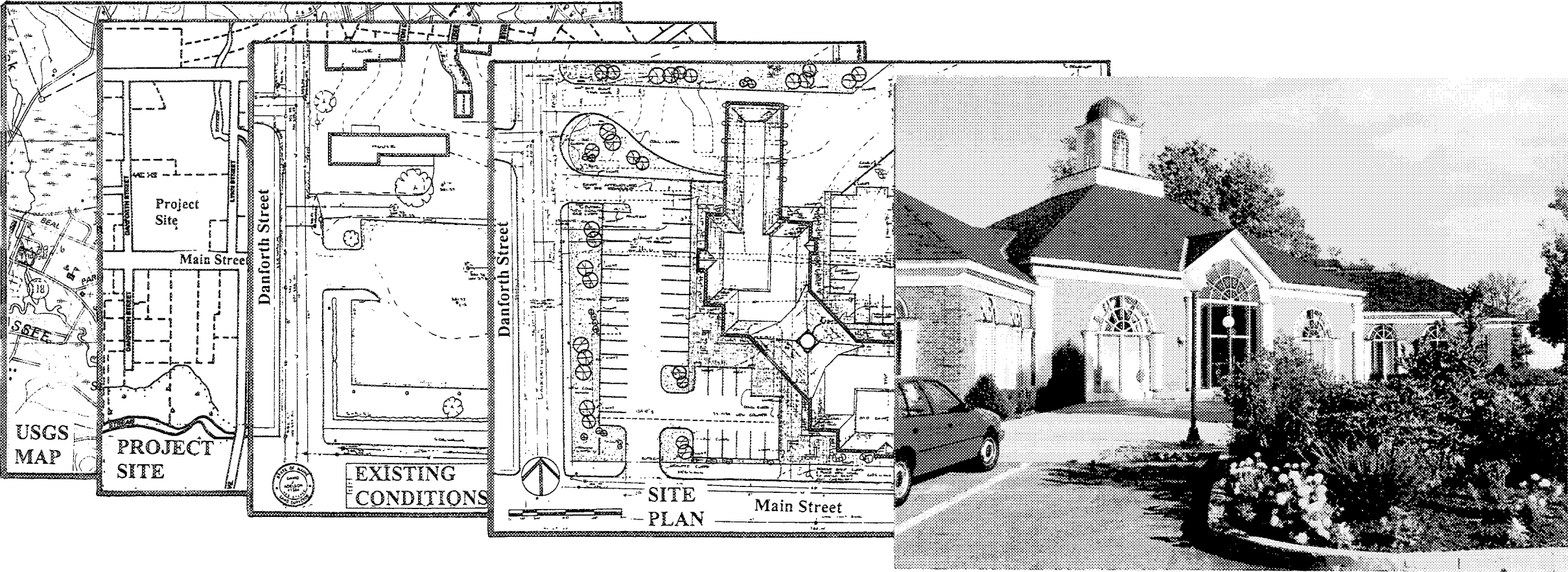

SITE PLAN REVIEW HANDBOOK

A Guide to Developing a Site Plan Review System



Maine State Planning Office

SITE PLAN REVIEW HANDBOOK

A Guide to Developing a Site Plan Review System ■■■■■■■■■■

This handbook is designed to provide Maine communities with the tools to review proposals for nonresidential and multifamily residential development. The handbook was prepared by Planning Decisions, Inc., of South Portland, Maine, with assistance from Kent Associates of Gardiner, Maine.

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Maine State Planning Office

SITE PLAN REVIEW HANDBOOK

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FORWARD

This handbook was prepared for the Maine State Planning Office, Community Planning & Investment Program, by Mark Eyeran of Planning Decisions, Inc. Brian Kent of Kent Associates, Planning and Design, provided editorial assistance and prepared the illustrations. Additional assistance was provided by Jean Allain of Planning Decisions (word processing and proofreading) and Alison Truesdale (layout).

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INTRODUCTION

■ NONRESIDENTIAL USES SHAPE THE CHARACTER OF MAINE COMMUNITIES

As we look around at Maine communities, it's quite obvious that retail stores, service businesses, offices, manufacturers, roller skating rinks, shopping centers -- the entire complement of nonresidential uses -- are key elements in our cities and towns. These nonresidential uses create the jobs upon which we depend, contribute to the tax base of our communities, and provide the goods and services we all need. As importantly, these commercial and industrial uses play a major role in shaping the character of Maine's cities and towns.



A drive around the state will show many examples of recent nonresidential development that are positive additions to our communities and neighborhoods. The reason? These projects have been planned and designed to be good neighbors. And in many cases, a local site plan review process has contributed to the quality of the development. These projects often exhibit common attributes.

- The projects are designed so that traffic can get in and out safely.



- The projects are sensitive to their neighbors and take measures to reduce possible impacts on adjacent properties.



■ **SITE PLAN REVIEW CAN HELP ASSURE COMMUNITY CHARACTER**

A drive across Maine would also reveal new commercial, industrial, and other nonresidential projects that aren't positive additions to their communities. It's all too common to find:

- **Traffic and safety problems,**
- **A lack of concern for fire protection and emergency access,**
- **Projects that aren't good neighbors,**
- **Negative environmental impacts due to lack of forethought or poor execution.**

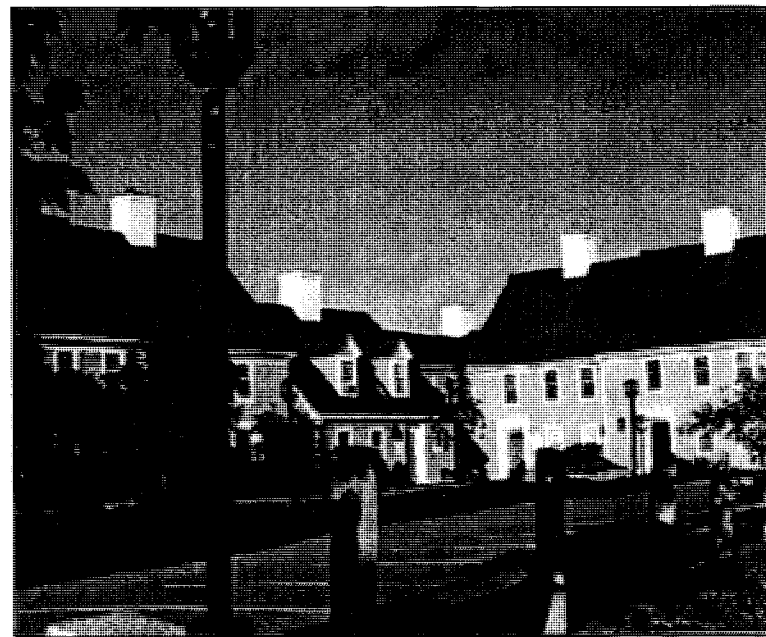
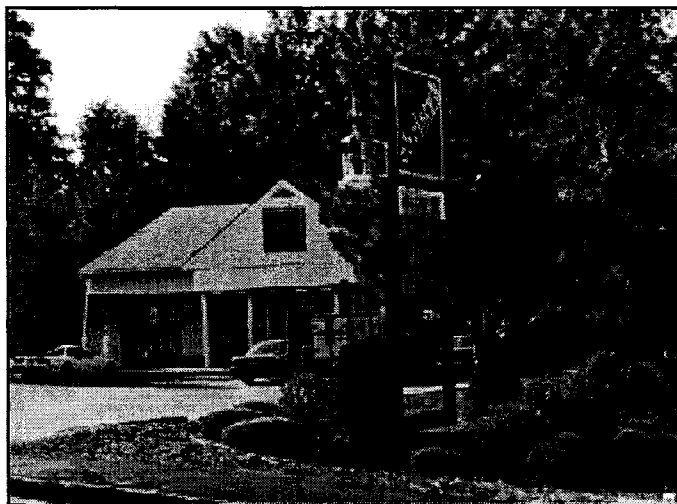
In many situations, the difference between a "good" nonresidential project that is an asset to the community and a not-so-good development is in the attention to details. It's often the little things that can make a big difference; for example

- A well-placed fence can protect abutting properties and make "good neighbors."

- **The projects are planned to address potential environmental problems such as stormwater runoff, noise, sewage disposal, and protection of surface and groundwater quality.**



- **The projects are sensitive to the visual environment and the surrounding neighborhood.**



- A change in the location of a dumpster can minimize odors.
- Proper placement of the driveway can assure safe access into the site.
- A change in the stormwater drainage system can protect downstream properties.

Increasingly, Maine communities are interested in how they can assure that new nonresidential development is an asset and not a liability. This handbook looks at how **site plan review** can be used by towns and cities to accomplish this objective.

■ WHAT IS SITE PLAN REVIEW?

In simple terms, **site plan review** is a locally developed system for reviewing new commercial, industrial, and other nonresidential development to assure that it meets public health, safety, and environmental concerns. It is **not** zoning.

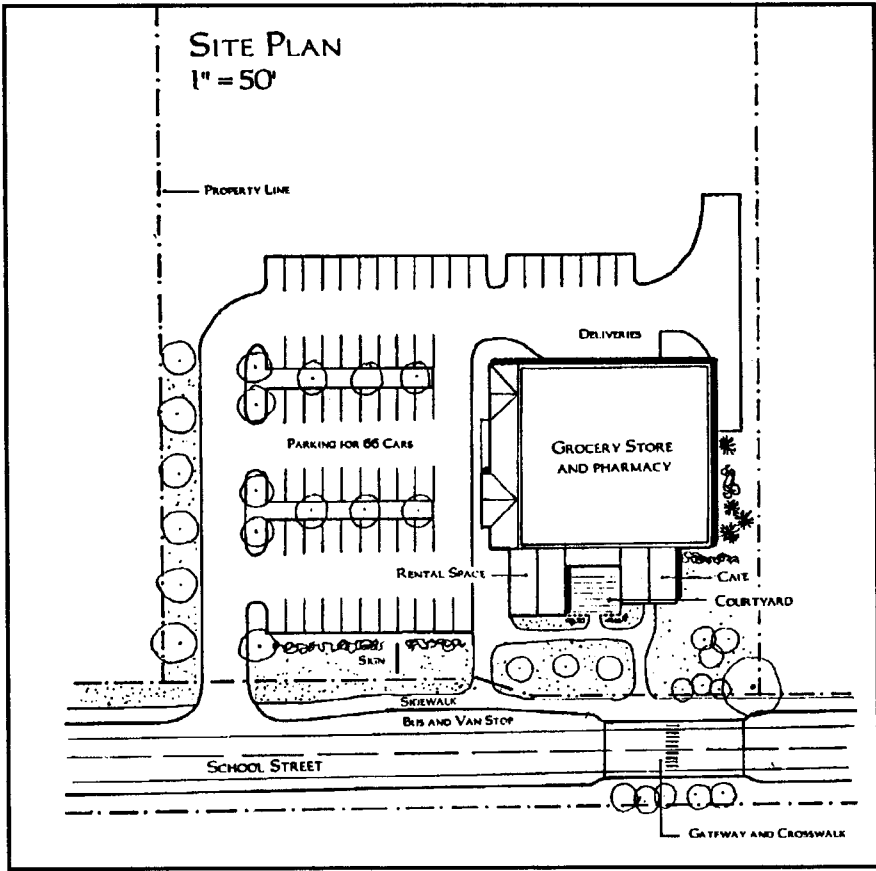
In many ways, **site plan review** is analogous to subdivision review for new residential developments. When a developer proposes to create a subdivision, that project must be reviewed by the local planning board to assure that it meets basic standards. **Site plan review** does the same thing for nonresidential projects. It establishes a process and standards for the local review of retail, office, service, industrial and other nonresidential developments. In some communities, **site plan review** also includes multifamily housing development. The review procedures and standards are developed and adopted by the local community to address the types of development and issues that concern them.

■ THE PURPOSE OF THE SITE PLAN REVIEW HANDBOOK

This handbook is designed for municipal officials. It shows how **site plan review** can be used in your community and how to develop a **site plan review** system that addresses your needs.

Site plan review is a local solution to local concerns. The review is done at the municipal level using locally adopted standards. The State of Maine does not mandate **site plan review**; nevertheless, many Maine communities have chosen to adopt local **site plan review** systems. It is important to note, however, that if your community has developed a comprehensive plan, your **site plan review** provisions must be consistent with that comprehensive plan. But even if you haven't received growth management funding, it is a good idea if your site plan review provisions are consistent with your community's adopted comprehensive plan.

Site plan review offers Maine communities an important tool they can use to assure that each and every new business activity in their municipality has a positive effect on the community.



The handbook consists of two parts:

Part B

Part A

Part A includes Sections 1 through 7. It is designed to familiarize you with **site plan review**. It is organized to help you:

- understand how **site plan review** works,
- consider the key issues so that you can make informed decisions about what should be included in a local **site plan review** process, and
- organize your ordinance to make it easier to administer.

Part B (Sections 8 through 11) is designed to help you craft **site plan review** provisions that meet your community's needs. Section 9 provides a basic **site plan review** system that is appropriate for many communities. Section 10 provides alternatives for structuring the **site plan review** process for communities with more complex needs. Section 11 provides additional review standards that deal with areas that are not included in the basic system.

Communities with existing **site plan review** provisions can also use these sections, especially Sections 10 and 11, to make improvements in their current ordinance.

Appendix A provides the text for a simple site plan review ordinance for a small community. This ordinance should not be adopted without careful review to assure that its provisions are appropriate for the community.

Copies of the various model ordinance provisions are available on computer disk from the State Planning Office.

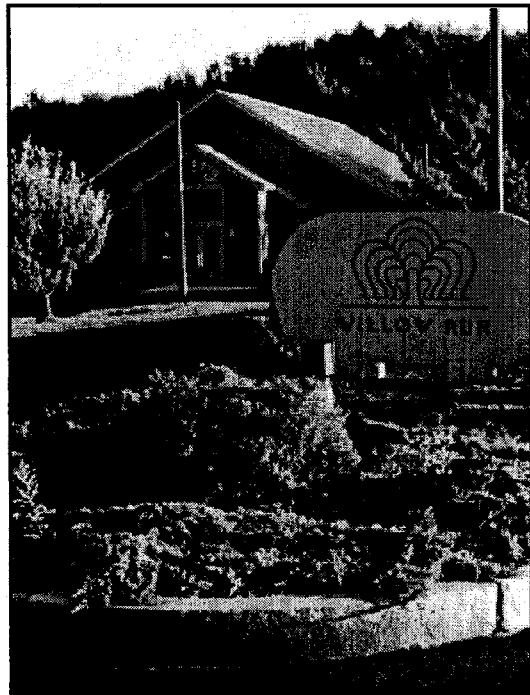
PART A. OVERVIEW OF SITE PLAN REVIEW

Part A of the handbook is designed to familiarize municipal officials, staff, and the general public with the concept of site plan review. It will help you understand how the site plan review process works, encourage you to consider the key issues, help you make informed decisions about what should be included under site plan review, and show you how the review process should be organized in your community.

SECTION 1. THE PURPOSE OF SITE PLAN REVIEW

■ WHAT ISSUES DOES SITE PLAN REVIEW ADDRESS?

Site plan review is a locally developed and administered process for reviewing and



Site Plan Review Issues
Buffers
Lighting
Signs
Parking
Landscaping
Traffic Access & Egress

approving commercial, industrial, institutional, and, in some communities, multifamily residential development proposals. These types of activities are usually not subject to local review under other land use regulations such as zoning or subdivision review.

Site plan review deals with how a particular development is designed. Site plan regulations typically address issues related to public health, public safety, and the

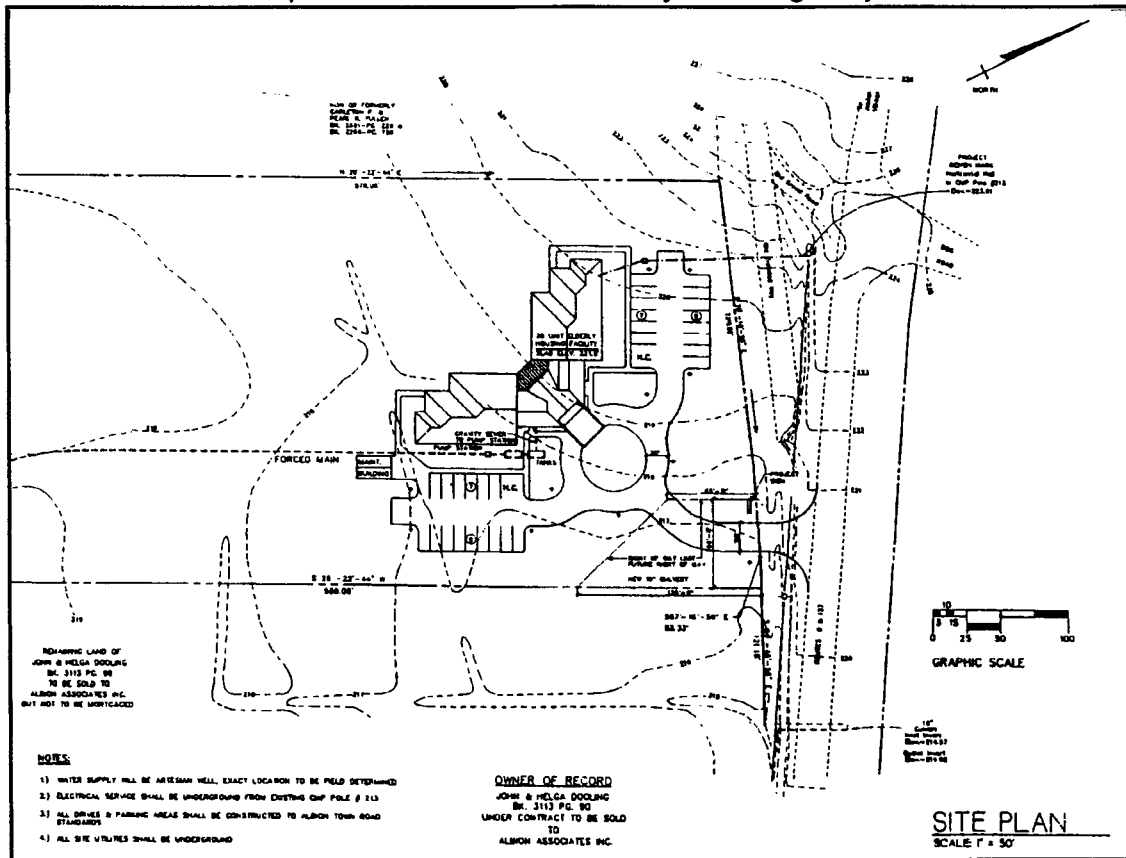
environment such as water supply, sewage disposal, traffic, emergency access, and stormwater management. In addition, many communities choose to address the protection of neighboring properties through standards for buffering, noise, lighting, and other external impacts. Some communities also choose to deal with how new projects fit into the community and review site design and landscaping provisions.

Each community should develop a **site plan review** process that meets the needs of its residents and recognizes the type and scale of development that is likely to occur there. This helps assure that the review process and the standards meet the needs of the community.

