

**TOWN OF WAYNE
PLANNING BOARD
LAND USE PERMIT APPLICATION
(Site Review)**

General Instructions:

This form assists applicants to gain permits for land use in Wayne and its completion is required for the Planning Board to review your proposed development project as required by the Wayne Land Use Ordinance. However, any applicant proposing a project requiring Planning Board Site Review should be familiar with Article 2 of the Land Use Ordinance which sets forth submission requirements and the procedure and review criteria that will be followed to the extent applicable. The last page of this application lists the submittals that should be included with this application (as per of the Wayne Land Use Ordinance):

This application attempts to help you provide information that will demonstrate that your proposed use meets these criteria. The Planning Board may require additional studies or a consultant to be hired to perform additional review of all or any portion of your project. If so required, you will be required to pay those costs.

It is important that your application and site plan be complete. The completeness of the application will be determined at the first Board meeting. If the application is found to be incomplete, it will likely be “tabled” until it is complete-thus delaying your project. If you have questions or require assistance, you may contact the Code Enforcement Officer. Although most applicants prepare their own application, you may also have someone else prepare and present your application for you as your “agent” provided the Board receives a letter of authorization from you and the agent signs the application.

Your completed application, including all submittals, must be filed with the Town Code Office at least 10 days prior to a scheduled meeting date. The Planning Board usually meets on the 1st Thursday evenings of each month at 6:30. Then the Board will review your application and vote on its completeness, if complete the Board will schedule a public hearing and notices will be mailed to abutters. This will provide the Board members with the opportunity to receive and preview your application beforehand-thus saving you as much time as possible during the meeting and review process. You may bring documentation to the meeting, but do not expect immediate approval based upon any applications, submittals, or revisions brought to the meeting. Similarly, requesting approval conditioned upon future submittals is not acceptable.

Almost all applications require more than one meeting, with a possible scheduled site visit conducted by the Board members between the 1st and 2nd meetings. Frequently more than two meetings are required, so please allow yourself adequate time to obtain your Planning Board Land Use Permit prior to beginning your project.

You will be notified by the Planning Board Secretary in advance of the meeting as to the time you or your agent are scheduled to appear. At the first meeting you will be asked to describe your project to the Board after which time the members may have additional questions for you. Your Land Use Permit does not include a building, plumbing, or any other permit that may be required locally or by the State.

Instructions for Completing the Review Criteria Questionnaire

A review by the Wayne Planning Board will be restricted to the criteria set forth in Article 2, Section D, below. Following this Article is a questionnaire intended to help you provide information to demonstrate that your proposed use meets these criteria. Please respond to these questions as completely as possible as they relate to your proposed project. Any questions that you believe are not applicable, please state your reason. This will help provide the Board with the information necessary to conduct a fair and timely review.

Review Criteria

The applicant shall demonstrate that the proposed use to the maximum extent possible meets the review criteria listed below. The Planning Board shall approve the application unless it makes written findings that one or more of these criteria have not been met.

1. **Aesthetic, Cultural and Natural Values.** The proposed activity shall not have an undue adverse affect on the scenic or natural beauty of the area, aesthetics, historic sites, archeological sites or significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the Town of Wayne, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
2. **Conformity with Local Ordinances and Plans.** The proposed activity shall conform to all applicable ordinances of Wayne and the State of Maine. And the Comprehensive Plan
3. **Erosion.** The proposed activity shall not cause soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results. The best management practices set forth in the "Maine Erosion and Sediment Control Handbook for Construction Practices" (Cumberland County Soil and Water Conservation District, Department of Environmental Protection, March 1991 or as revised), or the most applicable best management practices .
4. **Financial Burden on Town.** The proposed activity shall not cause an unreasonable financial burden on the Town for provisions of public services and facilities.
5. **Flood Areas.** The proposed activity shall not adversely affect flood plain areas as depicted on the Federal Emergency Management Agency's Flood Insurance Rate Maps, and the proposal shall conform with all applicable requirements of the Town of Wayne Floodplain Management Ordinance.

