

Chapter 140-Site Plan Review

§ 140-3 Applicability.

A. This chapter shall apply to all development proposals involving new construction, change of use, or substantial enlargement and/or alteration of the following:

- (1) Commercial, retail, industrial, institutional and recreational buildings, structures and uses and accessory structures and their uses.
- (2) Multifamily dwellings and accessory uses and structures.
- (3) Campgrounds.
- (4) Mobile home parks.
- (5) Condominium development. All condominiums are created under 33 M.R.S.A. Chapter 31, known as the "Maine Condominium Act," and subject to the terms therein.
- (6) Motels, hotels and inns.
- (7) Bed-and-breakfast establishments, tourist homes, and rooming and boarding houses.
- (8) Telecommunications towers and related facilities.
- (9) Development inside the fenced perimeter of the Bethel Regional Airport not explicitly approved in the Master Plan or ancillary to airport operations.

B. Certain development proposals as defined by state subdivision law in 30-A M.R.S.A. § 4404 shall also require subdivision review as per Chapter 150, Subdivision of Land.

~~140-4 Application procedures.~~ **Determination of applicability** [Amended 6-13-2007] [Amended 6-11-2003; 6-15-2005; 6-14-2006]

A.

- (1) Request for written determination of applicability by applicant.
 - (a) An applicant may submit a request for a written determination regarding the applicability of this chapter prior to submitting an application. The property owner, developer, or his/her authorized agent may appear at a regular meeting of the Planning Board to discuss a proposed development or change of use. A sketch plan and/or description of the proposed development or change of use may be presented at this time.
 - (b) No binding commitments shall be made, except for the applicability of this subsection, between the property owner, developer, or his/her authorized agent and the Planning Board at this stage.
 - (c) The request for a written determination of applicability shall not be considered the initiation of the review process.
- (2) Request for written determination of applicability by other than applicant.
 - (a) The Board of Selectmen, Code Enforcement Officer, or an abutter may submit a request for a written determination regarding the applicability of this chapter. The property owner, developer, or his/her authorized agent shall be informed of the request for determination and may participate at a regular meeting of the Planning Board to discuss a proposed development or change of use. A sketch plan and/or description of the proposed development or change of use may be presented at this time.

- (b) No binding commitments shall be made, except for the applicability of this subsection, between the property owner, developer, or his/her authorized agent and the Planning Board at this stage.
- (c) The request for a written determination of applicability shall not be considered the initiation of the review process.
- (3) Abutter notification. Upon receipt of a request for a determination of applicability, the Planning Assistant shall notify by mail all property owners abutting the parcel and across any street abutting the parcel.

C-140-5 Plans ~~Application documents.~~ The application shall include: ~~as a minimum~~

(~~2~~) **A.** The site plan shall be drawn to a scale of not more than one inch equals 100 feet by a registered land surveyor, engineer, or other person deemed acceptable by the Planning Board. ~~When required, contour lines shall be at intervals specified by the Planning Board.~~ Ten copies shall be provided. Copies of the plan may be reduced to a size of 8 1/2 by 11 inches or 11 by 17 inches. If it is anticipated that the proposed subdivision will be connected to the public water and/or sewer systems, additional copies shall be provided to the Bethel Water District and/or the Bethel Wastewater Treatment Department. [Amended 6-14-2006; 7-16-2008]

B. Fees.

- (1) All applications shall be accompanied by the required fees as set forth in the Town of Bethel Fee Schedule.
- (2) Should the application and plans for the project necessitate retaining the services of outside professional expertise by the Planning Board to review the application and plans for the development, the cost shall be borne by the applicant.

C. Requirements for plans

Requirements for the plans are indicated on an application form supplied by the Planning Board/Planning Assistant and shall include the following:

(1) Information on the applicant.

- (a) Name of owner, name of applicant (if other than owner), name of applicant's authorized representative.
- (b) Address to which all correspondence from the Planning Board should be sent including electronic mail and phone number where applicant or applicant agent can be reached.
- (c) If applicant is an entity other than an individual, state whether the entity is licensed to do business in Maine and attach a copy of the Secretary of State's registration and Certificate of Good Standing. [Amended 6-14-2006]
- (d) deleted .
- (e) Name and license number of registered professional engineer, land surveyor, or planner who prepared the plan.
- (f) deleted .

(g) Right, title, or interest. The applicant must demonstrate sufficient right, title, or interest in the parcel to be developed (option, land purchase contract, record ownership, etc.). [Amended 6-14-2006]

(h) deleted developed

(i) State whether the plan covers the entire contiguous holdings of the applicant or not; if there is contiguous property show on plan.

