addition to the above. Where conflicts exist between this Subsection and Subsection D. above, this Subsection shall apply.
1. Where a proposed development is to be located at the intersection of Routes 11, 26, 121, or 122 and a minor or collector road, entrance(s) to and exit(s) from the site shall be located only on the minor or collector road provided that this requirement maybe 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 the driveway on the minor or collector road would interfere with a predominately residential neighborhood.
 2. Curb cuts or access points shall be limited to one (1) per lot for all lots with less than two hundred (200) linear feet or less of road frontage. For lots with greater than two hundred (200) feet of frontage, a maximum of one (1) curb cut per two hundred (200) feet of frontage shall be permitted to a maximum of two (2) 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.
 3. The maximum number of curb cuts to a particular site shall be governed by the following:
 - a. No low volume traffic generator shall have more than one (1) two-way access onto a single roadway.
 - b. No medium or high volume traffic generator shall have more than two (2) two-way accesses in total onto a single roadway.
 4. Curb cut widths and design shall conform to the following standards: Standards shall be based on the Institute of Traffic Engineers' Trip Generation Report, and as amended shall:
 - a. Low volume driveways: Defined as driveways with less than fifty (50) vehicle trips/day, shall:
 - (1) Have two-way operation;
 - (2) Intersect the road at an angle as close to ninety (90) degrees as site conditions permit, but at no less

than sixty (60) degrees;

- (3) Not require a median;
- (4) Slope from the gutter line on a straight slope of three percent (3%) or less for at least fifty (50) feet, with a slope no greater than eight percent (8%) except where unique site conditions permit a waiving of the slope standard to ten percent (10%); and
- (5) Comply with the following geometric standards:

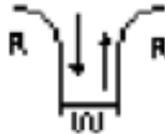
NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

Table 509.9.E.4.a / LOW VOLUME DRIVEWAY DESIGN

| Item | Desired Value (ft.) | Minimum Value (ft.) | Maximum Value (ft.) |
|-------------|---------------------|---------------------|---------------------|
| Radius | 15-25* | 10 | 15-25* |
| Drive Width | 20-30* | 20 | 24-30* |

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

Low Volume Accesses



- b. Median volume driveways with more than fifty (50) vehicle trips/day but fewer than two hundred (200) peak hour vehicle trips and generally including all land uses not in the low or high volume groups, shall:

- (1) Have either two-way or one-way operation;
- (2) Intersect the road at an angle as close to ninety (90) degrees as site conditions permit, but at no less than sixty (60) degrees;
- (3) Not require a median;
- (4) Slope upward from the gutter line on a straight slope of three percent (3%) or less for at least fifty (50) feet and a slope of no more than six percent (6%) thereafter, with the preferred grade being a four and one-half percent (4½%), depending on the site; and
- (5) 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.

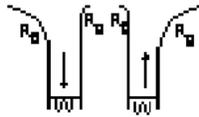
Table 509.9.E.4.b / MEDIUM VOLUME DRIVEWAY DESIGN

| Item | Desired Value (ft.) | Minimum Value (ft.) | Maximum Value (ft.) |
|-----------------|---------------------|---------------------|---------------------|
| ONE WAY | | | |
| R1 (radius) | 30 | 25 | 40 |
| R2 (radius) | 5 | 5 | 10 |
| W (drive width) | 20 | 20 | 24 |
| TWO WAY | | | |
| R(radius) | 30 | 25 | 40 |
| W(drive width) | 26-36* | 24 | 30-40* |

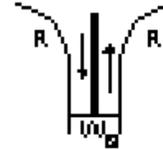
*Where separate left and right exit lanes are desirable.

Medium Volume Accesses

One-Way



Two-Way



- c. High volume driveways defined as driveways with more than two hundred (200) peak hour vehicle trips, shall:
- (1) Have two-way operations separated by a raised median of six (6) to ten (10) feet in width and a fifty (50) to one hundred (100) feet length depending upon necessary storage length for queued vehicles;
 - (2) Intersect with the road at an angle as close to ninety (90) degrees as possible, but at no less than sixty (60) degrees;
 - (3) Be striped for two (2) to four (4) lanes with each lane twelve (12) feet wide;
 - (4) Slope upward from the gutter line on a straight slope of three percent (3%) or less for at least seventy-five (75) feet and a slope of no more than five percent (5%) thereafter; and
 - (5) 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 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.

