

SITE PLAN ORDINANCE
FOR THE
TOWN OF PARIS, MAINE

ENACTED: June 14, 2011
Date

EFFECTIVE: June 14, 2011
Date

CERTIFIED BY: Elizabeth J. Knox
Signature

CERTIFIED BY: Elizabeth J. Knox – Town Clerk

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ARTICLE 1 – PURPOSE

1.1 The purposes of this Ordinance are:

- A. To provide for an expeditious and efficient process for the review of site plan proposals;**
- B. To clarify the site plan approval process and criteria within applicable statutes and ordinances;**
- C. To assure that new development in the Town of Paris meets the goals and conforms to the policies of the Town of Paris and Maine State Law;**
- D. To assure the comfort, convenience, safety, health and welfare of the people of the Town of Paris;**
- E. To protect the environment and conserve the natural and cultural resources in the Town of Paris;**
- F. To assure that an appropriate level of services and facilities are available to the Paris residents.**
- G. To minimize potential negative impacts on properties and on the municipality.**

ARTICLE 2 - AUTHORITY, APPLICABILITY, ADMINISTRATION, EFFECTIVE DATE AND REPEAL OF EXISTING ORDINANCE

2.1 Authority

- A. These standards have been prepared in accordance with the provisions of Maine Constitution, Title 30-A M.R.S.A. § 3001.**
- B. These standards shall be known and cited as "Site Plan Ordinance" of the Town of Paris, Maine.**
- C. The effective date of this Ordinance shall be the day of adoption by the Town on _____.**

2.2 APPLICABILITY

This Ordinance shall apply to:

- A. All development proposals for new, or substantial enlargements (an expansion by either 2,500 square feet or 25% in area, whichever is less), provided such expansion involves at least 500 square feet within any five-year period with regard to floor space, seating capacity, or outdoor storage area of commercial, retail, industrial,**

institutional, public, multifamily and recreational structure(s) or uses and their accessory uses and structures.

B. Campgrounds.

C. "Change in Use," including new uses of existing structures or land which would employ new materials and/or processes not normally associated with the existing or previous use.

D Any Home Occupations when determined by the Planning Board that Site Plan Review is required.

1. In a Childcare Home Occupation serving less than seven (7) children, the Code Enforcement officer may review and approve the application. All other Childcare Home Occupations must be reviewed and approved by the Planning Board.

E. All advertising features and signs to be replaced or installed in the town.

This Ordinance does not apply to:

A. Construction of detached single family dwellings and duplex dwellings that are considered a subdivision according to state law.

B. Construction of barns, stables, and other agricultural related buildings by and for the private use of families residing on the property on which the building is to be located.

C. All non-structural uses of land for agricultural or forestry purposes

2.3 Administration

A. The Planning Board of the Town of Paris, hereinafter called the Board, shall administer this Ordinance.

B. The Code Enforcement Officer shall be responsible for enforcing this Ordinance and advising the planning board.

C. The provisions of this Ordinance shall pertain to all proposed work within the scope of this ordinance, in the Town of Paris.

D. No building permit or plumbing permit or certificate of occupancy shall be issued by the Code Enforcement Officer, or Licensed Plumbing Inspector for any use or development within the scope of this Ordinance until a Site Plan of Development Application has been reviewed and approved by the Planning Board.

E. All Site Plan approvals shall expire two (2) years after the date of approval unless there is substantial construction achieved. If work is not completed within three (3)

years from the date of approval, the approval lapses and a new application must be made and approved. There will be no additional charge for application review provided the application is unchanged.

- F. All applications for Site Plan Review shall be made in writing to the Board on forms provided for that purpose and shall be by the owner of the property or the owner's agent as designated in writing by the owner.
- G. An application for Site Plan Review shall be accompanied by a fee as established by the Board of Selectmen. This application fee shall be made by check payable to the Town of Paris and shall not be refundable. The Planning Board shall not consider an application complete until the fees have been received by the Town.
- H. If the services of outside consulting engineers or other professionals are required by the Board to assist in the review of the application, or the amount or conditions of any performance guarantee that may be required, the Board shall notify the applicant of the nature of such services, the firm or individual selected, and the cost of services. The cost of such services shall be paid by the applicant and evidence of such payment shall be provided to the Board before the final plan is approved.

2.4 AMENDMENTS

- A. This Ordinance may be amended by the legislative body of the Town of Paris. Amendments may be initiated as follows.

- 1. Recommended by a majority vote of the Planning Board to the Board of Selectmen; or
- 2. By a majority vote of the Board of Selectmen; or
- 3. On petition of at least 10% of the number of votes cast in the last gubernatorial election in town.

- B. A public hearing shall be held prior to the adoption of any amendment. Notice of the hearing shall be provided as established by Tide 30-A, MRS A, § 4352.9.A & B

2.5 REPEAL OF EXISTING ORDINANCE

Adoption of this Ordinance shall repeal any and all previously adopted Site Plan ordinances. This shall not prevent the enforcement of repealed ordinances or regulations with respect to the time periods in which they were in effect.

2.6 CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not be construed to repeal any existing bylaws or ordinances, other than those specifically identified, or to impair the provisions of private restrictions placed upon property, provided, that where this Ordinance imposes greater restrictions, its provisions shall control.

2.7 VALIDITY AND SEVERABILITY

Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other article, section or provision.

ARTICLE 3 - ADMINISTRATIVE PROCEDURE

3.1 Joint Meetings

If any portion of the proposed work crosses the boundary of an adjacent municipality the Board shall meet jointly with that municipality's Planning Board to review the application and conduct any public hearings. The joint meetings and any hearings required under this section may be waived by written agreement of both Planning Boards.