■ SITE PLAN REVIEW AND SUBDIVISION REVIEW

For certain projects, **site plan review** can overlap with subdivision review. While most subdivision regulations are designed to deal with a parcel of land being divided into lots, the State definition of subdivision includes multifamily housing involving three or more dwelling units. The State subdivision law also allows municipalities to include multiunit commercial or industrial structures in the subdivision review process. Since typical subdivision regulations do not deal well with multifamily, commercial, or industrial uses, communities often choose to review these projects under **site plan review** rather than as subdivisions. The State subdivision law provides that "... leased dwelling units are not subject to subdivision review if the municipal reviewing

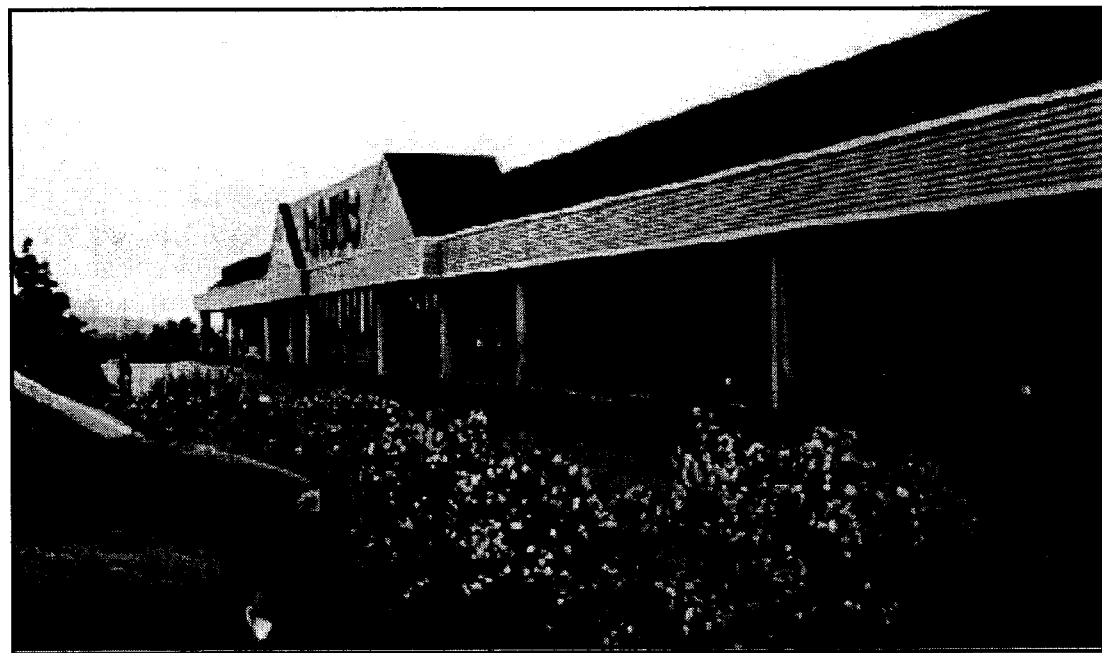
Sample Site Plan for Multifamily Housing Project



authority has determined that the units are otherwise subject to municipal review at least as stringent as that required under this chapter.” This allows the community flexibility in deciding how to review multiunit rental/leased housing and multiunit commercial or industrial structures.

SITE PLAN REVIEW AND THE SITE LOCATION LAW

Local site plan review can also overlap with State review under the Site Location of Development Law. Under the Site Location Law, large scale commercial, industrial, and other nonresidential uses and some multifamily housing developments require approval of the Board of Environmental Protection if they meet certain review thresholds. This should be considered in designing a local site plan review process. Local provisions can be designed to cover only those projects that are not subject to State review. However, a community can also choose to organize its review process to require a local review for projects that require State approval. Some municipalities have found that the local community has different concerns than the DEP and therefore wants to have a local review of these large scale projects in addition to the State review. Recent changes in the Site Location Law have increased the threshold for State review in many circumstances. This increases the need for local communities to have sound review processes for these projects.



■ SITE PLAN REVIEW AND ZONING

In communities that have townwide zoning, the **site plan review** process needs to be coordinated with the zoning standards. Care needs to be taken to assure that any standards included in the site plan provisions are consistent with the development standards within the zoning ordinance. For example, some zoning ordinances establish a requirement for buffering where a commercial or industrial use abuts a residential use. Any requirement for buffering in the **site plan review** provisions would need to be compatible with the zoning provision. This can be addressed by referencing the zoning standards in the **site plan review** provisions. Section 2 explores how site plan review provisions can be integrated with other ordinances already in force in the community.

SECTION 1. ISSUES

- Will the community experience nonresidential development in the next 5-10 years?
- Has new nonresidential development been as positive an addition to the community as it could be?
- Should the municipality consider adopting **site plan review** or reviewing its existing **site plan review** provisions?

SECTION 2. WHERE SHOULD THE SITE PLAN REVIEW PROVISIONS BE LOCATED?

■ SITE PLAN REVIEW AND HOME RULE

Site plan review is a local ordinance adopted by the municipality’s legislative body (i.e., council or town meeting). Historically, communities in Maine have adopted **site plan review** processes under their Home Rule authority. For communities that have received financial assistance under the Growth Management Law, all local land use regulations including **site plan review** provisions must be consistent with the community’s adopted comprehensive plan.

When a municipality decides that it wants to have **site plan review**, the first question it needs to address is: **Where should these provisions be located?** There are a number of alternative approaches. This section looks at the advantages and limitations of each alternative.

■ ALTERNATIVE APPROACHES TO SITE PLAN REVIEW

- **Site Plan Review Ordinance** - One approach is to adopt **site plan review** provisions as a freestanding ordinance. This approach is probably the most straightforward and easiest for people to understand. A number of Maine communities have adopted freestanding **site plan review** provisions.

While adopting a separate ordinance is a reasonable approach, it does have some drawbacks that communities should consider before proceeding. A freestanding ordinance needs to be complete. It needs to include administrative provisions, definitions, enforcement procedures, appeal mechanisms, etc. In many communities with other land use regulations, these administrative provisions already exist. Therefore care needs to be taken to assure that the requirements of the various ordinances are complete and consistent.

A second concern in communities with other local land use regulations is the

ability of the public and town officials and staff to understand which requirements apply in which situation. If the community has a zoning ordinance, subdivision regulations, floodplain management ordinance, **site plan review** ordinance, etc., it can become quite confusing to determine what someone needs to do to comply with all the different requirements. This can lead to frustration on the part of the public.

A third concern involves maintaining consistency among various local ordinances. As a community creates additional freestanding local ordinances, it needs to exercise caution to assure that they are consistent. One Maine community with local zoning and **site plan review** ordinances discovered that the two ordinances imposed differing stormwater management requirements resulting in applicants being caught in limbo and confused and frustrated Board members. Problems sometimes develop with the passage of time as one ordinance is amended but other ordinances are not, resulting in inconsistencies.

Adoption of a freestanding **site plan review** ordinance is therefore most sensible for communities that have few or no other local land use regulations. In communities with townwide zoning or other land use regulations, municipal officials should evaluate this option carefully before selecting it.

- **Site Plan Review as Part of a Zoning Ordinance** - In communities with townwide zoning, including the **site plan review** provisions within the zoning ordinance is an alternative to a freestanding ordinance. This approach allows many of the administrative provisions (enforcement, definitions, appeals, etc.) in the zoning ordinance to apply to **site plan review**. It also allows for easy referencing of the various standards and minimizes the potential for conflict between different requirements.

A drawback to this approach is that it equates **site plan review** with zoning. While both are locally adopted regulations, zoning and **site plan review** typically deal with different issues. Including **site plan review** provisions within a zoning

ordinance can blur this distinction and potentially increase opposition to the adoption of **site plan review** provisions.

In spite of these reservations, including **site plan review** provisions within the zoning ordinance is a good alternative for communities with townwide zoning.

Site Plan Review as Part of an Omnibus Land Use Code - A number of Maine communities have created comprehensive land use codes by putting all land use regulations into a single, integrated ordinance. These codes typically incorporate zoning, shoreland zoning, subdivision regulation, floodplain management provisions, and **site plan review** into a single system. If well thought through, these comprehensive land use codes can provide a good alternative to a collection of freestanding ordinances. Communities with a number of freestanding ordinances should consider consolidation of the various requirements including **site plan review** into a single land use code with coordinated administrative provisions and standardized procedural requirements. This can standardize procedures and requirements, avoid conflicting provisions that can create unnecessary delays in the process, and allow users to better understand what is required in each situation. In consolidating ordinances, however, great care must

be taken to assure that standards are not altered to be inconsistent with state or federal minimums (e.g., Shoreland Zoning or Floodplain). Contact the State Planning Office, your regional council, or planning consultant for assistance.

SECTION 2. ISSUES	
<input type="checkbox"/>	Should the site plan review provisions be in a separate, freestanding site plan review ordinance or be included within another ordinance?
<input type="checkbox"/>	If the site plan review provisions are included within another ordinance, in which ordinance should they go?
<input type="checkbox"/>	If the municipality has a number of freestanding ordinances already, should it consider creating an omnibus land use code?

SECTION 3. WHAT ACTIVITIES SHOULD BE SUBJECT TO SITE PLAN REVIEW?

Site plan review typically sets standards for the construction of nonresidential structures and, in some cases, multifamily residential structures. An important step in developing a local **site plan review** process is to define exactly what type and scale of projects will be subject to review. This section discusses the types of activities a community may want to include under **site plan review**.

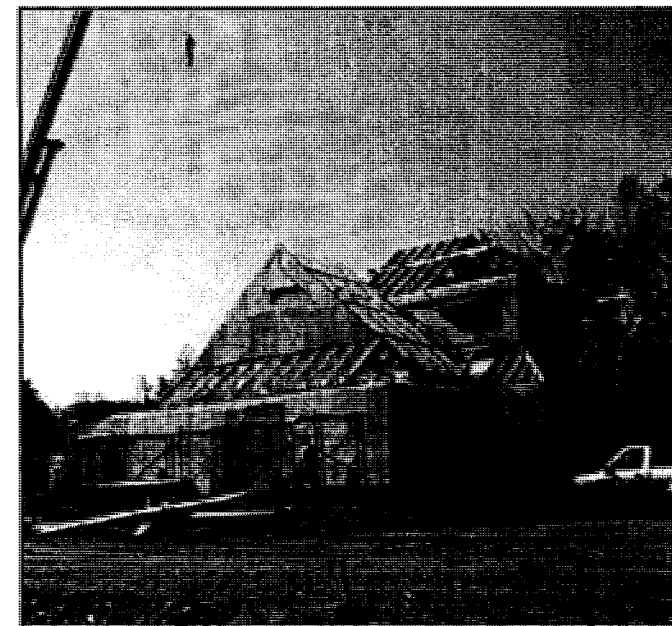
The basic objective of **site plan review** is to assure that new nonresidential development is built responsibly, does not create problems for its neighbors, and makes a positive addition to the community. Therefore, any activity that may have a significant impact on the community should be considered for **site plan review**. This may vary from community to community. At the same time, activities which are unlikely to generate significant impacts should not be included under **site plan review**.

■ NEW NONRESIDENTIAL CONSTRUCTION

The construction of new buildings or structures for commercial, office, service, industrial, recreational, or institutional uses should be covered by **site plan review**. These uses influence the character of the community and often impact neighboring properties. Agricultural buildings, however, may or may not have significant impacts. Therefore, some communities choose to exempt agricultural buildings and structures from **site plan review**, while others include them. This decision should be made with consideration of the community's other policies toward agriculture.

- **Minimum Size Threshold** - Many communities require that all new nonresidential buildings go through **site plan review**, while others exempt small buildings with less than a certain number of square feet from review. This decision should be carefully considered. While some communities exempt new buildings with less than 1,000 square feet of floor area or some other threshold, it is important to recognize that some small uses may generate significant impacts. A 200 square

foot clam shack take-out may raise more issues about traffic, noise, and lighting than a 5,000 square foot machine shop. This review requirement needs to be shaped to local needs and the types of development that are likely to occur in the community. Some communities address this issue by exempting small buildings and structures but only if they do not generate much traffic.



Construction of a New Commercial Building

- **Maximum Size** - As noted in Section 1, many large scale nonresidential projects require State review under the Site Location Law. This review covers many of the areas typically included in local **site plan review** regulations. Therefore, a community should consider if a project that requires a site location permit from the DEP should also be required to go through local **site plan review**. Many municipalities include these large scale projects under **site plan review** to assure that issues that are of concern to local residents do get reviewed and addressed. Recent changes in the Site Location Law will raise the threshold for State review in many communities, minimizing the number of projects that will potentially be subject to both local and State review.

EXPANSIONS OF EXISTING NONRESIDENTIAL BUILDINGS AND STRUCTURES

A key consideration in developing a local **site plan review** process is whether the enlargements of existing nonresidential buildings should be subject to **site plan review**. This is a complex issue. In some cases, a small addition to an existing building may have little or no impact, while in other cases a similarly sized addition may have substantial impacts. Many communities require enlargements or additions to go through **site plan review** if they increase the floor area by a certain number of square feet or a certain percentage of the existing floor area.

For example, the requirements may provide that an expansion which increases the total floor area by 1,000 square feet or more than 20% of the existing floor area must go through the **site plan review** process.

This approach does have a loop hole. To avoid review, an owner may expand in a series of small steps to stay under the review threshold. If this is a concern, this can be addressed through cumulative requirements over a certain period of time (i.e., no more than 1,000 square feet of floor area in any three year period



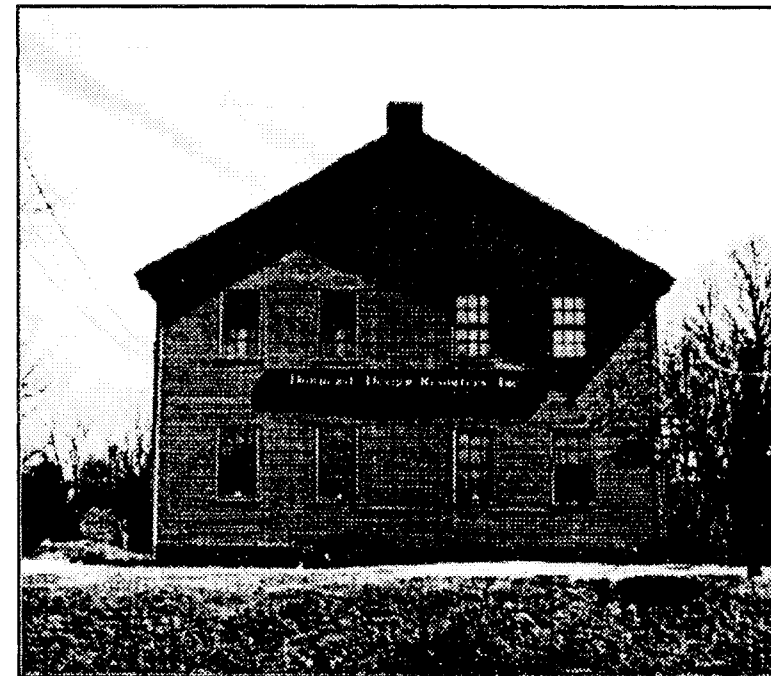
Enlargement of a Nonresidential Building

without review).

In crafting these provisions, remember the basic objective: **require activities that may have a significant impact on the community or neighboring properties to be subject to site plan review**. At the same time, it is important to avoid requiring insignificant activities to go through review.

CHANGES IN THE USE OF EXISTING BUILDINGS OR STRUCTURES

Changing the use of an existing building from a residential to a commercial or other nonresidential use may have a significant impact on the community.



Home Converted to Office Use

For example, converting an existing single family home into a gift shop or convenience store will increase traffic, increase stormwater runoff if a parking lot is installed, and impact neighboring properties. Many communities therefore require that the conversion of a residential building to nonresidential use be subject to **site plan review**.

Should changing the use of an existing nonresidential building from one type of business use to another be covered by **site plan review**? The test should be the likelihood that the change in use will cause significant impacts on the community or the neighborhood. Thus a change of occupancy of one store within a shopping center or the change in use of a building from a book store to record/tape shop probably should not be subject to **site plan review**. However, a change from an insurance office into a drive-through takeout restaurant may have serious impacts and therefore should come under review. One way to address this in your **site plan review** provisions is to require a change from one category of use to another category of use (i.e., retail to industrial) go through review but to exempt changes within a category of use (i.e., one type of retail to another retail use).

■ **CONSTRUCTION OF NEW MULTIFAMILY HOUSING OR THE ENLARGEMENT OF EXISTING MULTIFAMILY HOUSING**

Under the State Subdivision Law, the construction or alteration of a building that creates three or more dwelling units within a five-year period is defined as a “subdivision” and must be reviewed by the local planning board under the municipality’s subdivision regulations. Recognizing that the typical subdivision regulations found in most Maine communities do not do a good job of addressing the issues raised by multifamily housing development, the State Subdivision Law exempts multifamily rental housing from



subdivision review if the units are “subject to municipal review at least as stringent as that required...” under the Subdivision Law. This allows municipalities to choose to include multifamily development in their **site plan review** process. Since the potential impacts of this type of use are often similar to those experienced with nonresidential uses, the construction or enlargement of multifamily housing is best included under **site plan review**, but the review process must assure that the review is at least as stringent as it would receive under subdivision review.

■ **EXPANSION OF THE AMOUNT OF IMPERVIOUS OR PAVED SURFACES**

While the construction of buildings or structures is the focus of most **site plan review** regulations, communities should also be mindful of the impacts resulting from the construction of parking lots and other paved or impervious surface areas. Parking lots can significantly increase both the rate and volume of surface runoff, cause contamination of ground and surface waters, and give rise to noise and traffic safety concerns. For these reasons, some communities require that the construction or expansion of parking lots or other impervious surfaces in conjunction with a nonresidential use go through **site plan review**. As with other uses, communities often establish threshold size requirements for these uses.

■ **COMMERCIAL USES OF LAND THAT DO NOT INVOLVE BUILDINGS OR STRUCTURES**

There are some uses of land such as gravel pits or lay down areas that may be important to the community and have potential impacts on neighboring properties. While these types of uses are often best addressed through provisions in a townwide zoning ordinance or a separate ordinance, they can also be included under **site plan review**.

■ **BILEVEL REVIEW PROCEDURES**

While many communities see the desirability of **site plan review** for larger projects or projects which generate significant impacts, communities often are concerned about imposing the burdens of **site plan review** on small scale or low impacts projects. This is a very important concern and the benefits of **site plan review** must be weighed against the costs and processing time imposed on developers and landowners.

One way some communities deal with this concern is to create a two level review process. Small projects with limited impacts are processed through a simplified procedure, while larger projects that may raise significant issues are handled through a more detailed review process. In some ways this is analogous to the distinction between minor and major subdivisions that many communities use in their subdivision review process.

Communities can use bilevel review processes for different types of projects to assure that legitimate issues are addressed. Section 4 looks at various ways differential levels of review can be established.

- SECTION 3. ISSUES**

 - Should all new nonresidential buildings go through **site plan review**?
 - Should agricultural buildings be exempted from review?
 - Should provisions be included to exempt some small buildings from review?
 - Should projects that require DEP site location approval be exempted from local review?
 - Should enlargements of nonresidential buildings be reviewed?
 - Should changes of use of an existing building from residential to nonresidential use be reviewed?
 - Should changes of use of an existing building from one category of nonresidential use to another nonresidential use be reviewed?
 - Should increases in paving or impervious surface area be reviewed?
 - Should multifamily housing developments be reviewed as subdivisions or under **site plan review**?
 - Would a bilevel review process change the type of projects included under **site plan review**?

SECTION 4. WHO SHOULD BE RESPONSIBLE FOR REVIEWING SITE PLANS?

How a community structures its **site plan review** process and who is designated to review site plans is determined by the local municipality. Unlike subdivision review in which State law defines who will review subdivisions and how, municipalities can develop **site plan review** procedures to meet their local needs and capabilities.

■ CONSIDERATIONS IN CHOOSING THE REVIEW AUTHORITY

In considering who should be involved with **site plan review**, the municipality should consider a number of factors:

Existing Workloads - **Site plan review** takes time. Therefore, it is important that the workloads of possible review bodies be considered. Delegating **site plan review** to the Planning Board may not be wise if the Board already has overloaded agendas. Similarly, involving a volunteer fire chief in the review process may be a problem if he/she is already struggling to fulfill his/her obligations to the fire department.

Availability of Support Staff - A municipality with paid staff and/or consultants who can assist in the review process has a wider range of options available to it. Some communities delegate aspects of **site plan review** to municipal staff or a part-time consultant.

Timeliness of the Review - One objective of **site plan review** should be to assure a thorough review in the least amount of time to minimize the burden on the applicant. Assigning the review to a board that meets once a month is unlikely to result in a speedy process.

Credibility with the Public - Residents must be assured that the process is fair and responsible if they are to support it. Those involved in **site plan review** must be

seen by the community as being fair, objective, and responsible.

■ WHO SHOULD BE THE REVIEWING AUTHORITY?

Options for who actually does the **site plan review** are outlined below:

- *Planning Board* - Many communities delegate **site plan review** to the Planning Board. The Board already exists, its rules of operation are established, it already deals with development and the review of subdivisions, and it should be familiar with the issues **site plan review** addresses.

Before assigning **site plan review** to the Planning Board, assess the pros and cons of this. While many planning boards are well qualified to take on the responsibility, some already have heavy workloads and long agendas. If this is true in your community, giving the Planning Board additional duties should be carefully considered. In addition, if the Planning Board meets only once a month, using them as the reviewing body can result in a slow process.

- *Site Plan Review Board* - Some communities have created a separate municipal board to review site plans. This group is similar to a planning board but deals only with site plans. Members could be appointed by the municipal officials or elected and are volunteers. Municipalities can require that some of the members have experience in site design, construction, or other aspects of development that would assist them in reviewing site plans.

