

TOWN OF ARUNDEL

SITE PLAN REVIEW

APPLICATION AND INSTRUCTIONS

TOWN OF ARUNDEL

SITE PLAN APPROVAL PROCESS

1. Upon inquiring or being informed by the Code Enforcement Officer that Conditional Use or Site Plan approval is required, the applicant shall be give this Conditional Use and Site Plan Review packet. This packet consists of:
 - A. Description of the process
 - B. Copy of Section 10 of the Arundel Land Use Ordinance, Site Plan Review
 - C. A preapplication form (optional)
 - D. An application form
 - E. A submissions checklist to assist in the development of a complete application
 - F. A business registration form, required for any new business in the town.

2. The Planning Board customarily will review a sketch plan, discuss the merits of the application, schedule a site walk and determine if there is a need for a formal public hearing before submittal of an application. The sketch plan meeting with the Board is your opportunity to discuss your project, the need for any special considerations or waivers and for the Board to consider if special studies are necessary for a full review when the application is submitted.

3. After reviewing Section 10 and these, instructions, decide whether your application would benefit from a preapplication meeting. You are encouraged to contact the Town Planner to discuss your project and there may be benefit to a preapplication meeting with the Planning Board as well. If you decide to have a preapplication meeting with the Planning Board, complete the preapplication form and submit a simple sketch showing property lines, existing structures and proposed structures, driveways and parking areas.

4. There are two types of reviews. The Administrative Site Plan Review is conducted by the Staff Review Committee and covers the following activities:
 - A one-time construction or expansion of a non-residential parking and driveway area in excess of 810 square feet or three (3) parking spaces.
 - One time construction or expansion of a non-residential or multi-family building or use to a maximum of 2,500 square feet.
 - Excavation or deposition of earth material between 101 and 500 cubic yards per calendar year not associated with construction of a proposed building, and not requiring a Natural Resources Protection Act Permit from the Maine Department of Environmental Protection.
 - Establishment or expansion of a Home Occupation.
 - Installation of new signage or modification of existing signs in excess of thirty (30) square feet in area.

The Plenary Site Plan Review is conducted by the Arundel Planning Board and consists of the following activities:

- The one-time construction of any non-residential structure or building or multi-family structure in excess of a total floor area of 2,500 square feet, or the one time or the establishment of new non-residential use involving more than 1,000 square feet of area, even where no buildings or structures are proposed;
 - The conversion of 1,000 square feet of floor area or more in an existing building or use, in whole or in part, from a residential to a non-residential use;
 - The construction, modification, expansion, or conversion of any building in excess of 2,500 square feet of area that currently contains or is proposed to contain three (3) or more residential dwelling units;
 - Change of use in an existing facility or area of 4,000 square feet or more, or a change of use generating 10% or more increase in motor vehicle trip generation from the site.
 - Any activity or improvement that expands the total impervious area on the lot to 50% or more.
 - Earth moving activities, including deposition, excavation, and site grading involving in excess of five hundred (500) cubic yards of material which is not associated with an approved building construction project and not exempt per Section 9.8.B.2.
 - Any activity that requires Site Plan Review that is not reviewed under the Administrative Site Plan Review process.
5. If the Site Plan Review application is for the establishment of a new business, a Business Registration form must be filed with the Town Clerk. A copy is included. If the proposed use is not for the establishment of a new business, this form may be ignored.
 6. Please do not submit this entire package, but only the forms. Keep copies of all submissions for your records.
 7. To be placed on a Planning Board agenda for Plenary Site Plan Review, ten (10) copies of the completed application plus all required submissions and fee payment **MUST** be presented to the Town Planner ***no later than fourteen (14) days prior to the Planning Board meeting.***
 8. If your submission is incomplete you will be removed from the agenda by the Town Planner, so please be thorough.
 9. Call the Town Planner at 985-4201 x108 or email at townplanner@arundelmaine.org if you have any questions.

Excerpted from the Arundel Land Use Ordinance

10.1 PURPOSE

The purpose of Site Plan Review by the Planning Board is to promote the proper design and construction of non-residential uses, multi-family residential, mining, and similar activities in a manner that is consistent with the general character and environmental quality of the community, and preserves the safety, health and general welfare of the Town of Arundel.

10.2 APPLICABILITY

10.2.1 JURISDICTIONAL ACTIVITIES: The requirements of Section 12 shall apply to the following activities:

1. The one-time construction or expansion of any non-residential structure or building in excess of a total floor area of 1,000 square feet, or the establishment of new non-residential use involving more than 1,000 square feet of area, even where no buildings or structures are proposed;
2. The conversion of 1,000 square feet of floor area or more in an existing building or use, in whole or in part, from a residential to a non-residential use;
3. The construction, modification, expansion, or conversion of any building that currently contains or is proposed to contain three (3) or more residential dwelling units;
4. Change of use in an existing facility or area of 4,000 square feet or more, or a change of use generating 10% or more increase in motor vehicle trip generation from the site.
5. A one-time construction or expansion of all off-street parking and loading facilities involving 810 square feet or more of area, and driveway entrances to non-residential and residential uses containing three (3) or more residential units;
6. Any activity or improvement that expands the total impervious area on the lot to 50% or more.
7. Earth moving activities, including deposition, excavation, and site grading involving in excess of one hundred (100) cubic yards of material which is not associated with an approved building construction project and not exempt per Section 10.2.2.
8. Establishment or expansion of a Home Occupation.
9. The installation or modification of signage in excess of thirty (30) square feet in area.

10.2.2 EXEMPTIONS FROM SITE PLAN REVIEW:

The following activities shall be exempt from site plan review.

