

**TOWN OF ALNA, MAINE
SUBDIVISION AND SITE PLAN REVIEW ORDINANCE**

Section I. Purpose. The substantial development or major changes in the uses of land can cause a profound impact upon the cost and efficiency of municipal services and facilities and upon the environment of the town. Such impact can affect municipal schools, recreation facilities, public utilities, solid waste programs, police department, fire department, open space, road systems, transportation systems and the general health, safety and welfare of the municipality. It is the purpose of this Ordinance to avoid such impacts when they are unreasonable and are potentially caused by development consisting of subdivisions; commercial, retail, mining, industrial and institutional developments; agricultural buildings and multi-family dwellings. It is further the purpose of this Ordinance to affirmatively further the purposes of the Federal Fair Housing Act, 42 U.S.C. ch. 45, as amended, and the Maine Human Rights Act to achieve the applicable statewide or regional housing production goal established by the Maine Department of Economic and Community Development.

Section II. Definitions.

A. Affordable Housing Development. (1) For rental housing, a development in which a household whose income does not exceed 80% of the area median income can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs; and (2) for owned housing, a development in which a household whose income does not exceed 120% of the area median income can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs. For purposes of this definition, "housing costs" means: (a) for a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and (b) for an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

B. Agricultural Land-Management Practices. Means those devices and procedures utilized in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.

C. Alteration. Structural changes, rearrangement, change of location, or addition to a building other than repairs and modification in building equipment, involving more than 1,000 square foot increase in the overall floor area of the structure or building.

D. Area Median Income. The midpoint of a region's income distribution calculated on an annual basis by the U.S. Department of Housing and Urban Development ("HUD"). For purposes of this definition, "region" is the HUD-designated metropolitan area that includes the Town of Alna.

E. Base Density. The maximum number of dwelling units allowed on a lot not used

for affordable housing development based on the applicable minimum lot size per dwelling unit set forth in the Town of Alna Shoreland Zoning Ordinance and Building Code Ordinance.

F. Building. Any structure having a roof or partial roof supported by columns or walls used for the shelter or enclosure of persons, animals, goods or property of any kind.

G. Centrally Managed Water System. A water system that provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year as regulated by 10-144 C.M.R. Ch. 231, Rules Relating to Drinking Water. This water system may be privately owned.

H. Commercial. Connected with the buying or selling of goods or services or the provision of facilities for a fee.

I. Comparable Sewer System. Any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by 10-144 C.M.R. Ch. 241, Subsurface Wastewater Disposal Rules.

J. Complete Application. An application shall be considered complete upon submission of the required fee and all information required by this Ordinance, or by a vote by the Planning Board to waive the submission of required information. The Planning Board shall issue a written statement to the applicant upon its determination that an application is complete.

K. Disposal: The discharge, dumping, spilling, leaking or placing of any materials into or on the land or water.

L. Dwelling Unit. A room or group of rooms designed and equipped exclusively for use as living quarters for one family including living, cooking, sleeping, bathing and sanitary facilities.

M. Enlargement. An expansion of the land area of the development site by more than 25%.

N. Forest Management Activities. Includes timber cruising and other forest resource evaluation activities, pesticide application, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar associated activities, but not the construction, creation, or maintenance of land management roads.

O. Hazardous Wastes: Wastes defined as hazardous by Federal regulations adopted pursuant to the Resource Conservation and Recovery Act of 1976 (PL 94-580) and amendments, and wastes defined as hazardous by State regulations adopted pursuant to the Maine Hazardous Waste, Septage and Solid Waste

Management Act (Title 38 MRSA Section 1303-C.)

P. High Intensity Soil Survey. A map prepared by a Certified Soil Scientist, identifying the soil types down to one acre, or less, at a scale equivalent to the subdivision or site development plan submitted. 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.

