



# Lamoine Board of Selectmen

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## Proposed Amendments to the Site Plan Review Ordinance March 17, 2021

The Lamoine Planning Board hereby recommends the following amendments to the Lamoine Site Plan Review Ordinance as last amended on March 13, 2013:

### AMENDMENT 1

#### **Section J General Review Standards Subsection 1 Preserve and Enhance the Landscape**

*Strike the following:*

The landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal, disturbance of soil, and retaining existing vegetation during construction. After construction is completed, landscaping shall be designed and planted that will define, soften or screen the appearance of the development and minimize the encroachment of the proposed use on neighboring land uses.

Environmentally sensitive areas such as aquifers, significant wildlife habitat, wetlands, steep slopes, floodplains, historic buildings and sites, existing and potential archaeological sites and unique natural features will be maintained and preserved to the maximum extent.

*Replace with:*

a. Environmentally sensitive areas such as aquifers, significant wildlife habitat, wetlands, steep slopes, floodplains, historic buildings and sites, existing and potential archaeological sites and unique natural features shall be maintained and preserved to the maximum extent.

b. The landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal and disturbance of soil, and retaining existing vegetation during construction. After construction is completed, landscaping shall be designed and planted that will define, soften or screen the appearance of the development and minimize the encroachment of the proposed use on neighboring land uses.

### AMENDMENT 2

#### **Section M Appeals**

*Strike the following:*

1. If the board disapproves an application or grants approval with conditions that are objectionable to the applicant or to any abutting landowner or any aggrieved party, who can demonstrate a direct negative impact, or when it is claimed that the provisions of this section do not apply, or that the true intent and meaning of the ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, or aggrieved party that has standing may appeal the decision of the board, as follows:

- a. A written appeal must be filed within 30 days of the time the applicant receives a written notice of the board's decision.
- b. Appeals involving administrative procedures or interpretation of this ordinance may be heard and decided by the board of appeals as detailed below.
- c. When errors of administrative procedure are found by the appeals board, the case shall be referred back to the board for rectification.
- d. When errors of interpretation are found, the board of appeals may modify the interpretation or reverse the order of the board but may not alter the conditions attached by the board. All changes in conditions, other than changes made by the granting of a variance, shall be made by the board in accordance with the board of appeals' interpretation.
- e. Appeals involving conditions imposed by the board, or a decision to deny or approve, shall be made to the Superior Court, when such appeals do not involve administrative procedures and interpretation which shall first be heard and decided by the board of appeals, as detailed above.

*Replace with:*

1. If the Planning Board does not approve an application or grants approval with conditions that are objectionable to the applicant, an abutting landowner or any aggrieved party who can demonstrate a direct negative impact, or when it is claimed that the provisions of this section do not apply or that the intent of the ordinance has been wrongfully interpreted, the applicant, an abutting landowner, or any aggrieved party that has standing may appeal the decision of the Planning Board as follows:

- a. A written appeal must be filed within thirty (30) days of the time the applicant receives a written notice of the Planning Board's decision.
- b. Appeals involving administrative procedures or interpretation of this ordinance may be heard and decided by the Board of Appeals on an appellate basis.
  - (i) If errors of administrative procedures are found by the Board of Appeals, the case shall be remanded to the Planning Board for rectification.
  - (ii) If errors of interpretation are found, the Board of Appeals may modify the interpretation or reverse the order of the Planning Board but may not alter any conditions attached by the Planning Board. Changes in conditions, other than changes made by the granting of a variance, shall be made by the Planning Board in accordance with the interpretation of the Appeals Board.
- c. Appeals involving a decision of the Planning Board to approve or disapprove an application or involving conditions imposed by the Planning Board shall be made to the Superior Court when such appeals do not involve administrative procedures and interpretation which shall first be heard and decided by the Board of Appeals as noted in 1. b. above.

AMENDMENT 3

## **Section P Construction of Language**

*Strike the following:*

Building Height: The vertical distance between the highest point of the structure and the average grade of the original ground adjoining the building, whichever distance is greater.

*Replace With:*

Building Height: The vertical distance between the highest point of the structure and the average final grade of the ground adjacent to the foundation or the vertical distance between the highest point of the structure and the average grade of the original (pre-construction) ground adjacent to the foundation, whichever distance is greater.

Signed February 4, 2021

Kathleen Rybarz  
Gary McFarland  
Robert Christie  
Nathan Mason  
S. Josephine Cooper

*The Lamoine Board of Selectmen*