1. Construction or modification of single or two-family dwellings.
2. Location of farm stands of 200 square feet or less of gross leasable area.
3. Outdoor agriculture and cultivation of crops.
4. Temporary structures.
5. Earth moving activities associated with installation of ornamental landscaping, normal property maintenance, and farming activities.
6. Municipal uses.
7. Forest management.

10.2.3 PERMIT REQUIRED:

No land, building, or structure shall be constructed, used, or occupied, no earthmoving activity shall commence, and no building permit, sign permit, or certificate of occupancy shall be issued for any activity within the scope of this section unless and until a final plan of the proposed development has been approved in accordance with the procedures set forth below.

10.3 CLASSIFICATION OF PROJECTS

Projects subject to Site Plan Review shall be classified into two categories, those subject to *Administrative Site Plan Review* and those subject to *Plenary Site Plan Review*.

10.3.1 ADMINISTRATIVE SITE PLAN REVIEW: Administrative Site Plan Review is required for the following activities:

1. A one-time construction or expansion of a non-residential parking and driveway area in excess of 810 square feet or three (3) parking spaces.
2. One-time construction or expansion of a non-residential or multi-family building or use to a maximum of 2,500 square feet.
3. Excavation or deposition of earth material between 101 and 500 cubic yards per calendar year not associated with construction of a proposed building, and not requiring a Natural Resources Protection Act Permit from the Maine Department of Environmental Protection.
4. Establishment or expansion of a Home Occupation.
5. Installation of new signage or modification of existing signs in excess of thirty (30) square feet in area.

10.3.2 PLENARY SITE PLAN REVIEW:

Plenary Site Plan Review is required for all activities subject to site plan review which are not enumerated in Section 10.3.1 above. In addition, the Town Planner may refer an application for a Section 10.3.1 activity to the Planning Board for *Plenary Site Plan Review* if it is determined that the proposed activity poses significant potential impacts due to highly constrained lot dimensions, off-site traffic, noise, drainage or lighting.

10.4 REVIEW AUTHORITY

10.4.1. ADMINISTRATIVE SITE PLAN REVIEW COMMITTEE

The Staff Review Committee shall consist of the Town Planner, Code Enforcement Officer, Public Works Director, and the Fire Chief and shall have the authority to review and approve or deny all *Administrative Site Plan Review* applications. If Staff Review Committee is unable to agree on the action to be taken on an application, the Committee shall refer the application to the Planning Board, which shall then conduct the site plan review. The applicant may request that the Planning Board rule directly on an Administrative Site Plan application following the procedures outlined in Section 10.6.2 *Administrative Review*

10.4.2. PLANNING BOARD

The Planning Board shall have the authority to review and act on all *Plenary Site Plan Review* applications, and in consideration of said review may approve, approve with conditions, or deny all applications.

10.5 APPLICATION

All applications for *Administrative Site Plan Review* and *Plenary Site Plan Review* shall be submitted on forms available from the Planning Department along with all pertinent information, plans, drawings, reports, and specifications required by either the Staff Review Committee or the Planning Board. Specific submission requirements are to be provided as outlined below:

10.5.1. ADMINISTRATIVE SITE PLAN REVIEW APPLICATION REQUIREMENTS:

The applicant shall file all designated application fees, as determined by the Board of Selectmen, and provide four (4) copies of the application and relevant submissions as provided and specified by the Planning Department. Submissions shall include but not be limited to 1) proof of right title and interest in the subject property, 2) a scaled Site Plan showing existing and proposed site features; 3) Stormwater and Soil Erosion Control Plan if applicable; 4) scaled building elevations and proposed sign layouts if applicable; 5) Property Boundary and/or Topographic Survey if applicable; 6) cost estimates of all proposed improvement, and 7) any other information deemed necessary by the Town Planner to make a reasonable and informed ruling on the proposed project.

10.5.2. PLENARY SITE PLAN REVIEW APPLICATION REQUIREMENTS

The applicant shall file all designated application fees, as determined by the Board of Selectmen, and provide ten (10) copies of the following submission items:

- 1.** A fully executed and signed *Plenary Site Plan Review* application
- 2.** Copy of property deed, option to purchase, or other documentation to demonstrate the applicant's right, title or interest in the property
- 3.** Proposed Site Plan, drawn at a scale not to exceed one inch equals forty feet (1" = 40') or at a scale otherwise required by the Town Planner. Said plan shall be sealed by a Professional Engineer, Landscape Architect, or a Surveyor licensed in the State of Maine, and containing the following information:
 - a.** Property Boundary Survey signed & sealed by a Maine Licensed Land Surveyor, showing bearings and distances of the subject property boundary(s), topographic elevations at a contour interval of no more than two (2) feet, location and elevation of all existing and proposed structures, site features and site improvements.
 - b.** Information Block containing location, address, Map-Block-Lot number(s) of the subject property, as recorded in the Town Assessor's Office, name and address of the applicant(s), and owner(s) if different;
 - c.** Approval Block providing space for the signatures of Planning Board members;
 - d.** The existing zone in which the property is located. In the event the property is divided by a zone line, the line shall be delineated and labeled on the Site Plan;
 - e.** Map scale, north arrow (True North), and date Site Plan was prepared including the date of any subsequent revisions made to the plan;
 - f.** Identification and location of all abutters to the applicant's property;
 - g.** The dimensions and layout of all building and zoning setback lines;
 - h.** Delineation of all existing and proposed public and private easements on or directly adjacent to the property;
 - i.** Location, dimensions, and layout of all existing and proposed built elements, including buildings and structures, parking areas, driveways, Town/State roads, sidewalks, fences, walls, steps, piers and docks, patios, swimming pools, and signage;
 - j.** Location of existing site features located on the property, including but not limited to existing streams, wetlands, drainage swales, tree lines, identification and location of specimen trees greater than eight inches (8") caliper, location of existing rock outcrops, and boundary of 100-year Flood Zone as defined by the FEMA Flood Insurance Rate Map for the Town of Arundel;
 - k.** Location of existing and proposed utilities including overhead telephone poles and/or underground cables, public sewer and water lines, gate valves, fire hydrants, dumpsters or waste receptacles, private septic systems and water supply wells;
 - l.** Specification, layout, and quantity of proposed landscaping plant materials;
 - m.** Location, layout, and dimensions of all existing and proposed drainage facilities, accompanied by detailed drainage calculations signed and sealed by an Professional Engineer licensed in the State of Maine;
 - n.** Location, specification, height and photometric data of existing and proposed exterior lighting;
 - o.** Sight distances delineated on the site plan for all driveway and street openings and all easements required to maintain such sight distances in perpetuity shall also be delineated on the plan;
 - p.** Soil Erosion Control Plan showing location, quantity, and specifications of erosion control devices and strategies to be implemented to minimize on and off-site sedimentation.
- 4.** **Cost estimates** for all proposed site improvements.

