

Millennium Drive Development Scheme

By-Law # 017



Town of Quispamsis

BY-LAW NO. 017

A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING A DEVELOPMENT SCHEME FOR MILLENNIUM DRIVE PURSUANT TO SECTION 32 OF THE COMMUNITY PLANNING ACT OF NEW BRUNSWICK.

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The Council of the town of Quispamsis, under authority vested in it by Section 32 of the Community Planning Act of New Brunswick, enacts as follows:

1. TITLE

- A. This by-law may be cited as the “Development Scheme for Millennium Drive By-law”.

2. DEFINITION

In this by-law, unless the context otherwise requires,

- A. “**Building**” means any house, structure, trailer, minihome, mobile home or property used for human occupancy, employment, or recreation or other purposes, situated within the Town;
- B. “**Building Inspector**” means the Building Inspector appointed by the Council of the town of Quispamsis;
- C. “**Council**” means the Council of the town of Quispamsis;
- D. “**Development Officer**” means the Development Officer appointed by the Council of the town of Quispamsis;
- E. “**Landscaped Open Space**” means land which is not occupied by a building, roads, parking lot or storage compound, which has a vegetative cover or water feature;
- F. “**Natural Landscape**” means existing forested, wetland, meadow or rocky outcrop retaining an undisturbed condition of the site;
- G. “**Naturalizing**” means growing a landscape naturally through careful planting of indigenous species and appropriate maintenance practices to encourage natural rejuvenation;

- H. **"Person"** means any individual, firm, company, association, institution, society, corporation or group;
- I. **"Planning Advisory Committee"** means the Planning Advisory Committee appointed by the Council of the town of Quispamsis;
- J. **"Property Owner"** or **"Owner"** means the beneficial owner, and where applicable, means the owner of the fee simple or if such property is held subject to a mortgage, it means the owner of the equity of redemption and if title shall be held in joint tenancy or tenancy in common, it means each of such owners jointly and severally;
- K. **"Shall"** is mandatory, **"May"** is permissive;
- L. **"Town"** means the town of Quispamsis, a municipality in the county of Kings and the Province of New Brunswick;

3. PURPOSE

- A. This by-law regulates the development of buildings and sites in a manner which considers the following concerns and, where necessary, requires modification of development proposals to eliminate or minimize potential problems and nuisances. The principal areas of concern are:
 - i. the balancing of the owners' rights to use their land, with the corresponding rights of abutting and neighbouring landowners to live without undue disturbances (e.g. noise, smoke, fumes, dust, odour, glare, stormwater runoff, etc.);
 - ii. the convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads;
 - iii. the adequacy of waste disposal methods and protection from pollution of surface or groundwater;
 - iv. the creation of a uniform town character by consistency in: building setbacks, area and location of parking, architectural compatibility, signage, and landscaping of the development, and how these

features harmonize with the surrounding townscape and the natural landscape.

4. PROJECTS REQUIRING SITE PLAN REVIEW

- A. The area covered by this by-law shall be the area along the full length of Millennium Drive which is zoned Business Park as shown on “Schedule A”.
- B. Relative to Section 4.A., no Building Permit for the construction, expansion, exterior alteration, relocation, occupancy, or change of use of any building shall be given and no existing use shall be established or expanded in floor area except in conformity with a Site Plan as approved by the Development Officer, subject to terms and conditions as imposed by the Planning Advisory Committee.

5. PROCEDURE

- A. Any person wishing to build, construct, renovate or alter any building or develop any land within the area covered by this by-law, shall file an application for a Site Plan Review with the Development Officer by submitting five (5) copies each of the site plan documents as outlined in this by-law.
- B. After reviewing the application for completeness and determining that it is not incomplete, the Development Officer shall transmit to the Planning Advisory Committee, Council, the Building Inspector, and any other person deemed necessary, one (1) copy each of the site plan documents. The Council, the Building Inspector, and any other person deemed necessary by the Development Officer have up to fourteen (14) days to submit recommendations in writing to the Planning Advisory Committee concerning the following (Failure to report within the allocated time shall be interpreted as acceptance of the submitted site plan):
 - i. The adequacy of the data and procedures used by the applicant to determine the impacts of the proposed development;
 - ii. The effects of the projected impacts of the proposed developments;
and