If a community chooses this approach, it will be necessary to create the Site Plan Review Board. Typically this would be done through an ordinance enacted by the Council or Town Meeting that establishes the Board, identifies its duties and responsibilities, establishes how members are appointed, and outlines its operation.

This approach has advantages if a community expects to have enough applications to keep the Board busy and involved. The creation of a separate Site Plan Review Board has some of the same drawbacks as a planning board in terms of timeliness, but more flexibility can be built into the process.

- **Staff Site Plan Review Committee** - An increasing number of communities in Maine assign some or all of the **site plan review** functions to a committee made up of municipal staff such as the planner, public works director, fire chief, police chief, code enforcement officer, etc. Obviously this option is available only in communities that have staff or consultants to perform this role.

Since most aspects of **site plan review** involve technical issues (e.g., does the traffic pattern work? are drainage provisions satisfactory? etc.), involving the municipality's technical staff directly in the review process can be a good approach. Staff review committees can also process reviews on a more timely basis. One Maine community with a staff **site plan review** committee holds meetings once a week if there are pending items, allowing most reviews to be completed within a couple of weeks.

In spite of these advantages, there are some drawbacks to staff review committees. Since paid staff have many competing duties, staff must be able to give adequate time to project review. This means that "management" needs to assure that this role is given proper emphasis. In some communities, delegating approval authority to staff can be a sensitive policy issue. It is important to recognize that this sort of delegation is already happening in most municipalities in one form or another. The local plumbing inspector reviews proposals for septic systems, determines compliance with the State plumbing code, and approves the activity. Similarly, code enforcement officers review construction projects for compliance with the building code, shoreland zoning, and local land use regulations. Many local fire departments already are involved in reviewing the fire safety aspects of new construction. Staff **site plan review** is simply another form of the activity that already occurs in most municipalities.

If a staff **site plan review** is selected, it is important to ensure that public notification and involvement in the review process are addressed.

- **Staff Sign-off Process** - An alternative to a formal staff committee process is a sign-off process in which designated municipal departments must review and approve the site plan. Under this system, a central contact point (planner, CEO, etc.) distributes the site plan and supporting materials to designated departments (public works, fire department, police department, engineering, etc.), who then review the proposal independently. If they approve the site plan, they sign off on the project. If not, they identify their concerns and needed changes to the plan.

The issues involved with this approach are similar to those involved with a staff committee. An additional concern is that each staff person could have veto power over development activities by simply withholding his/her approval.

■ BILEVEL REVIEW AUTHORITY

Some Maine communities have established a bilevel site plan review process. Small scale or low impact projects are handled through one system, often a staff review committee or sign-off system, while larger projects with significant community impacts are handled by the planning board or site plan review board.

This approach has many advantages for communities with a significant level of development activity and staff support. For low impact, small scale activities, it allows a streamlined review within a short time frame while assuring that basic concerns are addressed. For larger and more controversial projects that may have "policy" implications, it requires a review by the planning board or site plan review board made up of local residents. An added benefit is that this system can allow for "appeals" from staff decisions to a lay board, allaying fears of "bureaucratic authority."

While this bilevel system has a number of advantages, it can become complex and rigid. This type of system should have a designated "gatekeeper" who can work with applicants to assure that they understand the process and receive timely guidance.

SECTION 4. ISSUES

- How much review work and time will **site plan review** involve?
- What is the current workload of existing boards such as the planning board?
- Can an existing board take on the additional responsibility of **site plan review**?
- What staff resources are available?
- If the municipality has staff or consultants available, what role should they play in **site plan review**?
- Should the Town create a single review authority that deals with all **site plan reviews** or should a bilevel system be considered?
- Is there a need to create a new body to review site plans?

SECTION 5. WHAT ASPECTS OF A DEVELOPMENT PROPOSAL SHOULD BE COVERED BY SITE PLAN REVIEW?

The basic objective of **site plan review** is to assure that nonresidential development (and multifamily housing development) is carried out in a way that makes it a positive addition to the community and does not create problems for the neighborhood or the larger community. A key step in developing a **site plan review** system is determining what aspects of nonresidential (and multifamily housing) development need to be reviewed to assure that this objective is met. This section will help you decide which factors to include in your local review process.

Before considering what should be covered by **site plan review**, recognize what **site plan review** should not address:

- **Site plan review** regulations should not include provisions dealing with the creation of lots. These should be addressed in the community’s subdivision regulations.
- **Site plan review** regulations should not establish standards for the construction of single family homes. If this is a concern, it should be dealt with in a zoning ordinance and/or through building permits.
- **Site plan review** should not try to control where in the community nonresidential development should and should not occur. This is a zoning question; it should be addressed through zoning.
- **Site plan review** should not deal with space and bulk issues such as the size of lots, street frontage, height of buildings, setbacks from property lines, and similar dimensional issues. These are essentially policy issues that should be addressed in a zoning ordinance.

In communities that have townwide zoning, there are many issues that can be

addressed either through the zoning ordinance or through **site plan review**. For example, a community may decide that it wants to address the noise levels from nonresidential uses and the impact of that noise on adjacent properties. The community may choose to:

- Include noise standards within its zoning provisions and provide for the review of the project to assure that the standards will be met through **site plan review**,

OR

- Include the noise standards and review process within the **site plan review** regulations.

In communities that do not have townwide zoning, the **site plan review** provisions will need to include both review procedures and standards for any aspect of the development that the community wishes to review.

■ FACTORS TO CONSIDER IN SITE PLAN REVIEW

Site plan review regulations typically cover three categories of interest:

- Public safety, health, and environmental factors
- “Good neighbor” factors
- Visual design factors

■ PUBLIC SAFETY, HEALTH, AND ENVIRONMENTAL FACTORS

Most communities choose to address basic issues dealing with public safety, public health, and the environment in their **site plan review** process. In these cases, factors considered in the review process may include:

- Adequacy of access to the site
- Provisions for access into and out of the site
- Pedestrian and vehicular circulation within the site
- Layout of parking
- Provisions for emergency vehicle access
- Stormwater management
- Erosion and sedimentation control
- The protection of the water quality in water bodies
- Groundwater quality protection
- Provisions for groundwater recharge
- Solid and hazardous wastes management
- Provisions for water supply and sewage disposal
- Handicapped accessibility
- Provisions for fire protection

- The management of important natural resources (floodplains, unique natural areas, wildlife habitat, etc.)
- The protection of historic and archaeological resources

■ “GOOD NEIGHBOR” FACTORS

In addition to health, safety, and environmental factors, communities often wish to assure that a proposed nonresidential development will be a “good neighbor” and will minimize its impact on neighboring properties. This may involve consideration of the following factors:

- Buffering and screening
- Noise levels
- Odors
- Vibrations
- Exterior lighting

■ DESIGN FACTORS

Finally, some communities choose to review how a proposed development fits into the environment and the character of the surrounding neighborhood. Considerations can include:

- Landscape design
- Site utilization and design

- Visual and scenic impact
- Compatibility with neighboring properties
- Architectural features
- Relationship of buildings to the street and/or adjacent structures.

■ **SUBDIVISION CRITERIA**

If you choose to use **site plan review** in lieu of subdivision review for multifamily housing, your review standards should include all of the subdivision review criteria set forth in 30-A M.R.S.A. § 4404. These can easily be included as additional standards that must be met by projects that require subdivision approval.

In the end, you must craft your **site plan review** provisions to address the issues that are important in your communities. For each factor you include, you will need to develop a standard that the reviewing body can use to determine if the site plan satisfactorily addresses the issues raised. Part B of the handbook looks at each of these topics in detail and lays out standards that can be incorporated into local **site plan review** provisions.

SECTION 5. ISSUES	
<input type="checkbox"/>	What areas of nonresidential development are of concern in the community? <ul style="list-style-type: none">- Public health, safety, and environmental factors- "Good neighbor" factors- Visual and design factors
<input type="checkbox"/>	Which of these factors are already addressed in other regulations or zoning provisions?
<input type="checkbox"/>	What factors should be addressed in a local site plan review process?

SECTION 6. WHAT INFORMATION IS REQUIRED FROM AN APPLICANT FOR SITE PLAN REVIEW?

The **site plan review** process requires that the owner of the proposed development submit material which outlines the nature of the project. This allows the reviewing body to determine if the proposal meets the standards established by the community. A key question in the development of a **site plan review** process is determining what kind of information needs to be submitted and at what level of detail. These issues are discussed below.

■ THE BASIC PACKAGE

Most **site plan review** systems require the applicant to submit three basic types of information:

1. *An application form* setting forth the basic factual information about the project. This often includes information about the ownership of the property, evidence of the applicant's legal interest in the property, the location of the property, the proposed use, information about easements or other encumbrances, and similar information.
2. *A drawing or site plan* showing the boundaries of the lot, together with location and size of proposed buildings and site improvements such as access drives, parking, provisions for water supply and sewage disposal, grading, stormwater management, landscaping, lighting, etc.
3. *Supplemental information* that describes existing conditions at the site, the nature of the proposed development, on-site and off-site impacts, and the applicant's technical and financial capability to complete the project as proposed.

■ LEVEL OF DETAIL REQUIRED

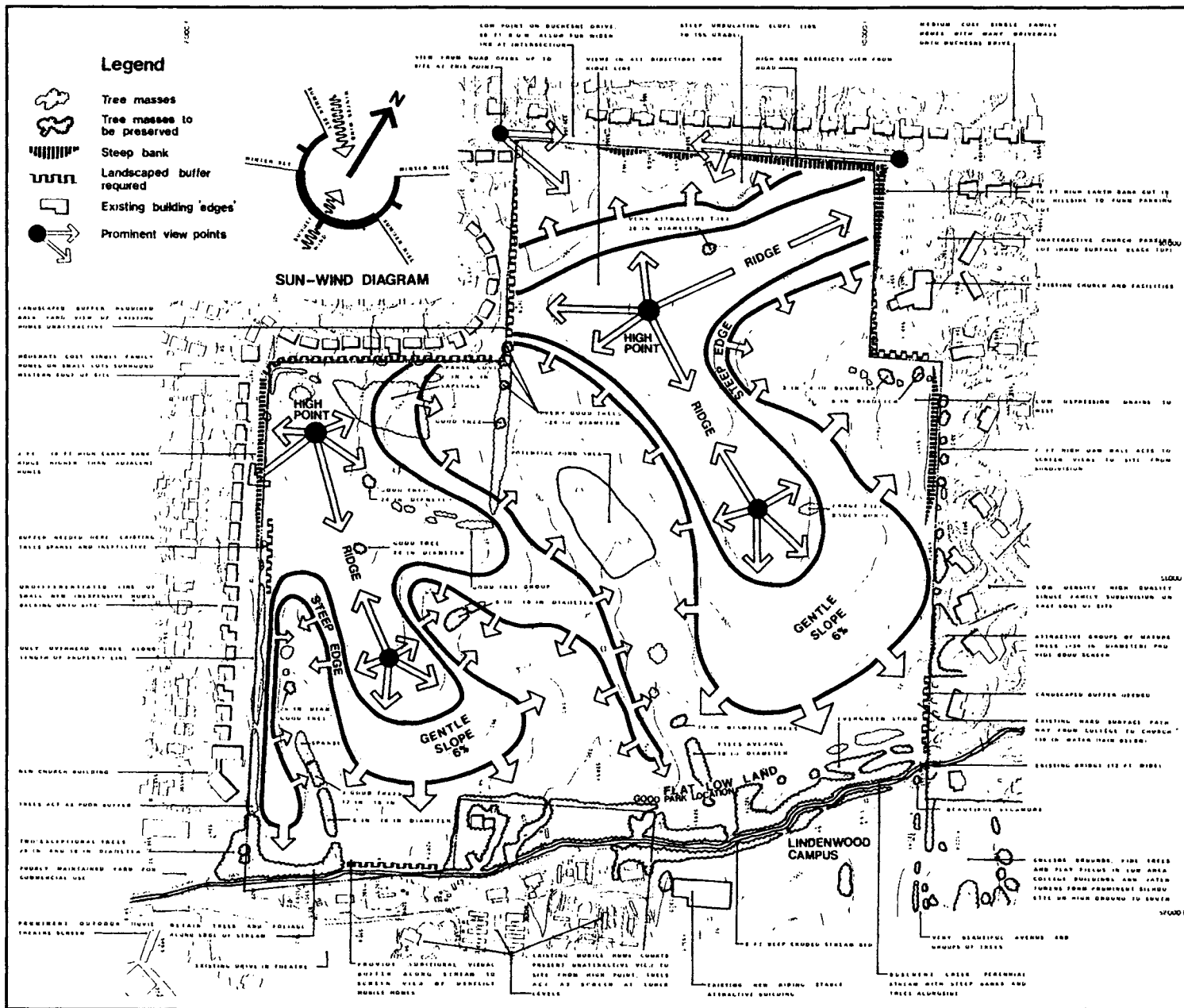
Many communities struggle with the question of how much detail to require of applicants. The information that is submitted for review must present an accurate picture of what is proposed to be constructed, accurately portray where it is located on the parcel of land, describe adjacent land uses, and correctly depict the spatial relationships between various aspects of the development (how far the propane tank is from the building, where the driveway will be located, etc.).

The key item of information is an accurate site plan showing the boundaries of the lot and the proposed buildings and site improvements. This plan must be drawn to scale and accurately represent the distances on the site. The plan should be drawn at a large enough scale so that the development proposal can be evaluated. For larger scale projects or any projects involving significant grading or the construction of roadways, utilities, stormwater drainage facilities, or similar items, the plan should be an "engineered" site plan meaning that it has been prepared by a professional licensed to practice site design and engineering in the State of Maine.

Many **site plan review** systems link the level of information required to the scale and intensity of the project. Thus, the submission requirements for small projects are limited, whereas larger, more complex projects are often required to submit more detailed and/or additional information.

■ CATEGORIES OF INFORMATION

For most types of nonresidential projects, applicants should be required to submit three categories of information:



Example of a Site Analysis

A site analysis can be a valuable planning tool for the applicant and a useful tool for reviewers since it identifies issues that need to be addressed by the development plan.

A site analysis should identify and evaluate the existing natural and built features of the site and identify issues and opportunities that should be addressed in the development proposal.

SECTION 7. HOW WILL THE REVIEW PROCESS WORK?

Developing clear procedures for reviewing and approving site plans is vital. Further, the review process must be tailored to the capabilities of the municipality, the types of nonresidential development occurring in the community, and the expertise of those doing the review.

This section explores a number of considerations that should be evaluated as the review process is developed.

■ THE PREAPPLICATION PROCESS

What happens before a formal application for **site plan review** is submitted may be one of the most important factors in assuring that positive development occurs. For the best results, it is essential that the applicant and municipality communicate with one another as early in the process as possible, even before formal design of the project is started.

The review process should provide an opportunity for a prospective applicant to meet with a designated representative of the municipality prior to preparing the actual application. A preapplication meeting or conference should be strongly encouraged for all projects. Some communities make a preapplication meeting mandatory for larger or more complex projects.

There are a number of different approaches to the preapplication phase. If the municipality has staff, the preapplication meeting may be designed to occur with the staff person who has the most involvement with **site plan review**, such as the planner, code enforcement officer, or town manager. A second approach is to hold the preapplication meeting with all of the staff who are involved in reviewing site plans. This assures that all potential issues get “on the table.” If the Town has limited or no staff resources, the process should provide the opportunity for a preapplication conference with the review body (i.e., Planning Board, Site-Plan Review Board, etc.).

The preapplication phase should be informal and no decisions should be made about the project. Some review systems do however allow procedural decisions to be made at this time such as whether certain information will be required. Any procedural decisions of this type should be in writing. The objectives of the preapplication phase should be to:

1. Provide the prospective applicant with an understanding of the **site plan review** process, what information will be required, who will be involved in the review, and what the time schedule will be.
2. Provide the municipality with an understanding of the development proposal and the possible implications of the development activity for the community.
3. Assure that issues or concerns that need to be addressed in the development proposal are clearly identified and understood by the applicant.
4. Make the applicant aware of any opportunities for coordinating the development with community policies or programs.

For larger scale and/or more complex projects, a site analysis as discussed in Section 6 can be a tool for assuring a meaningful preapplication phase.

■ SKETCH PLAN PHASE

Generally, a sketch plan phase (as is typically found in subdivision review) is not necessary for the review of site plans, especially if provisions are made for a preapplication phase. The exception is in cases involving large scale projects or the development of large pieces of land. For most communities, a sketch plan phase can significantly lengthen the review process without markedly improving the quality of the development proposals.

APPLICATION PHASE

The review process needs to address a number of issues in this phase:

1. *Submission of the Required Information* - The **site plan review** process cannot begin, let alone be efficient and sound, until all of the needed information is received from the applicant. However, many communities provide a level of flexibility in what is required. Once the required information has been submitted and the reviewers find it is acceptable, formal review of the application can begin.
2. *Public Notification and Involvement* - The community needs to evaluate the appropriate role of the public in the review process. This includes notification of the neighbors that an application is pending and providing the opportunity for the public or neighbors to comment on the application. Local practice varies a great deal on these matters:
 - Notification - Since the type of uses covered by **site plan review** are often of interest to nearby property owners, the review system should make provision for notifying these people of the submission of the application. Two ways of addressing this is through a "pending application" notice mailed to project abutters when the application is submitted. This should inform them of the nature of the proposed activity, the review process, and their avenue for commenting on the application. Many communities develop a standardized form for this purpose. A second approach is to mail abutters copies of the meeting agenda at which the **site plan review** of the project of interest to them will be discussed.
 - Participation - The role of the public in **site plan review** needs to be tailored to mesh with local practices. Some communities hold public hearings on each application while others allow the public to speak at the meeting at which the project is reviewed or to provide written comments on the application. The key is to tailor the process to the needs of your community and your current practices. Participation by the public is an important issue, especially if staff play an active role in reviewing applications.

3. *Site Walks* - Reviewing a site plan without firsthand knowledge of the site is difficult. Therefore, it is prudent to assure that the people doing the review have visited the site. A common way to accomplish this is through a site walk in which the members of the review body visit the site in a group. Some regulations allow a staff person or chair to schedule a site walk prior to the initial consideration of an application to shorten processing time. Proper public notice of the site walk needs to be provided to interested parties and abutters since the site walk is technically a meeting.



4. *Technical Review* - **Site plan review** involves compliance with technical standards. The review process should establish procedures to assure that the technical aspects of the proposal are reviewed by competent professionals. This can be accomplished by either involving these professionals directly in the process such as through staff review committees or by referring the plans to the appropriate people for their review and comment. When a community has staff or consultants, this can be done quite easily. When there are limited staff resources, this is more difficult. A community can arrange to have the technical reviews done by an outside agency such as a regional planning commission or council of governments, a Soil and Water Conservation District or private consulting firms. The following table identifies some of the sources of review assistance. The cost of these outside services can be offset by charging the applicant a "peer review" fee.

Sources of Technical Review Assistance

Since **site plan review** involves a number of technical areas, a municipality, even one with its own staff, may need to obtain outside technical assistance to review certain aspects of some development proposals. The following are sources of technical assistance.

- **Planning and Site Design**
 - Councils of government
 - Regional planning commissions
 - Planning consultants
- **Engineering and Utilities**
 - Local water districts
 - Local sewer/sanitary districts
 - Engineering firms
- **Traffic Impacts, Driveway Locations, Design of Vehicular and Pedestrian Access**
 - MDOT regional offices
 - Traffic engineers
- **Groundwater Impacts**
 - Hydrogeology consultants
 - Maine DEP
- **Drainage, Erosion, and Sedimentation Controls**
 - County Soil and Water Conservation Districts
 - Engineering firms
 - Maine DEP
- **Floodplains**
 - State Planning Office
 - FEMA Regional Office
 - COG's and regional planning commissions
- **Historic and Archaeological Resources**
 - State Historic Preservation Office

Many communities establish "as needed" working relationships with technical specialists to review certain aspects of site plans. The costs for this outside review can be recovered through review fees paid by the applicant.