Q. Industrial. Connected with the assembling, fabrication, finishing, manufacturing, packaging or processing of goods.

R. Institutional. A building devoted to some public, educational, charitable, medical or similar purpose

S. Mining. The extraction of sand, gravel, rock, minerals and overburden, excluding excavations for on-site construction, landscaping and extraction of materials from an area of less than one half (1/2) acre for use on contiguous land under the same ownership; and excluding the extraction of loam and topsoil from an area of less than two (2) acres.

T. Multifamily Dwelling. A building which contains three or more dwelling units including, but not limited to, an apartment building or condominiums.

U. Persons. Meaning any person, firm, association, partnership, corporation, municipal or other local government entity, quasi-municipal entity, state agency, educational or charitable organization or institution or other legal entity.

V. Potable. Safe for drinking as defined by the U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table and Maine's interim drinking water standards for six different perfluoroalkyl and polyfluoroalkyl substances (PFAS), Resolve 2021 Chapter 82, Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Level for Certain Substances and Contaminants.

W. Radioactive Wastes: Wastes defined as radioactive by Title 38 MRSA Section 1451.

X. Retail. Connected with the sale of goods to the ultimate consumer for direct consumption and not for trade.

Y. Storage: The placement of materials in drums, tanks, lagoons, or other natural or man-made areas or structures intended to retain the materials for subsequent use or disposal.

Z. Structure. Anything constructed or erected, except a boundary wall or fence, the use of which requires location on the ground or attachment to something on the ground.

AA. Subdivision. The dividing of land into three or more parcels within a five year period as defined in Title 30-A, Section 4401 of the Maine Revised Statutes Annotated.

BB. Variance. A relaxation of the terms of this ordinance as governed by the Town of Alna Board of Appeals Ordinance.

CC. Wetland. An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

SECTION III. Authority and Administration.

A. Authority

1. This Ordinance has been prepared and adopted pursuant to Title 30-A MRSA Sections 3001 and 4401 et seq. and Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Maine Constitution.

2. This Ordinance shall be known as the "Subdivision and Site Plan Review Ordinance" of the Town of Alna, Maine, adopted and effective by vote of the Town Meeting on March 29, 1997.

B. Administration.

1. The Planning Board of the Town of Alna shall administer this Ordinance.

2. No building permit or plumbing permit shall be issued by the Building Inspector/Code Enforcement Officer or Licensed Plumbing Inspector, respectively, for any use or development within the applicability of this Ordinance (Section IV) until a Site Plan of Development Application (Section VI) has been reviewed to certain performance standards (Section VII) and acted upon by the Planning Board.

SECTION IV. Applicability

This Ordinance shall apply to subdivisions; to new construction, alterations or enlargements of commercial, retail, mining, (except for bedrock quarrying and mining operations as those terms are defined in the Alna Mining Ordinance that have secured existing operation status pursuant to Article IV of the Alna Mining Ordinance or are subject

to the permitting requirements of Article V of the Alna Mining Ordinance) industrial and institutional buildings or other development thereof where areas are stripped filled or graded and not revegetated within the same growing season; to agricultural structures exceeding 2,000 square feet of floor area; and to multi-family dwellings. This Ordinance does not apply to detached single and two family dwellings not part of an affordable housing development; to non-structural agricultural land-management practices, to forest management practices, to agricultural structures not exceeding 2,000 square feet of floor area, or to solar energy conversion systems regulated under the Alna Solar Ordinance. Subdivision proposals are subject to subdivision review, including the statutory review criteria in 30-A M.R.S.A. § 4404 and the performance standards in Section VII. All other activities to which this Ordinance applies are subject to site plan review, including the performance standards in Section VII.

Section V. General Provisions.

A. Waivers may only be granted in accordance with Sections V.A.1 and V.A.2. When granting waivers, the Planning Board shall set conditions so that the purposes of this Ordinance are met.

