

§ 110-4 Applicability.

There are three possible applications of this code to development of a nonresidential or multifamily site to be determined by the designee of the Board:

- 1) The code is not applicable (Subsection A);
- 2) The Planning Board provides a minor review (Subsection B); or
- 3) The Planning Board provides a full review (Subsection C).

The following criteria specify the level of review necessary for a proposal to develop a commercial or multifamily site:

A. Not applicable. The determination of "not applicable" by the designee of the Board shall mean that no site plan review approval is necessary, although other types of approvals or permits may be necessary per other municipal codes and an application shall be kept on file. The site plan review regulations shall be deemed not applicable for the following:

- (1)** Temporary events which require no permanent alterations to the site and which function safely within the approved configuration of the site as determined by the designee of the Board.
- (2)** Special events approved by the Board of Selectmen.
- (3)** Agricultural buildings as defined in Chapter **190**, Zoning, of the Conway Code (see § 190-32, Definitions).
- (4)** Small undertakings where it is demonstrated that:
 - (a)** All proposed changes to the structure and/or site conform to all other applicable codes and reasonably conform to the site design standards of this chapter;
 - (b)** Proposed changes do not increase the intensity of use on the site beyond the service capacity of existing on-site infrastructure (including but not limited to parking, traffic generation and septic loading);
 - (c)** Any net reduction in greenspace on the lot is less than or equal to ~~200~~ 400 square feet;
 - (d)** Any increase in structure floor space is less than or equal to ~~400~~ 200 square feet; and
 - (e)** In order to ensure that cumulative impacts can be evaluated by the Planning Board in a public forum, this Subsection **A(4)** shall not be applied if its application, combined with prior applications since the latest review by the Planning Board, would result in a cumulative decrease of greenspace greater than ~~400~~ 800 square feet or in a cumulative increase in structure floor space greater than ~~200~~ 400 square feet