(j) deleted

(a) Name and address of the applicant or his/her authorized agent and name of proposed development and any land within 500 feet of the proposed development in which the applicant has title or interest.

2) Information on project parcel

(a) Title of property: book and page (from Registry of Deeds).

(b) Location of property: map and lot number (from Assessor's office).

(c) Map survey of tract to be developed, certified by a registered land surveyor, engineer, or other person acceptable to the Planning Board, tied to established reference points (attach to application).

(d) Current use of property.

(e) Acreage of parcel to be developed.

(f) (deleted)

(g) Names and addresses of property owners abutting parcel to be developed and on opposite side of any road from parcel (show on plan). The current use of abutting properties shall also be indicated, but not limited to, agricultural land and managed forest land.

(h) Any easements, rights-of-way, or other encumbrances that exist on the parcel. [Amended 6-14-2006]

(i) deleted

(j) Statement if parcel is classified as tree growth.

(k) State whether any portion of the parcel to be developed is located within the Shoreland Zone. [Added 6-14-2006]

(l) State whether any portion of the parcel to be developed is located within the floodplain

3) Information on Site Plan

(a) Proposed name of project (show on plan).

(b) Numbers of lots and approximate acreage of each lot. (Show on plan).

(c) Date, magnetic North point, and graphic map scale (show on plan).

(d) Proposed lot lines with approximate dimensions and building envelopes, with subsurface sewage test pits (show on plan).

(e) Location of markers adequately placed to enable the Planning Board to locate lots readily and appraise basic lot layout in the field (show on plan).

(f) Location and size of existing buildings within the project, the location of any river, stream, or brook within or abutting the project and other essential existing physical features (show on plan). [Amended 6-14-2006]

- (g) Approximate location and size of any existing sewers and water mains, and culverts and drains, using the best available data (show on plan).
- (h) Location and size of any proposed sewer and water mains and culverts and drains (show on plan).
- (i) Location, names, and widths of existing and proposed streets, highways, rights-of-way, easements, building lines, parks, and other open spaces (show on plan). If a road or way is not to be built to the specifications of Chapter 125, Road Design and Construction, Article I, this fact must be so noted on the plan.
- (j) Responsibility for the maintenance of roads and ways and the administrative structure for the perpetual funding of the private road and other improvements, show on plan and state in any restrictive covenants to be filed in the Registry of Deeds. [Amended 6-14-2006]
- (k) Contour lines at an interval of not more than 20 feet in elevation, unless otherwise specified by the Planning Board, to refer to USGS bench marks if such exist within 500 feet of the subdivision (show on plan).

~~(u) — Maine Department of Transportation traffic, driveway or entrance permits, if required. [Amended 6-14-2006] or Town of Bethel Street opening or Driveway Entrance Permit.~~

~~(n) — Traffic impact study if required by the Planning Board or the Maine Department of Transportation.~~

~~(w) — If applicable, a statement from the Wastewater Superintendent, either a letter or an e-mail, indicating that the Wastewater Treatment Department will permit an alteration or a new connection to the sewer system.~~

~~(x) — If applicable, a statement from the Bethel Water District, either a letter or an e-mail, indicating that the Water District will permit an alteration or a new connection to the water district system.~~

(l) Disturbed areas with a slope of 20% or greater must be specifically designated (show on plan).

(m) The location of any freshwater wetlands. All freshwater wetlands within the proposed project have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. (show on plan)

(n) If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard area and the one-hundred-year flood elevation shall be delineated and shown on plan

(o) The location of potentially sensitive archaeological sites identified by the Maine Historic Preservation Commission on the map dated December 2005, or the most current version. If the project falls in a potentially sensitive archaeological site the applicant shall consult with the Maine Historical Preservation Commission regarding an archaeological survey.

(p) The location of any historic structures identified in the Bethel Comprehensive Plan dated June 1998, or the most current version. When a proposed development will

include or abut an historic building the applicant will design the development to minimize the impacts on the historic building.

(q) The location of significant or rare plant or wildlife habitats, including fisheries, deer wintering areas, and inland waterfowl wading habitats identified by Maine Department of Inland Fisheries and Wildlife on the map dated July 12, 2005, or most recent map or data released by the Maine Department of Environmental Protection., which may be in the area of the development. If there are significant plants or rare wildlife habitats the applicant shall consult with Maine Department of Inland Fisheries and Wildlife or Maine Natural Areas Program on measures to conserve the identified habitats.