1. Where the Planning Board makes written findings of fact that there are special circumstances of the proposed development, it may waive portions of the submission requirements, unless otherwise indicated in this Ordinance, provided the applicant has demonstrated that the performance standards of this Ordinance and the criteria of the subdivision statute, as applicable, 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.

2. Where the Planning Board makes written findings of fact that due to special circumstances of the proposed development, the provision of certain required improvements 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 proposed development, it may waive the requirement for such improvements, 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 and the criteria of the subdivision statute, as applicable, have been or will be met by the proposed development.

3. For subdivisions, when the Planning Board grants a waiver to any of the improvements required by this Ordinance, the subdivision plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date on which they were granted.

B. The Planning Board at its discretion may require the filing of a Performance Guarantee with the Town of Alna by the applicant.

1. With submittal of the development application, the applicant shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs:

a. Either a certified check payable to the town or a savings account or certificate of deposit naming the town as owner, for the establishment of an escrow account;

b. A performance bond payable to the town issued by a surety company, approved by the Selectmen;

c. An irrevocable letter of credit from a financial institution establishing funding for the construction of the development, from which the town may draw if construction is inadequate, approved by the Selectmen; or

d. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed. The conditions and amount of the performance guarantee shall be determined by the Planning Board with the advice of the Road Commissioner, Selectmen, and/or municipal attorney.

2. 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 town shall have access to the funds to finish construction.

3. A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the town, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the applicant, the town shall be named as owner or co-owner, and the consent of the town shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the town has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements.

4. 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. The bond documents shall specifically reference the development for which approval is

sought.

5. 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 development and may not be used for any other project or loan.
6. For subdivisions the Planning Board at its discretion may provide for the applicant to enter into a binding agreement with the town in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the plan on the condition that no more than four lots may be sold or built upon until either:
 - a. It is certified by the Planning Board, or its agent, that all of the required improvements have been installed in accordance with this Ordinance and the regulations of the appropriate utilities; or
 - b. A performance guarantee, acceptable to the town, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed. Notice of the agreement and any conditions shall be on the plan that is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Section V.B.8.
7. For subdivisions the Planning Board may approve plans to develop a subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.
8. Prior to the release of any part of the performance guarantee, the Planning Board shall determine to its satisfaction, in part upon the report of a qualified individual retained by the town and any other agencies and departments who may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the development for which the release is requested.
9. If upon inspection, a qualified individual retained by the town finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he or she shall so report in writing to the code enforcement officer, the Selectmen, the Planning Board, and the applicant or builder. The Selectmen shall take any steps necessary to preserve the town=s rights.
10. Performance guarantees shall be tendered for all improvements required to meet the standards of this Ordinance.

C. All construction performed under the authorization of a building permit issued for development within the applicability of this Ordinance shall be in conformance with the approved site plan.

Section VI. Site Plan Content and Application Procedures

A. The Site Plan of Development Application shall include as a minimum:

I. A map or maps prepared at a scale of not less than one (1) inch to 50 feet and shall include:

a. Name of the applicant, his authorized agent as appropriate, and name of proposed development and any land within 500 feet of the proposed development in which the applicant has title or interest.

b. Existing soil conditions as determined by a high intensity soil survey by a Certified Soil Scientist. At the discretion of the Planning Board the survey may be to 1/8 of an acre depending on the density of development.

c. Municipal tax maps and lot numbers and names of abutting landowners:

d. Perimeter survey of the parcel made and certified by a registered land surveyor relating to reference points, showing true north point, graphic scale, corners of parcel and date of survey and total acreage. Areas within 250 feet of the proposed development site shall be included;

e. Existing and proposed locations and dimensions of any utility lines, easements, drainage ways and public or private right-of-ways;

f. Location, ground floor area and elevation of buildings and other structures, septic systems and wells on parcels abutting the site;

g. Location and dimensions of on-site pedestrian and vehicular access ways, parking areas, loading and unloading facilities, ingress and egress points to and from the site onto public streets and curb and sidewalk lines;

h. Landscape plan showing location, type and approximate size of plantings and location and dimensions of all fencing and screening;

I. Topography indicating contours at intervals as specified by the Planning Board.

j. An indication of the type, and location, of water supply system(s) to be used in the development. When water is to be supplied by public

water supply, a written statement from the servicing water district shall be submitted indicating there is adequate supply and pressure for the development.