6. **Wetlands.** The proposed activity shall not have an adverse impact on freshwater wetlands.
7. **Groundwater.** The proposed activity shall not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
8. **Municipal Solid Waste Disposal.** The proposed activity shall not cause a burden on the Town's ability to dispose of solid waste, if municipal services are to be utilized.
9. **Adjacent Land Uses.** The proposed activity shall not have a detrimental effect on adjacent land uses or other properties, that might be affected by waste, noise, glare fumes, smoke, dust, odors or other effects.
10. **Pollution.** The proposed activity shall not result in water or air pollution. In making this determination, the Planning Board shall at a minimum consider:
 - a. The elevation of the land above sea level and its relation to the flood plains;
 - b. The nature of soils and subsoils and their ability to adequately support waste disposal;
 - c. The slope of the land and its effect on effluents, including phosphorous transport; and
 - d. The applicable State and Town health, air and water resource and sludge rules and regulations.
11. **Waterbodies.** The proposed activity shall not have an undue impact on any waterbody such as a lake, pond, or stream.
12. **Wastewater Disposal.** The proposed activity shall provide for adequate wastewater disposal meeting all applicable requirements and shall not cause a burden on public services if they are utilized. Form HHE 200, or its equivalent, shall be required for a primary site.
13. **Stormwater.** The proposed activity shall: a) provide for stormwater management, and b) comply with the best management practices set forth in the Stormwater Management for Maine, Best Management Practices (Department of Environmental Protection, State of Maine, November 1995 or as revised).
14. **Sufficient Water.** The proposed activity shall have sufficient water available for the reasonably foreseeable need of the proposed development.
15. **Traffic.** The proposed activity shall not cause highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads, existing or proposed.

- 16. Legal Access.** The site shall have legal and reasonable means of access sufficient to meet all proposed uses.
- 17. Impact on Adjoining Municipality.** When a proposed development subject to site review crosses the Town's boundaries, the proposed development shall not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the development is located.
- 18. Spaghetti Lots Prohibited.** Any lots in a proposed development shall not have a lot depth to frontage ratio greater than 5 to 1. When a proposed development borders both a water body and a road, the lot depth to frontage ratio shall be based on the frontage on the water body.
- 19. Life and Fire Safety.** The Planning Board may require a review of any development subject to site review by the Wayne Fire Department for life and fire safety recommendations and may require incorporation of the life and fire safety recommendations in the application or as a condition of approval of the application.
- 20. Violations.** The proposed activity or development is not on property currently in violation of any requirements of this Ordinance. If the Code Enforcement Officer determines that an enforceable violation exists, the Code Enforcement Officer shall issue a written Notice of Violation to the applicant within the review period of time provided for and the application, if otherwise approved, shall be conditioned upon the resolution of the violation prior to the use of occupancy of the permitted activity applied for. This provision shall not prevent, restrict or otherwise preclude the applicant from appealing to the Board of Appeals of this Ordinance any determination by the Code Enforcement Officer of an alleged violation.

6. What is the proposed use of the property as best described from Table 1/Table of Uses in Article II?

7. Lot Width _____ Lot Depth _____ Lot Area in Acres (1 acre = 43,560 sq. ft.) _____

8. If a structure is proposed to be built, or expanded, list the following:

Type of Structure(s)	Length	Width	Height
_____	_____	_____	_____
_____	_____	_____	_____

Non-Conforming Structures

Questions to answer if you are seeking a permit to expand, relocate, reconstruct or replace a non-conforming structure or are seeking a permit to build a new, enlarged or replacement foundation beneath an existing non-conforming structure. (See the Land Use Ordinance for definition of “non-conforming.”)

- A. For reconstruction, relocation or expansion of a non-conforming structure in a shoreland zone, please list the total **floor area** for all portions of the structure(s) located between **25 to 75 feet** from the normal highwater line of the water body, tributary stream, or upland edge of a wetland: _____. (Please attach a worksheet showing how you calculated the total **floor area**. The term “**floor area**” is defined in Part II Article I B of the Land Use Ordinance)

- B. For reconstruction, relocation or expansion of a non-conforming structure in a shoreland zone, please list the total **floor area** for all portions of the structure(s) located between **75 to 100 feet** from the normal high-water line of the water body: _____. (Please attach a worksheet showing how you calculated the total **floor area**. The term “**floor area**” is defined in Part II Article I B of the Land Use Ordinance)

- C. If you plan to put in a new, enlarged or replacement foundation below a non-conforming structure OR if you are seeking to relocate, reconstruct or replace a non-conforming structure, please describe whether the foundation or structure can be located further from the water to meet, or come closer to meeting set-backs, and if not, explain why it cannot be moved further back.