~~(q) Statement from the Fire Chief, either a letter or electronic mail, as to the availability of fire hydrants and/or fire ponds and, if necessary, his recommendations for a safe environment for the subdivision.~~

(r) Location and dimensions of on-site pedestrian and vehicular access, parking areas, loading and unloading facilities, design of entrances and exits of vehicles to and from the site onto public streets, and curb and sidewalk lines. Sidewalks shall conform to the specifications of Chapter 125.

(s) Landscape plan showing location, type and approximate size of plantings, area lighting, signs, and open space; location, dimensions and description of all fencing and screening (may be a separate plan).

(t) Lighting Plan; may be shown on plan or be separate plan.

~~(t) Floor plan (may be separate plan).~~

(u) Existing and proposed locations and dimensions of buildings and other structures, roads and other paved areas, wells, any buried tanks and structures.

~~(w) Floor elevations and front elevations of buildings (may be separate plan).~~

~~(p) Topography indicating contours at intervals of not more than 20 feet in elevation unless otherwise specified by the Planning Board (may be separate map). Disturbed areas with a slope of 20% or greater must be specifically designated on both pre- and post-development plans.~~

(v) Parking plan, showing all on-site parking, (show on plan) and including written agreements for shared parking.

~~(w) A description of the proposed uses to be located on the site, including quantity and type of residential units, if any.~~

(x) The location of any aquifers and recharge areas if there is to be significant proposed ground disturbance.

(y) If the project is proposing a public building as defined by the Office of the Maine State Fire Marshall the applicant shall apply for a construction and/ or barrier free permit as required. No building permit shall be issued prior to receipt of the permit.

(z) An estimate of quantities of material to be excavated and a plan for on-site or legal off-site disposal thereof. No stumps may be taken to the transfer station. Six cubic yards only of construction waste and debris, demolition debris, cleaning debris,

masonry, sheetrock, and asphalt material may be taken to the transfer station from a single project.

(aa) Plan for storage and disposal of construction debris and of solid waste generated by the finished project.

~~(bb) An estimate of the date when construction will start and when the development will be completed.~~

4. Accompanying documents required for Site Plan

(a) Typical cross sections of proposed grading for roadways, sidewalks, and storm drainage facilities

(b) For developments not to be connected to public sewers, a soils report prepared by a licensed soil scientist identifying soil types and location of soil test areas. Based on soil test results, certain modifications of the preliminary plan may be required. There shall be at least one soil test per lot.

(c) Maine Department of Transportation traffic, driveway or entrance permits, if required. [Amended 6-14-2006] or Town of Bethel Street Opening or Driveway Entrance Permit; if required.

~~(d) Traffic impact study if required by the Planning Board or the Maine Department of Transportation.~~

(e) If applicable, a statement from the Wastewater Superintendent, either a letter or an electronic communication, indicating that the Wastewater Treatment Department will permit an alteration or a new connection to the sewer system.

(f) If applicable, a statement from the Bethel Water District, either a letter or an electronic communication, indicating that the Water District will permit an alteration or a new connection to the water district system.

(g) Statement from the Fire Chief, either a letter or electronic communication, verifying his review of the plans, showing the availability of fire hydrants and/or fire ponds, or provision of fire-protection services, to include the accessibility of the road for fire equipment. Specific approval needs to be included for lessening side setbacks in projects with Town sewer

(h) A soil erosion and sedimentation control plan for construction and for permanent control (attach). The plan will be in accordance with currently acceptable best management practices such as Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices.

(i) A location map, consisting of a United States Geological Survey (USGS) topographical map, showing the relation of the proposed subdivision to adjacent properties and to the general surrounding area. The location map shall show all the area within 500 feet of any property line of the proposed subdivision (attach to application).

(j) Restrictive covenants to be filed in the Registry of Deeds stating any responsibility for the maintenance of roads and ways and the administrative structure for the perpetual funding of the private road and other improvements.

(k) If a portion of the site plan is located in the direct watershed of North, Songo or South Pond a phosphorus impact analysis and control plan

(l) Stormwater management plan, prepared in accordance with currently acceptable best management practices. The plan will address stormwater in terms of quantity, quality, resource protection, soil stability, and phosphorus, where necessary, and/or as requested by the Planning Board. The plan will be prepared in accordance with currently acceptable best management practices, such as, but not limited to, Stormwater Management for Maine: Best Management Practices. [Amended 6-13-2007]

(1) If the project is also being reviewed under Chapter 150, Subdivision of Land, the stormwater plan may be filed with the final subdivision application.