5. **Compliance with the Review Standards** - The review body and its technical reviewers must evaluate the application and determine if it is in compliance with the standards set forth in the regulations. While this may seem to be self-evident, some review bodies do not adhere to this practice. The review body should make written "findings of fact" that describe the project and how it conforms or does not conform with each standard.
6. **Notice of Actions** - Following a decision on the application, the review body should provide written notice to the applicant, CEO and other municipal officers, abutters, and anyone else who participated in the review or commented on the application.
7. **Appeals** - The **site plan review** process should clearly spell out how decisions of the review body can be appealed. There are two basic avenues of appeal possible. The first is to direct appeals to a local Board of Appeals (often the Zoning Board of Appeals). This has the advantage of keeping the review of the decision in the hands of members of the community. Some communities have, however, experienced problems with this system as it pits the evaluation of one local board against another.

An alternative is to have site plan decisions appealed directly to the courts. While this is a costly alternative, in most communities it is probably the better approach for dealing with appeals.

A third alternative exists if **site plan review** is conducted by a staff review committee or involves a sign-off process. In this situation, providing for an appeal of a "staff decision" to a board of local citizens is probably desirable. In these cases, the appeal can be to the Planning Board or the Appeals Board.

■ **POST APPROVAL PHASE**

Action by the review board does not end the process. The **site plan review** regulations should also address what happens following approval. This includes the following:

1. **Coordination with Other Permits** - The site plan approval needs to be incorporated into the building permit for the project and any conditions of approval should be noted.
2. **Inspection During Construction** - The project needs to be inspected while it is being built to assure that it conforms to the approved plans.
3. **Storage of Approved Plans** - The site plan regulations should state where the approved plans are to be kept. This might be the office of the CEO, Town Clerk, Planner, or some other staff person.
4. **Recording of the Approved Plan** - The State Subdivision Law requires that approved subdivision plans be recorded in the local registry of deeds so that there is a public record of approvals. For site plans, there is no State requirement for recording, but some provision should be made for preserving a permanent record of the approval and a copy of the approved site plan. Communities should decide for themselves if the recording of site plans is desirable in their situation. The advantage is that it provides a permanent record of the approval, but it may be more costly for the applicant. If you decide to require that approved site plans be recorded, your standards must assure that the plan will be in a form that is suitable for recording and will be accepted by the local registry. If you decide to review multifamily housing under **site plan review** instead of under your subdivision regulations, the approved site plan for these projects will need to be recorded in the local registry of deeds.
5. **Minor Changes** - During construction of a project, the need for minor field changes often occurs. The regulations should stipulate how this will be handled, who can approve them, and what record of these minor changes will be made.
6. **Submission of "As-Built Plans"** - Since minor field changes do often occur during a construction project, the regulations should require the submission of "as-built plans" showing the actual completed project as constructed, especially for larger scale projects.
7. **Amendments to Approved Plans** - The site plan provisions should establish a

procedure for amending previously approved plans with the passage of time.

SECTION 7. ISSUES

- How should the preapplication phase be handled?
- Should a site analysis be required for large scale projects?
- Is there a need for a sketch plan phase? If so, for what types of projects?
- Who will be responsible for assuring that the necessary information has been submitted?
- What provisions will be made for notifying the public of pending **site plan review** applications?
- When is a public hearing appropriate?
- Should site walks or site visits be required as part of the review process?
- Who will review the technical aspects of the application?
 - The basic engineering details?
 - Erosion and sedimentation control provisions?
 - Traffic analysis?
 - Groundwater impacts?
- Should there be a provision for peer review fees to offset the cost of outside, professional review?
- How should appeals of site plan actions be handled?
- Who will be responsible for inspecting the actual construction for compliance?
- Where will approved plans be stored and should they be "recorded?"
- How will minor changes to approved plans be handled?

SECTION 8. THE BASIC FORMAT OF THE SITE PLAN REVIEW SYSTEM

■ THREE BASIC QUESTIONS

Prior to assembling the components of a **site plan review** system, decide on the basic format of the ordinance, then use that format as the framework that structures the ordinance. For example, if you choose to delegate **site plan review** to a new group such as a Site Plan Review Board or Staff Review Committee, the ordinance must include language for the creation and operation of the group. Similarly, if you choose to create a bilevel review process for minor and major developments, the ordinance must contain submission requirements and review procedures for each. To determine the basic format of your ordinance, answer the following three questions:

■ FREESTANDING OR NOT?

Issue: Should the site plan review provisions be in a separate, freestanding site plan review ordinance or be included within another ordinance?

You should decide if you will have a freestanding **site plan review** ordinance or incorporate the review provisions within a land use or zoning ordinance or other existing ordinance. This issue was discussed in Section 2. The answer to this question is important in developing the **site plan review** ordinance because it will determine what provisions need to be included. A freestanding ordinance will need provisions dealing with the following in addition to the core provisions:

- Definitions
- Administration and Enforcement
- Severability
- Interpretation
- Appeals of Decisions
- Amendments

These additional provisions are addressed in Section 9 Administrative Procedures.

If the **site plan review** provisions are incorporated into an existing ordinance, most or all of the above provisions can probably be omitted since they will already be in the current ordinance. In this case, the existing provisions should be reviewed to assure that there are no conflicts or gaps.

■ SINGLE OR BILEVEL REVIEW?

Issue: Should the community have a single review process that applies to all development covered by site plan review or should it create a bilevel review process with different requirements and procedures for smaller projects and for larger, more complex projects?

Sections 3 and 4 discussed bilevel review and its advantages and its limitations. You need to decide which approach to use. If a bilevel process is selected, the ordinance must include separate submission requirements and review procedures for the two types of developments; and it must include a process for deciding into which category a project falls.

■ WHO REVIEWS THE PROPOSAL?

Issue: Who will be designated to review site plans?

Section 4 discussed who should be designated to review site plans. Four possibilities exist, although in some communities staff involvement may not be an option. The four alternatives are:

- The Planning Board
- A newly created Site Plan Review Board
- A Staff Review Committee
- A staff sign-off system.

If you selected a bilevel review process, the community must decide who will review minor developments and who will handle major projects. The same body can handle both types of projects or the responsibility can be split between two bodies, one reviewing smaller projects and one reviewing larger projects.

BASIC FORMAT ALTERNATIVES - PROS AND CONS

Your answers to the preceding questions will determine the format of the site plan review ordinance. The following looks at the most likely options that result:

OPTION 1

- *A single level of review*
- *The Planning Board as the review body*

This option is most appropriate for a small community with limited staff support that expects to see a limited amount of small-scale, nonresidential development activity. It can be done as a freestanding ordinance or incorporated as part of a townwide land use or zoning ordinance. Section 9 includes the complete provisions for a site plan review system of this type.

OPTION 2

- *A single level of review*
- *A Site Plan Review Board as the review body*

This option is most appropriate for a small community with limited staff support and a busy Planning Board that expects to experience small-scale nonresidential development. Option 2 can be adopted as a freestanding ordinance or incorporated as part of a townwide land use or zoning ordinance. Section 10 provides the ordinance provisions needed to change the basic provisions set out in Section 9 from Planning Board review to review by a separate Site Plan Review Board.

OPTION 3

- *A bilevel system of review*
- *The Planning Board as the review body for both minor and major developments*

This option is best suited to small and mid-size communities with limited staff support that expect to see a limited level of larger scale nonresidential development. As with the other options, it can be set up as a freestanding ordinance or incorporated as part of a land use or zoning ordinance. Section 10 includes ordinance provisions to establish a bilevel review process.

OPTION 4

- *A bilevel system of review*
- *The Planning Board as the review body for major developments with minor projects delegated to staff review by a Staff Review Committee*

This option is best suited to middle and larger size communities that have full staff support, a range of types of nonresidential development, and an existing system of land use regulations into which the site plan provisions can be incorporated. This approach allows small projects to be reviewed by a Staff Review Committee, while larger projects go to the Planning Board. Section 10 contains ordinance provisions to establish this approach.

PULLING IT ALL TOGETHER

Once you have reviewed and discussed the options above, you will need to select the one that best suits your community's needs. The following sections contain ordinance language for each option to help you create the type of ordinance you want. For communities that are interested in Option 1, a basic site plan review ordinance is addressed in Section 9. For communities interested in the other options, alternative language is provided in Section 10 to allow you to customize your site plan review process to your needs.

To be complete, all site plan review provisions must include the following sections:

- **Purpose Section** - This sets out the community's reasons for requiring site plan review. It is an important legal basis for the ordinance.
- **Applicability Section** - This section identifies the types of development activities that are required to be reviewed.
- **Review and Approval Authority** - This section designates what municipal body or bodies will review site plans. If a new body such as a Site Plan Review Board or Staff Review Committee is required, provisions for establishing the body are included here.
- **Procedures Section** - This section sets out the procedures that should be used in handling applications, notifying the public, providing for public comment, and reviewing site plans.
- **Submission Requirements** - This section specifies what materials the applicant is required to provide. The scope of the requirements depends on the basic format of the review process.
- **Approval Criteria and Standards** - This section includes the standards that a project must meet to be approved. Standards are probably the most important part of an ordinance and should be carefully tailored to meet your local needs.
- **Post Approval Requirements** - This covers what happens after a site plan is approved and is addressed in the basic ordinance.
- **Appeals** - A mechanism may be provided to allow for appeal of an action to a local review body, otherwise appeals will be directed automatically to Superior Court.
- **Administrative Procedures** - If the site plan review provisions are adopted as a freestanding ordinance, other administrative provisions need to be included. These are covered in Section 9.

SECTION 9. THE BASIC SITE PLAN REVIEW SYSTEM

This section sets forth the provisions of a basic **site plan review** system. These provisions are appropriate for many small communities with a limited amount of nonresidential development activity. The basic system includes:

- a single set of standards and procedures for all projects requiring **site plan review**
- designating the Planning Board as the review body for site plans
- basic review standards dealing with public safety, health, and environmental factors

The following subsections address the components needed to compile a complete set of **site plan review** provisions. In the left-hand column is a discussion of the issues and the reasons for including specific provisions. In the right-hand column is the model ordinance language for that provision. In many cases, you will need to decide what to include to create a **site plan review** system that is appropriate for your community. Requirements that should be included in all ordinances are prechecked in the box in the upper left corner of the model ordinance language.

A. Purpose and Applicability Provisions

Discussion

Model Ordinance Provisions

A. *The Purpose Statement*

The site plan review provisions should include a purpose section which sets out what community objectives will be achieved through site plan review. The language should clearly relate the site plan review process to the protection of the public's health and safety, to the promotion of the general welfare of the community, and to the policies of the Town as expressed in the Comprehensive Plan. If the ordinance or a decision of the review body is legally challenged, the courts may look to the purpose section for guidance to learn what the site plan provisions were expected to address.

“PURPOSE

The site plan review provisions set forth in this [ordinance] [section] are intended to protect the public health and safety, promote the general welfare of the community, and conserve the environment by assuring that nonresidential [and multifamily] construction is designed and developed in a manner which assures that adequate provisions are made for traffic safety and access; emergency access; water supply; sewage disposal; management of stormwater, erosion, and sedimentation; protection of the groundwater; protection of the environment, wildlife habitat, fisheries, and unique natural areas; protection of historic and archaeological resources; minimizing the adverse impacts on adjacent properties; and fitting the project harmoniously into

Discussion

Model Ordinance Provisions

the fabric of the community.”

B. Applicability Provisions

This portion of the site plan review provisions specifies what types of activities are subject to site plan review. The model ordinance provides language for three parts:

- 1. A preamble,*
- 2. A list of provisions for various types of uses from which the appropriate uses should be chosen,*
- 3. Exclusion provisions.*

Using these three parts, an appropriate applicability section can be created for your community.

1. Preamble

This establishes that site plan review is required prior to starting construction or seeking other required permits and should be included in all options.

“APPLICABILITY OF SITE PLAN REVIEW

A person who has right, title, or interest in a parcel of land must obtain site plan approval prior to commencing any of the following activities on the parcel, obtaining a building or plumbing permit for the activities, or undertaking any alteration or improvement of the site including grubbing or grading:”

Discussion

Model Ordinance Provisions

2. Activities to be Covered by Site Plan Review

These provisions identify the specific types of activities that will be subject to site plan review. New, expanded, or changed activities that have the potential for impacting neighbors or the community should be subject to review.

● ***New nonresidential development***

The following three alternatives deal with the construction of new nonresidential buildings. You should choose the appropriate one for your needs.

The first alternative includes the construction of all new nonresidential buildings under site plan review.

“(1) The construction or placement of any new building or structure for a nonresidential use, including accessory buildings and structures”

 OR

The second alternative establishes a minimum threshold of 1,000 square feet for new buildings. This threshold can be adjusted to meet local needs. You should determine the appropriate number.

“(1) The construction or placement of any new building or structure for a nonresidential use, including accessory buildings and structures, if such buildings or structures have a total area for all floors of [*one thousand (1,000)*] square feet or more.”

 OR

The third alternative establishes a maximum limit so that new buildings that require Department of Environmental Protection approval under the “Site Law” do not require local site plan approval.

“(1) The construction or placement of any new building or structure for a nonresidential use, including accessory buildings and structures but excluding buildings and structures required to obtain a permit from the Board of Environmental Protection under the Site Location of Development Law.”

Discussion

- *The enlargement of existing nonresidential buildings or structures*

These alternative provisions address the expansion of an existing nonresidential building. You should choose one of these.

The first alternative requires review of all expansions.

The second alternative creates a minimum threshold for the size of an enlargement of an existing building. This can be customized to the local situation. You will need to determine the appropriate size to trigger site plan review.

The third alternative exempts expansions of large-scale projects that require State approval under the Site Location of Development Law from local review.

- *The conversion of an existing residential building to nonresidential use*

These alternatives cover the conversion of a residential use to nonresidential use. A conversion to nonresidential use often changes the amount of traffic, noise, runoff, and other factors. If you want to cover conversions, you should include one of these. The first alternative requires review of all conversions.

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- “(2) The expansion of an existing nonresidential building or structure including accessory buildings that increases the total floor area.”

----- **OR** -----

- “(2) The expansion of an existing nonresidential building or structure, including accessory buildings, if the enlargement increases the total area for all floors within a five-year period by more than [twenty] percent of the existing total floor area or [one thousand (1,000)] square feet, whichever is greater.”

----- **OR** -----

- “(2) The expansion of an existing nonresidential building or structure, including accessory buildings that increases the total floor area, but excluding buildings and structures required to obtain a permit from the Board of Environmental Protection under the Site Location of Development Law.”

- “(3) The conversion of an existing building, in whole or in part, from a residential use to a nonresidential use.”

----- **OR** -----

Discussion

The second alternative creates a minimum size threshold for conversions. This can be customized to meet local needs.

- ***The establishment of nonstructural nonresidential uses***

This covers nonresidential uses such as a bulk storage facility or outside storage of materials that do not involve buildings or structures. This should be included since these types of uses can have significant impacts.

- ***Conversion to a new nonresidential use***

This covers the conversion of a building from one type of nonresidential use (such as office) to another type (such as industrial).

- ***The construction of multifamily housing***

This subjects new multifamily housing to site plan review. You should include this if you want to review multifamily residential development under a site plan review procedure instead of under your subdivision review process.

- ***The expansion of multifamily housing***

This covers modification of any existing residential building that increases the number of units.

Model Ordinance Provisions

“(3) The conversion of an existing building in which [one thousand (1,000)] or more square feet of total floor area are converted from residential to nonresidential use.”

“(4) The establishment of a new nonresidential use even if no buildings or structures are proposed, including uses such as gravel pits, cemeteries, golf courses, and other nonstructural nonresidential uses.”

“(5) The conversion of an existing nonresidential use, in whole or in part, to another nonresidential use if the new use changes the basic nature of the existing use such that it increases the intensity of on- or off-site impacts of the use subject to the standards and criteria of site plan review described in [Section] [paragraph] ____ of this [ordinance] [section].”

“(6) The construction of a residential building containing three (3) or more dwelling units.”

“(7) The modification or expansion of an existing residential structure that increases the number of dwelling units in the structure by three (3) or more in any five (5) year period.”

Discussion

Model Ordinance Provisions

● *Conversion from nonresidential use to multifamily residential use*

This covers the conversion of a nonresidential building to a multifamily residential use. If you include multifamily housing under site plan review, you should cover conversions as well as new construction.

“(8) The conversion of an existing nonresidential building or structure, in whole or in part, into three (3) or more dwelling units within a five (5) year period.”

● *Construction or expansion of impervious surfaces*

This covers the construction or expansion of paved or impervious areas. Paving increases the amount of runoff and may create other impacts that should be reviewed. If you decide to include this under site plan review, you need to establish the appropriate threshold so that minor changes don't require review.

“(9) The construction or expansion of paved areas or other impervious surfaces, including walkways, access drives, and parking lots involving an area of more than [two thousand five hundred (2,500)] square feet within any three (3) year period.”

3. Exemptions

This part establishes what activities do not require site plan review.

“The following activities shall not require site plan approval. Certain of these activities will, however, require the owner to obtain a building permit, plumbing permit, or other state or local approvals:

- (1) The construction, alteration, or enlargement of a single family or two-family dwelling, including accessory buildings and structures,
- (2) The placement, alteration, or enlargement of a single manufactured housing or mobile home dwelling, including accessory buildings and structures on individually owned lots,
- (3) Agricultural activities, including agricultural buildings and structures,
- (4) Timber harvesting and forest management activities,
- (5) The establishment and modification of home occupations that do not result in changes to the site or exterior of the building,

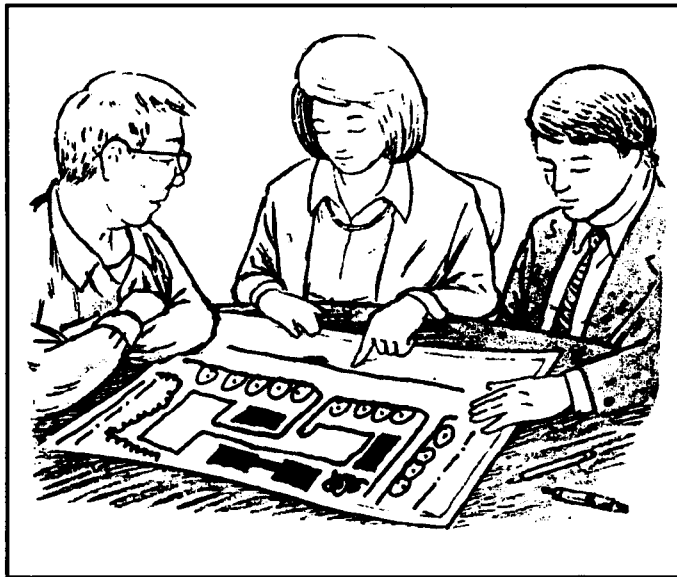
This item exempts agricultural buildings and structures from site plan review. If you decide to review agricultural buildings, this should be deleted.

- (6) Activities involving nonresidential buildings or activities that are specifically excluded from review by the provisions of this section.”

B. Review and Approval Authority

Discussion

This section of the site plan review ordinance establishes the Planning Board as the municipal body that will be responsible for reviewing and acting on site plans.



Model Ordinance Provisions

“REVIEW AND APPROVAL AUTHORITY

The Planning Board is authorized to review and act on all site plans for development requiring site plan review as defined above.

In considering site plans under this provision, the Planning Board may act to approve, disapprove, or approve the project with conditions as are authorized by these provisions.”

C. Procedures

Discussion

This section establishes the procedures for reviewing site plans. This provides a review format in which the Planning Board reviews all site plans using the same procedures. Additional options are included in Section 10.

This section provides for an optional preapplication conference with the Board prior to the submission of an application.

This sets forth the reasons for having a preapplication meeting to assure that the Board and the applicant have the same expectations.

Model Ordinance Provisions

“REVIEW PROCEDURES

The Planning Board shall use the following procedures in reviewing applications for site plan review.

1. Preapplication

Prior to submitting a formal application, the applicant or his/her representative may request a preapplication conference with the Planning Board. A preapplication conference is strongly advised. The preapplication conference shall be informal and informational in nature. There shall be no fee for a preapplication review, and such review shall not cause the plan to be a pending application or proceeding under Title 1 M.R.S.A. §302. No decision on the substance of the plan shall be made at the preapplication conference.

1.1 Purpose

The purposes of the preapplication conference are to:

- (1) Allow the Planning Board to understand the nature of the proposed use and the issues involved in the proposal,
- (2) Allow the applicant to understand the development review process and required submissions,
- (3) Identify issues that need to be addressed in future submissions, and

Discussion

This allows the Board to schedule a site walk at the preapplication conference and act on waiver requests.

This establishes what the applicant should have available to allow for a meaningful discussion of the project.

This section sets out the process that will be used in reviewing the application.

