

Chapter 62 SITE PLANS*

ARTICLE I. IN GENERAL

Sec. 62-1. Purpose.

The purpose of site plan review is to provide for the municipal review of commercial, industrial and institutional development, including and multifamily that is not considered to be a subdivision under Title 30-A M.R.S.A. Section 4401, to ensure that the development occurs in a manner which minimizes adverse effects on public facilities, the environment and neighboring uses.

Sec. 62-2. Applicability.

All new construction or expansion of buildings or use of land for commercial, industrial or institutional use where the activity is greater than 1,000 square feet shall be subject to site plan review. This chapter shall apply to the construction or establishment of a multifamily structure that is not considered to be a subdivision under Title 30-A M.R.S.A. Section 4401 or nonresidential use. In addition, site plan review is required for any site improvements, not associated with an approved development project, which involve filling, cutting and/or earth moving of greater than 500 cubic yards of soil for other than new single-family residential construction and municipal roads. No building permit shall be issued until the site plan and related documents for the development have been reviewed and approved by the planning board or the code enforcement officer in accordance with the procedures and standards of this chapter.

(T.M. of 5-17-1997, art. 14, § 17-102)

Secs. 62-3--62-30. Reserved.

ARTICLE II. ADMINISTRATION*

*Cross references: Administration, ch. 2; boards of selectmen rules, regulations and policies for administration, ch. 74.

DIVISION 1. GENERALLY

Sec. 62-31. Classification.

(a) Development subject to site plan review shall be classified as either tier 1 or tier 2 development by the code enforcement officer.

(b) Tier 1 projects involve:

(1) Less than 5,000 square feet of floor or land area.

(2) The conversion of a residential structure with fewer than 5,000 square feet of floor area to nonresidential use.

(3) The change in use of a nonresidential structure.

(4) The alteration of a residential structure to create fewer than eight dwelling units that is not considered to be a subdivision under Title 30-A M.R.S.A. Section 4401.

(c) All projects not classified as tier 1 shall be tier 2.

(T.M. of 5-17-1997, art. 14, § 17-103(1))

Sec. 62-32. Review authority.

(a) Tier 1 site plan review applications shall be reviewed by the code enforcement officer and shall be approved with or without conditions or denied based on the applicable criteria set forth in this chapter.

(b) Tier 2 site plan review applications shall be reviewed by the planning board and shall be approved with or without conditions or denied based on the applicable criteria set forth in this chapter.

(T.M. of 5-17-1997, art. 14, § 17-103(2))

Secs. 62-33--62-50. Reserved.

DIVISION 2. TIER 1 DEVELOPMENTS

Sec. 62-51. Applications in writing.

All applications for site plan review for tier 1 developments shall be made in writing to the code enforcement officer on forms provided for this purpose. The application shall be made by the owner of the property or his agent, duly authorized in writing, and shall be accompanied by the payment of an application fee, as contained in the Code of Ordinances and as established by the Town Council and as may be revised from time to time, payable to the town to cover the administrative costs of processing

the application for site plan review. This fee shall not be refundable. The application shall be approved, approved with conditions or denied within 30 days of receipt of a complete application. Any application which is not complete shall be returned to the applicant within 30 days with a statement of the additional information required.

(T.M. of 5-17-1997, art. 14, § 17-104(1))

Sec. 62-52. Review period.

(a) The time within which the code enforcement officer must act may be extended for an additional 30 days by mutual agreement of the applicant and code enforcement officer.

(b) The code enforcement officer, within 30 days from receiving a complete application, shall make findings of fact, and conclusions relative to the standards contained in this Chapter. If the code enforcement officer finds that all standards of this chapter have been met, he shall approve the application. If the code enforcement finds that any of the standards of this Chapter have not been met, he shall either deny the application or approve the application with conditions to ensure all of the standards will be met. The reasons for any conditions shall be slated in the records of the code enforcement officer.

The code enforcement officer shall issue a written notice of his decision to the applicant, including his findings, conclusions and any reasons for denial or conditions of approval.