(m) Floor plans

(n) Floor elevations and front elevations of buildings

D. Planning Board action.

(1) Issuance of dated receipt and abutter notification. When the application is received, the Planning Board shall give a dated receipt to the applicant and shall notify by mail all property owners abutting the parcel and across any street abutting the parcel as listed in the most recently published commitment book.

(2) Site walk. In order for the Planning Board to be more fully informed about the site, it may arrange on-site inspections at any time.

(3) Public hearing. In the event that the Planning Board determines to hold a public hearing on the proposed project, it shall hold such public hearing within 30 days of having received a completed preliminary project application and shall cause notice of the date, time and place of such hearing to be published in a newspaper of general circulation in Bethel at least one time. The date of the publication shall be at least seven days prior to the hearing. The decision to hold a public hearing is discretionary, and in making its decision the Planning Board may consider the size and type of project, the community impact, and whether any written requests for such a hearing have been received. The Planning Board shall notify by mail all property owners abutting the parcel and across the street of the date, place and time of the public hearing. The applicant shall pay the costs of advertisement and notification at or before the time of the public hearing.

E. Complete application. Within 90 days of the date of issuance of the receipt, the Planning Board shall review the plan and shall notify the developer in writing either that: [Added 6-14-2006]

(1) The application is a complete application; or

(2) There are a number of specific additional materials which will have to be submitted to make a complete application. The Planning Board shall list the specific additional items that must be submitted in order to make the application complete.

F. Decision of Planning Board. [Amended 6-14-2006]

(1) The Planning Board shall, within 120 days of issuance of the receipt, or within another time limit as may be otherwise mutually agreed to by the Board and the developer, make findings of fact on the application and approve, approve with conditions, or deny the plan. The Board shall specify in writing its findings of fact and reasons for any conditions or denial.

§ 140-6 Final Drawing shall include

- (6) Approval space.
- (a) Suitable space to record on the plan the signatures of Planning Board members and the date of approval.
- (b) Suitable space is to be made available on the plan for the listing of required notes and Conditions of Approval.

C. Accompanying documents. Unless otherwise indicated by the Planning Board, the following items shall be required as part of the final drawing submission:

- (1) Site Plan improvement guarantee. The conditional agreement will be endorsed by the Planning Board on the final plan and it will provide that no lot may be sold and no building permit will be issued for any building on any portion of the development until the completion of all streets, utilities, and any other improvements; or [Added 6-14-2006]
- (2) Performance guarantee. As a condition of final approval, the Planning Board may require the applicant to file a performance guarantee, payable to the municipality, in lieu of an improvement guarantee. The conditions, the form, and the amount of the performance guarantee shall be determined by the Board of Selectmen. A performance guarantee may take the form of: [Amended 6-14-2006]
 - (a) Security bond. The applicant may obtain a security bond from a surety bonding company authorized to do business in the state.
 - (b) Letter of credit. The applicant may provide an irrevocable letter of credit from a bank or other reputable lending institution authorized to do business in the state.
 - (c) Escrow account. The applicant may deposit cash or cash equivalents with the municipality or in escrow with a bank authorized to do business in the state.
- (3) In order to be released from any guarantee the applicant will furnish the Town Manager with a letter, stamped by an independent, third-party professional engineer acceptable to the Town Manager, certifying that the road and other improvements, as built, meet all Town ordinances and conditions of subdivision approval. The cost of the third-party improvement review shall be the obligation of the applicant. [Added 6-14-2006EN]
- (4) Land dedication. Written copies of any document of land dedication or other interests and written evidence that the Board of Selectmen is satisfied with the legal sufficiency of any document conveying such land dedication or other interest to the Town of Bethel. Without Town Meeting approval, the Board of Selectmen is authorized to accept land, easements, and infrastructure in conjunction with an approved subdivision plan with total value not exceeding \$25,000 per approved plan. [Amended 6-15-2005]
- (5) ~~Statement of technical ability, the estimated cost of the project and Evidence-evidence of financial and technical capability to complete the project, and a list of construction items, with cost estimates, that will be completed by the applicant and evidence that the applicant has the financial commitments or resources to cover such costs.~~
- (6) Municipal facilities impact analysis. After receiving comments from the Bethel Wastewater Treatment Department, Bethel Board of Selectmen, Bethel Water District, Road Commissioner, Public Works Director, and others, the Planning Board may require

the applicant to conduct an analysis of the impact of the proposed subdivision upon public or municipal services. This analysis may include, but not be limited to, sewer, water, roads, solid waste, drainage, police and fire protection, rescue services, schools, open space, such as a parks, recreation programs and facilities and other municipal services and facilities. The analysis shall include estimated costs for upgrading services and facilities to compensate for the demands created by the development. Once completed, the analysis shall be submitted to the Planning Board and appropriate departments for review and comment. Depending upon the degree to which the development will exceed the capacity of municipal facilities or reduce the level of services provided, the Planning Board may require the applicant to upgrade, or pay for the upgrade of, the services expected to be deficient or to provide the acceptable equivalent improvements as a condition of plan approval.