- k. The number of acres within the proposed development, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features. Also, the proposed lot lines with dimensions and lot areas, as applicable.
- l. The surveyed location of all rivers, streams, wetlands and brooks within or adjacent to the proposed development.
- m. Location of any zoning boundaries affecting the development.
- n. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the development.
- o. The location, names, and present widths of existing streets, highways, easements, building lines, parks and other open spaces on or adjacent to the development.
- p. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. The location of any open space to be preserved and a description of proposed ownership, improvement and management.
- q. The area on each lot where existing forest cover will be permitted to be removed and converted to lawn, structures or other cover and any proposed restrictions to be placed on clearing existing vegetation.
- r. If any portion of the development is in a flood-prone area, the boundaries of any flood hazard areas
- s. A hydro geologic assessment prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology.
- t. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours.
- u. For developments involving 40 or more parking spaces or projected to generate more than 400 vehicle trips per day, a traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic engineering
- v. Areas within or adjacent to the proposed development which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife.

w. A storm water management plan, prepared by a registered professional engineer in accordance with the *Storm water Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection (1995).

x. An erosion and sedimentation control plan prepared in accordance with the *Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices*, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, March 1991.

2. A written statement by the applicant that shall consist of:

a. Evidence by the applicant of his title and interest in the land which the application covers;

b. A description of the proposed uses to be located on the site, including quantity and type of residential unit, if any;

c. Total floor area and ground coverage of each proposed building and structure and percentage of lot covered by each building or structure;

d. Summary of existing and proposed easements, restrictions and covenants placed on property;

e. Method of solid waste disposal;

f. Project notification letters by registered mail and receipt requested to all persons owning property within 2,000 feet of the location as indicated on the current tax maps of the Town of Alna and to the Selectmen, Road Commissioner, Fire Chief, Building Inspector/Code Enforcement Officer notifying them of the proposed development;

g. Statement of financial capacity which should include the names and sources of the financing parties including banks, government agencies, private corporations, partnerships and limited partnerships and whether these sources of financing are for construction loans or long-term mortgages or both;

h. Filing dates, status and copies of approval letters for all Federal and State rules, regulation or laws which are applicable to the development.

i. A statement from the Fire Chief as to the availability of fire hydrants and/or fire ponds, or provisions of fire protection services;

j. A statement from either the Road Commissioner or Selectmen that the

proposed road or street construction will meet town specifications.

k. The schedule of construction of the development.

l. A list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the town. These lists shall include but not be limited to: Schools, including busing; Street maintenance and snow removal; Police and fire protection; Solid waste disposal; Recreation facilities and Storm water drainage. The applicant shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the development.

m. An on-site soils investigation report by a State of Maine licensed site-evaluator or soil scientist shall be provided. The report shall contain the types of soil, location of test pits, and proposed location and design of the best practical subsurface disposal system(s) for the site;

n. A list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the developer including a description of the method to be established to meet those costs by the developer and/or residents of the development.

3. Application form completely filled out.

B. Application Procedures:

1. The application shall be filed with the Planning Board for review. Within 30 days of receipt of the application, the Planning Board shall notify the applicant in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the Planning Board has determined that a complete application has been filed, it shall notify the applicant in writing and begin its review of the proposed development.

2. The Planning Board may hold a public hearing within 30 days of determining that it has received a complete application. The Planning Board shall publish the time, date and place of the hearing at least two times, the date of the first publication to be at least seven days prior to the hearing in a newspaper of area wide circulation. The abutting landowners shall be notified of the hearing.