3.2 Agenda

In order to establish an orderly, equitable and expeditious procedure for reviewing proposals and to avoid unnecessary delays in processing applications for proposal review, the Board shall prepare a written agenda for each regularly scheduled meeting. The agenda shall be posted at the Town Office no less than seven days in advance of the meeting and distributed to the Board members and any applicants appearing on the agenda. Applicants shall request to be placed on the Board's agenda at least twelve days in advance of a regularly scheduled meeting by contacting the Board's Secretary at the Town Office. The Board shall take no action on any application not appearing on the Board's written agenda. Except the Board by a majority vote may amend the agenda to include items not on the agenda provided notification and posting requirements of this Ordinance are not circumvented.

3.3 Notice of Decisions

All written notices of the Board's decisions shall be issued to the applicant within 12 days of the meeting at which the Board reached its decision.

3.4 Payment requirements

All fees and payments required by this Ordinance shall be made payable to the "Town of Paris". The Planning Board shall not consider an application complete until the fees have been received by the Town and appropriate agencies.

ARTICLE 4 - PREAPPLICATION MEETING AND APPLICATION PROCESS

4.1 Pre-Application Meeting

- A. Prior to submitting a Site Plan Review Application, the applicant or authorized agent should meet informally with the Code Enforcement Officer to discuss the proposal. The purpose of this pre-application meeting shall be to clarify what is proposed, what is possible, and what is acceptable.**

- B. No binding commitments shall be made between the applicant and the Code Enforcement Officer at this stage. The Code Enforcement Officer may provide guidance to the applicant on what is required by the ordinance, and information that the Board will need in order to review the application.**
- C. The pre-application meeting, or the submission of an application not determined as “complete” shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, M.R.S.A subsection 302.**

4.2 The Site Plan Review Submissions

The Site Plan of Development Application submission shall contain at least the following maps, exhibits and information, unless otherwise waived by the Planning Board.

- A. The name, address and phone number of the applicant or authorized agent, and a short description of the proposed changes and or development.**
- B. Evidence of right, title or interest in the property.**
- C. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a professional land surveyor. The type of monumentation to be set shall be indicated.**
- D. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.**
- E. A copy of any deed restrictions intended to cover all or part of the lot(s), buildings or dwellings.**
- F. If a change in sewage disposal is proposed, the following information shall be included.**
 - 1. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the Paris Utility District stating the District has the capacity to collect and treat the waste water shall be provided.**
 - 2. When sewage disposal is to be accomplished by subsurface waste water disposal systems, test pit analysis, prepared by a licensed site evaluator or certified soil scientist shall be provided. The location of all test pits dug on the site shall be depicted on the plan.**
- G. If a change in the potable water supply is proposed, the following information shall be provided.**

a. When water is to be supplied by public water supply, a written statement from the Paris Utility District shall be submitted indicating that there is adequate supply and pressure for the proposal and that the District approves the plans for extensions where necessary.

H. Where the District supply line is to be extended, a written statement from the Fire Chief or his representative shall be submitted, stating his review, his request for fire hydrants, and his approval of the location of fire hydrants, if any.

I. A sketch plan depicting the following:

- 1. The date the plan was prepared, north point, and graphic map scale.**
- 2. The names and addresses of the record owner, applicant, and individual or company who prepared the plan and adjoining property owners.**
- 3. Wetland areas, regardless of size as defined by the 1987 U.S Army Corps of Engineers Wetland Delineation Manual.**
- 4. The number of acres within the proposed location of property lines, existing buildings, vegetative cover type, and other essential existing physical features.**
- 5. The location of all rivers, streams, brooks and sand and gravel aquifers within or adjacent to the proposal.**
- 6. Contour lines at 20 foot intervals or as specified by the Board, showing elevations in relation to mean sea level.**
- 7. Any Shoreland Zoning district in which the proposal is located and location of any Shoreland Zoning boundaries affecting the proposal.**
- 8. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be altered.**
- 9. The location, names, and present right of way widths of existing streets, existing and proposed easements, building lines, parks and other open spaces on or adjacent to the proposed work.**
- 10. If any portion of the proposal is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the Hood Insurance Rate Map Town of Paris, Maine, shall be delineated on the plan. In addition the plan shall contain the notes required in Article 10.14.B.**
- 11. The location of all existing and proposed overhead and underground utilities.**

- 12. Areas within or adjacent to the proposal which have been identified significant wildlife habitat by the Maine Department of Inland Fisheries and Wildlife.**
- J. A high intensity soil survey by a certified soil scientist, when required by the Board.**
- K. When required by the Board a hydro geologic assessment prepared by a certified geologist or licensed professional engineer, experienced in hydrogeology, when the site is not served by public sewer and;
Any part of the proposal is located over a sand and gravel aquifer, as shown on map(s) entitled "Hydro geologic Data for Significant Sand and Gravel Aquifers," by the Maine Geological Survey, 1985 as amended from time to time;
or

The Board may require a hydro geologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on ground water quality. These cases include extensive areas of shallow to bedrock soils or proposed use of shared or common subsurface waste water disposal systems. The hydro geologic assessment shall be conducted in accordance with the provisions of Article 10.13.**
- L. If the proposal is in the direct watershed of Halls, Marshall or Mud Pond a phosphorus control plan shall be submitted.**
- M. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours.**
- N. Street and roadway plan and profile drawings drawn to a scale 1" = 50' horizontal and 1" = 5' vertical, prepared by a licensed professional engineer that complies with the Town of Paris Minimum Road Standards.**
- O. Typical cross section views of all proposed streets and drainage systems as prepared by a licensed professional engineer.**
- P. The limits and location of any proposed streets, sidewalks, and curbing.**
- Q. A storm water management and drainage plan, prepared by a licensed professional engineer in accordance with the most recent edition of Stormwater Management for Maine: BMPS Technical Design Manual, published by the Maine Department of Environmental Protection (2006).**
- R. An erosion and sedimentation control plan prepared:**
- 1. In accordance with the Maine Erosion and Sedimentation Control BMPS by a licensed professional engineer or a certified professional in erosion and sediment control; or**