For structures in the Shoreland Residential, Resource Protection or Stream Protection zones, please show how the proposed development does not result in exceeding the 20% lot coverage maximum.

I certify that the foregoing, and the attached materials including responses to review criteria, are true, correct and accurate to the best of my knowledge.

Signature of Applicant / Owner _____ Date _____

Signature of Agent (if any): _____ Date _____

Planning Board Review Criteria Questionnaire
(Mark NA if not applicable to your specific submission)

Review Standards: After receipt of a complete application, said complete application, including all of the information requested by the application form, and any additional information requested by the Board, the Board shall approve an application or approve it with conditions if it makes positive finding that the proposed use:

- a. Will maintain safe and healthful conditions.
- b. Will adequately provide for the disposal of all wastewater septic wastes, organic wastes and solid wastes.
- c. Will not have an undue adverse effect or impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.
- d. Will conserve shore cover under the Timber Harvesting and Related Activities regulations in Part I, Article V, Section F, ss 2 or Clearing or Removal of Vegetation regulations in Part I, Article V, Section F, ss 3 and preserve visual access to water bodies, and actual access, where such exists and is available to the general public.
- e. Will comply with the following standards of land use:
 - 1) Is in compliance with the Town of Wayne Floodplain Management Ordinance, adopted June 24, 1987, and subsequent amendments.
 - 2) Will have safe access to the site from existing or proposed roads and that the proposal will not cause or aggravate undue traffic congestion or hazards. Safe access shall comply with the sight distance standards defined in Article IX, Section S, of this Ordinance.
 - 3) Will not cause water pollution, erosion or sedimentation.
 - 4) Adequate land for off street parking according to the standards of Article IX, Section L. If a proposed use does not fit one of the categories in Article IX, Section L, the Board may prescribe the required number of spaces based upon the projected use and volume of traffic to the proposed site.

5) Adequate land for the exterior storage of vehicles, boats, trailers, or other types of equipment and/or materials, used in connection with the proposed use. Adequacy shall be determined by the following:

a) Storage areas shall be apart from parking areas, roads or driveways, and related rights-of-way.

b) The storage areas shall meet the setbacks for buildings in the zone in which they lie

6) The proposed use will not have an adverse impact on the visual and aesthetic character of the property as viewed from roads, streets, and abutting properties. The Board shall review the application using the following standard:

a) Storage areas, permitted under Subsection e., 5 above, shall be screened whether naturally by existing evergreen vegetation, or by planted evergreen vegetation, or by the construction of wood fencing or screening, so as not to be visible from abutting properties, roads, or streets during any season.

b) General merchandise of a type customarily displayed on the inside of buildings shall not be displayed outside in buildings.

c) Exterior storage areas may be used for display or merchandise for sale, provided they meet the requirement of Subsection e, 5, above and this Subsection, except display shall not be limited to the hours of operation and such merchandise is of a type not normally stored in buildings because of its size, such as vehicles, boats trailers, RV's, tractors and other farm equipment and/or logging or excavating equipment. Such storage areas also used for the display of such merchandise must be screened as in 6a. above.

f. Will not incorporate any areas which are wetlands, or areas where the ground water table is at or within 6 inches of the surface at any time, in meeting the minimum lot size for the use proposed or be within 100 feet of the perimeter of such areas

g. Adequate water supply to meet the demands of the proposed use with respect to the operations of septic disposal systems, potable water supply, and fire protection purposes.

h. The proposed use meets with all other requirements of this Ordinance, other Town Ordinances, or applicable State laws and regulations.

i. The proposed use will adequately preserve open space according to the following standards:

1) Exterior storage areas, combination storage/display areas, and/or parking areas for patrons and/or occupants shall not comprise more than 33 % of the open space on a lot.

2) Maximum lot coverage (ground floor square footage) of all structures and unvegetated surfaces, existing and proposed, shall be no more than 20% of the lot area.

j. The proposed use will not generate noise on the exterior of buildings in excess of that customarily and generally generated by the predominate use within five hundred (500) feet of any of the applicant's property lines. Predominant use shall be determined by the use of the majority of lot and/or the land area of lots within five hundred (500) feet of the proposed use. Example: If the majority of lots within 500 feet of the proposed use were in residential use, then the noise customarily and usually generated by residential use would be the upper limit of acceptable noise level for the proposed use; i.e., lawn mowers, occasional use of chain saws, etc.