- iii. The recommended conditions or remedial measures to accommodate or mitigate the expected impacts of the proposed developments.
- C. The Planning Advisory Committee shall deliver its terms and conditions in writing to the Development Officer within thirty (30) days after receiving the completed application. The Development Officer's final action, rendered in writing, shall consist of either:
- i. Approval of the site plan based upon a determination that the proposed plan will constitute a suitable development and is in compliance with the standards set forth in this by-law;
 - ii. Disapproval of the site plan based upon a determination that the proposed plan does not meet standards for review set forth in this by-law; or
 - iii. Approval of the site plan subject to any conditions, modifications and restrictions as required by the Planning Advisory Committee which will ensure that the project meets the standards set forth in this By-law.

6. SITE PLAN REVIEW SUBMISSION REQUIREMENTS

- A. The site plan shall include the following data, details, and supporting plans. The number of pages submitted will depend on the proposal's size and complexity. All the requirements must be met in each plan, with notations explaining the reasons for any omissions. Site plans shall be prepared by a registered professional engineer, architect, planner, or landscape architect at a scale no larger than 1:250 on standard size sheets with continuation on letter size sheets as necessary for written information.
- B. Items required for submission include:
- i. Name of the project, boundaries, and locus maps showing site's location, date, north arrow, and scale of plan;

- ii. Name and address of owner of record, developer, and seal of the engineer, architect, planner, or landscape architect;
- iii. Names and addresses of all the owners of record of abutting parcels;
- iv. All existing lot lines, easements, and rights of way;
- v. The location and use of all existing and proposed buildings and structures within the development. Include all dimensions and show all exterior entrances, and all known anticipated future additions and alterations;
- vi. The location of all present and proposed public and private ways, parking areas, loading areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, and walls. Location, type, and screening details for all waste disposal containers shall also be shown;
- vii. The location, height, intensity, and bulb type (e.g., fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown so as to match the development standard;
- viii. The location, height, size, materials, and design of all proposed signage;
- ix. The location of all present and proposed utility systems, including:
 - a) Sewage or septic system;
 - b) Water supply system;
 - c) Telephone, cable and electrical systems; and
 - d) Storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swales;
- x. The Planning Advisory Committee may request soil logs, percolation tests and storm run-off calculations for large or environmentally sensitive developments;

- xi. Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable;
- xii. Existing and proposed topography at no greater than a one (1) metre contour interval. All elevations shall refer to the nearest New Brunswick Control Monument. Indicate areas within the proposed site and within fifteen (15) metres of the proposed site, where ground removal or filling is required, and give its approximate volume in cubic metres;
- xiii. A landscape plan showing all existing natural land features, trees, forest cover and water sources, and all proposed changes to these features including size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains, and drainage retention areas. Identify the percentage of land to be left as landscaped open space. Identify the percentage of landscaped open space to be retained or naturalized as natural landscape. Outline maintenance regime to rejuvenate or naturalize the landscape;
- xiv. The zoning of abutting properties shall be identified on the plan;
- xv. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within fifty (50) metres of the site. The Planning Advisory Committee may require a detailed traffic study for large developments or for those in heavy traffic areas to include:
 - a) The projected number of motor vehicle trips to enter or leave the site, estimated for daily peak hour traffic levels;
 - b) The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and
 - c) The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing

and proposed daily peak and peak hour traffic levels as well as road capacity levels shall also be given;

- xvi. For new construction or alterations to any existing building, a table containing the following information must be included:
 - a) Area of building to be used for a particular use such as retail operation, office, storage, etc.;
 - b) Projected maximum number of employees;
 - c) Maximum seating capacity, where applicable; and
 - d) Number of parking spaces existing and required for intended use;
 - e) The number of disabled parking spaces.
- xvii. Elevation plans at a scale of not greater than 1:50 for all exterior facades of the proposed structure(s) and/or existing facades, plus addition(s) showing design features and indicating the type and colour of materials to be used. A colour perspective showing the finished development may also be included.