2. Certified compliant with the standards of the Maine Erosion and Sedimentation Control BMPS by a licensed professional engineer.
 3. All erosion and sedimentation control plans not prepared by a licensed engineer shall be reviewed and approved by the Oxford County soil and water Conservation District
- S. If any portion of the proposal is located within an area designated as a unique natural area by the Maine Natural Areas Program the plan shall include measures for the preservation of the values which qualify the site for such designation.
- T. The location and method of disposal for land clearing and construction debris.
- U. A list of construction items including but not limited to streets, sidewalks, storm drainage, water supply and sewers, with cost estimates, that will be completed by the applicant prior to the sale of lots or dwellings, and written evidence from financial institutions that the applicant has financial commitments or resources to cover these costs.
- V. The Board may determine the need for a municipal service impact analysis based on the proposal and comments received from department heads. Impact statements may be solicited from the following list of municipal service departments but is not limited to them: schools including busing; street reconstruction, maintenance, and snow removal; solid waste disposal; recreation facilities; police and fire protection. A municipal service impact analysis includes, at a minimum, a list of construction and maintenance items, with both capital and annual operating cost estimates, as would be incurred by the Town of Paris.
- W. Engineering for the design of roadways, PUD utilities and drainage shall include the signature and seal of a licensed professional engineer on the Plan.

ARTICLE 5 - PERFORMANCE STANDARDS

The Board shall review the application for conformance with the following performance standards and make findings that each has been met prior to the approval of a Final Plan. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance standards and statutory criteria for approval have been or will be met.

5.1 Pollution

The proposed change(s) shall not cause the discharge waste water to a water body without a license from the Maine Department of Environmental Protection.

5.2 Sufficient Water

A. Water Supply

- 1. Any proposed change(s) shall make provisions to connect to the public water system if the Paris Utility District indicates it can provide water service. Connection shall be required if the proposed change(s) has direct access to the existing line without crossing the property of another person and:**
 - a. Is within 500 feet of water main that is of adequate size and has adequate supply as determined by the Paris Utility District to serve the proposal as measured along the centerline of public streets to the nearest point of the proposed change.**
 - b. In meeting the standards of this Section, a proposed change shall not generate a demand on the source, treatment facilities or distribution system of the Paris Utility District beyond the capacity of that system's components, considering improvements that are planned to be in place prior to occupancy or any use. The applicant and the Paris Utility District may enter into an agreement to correct deficiencies. Such an agreement shall be noted on the Final Plan.**
- 2. When a proposed water supply will be from individual wells or a private community water system the following will be met.**
 - a. Written evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.**
 - b. Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface waste water disposal systems and other sources of potential contamination.**
 - c. Wells and subsurface waste water disposal areas are to be in compliance with the Maine Department of Human Services Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.**
 - d. If a central water supply system is provided by the applicant, the location and protection of the source, the design, construction and operation of the system shall conform to the standards of the Maine Department of Human Services Maine Rules Relating to Drinking Water (10-144ACM.R.231).**

3. Fire Protection

- a. A letter from the State Fire Marshall stating the proposal meets the statute and regulation requirements for which the State Fire Marshal is responsible.**
- b. Letter from Fire Chief for adequate area for emergency vehicles. (When a Public or Private road is proposed)**

B. Water Quality

Potable water supplies shall meet the primary drinking water standards contained in the Maine Rules Relating to Drinking Water adopted by the Maine Department of Human Services Division of Health Engineering.

5.3 Soil Erosion

- A. The Board shall require the applicant to prevent soil erosion and sediment transport on the site and onto adjacent and downstream properties. Erosion control practices shall conform to the Maine Erosion and Sediment Control BMPS.**
- B. All soil erosion and sediment control plans not prepared by a licensed engineer shall be reviewed and approved by the Oxford County Soil and Water Conservation District at the expense of the applicant**
- C. Prior to the issuance of a Building permit (if required) for any lot or dwelling unit in a proposal the Code Enforcement Officer shall insure erosion control measures are in place.**
- D. Topsoil shall be considered part of the proposal and shall not be removed from the site except for surplus topsoil from streets, parking areas, and building excavations.**

5.4 Traffic Conditions

- A. Provision shall be made for vehicular access and circulation in such a manner as to:**
 - 1. Safeguard against hazards to traffic and pedestrians on existing streets and within the proposal.**
 - 2. Avoid traffic congestion on any street.**
 - 3. Provide safe and convenient circulation on public streets and within the proposal.**
 - 4. Street lights shall comply with the following.**
 - a. Street lights, systems and their installation shall be in accordance all applicable utility specifications.**
 - b. When required, street lights shall be installed in locations as recommended by the utility company.**
 - c. The cost of installation of street lights and systems shall be the responsibility of the applicant.**
- B. Access Control.**
 - 1. Entrances/driveways onto Routes 26,117,119 or High Street shall require ME.DOT entrance permit.**

2. Entrances/driveways onto Christian Ridge Road, East Oxford Road, Elm Hill Road, Mt. Mica Road, Oxford Street and Paris Hill Road shall not exceed a frequency of one per 200 feet of street frontage.
3. Where a lot has frontage on two or more streets, the access to the lot shall be provided from the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians. This provision shall be a condition of the plan approval noted on the plan and as a deed restriction to the affected lots.
4. The Board may require, based upon site distances and volume of traffic, the use of shared or common driveways.