5. **Building Plans** of all proposed structure(s) including interior layout, side, and front elevations drawn to a scale of not less than 1/4 inch to 1 foot.
6. **Schematic elevation of proposed signs**, drawn to a scale of not less than 3/4 inches to 1 foot, and illustrating sign layout, lettering, graphics and logos, materials, color, and proposed illumination.
7. **Additional Submittals:** In addition, the Planning Board may require any one or all of the additional impact studies and information to be submitted as part of the Site Plan Review Application:
 - a. **Fiscal Impact Assessment:** Analyzing the projected fiscal impacts to the municipal service delivery system
 - b. **Traffic Impact Assessment:** Analyzing the potential trip generation created by the proposed project and its cumulative impact upon traffic capacity of servicing public highways and level of service performance at off-site intersections.
 - c. **Groundwater Study:** Analyzing the individual and cumulative impacts of the proposed project upon existing groundwater quality.
 - d. **Market Study:** Prepared by a qualified market research firm, and indicating the potential feasibility and projected success of a proposed use.
8. **Other Information:** Any other information requested by the Planning Board deemed necessary to make a reasonable and informed decision about the proposed project.

10.5.3. WAIVER OF SUBMISSION REQUIREMENTS:

Specific submission requirements of Sections 10.5.1 and 10.5.2 may be waived by the reviewing authority if said authority rules that the required application submission will not yield any useful information given the nature and scope of the proposed activity or the existing character of the site.

10.6 SITE PLAN REVIEW PROCEDURES

10.6.1 APPLICATION CLASSIFICATION: The Town Planner shall be responsible for determining whether an application qualifies for Administrative or Plenary review.

10.6.2 ADMINISTRATIVE SITE PLAN REVIEW PROCEDURE: The following procedures shall govern the Administrative Site Plan Review process:

1. **Pre-Application Conference** The Pre-Application Conference can save the applicant time, effort, and can expedite the approval process. All applicants are advised to schedule a Pre-Application Conference with the Town Planner prior to submitting an Administrative Site Plan Application. The Pre-Application Conference assists the applicant in determining the submission requirements necessary to provide a *complete application*, identifies potential conflicts with existing ordinances or land use policies, familiarizes the applicant with review procedures and approval criteria, and familiarizes the Planning Department with the project. No binding decisions shall be made by the staff at this meeting.
2. **Determination of a Complete Application:** Within ten (10) days after an application is classified as an *Administrative Site Plan Review* Application by the Staff Review Committee, a determination shall be made whether the application is Complete and contains submission receipts of all relevant State and Federal permits, complete plan submissions as required by this Ordinance, and all relevant information necessary to make a reasonable and informed decision. Notification of this application shall be sent to all property owners within a one hundred (100) foot radius from the applicant's property line at least 7 days prior to the issuance of the final approval.
3. **Staff Review Committee Ruling:** Within thirty (30) days of ruling that the application is a *Complete Application*, the Staff Review Committee shall approve, approve with conditions, or deny the application based on criteria pursuant to Section 10.6.4 herein. Absent an extension under subparagraph (3) below, the application shall be denied if the Staff Review Committee does not act within the 30 days.

4. **Request for Extension:** The thirty (30) day period of subparagraph (2) above may be extended by agreement between the applicant and the Staff Review Committee or upon written request of the applicant in order to amend the application prior to the issuance of a decision. An extension granted upon request of the applicant shall not exceed 30 days and no more than one such extension shall be granted.
5. **Document Filing:** No Administrative Site Plan approval shall become effective until a record reproducible copy of the approved plan is signed by the Staff Review Committee and the applicant; all conditions of approval mandated are drafted on the record plan; all Peer Review fees (Section 10.8) have been paid, and Performance Assurances (Section 10.7) supplied to the Town.
6. **Planning Board Notification:** Any Administrative Site Plan approval or denial shall be communicated to the Planning Board at the next scheduled Planning Board meeting.