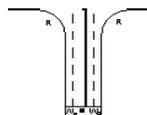
Table 509.9.E.4.c / HIGH VOLUME DRIVEWAY DESIGN

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

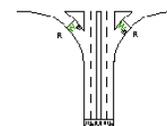
*For industrial developments with a high percentage of truck traffic maximum values are required.

High Volume Accesses

Without Channelization



With Channelization



5. Driveway Spacing: Distance from edge of driveway corner (point of tangency) to edge of intersection corner (point of tangency) by type of driveway should be as follows:

Table 509.9.E.5 / MINIMUM CORNER CLEARANCE

| Driveway | Minimum Corner Clearance (feet) | |
|--|---------------------------------|------------------------------|
| | Intersection Signalization | Intersection Unsignalization |
| Low Volume <50 trips/day | 150 | 50 |
| Medium Volume >50 trips/day <200 peak trips/hour | 150 | 50 |
| High Volume >200 peak trips/hour | 500 | 250 |

6. Minimum distances between driveways serving the same parcel, measured from point of tangency to point of tangency by type of driveway, should be as follows:

Table 509.9.E.6 / Driveway Spacing

| Driveway Type | Minimum Spacing to Adjacent Driveway by Driveway Type | | |
|--|---|--------------------|------------------|
| | Medium (feet) | High w/o RT (feet) | High w/RT (feet) |
| Medium Volume | 75 | | |
| High Volume W/O RT (without right-turn channelization) | 75 | 150 | |
| High Volume W/RT (with right-turn channelization) | 75 | 250 | 500 |

7. The minimum distance between driveway to property line, as measured from point of tangency, should be:

Table 509.9.E.7 / MINIMUM DISTANCE BETWEEN DRIVEWAY TO PROPERTY LINE

| Driveway Type | Minimum Spacing to Property Line (ft.) |
|---|--|
| Low Volume | 10 |
| Medium Volume | 20 |
| High Volume (without right-turn channelization) | 75 |
| High Volume (with right-turn channelization) | 75 |

For lots with shared access, the driveway may be located along the property line. The minimum spacing to property line may be varied if: (1) the safest point of access to the site is closer to the property line and (2) there are at least twenty (20) feet of separation between low volume driveways serving adjacent parcels, forty (40) feet of separation between medium volume driveways, and one hundred-fifty (150) feet of separation between high volume driveways.

8. 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.

9. 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 11, 26, 121 or 122 where full access presently exists and cannot be provided by an adjacent side street connected directly to Routes 11, 26, 121 or 122.

F. Surface Water

1. The proposed activity will not result in undue Surface Water Pollution. In making this determination, the Planning Board shall at least consider the elevation of land above sea level and its relation to the floodplains, the nature of soils and subsoils and, if necessary, their ability to adequately support wastewater disposal and/or any other approved licensed discharge; the slope of the land and its effect on effluent.
 2. Design of Best Management Practices shall be substantially equivalent to those described in the Storm Water Management for Maine: Best Management Practices, (published by the Maine Department of Environmental Protection, 1995 and as amended).
 3. The minimum pipe size for any storm drainage pipe shall be twelve (12) inches, fifteen (15) inches for carrying roadway ditches under driveway entrances and eighteen (18) inches for cross culverts.
 4. Catch basins shall be installed where necessary and when located within a street shall be located at the curb line.
- G. Conservation, Erosion and Sediment Control - Erosion, soil and sedimentation of water-courses and water bodies shall be minimized. The following measures shall be included, where applicable, as part of any Site Plan Review approval:
1. Stripping of vegetation, re-grading or other development shall be done in such a way as to minimize erosion;
 2. Development shall keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and so as to adequately handle surface water runoff;
 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 or mulching shall be used to protect exposed critical areas during development;
 6. The permanent (final) vegetation and structural erosion control measures shall be installed as soon as practical on the site;
 7. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods;
 8. Whenever sedimentation is caused by stripping vegetation, re-grading 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 his or her expense as quickly as possible;
 9. 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; and
 10. The standards set forth in the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices (March 1991 and as amended) shall be employed.
- H. Phosphorous Export - Projects proposed within the direct watershed of a lake or pond listed in Section 612.17 shall be designed to limit Phosphorus Export to the levels defined in Section 612.17.1.a. The 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 to the table at five (5) year intervals, subject to a reasonable appropriation by the Town to conduct such a reassessment, or the availability of adequate State or regional grant programs or technical assistance programs. Adjustments shall be made by amendment of this Code.
1. 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., September 1989 with revision in 1992 and as amended). Upon request, copies of all worksheets and calculations shall be made available to the Planning Board.