3. Within 30 days of the public hearing or 60 days of receiving a complete application the Planning Board shall make findings of fact on the application and either approve or approve with conditions or disapprove the application. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.

4. Within seven days of reaching their decision, the Planning Board shall notify the applicant in writing of the action taken and the Board's findings of fact

5. Fees:

a. Application Fee: Every application shall be accompanied by an application fee of fifty dollars (\$50.00) for each subdivision lot; each multi-family dwelling unit; each 2,000 square feet of floor or land area for new construction, alterations or enlargements of commercial, retail, mining, industrial and institutional buildings or other development thereof where areas are stripped, filled or graded and not revegetated within the same growing season; and each 2,000 square feet of agricultural structure; as applicable, to be paid by check made payable to the Alna Planning Board.

b. Trust Account Fee. The applicant shall pay a fee of \$200 to be deposited in a trust account for each subdivision lot; each multi-family dwelling unit; each 2,000 square feet of floor or land area for new construction, alterations or enlargements of commercial, retail, mining, industrial and institutional buildings or other development thereof where areas are stripped, filled or graded and not revegetated within the same growing season; and each 2,000 square feet of agricultural structure; as applicable. The checks shall be made payable to the Alna Planning Board. The Planning Board shall deposit the trust account fee in a special bank account which is separate and distinct from all other Planning Board and municipal accounts. The Planning Board may from time to time withdraw money from the trust account in order to make reasonable payment for costs, expenses and services, incurred by or contracted for, by the Planning Board, at its discretion, which relate directly to the review of the development application under the terms of this Ordinance, which relate directly to the inspection of the development after approval; or which relate directly to the efforts of the Planning Board and municipal officials to assure that the development complies with this Ordinance, 30-A, MRSA, Section 4401 et seq., as applicable, and other ordinances of the Town. Such services may include, but not be limited to, clerical costs, consulting engineering fees, architectural fees, attorney fees, recording fees, and appraisal fees. If the balance in the trust account is drawn down by 75%, the Planning Board shall notify the applicant, and require that an additional \$100 be deposited by the applicant for each subdivision lot; each multi-family dwelling unit; each 2,000 square feet of floor or land area for new construction, alterations or enlargements of commercial, retail, mining, industrial and institutional buildings or other development thereof where areas are stripped, filled or graded and not revegetated within the same growing season; and each 2,000 square feet of agricultural structure; as applicable. This process shall be repeated whenever the balance of the account is drawn down by

75% of the original deposit. The Planning Board shall provide the applicant with a quarterly accounting of this account and shall refund all of the remaining monies in the account upon the payment of all costs and services related to the application and upon the application's denial, or if approved, upon the development's completion and compliance with all the terms of this Ordinance, 30-A MRSA 4401 et seq., as applicable, other ordinances of the Town and conditions of approval of the development. The refund shall be accompanied by a final accounting by the Planning Board.

Section VII. Performance Standards

Except as provided in subsection V, below, the following standards are to be used by the Planning Board in judging applications for site plan review and subdivision review and shall serve as minimum requirements for approval of the site plan or subdivision. The site plan or subdivision plan shall be approved, unless in the judgment of the Planning Board the applicant is not able to reasonably meet any of these standards. In all instances the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary for the Planning Board to review the application.

- A. **Preservation and Enhancement of the Landscape:** The landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal, and disturbance of soil, retaining existing vegetation during construction. After construction is completed, landscaping shall be designed and planted that will define, soften or screen the appearance of off-street parking areas from the public right-of-way and abutting properties and/or structures in order to enhance the physical design of the building(s) or site, and to minimize the encroachment of the proposed use on neighboring land-uses.
- B. **Relationship of the Proposed Buildings to the Environment:** Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity which have a visual relationship to the proposed buildings. Special attention shall be paid to the bulk, location and height of the building(s) and such natural features as slope, soil type and drainage ways.
- C. **Vehicular Access:** The development shall provide for safe access and egress from public and private roads by providing adequate location, numbers and controls of access points including sight distances, turning lanes, traffic signalization, when required by existing and projected traffic flow on the municipal road system.
- D. **Parking and Circulation:** The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas shall provide for safe general interior circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and arrangement and use of parking areas.