10.6.3. PLENARY SITE PLAN REVIEW PROCEDURE

1. **Sketch Plan Review:** Prior to submitting a formal Plenary Site Plan Application, all applicants are encouraged to present the Planning Board with a preliminary sketch plan of the proposed activity. This informal consultation will assist the applicant in determining the submission requirements necessary to provide a *complete application* and can identify site issues and constraints that the applicant should resolve prior to submission of the application. No binding decisions shall be made by the Planning Board at this meeting
2. **Determination of a Complete Application:** Applications will be reviewed for their classification and completeness at the next regularly-scheduled meeting of the Planning Board. The Planning Board shall designate the application as a *Complete Application* if it includes submission receipts of all relevant State and Federal permits, complete plan submissions as required by this Ordinance, and contains all relevant information necessary to make a reasonable and informed decision. Conversely, if the application is lacking data required by the Planning Board, the applicant shall provide the requested information before the application is designated as being *Complete*. Applications failing to be designated as a Complete Application within six (6) months from the date of submission to the Planning Board shall be denied by the Board.
3. **Public Hearing:** Within thirty (30) days of designating a Plenary Site Plan Review application as a *Complete Application*, the Planning Board shall conduct a Public Hearing, during which abutters to the proposed project and any other members of the public shall have an opportunity to express their opposition or support for the proposed project. Notification of this Public Hearing shall be sent to all Arundel property owners within a two-hundred (200) foot radius of the applicant's property line, a minimum of ten (10) days prior to the hearing.
4. **Site Walk:** At any time during the review of the application, the Planning Board may conduct a Site Walk. The Site Walk shall be open to the public and notification of the Site Walk shall be legally-posted on the Town website and on the Town Bulletin Board at least seven (7) days prior to the meeting. No formal action shall be taken by the Planning Board at any site walk
5. **Site Plan Review-Ruling:** Within thirty (30) days of the Public Hearing or within sixty (60) days after designating an application a Complete Application, the Planning Board shall approve, approve with conditions, or deny the application based on the application's conformance with the applicable performance standards and regulations of the Zoning Ordinance.
6. **Request for Extension:** Applicants may submit a written request to the Planning Board for no more than two (2) thirty (30)-day extensions in order to amend the application prior to the issuance of a Plenary Site Plan Review-Ruling.
7. **Document Filing:** No Plenary Site Plan approval shall become effective until a record reproducible copy of the approved plan is signed by the Planning Board members, all conditions of approval mandated by the Planning Board are drafted on the record plan, the record reproducible plan is filed with the Planning

Department, all Peer Review fees (Section 10.8) have been paid, and Performance Assurances (Section 10.7) supplied to the Town.

10.6.4. CRITERIA FOR APPROVAL

All Site Plan Review applications shall be evaluated, approved, approved with conditions, or denied based on the following findings of fact:

1. The proposed project conforms to all standards of the zoning district and meets or exceeds performance standards specified in Sections 5, 9, and 10 of this Ordinance;
2. The proposed project has received all applicable Federal and State Permits.
3. The proposed project does not unreasonably impact public safety and fire protection, and will not create a financial burden for the Town of Arundel in the provision of emergency services and law enforcement to the project site and the neighborhood;
4. The proposed project will not have an adverse impact upon the quality of surface or groundwater resources;
5. The project provides adequate stormwater management facilities to produce no additional peak runoff from the site during a 25-year storm event and will not have an undue impact on municipal stormwater facilities or downstream properties;
6. The proposed project will not have an adverse on-site and off-site impact upon existing vehicular and pedestrian circulation systems within the community or neighborhood;
7. The proposed project will not have an adverse impact upon environmental quality, critical wildlife habitats, marine resources, important cultural resources, or visual quality of the neighborhood, surrounding environs, or the community;
8. The proposed project will not produce noise, odors, dust, debris, glare, solar obstruction or other nuisances that will adversely impact the quality of life of surrounding parcels.
9. The proposed project will not have a negative fiscal impact on municipal government.

10.7 PERFORMANCE ASSURANCES

To insure that the terms and conditions accompanying any issuance of an Administrative or Plenary Site Plan Review approval are met pursuant all sections of this Zoning Ordinance, the applicant shall submit a fully-executed performance assurances pursuant to Sections 10.7.1 & 10.7.2 to the Planning Department prior to the issuance of a Building Permit, a Certificate of Occupancy, or the commencement of the approved activity:

10.7.1. ELEMENTS OF PERFORMANCE ASSURANCE.

Prior to granting final site plan approval, the Staff Review Committee or the Planning Board shall determine the following elements of the Performance Assurance:

1. The Required Improvements, consisting of those improvements which are necessary to ensure compliance with the standards of this Ordinance and any conditions of approval;
2. The Construction Schedule, consisting of the date of the anticipated commencement of construction and the last date for completion of the Required Improvements;
3. The Performance Assurance Amount, consisting of the estimated cost of the Required Improvements, the estimated cost of the inspection of the Required Improvements by the Town, and a contingency allowance of fifteen percent (15%) of the estimated cost of the Required Improvements.

10.7.2. PERFORMANCE ASSURANCE INSTRUMENTS.

Based upon the determinations made in Section 10.7.1 above, the Staff Review Committee or the Planning Board, whichever approves the site plan, may require the applicant to guarantee completion of the Required Improvements by one or more of the following methods:

1. **Escrow Agreement.** Delivery of the Performance Assurance Amount to the Town Planner in cash pursuant to an Escrow Agreement satisfactory in form and content of the Town Planner. The Escrow Agreement shall give the Town the right to withdraw from the Escrow Account without the applicant's

consent if the applicant fails to complete the Required Improvements pursuant to the Construction Schedule. The Escrow Agreement may allow interim reductions in the Performance Assurance Amount as certain of the Required Improvements are completed, in increments of no less than \$2,500. Expiration of the Escrow Agreement shall be at least 30 days later than the last date for completion of the Required Improvements.