This part provides for notice to abutters of the pending application. Customize this to match local practice. For example, a staff person such as the Code Enforcement Officer could be delegated the responsibility for review applications for completeness.

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- (4) Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.

In addition, the Board may schedule a site inspection in accordance with subsection 2(5) if deemed necessary and resolve any requests for waivers and variations from the submission requirements.

1.2 Information Required

There are no formal submission requirements for a preapplication conference. However, the applicant should be prepared to discuss the following with the Board:

- (1) The proposed site, including its location, size, and general characteristics,
- (2) The nature of the proposed use and potential development,
- (3) Any issues or questions about existing municipal regulations and their applicability to the project, and
- (4) Any requests for waivers from the submission requirements.

2. Application Submission and Review Procedures

The applicant shall prepare and submit a site plan review application, including the development plan and supporting documentation, that meets the submission requirements set forth below. This material shall be submitted to the Chair of the Planning Board.

- (1) At the first meeting at which the application is considered, the Planning Board shall give a dated receipt to the applicant and shall notify by first-class mail all property owners within [five hundred (500)] feet of the parcel on which the proposed development is located. Written notice of the pending application shall

Discussion

The officials to be notified need to be customized to reflect local staffing. This assures that all departments that may be impacted by the proposal are aware of the application.

This requires that the Board have a complete application prior to starting the review. This is important. If all of the needed information has not been provided, review does not begin and the applicant is advised to submit the additional information.

This notification function can be delegated to a staff person if appropriate.

This provides for notice of the meeting at which the application is considered by the Board.

This provision allows the Board to hold a site walk, addresses situations where snow cover makes a meaningful site walk impractical, and provides for notification of interested parties.

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be mailed to the [Selectmen, Town Manager, Fire Chief, Police Chief, Road Commissioner, Building Inspector, Plumbing Inspector], and other interested parties.

- (2) Within thirty (30) days of the receipt of a formal site plan review application, the Planning Board shall review the material and determine whether or not the submission is complete. If the application is determined to be incomplete, the Board shall notify the applicant in writing of this finding, shall specify the additional materials required to make the application complete and shall advise the applicant that the application will not be considered by the Board until the additional information is submitted to the Board. These steps, except the notification requirements, shall be repeated until the application is found to be complete.
- (3) As soon as the Board determines that the application is complete, the Board shall: notify the applicant in writing of this finding, meet the notification requirements of subsection (4) below, and place the item on the agenda for substantive review within thirty (30) days of this finding.
- (4) The Planning Board shall give written notice of the date, time, and place of the meeting at which the application will be considered to the applicant and all persons who received the notice in (1).
- (5) The Planning Board may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted and investigate the development proposal. The Board may schedule this visit either before or after the first meeting at which the application is considered. The Board may decide not to hold an on-site inspection when the site is snow covered. If an application is pending during a period when there is snow cover, the deadline by which the Planning Board shall taken final action on the application as specified in (6) may be extended, which extension shall not exceed [thirty (30)] days after the Board is able to conduct an on-site inspection. Written notice of the on-site inspection shall be provided to all parties entitled to notice under subsection (4).

Discussion

This establishes a 30 day period for review. You may want to modify this. It is important to keep the review period as short as possible while allowing for a thorough review.

This requires the Board to make "findings" when acting on the application, to put those findings in writing, and to notify people involved in the process of its decision. Having written findings of fact is important if there ever is any question as to what the Board approved or if there is a lawsuit.

This provides that the approved plan be signed and permanently filed with the Code Enforcement Officer. Recognizing how difficult it is to maintain a good local filing system, some towns may want someone else to be the repository for approved plans. Some communities require approved plans to be recorded in the Registry of Deeds. While providing an alternative to a good, local storage system, the municipality should consider that the requirement may be met with resistance by the Registry and unnecessarily increase the cost of development.

Model Ordinance Provisions

- (6) The Planning Board shall take final action on said application within [thirty (30)] days of determining that the application is complete. The Board shall act to deny, to approve, or to approve the application with conditions. The Board may impose such conditions as are deemed advisable to assure compliance with the standards of approval.

In issuing its decision, the Planning Board shall make written findings of fact establishing that the proposed development does or does not meet the standards of approval and other requirements of the Town. The Board shall notify the applicant, all officials who received notice under (1), and all parties who requested to be notified of the action of the Board, including the findings of fact, and any conditions of approval. This requirement can be met through the distribution of minutes of the meeting containing the findings of fact and decision of the Board.

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

3. Final Approval and Filing

Upon completion of the requirements of this Section and an approval vote by the majority of the Planning Board, the application shall be deemed to have final approval and the site plan shall be signed by a majority of the members of the Board and must be filed with the [Code Enforcement Officer]. Any plan not so filed within thirty (30) days of the date upon which such plan is approved and signed by the Board shall become null and void. [In addition, the signed plan shall be recorded in the _____ Registry of Deeds within thirty (30) days of the vote to approve the plan.] The Planning Board, by vote, may extend the filing period for good cause.

Discussion

This section requires the applicant to pay an appropriate application fee and a review fee to cover the costs of outside review.

The technical review fee is designed to allow the Board to “buy” needed technical review services.

This sets up procedures for using, accounting for, and returning unused portions of the technical review fee.

Model Ordinance Provisions

4. Fees

4.1 Application Fee

An application for site plan review must be accompanied by an application fee. This fee is intended to cover the cost of the municipality’s administrative processing of the application, including notification, advertising, mailings, and similar costs. The fee shall not be refundable. This application fee shall be paid to the municipality, and evidence of payment of the fee shall be included with the application.

4.2 Technical Review Fee

In addition to the application fee, the applicant for site plan review must also pay a technical review fee to defray the municipality’s legal and technical costs of the application review. This fee must be paid to the municipality and shall be deposited in the Development Review Trust Account, which shall be separate and distinct from all other municipal accounts. The application will be considered incomplete until evidence of payment of this fee is submitted to the Planning Board. The Board may reduce the amount of the technical review fee or eliminate the fee if it determines that the scale or nature of the project will require little or no outside review.

The technical review fee may be used by the Planning Board to pay reasonable costs incurred by the Board, at its discretion, which relate directly to the review of the application pursuant to the review criteria. Such services may include, but need not be limited to, consulting engineering or other professional fees, attorney fees, recording fees, and appraisal fees. The municipality shall provide the applicant, upon written request, with an accounting of his or her account and shall refund all of the remaining monies, including accrued interest, in the account after the payment by the Town of all costs and services related to the review. Such payment of remaining monies shall be made no later than sixty (60) days after the approval of the application, denial of the application, or approval with condition of the application. Such refund shall be accompanied by a final accounting of expenditures from the fund. The monies

Discussion

This allows the Municipal Officers to establish the site plan review fees. These fees should be tied to the scale and complexity of the project and the potential need for outside review services. It is important that fees be established once site plan review is put into place. Some communities establish the application fee as a set amount such as \$25-\$50 for a minor site plan and \$200-\$400 for a major site plan, some have a basic fee such as \$50-\$100 and then require the applicant to pay the actual cost for engineering review, and others have a sliding fee scale tied to the size of the project such as \$0.05 per square foot of gross floor area or \$50 per 25,000 square feet of lot area.

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in such fund shall not be used by the Board for any enforcement purposes nor shall the applicant be liable for costs incurred by or costs of services contracted for by the Board which exceed the amount deposited to the trust account.

4.3 Establishment of Fees

The Municipal Officers may, from time to time and after consultation with the Board, establish the appropriate application fees and technical review fees following posting of the proposed schedule of fees and public hearing.”

D. Submission Requirements

For the municipal review body to conduct a meaningful review of a site plan, the applicant must provide information about the site, the proposed development activity, and its potential impacts. This section establishes the information that an applicant should be required to submit.

Included in this section is a basic set of requirements designed for a community using a single level review process.

An alternative is included in Section 10 that establishes separate submission requirements for minor developments and major developments for a community that has chosen a bilevel review process.

A note of caution is in order. It is important that the submission requirements be coordinated with the standards section. If you establish a standard for, say, lighting, your submission requirements will need to have the applicant provide information about proposed site lighting. If, however, you do not include a standard for lighting, you should not require the applicant to submit information about lighting.

Once you complete the standards section of your ordinance, you should review the submission requirements to assure that everything is addressed but that no unnecessary information is requested.



Discussion

An alternative to submitting the application to the Board is for the application to be submitted to the Code Enforcement Officer or other staff person. If the Town has staff that are available at the municipal office, having the application submitted to them may be preferable.

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"SUBMISSION REQUIREMENTS"

Applications for site plan review must be submitted on application forms provided by the municipality. The complete application form, evidence of payment of the required fees, and the required plans and related information must be submitted to the [Chair of the Planning Board] [Code Enforcement Officer]. The submission must contain at

Discussion

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You should determine the number of copies you will need and adjust this submission requirement.

In other words, a scale of less than 1" = 100' is acceptable, such as 1" = 60' or 1" = 40'; in fact, those bigger scales are preferable.

This requires the applicant to provide basic information about the site.

least the following exhibits and information unless specifically waived in writing. The Planning Board may waive any of the submission requirements based upon a written request of the applicant. Such request must be made at the time of the preapplication conference or at the initial review of the application if no preapplication conference is held. A waiver of any submission requirement may be granted only if the Board makes a written finding that the information is not required to determine compliance with the standards.

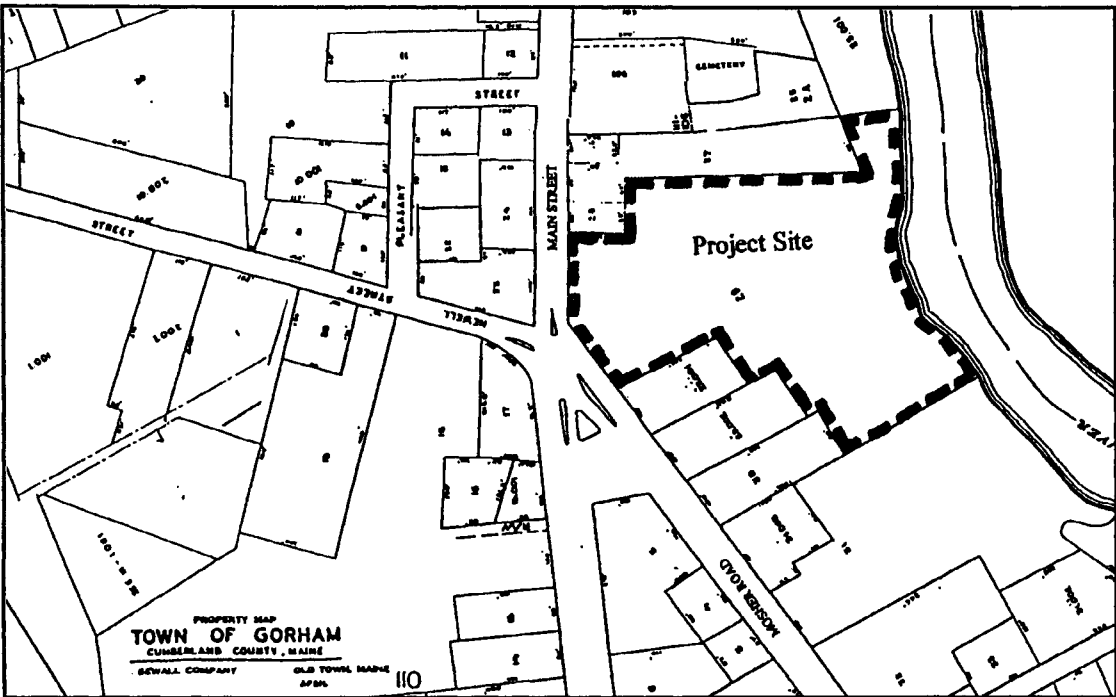
All applications for site plan review must contain the following information:

- (1) A fully executed and signed copy of the application for site plan review.
- (2) Evidence of payment of the application and technical review fees.
- (3) [Eight (8)] copies of written materials plus [eight (8)] sets of maps or drawings containing the information listed below. The written materials must be contained in a bound report. The maps or drawing must be at a scale sufficient to allow review of the items listed under the approval standards and criteria, but in no case shall be more than one hundred (100) feet to the inch for that portion of the tract of land being proposed for development:

1. General Information

- (1) record owner's name, address, and phone number and applicant's name, address and phone number if different
- (2) the location of all required building setbacks, yards, and buffers

Discussion



Sample Location Sketch Map

The applicant should be required to show that he/she has a legal interest in the property.

Evidence of technical capability might include documentation that the applicant has retained qualified contractors and consultants to supervise, construct, and inspect improvements in the proposed development. Evidence of financial capability should demonstrate that the applicant has adequate financial resources to construct the proposed improvements and meet the standards of the Ordinance. Evidence could

Model Ordinance Provisions

- (3) names and addresses of all property owners within five hundred (500) feet of any and all property boundaries
- (4) sketch map showing general location of the site within the municipality based upon a reduction of the tax maps
- (5) boundaries of all contiguous property under the total or partial control of the owner or applicant regardless of whether all or part is being developed at this time
- (6) the tax map and lot number of the parcel or parcels on which the project is located
- (7) a copy of the deed to the property, an option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant
- (8) the name, registration number, and seal of the person who prepared the plan, if applicable
- (9) evidence of the applicant's technical and financial capability to carry out the project as proposed

Discussion

include a letter from a financing institution regarding a loan, letter of credit, or bank account or a certified accountant's or annual report indicating adequate cash flow to cover anticipated expenses.

The information submitted should provide the reviewers with a good understanding of the existing conditions on the site and any limitations for its use and development.

This should be included even if you only have Shoreland Zoning.

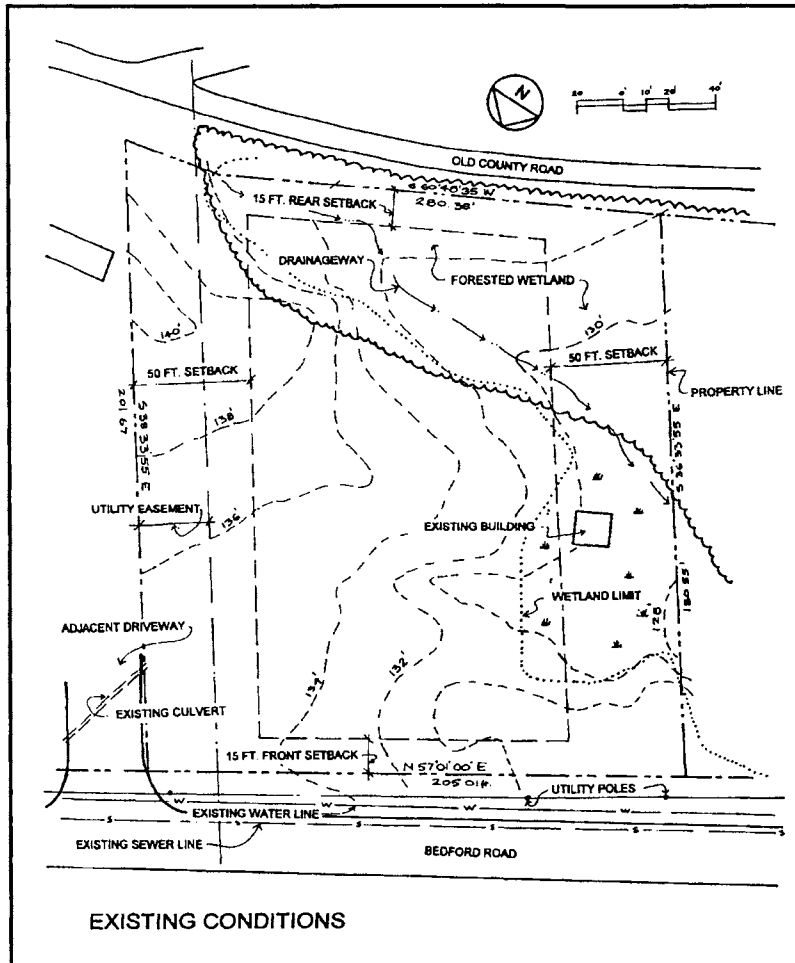
It is important that the applicant and review body know where the property lines are.

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2. Existing Conditions

- (1) zoning classification(s), including overlay and/or subdistricts, of the property and the location of zoning district boundaries if the property is located in two (2) or more zoning districts or subdistricts or abuts a different district.
- (2) the bearings and length of all property lines of the property to be developed and the source of this information. The Planning Board may waive this requirement of a boundary survey when sufficient information is available to establish, on the ground, all property boundaries.
- (3) location and size of any existing sewer and water mains, culverts and drains, on-site sewage disposal systems, wells, underground tanks or installations, and power and telephone lines and poles on the property to be developed, on abutting streets, or land that may serve the development, and an assessment of their adequacy and condition to meet the needs of the proposed use. Appropriate elevations must be provided as necessary to determine the direction of flow.
- (4) location, names, and present widths of existing public and/or private streets and rights-of-way within or adjacent to the proposed development.
- (5) the location, dimensions and ground floor elevation of all existing buildings on the site.
- (6) the location and dimensions of existing driveways, parking and loading areas, walkways, and sidewalks on or immediately adjacent to the site.
- (7) location of intersecting roads or driveways within two hundred (200) feet of the

Discussion



The site plan and supporting materials must provide a complete picture of what changes will be made on the site and how they will be carried out.

The information about the development proposal should be of a preliminary nature, not detailed construction plans.

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site.

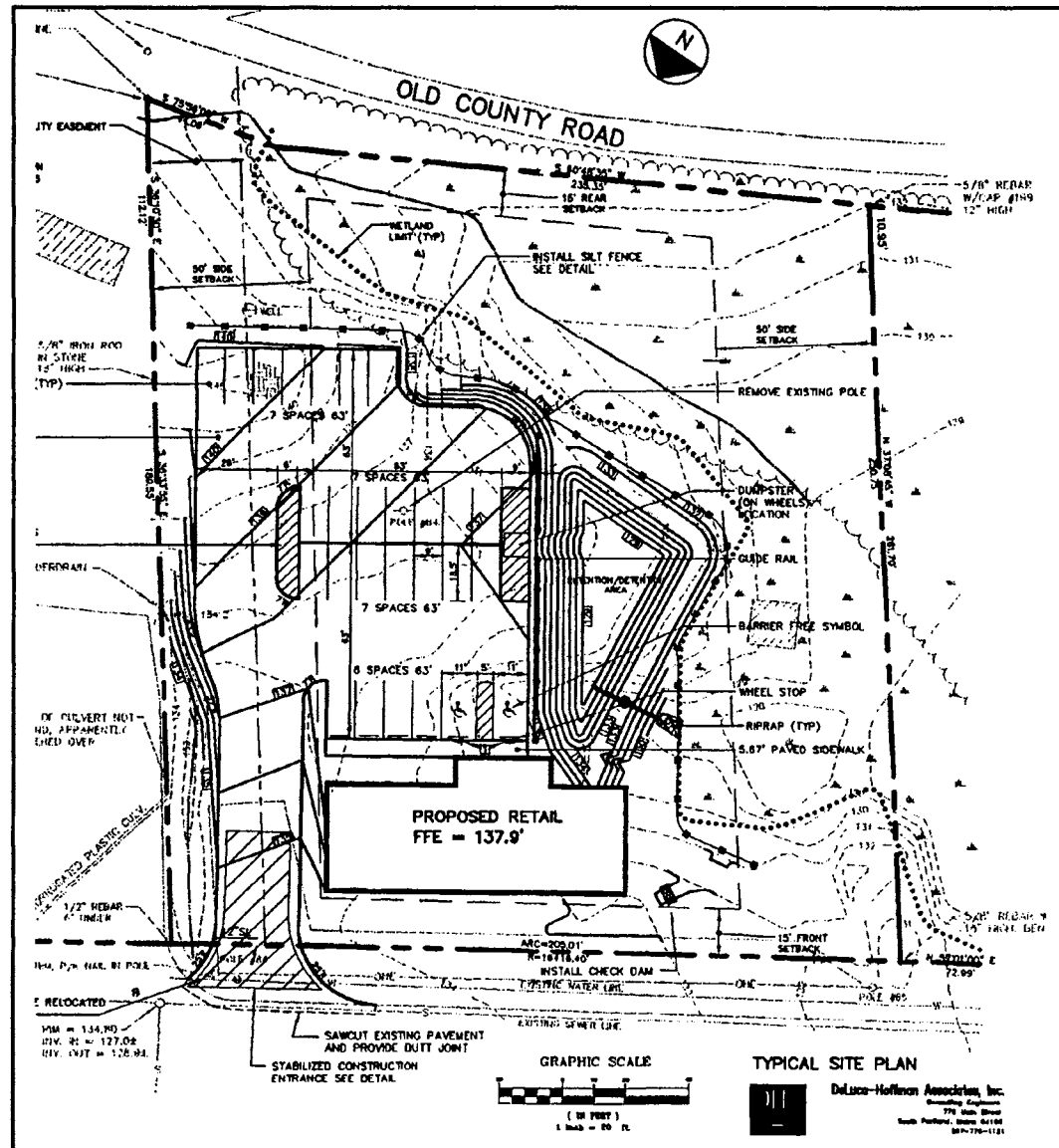
- (8) the location of open drainage courses, wetlands, stone walls, graveyards, fences, stands of trees, and other important or unique natural areas and site features, including but not limited to, floodplains, deer wintering areas, significant wildlife habitats, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, and historic and/or archaeological resources, together with a description of such features.
- (9) the direction of existing surface water drainage across the site.
- (10) the location, front view, dimensions, and lighting of existing signs.
- (11) location and dimensions of any existing easements and copies of existing covenants or deed restrictions.
- (12) the location of the nearest fire hydrant, dry hydrant or other water supply for fire protection.