(T.M. of 5-17-1997, art. 14, § 17-104(2))

Sec. 62-53. Expiration of approvals.

All site plan review approvals for tier 1 developments shall expire within one year of the date of issuance unless work under the approval is commenced, unless additional time is granted by the code enforcement officer. If work is not completed within two years from the date of issuance, a new application must be made.

(T.M. of 5-17-1997, art. 14, § 17-104(3))

Secs. 62-54--62-70. Reserved.

DIVISION 3. TIER 2 DEVELOPMENTS

Sec. 62-71. Preapplication meeting.

Applicants for tier 2 developments are encouraged to schedule a meeting with the planning board, prior to a formal submission for review, so as to discuss their plans and gain an understanding of the review procedures, requirements and standards.

(T.M. of 5-17-1997, art. 14, § 17-105(1))

Sec. 62-72. Applications in writing.

(a) All applications for site plan review approval for tier 2 developments shall be made in writing to the code enforcement officer on the forms provided for this purpose.

(b) All applications shall be made by the owner of the property or his agent, duly authorized in writing. The code enforcement officer shall make an initial determination of the completeness of the application, which shall be subject to the conformation of the planning board.

(T.M. of 5-17-1997, art. 14, § 17-105(2))

Sec. 62-73. Fees.

(a) An application for site plan review approval for tier 2 developments shall be accompanied by a fee as contained in the Code of Ordinances and as established by the Town Council and as may be revised from time to time. This application fee shall be made by check payable to the town. This fee shall not be refundable.

(b) The planning board may require the owner or his authorized agent to deposit in escrow with the town an amount of money, as established by the Town Council and may be revised from time to time, to cover the cost of an independent professional review of the site plan or any aspect of the plan which due to the unusual size or nature of the project the planning board feels is necessary to further the interests and purposes of this chapter.

Sec. 62-74. Planning board agenda.

(a) The application for site plan review, together with the documentation required in this Chapter, shall be placed on the planning board's agenda for consideration within 30 days of its receipt.

(b) Any application which is not complete shall not be placed on the agenda but shall be returned to the applicant by the code enforcement officer with a statement of the additional information required.

(c) Within 60 days of the receipt of a completed site plan application, as

confirmed by the planning board, the planning board shall act to approve, approve with conditions or deny the site plan review application.

(d) The planning board, within 60 days from receiving a complete application, shall make findings of fact, and conclusions relative to the standards contained in this Chapter. If the planning board finds that all standards of this chapter have been met, they shall approve the application. If the planning board finds that any of the standards of this Chapter have not been met, they shall either deny the application or approve the application with conditions to ensure all of the standards will be met. The reasons for any conditions shall be slated in the records of the planning board.

The planning board shall issue a written notice of its decision to the applicant, including its findings, conclusions and any reasons for denial or conditions of approval.

(e) If the planning board shall vote to approve the site plan review application, the code enforcement officer shall issue a building permit, provided all other requirements of this chapter and Code are met.

(T.M. of 5-17-1997, art. 14, § 17-105(4))

Sec. 62-75. Hearing, notice, conditions.

(a) *Public hearing.* Prior to taking final action on any site plan review application for tier 2 developments, the planning board may hold a hearing to afford the public the opportunity to comment on the site plan review application. The public hearing shall be held within 30 days of determining that a complete application has been received. The planning board shall publish a notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. A copy of the notice shall be mailed to the applicant.

(b) *Notice to abutters.* Abutting property owners shall be notified by mail by the code enforcement officer of a pending site plan review application. This notice shall indicate the time, date and place of planning board consideration of the site plan.

(c) *Conditions.* The planning board may attach reasonable conditions to site plan review approvals to ensure conformity with the standards and criteria of this chapter and Code.

(T.M. of 5-17-1997, art. 14, § 17-105(5)---(7))

Sec. 62-76. Expiration of approvals.