C. Parking and Circulation

1. All streets, public or private, shall conform to or surpass the Town of Paris Minimum Road Standards. The layout and design of all means of vehicular and pedestrian circulation including walkways, interior roads, drives, and parking areas shall provide for safe general circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and parking areas.
2. A use shall not be extended and no structure shall be constructed or enlarged unless sufficient off-street parking space to accommodate the parking demand for employees and customers and business needs is provided. Parking shall conform to all of the following:
 - a. All parking areas, except parking for residential uses containing three or fewer units, shall be arranged so that it is not necessary for vehicles to back into the street. All parking areas on Main St. shall be arranged so that it is not necessary to back onto Main St.
 - b. Where the proposal will abut an existing or potential parking area, provisions shall be made for internal vehicular connections.
 - c. Parking areas shall be designed to permit each motor vehicle to proceed to and from parking space provided for it without requiring the moving of any other motor vehicle.
3. Off-street parking spaces shall comply with the following standards.
 - a. Except as provided below, each parking space shall contain a rectangular area at least eighteen (18) feet long and nine (9) feet wide. Lines marking parking spaces may be drawn at various angles in relation to curbs and aisles, as long as the parking spaces so created contain within them the rectangle required by this section. Parking areas containing space for over ten vehicles and serving residential or commercial activities and all parking areas where parking will not be perpendicular to travel ways shall be clearly marked by line painting or other means.

- b. Up to twenty (20) percent of the required parking spaces needed may contain a rectangular area of only eight (8) feet in width by fifteen (15) feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for compact cars only.
4. Off-street parking shall be provided that conforms to the number required in the following table. The Planning Board may require any fraction of a space to constitute the need for a full space.

New dwelling unit	1.5 spaces
Small Retail specialty	0.3 per 100 sq. ft. gross floor area
Large Retail/Shopping Center	0.5 per 100 sq. ft gross floor area
Office	0.4 per 100 sq. ft. gross floor area
Wholesale/warehouse	0.5 per 1000 sq. ft. gross floor area
Industrial/Manufacturing	1 per employee on maximum working shift
Hotels, motels, tourist homes	one per room plus ½ per employee
Hospitals	2.5 per bed
Nursing/convalescent homes	0.3 per bed
Schools Elementary	1.0 per classroom
Schools Secondary	5 per classroom
Theaters/auditoria/churches	1.0 per five seats plus 1.0 per 100 sq. ft. of assembly area
Eating and drinking establishments	1.0 per three seats

5. For those uses not specifically listed or able to be placed into one of the above categories, the applicant shall provide evidence indicating the number of spaces that will be adequate to provide off-street parking for all activities.
6. The Planning Board may change the number of spaces or establish the number of spaces for uses not listed upon the submittal of information that indicates the number of spaces needed for the type of use. Information should be submitted based on similar existing uses in the area or based on the Institute of Transportation Engineers (ITE) Transportation Planning Handbook or other standard publications by ITE
7. Parking facilities for lots in the downtown and gateway areas which, in the interest of creating and maintaining a vital business community and which cannot provide their own parking because of location, lot size or other existing development, may be provided by the Town of Paris, private parking resources or some combination thereof. Such public or private off-street parking shall be located within five hundred (500) feet of the principal building or use as measured along lines of public access or be located such that a rearrangement of the use of the new and existing spaces would result in an adequate number of spaces for all businesses using such public/private parking arrangements. On-street parking may be allowed for small uses in the downtown that are adjacent to on-street parking spaces.

If the required off-street parking is to be provided by off-site private parking, such areas shall be designated in a contract between the applicant and the owner of the spaces, or in another form that assures continued availability of parking for the development.

8. 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 the 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.
9. The use of an existing building for its current use shall be deemed to be in compliance with the parking requirements of this section. However, any change in the use, expansion of use, or any renovation which increases the floor area shall be required to comply with the parking requirements for changed or expanded use.

5.5 Street and Sidewalk Construction and Design Standards

- A. Any proposed changes to or new construction for public and private streets and sidewalks must confirm to the Performance Standards of the Paris Subdivision Ordinance Section 10.5, as amended from time to time.
- B. For the purposes of interpreting and enforcing this section of the Site Plan Ordinance the word “subdivision”, as used in the Paris Subdivision Ordinance, shall be understood to mean the proposed change.

5.6 Sewage Disposal

- A. Any proposed changes to or new construction for sewage Disposal must confirm to the Performance Standards of the Paris Subdivision Ordinance Section 10.6, as amended from time to time.
- B. For the purposes of interpreting and enforcing this section of the Site Plan Ordinance the word “subdivision”, as used in the Paris Subdivision Ordinance, shall be understood to mean the proposed change.

5.7 Impact on the Municipality's Ability to Dispose of Solid Waste

If the additional solid waste from the proposed change exceeds the capacity of the municipal solid waste facility, or causes the municipal facility to no longer be in compliance with its license from the Department of Environmental Protection, or causes the municipality to exceed its contract with a non-municipal facility, the applicant shall make alternate arrangements for the disposal of solid waste. The alternate arrangements shall be at a disposal facility which is in compliance with its license. The Board may not require the alternate arrangement to exceed a period of five years.

5.8 Retention of Open Spaces and Natural or Historic Features

- A. If any portions of the proposed changes are located within an area designated as a unique natural area by the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.**
- B. If any portions of the proposed changes are designated a site of historic or prehistoric importance by the Maine Historic Preservation Commission, appropriate measures for the protection of the historic or prehistoric resources shall be included in the plan.**
- C. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended.**
- D. Applicants proposing changes within 250 feet to wildlife resources identified 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 Board. The Board may consult with the Maine Department of Inland Fisheries and Wildlife and may impose any recommendations by the Maine Department of Inland Fisheries and Wildlife or consultant as conditions of approval.**

5.10 Conformance with the other applicable Ordinances and laws

All proposed changes shall meet the minimum dimensional requirements and other standards of the Ordinances and Rules of the Town of Paris and the State of Maine unless specified by the Board.