2. **Letter of Credit:** Delivery to the Town of an *Irrevocable Letter of Credit* for the Performance Assurance Amount, in form and from an issuer acceptable to the Town Planner. The Letter of Credit may allow interim reductions in the Performance Assurance Amount as certain of the Required Improvements are completed, in increments of no less than \$2,500. Expiration of the Letter of Credit shall be at least 30 days later than the last date for completion of the Required Improvements.
3. **Tri-Party Agreement:** Delivery to the Town of a *Tri-Party Agreement* for the Performance Assurance Amount, in form and from an issuer acceptable to the Town Planner. The issuer shall be a financial institution that shall hold the performance assurance and shall not release any or all of the funds to the Owner or the Owner's contractor unless so authorized by the Town Planner
4. **Extensions and Modifications.** The Planning Board or its authorized agents may extend the last date for completion of the Required Improvements provided that the applicant requests an extension prior to the expiration of the Performance Assurance Instrument and provided the applicant delivers a new or extended Performance Assurance Instrument. The Staff Review Committee or the Planning Board, whichever issued the approval, may also modify the terms of the existing Performance Assurance Instrument or substitute one Performance Assurance Instrument for another, in whole or in part, where circumstances reasonably require such modification or substitution.

10.7.3. REFUND ON COMPLETION OF IMPROVEMENTS

If the Town withdraws funds pursuant to an Escrow Agreement or draws on a Letter of Credit and causes the Required Improvements to be completed, or when the applicant has completed the Required Improvements, any portion of the Performance Assurance remaining in the Town's possession or control after the Town has paid all expenses which the Town may have incurred in completing the Required Improvements (including administrative and legal costs) shall be returned to the applicant.

10.8 PEER REVIEW

The Planning Board and/or the Staff Review Committee may contract with any consultant, of its own selection, to provide peer review of technical reports, drawings, design specifications, or any other material submitted by the applicant in support of the application. The Peer Review Consultant shall take direction only from the Planning Board and/or Planning Department; however the applicant shall pay the Peer Review Consultant for all services rendered prior to the signing and filing of the Record Site Plan pursuant to Section 10.6.2.5 and 10.6.3.7.

10.9 DURATION OF SITE PLAN APPROVAL

Site Plan approval and all the legal rights, privileges, and duties thereof shall expire if project construction has not commenced within one (1) year of the approval date and if the project is not substantially completed within two (2) years of the approval date. The Staff Review Committee may grant up to a one (1) year extension on Administrative approvals and similarly the Planning Board may grant a one (1) year extension on Site Plan Review approvals if compelling evidence is presented that additional time is required to meet Federal, State, or local permit requirements or in reaction to market changes.

10.10 APPEALS

10.10.1 APPEALS: ADMINISTRATIVE SITE PLAN REVIEW RULINGS

Any property owner or resident of the Town of Arundel aggrieved by the decision of the Staff Review Committee may appeal said decision to the Planning Board. In all cases, appeals to the Planning Board may be made only from a decision, ruling, or order relative to an application for an Administrative Site Plan Review.

1. **Authority of the Board:** The Planning Board may affirm or reverse in whole or in part or may modify any order or decision, and to that end shall have all the powers of the officers from whom the appeal is made and may issue or direct the issuance of a Administrative Site Plan Review permit.
2. **Basis of Appeal:** Aggrieved parties requesting an appeal from the decision of the Staff Review Committee shall conclusively demonstrate that the decision in the granting or denial of an Administrative Site Plan Review is in error, and a misinterpretation of Section 10 of this Ordinance.

3. **Appeal Procedure:**
 - a. All aggrieved parties with standing shall file the appeal within twenty (20) days after receipt of a written decision of the Staff Review Committee. The appeal shall be filed on forms authorized by the Board and the aggrieved person shall explicitly set forth on said forms the grounds for his appeal.
 - b. Within thirty (30) days of the submission of a completed appeal application and the payment of all associated fees, the Planning Board shall accept the appeal for consideration.
 - c. Within forty-five (45) days of accepting an appeal application, the Board shall render a decision on whether to affirm, reverse in whole or in part, or modify the decision of the Administrative Site Plan Review ruling.
4. **Repetitive Appeals Prohibited:** Upon the denial of an appeal by the Planning Board, a second appeal of a similar nature for the same property shall not be brought before the Board *within one year* of the date of denial by the Board of the first appeal, unless the Board finds that either significant new evidence can be introduced that would substantially alter the result of the decision; or the Board finds, in its sole and exclusive judgment, that an error or mistake of the law or misunderstanding of fact shall have been made.

10.10.2 APPEALS: PLENARY SITE PLAN REVIEW

Decisions of the Planning Board on Site Plan Review applications and on appeals under Section 10.9.1 are appealable to the Arundel Zoning Board of Appeals, following the procedures established in Section 11.3.3. herein.

10.10.3 APPEALS: SUPERIOR COURT

Decisions of the Planning Board on Site Plan Review applications and on appeals under Section 10.9.1 may be appealed to the Maine Superior Court pursuant to M.R. Civ.P.80B or as amended from time to time.(Adopted June 15, 2011)

Town of Arundel, Maine

SITE PLAN REVIEW PREAPPLICATION FORM

APPLICANT INFORMATION

1. Project Name: Vinegar Hill Music Theatre

2. Property Owner Name: James & June Reatly I LLC
Mail Address: 10 Oak Hill Road
Town, State, ZIP Code Natick, MA 01760
Telephone #: 617-480-1554
Email perealtytrust@gmail.com

3. Applicant Name (if different): Vinegar Hill LLC
Mail Address: 53 Old Post Road
Town, State, ZIP Code Arundel, ME 04046
Telephone #: 617-480-1554
Email perealtytrust@gmail.com

GENERAL INFORMATION

4. Project Location: 53 Old Post Road
Arundel Tax Map 36 Lot 18A

5. Land Use District: DB-2 Downtown Business 2

SITE INFORMATION

6. Please describe the existing use of the property to be developed and neighboring properties.
The property is currently used as a venue for live music and entertainment.