3. Proposed Development Activity

- (1) estimated demand for water supply and sewage disposal together with the location and dimensions of all provisions for water supply and wastewater disposal, and evidence of their adequacy for the proposed use, including soils test pit data if on-

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- site sewage disposal is proposed.
- (2) the direction of proposed surface water drainage across the site and from the site, with an assessment of impacts on downstream properties.
 - (3) provisions for handling all solid wastes, including hazardous and special wastes and the location and proposed screening of any on-site collection or storage facilities.
 - (4) the location, dimensions, and materials to be used in the construction of proposed driveways, parking and loading areas, and walkways and any changes in traffic flow onto or off-site.
 - (5) proposed landscaping and buffering.
 - (6) the location, dimensions, and ground floor elevation of all proposed buildings or building expansion proposed on the site.
 - (7) location, front view, materials, and dimensions of proposed signs together with the method for securing the sign.
 - (8) location and type of exterior lighting.
 - (9) the location of all utilities, including fire protection systems.
 - (10) a general description of the proposed use or activity.
 - (11) an estimate of the peak hour and daily traffic to be generated by the project.
 - (12) stormwater calculations, erosion and sedimentation control measures, and water quality and/or phosphorous export management provisions, if the project requires a stormwater permit from the Maine Department of Environmental Protection or

Discussion

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if the Planning Board determines that such information is necessary based upon the scale of the project or the existing conditions in the vicinity of the project.

4. Approval Block

Space must be provided on the plan drawing for the signatures of the Planning Board and date together with the following words, "Approved: [City] [Town] of [name of City or Town] Planning Board."

E. Standards and Criteria

The core of the site plan review provisions is the standards section. These standards and criteria establish the specific language which the Planning Board must use to evaluate a project. The standards spell out the community’s expectations for new nonresidential development or multifamily housing.

This section sets out basic standards that address issues relating to **public safety, health and environmental** concerns.

Section 11 includes additional standards relating to “**good neighbor**” and **visual and design** concerns.

For a number of these standards, alternative standards are provided. As you craft your provisions, select only the standards you want to include in your site plan review system.



Discussion

Model Ordinance Provisions

● **Preamble**

In order to be approved, a proposed development must comply with these standards. You should include this language in your ordinance regardless of which option you have chosen.

“APPROVAL STANDARDS AND CRITERIA

The following criteria shall be used by the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

Discussion

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This standard assures that the overall use of the site is compatible with the natural features of the site.

1. Utilization of the Site

“Utilization of the Site - The plan for the development must reflect the natural capabilities of the site to support development. Buildings, lots, and support facilities must be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. Natural drainage areas must also be preserved to the maximum extent. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.”

This standard assures that roads providing access to the site are adequate.

2. Traffic Access and Parking

“Adequacy of Road System - Vehicular access to the site must be on roads which have adequate capacity to accommodate the additional traffic generated by the development.”

This alternate standard provides specific criteria with which to judge the adequacy of access to the site. The numbers used (100 trips, 1 mile, etc.) may be adjusted to meet local conditions.

----- **OR** -----

“Adequacy of Road System - Vehicular access to the site must be on roads which have adequate capacity to accommodate the additional traffic generated by the development. For developments which generate [one hundred (100)] or more peak hour trips based on the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers, intersections on major access routes to the site within [one (1) mile] of any entrance road which are functioning at a Level of Service of D or better prior to the development must function at a minimum at Level of Service D after development. If any such intersection is functioning at

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a Level of Service E or lower prior to the development, the project must not reduce the current level of service. This requirement may be waived by the Planning Board if the project is located within a growth area designated in the [Town's] [City's] adopted Comprehensive Plan and the Board determines that the project will not have an unnecessary adverse impact on traffic flow or safety.

A development not meeting this requirement may be approved if the applicant demonstrates that:

- (1) A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or
- (2) The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will assure the completion of the improvements with a financial guarantee acceptable to the municipality."

This standard assures that vehicles can safely enter and exit from the site.

"Access into the Site - Vehicular access to and from the development must be safe and convenient."

----- **OR** -----

The alternative standard provides detailed criteria for assessing the adequacy of access into the site.

"Access into the Site - Vehicular access to and from the development must be safe and convenient.

- (1) Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.
- (2) Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.

Discussion

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(3) The grade of any proposed drive or street must be not more than $\pm 3\%$ for a minimum of two (2) car lengths, or forty (40) feet, from the intersection.

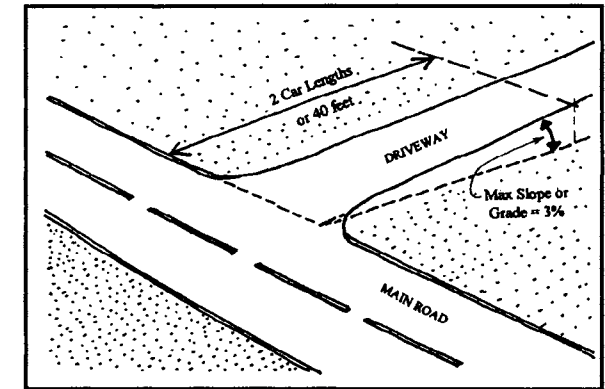
(4) The intersection of any access/egress drive or proposed street must function: (a) at a Level of Service of D following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or (b) at a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated.

(5) Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if it is safe and does not promote shortcutting through the site.

(6) Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.

(7) Accessways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.

(8) The following criteria must be used to limit the number of driveways serving



Discussion

Model Ordinance Provisions

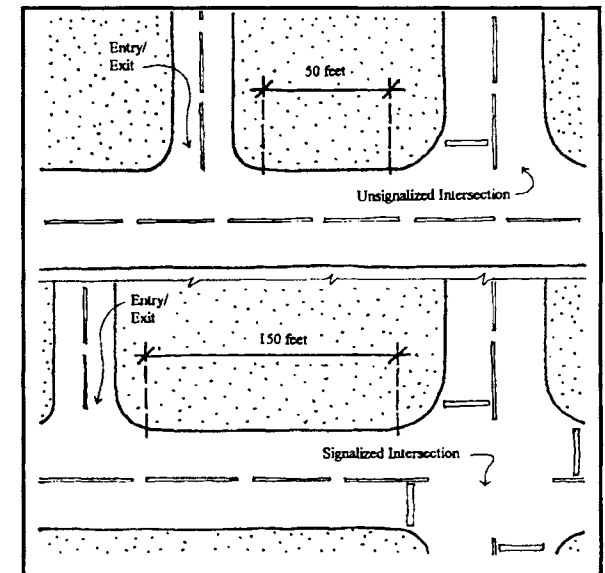
a proposed project:

- a. No use which generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.
- b. No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all accessways must not exceed sixty (60) feet.”

This standard regulates the location of proposed accessways.

“Accessway Location and Spacing - Accessways must meet the following standards:

- (1) Private entrances/exits must be located at least fifty (50) feet from the closest unsignalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the accessway. This requirement may be reduced if the shape of the site does not allow conformance with this standard.



- (2) Private accessways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.”

Discussion

This standard assures that vehicles can move safely within the site.

This alternative establishes specific criteria for safe site circulation.

This allows for a medium sized tractor trailer to turn. A 42 foot turning radius is preferable if the site will have significant delivery traffic.

Model Ordinance Provisions

“Internal Vehicular Circulation - The layout of the site must provide for the safe movement of passenger, service and emergency vehicles through the site.”

OR

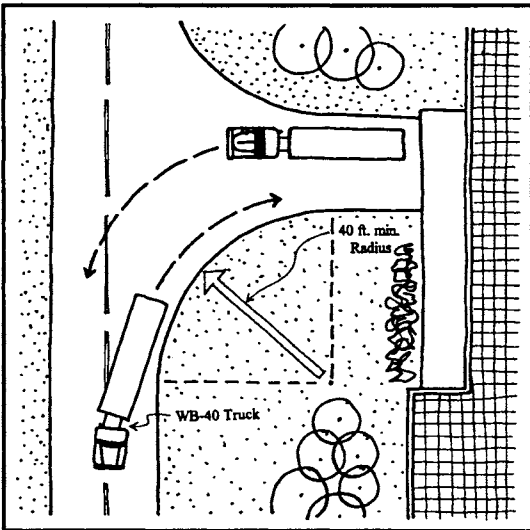
“Internal Vehicular Circulation - The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

(1) Nonresidential projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing for a minimum of [WB-40] vehicles.

(2) Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).

(3) The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.

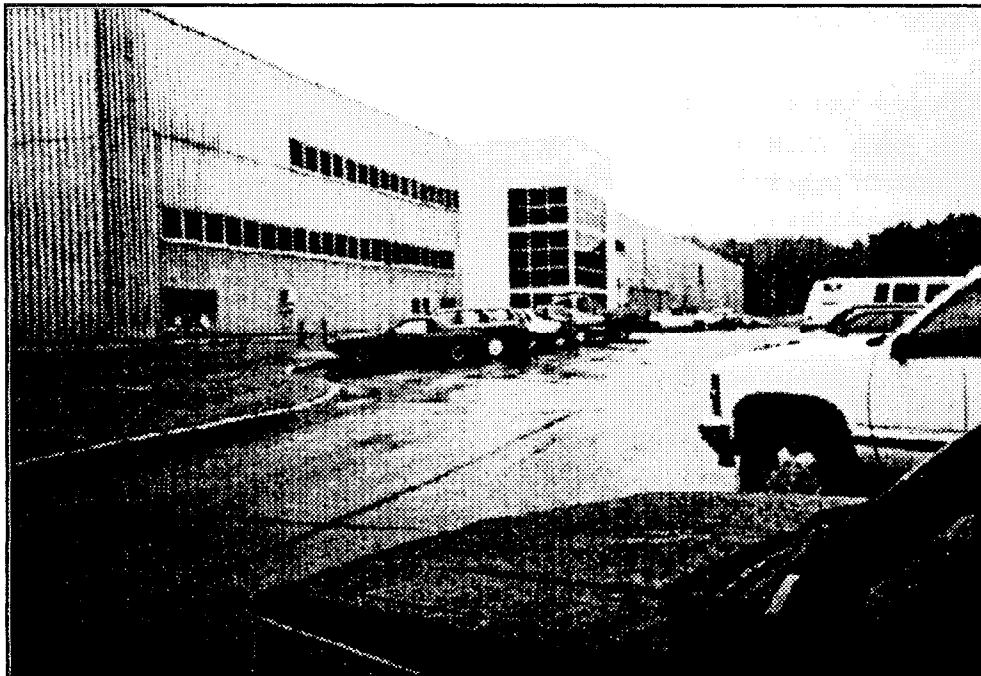
(4) All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular,



Discussion

This standard assures that the parking is laid out in a safe and efficient manner. If the town's zoning ordinance addresses this issue, the standards in the site plan review provisions must be consistent with those requirements or can reference the zoning ordinance.

The setback of parking should be adjusted to reflect local conditions.



Model Ordinance Provisions

pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.”

“Parking Layout and Design - Off-street parking must conform to the following standards:

- (1) Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.
- (2) All parking spaces, access drives, and impervious surfaces must be located at least [five (5) feet] from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within [five (5) feet] of the front property line. Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24) feet in width.
- (3) Parking stalls and aisle layout must conform to the following standards.

Parking Angle	Stall Width	Skew Width	Stall Depth	Aisle Width
90°	9'-0"		18'-0"	24'-0" two way
60°	8'-6"	10'-6"	18'-0"	16'-0" one way only
45°	8'-6"	12'-9"	17'-6"	12'-0" one way only
30°	8'-6"	17'-0"	17'-0"	12'-0" one way only

Discussion

The standards can also provide for the joint or shared use of parking by two or more uses when the peak parking demand of the various uses occurs at different times.

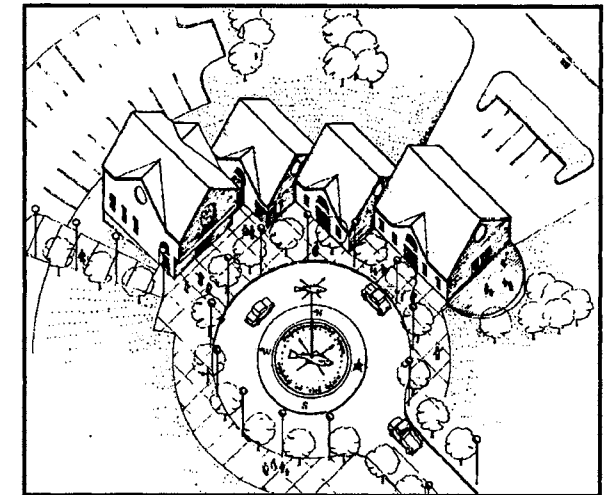
This standard assures that there are adequate provisions for pedestrian movement to and within the site.

Model Ordinance Provisions

- (4) In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.
- (5) Parking areas for nonresidential uses must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Double stack parking may be permitted for resident parking in conjunction with residential uses if both spaces in the stack are assigned to the occupants of the same dwelling unit.
- (6) Provisions must be made to restrict the “overhang” of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.”

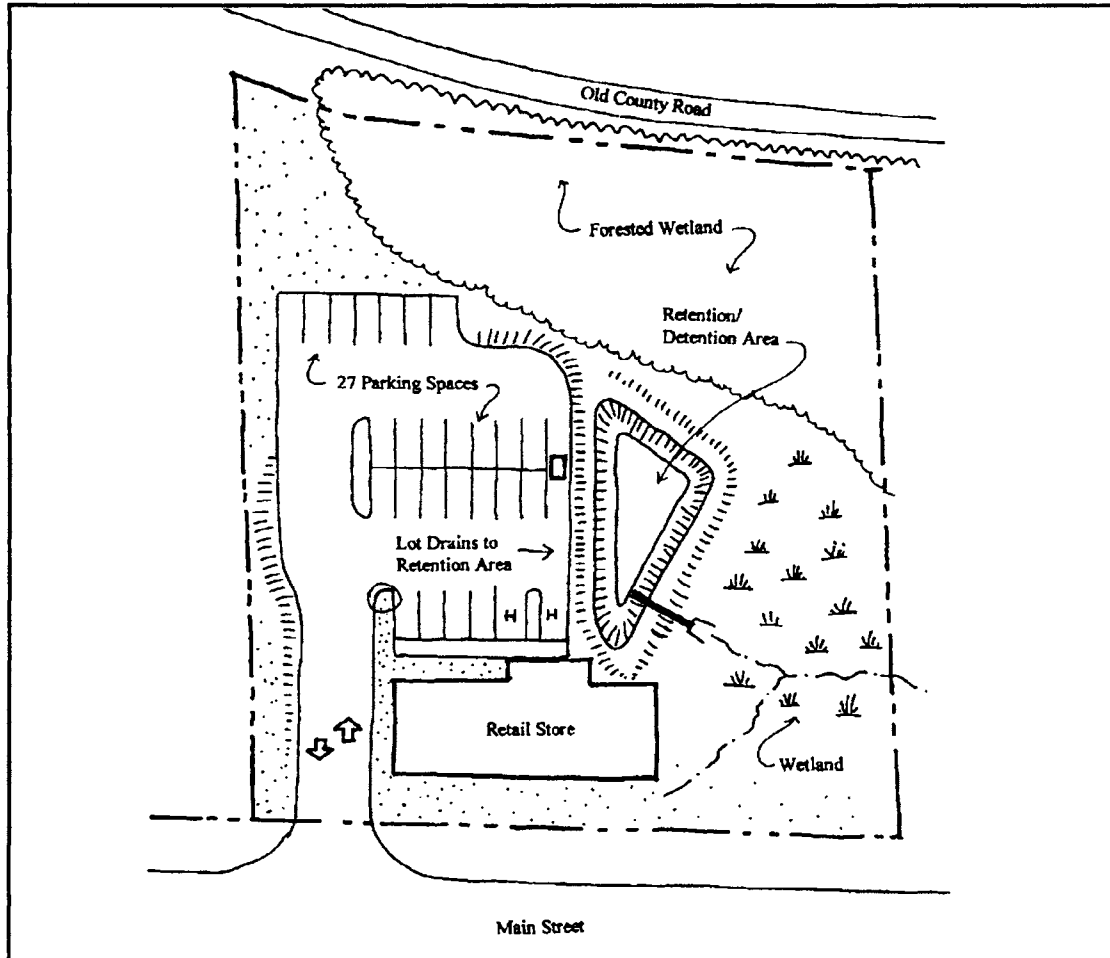
3. Pedestrian Access

- “Pedestrian Circulation** - The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools,



Discussion

This standard addresses the handling of stormwater on the site.



Model Ordinance Provisions

bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect with amenities such as parks or open space on or adjacent to the site.”

4. Stormwater Management

- “Stormwater Management** - Adequate provisions must be made for the collection and disposal of all stormwater that runs off from proposed streets, parking areas, roofs and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.”

----- **OR** -----

- “Stormwater Management** - Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

- (1) To the extent possible, the plan must retain stormwater on the site using the natural features of the site.
- (2) Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.
- (3) The applicant must demonstrate that on- and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding and erosion of shoreland areas, or that he/she will be responsible for whatever improvements are needed to provide the required increase in capacity and/or mitigation.

Discussion

This alternative provides detailed criteria for stormwater management and helps reduce the amount of non-point source pollution. In most situations, all seven items should be included in the ordinance.

This standard assures that adequate provisions are made to control erosion and sedimentation.

Model Ordinance Provisions

- (4) All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.
- (5) The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.
- (6) The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.
- (7) The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.”

5. Erosion Control

- “Erosion Control** - All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and/or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.

Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices,

Discussion

This standard assures that there is an adequate supply of water for the use.

This standard assures that there are adequate provisions for sewage disposal. If the nonresidential development in the community will utilize individual subsurface sewage disposal (septic systems), this option is adequate. The second option addresses situations where the project may be connected to a public sewer system or to shared or community septic systems.

Items 1 and 2 deal with connection to a public sewer system. If public sewerage is not available in the community, these items should not be included in the ordinance.

Model Ordinance Provisions

dated March 1991.”

6. Water Supply Provisions

- “Water Supply** - The development must be provided with a system of water supply that provides each use with an adequate supply of water.

If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.”

7. Sewage Disposal Provisions

- “Sewage Disposal** - The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code. If provisions are proposed for on-site waste disposal, all such systems must conform to the Subsurface Wastewater Disposal Rules.”

----- **OR** -----

- “Sewage Disposal** - The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code.

- (1) All sanitary sewage from new or expanded uses must be discharged into a public sewage collection and treatment system when such facilities are currently available or can reasonably be made available at the lot line and have adequate capacity to handle the projected waste generation.

Discussion

This standard assures that there are adequate provisions for power, telephone, and other telecommunication services.

This standard deals with preserving the natural features of the site.

This standard assures that the quality and quantity of the groundwater will be protected.

Model Ordinance Provisions

8. Utilities

- “Utilities** - The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.”