7. STANDARDS FOR REVIEW

- A. The Development Officer, Planning Advisory Committee and/or the Building Inspector shall review, where so required, the site plan and supporting documents, taking into consideration the reasonable fulfillment of the objectives listed below:
 - i. Legal: Conformance with provisions of the by-laws of the Town, legislation of the Province of New Brunswick, the National Building Code, and all applicable rules and regulations of provincial and federal agencies;
 - ii. Fire Regulations: Buildings must meet all applicable fire codes;
 - iii. Setbacks: Principal buildings shall be generally located not more than fifteen (15) metres and not less than seven decimal five (7.5)

meters of the front lot line unless there are substantial counterbalancing considerations (such as irregular topography, wetlands, or the preservation of natural rural features). In all instances, parking shall be excluded from such areas, between the principal building and the roadway(s). Where commercial development is proposed adjacent to a residential use, a setback of ten (10) metres shall be observed from that side line for buildings, parking, or storage. This area is to be used as a buffer zone and shall be landscaped according to the standards listed in this section;

- iv. Lot Size: The minimum lot size shall be the maximum depth of the lot in the Commercial Zone by a minimum frontage of thirty (30), but in no case shall be less than the minimum requirements as specified in the Zoning By-law;
- v. Traffic: Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining properties shall be examined. Subdivisions and Lots shall be designed into shared access points to and from the highway. Normally a maximum of two accesses shall be allowed, (one ingress, one egress, for example), regardless of the number of lots or businesses served. Adjacent lots of under sixty (60) metres frontage shall share a driveway access along the shared property line to reduce the number of access points to the highway. Driveways shall be a minimum of seven decimal five (7.5) metres wide and shall be paved.
- vi. Parking: Provisions for off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic control. Parking lots shall be paved and only a maximum of up to twenty five percent (25%) of the required parking may be developed on one (1) side of the building, with the remaining required parking located at the rear of the building. Parking lots containing ten (10) or more spaces shall be planted with at least one (1) tree per eight (8) spaces, no smaller than forty five (45) millimetres (trunk diameter at chest height), each tree being surrounded by no less than four (4) square metres of permeable, unpaved area. Parking lots of over one hundred fifty (150) spaces shall have internal curbed islands, minimum four (4) metres wide, with a sidewalk, vegetative areas and shade trees to facilitate safe and pleasant access to the

building. Parking areas must also be screened along lot lines bordering institutional or residential uses. Screening shall consist of a landscaped area of at least three (3) metres wide, densely planted with a mixture of deciduous and evergreen trees and shrubs, and shall create an effective visual barrier as outlined in screening requirements. Native trees and shrubs shall be planted in large informal masses wherever possible, in order to capture the spirit of the locale through indigenous species. In instances where healthy plant material exists on a site prior to its development, in part or in whole, for purposes of off-street parking or other vehicular use areas, the Planning Advisory Committee may adjust the application of the above mentioned standards to allow credit for such plant material if, in its opinion, such an adjustment is in keeping with and will preserve the intent of these standards. Parking lots must be interconnected with at least one adjacent lot to allow the movement of vehicular traffic;

- vii. Screening: Open storage areas, exposed machinery, parking lots, and outdoor areas used for the storage and collection of rubbish, must be visually screened from roads and surrounding land uses. Screening areas must be a minimum of three (3) metres wide. Suitable types of screening include two (2) metre high opaque wood fences supplemented with shrub and tree planting in a random pattern of no greater than four (4) metre spacing. Where evergreen bushes are proposed the following species and spacing shall apply: One decimal five (1.5) metres high White Cedar spaced at one (1) metre in a triangular pattern intermixed with White Birch two decimal five (2.5) metres high at a random spacing of six (6) per sixty (60) lineal metres and one (1) metre high White Spruce at random spacing of ten (10) per sixty (60) lineal metres. In locations where potential health or safety hazards may arise (such as rubbish storage/collection areas) a solid wooden fence, two (2) metres in height is required (to deter children and animals from entering the premises). Where new fencing would create a continuous surface greater than three (3) metres in length, it shall be softened visually with tree and shrub plantings;
- viii. Town Services: The proposed development shall not place an unreasonable demand on Town services and infrastructure.