(7) Stormwater management plan, if not submitted with the original site plan.

(8) Traffic impact study if required by the Planning Board or the Maine Department of Transportation.

~~§ 140-5 Performance standards.~~

~~The following standards are to be used by the Planning Board in judging the application for site plan review and shall serve as a minimum requirement for approval of the site plan. The site plan shall be approved unless, in the judgment of the Planning Board, the applicant is not able to meet reasonably one or more of these standards. In all instances the burden of proof shall be on the applicant, and such burden of proof shall include the production of evidence necessary to complete the application.~~

§ 140-9 Requirements for site plan. [Amended 6-15-2005; 6-14-2006]

The following standards are to be used by the Planning Board in judging the application for site plan review. The site plan shall be approved unless, in the judgment of the Planning Board, the applicant is not able to meet reasonably one or more of these performance standards. In all instances the burden of proof shall be on the applicant.

A. (1) Pollution: will not result in undue water or air pollution. In making this determination, the Board shall at least consider:

- (a) The elevation of land above sea level and its relation to the floodplain;
- (b) The nature of soils and subsoils and their ability to support waste disposal;
- (c) The slope of the land and its effect on effluents;
- (d) The availability of streams for disposal of surface runoff;
- (e) The applicable state and local health and water resource rules.

(2) Sufficient water: has sufficient water available for the reasonably foreseeable needs of the site plan.

(3) Municipal water supply: will not cause an unreasonable burden on an existing water supply, if one is to be utilized.

(4) Erosion: Soil erosion shall be minimized to avoid sedimentation of watercourses and water bodies and to avoid reduction in the capacity of the land to hold water.

Particular attention will be given to disturbed areas with a slope of 20% or greater. Erosion and sedimentation control will be addressed in accordance with currently acceptable best management practices such as Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices.

(5) Traffic: will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed and, if the proposed site plan requires driveways or entrances onto a state or state aid highway the Department of Transportation has provided documentation indicating that the driveway's or entrances conform to Title 23, section 704 and any rules adopted under that section

(6) Sewage disposal: will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are to be utilized.

(7) Municipal solid waste disposal: will not cause an unreasonable burden on the ability of the Town of Bethel to dispose of solid waste if municipal services if they are to be utilized.

(8) Aesthetic, cultural and natural values: will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

(9) Conformity with local ordinances and plans: is in conformance with a duly adopted site plan regulation or ordinance, the Comprehensive Plan, state site plan and shoreland zoning regulations, development plan or land use plan, if any.

(10) Financial and technical capacity: The developer has adequate financial and technical capacity to meet the standards contained in this chapter.

(11) Surface waters; outstanding river segments: Whenever situated, in whole or in part, within the watershed of any pond or lake or within 250 feet of any wetland, pond, lake, or river, as defined in 38 M.R.S.A. Chapter 3, Subchapter 1, Article 2-B, will not adversely affect the quality of the body of water or unreasonably affect the shoreline of that body of water.

(12) Groundwater: will not alone, or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

(13) Flood areas: The developer will determine, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, whether the site plan is in a flood-prone area. The developer will determine the one-hundred-year flood elevation and flood hazard boundaries within the site plan. The proposed site plan must include a condition of plan approval requiring that principal structures within the site plan shall be constructed with their lowest floor, including the basement, at least one foot above the one-hundred-year flood elevation.

(14) Freshwater wetlands: All freshwater wetlands within the proposed site plan have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

(14-A.) Farmland. All farmland within the proposed site plan has been identified on maps submitted as part of the application. Any mapping of farmlands may be done with the help of the local soil and water conservation district

(15) River, stream, or brook: Any river, stream or brook within or abutting the site plan has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream, or brook" has the same meaning as in 38 M.R.S.A. § 480-B(9).

(16) Stormwater: will provide for satisfactory stormwater management.

(17) Spaghetti lots prohibited: If any lots in the proposed site plan have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in 38 M.R.S.A. § 480-B, none of the lots created within the site plan shall have a depth to shore frontage ratio greater than 5 to 1.