- E. Surface Water Drainage: Adequate provision shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream conditions, soil erosion or the public storm drainage system. Whenever possible, on-site absorption of run-off waters shall be utilized to minimize discharges from the site.
- F. Existing Utilities: The development shall not impose an unreasonable burden on storm drains, or other public utilities.
- G. Advertising Features: The size, location, design, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.
- H. Special Features of the Development: Lighting features, exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings and similar structures shall have sufficient setbacks and screening to provide an audio/visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.
- I. Exterior Lighting: All exterior lighting shall be designed to minimize adverse impact on neighboring properties and localized aesthetics.
- J. Emergency Vehicle Access: Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings at all times.
- K. Municipal Services: The development will not have an unreasonable adverse impact on the municipal services including municipal road systems, fire department, law enforcement, solid waste program, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.
- L. Water Pollution: The development will not result in water pollution. In making this determination the Planning Board shall at least consider the elevation of land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its affect on effluents and the existing subsurface sewage disposal systems and wells of abutters; the availability of streams for disposal of surface run-off; and the applicable federal, state and local health and water resource laws and regulations.
- M. Air Pollution: The development will not result in air pollution. In making this determination the Planning Board shall consult federal and state authorities to determine applicable air quality laws and regulations.
- N. Water Availability: The development has sufficient water available for the reasonable foreseeable needs of the subdivision without adversely affecting other areas in Alna.
- O. Existing Water Supply: The development will not cause an unreasonable burden on

an existing water supply, if one is to be utilized.

P. Soil Erosion and Storm Water: The development will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition results.

Q. Sewage: The development will provide for adequate sewage waste disposal.

R. Waste Disposal: The disposal or storage of hazardous wastes and the disposal or storage of radioactive wastes within the boundaries of the Town of Alna is prohibited unless an exception is allowed under a Special Exception Permit granted by the Planning Board. Applications for such permits must be made in writing, and must be handled by the same administrative procedures as pertain to amendments to this Ordinance (Ref: Section XII).

S. Critical Areas: The development will not have an undue adverse affect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas.

T. Capacity: The applicant has adequate financial and technical capacity to meet the above standards.

U. Shoreland: Whenever situated in the shoreland zone or adjacent to a locally identified wetland, the development will not adversely affect the quality of any water body or unreasonably affect the shoreline of any water body.

V. Affordable Housing Development. The following standards apply to any proposed affordable housing development, which shall be subject to (i) site plan review if it is proposed as one or more multifamily dwellings or (ii) subdivision review if it is proposed as single-family or two-family dwelling units:

1. Affordable housing density bonus. An affordable housing development that complies with this Section VII.J is eligible for a dwelling unit density bonus of 2½ times the base density that is otherwise allowed on the lot proposed for affordable housing development. If fractional results occur when calculating the density bonus, the maximum number of allowed units shall be rounded down to the nearest whole number.

2. An affordable housing development must be located in an area that is or will be served by a public, special district, or other centrally managed water system and a public, special district, or other comparable sewer system.

3. Long-term affordability.

- (a) More than half of the total dwelling units in the affordable housing

development must be designated as affordable rental units or affordable homeownership units.

(b) Prior to the issuance of a building permit for a structure to be used for an affordable housing development, the owner of the affordable housing development must execute a restrictive covenant recorded in the Lincoln County Registry of Deeds and enforceable by a third party acceptable to the municipality, to ensure that for at least 30 years after completion of construction occupancy of all units designated affordable in the development will remain limited to households at or below 80% (for rental housing) or 120% (for owned housing) of the local area median income at the time of initial occupancy. The restrictive covenant must run with the land and encumber the affordable housing development, be binding upon the developer (for rental housing) or the unit owners (for owned housing) and their successors and assigns, and inure to the benefit of and be enforceable by the Town of Alna and a third party acceptable to the municipality.