2. Phosphorus control measures shall meet the design criteria contained in Phosphorus Control in Lake Watersheds: A Technical Guide for Reviewing Development (Maine DEP et al., September 1989 with revisions in 1992 or 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 other nonstructural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.

I. Site Conditions

1. During construction, the site shall be maintained and left each day in a safe and sanitary manner. Site areas shall be regularly sprayed with an environmentally safe product 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 the request and to the satisfaction of the Code Enforcement Officer prior to issuing an Occupancy Permit.
3. Changes in elevation. No significant change shall be made in the elevation or contour of any lot or site by the removal of earth to another lot or site other than as shown on an approved Site Plan. Any non-permitted removal of greater than one thousand (1,000) cu. yd. in a twelve (12) month period must be approved by the Code Enforcement Officer or Planning Board according to Section 508.19.

J. Signs - All signs shall comply with standards set forth within this Code.

- K. 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, plantings or other screening methods as shall reasonably be required to prevent their being incompatible with the existing or contemplated environment and the surrounding properties.

- L. Exterior Lighting - All exterior lighting shall be designed 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 vehicle traffic and potential damage to the value of adjacent properties. Lighting fixtures must be shielded or hooded so that the lighting elements are not exposed to normal view by motorist, pedestrians, or from adjacent dwellings and so they do not unnecessarily light the night sky. Direct or indirect illumination shall not exceed 0.5 foot-candles at the lot line or upon abutting residential properties.

All exterior lighting, except security lighting, must be turned off during non daylight hours unless located on a site of a commercial or industrial use that is open for business during that period.

Existing uses that require new lighting fixtures shall comply with this Section.

- M. Emergency Vehicle Access - Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures.

- N. Municipal Services - The development will not have an unreasonable adverse impact on the Municipal Services including, road systems, fire protection, police department, emergency medical unit, solid waste disposal, schools, open spaces, recreational programs and facilities and other Municipal services and facilities. The Planning Board shall consider the input from the Municipal Officers, Town's Department Heads and Superintendent of Schools in making a determination of an unreasonable adverse impact. If the Planning Board, after a concurring vote of the Municipal Officers, makes a finding of unreasonable adverse impacts, the Planning Board, as a condition of approval, may require the applicant to make or pay for required upgraded Municipal services necessitated by the development.

- O. Water Supply - The development has sufficient water available for the intended use. When the location of the

water supply source will be a public water supply as defined in Title 22, M.R.S.A. Section 2601, its location shall not restrict the location of a Subsurface Wastewater Disposal System on adjacent parcels not owned by the applicant. If the location of a Subsurface Wastewater Disposal System will be restricted on an adjacent parcel, the applicant shall obtain an easement from the property owner.