(18) Lake phosphorus concentration: The long-term cumulative effects of the site plan will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the site plan.

(19) Impact on adjoining municipality: For any proposed site plan that crosses municipal boundaries, the proposed site plan will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the site plan is located.

B. Specific standards.

(1) Conformance with other laws and regulations. If the proposed site plan meets the definition of "site plan" as defined in the Site Location Act, 38 M.R.S.A. § 482, the developer must secure the concurrent approval of the Board of Environmental Protection and the Bethel Planning Board before any construction activity may begin in the site plan.

2) Stormwater management plan: The plan will address stormwater in terms of quantity, quality, resource protection, soil stability, and phosphorus, where necessary, and/or as requested by the Planning Board. The plan will be prepared in accordance with currently acceptable best management practices, such as, but not limited to, Stormwater Management for Maine: Best Management Practices. [Added 6-13-2007]

(3) Easements. Easements across lots shall be provided where necessary for utilities or drainage.

(4) Buffer strip. The Planning Board may require a buffer strip of up to 50 feet between the activities located in a site plan and abutting agricultural land and managed woodland and other uses where the Planning Board deems that separation is desirable. The developer shall notify prospective buyers of the existence of these adjacent activities by noting them on the recorded plan.

(5) (Reserved)

(6) Land not suitable for development.

[1] Land which is situated below the normal high-water mark of any water body.

[2] Land which is part of a right-of-way or easement.

[3] Land that has been created by filling or draining a pond or wetland.

(7) Ditches catch basins, and storm drains. The Planning Board may require the installation of ditches, catch basins, storm drains, and other devices for the conveyance, control or disposal of surface waters to provide adequate drainage so as to reduce the danger of flooding and erosion.

(8) Water supply. The Planning Board shall require that every site plan be assured an adequate supply in terms of quantity and quality of potable water.

(9) Sanitary sewage. The Planning Board, after notification to the Bethel Wastewater Treatment Department and the Bethel Water District and after allowing a reasonable time for comment by them and the applicant, shall determine whether connection to the public sewer system shall be required or, subject to soils reports, private subsurface sewage disposal systems or private sewer systems will be allowed.

(10) Roads and streets.

(a) All site plans must be serviced by either a private road or a public road or street which has been named and numbered according to regulations of the United States Postal Service and 911 Enhanced System Development.

(b) The developer shall be responsible for purchasing all street signs, including stop signs, meeting the specifications of the Town of Bethel for the project. Street signs which are not on a public road will be maintained by the developer or association.

(11) Sidewalks. Basing its decision on the location and the amount of current and future foot traffic, the Planning Board, with advice from the Road Commissioner, may require the installation of sidewalks. Where installed, sidewalks shall meet the requirements of Chapter 125, Road Design and Construction.

(12) Vehicular access.

(a) The proposed site layout shall consider existing traffic flow and safe vehicular access to and from state or local roads. Vehicular access to the site shall be on roads which have capacity to accommodate the additional traffic generated by the project. The applicant shall assume financial responsibility for the improvements, if necessary, to accommodate traffic. Road improvements shall be completed before any lot is sold.

(b) Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians unless other factors make it not practical.

(17) Additional improvements. The Planning Board may require additional improvements, such as the installation of sidewalks, curbs, and gutters, etc. Any improvement thus required is to be stated in writing in the minutes of the Planning Board, with the reasoning on which the improvement was justified set forth.

(18) Archaeological sites. Any proposed site plan activity involving structural development or soil disturbance on a site identified to be sensitive for prehistoric occupation by the Maine Historic Preservation Commission on the map dated December 2005, or most recent map, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment prior to approval by the Planning Board. The Planning Board shall consider comments and any recommendations concerning site protection received from the Commission prior to rendering a decision on the application.

(19) Monuments. Permanent markers (such as iron posts or pins) shall be located at all boundary lines where there is a change of direction, at all street intersections and at all lot corners.

(20) Historic buildings. The Planning Board shall consider a proposed site plan's impacts on historic buildings as identified in the Bethel Comprehensive Plan dated June 1998, or most recent version. When a proposed site plan will include an historic building the applicant will design the site plan to minimize the impacts on the historic building.

~~A~~(21). Preserve and enhance the landscape. The landscape, including existing earth forms and vegetation, shall be preserved in its natural state insofar as practicable by minimizing tree removal and disturbance of soil and by retaining existing vegetation during construction. Landscaping shall be designed and planted that will define, soften or screen the appearance of off-street parking areas from the public right-of-way and abutting properties and/or structures, enhance the physical design of the building or site, and minimize the encroachment of the proposed use on neighboring land uses. Landscaping shall be approved by the Planning Board during its review of the project and planted within one year of the start of construction and shall be maintained for the life of the project. The proposed development shall not adversely affect the adjoining neighborhood or change its historic character.