5.11 Financial and Technical Capacity

- A. Financial Capacity. The applicant shall have adequate financial resources to construct the proposed improvements and meet the criteria in this Ordinance. When the applicant proposes to construct the buildings as well as the make improvements, the applicant shall have adequate financial resources to complete the entire proposed project. In making the above determinations the Board shall consider the following:**
 - 1. The proposed time frame for construction and the effects of inflation.**
 - 2. An accurate and complete cost estimate for the development.**
 - 3. A letter from a financial institution or other funding agency indicating a commitment to provide a specified amount of funds and the uses for which the funds may be utilized.**
- B. Technical Ability**
 - 1. The applicant shall retain qualified contractors and consultants to supervise and construct the required improvements in the proposal.**

2. In determining the applicant's technical ability the Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations of previous approvals granted to the applicant.

5.12 Impact on Water Quality or Shoreline

The proposal shall comply with the provision of the Shoreland Zoning Ordinance and all State laws and rules relating to water quality.

5.13 Impact on Ground Water Quality or Quantity

- A. Any proposed changes to or new construction that may impact ground water quality or quantity must confirm to the Performance Standards of the Paris Subdivision Ordinance Section 10.13 and as amended.
- B. For the purposes of interpreting and enforcing this section of the Site Plan Ordinance the word "subdivision", as used in the Paris Subdivision Ordinance, shall be understood to mean the proposed change.

5.14 Floodplain Management

When any part of a proposed change is located in a special flood hazard area as identified by the Federal Emergency Management Agency:

- A. The proposal shall comply with the requirements of the Town of Paris Floodplain Management Ordinance
- B. The plan shall include a statement that structures in the proposal shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. Such a restriction shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The statement shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated as a condition of approval on the plan.

5.15 Identification of Freshwater Wetlands

Freshwater wetlands shall be identified in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, as may be amended, published by the United States Army Corps of Engineers

5.16 Storm Water Management

- A. For proposed changes that require a permit under the Stormwater Management Law (Title 38 MRSA § 420-D), a Stormwater management plan shall be submitted which complies with the requirements of the Maine Department of Environmental Protection's Chapter 500 Stormwater Management Rules.
- B. For proposed changes that do not require a DEP permit under the Stormwater Law, a Stormwater management plan shall be submitted which incorporates adequate provision for the management of the quantity and quality of all storm water generated within the proposal, and any drained ground water through a management system of swales, culverts, underdrains, storm drains and best management practices equivalent to those in the most recent edition of Stormwater Management for Maine: BMPS Technical Design Manual, published by the Maine Department of Environmental Protection.
- C. Where necessary to achieve the above standards, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the proposal and over other properties. Wherever the storm drainage system is within the right-of-way of a public street, perpetual Easements shall be provided to the municipality allowing maintenance and improvement of the system.
- D. The applicant shall provide a statement from a licensed professional engineer registered in the State of Maine, that the proposal will not cause erosion, drainage or runoff problems either in the proposal or on adjacent properties.
- E. Where the peak runoff from the proposal onto abutting properties is increased either in volume or duration, easements from the abutting property owners, allowing such additional discharge shall be obtained.

5.17 Phosphorous Export

Proposals within the direct watershed of a pond listed below shall be designed to limit phosphorous runoff to the levels defined below. The Board shall keep an accurate record of permits issued by watershed using an appropriate record keeping system, and shall review actual development rates and recommend adjustments to the table at five year intervals, subject to a reasonable appropriation by the Town to conduct such a reassessment, or the availability of adequate State or regional grant programs or technical assistance programs.

A. Protection Level

	Protection Level	Phosphorus Loads	Per Acre Phosphorus Load (pounds)
Halls Pond	High	1.94	0.045
Marshall Pond	Medium	10.73	0.032
Mud Pond	Medium	0.83	0.032

1. Phosphorous export from a proposal shall be calculated according to the procedures defined in "Phosphorous Control in Lake Watersheds: A Technical Guide for Evaluating New Development" (Maine DEP et. al., September 1989 with revision in 1992 and as may be amended). Upon request, copies of all worksheets and calculations shall be made available to the Board.
2. Phosphorous control measures shall meet the design criteria contained in "Phosphorus Control in Lake Watersheds: A Technical Guide for Reviewing Development" (Maine DEP et al., September 1989 with revisions in 1992 or as may be amended). The Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimizing street lengths, and shall encourage the use of other non-structural measures prior to allowing the use of high maintenance structural measures such as infiltration systems and wet ponds.

5.18 Signage - First time signs and signs that replace existing signs

- A. In the case of a multi-tenant development it shall be the responsibility of the owner or property manager of such premise to allocate sign space upon the premise, under the terms of this section.
- B. On each premises there shall be permitted one (1) wall or roof sign affixed to the exterior of the structure for each occupancy under common ownership, operation or control therein. Such signs shall not occupy more than twenty (20) percent of the wall to which it is attached or is above. For the purpose of this section, wall is defined as the facade of the building up to the roof line excluding windows, doors and major architectural features.
- C. Window and door signs are allowed without regard to the percentage of the door or window in which they are displayed.
- D. One projecting sign is permitted per structure, projecting signs shall extend no lower than ten (10) feet above ground level projecting from the wall at an angle of ninety (90) degrees. No projecting sign shall exceed twenty-four (24) square feet.
- E. One free standing sign is permitted per lot. No free standing sign shall be greater than one hundred (100) square feet.
- F. Awning and canopy signs are permitted. Canopies over fuel islands shall only advertise fuel and the store or corporate name.
- G. Signs shall be illuminated only by the following means:
 - 1) A steady, stationery light(s) of single color shielded and directed solely at the sign and not casting light off the premises.
 - 2) Interior, non exposed, white lights of reasonable intensity.
- H. Special Features of the Development: Exposed storage- areas, exposed machinery installation service areas, truck loading areas, utility' buildings and similar

structures shall have sufficient setbacks and screening to minimize their adverse impact on other land uses within the development area and surrounding properties.

5.19. Exterior Lighting:

All exterior lighting shall be designed to minimize adverse impact on neighboring properties and the safe flow of pedestrian and vehicular traffic.