- P. Ground Water - The proposed development shall not result in undue affect of the quality or quantity of ground water. In making this determination, the Board shall consider the location of aquifers and aquifer recharge areas, the nature of the proposed development and its potential threat to ground water resources. The Board may place conditions upon an application to minimize potential impacts to the Town's ground water resources.
1. The development will not result in the existing ground water quality becoming inferior to the physical, biological, chemical, and radiological levels for raw and untreated drinking water supply sources specified in the State Drinking Water Regulations, pursuant to Title 22, M.R.S.A. Section 2601. If the existing ground water quality is inferior to the State Drinking Water Regulations, the development will not degrade the water quality any further.
 2. For above ground fuel storage and chemicals or industrial wastes and potentially harmful raw materials, an impermeable diked area shall be provided; the diked area must be sized to contain one hundred and ten percent (110%) of the volume of the largest tank; roofed to prevent accumulation of rainwater in the diked area and shall be properly vented. There shall be no drains in the facility. All concrete, whether walls and/or pads, shall be reinforced concrete and shall be designed by a State of Maine registered Professional Engineer.
 3. Underground petroleum tanks where permitted shall be installed in accordance with the standards promulgated by the Maine Board of Environmental Protection.
- Q. Air Emissions - No emission of dust, ash, smoke or other particulate matter or gases and chemicals shall be allowed which can cause damage to human or animal health, vegetation or property by reason of concentration or toxicity, which can cause soiling beyond the property boundaries, or which fail to meet or cannot meet the standards set by the Maine Department of Environmental Protection.
- R. Odor Control - The proposed development shall not produce offensive or harmful odors perceptible beyond their lot lines either at ground or habitable elevation.
- S. Noise - Noise levels shall follow the standards as described in the State of Maine Department of Environmental Protection, Site Location Development Act, Rule 06-096, Chapter 375, Section 10 of September 2001 (DEPLW0295-C2001).
1. Subsection C "Sound Level Limits" shall be modified as follows:
 - a. Item (1), (ii), page 44, changed from 60 dBA to 55 dBA between 7:00 AM and 7:00 PM, and from 50dBA to 45dBA between 7:00 PM and 7:00 AM.
 - b. Item (1), (iii), page 44, changed from 70 dBA to 65dBA between 7:00 AM and 7:00 PM, and from 60 dBA to 55 dBA between 7:00 PM and 7:00 AM.
 - c. Item (b), page 46, changed from 75 dBA to 70 dBA between 7:00 AM and 7:00 PM, and from 65 dBA to 60 dBA between 7:00 PM and 7:00 AM.¹³¹
- T. Sewage Disposal - The development shall provide for a suitable sewage disposal.
1. All individual on-site systems will be designed by a State of Maine Department of Human Services licensed Site Evaluator in full compliance with the Maine Subsurface Wastewater Disposal Rules.
 2. The Planning Board may require an analysis and evaluation including nitrate-nitrogen concentrations of the impacts of the subsurface sewage disposal system on ground water. The Planning Board shall base its determination for the need for an analysis and evaluation on density, designed flows and nature of

¹³¹ See copy of Me. DEP. Chapter 375, "No Adverse Environmental Effects Standards of the Site Location"; Amended 4-27-2002

wastewater.

- U. Waste Disposal - The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.
 1. All solid waste will be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.
 2. All hazardous waste will be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted.
- V. Buffer Areas - No industrial or commercial buildings or uses shall be established adjacent to, lots or parcels in zones that do not permit industrial or commercial uses unless the industrial or commercial buildings or uses are adequately buffered and screened according to this section. The buffering and screening required under this section is such buffering or screening as the Code Enforcement Officer or Planning Board, as the case may be, deems necessary to protect all adjacent non commercial or non industrial uses from adverse impacts from noise, odor, glare, dust, vibration, or visual impacts materially impairing the quiet and beneficial use and enjoyment of the non commercial or non industrial uses. These measures can include, but are not limited to, a landscaped buffer strip provided to create a visual screen between the uses. Where no natural vegetation can be maintained or due to varying site conditions, the landscaping screen may consist of fences, walls, tree plantings, hedges or combinations thereof. The buffering and screening shall be sufficient to minimize the impacts of any kind of potential use such as: loading and unloading operations, outdoor storage areas, vehicle parking, mineral extraction, waste collection and disposal areas. Where a potential safety hazard to small children would exist, physical screening or barriers shall be used to deter entry to such premises. The buffer areas and screens shall be maintained and vegetation replaced to insure continuous year-round screening.¹³²
- W. Financial and Technical Capacity - The applicant shall demonstrate adequate financial and technical capacity to meet these standards.
- X. Conformance with Comprehensive Plan - The proposed activity is in conformance with the Town of Poland Comprehensive Plan.

509.10 Waivers - Where the Board makes written findings of fact that due to special circumstances of a particular application, certain required improvements or standards of this Code are not necessary to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed development, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the Town of Poland Comprehensive Plan or this Code and further provided the performance standards of this Code have been or will be met. In granting waivers, the Planning Board shall require such conditions as will assure the purpose of these regulations are met.