~~B~~22. Relationship of the proposed buildings to the environment. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity which have a visual relationship to the proposed buildings. Special attention shall be paid to the bulk, location and height of the buildings and such natural features as slope, soil type and drainage ways.

~~C.~~—~~Impact on any significant wildlife habitats, including fisheries, identified by the Maine Department of Inland Fisheries and Wildlife. [Amended 6-14-2006]~~

~~D.~~—~~Impact any rare and endangered plant identified by the Maine Natural Areas Program. [Amended 6-14-2006]~~

~~E~~(23). Parking and circulation. [Amended 6-11-2003]

~~(1)~~—~~The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives and parking areas, shall provide for safe general interior circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas and arrangement and uses of parking areas. When existing pedestrian facilities are adjacent to the proposed development, the Planning Board may require the applicant to develop pedestrian facilities that connect to the existing facilities. Parking areas with more than two off-street parking spaces shall be arranged so that it is not necessary for vehicles to back into the street.~~

(2a) Required off-street parking for lots which cannot provide their own parking because of location, lot size or other existing development may be substituted by parking facilities which, in the public's interest, may be provided for by the Town of Bethel or private parking resources. No such public or private off-street parking shall be considered as a substitute unless located within 500 feet of the principal building or use as measured along lines of public access. If the required off-street parking is to be provided by off-site private parking, such areas shall be held in fee simple by the owner of the use served or in other tenure as assures continued availability for parking as long as the particular land will be needed for such use, provided that if the tenure is other than ownership in fee simple, the form of the tenure shall be approved by the Town Manager prior to final approval by the Planning Board.

(3b) The joint use of a parking facility by two or more principal buildings or uses may be approved by the Planning Board where it is clearly demonstrated that said parking facilities would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees of such establishments.

(4c) The use of an existing building for its current use shall be deemed to be in compliance with the off-street parking requirements of this section. However, any change

in the use above the first floor or any renovation which increases the floor area shall be required to comply with the required off-street parking requirements for the increased floor area.

~~F. — Stormwater and drainage. The stormwater management plan will address stormwater in terms of quantity, quality, resource protection, soil stability and phosphorus, where necessary, and/or as requested by the Planning Board. The plan will be prepared in accordance with currently acceptable best management practices, such as, but not limited to, Stormwater Management for Maine: Best Management Practices. Provision shall be made for drainage so that runoff of surface waters will not adversely affect neighboring properties, downstream water quality, or the public storm drainage system. [Amended 6-13-2007]~~

~~G. — Existing utilities. The development shall not impose an unacceptable burden on public utilities, as determined by the Bethel Water District and/or the Wastewater Treatment Department.~~

~~H. — Advertising features. The size, location, design, lighting and materials of all exterior signs and outdoor advertising structures or features shall conform to Chapter 136, Signs.~~

I.(24) Special features of the development. Exposed storage areas, exposed machinery installations, service areas, truck-loading areas, utility buildings, pad-mounted electric transformers and similar structures shall have setbacks, as outlined in § 140-7, and screening to provide an audiovisual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.

J(25). Exterior lighting. [Amended 6-11-2003]

(1a) Exterior lighting shall provide for security, safety and operational needs. Exterior lighting shall be nonflashing and designed to minimize glare that creates hazards to vehicle traffic, light trespass onto adjacent properties or night sky glow. Fully shielded or hooded exterior light fixtures shall be used.

(2b) There shall be lighting of all parking areas, walkways and other such areas as may be designed for use after dark, with a minimum 1.5 foot-candles and a maximum of five foot-candles for such areas. The maximum illumination at an abutting property line shall be one foot-candle.

~~K. — Emergency vehicle access. Provision shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.~~

~~L. — Municipal services. The development shall not have an adverse impact on the municipal services, including water supply, sewage disposal system, storm drainage system, road system, Fire Department, Police Department, emergency medical unit, solid waste disposal, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.~~

M. — The development will not result in undue water pollution. In making its determination, the Planning Board shall include in its consideration, but not be limited to, the following:

(1) — Elevation of land above sea level and its relation to the floodplain.

(2) — The nature of soils and subsoils and, if necessary, their ability to support waste disposal or any other approved licensed discharge.

(3) — The slope of the land and its effect on effluents.