Required Submittals

- ___ 1. Copy of the portion of applicable tax map showing subject property, abutting properties and 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.
- ___ 2. Names and mailing addresses of all property owners abutting the proposed development. (Abutters are the owners of any parcels with one or more common boundaries or points, as well as property owners of any parcel located directly across any road, railroad or stream along the road, railroad or stream from the parcel involved in the application. Also included is any Qualified Conservation Holder of an easement in any of these parcels).
- ___ 3. Exact direction to the property from the Town Office, using a map if necessary.
- ___ 4. The Assessor's tax map and lot numbers of the parcels.
- ___ 5. A copy of the deed to the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.
- ___ 6. The name, registration number and seal of the land surveyor, architect, engineer and/or similar professional who prepared any plan.
- ___ 7. Map showing the north bearing and lot dimensions of all property lines of the property to be developed and the source of this information.
- ___ 8. Site plan(s) illustrating the following: (Note: If the site plan is not drawn to scale, then specific distances identifying the relative locations of the following features must be shown on the plan).
 - a) The location and size of any existing and proposed sewer and water mains, culverts and drains that will serve the development whether on or off the property along with the direction of existing and proposed surface water drainage across the site.
 - b) The location, names, and present and proposed widths of existing and proposed roads, driveways, streets, parking and loading areas, walkways and rights-of-way within or adjacent to the proposed development.
 - c) The location and dimensions of all existing and proposed buildings and structures on the site, including underground storage tanks.

- d) The location of intersecting roads or driveways within 200 hundred feet of the site.
 - e) The location of existing and proposed open drainage courses, wetlands, water bodies, floodplains, stands of trees, and other important natural features, with a description of such features to be retained.
 - f) The location and dimensions of any existing and proposed easements.
 - g) The location and dimensions of all existing and proposed provisions for water supply and wastewater disposal systems, including a design copy or letter of soils suitability for any proposed new or replacement wastewater disposal systems.
 - h) The location and dimensions of all existing and proposed signs.
 - i) For any project which shall result in a change to exterior lighting, the location, height, and type of existing and proposed exterior lighting and, for commercial, industrial and institutional projects, the foot-candle intensities of proposed lighting projecting on abutting properties.
 - j) The proposed landscaping and buffering.
 - k) The location and amount of any earth-moving.
 - l) A copy of all existing or proposed covenants or deed restrictions associated with the subject property.
- ___ 9. A copy of any applicable Federal, State or Town applications or permits which have been issued.
- ___ 10. A narrative describing how the proposal meets all of the Planning Board's Review Criteria.
- ___ 11. Evidence of receipt of application fee paid to the Town of Wayne
- ___ 12. A schedule of construction, including anticipated beginning and completion dates.
- ___ 13. A stormwater drainage and erosion and control plan in compliance with the ordinance
- ___ 14. A description of the traffic movement to be generated by the development including types, peak hour and average daily vehicle trips, travel routes, and duration of traffic movement both during and following construction.

- ___ 15. An assessment of the solid or hazardous wastes to be generated by the proposed activity and a plan for its handling and disposal, along with evidence of disposal arrangements.
- ___ 16. A copy of any required dimensional calculations applicable to the standards being reviewed, for example, square footage of structures, percent of lot coverage, etc.
- ___ 17. Elevation drawings for new commercial, industrial, and institutional buildings.
- ___ 18. Any additional information relevant to the project, for example, photographs

Planning Board Fees

Conditional Use and Site Plan Review

<u>Value of Project</u>	<u>Fee</u>
Up to \$100,000	\$150
\$100,001 to \$ 500,000	\$250
\$500,001 to \$1,000,000	\$400
\$1,000,001 and over	\$750

“Value of Project” is considered the fair market value of all labor and materials associated with the project requiring site review. The above fee schedule does not include other fees that may be required as part of this project, for example, building and plumbing permit fees.

Additional fees may also be charged for hearing costs such as printing, mailing, newspaper notices, and professional services deemed necessary and allowed under the LUO.