All site plan review approvals for tier 2 developments shall expire within one year of the date of issuance unless work under the approval is commenced, unless additional time is granted by the planning board. If work is not completed within two years from the date of issuance, a new application must be made unless additional time is granted by the planning board.

(T.M. of 5-17-1997, art. 14, § 17-105(8))

Secs. 62-77--62-110. Reserved.

ARTICLE III. REQUIREMENTS

DIVISION 1. GENERALLY

Sec. 62-111. Exhibits and information.

When the owner of the property or an authorized agent makes formal application for site plan review approval, the plan and accompanying documents shall contain at least the exhibits and information in this article. The following are required for both tier 1 and tier 2 developments unless otherwise noted.

- (1) A fully executed and signed copy of the application for site plan review.
- (2) Three copies of a site plan and accompanying documents for tier 1 developments and 10 copies of a site plan and accompanying documents for tier 2 developments. The site plan shall be drawn at a scale sufficient to allow review of the items listed under the approval criteria, but at not more than 50 feet to the inch for that portion of the total tract of land being proposed for development, and showing the following:
 - a. Owner's name and address.
 - b. The name, registration number and seal of the land surveyor, architect, engineer and/or similar professional who prepared the plan.
 - c. Sketch map showing general location of the site within the town.
 - d. Boundaries of all contiguous property under the control of the owner or applicant, regardless of whether all or part is being developed at this time.
 - e. The tax map and lot number of the parcel or parcels.
 - f. The bearings and distances of all property lines of the property to be developed

and the source of this information (Tier 2 only).

Location and dimensions of any existing easements.

g. Zoning classifications of the property and the location of zoning district boundaries, including any Aquifer Protection Overlay Zones, if the property is located in two or more zoning districts or abuts a different district.

h. The location of open drainage courses, wetlands, significant wildlife habitat, known or potential archaeological resource, designated trails, historic buildings and sites, significant scenic areas, mapped sand and gravel aquifers, rare and endangered, other important natural features with a description of how such features will be maintained or impacts upon them minimized.

i. Location of the 100-year floodplain and its elevation, if applicable.

j. Location, names, and present widths of existing streets and rights-of-way within or adjacent to the proposed development.

k. Location, type and size of all existing and proposed curbs, sidewalks, driveways, fences, retaining walls, parking space areas, and their layouts, together with their dimensions.

l. Location and size of any existing sewer and water mains, culverts and drains on the property to be developed, and of any that will serve the development from abutting streets or land, if any (Tier 2 only).

m. The location and dimensions of all provisions for water supply and wastewater disposal.

n. An on-site soils investigation report by a Maine Department of Human Services licensed Site Evaluator. The report shall identify the types of soil, location of test pits, and proposed location and design for any subsurface waste water disposal system.

o. The direction of existing surface water drainage across the site.

p. The direction of proposed surface water drainage across the site.

q. Methods of controlling erosion and sedimentation during and after construction.

r. The location, dimensions and ground floor elevations of all existing and proposed buildings on the site, using a convenient fixed point for a benchmark.

- s. Design and exterior materials of all proposed buildings and structures.
- t. All existing and proposed setback dimensions as required by Chapter 70 of this Code.
- u. Landscape plan indicating all landscaped areas, fencing and size and type of plant material proposed to be retained or planted with special emphasis placed on front setback areas
- v. The location, front view, and dimensions of existing and proposed signs.

Location, type and direction of exterior lighting.

- w. Type, size and location of incineration devices.
- x. Type, size, and location of all machinery or devices likely to generate appreciable noise at the lot lines.
- y. A copy of the deed to the property, option to purchase the property, or other documentation to demonstrate right, title or interest in the property on the part of the applicant.
- z. Copies of existing covenants or deed restrictions.
- aa. Names and addresses of all abutting property owners including those across any streets.
- ab. Identification of the amount and type of any raw, finished or waste materials to be stored outside of roofed buildings, including their physical and chemical properties, if appropriate.
- ac. If required by Title 23 M.R.S.A. Section 704 or 704-A a copy of the approved Driveway, Entrance or Traffic Movement Permit issued by the Maine Department of Transportation.
- ad. When sewage disposal is to be accomplished by connection to the public sewer, a letter from the Lisbon Sewer Department stating the Department has the capacity to collect and treat the waste water shall be provided.
- ae. When water is to be supplied by public water supply, a written statement from the Lisbon Water Department shall be submitted indicating that there is adequate supply and pressure for the subdivision and that the Department approves the plans for extensions where necessary.

af. A list of required state and federal permits.