4. Water and wastewater.

(a) The sanitation and potable water standards in Section 16 of the Town of Alna Building Code Ordinance shall apply to each unit within an affordable housing development.

(b) The developer of an affordable housing development must make adequate provision for the long-term maintenance, repair, and improvement of any (i) individual private septic system, (ii) comparable sewer systems, (iii) individual private wells, and (iv) public water systems proposed to serve the units within the affordable housing development, including a process of collection and enforcement to obtain capital improvement funds from the developer (for rental housing) or the unit owners (for owned housing).

5. Parking. Notwithstanding any provision of this ordinance to the contrary, no more than two off- street parking motor vehicle spaces shall be required for every three units within an affordable housing development. If fractional results occur, the number of motor vehicle parking spaces shall be rounded down to the nearest whole number.

6. Nothing in this Section VII.V exempts an affordable housing development from any other requirements of this ordinance or any other ordinance of the Town of Alna, including without limitation, any shoreland zoning requirements.

Section VIII. Road Design and Construction Standards. All proposed roads,

streets, public and private ways, excluding driveways, shall be designed and constructed to meet the following standards. All road design shall be subject to approval by the Planning Board. Note that whenever in this section the term "Standard Specifications" is used, it shall be meant as referring to the State of Maine Standard Specifications for Highways and Bridges, including the most recent revision.

A. General.

The following standards shall apply according to street classification:

1. Minimum width - Right of Way	50 feet
2. Minimum width - Pavement	20 feet
3. Minimum grade	0.5 %
4. Maximum grade	10 %
5. Maximum grade at intersections	3% within 50 feet of intersection
6. Minimum angle at intersections	60 %
7. Minimum width - Shoulders	4 feet
8. Minimum Vertical and Horizontal Sight distance	200 feet
9. Minimum depth - Road Base	18 inches
10. Minimum depth - Untreated Surface Course	3 inches
11. Minimum depth - Pavement	
Base Course	2 inches
Surface Course	1 inch
12. Minimum slope - Road Crown	1/4 inch per foot

B. Right of Way. The minimum right of way shall be 50 feet, and marked with permanent monuments furnished by the applicant. The cost of the monuments and survey shall be paid by the applicant. The entire width of the right of way shall be cleared of all stumps, roots, bushes and perishable material, including all trees except

those not interfering with travel or use, and deemed to be desirable for shade or beautification by the Planning Board. The roadway centerline shall be in the center of

the right of way.

C. Road Base: Before depositing any fill in the road base, all topsoil, including vegetation and tree stumps, shall be removed to a firm bedding or barrier. Aggregate base and subways shall be as specified in subsection 703.06 of the Standard Specifications.

D. Road Surface. Aggregate for untreated surface course, when roads will not be paved, shall be as specified in subsection 703.10 of the Standard Specifications. Pavement shall be an all-weather, flexible type and be constructed prior to acceptance of said roadways as town ways. Criteria for the Planning Board's determination of the type of road surface shall include, but not be limited to, soil conditions, topography, traffic type and amount and the number of dwelling units or other buildings serviced by the road.

E. Drainage. Adequate provision shall be made for disposal of all surface water and underground water through ditches, culverts, under drains and/or storm water drainage systems. Complete underground storm sewer systems shall be installed when required by the Planning Board. Culverts shall not be less than 15 inches in diameter. Catch basins shall be no less than 24 inches in diameter. All culverts shall be designed to accommodate at least the anticipated 50 year level flood. Where bridge structures and reinforced concrete box culverts are required, to cross major streams, detailed design plans shall be submitted to the Planning Board for review at least 6 months in advance of anticipated construction of the structure. All bridges and reinforced concrete box culverts shall be designed to accommodate at least the anticipated 100 year level flood. Underdrawn pipe of at least 6 inches in diameter shall be installed to properly drain all springs or areas where the ground water level is too high and would provide a hazard to the stability of the roadway base.