ARTICLE 6 - PERFORMANCE GUARANTEES

6.1 Guarantee Standards

When a proposal exceeds an estimated cost of \$25,000.00 the Board may require performance guarantees.

6.2 Types of Guarantees

With submittal of the proposal, the applicant shall indicate which one of the following performance guarantees in an amount adequate to cover the total construction costs of all required public improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs. The conditions and amount of the performance guarantee shall be determined by the Town Manager with the advice of the, municipal engineer, Highway Foreman, Paris Utility District, Selectmen, or municipal attorney. The requirement for a performance bond may be a condition of approval.

- A. Either a certified check, payable to the Town of Paris, or cash for the establishment of an escrow account;
- B. A performance bond payable to the Town of Paris issued by a surety company, approved by the Selectmen, or Town Manager,
- C. An irrevocable letter of credit from a financial institution establishing funding for the construction of the proposal, from which the Town of Paris may draw if construction is inadequate, approved by the Selectmen, or Town Manager.

6.3 Contents of Guarantee

The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the applicant will be in default and the municipality shall have access to the funds to finish construction.

6.4 Escrow Account

The establishment of an escrow account shall be made by either cash, or certified check made out to the Town of Paris. Any interest earned on the escrow account shall be returned to the applicant unless the municipality has found it necessary to draw on the

account to cover the cost of items not completed by the developer under the performance guarantee.

6.5 Performance Bond

A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the Town of Paris. The bond documents shall specifically reference the proposal for which approval is sought. A performance bond shall not be canceled by the issuer without prior written notice to the Town.

6.6 Letter of Credit

An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the proposal and may not be used for any other project or loan.

6.7 Release of Guarantee

Prior to the release of any part of the performance guarantee, the Town Manager shall determine, in part upon the report of the Inspecting Official or other qualified individual retained by the Town and any other agencies and departments who may be involved, that the proposed improvements meet or exceed the approved design and construction requirements for that portion or phase of the proposal for which the release is requested.

6.8 Default

If upon inspection, the Inspecting Official or other qualified individual retained by the municipality finds that any of the required improvements are not being constructed or have not been constructed in accordance with the plans approved by the Board, he or she shall so report in writing to the Selectmen and the applicant or developer. The Selectmen shall take any steps necessary to preserve the municipality's rights.

6.10 Improvements Guaranteed

Performance guarantees shall be tendered for all improvements required to meet the standards of this Ordinance and for the construction of, but not limited to streets, storm water management facilities, public sewage collection or disposal facilities, public water systems, wire/fiber based utilities, erosion and sedimentation control measures and recreation facilities or open space areas.

ARTICLE 7 - WAIVERS

7.1 Submission Waivers

Where the Board makes written findings of fact that there are special circumstances of a particular proposal's element, it may waive portions of The Site Plan Review

Submission requirements, provided the applicant has demonstrated that the performance standards of this Ordinance have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of this Ordinance.

7.2 Performance Waiver

Where the Board makes written findings of fact that due to special circumstances of a particular parcel or building, the provision of certain required improvements or standards is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposal, it may waive the requirement for such improvements or standard, subject to appropriate conditions. Provided the waivers do not have the effect of nullifying the intent and purpose of this Ordinance and further provided the performance standards of this Ordinance have been or will be met.

7.3 Conditions

When granting a waiver, the Board shall cite the specific justification or justifications for granting the waiver and under no circumstance may any waiver be used as a precedent for the granting of subsequent waivers.

7.4 Waivers to be shown on Final Plan

When the Board grants a waiver to any of the improvements required by this Ordinance the Final Plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date on which they were granted.

ARTICLE 8 – APPEALS

8.1 Appeals

An aggrieved party may appeal any decision of the Board under this Ordinance to the Appeals Board, within thirty days of the date the decision by the Board.

ARTICLE 15 – DEFINITIONS

Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular, the word "lot" includes the word "plot"; the word "building" includes the word "structure"¹¹; the word "may" shall be permissive; the word "shall" is always mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

Abutting Property: Any lot which is physically contiguous with the subject lot even if only at a point and any lot which is located directly across a street or right-of-way from the subject lot such that the extension of the side lot lines of the subject lot would touch or enclose the abutting property.

Affordable Housing: Housing units, which will meet the sales price and /or rental targets, established by the comprehensive plan for housing affordability.

Aggrieved Party: An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Appeal: An action by an aggrieved party challenging a decision of the Board or Code Enforcement Officer in the administration or enforcement of this Ordinance.

Applicant: The person or entity submitting a Site Plan Review Proposal, for new, or substantial enlargements to floor space, seating capacity, or outdoor storage area of commercial, retail, industrial, institutional, public, multifamily and recreational structure(s) or uses and their accessory uses and structures

Area of Special Flood Hazard: The land in the floodplain having a one percent or greater chance of flooding in any given year as specifically identified in the Flood Insurance Study cited in the Town of Paris Flood Plain Management Ordinance.

Arterial Street: Routes 26,117,119 and High Street.

Average Daily Traffic (ADT): The average number of vehicles per day that enter and exit the premises or travel over a specific section of street.

Backlot: A lot that has no frontage on a road or street (Private or Public)

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

Basement: Any area of a building having its floor subgrade (below ground level) on all sides.

Buffer Area: A part of a property or an entire property, which is not built upon and is specifically intended to separate and thus minimize the effects of a land use activity (e.g., noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources.

Building: Any structure, having one or more floors and a roof, which is used for the housing or enclosure of animals or property such as a garage, barn, or workshop.

Campground: Any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Certified professional in erosion and sediment control: An individual that has successfully passed a written examination, under the direction of CPESC Inc., designed to determine proficiency in the principals, practices and legislation of erosion and sediment control.

Cluster Subdivision: A subdivision in which the lot sizes are reduced below those normally required in a traditional subdivision in return for the provision of permanent open space owned in a common by lot/unit owners, the Town, or a land conservation organization. Clustering shall not be used to increase the overall net residential density of the development.