509.11 Back Lots and Back Lot Driveways¹³³

Back lots may be developed for single-family residential use if they are served by a back lot driveway approved by the Planning Board pursuant to the following provisions:

- A. A legal description of the back lot driveway by metes and bounds shall be attached to any building permit application for construction on the back lot.
- B. A back lot driveway shall be created either:
 1. Over a right-of-way on a front lot that meets applicable street frontage requirements along a street that meets the Town's construction and design standards for a Collector, Minor or Private street; or.
 2. Over a portion of land belonging to the back lot which has a minimum of 50 feet of frontage but less than the required amount of frontage on a street that meets the Town's construction and design

¹³² Rewritten/Amended 4-29-2006

¹³³ Added 4-4-2015

standards for a Collector, Minor or Private Street.

- C. The lot shall meet the Space and Bulk Standards in section 507.1 in effect at the time of creation of the back lot driveway. Notwithstanding the provisions of Section 507.1.B, for those back lots that comply with Subsection B.1 above, that portion of the front lot within the driveway right of way shall be considered part of the front lot for purposes of meeting space and bulk standards, including but not limited to frontage and minimum lot size. The back lot driveway right-of-way shall be considered the front of the lot for the purposes of determining the front setbacks for both the front and the back lot(s). Existing buildings on the front lot need only be set back from the right-of-way by a distance equivalent to the minimum side setback in the applicable zoning district. For front lots that are vacant on the effective date of this ordinance, access to future buildings on the front lot shall be from the back lot driveway right of way. For the purposes of this section, and notwithstanding the requirements of Section 507.1.B, the portion of the back lot driveway within the back lot may be used to satisfy the back lot's minimum lot area requirement, and the applicable frontage requirement for the back lot shall be met by the portion of the back lot driveway located within the back lot. The back lot's front setback shall be measured from the back lot driveway right of way. In addition, all back lot structures shall be more than 200 feet from the street that the back lot driveway accesses.
- D. A back lot driveway shall originate from a paved street constructed in accordance with the Town's Street Construction Standards for a Collector, Minor or Private Street. The back lot driveway design shall include a turn-around that meets the design standards in Section 807.2 and that will accommodate safe emergency vehicle access to the lot. A private street shall meet the Town's minimum street standards for the section of road 300 feet on both sides of the intersection where the back lot driveway accesses the street. The Planning Board may waive this requirement and reduce the private road requirements if the existing condition is deemed adequate to maintain a safe two-way passage, has an acceptable travel surface condition, can adequately handle surface runoff and drainage, and meets appropriate sight distance.
- E. If the front lot is already developed, the existing driveway shall be relocated to the back lot right of way unless there exists a minimum of 100 feet between the existing driveway and the newly proposed right of way, or the Planning Board determines that such relocation is prohibited by site conditions or the orientation of existing buildings.
- F. A back lot driveway shall serve no more than two back lots and shall provide access to no more than three lots, including the front lot, unless it is improved to meet the minimal standards for a minor or private street on Table 807.1. In the event the creation of both back lots is not part of the same approved plan, prior to the creation of a second back lot, the applicant shall submit for review and approval by the Planning Board an application for the proposed revision of the previously approved back lot driveway plan and a plan for driveway maintenance as described in section 812.2, Repair and Maintenance of Privately-Owned Streets
- G. If more than one residence is to have access to the back lot driveway, the application shall include a plan setting forth how the street/driveway and associated drainage structures and required buffers and stormwater management facilities are to be maintained. Responsibility may be assigned to a lot owners association or to lot owners in common through provisions included in the deeds for all lots that will utilize the back lot driveway for access. The applicant shall submit appropriate legal documentation such as proposed homeowners association documents or proposed deed covenants for Planning Board review. This documentation must address specific maintenance activities such as summer and winter maintenance, long-term improvements and emergency repairs and include a mechanism to generate funds to pay for such work.
- H. No more than one back lot driveway may be created out of a single front lot unless each subsequent back lot is created out of at least an additional amount of frontage as required in the applicable zoning district. The entrances of such rights of way onto the existing road shall be separated by a distance equivalent to at least the required frontage in the zoning district plus half the right of way width.
- I. The back lot must comply with all space and bulk regulations in the applicable Zoning District as well as the lot standards of Chapter 5.