- ix. Utility Services: All overhead services to be routed from the rear of the property and located to minimize visual impact. The last fifteen (15) metres to the building shall be an underground connection. Utility easements may be permitted to encroach onto the required rear yard setback no more than five (5) metres provided that the remaining landscaped buffer is capable of mitigating any associated nuisances;
- x. Pollution Control: Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction;
- xi. Refuse Disposal: The applicant shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. The Planning Advisory Committee shall consider the impact of particular industrial or chemical wastes or by-products upon the town's disposal method and/or disposal area, (in terms of volume, flammability or toxicity), and may require the applicant to dispose of such wastes elsewhere, in conformance with all applicable Federal and Provincial regulations. The Planning Advisory Committee may require the applicant to specify the amount and exact nature of all industrial or chemical wastes to be generated by the proposed operation.;
- xii. Water Quality: All outdoor storage facilities for fuel, chemicals, or industrial wastes, and potentially harmful raw materials, must be located on impervious pavement, and shall be completely enclosed by an impervious dyke high enough to contain the total volume of the liquid kept in the storage area, plus the accumulated rainfall of a fifty (50) year storm. Storage tanks for furnace fuel oil and diesel fuel, not exceeding one thousand (1000) litres in size, may be exempted from this requirement provided that rapidly permeable soils are not involved;
- xiii. Nuisances: Protection of abutting properties and Town amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapours, fumes, dust, odours, glare, stormwater runoff, etc.;
- xiv. Noise:

- a) Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness, or volume;
- b) The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any activity regulated by this by-law shall be as established by the time period and type of land use district listed below. Sound pressure levels shall be measured at all major lot lines, at a height of at least one (1) metre above the ground surface. Sound from any source controlled by this by-law shall not exceed the following limits at the property line of said source:

Sound Pressure Level Limits Measured in dB(A)'s:

	7 a.m. - 10 p.m.	10 p.m. - 7 a.m.
Industrial Districts	70	65
Commercial Districts	65	55
Residential Districts	55	45

Where the emitting and receiving premises are in different zones, the limits governing the stricter zone shall apply to any regulated noise entering that zone.

The levels specified may be exceeded by 10 dB(A) for a single period, no longer than 15 minutes in any one day.

- c) Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute, ANSI S1, 2,-1962, "American Standard Meter for the Physical Measurements of Sound."
- xv. Dust, Fumes, Vapours, Gases and Odours: Emission of dust, dirt, flyash, fumes, vapours or gases which could be injurious to human health, animals or vegetation; detrimental to the enjoyment of

adjoining or nearby properties; or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating the emission shall be prohibited. In addition, no land use or establishment shall be permitted to produce harmful, offensive, or bothersome odours, scents, or aromas, (such as, but not limited to, those produced by manufacturing processes, food preparation, food processing, fish sales, rendering, fermentation processes, decaying organic matter, and incinerators), perceptible beyond their lot lines, either at ground or habitable elevation. The location and vertical height of all exhaust fans, vents, chimneys, or any other sources discharging or emitting smoke, fumes, gases, vapours, odours, scents or aromas shall be shown on the plan, with a description of the source materials;

- xvi. Existing Vegetation: Minimize the area over which existing vegetation is to be removed. Where tree removal is required, the planting of replacement trees and shrubs to aid in naturalizing the disturbed area. Practices such as stepped or phased mowing are encouraged to create a natural transition from mowed or maintained lawns to the natural or forested areas. A minimum of twenty (20) percent of the site shall be treated and maintained as “landscaped open space” and a further minimum of five (5) percent of the site shall be treated and maintained as “natural landscape” by the developer to demonstrate the high environmental ethic of the site. Engaging the services of a Landscape Architect are encouraged in this regard. Roadside tree plantings should meet the following criteria:
- a) Cast moderate to dense shade in summer;
 - b) Long lived, i.e., over sixty (60) years;
 - c) Be tolerant of pollution and direct or reflected heat;
 - d) Require little maintenance, by being mechanically strong and insect and disease resistant;
 - e) Be no smaller than forty five (45) millimetres (trunk diameter at chest height);

- f) Be able survive with no irrigation two (2) years after establishment; and
 - g) Be of native origin, provided that they meet with the above criteria.
- xvii. Trails: Property amenities shall include a continuous crusherdust trail of two (2) metres width, minimum one hundred (100) millimeter thick, connecting to adjacent property trails to facilitate convenient access throughout the site for tenants and visitors. Maintenance of the trail is the responsibility of the Owner. Portions of the trail may be located within the required setbacks.
- xviii. Erosion Control: Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following, “Best management” practices:
- a) stripping of vegetation, soil removal, and regrading or other development shall be accomplished in such a way as to minimize erosion;
 - b) the duration of exposure of the disturbed area shall be kept to a practical minimum;
 - c) temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;
 - d) permanent (final) vegetation and mechanical erosion control measures shall be installed as soon as practical after construction ends;
 - e) until a disturbed area is stabilized, sediment in run-off water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods as determined by the Planning Advisory Committee;
 - f) the top of a cut or bottom of a fill section shall not be closer than three (3) metres to an adjoining property, unless otherwise specified by the Planning Advisory Committee. Extraction operations, (sandpits, etc.), shall not be permitted; and