7. Please describe the proposed use of the property.
This application is being made to request the use of the outdoor area for outdoor concerts on a moveable stage, drive-in movies;
and to update/amend the previous decision to permit weddings and events on the property. As well as to approve the property as a site for up to 5
food trucks.

8. Total Acreage of Site: 10.99 acres Proposed Development Area: no proposed changes
Proposed Road/driveway Length: _____ Area of parking lot existing
Total Impervious Area: _____
9. Proposed Infrastructure Improvements (List Facility Type & Public/Private Ownership)
Sewer: NA Water: NA
Road: NA Utilities: NA

To the best of my knowledge, all of the above stated information is true and correct.



Applicant's Signature

6/23/2022
Date

Plenary Site Plan Review Applications: Submit ten (10) copies of this application and any site plan sketches indicating the general site layout and location of the proposed conditional use, drawn at a scale not to exceed 1"=40'. Please include written requests and justifications for any requested waivers from the application requirements

If sketch plans are larger than 11" x 17", you may provide 2 full-sized sets and 8 copies reduced to 11" x 17". Applications will not be placed upon a Planning Board Agenda until the Town Planner receives all the plans, fees, written submissions or waiver requests to be considered complete. After receipt of all the necessary information, the Town Planner shall place the application on the next available agenda.

Administrative Site Plan Review Applications: Submit four (4) copies of this application and any site plan sketches indicating the general site layout and location of the proposed conditional use, drawn at a scale not to exceed 1"=60' to the Town Planner. Please include written requests and justifications for any requested waivers from the application requirements.

APPLICATION INSTRUCTIONS

Permitted Uses listed in the Land Use table of each Zoning District require Site Plan Review as described in Section 10.2 and 10.3 of the Arundel Land Use Ordinance. Section 10.5.2 of the Ordinance lists the submission requirements for filing an application for consideration by either the Planning Board or Staff Review Committee. As the applicant, you must read these requirements before you file your application to make sure your application is complete. The submission requirements are intended to provide the town with information required to decide whether or not your application meets the ***Dimensional Requirements*** found in the section dedicated for each zoning district, ***Shoreland Zoning Standards*** found in Section 8.0 and all the applicable ***General Performance Standards*** cited in Section 5.0.

The Planning Board generally does not consider nor approve an application in one meeting, so plan enough time for the review process to take place for your construction schedules or the start of your business activities. The Planning Board meets on the first (1st) and third (3rd) Tuesday of each month starting at 7 PM, with the exceptions of holidays and vacations. In order to be placed on the agenda to present an application to the Board, a complete application must be submitted no less than ***fourteen (14) days prior*** to the meeting. The Board will not hear more than three new applications at any meeting, and therefore your application may be further delayed if there are many applications at one time. The Staff Review Committee will meet as necessary, usually on a Wednesday morning. Planning Board meetings are conducted in the library of the Mildred L Day Elementary School located at 600 Limerick Road while the Staff Review Board will either meet at the site or at the Code Enforcement Office, located at 468 Limerick Road.

A basic application consists of the following:

1. Ten (10) copies of the completed Site Plan Review Application, along with building and site plans (5 copies for Staff Review Committee) , accompanied by the information required by Section 10.5.2., and any other supporting documentation.
2. The applicable application fee to cover review costs and mailings of public notices. The designated refundable review fee to cover the costs of any third-party consultant reviews of the application.
3. A list of names, mailing addresses, and map lot identification number from the Arundel Assessor's Records of all property owners within 200 feet of the subject property for a *Plenary Site Plan application* and within 100 feet for an *Administrative Site Plan application*. The names and mailing addresses shall be printed upon *Avery 5160* labels or comparable label and suitable for attachment to standard sized envelopes for public hearing notice mailings.
4. If necessary, a written request for waivers of submission requirements contained in Section 10.5.2.
5. A narrative describing how the proposed use or activity meets the approval criteria for a Site Plan Permit as defined in LUO Section 10.6.4.
6. A digital copy (in Adobe pdf format) of your entire submission package including maps and deeds. The submission may be emailed to townplanner@arundelmaine.org or submitted on an USB (Universal Serial Bus) thumb drive

The site plan must include all of the information required by the Land Use Ordinance except for items for which a waiver is sought. Part of this application packet is a checklist that will help you prepare the application. Please use it as a guide to preparing a complete application, but recognize it is not a substitute for reading and following Section 10.5.2 in detail.

The Town Planner will review the application to determine whether it is complete. If the application is complete the Planner will mail a notice to abutters and schedule your application for review before the appropriate Board. If the application is not complete, the Town Planner will notify you of the missing information needed to place the application on the Planning Board or the Staff Review Committee agenda. If you think that you should not have to submit any of the required information, you should submit a *waiver request* stating why it should not be necessary for you to submit certain information to the Planning Board or the Staff Review Committee.

This application is being made to include the use of the outdoor a

After the Town Planner has determined your Plenary Site Plan application is complete and you have presented it to the Planning Board, the Board will schedule your application for a Public Hearing within 30 days in accordance with Section 10.6.3.3. The Board will approve your application, with or without conditions, or deny your application usually within 30 days of the Public Hearing.

After the Staff Review Committee has determined your *Administrative Site Plan* application to be complete, the Staff Review Committee will schedule a Site Walk and on-site Public Hearing. The Staff Review Committee will approve, or deny your application within 30 days of Determination of Completeness.