- J. See Table 807.1 for back lot street construction standards.
- K. All applications for a back lot driveway submitted for review by the Planning Board shall include the following information:
1. Names of applicants and owners of land for the location of the proposed back lot driveway.
 2. A statement of any legal encumbrances on the land and a statement regarding any waivers requested for the location of the back lot driveway.
 3. The anticipated starting and completion dates.
 4. The plans shall be prepared by a registered land surveyor or engineer and shall include the following:
 - a. Date, scale and the direction of the magnetic north and or grid north.
 - b. Locations of all existing and proposed overhead and underground utilities including, but not limited to, water, sewer, electricity, telephone, fuel storage, lighting and cable television.
 - c. The plan shall show any back lots that are to be accessed by the proposed back lot driveway. Such lots shall conform to the requirements of Section 805.2 Plans, and the plan shall include lot bearings, distances and proposed monumentation for angle points, points of curvature, or points of lot line intersections.
 - d. Plans shall include a plan view and typical cross-section of the proposed back lot driveway including a locus map with the locations of any streets or driveways located within 300 feet.
 - e. Kind, size, location and material of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways. All drainage structures shall be designed and sized in accordance with a stormwater management plan prepared by a professional engineer licensed in the State of Maine in conformance with the requirements for surface drainage set forth in Chapters 5 and 6. If deemed appropriate by the Planning Board, an applicant may meet the requirements of the stormwater management plan by allowing the use of land on abutting lots with proof of easement and a legally binding agreement assigning specific maintenance duties and responsibilities.
 - f. A phosphorous impact plan must be included in the application package in conformance with the requirements of Section 509.9 General Review Standards (H) Phosphorus for a back lot driveway entirely or partially located within the direct watershed of a lake or pond listed in Section 612.17 and meets the design parameters located within that section for each watershed.
 - g. A soil erosion and sedimentation control plan in conformance with the requirements of Section 509.9.G.
 5. If the Planning Board determines due to site conditions, proximity of nearby uses, traffic conditions or similar circumstances that a site walk is advisable, the Planning Board, may schedule an onsite inspection per section 509.5. The Code Enforcement Officer or designee shall notify the property owners within five hundred (500) feet of the of the applicant's property of a pending public hearing for Back lot driveway Review. This notice shall indicate the time, date and place of the Public Hearing. The notifications shall be mailed at least seven days prior to the scheduled meeting date.
- L. The Planning Board shall review the application and determine whether it complies with the requirements of this Section. The Planning Board shall grant or deny approval on such terms and conditions, as it may deem advisable to satisfy all applicable ordinances. In all instances, the burden of proof shall be upon the applicant. In issuing its decision, the Planning Board shall make written findings of fact establishing that the application does or does not meet the provisions of applicable ordinances. The Planning Board shall sign the approved plan.

The applicant must record the approved plan in the Androscoggin County Registry of Deeds within 30 days of approval. The applicant shall establish an escrow account for estimated costs incurred by a third party inspector to review the construction of the Backlot driveway. At the time that the escrow account reaches ten (10) percent of its original amount, it shall be replenished to an acceptable level as determined necessary by the CEO to complete the required inspection. It shall be the applicant's responsibility to assure that the back lot driveway is completed in accordance with the approved plan and in compliance with the Town of Poland's standards, and to receive acceptance of completion by the third party inspector. No certificate of occupancy will be granted for a structure on a lot utilizing the back lot driveway as its primary access until construction of the back lot driveway has been completed and determined acceptable by the third party inspector and/or CEO and all required inspection fees have been paid in full. If the applicant does not record the approval within 30 days of approval, then the approval becomes void unless the recording period is extended by the Planning Board of good cause shown.

- M. **Waivers** - Where the Board makes written findings of fact that due to special circumstances of a particular application, certain required improvements or standards of this Code are not necessary to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed development, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the Town of Poland Comprehensive Plan or this Code and further provided the performance standards of this Code have been or will be met. In granting waivers, the Planning Board shall require such conditions as will assure the purpose of these regulations are met.

510 ZONING MAP

Copies of the zoning maps are included with this code as a reference only and are not the official zoning maps. The official zoning map is the map signed and kept in the town's records by the Town Clerk. The official Zoning Map may be amended under the same criteria for amendments to this code as outlined in Section 109. Attested copies may be obtained for a fee as set in the Poland Fee Schedule.¹³⁴

¹³⁴ Added 4-26-2003