9. Natural Features

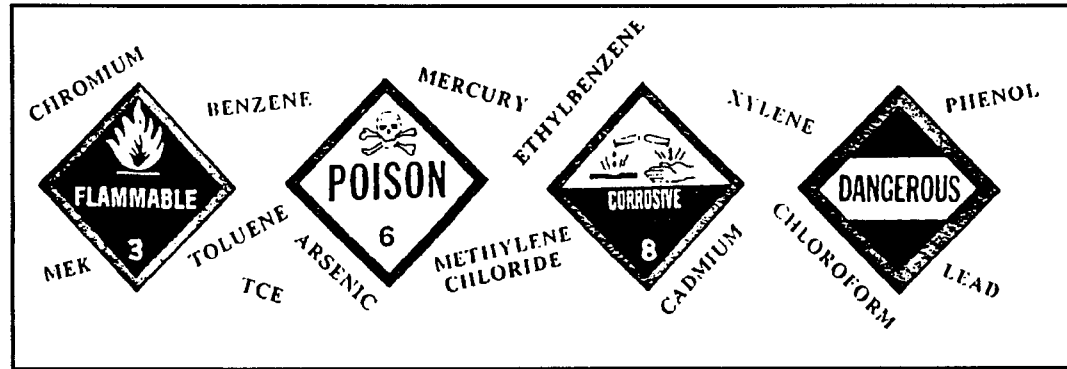
- “Natural Features** - The landscape must be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction. Extensive grading and filling must be avoided as far as possible.”

10. Groundwater Protection

- “Groundwater Protection** - The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.”

Discussion

This standard addresses activities that are potential threats to groundwater or surface waters.



Model Ordinance Provisions

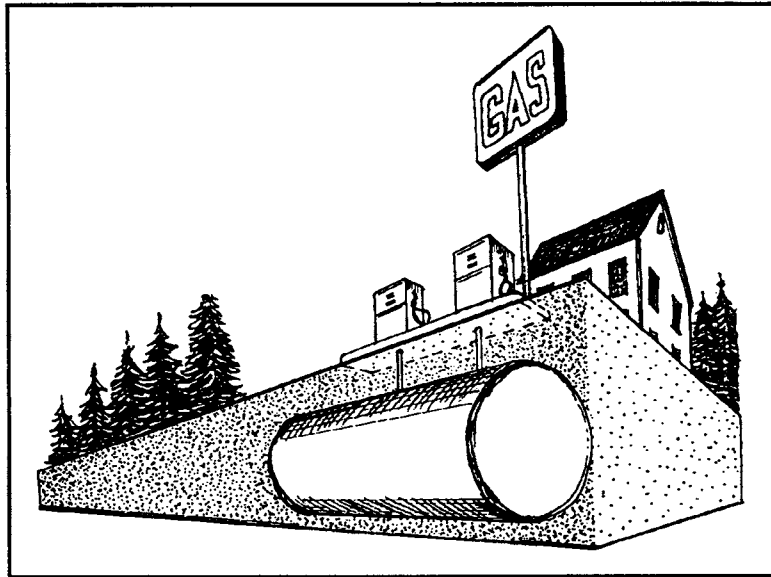
11. Water Quality Protection

“Water Quality Protection - All aspects of the project must be designed so that:

- (1) No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
- (2) All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.
- (3) If the project is located within the direct watershed of a ‘body of water most at risk from development’ or ‘a sensitive or threatened region or watershed’ as identified by the Maine Department of Environmental Protection (DEP), and is of such magnitude as to require a stormwater permit from the DEP, the project must comply with the standards of the DEP with respect to the export of total suspended solids and/or phosphorous. If the project does not require a stormwater permit from the DEP, it must be designed to minimize the export of phosphorous from the site to the extent reasonable with the proposed use and the characteristics of the site.”

Discussion

This standard deals with hazardous materials and how they are handled on the site.



This standard addresses the protection of shoreland areas and the provision of shoreland access.

This standard assures that the applicant has the technical and financial resources to carry out the project as planned.

Model Ordinance Provisions

12. Hazardous, Special, and Radioactive Materials

- “Hazardous, Special and Radioactive Materials** - The handling, storage, and use of all materials identified by the standards of a federal or state agency as hazardous, special or radioactive must be done in accordance with the standards of these agencies.

No flammable or explosive liquids, solids or gases shall be stored in bulk above ground unless they are located at least seventy-five (75) feet from any lot line, or forty (40) feet in the case of underground storage. All materials must be stored in a manner and location which is in compliance with appropriate rules and regulations of the Maine Department of Public Safety and other appropriate federal, state, and local regulations.”

13. Shoreland Relationship

- “Shoreland Relationship** - The development must not adversely affect the water quality or shoreline of any adjacent water body. The development plan must provide for access to abutting navigable water bodies for the use of the occupants of the development as appropriate.”

14. Capacity of the Applicant

- “Technical and Financial Capacity** - The applicant must demonstrate that he/she has the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan.”

Discussion

Model Ordinance Provisions

This standard addresses protection of identified historical and archaeological resources.

15. Solid Waste Management

- “Solid Waste Disposal** - The proposed development must provide for adequate disposal of solid wastes. All solid waste must be disposed of at a licensed disposal facility having adequate capacity to accept the project’s wastes.”

16. Historic and Archaeological Resources

- “Historic and Archaeological Resources** - If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.”

This standard addresses the use of portions of the site subject to periodic flooding.

17. Floodplain Management

- “Floodplain Management** - If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the [Town’s] [City’s] Floodplain management provisions.”

F. Post Approval Activities

The **site plan review** process does not end with the approval of the site plan by the Planning Board. Provisions need to be made for record keeping, inspection, and changes to the approved plans.

Discussion

Model Ordinance Provisions

• Duration of Approval

Many communities require that construction of an approved project commence within a limited period of time. This provision establishes a period within which construction must begin or the approval becomes void. This assures that “old” approvals don’t pop up in the future when conditions or the regulations may be different.

This language establishes a one-year limit, but the length of time should be determined based on local needs.

The model provides for an extension of the time limit upon request of the applicant.

• Coordination with Building Permits

Many communities require that the approved site plan become part of the building permit. This assures that the development occurs according to the approved plan. If your community uses building permits, you should include this provision.

“LIMITATION OF APPROVAL

Substantial construction of the improvements covered by any site plan approval must be substantially commenced within [twelve (12) months] of the date upon which the approval was granted. If construction has not been substantially commenced and substantially completed within the specified period, the approval shall be null and void. The applicant may request an extension of the approval deadline prior to the expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to [two (2), six (6)] month extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.”

“INCORPORATION OF APPROVED PLAN

One copy of the approved site plan must be included with the application for the building permit for the project and all construction activities must conform to the approved plan, including any conditions of approval and minor changes approved by the [Planner] [Code Enforcement Officer] to address field conditions.”

Discussion

Model Ordinance Provisions

● **Recording of the Approved Plan**

Some communities require that a copy of the approved plan be recorded at the County Registry of Deeds to assure that there is a permanent public record of the approval. As an alternative, you can require that the as-built plan be recorded. If you want to require recording of approved site plans, include this provision in your ordinance. If you include multifamily housing under site plan review, you must include a provision for the recording of the approved plan.

● **Improvement Guarantee**

If a project involves the construction of off-site improvements that are essential to the functioning of the project or compliance with the standards, some communities require the posting of a performance guarantee to assure that these will be completed in a timely manner. This provision establishes a procedure for requiring and handling performance guarantees.

This provision allows the community to require the posting of a guarantee.

These sections provide for the release of the guarantee upon satisfactory completion of the required improvements.

You may want to insert the appropriate municipal officials.

“RECORDING OF THE APPROVED PLAN

One copy of the approved site plan must be recorded in the _____ County Registry of Deeds within thirty (30) days of approval and the book and page number provided to the Code Enforcement Officer. Failure to record the plan within thirty (30) days shall void the approval. The Planning Board may extend this period for cause.”

“IMPROVEMENT GUARANTEES

1. Application

(1) Improvement Guarantee - The Planning Board may require the posting of an improvement guarantee in such amount and form as specified in subsection 2 below as is reasonably necessary to ensure the proper installation of all off-site improvements required as conditions of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.

(2) Upon substantial completion of all required improvements, the developer must notify the Planning Board of the completion or substantial completion of improvements, and must send a copy of such notice to the appropriate municipal officials. The respective municipal officials shall inspect all improvements and shall file a report indicating either approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.

Discussion

Model Ordinance Provisions

This section establishes the form of the guarantee.

The appropriate party for reviewing financial guarantees should be designated. This should be someone familiar with the legal nuances of these arrangements.

- (3) The Planning Board shall either approve, partially approve, or reject the improvements on the basis of the report of the municipal officials.
- (4) If the improvements are approved, the guarantee shall be released. Where partial approval is granted, the developer shall be released from liability only for that portion of the improvements approved.

2. Form of Guarantee

Performance guarantees may be provided by a variety of means including, but not limited to, the following which must be approved as to form and enforceability by the [Town Manager] [City Manager] [Board of Selectmen] [Municipal Attorney].

- (1) Security Bond. The applicant may obtain a security bond from a surety bonding company authorized to do business in the state.
- (2) Letter of Credit. The applicant may provide an irrevocable letter of credit from a bank or other reputable lending institution.
- (3) Escrow Account. The applicant may deposit cash, or other instruments readily convertible into cash at face value, either with the municipality, or in escrow with a bank. Any such account must require [Town] [City] approval for withdrawal and must stipulate that the [Town] [City] can withdraw the money upon forty-eight (48) hour advance notice to the applicant to complete the guaranteed improvements.”

Discussion

Model Ordinance Provisions

● **Submission of As-Built Plans**

For large scale projects, the ordinance should provide for the submission of a set of drawings showing the improvements as actually constructed. Customize the requirement to meet your local needs and the scale of development in your community.

“SUBMISSION OF AS-BUILT PLANS

Any project involving the construction of more than [twenty thousand (20,000)] square feet of gross floor area or [fifty thousand (50,000)] square feet of impervious surface, must provide the [Planner] [Code Enforcement Officer] with a set of construction plans showing the building(s) and site improvements as actually constructed on the site. These “as-built” plans must be submitted within thirty (30) days of the issuance of a certificate of occupancy for the project or occupancy of the building.”

● **Minor Changes to Approved Plans**

During construction of a project, minor field changes are sometimes necessary to address actual site conditions. This provision allows minor changes to occur administratively.

“MINOR CHANGES TO APPROVED PLANS

Minor changes in approved plans necessary to address field conditions may be approved by the [Planner] [Code Enforcement Officer] provided that any such change does not affect compliance with the standards or alter the essential nature of the proposal. Any such change must be endorsed in writing on the approved plan by the [Planner] [Code Enforcement Officer].”

● **Amendments to Approved Plans**

This language provides for the amendment of approved plans and ties the amendment procedure to the original approval process.

“AMENDMENTS TO APPROVED PLANS

Approvals of site plans are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals, and supporting documents, except minor changes that do not affect approval standards, is subject to review and approval.”

G. Appeals

An applicant, abutter, or other party may not be satisfied with the action relative to a site plan review. Therefore, the community should provide a clear procedure for appealing decisions made under these provisions. Two basic approaches exist: appeal to another “local” body or appeal directly to the courts. The site plan review provisions should specify how appeals of Planning Board actions will be handled.

Discussion

Model Ordinance Provisions

● Appeals of Actions

This language provides for appeals to the Superior Court.

“APPEAL OF PLANNING BOARD ACTIONS

Appeal of any actions taken by the Planning Board with respect to this section shall be to the Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80B.”

----- **OR** -----

This language provides for appeal to the local Zoning Board of Appeals.

“APPEAL OF PLANNING BOARD ACTIONS

Appeal of any actions taken by the Planning Board with respect to this section shall be to the Zoning Board of Appeals. Any such appeal must be filed within thirty (30) days of the date upon which the Planning Board voted to take action on the application. Any aggrieved party may appeal the action of the Planning Board.”

H. Administrative Provisions

If you adopt a freestanding site plan review ordinance, you must include certain administrative provisions, including:

- **Definitions**
- **Administration and enforcement**
- **Interpretations**
- **Amendments**
- **Relation to the ordinances**
- **Severability**
- **Penalties**

You should review your definitions if you incorporate the site plan review provisions into an existing ordinance to be sure that everything is consistent and to see if you need to add any definitions.

Discussion

Model Ordinance Provisions

1. Definitions

The ordinance should define key terms used in the ordinance.

“DEFINITIONS

1. Meaning of Words

All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural.

2. Definitions

ABUTTING PROPERTY: Any lot which is physically contiguous with the subject lot even if only at a point and any lot which is located directly across a street or right-

Discussion

Model Ordinance Provisions

of-way from the subject lot such that the extension of the side lot lines of the subject lot would touch or enclose the abutting property.

ACCESSORY BUILDING: A detached, subordinate building, the use of which is clearly incidental and related to that of the principal building or use of the land, and which is located on the same lot as that of the principal building or use.

ACCESSORY STRUCTURE OR USE: A use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

AGGRIEVED PARTY: An owner of land whose property is directly or indirectly affected by the granting or denial of an approval under this ordinance; a person whose land abuts land for which approval has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such approval.

ARTERIAL: A controlled access road or a street or road with traffic signals at important intersections and/or stop signs on side streets or which is functionally classified by the Maine Department of Transportation as an arterial.

BUILDING: Any permanent structure, having one or more floors and a roof, which is used for the housing or enclosure of persons, animals or property. When any portion thereof is separated by a division wall without opening, then each such portion shall be deemed a separate building.

BUILDING FOOTPRINT: The area covered by a building measured from the exterior surface of the exterior walls at grade level exclusive of cantilevered portions of the building. Where the building is elevated above grade level on posts or similar devices, the building footprint is the area the building would cover if it were located

Discussion

Model Ordinance Provisions

at ground level.

CHANGE FROM ONE CATEGORY OF NONRESIDENTIAL USE TO ANOTHER CATEGORY OF NONRESIDENTIAL USE: A change in the type of occupancy of a nonresidential building or structure, or a portion thereof, such that the basic type of use is changed, such as from retail to office or storage to a restaurant, but not including a change in the occupants.

COLLECTOR STREET: A street that collects traffic from local streets and connects with arterials or a street or road functionally classified as a collector by the Maine Department of Transportation.

CURB CUT: The opening along the curb line or street right-of-way line at which point vehicles may enter or leave the street.

ENLARGEMENT OR EXPANSION OF A STRUCTURE: An increase of the building footprint and/or increase in the height of the structure beyond its present highest point. Alterations of existing buildings which are required in order to meet the requirements of the Americans with Disabilities Act (ADA) and/or the State Fire Code are not considered to be enlargements or expansions of a structure and are not required to meet otherwise applicable setback requirements, provided the alterations are the minimum necessary to satisfy the ADA and/or State Fire Code.

ENLARGEMENT OR EXPANSION OF USE: Any intensification of use in time, volume, or function, whether or not resulting from an increase in the footprint, height, floor area, land area or cubic volume occupied by a particular use. Increases which are required in order to meet the requirements of the Americans with Disabilities Act and/or the State Fire Code are not considered to be enlargements or expansions of use.

FISHERIES, SIGNIFICANT FISHERIES: Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife, Atlantic Salmon Authority, or Maine Department of Marine Resources as having significant

This definition precludes the consideration of fisheries that are not identified by governmental agencies or the municipality's comprehensive plan.

Discussion

This definition precludes the consideration of resources not identified by governmental agencies or the municipality's comprehensive plan.

Model Ordinance Provisions

value as fisheries and any areas so identified in the municipality's comprehensive plan.

FLOOR AREA: The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

GROUNDWATER: All of the water found beneath the surface of the ground. For purposes of aquifer protection, this term refers to the subsurface water present in aquifers and recharge areas.

HISTORIC OR ARCHAEOLOGICAL RESOURCES: Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource and any areas identified in the municipality's comprehensive plan.

IMPERVIOUS SURFACE: The area covered by buildings and associated constructed facilities, areas which have been or will be covered by a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas, which have been or will be compacted through design or use to reduce their permeability. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of stormwater.

LOCAL STREET: A public street or road which is not identified as an arterial or collector. A local street includes a proposed street shown on an approved and recorded subdivision.

LOT AREA: The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

Discussion

This definition precludes the consideration of resources not identified by governmental agencies or the municipality's comprehensive plan.

Model Ordinance Provisions

NATURAL AREAS AND NATURAL COMMUNITIES, UNIQUE NATURAL AREAS AND NATURAL COMMUNITIES: Areas identified by a governmental agency such as the Maine Department of Conservation Natural Areas Program as having significant value as a natural area and any areas identified in the municipality's comprehensive plan.

PRINCIPAL STRUCTURE: A building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

PRINCIPAL USE: A use other than one which is wholly incidental or accessory to another use on the same premises.

RECHARGE AREA: Area composed of permeable, porous material through which precipitation and surface water infiltrate and directly replenish groundwater in aquifers.

SETBACK, FRONT: An open area extending the entire width of a lot from lot sideline to lot sideline and extending in depth at a right angle from the street R-O-W to such depth as specified. Such area shall be unoccupied and unobstructed by any building from the ground upward.

SETBACK, REAR: An open area extending the entire width of a lot from lot sideline to lot sideline and extending at a right angle from the rear property line of such lot to such depth as specified. Such area shall be unoccupied and unobstructed by any building from the ground upward.

SETBACK, SIDE: An open area extending along each sideline of a lot between the front setback and the rear setback on such lot and extending at a right angle from the sidelines of such lot to such depth as specified. Such area shall be unoccupied and unobstructed by any building from the ground upward.

Discussion

Model Ordinance Provisions

This definition precludes the consideration of resources not identified by governmental agencies or the municipality's comprehensive plan.

STRUCTURE: Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground, but not including a tent or vehicle.

SUBSTANTIALLY COMMENCED; SUBSTANTIALLY COMPLETED: Construction shall be considered to be substantially commenced when any work beyond the stage of excavation, including but not limited to, the pouring of a slab or footings, the installation of piles, the construction of columns, or the placement of a manufactured home on a foundation has begun. Construction shall be considered to be substantially completed when it has been completed to the point where normal functioning, use, or occupancy can occur without concern for the general health, safety, and welfare of the occupant and the general public. At a minimum it shall include the completion of no less than [seventy (70)] percent of the costs of the proposed improvements within a development and shall include permanent stabilization and/or revegetation of areas of the site that were disturbed during construction.

USE: The purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

VEGETATION: All live trees, shrubs, ground cover, and other plants.

WILDLIFE HABITAT; SIGNIFICANT WILDLIFE HABITAT: Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife as having significant value as habitat for animals and any areas identified in the municipality's comprehensive plan."

Discussion

Model Ordinance Provisions

2. Administration and Enforcement

This section establishes the Code Enforcement Officer as the administrator of the ordinance.

“ADMINISTRATION AND ENFORCEMENT

This ordinance shall be administered and enforced by a Code Enforcement Officer (CEO) appointed by the Municipal Officers.

It shall be the duty of the CEO or his/her agent to enforce the provisions of this ordinance. If the CEO or his/her agent shall find that any provision of this ordinance is being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of buildings, structures, additions, or work being done, or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

The CEO is hereby authorized to institute or cause to be instituted, in the name of the municipality, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this ordinance; provided, however, that this section shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions of this ordinance.

Any person, firm, or corporation being the owner of or having control or use of any building or premises who violated any of the provisions of this ordinance, shall be fined in accordance with Title 30-A, § 4452. Each day such a violation is permitted to exist after notification shall constitute a separate offense. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public

Discussion

Model Ordinance Provisions

health and safety or will result in substantial environmental damage.”

3. Interpretation of the Ordinance

A procedure needs to be included for interpreting the provisions of the ordinance if questions arise. This section provides for the Code Enforcement Officer to make the initial interpretation with the possibility for an administrative appeal to the Zoning Board of Appeals.

“INTERPRETATION OF THE ORDINANCE

The Code Enforcement Officer (CEO) shall be responsible for administering the provisions of this ordinance including interpreting the provisions hereof.

Any person who believes that the CEO has made an error in the interpretation or application of the provisions of this ordinance, may appeal such determination to the Zoning Board of Appeals as an administrative appeal. If the Board finds that the CEO erred in his/her interpretation of the ordinance, it shall modify or reverse the action accordingly.”

4. Amendments to the Ordinance

This section provides for amendments to the ordinance.

You should customize the petition procedures to your community’s needs. Your charter or similar provisions may establish procedures for voter initiated amendments to your ordinances.

“AMENDMENTS TO THE ORDINANCE

Amendments of this ordinance may be initiated by the Municipal Officers, the Planning Board, or by petition of [*ten (10) or more*] registered voters.