- g) during grading operations, methods of dust control shall be employed wherever practical.
- xix. Topsoil Salvage: Every effort shall be taken to reuse the disturbed topsoil by stripping and stockpiling the existing material, amending as required and re-spreading.
- xx. Storm Water Runoff: Surface water run-off shall be minimized and detained on-site if possible or practical. Detention ponds or swales shall be sculpted in a natural free form shape and shall not resemble an artificial geometric, rectangular, or square shape. If it is not possible to detain water on-site, downstream improvements to the channel may be required of the developer to prevent flooding caused by his/her project. The natural state of watercourses, swales, flood ways or rights-of-way shall be maintained as nearly as possible. The design period is the 50-year storm.
- xxi. Facades: Building height and exterior materials shall be harmonious with those of adjacent properties and the natural landscape. Vertical siding is discouraged, and synthetic siding should imitate the character and dimensions of traditional clapboard. Where vertical siding is permitted, its use is restricted to thirty percent (30%) of the exterior wall area of the building. Masonry block buildings should be faced in an appropriate material such as horizontal wooden siding or brick of a consistent traditional colour (not “used” brick or any varieties doctored to appear old). Alternate facade material will be reviewed at the time of submission. Buildings, normally, shall have pitched roofs;
- xxii. Signage: All provisions governing signage in the Zoning Bylaw shall apply, with the following additional conditions:
 - a) The number of signs allowed per structure shall be limited as follows:
 - (i) There shall be no more than three (3) signs on a building; or

- (ii) If the building contains more than three (3) occupants, there may be only one exterior sign per occupant, plus one (1) sign for the entire complex;
 - b) Only the tenant name or logo and street number address shall be visible on the building, no advertising is permitted from the building facade or roof;
 - c) Exterior free standing signs identifying the tenants shall be no higher than four decimal five (4.5) metres and cover less than seven decimal five (7.5) square metres. The advertising portion of the sign face shall be limited to fifty (50) percent coverage. The height limitation shall include a beige, split face concrete block planter ninety (90) centimeters high and minimum of twelve (12) square metres of planter area to provide consistency throughout the development. Free standing signs facing Millennium Drive shall be located a minimum of one decimal five (1.5) metres from a property line. Signs may be illuminated internally or externally with screened or hidden floodlights. Temporary or advertising signs are not permitted.
- xxiii. Amenities: The applicant's efforts to integrate the proposed development into existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of open space;
- xxiv. Lighting: Lighting must be selected, in both height and intensity, in order to maintain the rural character. Light levels may not exceed decimal two (0.2) foot-candles measured at ground level at the lot lines. Lights shall be shielded to prevent light shining beyond the lot lines onto neighbouring properties. Where there is a mix of residential and commercial uses, light standards are restricted to a maximum height of seven decimal five (7.5) metres and must be of a consistent design throughout the development;
- xxv. Glare: No land use or establishment shall be permitted to produce a strong dazzling light or reflection of that light beyond its lot lines onto neighbouring properties, or onto any town way so as to impair the vision of the driver of any vehicle upon that town way;

xxvi. Town Character: The building setbacks, area and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding townscape and the natural landscape;

xxvii. Climate Protection Program: The Town is a member of the Federal Partners for Climate Protection Program and as such encourages energy efficient design practices for new construction and renovation of existing buildings.

8. SEVERABILITY

- A. If any part of this by-law shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the enforcement of the remaining parts of this by-law.

9. ENFORCEMENT

- A. This by-law may be enforced by the Development Officer and/or the Building Inspector and/or the Rothesay Regional Police Force;
- B. The Development Officer may require the posting of a bond or other similar guarantee to ensure compliance with the plan and stated conditions of approval. He/she may suspend any permit or license when work is not performed as required;
- C. Any permit issued under this by-law shall lapse within one (1) year of being issued if substantial use thereof has not commenced, except for good cause as determined by the Planning Advisory Committee.

