

TOWN OF BOWDOINHAM

LAND USE ORDINANCE

then allow the members of the Board to ask questions of the applicant and for the applicant to answer those questions. Following Board questions, the Chair shall open the public hearing to the public for statements, information submissions, or questions about the project. At the close of the public comment period, the Chair shall afford the applicant an opportunity to answer any questions raised by the public, rebut any statements or information submitted, and cross-examine anyone offering testimony on the application. The Chair may allow the applicant this opportunity after each member of the public testifies if that is deemed to be desirable. At the conclusion of the applicant's response, the hearing shall be closed.

- k) Submission Requirements
  - (i) Burden of proof. The applicant shall have the burden of proving that the proposed project, development or land use activity is in conformity with the purposes and provisions of this Ordinance and any applicable State laws and rules.
  - l) The applicant shall submit nine (9) copies of the application and all supporting documentation.
- 5) Board of Appeals. The procedure for administering a permit shall be as specified in Article 12 of this Ordinance.

---

- 6) Select Board. The procedure for administering a license shall be as follows:
  - a) Submission of Permit Application
    - (i) Determination of complete application. Within 30 days of the date of receiving a written application the Select Board or their designee shall review the application for completeness. If the application is incomplete the Select Board or his/her designee shall notify the applicant in writing and specify the additional material that is needed to make the application complete. Failure to submit the additional information within six months shall be deemed an abandonment of the application.
    - (ii) After the Select Board has determined that a complete application has been filed, it shall begin its substantive review of the application.
    - (iii) The Select Board may hold an on-site inspection of the site in their review of the application. The Board may decide not to hold an on-site inspection when the site is snow covered.
      - (A) If a review is pending during a period when there is more than one foot of snow cover, the deadline by which the Select Board shall take final action may be extended. This extension shall not exceed thirty (30) days after the site is clear of snow and Board is able to conduct an on-site inspection.
    - (iv) The Select Board ~~shall~~ may hold a public hearing within 30 days of the filing of the completed application. The Board shall give written notice of the date, time, and place of the public hearing at which the application will be considered, to the applicant, and all abutting property owners by first-class mail. The determination of the names and owners shall be based upon the records of the local Assessor's Office.

TOWN OF BOWDOINHAM

LAND USE ORDINANCE

(v) Action on complete application. Within forty-five (45) working days of the date of receipt of a complete application the Select Board or their designee shall act to deny, to approve, or to approve the application with conditions as are deemed advisable to assure compliance with the Ordinance. The reasons as well as conditions shall be stated in writing.

(vi) All time limits provided for in this section may be extended by mutual agreement of the applicant and Select Board.

b) License Application Requirements

~~(i) Site Plan Review Permit from the Planning Board, if applicable. If the applicant does not have a Site Plan Review Permit from the Planning Board, then all information detailed in Article 11, D) Permit Application Submission Requirements is required.~~

~~(ii)(i) All information and fees detailed in Article 11, D) Permit Application Submission Requirements.~~

(ii) Required application and licensing fees.

(iii) All applicable State licenses/registrations and permits.

(A) If State licenses/registrations and/or permits have been filed but not yet granted, then the applicant must provide a copy of said application(s).

(B) If the applicant's application is approved by the Select Board, their approval will be contingent upon their State approvals, a copy of which must be given to the Town Clerk before business can commence.

(iv) A Life Safety Inspection will be conducted by the Fire Department.

~~(iv)(v) Burden of proof. The applicant shall have the burden of proving that the proposed project, development or land use activity is in conformity with the purposes and provisions of this Ordinance and any applicable State laws and rules.~~

~~(v)(vi) The applicant shall submit seven (7) copies of the application and all supporting documentation.~~

c) License Approval, Revocation or Suspension

(i) An applicant's license application shall be approved if the applicant meets all the performance standards set forth in the Land Use Ordinance and/or the conditions of approval set forth in their Site Plan permit.

(ii) The Select Board has the right to deny a license renewal if any of the performance standards set forth in the Land Use Ordinance and/or the conditions of approval set forth in their Site Plan permit are not being met, or if the business has a history of noncompliance with said standards and/or conditions.

(iii) The Select Board has the right to revoke or suspend a license if a business fails to remedy a violation within 30 days of said violation notice.