Code Enforcement Officer: A person appointed by the Selectmen to perform the inspection, licensing, and enforcement duties required by a particular statute or ordinance.

Common Open Space: Land within or related to a subdivision, not individually owned or within an individual lot, which is designed and intended for the common use or enjoyment of the residents of the development or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the open space, such as for outdoor recreation.

Corner Lot: A lot abutting two or more streets at their intersection. Such corner lots shall be deemed to have at least two front yard setbacks.

Coverage: That percentage of the plot or lot area covered by the building area.

Curb Cut: The opening along the curb line or street right-of-way line at which point vehicles may enter or leave the street.

Density: The number of dwelling units per acre of land.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

Development: Means any change caused by individuals or entities to improved or unimproved real estate, including but not limited to filling, grading, paving, or excavation or the construction of buildings or other structures.

Dimensional Requirements: Numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

Direct Watershed of a Great Pond: That portion of the watershed that drains directly into Halls, Marshall or Mud Ponds.

Downtown Area: The commercial area along and on either side of State Route 26 that begins at the southernmost border with Norway and extends northward to the South Paris Post Office.

Driveway: A vehicular access way less than five hundred (500) feet in length serving two lots or less.

Dwelling Unit: Multi-Family: A single building designed for or occupied by three (3) or more families with separate housekeeping and cooking facilities for each.

Dwelling Unit: Single-Family: A detached residence for, or occupied by, (1) family only.

Dwelling Unit: Two-Family: A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.

Dwelling Unit: As Defined by MRSA 30-A §4401.

Engineered Subsurface Waste Water Disposal System: A subsurface waste water disposal system designed, installed, and operated as a single unit; or any system designed to treat waste water with characteristics significantly different from domestic waste water.

Final Plan: The final drawings on which the applicant's proposal is presented to the Board for approval and which, if approved, shall be recorded at the Registry of Deeds.

Finding of Fact and Conclusion of Law: A written statement prepared and signed by the Board that summarizes the basic facts of the proposal and statements linking the specific facts to the list of the criteria that the applicant must meet in order to receive Board approval.

Flood or Flooding:

A. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding

anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or by some similarly unusual and unforeseeable event which results in flooding.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Floodplain or Flood-prone Area: Any land area susceptible to being inundated by water from any source (see flooding).

Freshwater 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 above criteria.

Frontage/Shore: The length of a lot bordering a water body measured in a straight line between the intersections of the lot lines with the shoreline at normal high water elevation.

Frontage/Street: The horizontal, straight-line distance between the intersections of the side lot lines with the street right-of-way.

Gateway Area: The area adjacent to a point-of-entry into a unique locale such as a city, town, park, business, building, community or other physical space.

Great Pond: Any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

Groundwater: All of the water found beneath the surface of the ground. For purposes of aquifer protection, this term refers to the subsurface water present in aquifers and recharge areas.

High Intensity Soil Survey: A map prepared by a Certified Soil Scientist, identifying the soil types down to one eighth of an acre or less at a scale equivalent to the proposal's submitted plan. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to seasonal high water table or bedrock at that

location. Single soil test pits and their evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys.

Historic or Archaeological Resources: Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource.

Historic Structure: Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior, or
 - 2. Directly by the Secretary of the Interior in states without approved programs.

Hotel/Motel: A building or group of buildings containing six or more guest rooms and offering lodging accommodations (which may include such accessory services as food and beverages, meeting rooms, entertainment and recreation) to transient guests. A hotel/motel may provide kitchens or kitchenettes in guestrooms and will not, as a result, be considered a dwelling unit under this Ordinance, as long as the hotel/motel is occupied exclusively by transient guests. A transient guest is a person who occupies the hotel/motel for no more than 186 days in any 365-day period.

Inspecting Official: An individual or individuals appointed by the Town Manager to oversee all aspects of street construction including drainage and stormwater management. The Inspecting Official shall possess such education and training that the Town Manager deems necessary to perform all aspects of inspection.

Infrastructure: Public and private improvements, such as water, sewer, roads, power and telecommunications including their facilities, services, and installations.

Landscaped Buffer Strip: A landscaped area adjacent to and parallel with property lines of a lot or parcel. The border strip may be crossed by drives, access streets or pedestrian ways but otherwise shall be maintained in a landscaped state. The buffer strip shall not be used for parking, the storage of materials, equipment or wastes or the display of any equipment, materials or products. The buffer strip may be used for subsurface wastewater disposal systems.

Licensed Professional Engineer: A professional engineer, registered in the State of Maine.
Liquidation Harvesting: The purchase or other acquisition of forestland followed by a

timber harvest that does not comply with Section 6 of the Maine Forest Service Rule-Chapter 23 and the subsequent sale, offer for sale, or other conveyance of the harvested land, or any portion of it, within five years.

Locally Established Datum: Means, for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

Lot: A parcel of land in single ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land proposal's plan duly approved by the Board and recorded in the County Registry of Deeds.

Lot Area: The horizontal area within the lot lines.

Lot Lines: The lines bounding a lot. Wherever a lot abuts a street or water body, the sideline of the street or water body on the side abutting the lot shall constitute the lot line.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements contained in the Town of Paris Floodplain Management Ordinance.

Manufactured Housing: As defined in Title 30-A M.R.S. A. § 4358 and as hereafter amended.

Minimum Road Standards: The Town of Paris Minimum Road Standards for streets as adopted and amended.

Mobile Home Park: A contiguous parcel of land under unified ownership approved by the municipality for the placement of 3 or more manufactured housing units within any five year period.

Monument: Permanent granite or cement monuments not less than four (4) inches square in width or iron reinforcement rods at least 5/8 inches across the top.

Multifamily Development: A subdivision which contains three or more dwelling units on land in common ownership, such as apartment buildings and condominiums.