(T.M. of 5-17-1997, art. 14, § 17-106)

Sec. 62-112. Waivers.

The planning board or code enforcement officer may waive any of the submission requirements when it determines that because of the size of the project or circumstances of the site such requirements would not be applicable and that such waiver would not adversely affect the abutting landowners or the general health, safety and welfare of the town.

(T.M. of 5-17-1997, art. 14, § 17-108)

Secs. 62-113--62-130. Reserved.

DIVISION 2. TIER 2 DEVELOPMENTS

Sec. 62-131. Application information.

Applications for tier 2 developments may be required by the planning board to include the following additional information:

(1) Existing and proposed topography of the site at two-foot contour intervals, or such other interval as the planning board may determine.

(3) For projects that do not require a permit under the Stormwater Management Law a stormwater drainage program showing:

a. The existing and proposed method of handling stormwater runoffs.

b. The direction of flow of the runoff through the use of arrows.

c. The location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers.

d. Engineering calculations used to determine drainage requirements based upon the 2-, 10- and 25 year 24-hour storm frequency if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.

(4) A utility plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, telephone and any other utility services to be installed on the site.

(5) A planting schedule keyed to the site plan and indicating the general varieties and sizes of trees, shrubs and other plants to be planted on the site.

(6) Traffic data shall include the following information.

- a. Estimated peak-hour traffic to be generated by the proposal.
- b. Existing traffic counts and volumes.
- c. Traffic accident data.
- d. The capacity of surrounding roads and any improvements which may be necessary on such roads to accommodate anticipated traffic generation.
- e. Need for traffic signals and signs or other directional markers to regulate anticipated traffic.

(7) The location, width, typical cross section, grades and profiles of all proposed streets and sidewalks.

(8) Cost of the proposed development and evidence of financial capacity to complete it. This evidence should be in the form of a letter from a bank or other source of financing, indicating the name of the project, amount of financing proposed, and interest in financing the project.

(9) When required by the planning board a municipal service impact analysis. This list shall include but not be limited to: schools including busing; street reconstruction, maintenance, and snow removal; solid waste disposal; recreation facilities; police and fire protection.

A municipal service impact analysis that includes a list of construction and maintenance items, with both capital and annual operating cost estimates, as would be incurred by the Town of Lisbon. *[Comprehensive Plan page 10]*

(10) A high intensity soil survey by a certified soil scientist. *[Comprehensive Plan page 17]*

(T.M. of 5-17-1997, art. 14, § 17-107)

Secs. 62-132--62-160. Reserved.

ARTICLE IV. REVIEW STANDARDS*

*Cross references: Storm drains, ch. 42.

Sec. 62-161. Generally.

Prior to approving any application for site plan review, the planning board, or the code enforcement officer under tier 1 developments, shall find that the standards of this article have been met.

(T.M. of 5-17-1997, art. 14, § 17-109)

Sec. 62-162. Landscape preservation.

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

(1) The code enforcement officer and/or planning board shall assess the proposed activities impact upon scenic areas and views as identified in the Town of Lisbon Comprehensive Plan. Where the code enforcement officer and/or planning board finds that the proposed activity would have an undue adverse effect on identified scenic views, the code enforcement officer and/or planning board shall require the applicant to minimize such effects. *[Comprehensive Plan page 18]*

(2) A buffer consisting of natural undisturbed vegetation, not less than 50 feet wide, adjacent to non shoreland zoned streams and wetlands shall be maintained to provide suitable riparian habitat. *[Comprehensive Plan page 18]*

(T.M. of 5-17-1997, art. 14, § 17-109(1))

Sec. 62-163. Vehicular access.