Arundel Planning Board

Richard Ganong, *Chair*
Susan Roth, *Vice Chair*
Tom McGinn, *Secretary*
Marty Cain

James Lowery
Susan Sinnott
Paul Green

Arundel Staff Review Board

James Nagle, *Code Enforcement Officer*
Jerry Beaulieu, *Fire Chief*
Beth Newcombe, *Assessor*

Lee Jay Feldman, *Chair/Contract Planner*
Roger Taschereau, *Public Works Director*

Town of Arundel, Maine

Site Plan Review Application

APPLICANT INFORMATION

1. **Project Name:** Vinegar Hill Music Theatre
2. **Owner Name:** James & June Reatly I LLC
Mail Address: 10 Oak Hill Road
Town, State, ZIP Code Natick, MA 01760
Telephone #: 617-480-1554
Email: perealtytrust@gmail.com
3. **Applicant Name** (if different): Vinegar Hill LLC
Mail Address: 53 Old Post Road
Town, State, ZIP Code Arundel, ME 04046
Telephone #: 617-480-1554
Email: perealtytrust@gmail.com
4. **Authorized Agent** (person(s) who will be responsible for all communication with the Planning Board):
Name: Peter Haranas / Sarah Dearing
Mail Address: 53 Old Post Road
Town, State, ZIP Code Arundel, ME 04046
Telephone #: 617-480-1554
Email: perealtytrust@gmail.com
5. **Design Consultants** (Architect, Surveyor, Engineer, Planner)
Name: Livingston - Hughest Land Surveyors
Mail Address: 88 Guinea Road
Town, State, ZIP Code Kennebunkport ME 4046
Telephone #: 207-967-9761
Email: hilary@livingstonhughes.com

GENERAL INFORMATION

6. **Project Location:** 53 Old Post Road
Arundel Tax Map 36 Lot 18A
7. **Land Use District(s)** DB-2 Downtown Business 2
(consult Land Use Map and Shoreland Zoning Map)
8. Is the application for the establishment of a new business? Yes No If yes, complete the attached business registration form.

SITE INFORMATION

9. Please describe the existing use of the property to be developed and neighboring properties.

The property is currently used as a venue for live music and entertainment.

Please describe the proposed use of the property.

This application is being made to include the use of the outdoor area for outdoor concerts and drive-in movies; and to allow for weddings and events on the property, as well as to permit the up to 5 food trucks.

10. Total Acreage of Site: 10.99 acres Proposed Development Area: no proposed changes
Proposed Road/driveway Length: _____ Area of parking lot _____
Total Impervious Area: _____

11. Proposed Infrastructure Improvements (List Facility Type & Public/Private Ownership)

Sewer: NA Water: NA
Road: NA Utilities: NA

12. Application Fee: \$500 Plenary Site Plan Application
 \$250 for revisions; plus applicable Review Fee: \$250 Administrative Site Plan Application
Application fee is doubled if work has started or business has been established prior to application

13. Waiver Requests? (Submit in writing) Yes No

14. Please complete the attached Conditional Use Checklist to assure your application and site plan are complete.

To the best of my knowledge, all of the above stated information is true and correct.



Applicant's Signature

6/23/2022

Date

Town of Arundel Site Plan Review Application Checklist

Project Name Vinegar Hill Music Theatre

This checklist has been prepared to assist applicants develop their applications. It should be used as a guide. The checklist does not substitute for following the requirements of Section 10.5.2 of the Arundel Land Use Ordinance. The Town Planner will also be using the checklist to make sure your application is complete. Indicate in the first and third columns if the information has been submitted or if you request it to be waived. If you feel the information is not applicable to your project please indicate so in the second column.

SITE PLAN REQUIREMENTS	Submitted by Applicant	Does Not Apply	Applicant Requests to be Waived	Received by Town Planner	Comments
1. Property Boundary Survey signed & sealed by a Maine Licensed Land Surveyor, showing bearings and distances of the subject property boundary(s), and containing North arrow, graphic scale, acreage, property corners, date of survey, and location of adjacent lots and owner's names.	X				
2. Proposed Site Plan , drawn at a scale not to exceed one inch equals forty feet (1" = 40') or at a scale otherwise required by the Town Planner and showing both existing conditions and proposed improvements on the site; sealed by a Professional Engineer, Landscape Architect, or a Surveyor licensed in the State of Maine, and containing the following information:	X				
• Existing & proposed lot setback lines.	X				
• Existing & proposed rights of way, easements & other legal restrictions		X			
• Topographic survey showing existing and proposed site and building elevations at a contour interval of no more than two (2) feet, location and elevation of all existing and proposed structures, site features and site improvements.		X			
• Information Block containing location, address, Map-Lot number(s) of the subject property, as recorded in the Town Assessor's Office, name and address of the applicant(s), and owner(s) if different;	X				
• Approval Block providing space for the signatures of Planning Board members or the Staff Review Committee					
• Location of all on-site streams, watercourses, wetlands, waterbodies, drainage facilities and structures, 100-year floodplains, roads, driveways, parking lots,	X				
• Delineation of all existing and proposed public and private easements on or directly adjacent to the property;		X			
• Location, dimensions, and layout of all existing and proposed built elements, including buildings and structures, parking areas, driveways, curbing, Town/State roads, sidewalks, fences, walls, steps, piers and docks, patios, swimming pools, and signage	X				
• Location of existing site features located on the property, including but not limited to existing streams, wetlands, drainage swales, tree lines, identification and location of specimen trees greater than eight inches (8") caliper, location of existing rock outcrops, and boundary of 100-year Flood Zone as defined by the FEMA Flood Insurance Rate Map for the Town of Arundel	X				
	Submitted	Does	Applicant	Received	