Multi-Unit Residential: A structure(s) containing three (3) or more dwelling units.

Municipal Impact Analysis: A list of construction and maintenance items, with both capital and annual operating cost estimates, as would be incurred by the Town of Paris

including but not be limited to: schools including busing; street reconstruction, maintenance, and snow removal; solid waste disposal; recreation facilities; police and fire protection.

Municipality: The Town of Paris

Natural Areas and Natural Communities: Areas identified by a governmental agency such as the Maine Department of Conservation or the Maine Department of Inland Fisheries and Wildlife as having significant value as a natural area.

Net Residential Acreage: The total acreage available for a proposal, as shown on the proposed plan, minus the area for streets or access and the areas that are unsuitable for development.

Net Residential Density: The net residential acreage of a parcel of land for a subdivision divided by the minimum lot area per dwelling unit.

Normal High-Water Line: That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.

100-Year Flood: The highest level of flood that, on the average, has a one percent (1 %) chance of occurring in any given year.

Off Street Parking: See Parking Area

Open Space: An undeveloped area of land that may be used for its natural resource values and/or passive recreational uses.

Parking Area: A designated area prepared to specifically accommodate the out-of-thoroughfare, off-street parking of vehicles as demonstrated by appropriate site preparation, including but not limited to paving, stripping, graveling, or other clearly visible indications that the area is designated specifically for parking.

Peak Hour: The hour of the day during which the traffic volume at an intersection or on a roadway segment is higher than the volume during any other hour of the day.

Phasing: The development of a proposal in distinct stages.

Planning Board: The Planning Board of the Town of Paris.

Preapplication/Sketch Plan: Conceptual maps, renderings, and supportive data describing the applicant's proposal for the initial review prior to submitting an application for proposal's approval.

Preliminary Plan/Application: The preliminary drawings indicating the proposed site changes and application requirements to be submitted to the Board for its consideration.

Private Way: Private way means a private road, driveway or public easement.

Proposal: The collection of all changes being proposed for new, or substantial enlargements to floor space, seating capacity, or outdoor storage area of commercial, retail, industrial, institutional, public, multifamily and recreational structure(s) or uses and their accessory uses and structures

Public Improvement: Including but not limited to, streets, public and private water and sewer systems, stormwater drainage systems, sidewalks, utilities, street signs, recreational facilities and traffic lights.

Public Sewer System: A common sewer controlled by a public, governmental authority.

Public Water System: A water supply system that provides water to at least 15 service connections or services water to at least 25 individuals daily for at least 30 days a year.

Public Way: Public way means any road capable of carrying motor vehicles, including, but not limited to, any state highway, municipal road, county road, unincorporated territory road or other road dedicated to the public.

Recording Plan: An original of the Final Plan, suitable for recording at the Registry of Deeds.

Recreational Facility: A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

Reserved Affordable Housing: Affordable housing which is restricted by means of deed covenants, financing restrictions, or other binding long term methods to occupancy by households making 80% or less of the area median household income.

Required Improvements: Including but not limited to, streets, public and private water and sewer systems, stormwater drainage systems, sidewalks, utilities, street signs, recreational facilities and traffic lights.

River, stream or brook: 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.

River, stream or brook does not mean a ditch or other drainage way constructed and maintained solely for the purpose of draining storm water or a grassy swale.

Sight Distance: The length of unobstructed sight line of motor vehicles drivers in normal daylight conditions. Sight distance is measured from the perspective of a hypothetical person seated in a vehicle from three vantage points:

- (1) sitting in the access viewing vehicles traveling on the highway (both left and right),
 - (2) traveling on the highway viewing a vehicle sitting in an access and
 - (3) traveling on the highway viewing a vehicle turning into an access (both ahead and behind).
- In case of discrepancy between these measurements, the lesser measurement will be used to determine whether the sight distance standard will be met. Sight distance is measured to and from the point on the centerline of the proposed access that is located 10 feet from the edge of the traveled way. The height of the hypothetical person's view is considered to be 3.5 feet above the pavement and the height of the object being viewed is considered to be 4.5 feet above the pavement.

Significant Wildlife Habitat: Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife or the Maine Department of Conservation as having significant value as habitat for animals.

Special Flood Hazard Area: See Area of Special Flood Hazard.

Street/Road: A way maintained by the State of Maine or the Town of Paris or privately owned way meeting the standards of the Town of Paris Minimum Road Standards.

Structure: See Building

Subdivision: As defined in Title 30-A M.R.S.A. § 4401 and as hereafter amended. A lot of 40 or more acres shall not be counted as a lot for the purposes of this Ordinance when the parcel of land being divided is located entirely outside any shoreland area.

Substantial Construction: The completion of a portion of the public improvements that represents no less than thirty percent of the costs of the proposed improvements within a proposal.

Subsurface Waste Water Disposal System: A system designed to dispose of waste or waste water beneath the surface of the earth; includes but is not limited to septic tanks; disposal fields; grandfathered cesspool; holding tanks; pretreatment filter; piping, or any other fixture, mechanism, or apparatus used for those purposes. The term shall not include any wastewater discharge system licensed under 38 MRS A § 414, any surface

wastewater disposal system or any municipal or quasi-municipal sewer or waste water treatment system.

Sustained Slope: A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Town Plans: Municipal ordinances in effect at the time of a proposal's submission.

Utilities: Public and private facilities including but not limited to sewer lines, water lines, electrical lines, and cable television/internet lines.

Waiver-Performance: A vote by the Board that allows for the applicant not to comply with one or more of the review standards.

Waiver-Submission: A vote by the Board that allows the applicant not to provide or comply with one or more of the application submission requirements.

Water Body: Any great pond, river, or stream.

Wetland: See freshwater wetland.

Wire/Fiber Based Utilities: Including but not limited to electrical power lines, telephone line, cable television lines and internet lines.

Yard: An unoccupied space, open to the sky, on the same lot with a building or structure.