The proposed development shall provide safe vehicular access to and from public and private streets. When conflicts exist between this section and a Driveway Permit, Entrance Permit or Traffic Movement Permit issued by the Maine Department of Transportation, the most stringent or restrictive shall apply.

(1) Vehicular access to the site shall be on roads which have adequate capacity to accommodate the additional traffic generated by the development. Intersections on major access routes to the site within one half (1/2) mile of any entrance which are functioning at a Level of Service of C or better prior to the development must function at a minimum at Level of Service C after development. If any intersection

is functioning at a Level of Service D or lower prior to the development, the project must not reduce the current level of service.

(2) The geometrics of intersections that will serve the proposed development shall be of such design to provide for safe turning movements.

(3) The Planning Board may approve a development not meeting these requirements if the applicant demonstrates improvements will be consistent with the most recent Maine Department of Transportation Highway Design Guide and that:

a. A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or

b. The applicant shall assume financial responsibility for the improvements necessary to bring the level of service to this standard and will guarantee the completion of the improvements within one (1) year of approval of the project.

(4) The development shall comply with Chapter Chapter 63 Driveway Access Standards. *[Comprehensive Plan pages 24 & 28]*

(T.M. of 5-17-1997, art. 14, § 17-109(2))

Sec. 62-164. Parking requirements.

Development parking must meet the town standards as set forth in section 70-661 et seq.

(T.M. of 5-17-1997, art. 14, § 17-109(3))

Cross references: Stopping, standing, parking, § 50-41 et seq.

Sec. 62-165. Pedestrian circulation.

The development plan will provide for a system of pedestrian circulation within the development and interconnection with existing facilities.

(T.M. of 5-17-1997, art. 14, § 17-109(4))

Sec. 62-166. Stormwater management.

Adequate provision shall be made for disposal of all storm water generated within the development through a management system of ditches, swales, culverts, underdrains, and/or storm drains. For projects that do not require a permit under the Stormwater Management Law the following will be considered.

(1) All components of the storm water management system shall be designed to meet the criteria of a 25-year storm.

(2) Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials to reduce storm water velocity.

(3) The storm water management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of 25% for potential increases in upstream runoff.

(4) Downstream drainage requirements shall be studied to determine the effect of the proposed development. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the subdivision. The subdivider shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows. *[Comprehensive Plan page 19]*

(T.M. of 5-17-1997, art. 14, § 17-109(5))

Sec. 62-167. Conservation, erosion, sediment control.

Stripping of vegetation or other development shall be done in such a way as to minimize erosion and sedimentation. The development shall include best management practices as provided by the Maine Department of Environmental Protection.

(T.M. of 5-17-1997, art. 14, § 17-109(6))

Sec. 62-168.

Sec. 62-169. Signs.

Development signs must meet section 70-711 et seq. sign requirements.

(T.M. of 5-17-1997, art. 14, § 17-109(8))

Cross references: Signs, § 70-711 et seq.

Sec. 62-170. Exterior lighting.

All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicle traffic and potential damage to the value of adjacent properties.

Lighting fixtures must be shielded or hooded so that lighting elements are not exposed to normal view by motorists, adjacent properties and so that they do not light the night sky.

(T.M. of 5-17-1997, art. 14, § 17-109(9))

Sec. 62-171. Emergency vehicle access.

Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

(T.M. of 5-17-1997, art. 14, § 17-109(10))

Sec. 62-172. Water supply.

The development will be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the state for drinking water.

(T.M. of 5-17-1997, art. 14, § 17-109(11))

Sec. 62-173. Groundwater.

Projects involving common on-site water supply or sewage disposal systems with a capacity of 2,000 gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development with the standards for safe drinking water as established by the state.

(T.M. of 5-17-1997, art. 14, § 17-109(12))

Sec. 62-174. Air emissions.