~~(4) — The aquifers and recharge areas. (See § 140 7D and E for special requirements for certain commercial and industrial establishments.)~~

~~(5) — The availability of streams for disposal of surface runoff. The applicant shall comply with applicable federal, state and local laws, ordinances, codes and regulations pertaining to water quality and shall furnish such evidence of compliance as the Board may require.~~

~~N. — The development will not result in undue air pollution. The applicant shall comply with applicable federal and state air quality laws and regulations and shall furnish such evidence of compliance as the Planning Board may require.~~

~~O. — Water supply. The applicant shall demonstrate to the satisfaction of the Planning Board that the development has sufficient water available to meet its foreseeable needs and that the development will not cause an unacceptable burden on an existing water supply, if one is to be utilized.~~

~~P. — Soil erosion. Soil erosion shall be minimized to avoid sedimentation of watercourses and water bodies and to avoid reduction in the capacity of the land to hold water. Particular attention will be given to disturbed areas with a slope of 20% or greater. Erosion and sedimentation control will be addressed in accordance with currently acceptable best management practices, such as the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices.~~

~~Q. — Sewage waste disposal. The applicant shall demonstrate to the satisfaction of the Planning Board that he/she has made provision for sewage waste disposal. If sewage waste will be disposed of on site by means of a subsurface waste disposal system, the system's siting, design and construction shall conform to the State of Maine Subsurface Wastewater Disposal Rules. No subsurface waste disposal system with an estimated daily effluent of 2,000 gallons or more shall be located closer than 300 feet to any existing well, municipal or private.~~

~~R(26). Safety State Fire Marshall requirements. The development shall meet all applicable state and federal requirements for fire protection and handicapped accessibility conform to the Americans with Disabilities Act as required.~~

~~S. — All projects will conform to the Americans With Disabilities Act as required.~~

~~T. — Visual and direct impact. The development shall minimize visual and direct impact on, and shall not have an adverse affect upon, historic sites, rare or irreplaceable natural areas, or the scenic and natural beauty of the area.~~

~~U. — Shoreland. Whenever situated in whole or in part within the shoreland zone as shown on the Bethel Shoreland Zoning Map, development shall comply with Chapter 132, Shoreland Zoning.~~

~~V. — Floodplain. Whenever situated in whole or in part within the designated flood hazard area, the development shall comply with Chapter 105, Floodplain Management.~~

~~W(27). Comprehensive Plan. No application for development shall be approved by the Planning Board which is not in conformity with the Comprehensive Plan for the Town of Bethel.~~

~~X. — Wetlands and natural resources. The development shall conform to all applicable local, state and federal regulations regarding the protection of wetlands and other natural resources. If state and/or federal permits are required, approval by the Planning Board shall be conditional upon receipt of such permits.~~

~~Y~~(28). Noise. When the Planning Board determines, based on the project's characteristics and location, that noise will be a concern the following standards shall apply: [Added 6-11-2003]

(4a) The proposed development shall not raise noise levels to the extent that abutting and/or nearby residents are adversely affected. The Planning Board shall use the standards contained in Chapter 375.10,C, Sound level limits, of the Maine Department of Environmental Protection Rules and as amended to make a determination of "adversely affected." [Amended 6-14-2006]

(2b) Uses and activities identified in Chapter 375.10C(5) in the above-mentioned rules shall be exempt from the sound-pressure level regulations.

Z(29). Odors. When the Planning Board determines, based on the project's characteristics and location, that odors will be a concern the Board shall find that the proposed development will not produce offensive or harmful odors perceptible beyond the lot lines, either at ground level or habitable elevation. [Added 6-11-2003]

~~AA.—Archaeological sites. Any proposed development activity involving structural development or soil disturbance on sites identified to be sensitive for prehistoric occupation by the Maine Historic Preservation Commission on the map dated December 2005, or most recent map, shall be submitted by the applicant to the Maine Historic Preservation Commission, if requested by the Planning Board, for review and comment prior to final approval. The Board shall consider comments received from the Commission prior to rendering a decision on the application. [Added 6-11-2003; amended 6-14-2006]~~

~~BB.~~(30) Electromagnetic interference. The development shall not produce electromagnetic interference with radio, television, internet, or wireless communication reception. [Added 6-11-2003]

~~CC.—Financial and technical capacity. The applicant has adequate financial and technical capacity to meet the above standards. [Added 6-11-2003]~~

~~DD.—Historic buildings. The Planning Board shall consider a proposed development's impact on historic buildings as identified in the Bethel Comprehensive Plan dated June 1998, or the most recent version. [Added 6-14-2006]~~