F. Slope Easement. Whenever the ratio of slopes for ditches, shoulders, grading and other purposes required by this ordinance cannot be adhered to within the right of way limits, and grading or excavation is necessary beyond this width, it shall be necessary for the applicant to secure sufficient slope easement from abutting owners without cost or expense to the Town, and such rights properly indemnifying the Town shall be presented and recorded prior to any action for acceptance.

G. Utilities. Water, sewer, and other utility lines shall be clear of any present or designated sidewalks or trees. Utility poles shall be so placed that any present or designated sidewalk or tree may be contained within the boundaries of the street right of way without obstruction by poles or appurtenances.

H. Sidewalks and Curbs. Sidewalks, where required by the Planning Board, shall be at least 4 feet in width and shall have a base course of not less than 12 inches. Curbing, where required by the Planning Board, shall be as specified in Section 609 of the Standard Specifications and shall be installed on a properly compacted gravel base of not less than 18 inches.

I. Dead-end Streets. All dead-end streets shall be constructed to provide a suitable cul-de-sac, or @T? shaped turn-around. A cul-de-sac shall have a right of way of a minimum radius of 50 feet. A @T? shaped turn-around shall have a right of way as shown below. The roadway within the turn-around shall be designed in such a manner as to accommodate the turning around of a school bus.

Section IX. Violation, Enforcement and Fines.

A. The Board of Selectmen is hereby given the power and authority to enforce the provisions of this Ordinance. In carrying out their responsibilities, the Board of Selectmen shall appoint a Building Inspector/Code Enforcement Officer and an assistant Building Inspector/Code Enforcement Officer.

B. The Selectmen, Code Enforcement Officer/Building Inspector or assistant Code Enforcement Officer/Building Inspector, upon a finding that any provision of this Ordinance or the condition(s) of any approval is being violated, are authorized to institute legal proceedings to enjoin violations of this Ordinance. Any violation of this Ordinance shall be considered a nuisance. Any person, firm or corporation violating any provision of this Ordinance shall be subject to fines and shall be liable for court costs and reasonable attorney fees incurred by the Town, as provided by Title 30-A, MRSA Section 4452.

Section X. Validity and Separability and Conflict with other Ordinances.

A. Validity and Separability. Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

B. Conflict with other Ordinances. Whenever the requirements of this Ordinance are inconsistent with the requirements of any other ordinance, code or statute, the more restrictive requirements shall apply.

Section XI. Appeals and Variances.

Appeals and variances shall be governed by the Town of Alna Board of Appeals Ordinance.

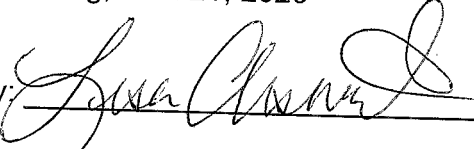
Section XII. Amendments

This Ordinance shall be amended by a majority vote of the Town Meeting. Amendments may be initiated by a majority vote of the Planning Board or by request of the Board of Selectmen to the Planning Board or on petition of 10% of the votes cast in the last gubernatorial election in the town. The Planning Board shall conduct a public hearing on any proposed amendment.

Section XIII. Effective Date; Date of Applicability

This ordinance and any amendments thereto shall be effective by vote of the Town meeting. Notwithstanding 1 M.R.S.A. § 302, the date of applicability of amendments to this Ordinance adopted and effective by vote of the Town meeting on March 23, 2024, shall be July 1, 2024.

Approved at Town Meeting, Mar. 21, 2026

Attested a true copy:  _____, Town Clerk

Date: April 4, 2026