10. EFFECTIVE DATE

- A. This by-law comes into effect on the date of final enactment thereof.

READ FIRST TIME:

August 15, 2000

READ SECOND TIME:

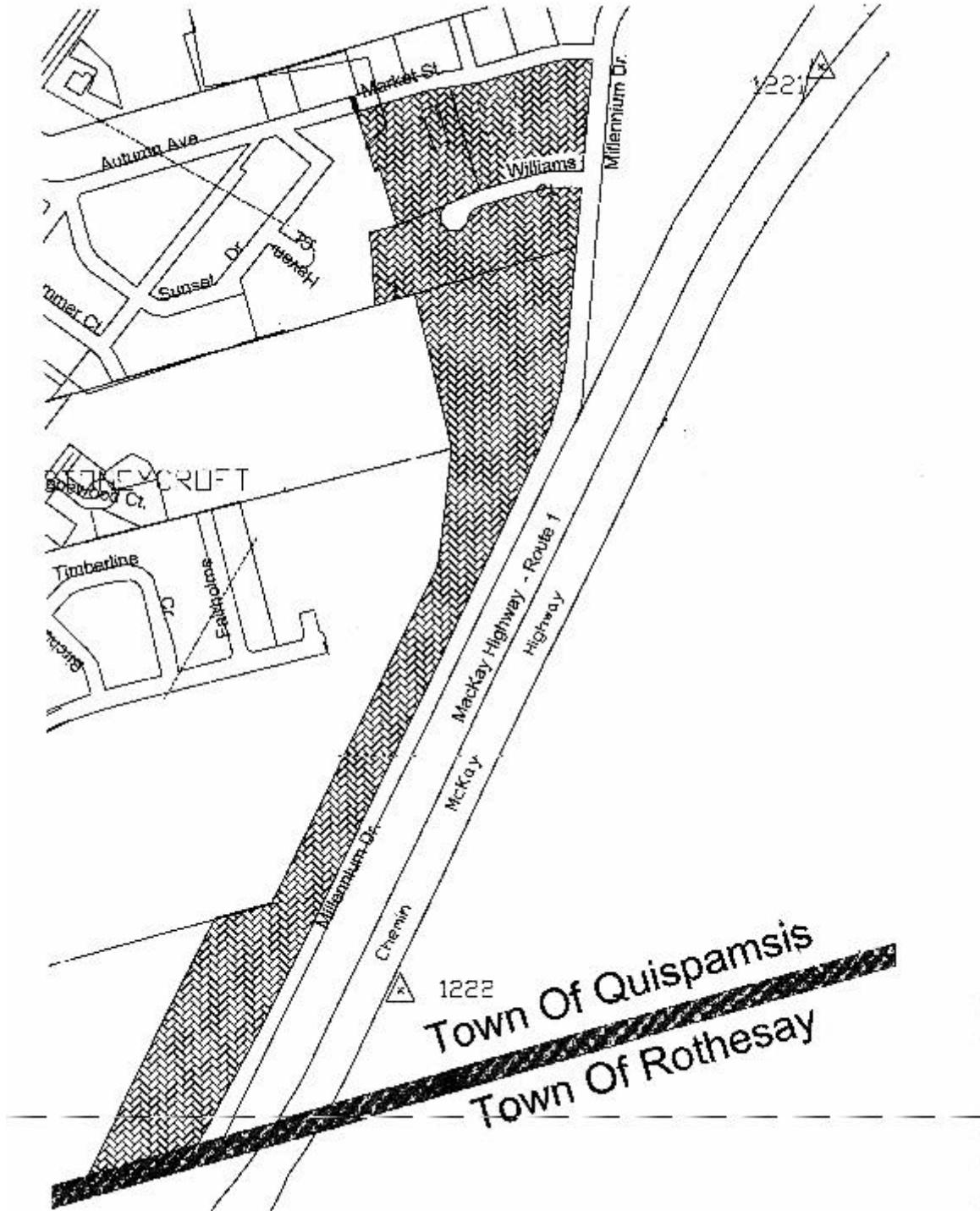
August 15, 2000

READ THIRD TIME AND ENACTED:

November 7, 2000

SEAL

"SCHEDULE A"



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