All air pollution control shall comply with minimum state requirements.

(T.M. of 5-17-1997, art. 14, § 17-109(13))

Sec. 62-175. Odor.

The proposed development shall not produce offensive or harmful odors perceptible beyond their lot lines either at ground or habitable elevation.

(T.M. of 5-17-1997, art. 14, § 17-109(14))

Sec. 62-176. Noise.

Noise shall comply the standards as set forth in Chapter 26 Article IV of this Code.

(T.M. of 5-17-1997, art. 14, § 17-109(15))

Sec. 62-177. Sewage disposal.

A sanitary sewer system will be installed at the expense of the developer or, if in the opinion of the planning board service by a sanitary sewer system is not feasible, the board may allow individual subsurface waste disposal systems to be used.

(T.M. of 5-17-1997, art. 14, § 17-109(16))

Sec. 62-178. Waste disposal.

The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.

(1) All solid waste will be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

(2) All hazardous waste will be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted.

(T.M. of 5-17-1997, art. 14, § 17-109(17))

Sec. 62-179. Compliance with comprehensive plan.

All new development and redevelopment shall be in conformance with the town's comprehensive plan and shall be consistent with the goals and objectives stated in such plan.

(T.M. of 5-17-1997, art. 14, § 17-109(18))

Sec. 62-180. Proof of federal or state required permits.

The applicant shall provide proof of any required state or federal permits.

(T.M. of 5-17-1997, art. 14, § 17-109(19))

Sec. 62-181. Archaeological resources.

Any proposed development involving structural development or soil disturbance on or

adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the code enforcement officer and/or planning board shall be submitted by the developer to the Maine Historic Preservation Commission and Lisbon Historical Society for review and comment, at least 20 days prior to action being taken by the code enforcement officer and/or planning board on the application. The code enforcement officer and/or planning board shall consider comments received from the Commission and/or Society prior to rendering a decision on the application. *[Comprehensive Plan page 3]*

Sec. 62-182. Protection of significant wildlife habitat

Applicants proposing to develop land in or within 75 feet to wildlife resources identified in the Town of Lisbon Comprehensive Plan or by the Maine Department of Inland Fisheries and Wildlife shall consult with a recognized wildlife or fisheries consultant or the Maine Department of Inland Fisheries and Wildlife and provide their written comments to the code enforcement officer and/or planning board. The code enforcement officer and/or planning board may consult with the Maine Department of Inland Fisheries and Wildlife and may impose any recommendations by the Maine Department or consultant as conditions of approval. *[Comprehensive Plan page 18]*

Sec. 62-183. Rare and endangered species

The code enforcement officer and/or planning board shall consider the existence of rare or endangered species as may be identified by the Maine Natural Areas Program. As a condition of approval the code enforcement officer and/or planning board may require the applicant to undertake protective measures as recommended by the Maine Natural Areas Program. *[Comprehensive Plan page 18]*

Sec. 62-184. Building design

Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed structures so as to have a minimally adverse affect on the aesthetic qualities of the developed and neighboring areas. The code enforcement officer and/or planning board shall consider the following criteria.

- (1) The building's architecture shall reflect traditional New England building forms such as pitched roofs, dormers and windows (rather than undifferentiated plate glass). Free standing accessory structures shall be treated as architectural elements and meet the same design standards as the principal structures on the site.
- (2) Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.

(3) Exterior building materials shall be of comparable aesthetic quality on all sides. Building materials such as glass, brick, tinted and decorative concrete block, wood, and exterior insulation and finish systems (EIFS) shall be used. Decorative architectural metal with concealed fasteners or decorative tilt-up concrete panels may be approved if incorporated into the overall design of the building.

(4) Building components, such as windows, doors and eaves, should have good proportions and relationships to one another.

(5) Building facade colors shall be non-reflective, subtle, neutral, or earth tone. The use of high intensity colors, metallic colors, fluorescent colors or black on facades is prohibited. Building trim and architectural accent elements may feature colors or black, but shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on signage unless they comply with the criteria. Neon lighting or fixtures shall be limited to interior signage.