SITE PLAN REQUIREMENTS	by Applicant	Not Apply	Requests to be Waived	by Town Planner	Comments
<ul style="list-style-type: none"> Location of existing and proposed utilities including overhead telephone poles and/or underground cables, public water lines, gate valves, fire hydrants, dumpsters or waste receptacles, private septic systems and water supply wells. 	X				
<ul style="list-style-type: none"> Location, layout, and dimensions of all existing and proposed drainage facilities, accompanied by detailed drainage calculations signed and sealed by an Professional Engineer licensed in the State of Maine; 		X			
<ul style="list-style-type: none"> Identification and location of all on-site soils derived from a medium intensity soil survey. The Planning Board or Staff Review Committee may at their discretion, require a high-intensity soil survey sealed by a Maine Licensed Soil Scientist. 		X			
<ul style="list-style-type: none"> Site Data Summary detailing the total area of all existing and proposed site improvements, the amount of impervious surface, lot area, lot coverage, street frontage, building area, wetlands area, and stream areas, and compliance with the space and bulk requirements of the governing zoning district. 		X			
<ul style="list-style-type: none"> The existing zone in which the property is located. In the event the property is divided by a zone line, the line shall be delineated and labeled on the Site Plan; 		X			
<ul style="list-style-type: none"> Sight distances delineated for all driveway and street openings and all easements required to maintain such sight distances in perpetuity shall also be delineated on the plan; 		X			
<ul style="list-style-type: none"> Location, type, size of incineration devices noise sources such as machinery. 		X			
<ul style="list-style-type: none"> Location and inventory of outdoor materials storage 		X	6/23/2022		
<ul style="list-style-type: none"> Existing and proposed fire protection and fire suppression resources including location, size, flow rates and, capacity construction details and specifications, of cisterns, dry hydrants, wet hydrants, fire ponds, booster pumps, building fire department connections, external sprinkler system cisterns 		X			
<p>3. Detail Sheet showing construction details of proposed streets, drives, roads, sidewalks, retaining walls, lighting fixtures, fences, and all similar proposed site improvements.</p>		X			
<p>4. Outdoor Lighting Plan <i>consisting of:</i></p>					
<ul style="list-style-type: none"> The location of all existing and proposed exterior lighting fixtures. 					
<ul style="list-style-type: none"> Specifications for all proposed lighting fixtures 					
<ul style="list-style-type: none"> Proposed mounting height of all exterior lighting fixtures 					
<ul style="list-style-type: none"> Analyses and illuminance level diagrams. 					
<ul style="list-style-type: none"> Drawings of all relevant building elevations showing fixtures, portions of walls to be illuminated, illuminance levels, and the aiming points for remote light fixtures. 					

SITE PLAN REQUIREMENTS	Submitted by Applicant	Does Not Apply	Applicant Requests to be Waived	Received by Town Planner	Comments
5. Landscape Plan showing location, layout, and quantity of all ornamental plant material and ground cover to be installed on the site. Plan should include s of all proposed plant material and ground cover and including:		X			
• Planting Schedule indicating plant species, variety, common name quantity, size and installation specifications;		X			
• Planting details for shrubs and trees		X			
6. Building Plans of all proposed structure(s) including interior layout, side, and front elevations drawn to a scale of not less than 1/4 inch to 1 foot.		X			
7. Schematic elevation of proposed signs , drawn to a scale of not less than 3/4 inches to 1 foot, and illustrating sign layout, lettering, graphics and logos, materials, color, and proposed illumination.		X			
8. Detailed Cost Estimates of all proposed site improvements including quantity and unit costs of materials and 10% contingencies.		X			

WRITTEN SUBMISSION REQUIREMENTS	Submitted by Applicant	Does Not Apply	Applicant Requests to be Waived	Received by Town Planner	Comments
1. Complete Site Plan Review Application Form (10 copies)	X				
2. Plenary or Administrative Site Plan application fee and Peer Review fee					
3. Name, mailing addresses, and Map/Lot number of all abutters within 200 feet of the subject property printed on Avery 5160 labels					
4. Evidence of applicant's right, title or interest (deed, lease agreement, purchase & sale, or letter of authorization) in the property and any deed restrictions or easements on the property					
5. On-site soil investigation report by a Licensed Site Evaluator.					
6. Copies of final Association Covenants and Condominium documents, rights-of-ways, utility, construction, and sight distance easements, Road Maintenance Agreements and other pertinent legal documents.		X			
7. Stormwater Drainage Calculations, prepared and sealed by a Maine licensed civil engineer.		X			
8. Digital copy of the entire application package in an Adobe PDF format, including maps and drawings	X				
9. Other Studies:					
• Traffic Impact study, prepared and sealed by a Maine licensed Traffic Engineer.		X			
• Groundwater Study: Analyzing the individual and cumulative impacts of the proposed project upon existing groundwater quality.		X			

WRITTEN SUBMISSION REQUIREMENTS	Submitted by Applicant	Does Not Apply	Applicant Requests to be Waived	Received by Town Planner	Comments
<ul style="list-style-type: none"> Market Study: Prepared by a qualified market research firm, and indicating the potential feasibility and projected success of a proposed use. 					
<ul style="list-style-type: none"> Fiscal Impact Assessment: Analyzing the projected fiscal impacts to the municipal service delivery system 					
10. Written copies of all required state and federal approvals. Relevant state and federal laws include, but are not limited to Stormwater, Site Location, Natural Resources Protection Act, and Sec. 404 Clean Water Act (federal), and MDOT permits for road and driveway openings on Route 1 and Route 111.					
11. Letter of Compliance from the Arundel Fire Chief					
12. Letter of Compliance from the Arundel Public Works Director (only if accessed from Town road)					
13. Other information required by the Planning Board or Staff Review Committee					