(6) Exterior lighting shall be part of the architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with building design.

(7) Mechanical equipment or other utility hardware on roof, ground or buildings shall be screened from public view with materials harmonious with the building, or they shall be located so visibility from any public way is minimized.

(8) Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways. *[Comprehensive Plan page 22 & 24]*

Sec. 62-185. Impacts on public facilities and services

When the planning board finds, based on the results of any municipal impact analysis, that municipal services do not have the capacity to provide services to the proposed development, the planning board will require one or more of the following.

(1) A monetary payment or donation or goods or services to the Town of Lisbon that would mitigate the direct impact to municipal services that has been identified as the consequence of the proposed development. Any such payment shall be subject to the following provisions.

a. The planning board, with advice from the Council, shall find that the money offered will be sufficient to mitigate the identified direct impact of the development.

b. The payment shall be held in a reserve account and may only be expended to fund

capital improvements agreed to by the applicant and planning board to mitigate the identified direct impacts.

c. The payment in all cases shall be expended within five years of collection, unless otherwise agreed upon the planning board and applicant.

d. Any payment not expended shall be refunded to the property owner(s) of record at the time of the refund with interest as earned by the Town of Lisbon for the period the payment was held by the Town.

(2) The applicant will construct or pay to construct his proportional share, as determined by any municipal impact analysis of the required improvements necessitated by the development.

(3) Require phasing of the development to allow the expansion of municipal services over time.

(4) Deny the application due to inadequate community service and facilities to serve the development. *[Comprehensive Plan page 10]*

Sec. 186 Waiver of review standards

Where the code enforcement officer and/or planning board makes written findings of fact that extraordinary and unnecessary hardships may result from strict compliance with review standards, or where there are special circumstances of a particular project, the code enforcement officer and/or planning board may waive any review standard provided that such waivers will not have the effect of nullifying the purpose of this chapter, Code or Comprehensive. In granting waivers, the code enforcement officer and/or planning board shall require such conditions as will assure the purpose of this chapter are met.

ARTICLE V. APPEALS

Appeals under this chapter shall be in accordance with Chapter 70 Article 1 Division 4 of this Code.

ARTICLE VI. DEFINITIONS

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Terms not defined shall have the customary dictionary meaning.

Abutting Property Owner means owners of property that abut the parcel to be subdivided including owners of property on the opposite side of any public or private street.

Change in use means the conversion of a building or parcel of land from one type of nonresidential use to any other type of nonresidential use. By way of example, the change from retail to office or retail to a restaurant.

Commercial means connected with the buying or selling of goods or services or the provision of facilities for a fee, exclusive of rental or residential buildings and/or dwelling units.

High intensity soil survey means a soil survey conducted by a Certified Soil Scientist meeting the standards of the National Cooperative Soil Survey which identifies soil types down to 1/10 acre or less at a scale equivalent to subdivision plan submitted. The mapping units shall be the soil series. Single soil test pits and their evaluation shall not be considered to constitute high intensity soil surveys.

Institutional means a building and or land devoted to some public, governmental, education, charitable, medical or similar purpose.

Industrial means connected with the assembling, fabrication, finishing, manufacturing, packaging, or processing of goods or the extraction of minerals.

Multifamily means a structure containing more than two dwelling units.

Non shoreland zoned stream means a channel is created by the action of surface water and has two (2) or more of the following characteristics.

- a. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topography map or if that is not available, a 15-minute series topography map.
- b. It contains or is known to contain flowing water continuously for a period of at least 3 months of the year in most years.
- c. The channel bed is primarily composed of material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.
- d. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present in the stream bed.
- e. The channel bed contains aquatic vegetation and is essentially devoid of upland vegetation.

Wetland means fresh water swamps, marshes, bogs and similar areas which are:

- a. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and
- b. Not considered part of great pond, river, stream or brook.

These areas may contain small stream channels or inclusions of land that do not conform to the criteria.