Any request for a petitioned amendment shall be accompanied by a filing fee established by the Municipal Officers. In addition, the petitioners shall be required to pay the costs associated with advertising the public hearing(s) on the proposed amendment. The Municipal Officers shall not schedule the public hearing on the request until the fee is paid.

No proposed amendments to this ordinance shall be referred to the [*Town Meeting*] [*Town Council*] until the Municipal Officers have held a public hearing on the proposal, notice of which shall be posted at least fourteen (14) days prior to such hearing and advertised in a newspaper of general circulation in the municipality at least

Discussion

Model Ordinance Provisions

two (2) times with the date of first publication being at least fourteen (14) days prior to the hearing and the second at least seven (7) days prior to the hearing.

The proposed amendments shall be adopted by a simple majority vote of the [Town Meeting] [Town Council].”

5. Severability

This section assures that the balance of the ordinance remains in force if any sections of the ordinance are found to be invalid.

“SEVERABILITY

The invalidity of any section or provision of this ordinance shall not be held to invalidate any other section or provision of this ordinance.”

SECTION 10. ALTERNATIVES FOR STRUCTURING THE SITE PLAN REVIEW SYSTEM

Section 9 sets out a basic site plan review system that includes a single set of procedures and standards for all projects and review by the Planning Board. While this system is appropriate for many communities with limited development activity, it may not be appropriate for larger communities, municipalities with significant amount of nonresidential development or high levels of staff capabilities. This section sets out a series of alternative approaches for structuring the site plan review process. These include:

- Creation of a Site Plan Review Board
- A bilevel review system in which the Planning Board or Site Plan Review Board reviews small as well as large scale projects but with a simplified review for smaller projects.
- A bilevel review system in which the Planning Board or Site Plan Review Board reviews larger projects and a Staff Review Committee handles smaller projects.

This section provides alternative model ordinance language to replace the language in the basic ordinance contained in Section 9. The appropriate sections will need to be inserted in the basic ordinance and the basic language deleted to produce a complete ordinance.

Option 1 - Site Plan Review Board Review of All Projects, Page 87

Option 2 - Planning Board Review of All Projects with Differing Levels of Requirements, Page 89

Option 3 - Site Plan Review Board Review of All Projects with Differing Levels of Requirements, Page 91

Option 4 - Bilevel Review System with Planning Board Review of Larger Projects and a Staff Committee to Review Smaller Projects, Page 94

Option 5 - Bilevel Review System with a Site Plan Review Board Handling Larger Projects and a Staff Committee to Review Smaller Projects, Page 97

A. Review and Approval Alternatives

Discussion

Model Ordinance Provisions

These alternatives allow different review systems to be established.

● Option 1 - Site Plan Review Board Review of All Projects

Use this language if you want to create a separate Site Plan Review Board and designate it as the review body for all projects using one set of procedures and standards. The review and approval authority provisions of the basic ordinance should be deleted and these provisions substituted in its place. You will also need to change

“REVIEW AND APPROVAL AUTHORITY

The Site Plan Review Board is authorized to review and act on all site plans for development requiring site plan review as defined above.

Discussion

all references to the Planning Board in the basic ordinance to Site Plan Review Board.

In addition to authorizing the Site Plan Review Board to act on site plans, the accompanying section establishes the Board and sets up its operation.

This establishes the size of the Board which should be 7 or possibly 5 members if you are a small community with a limited pool of volunteers.

This establishes basic qualifications for Board members.

Model Ordinance Provisions

In considering site plans under this provision, the Site Plan Review Board may act to approve, disapprove, or approve the project with conditions as are authorized by these provisions.

SITE PLAN REVIEW BOARD

1. Site Plan Review Board Established

There is hereby created a Site Plan Review Board for the [City] [Town] of _____.

2. Appointment, Tenure, Qualification and Vacancy

The Site Plan Review Board shall consist of seven (7) members who shall be appointed by the Municipal Officers, who shall serve without pay, and who shall be representatives of the [City] [Town] at large. Each member shall be appointed for three (3) years. The terms of the members shall be staggered. During the initial organization of the Board, two (2) members shall be appointed to three (3) year terms, two (2) members to two (2) year terms, and three (3) members to one (1) year terms. Members appointed must be residents of the [City] [Town]. A Municipal Officer or his/her spouse may not be a member of the Site Plan Review Board.

A vacancy may occur by reason of resignation, death, giving up residency or failure to attend at least seventy-five percent (75%) of all meetings during the previous twelve (12) months. The Chair of the Board shall immediately notify the Municipal Officers in writing of any vacancy when it occurs.

Members may be removed for cause by the Municipal Officers after presentation of written charges and public hearing.

Discussion

This provides for Board officers and regular meetings. You will need to customize this provision to reflect when your community regularly makes appointments to boards. This date should follow the normal appointment time.

This addresses conflict of interest.

Model Ordinance Provisions

3. Organization and Rules

At the first regular meeting of the Board in [January] of each year, the members shall meet and elect a chair and vice chair and such other officers as they may determine to serve for a period of one (1) year or until a successor is elected. A member may succeed himself or herself in office if so elected. The Board shall hold a regular monthly meeting and other meetings as it deems necessary from time to time. Any records deemed “public records” under State law may be inspected during regular business hours.

A quorum shall consist of four (4) members.

Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the remaining members present and voting, except the member who is being challenged.

4. Powers and Duties

The Site Plan Review Board shall be empowered to review and act on site plans as provided in this section.

The Board shall have such other powers and perform such other duties as may be necessary for the administration of its affairs on behalf of the [City] [Town], including, without limitation, the adoption of bylaws and regulations and the procurement of goods and services necessary for its proper functions within the limits of its budget as approved by the Municipal Officers.”

● Option 2 - Planning Board Review of All Projects with Differing Levels of Requirements

Use this language if you want to create a system in which the Planning Board reviews all site plans but there are different procedures for small and large scale developments. This section should be used in place of the review and approval provisions in the basic

“REVIEW AND APPROVAL AUTHORITY

The Planning Board is authorized to review and act on site plans for both minor

Discussion

ordinance.

This part establishes a system by which projects are classified as minor or major developments. Review the threshold requirements and adjust them as appropriate to your situation.

This defines minor projects as projects having fewer than 5,000 square feet of floor area or involving fewer than 5 dwelling units. This should be customized to the needs of your community and the scale of development likely to occur.

If you change the definition of minor development, you will need to change the major development definition as well.

Model Ordinance Provisions

developments and major developments as defined below.

In considering site plans under this section, the Planning Board may act to approve, disapprove, or approve the project with conditions as are authorized by these provisions.

CLASSIFICATION OF PROJECTS

The Planning Board shall classify each project as a major or minor development. Minor developments are smaller scale, less complex projects for which a less complex review process is adequate to protect the [City's] [Town's] interest. Major developments are larger, more complex projects for which a more detailed review process and additional information are necessary.

Minor developments shall include those projects involving the construction or addition of fewer than [five thousand (5,000)] square feet of gross nonresidential floor area or projects involving only the installation of impervious surfaces, or projects involving the creation of fewer than [five (5)] dwelling units in a five (5) year period, or projects involving the conversion of existing buildings or structures from one use to another without enlargement of the gross floor area.

Major developments shall include projects involving the construction or addition of [five thousand (5,000)] or more square feet of gross nonresidential floor area, or projects involving the creation of [five (5)] or more dwelling units in a five (5) year period, or other projects requiring review which are not classified as minor developments.”

Discussion

Model Ordinance Provisions

● Option 3 - Site Plan Review Board Review of All Projects with Differing Levels of Requirements

Use this language if you want to create a system in which the Site Plan Review Board reviews all site plans but uses different procedures for small and large scale developments. This section should be inserted in place of the review and approval authority section in the basic version.

In addition to authorizing the Site Plan Review Board to act on site plans, this section establishes the Board and sets up its operation.

This establishes the size of the Board which should be 7 or possibly 5 members if you are a small community with a limited pool of volunteers.

This establishes basic qualifications for Board members.

“REVIEW AND APPROVAL AUTHORITY

The Site Plan Review Board is authorized to review and act on site plans for minor developments and for major developments as defined below.

In considering site plans under this section, the Site Plan Review Board may act to approve, disapprove, or approve the project with conditions as are authorized by these provisions.

SITE PLAN REVIEW BOARD

1. Site Plan Review Board Established

There is hereby created a Site Plan Review Board for the [City] [Town] of _____.

2. Appointment, Tenure, Qualification and Vacancy

The Site Plan Review Board shall consist of seven (7) members who shall be appointed by the Municipal Officers, who shall serve without pay, and who shall be representatives of the [City] [Town] at large. Each member shall be appointed for three (3) years. The terms of the members shall be staggered. During the initial organization of the Board, two (2) members shall be appointed to three (3) year terms, two (2) members to two (2) year terms, and three (3) members to one (1) year terms. Members appointed must be residents of the [City] [Town]. A Municipal Officer or his/her spouse may not be a member of the Site Plan Review Board.

Discussion

This provides for Board officers and regular meetings. You will need to customize this provision to reflect when your community regularly makes appointments to boards. This date should follow the normal appointment time.

This addresses conflict of interest.

Model Ordinance Provisions

A vacancy may occur by reason of resignation, death, giving up residency or failure to attend at least seventy-five percent (75%) of all meetings during the previous twelve (12) months. The Chair of the Board shall immediately notify the Municipal Officers in writing of any vacancy when it occurs.

Members may be removed for cause by the Municipal Officers after presentation of written charges and public hearing.

3. Organization and Rules

At the first regular meeting of the Board in [January] of each year, the members shall meet and elect a chair and vice chair and such other officers as they may determine to serve for a period of one (1) year or until a successor is elected. A member may succeed himself or herself in office if so elected. The Board shall hold a regular monthly meeting and other meetings as it deems necessary from time to time. Any records deemed "public records" under State law may be inspected during regular business hours.

A quorum shall consist of four (4) members.

Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the remaining members present and voting, except the member who is being challenged.

4. Powers and Duties

The Site Plan Review Board shall be empowered to review and act on site plans as provided in this section.

Discussion

This section establishes a system for the Site Plan Review Board to classify projects as minor or major developments. You should review the threshold requirement and adjust them as appropriate to your situation.

This defines minor projects as having fewer than 5,000 square feet of floor area or involving fewer than 5 dwelling units. This should be customized to the needs of your community and the scale of development likely to occur.

If you change the definition of minor development, you need to change the major development definition as well.

Model Ordinance Provisions

The Board shall have such other powers and perform such other duties as may be necessary for the administration of its affairs on behalf of the [City] [Town], including, without limitation, the adoption of bylaws and regulations and the procurement of goods and services necessary for its proper functions within the limits of its budget as approved by the Municipal Officers.

CLASSIFICATION OF PROJECTS

The Site Plan Review Board shall classify each project as a major or minor development. Minor developments are smaller scale, less complex projects for which a less complex review process is adequate to protect the [City's] [Town's] interest. Major developments are larger, more complex projects for which a more detailed review process and additional information are necessary.

Minor developments shall include those projects involving the construction or addition of fewer than [five thousand (5,000)] square feet of gross nonresidential floor area or projects involving only the installation of impervious surfaces, or projects involving the creation of fewer than [five (5)] dwelling units in a five (5) year period, or projects involving the conversion of existing buildings or structures from one use to another without enlargement of the gross floor area.

Major developments shall include projects involving the construction or addition of [five thousand (5,000)] or more square feet of gross nonresidential floor area, or projects involving the creation of [five (5)] or more dwelling units in a five (5) year period, or other projects requiring review which are not classified as minor developments.”

Discussion

Model Ordinance Provisions

Option 4 - Bilevel Review System with Planning Board Review of Larger Projects and a Staff Committee to Review Smaller Projects

Use this language if you want to create a bilevel review system in which the Planning Board reviews larger projects but the review of smaller scale projects is delegated to a committee made up of municipal staff. This section should be inserted in place of the review and approval authority section in the basic version.

This language establishes the review authority for major and minor development activity.

This section creates the Staff Review Committee. The members of the Committee should be chosen to reflect local staffing. For example, a Public Works Director might be included instead of the Engineer. The Committee should have representation from key departments involved with development, including Planning, Codes, Public Works/Engineering, and Public Safety.

“REVIEW AND APPROVAL AUTHORITY

The review and approval authority for site plans shall depend on the classification of the project:

1. Major Developments

The Planning Board is authorized to review and act on all site plans for major developments. In considering site plans under this section, the Planning Board may act to approve, disapprove, or approve the project with such conditions as are authorized by this Section.

2. Minor Developments

The Staff Review Committee is authorized to review all site plans for minor developments and may approve, disapprove, or approve the project with such conditions as are authorized by this Section. In addition, the Committee may reclassify a minor development as a major development and forward it to the Planning Board with its recommendations for Planning Board action.

STAFF REVIEW COMMITTEE

1. Staff Review Committee Established

There is hereby created a Staff Review Committee. The Staff Review Committee shall consist of the [Planner, Engineer, Code Enforcement Officer, Police Chief, and Fire Chief] or their designees.

Discussion

Naming the Planner as Chair integrates the review with other functions.

This language provides for the operation of the Staff Review Committee. The procedures should be customized to meet local needs.

This establishes biweekly meetings of the Committee, but this requirement should be customized to reflect local needs and the level of development activity in the community.

This language designates the Planner as the person who initially determines if a project is a "major" or "minor" development. You should customize this to reflect local practice.

Model Ordinance Provisions

2. Operation of the Staff Review Committee

The Planner shall serve as Chair of the Staff Review Committee and shall be responsible for calling meetings of the Committee, presiding at its meetings, and maintaining the records of the Committee. In the absence of the Planner or his/her designee, the [Engineer] shall serve as chair pro tem.

If any member of the Staff Review Committee is unable to attend any meeting of the Committee, he/she may designate another member of that department to serve in his/her place. Such designation must be in writing and shall apply only to that meeting. This designee shall have the same power and authority as the member.

The Staff Review Committee shall meet [biweekly]. Meetings of the Committee must be advertised in the same manner as those of other [City] [Town] committees and must be open to the public.

If a vacancy exists in any of the positions serving on the Committee, the [Manager] [Administrator] [Council] [Chair of the Board of Selectmen] shall name an interim committee member with appropriate expertise in the respective department, until such vacancy is filled.

CLASSIFICATION OF PROJECTS

The Planner shall classify each project as a major or minor development. Minor developments are smaller scale, less complex projects for which a less complex review process is adequate to protect the [City's] [Town's] interest. Major developments are larger, more complex projects for which a more detailed review process and additional information are necessary.

Discussion

These sections define minor and major developments more precisely. Customize these to meet your local needs.

This allows an applicant to request the preclassification of a project.

Model Ordinance Provisions

Minor developments shall include those projects involving the construction or addition of fewer than [five thousand (5,000)] square feet of gross nonresidential floor area or projects involving only the installation of impervious surfaces, or projects involving the creation of fewer than [five (5)] dwelling units in a five (5) year period, or projects involving the conversion of existing buildings or structures from one use to another without enlargement of the gross floor area.

Major developments shall include projects involving the construction or addition of [five thousand (5,000)] or more square feet of gross nonresidential floor area, or projects involving the creation of [five (5)] or more dwelling units in a five (5) year period, or other projects requiring review which are not classified as a minor development.

An applicant may request that the Planner classify an application prior to its submission. In this case, the applicant must make a written request for a classification. This request must include the following information:

- (1) The names and addresses of the record owner and the applicant and the applicant's legal interest in the property;
- (2) The location of the project, including the tax map and lot number;
- (3) A brief description of the proposed activities in such detail as to allow a classification to be made.

Within [ten (10)] working days of the receipt of a site plan application or a request for a classification, the Planner shall notify the applicant, and the Chair of the Planning Board of the classification of the project in writing.

Discussion

Because classification of projects is delegated to a staff person, provision is made for the appeal of that decision to the Planning Board.

This allows for the reclassification of a project if the scope as described in the application differs from the previous description of the activity.

Model Ordinance Provisions

If the applicant believes that the Planner erred in the classification of the project, he/she may appeal the classification to the Planning Board. The appeal must occur within ten (10) working days of the date of the Planner’s determination and must be in writing. The appeal must set out the reasons that the petitioner believes that the application is misclassified. Within thirty (30) days of receiving an appeal, the Planning Board shall consider the appeal and determine if the classification is correct. If the Planning Board finds that the Planner erred in classifying the project, the Board shall direct the Planner to reclassify the project.

When the Planner or Planning Board has classified a project based upon a request for classification rather than an application, the subsequent application must be consistent with the activities described in the request for classification. The Planner shall review such application to determine if the classification is still correct and may reclassify the application if the scope of activities has been changed. This action shall be appealable to the Planning Board as provided above.”

Option 5 - Bilevel Review System with a Site Plan Review Board Handling Larger Projects and a Staff Committee to Review Smaller Projects

Use this language if you want to create a bilevel review system in which a separate Site Plan Review Board reviews larger projects and smaller projects are delegated to a Staff Review Committee. This section should be inserted in place of the review and approval authority section in the basic version.

This language establishes the review authority for major and minor development activity.

“REVIEW AND APPROVAL AUTHORITY

The review and approval authority for site plans shall depend on the classification of the project:

1. Major Developments

The Site Plan Review Board is authorized to review and act on all site plans for major developments. In considering site plans under this section, the Site Plan Review Board may act to approve, disapprove, or approve the project with such conditions as are authorized by this Section.

Discussion

This provides for Board officers and regular meetings. You will need to customize this provision to reflect when your community regularly makes appointments to the Board. This date should follow the normal appointment time.

This addresses conflict of interest.

Model Ordinance Provisions

Members may be removed for cause by the Municipal Officers after presentation of written charges and public hearing.

3. Organization and Rules

At the first regular meeting of the Board in [January] of each year, the members shall meet and elect a chair and vice chair and such other officers as they may determine to serve for a period of one (1) year or until a successor is elected. A member may succeed himself or herself in office if so elected. The Board shall hold a regular monthly meeting and other meetings as it deems necessary from time to time. Any records deemed "public records" under State law may be inspected during regular business hours.

A quorum shall consist of four (4) members.

Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the remaining members present and voting, except the member who is being challenged.

4. Powers and Duties

The Site Plan Review Board shall be empowered to review and act on site plans as provided in this section.

The Board shall have such other powers and perform such other duties as may be necessary for the administration of its affairs on behalf of the [City] [Town], including, without limitation, the adoption of bylaws and regulations and the procurement of goods and services necessary for its proper functions within the limits of its budget as approved by the Municipal Officers.

Discussion

This section creates the Staff Review Committee. The members of the Committee should be chosen to reflect local staffing. For example, a Public Works Director might be included instead of the Engineer. The Committee should have representation from key departments involved with development, including Planning Codes, Public Works/Engineering, and Public Safety.

This language provides for the operation of the Staff Review Committee. The procedures should be customized to meet local needs.

This establishes biweekly meetings of the Committee, but this requirement should be customized to reflect local needs and the level of development activity in the community.

This language designates the Planner as the person who initially determines if a project is a "major" or "minor" development. You should customize this to reflect local practice.

Model Ordinance Provisions

STAFF REVIEW COMMITTEE

1. Staff Review Committee Established

There is hereby created a Staff Review Committee. The Staff Review Committee shall consist of the [Planner, Engineer, Code Enforcement Officer, Police Chief, and Fire Chief] or their designees.

2. Operation of the Staff Review Committee

The Planner shall serve as Chair of the Staff Review Committee and shall be responsible for calling meetings of the Committee, presiding at its meetings, and maintaining the records of the Committee. In the absence of the Planner or his/her designee, the [Engineer] shall serve as chair pro tem.

If any member of the Staff Review Committee is unable to attend any meeting of the Committee, he/she may designate another member of that department to serve in his/her place. Such designation must be in writing and shall apply only to that meeting. This designee shall have the same power and authority as the member.

The Staff Review Committee shall meet [biweekly]. Meetings of the Committee must be advertised in the same manner as those of other [City] [Town] committees and must be open to the public.

If a vacancy exists in any of the positions serving on the Committee, the [Manager] [Administrator] [Council] [Chair of the Board of Selectmen] shall name an interim committee member with appropriate expertise in the respective department, until such vacancy is filled.

CLASSIFICATION OF PROJECTS

The Planner shall classify each project as a major or minor development. Minor

Discussion

These sections define minor and major developments more precisely. Customize these to meet your local needs.

This allows an applicant to request the preclassification of a project.

Model Ordinance Provisions

developments are smaller scale, less complex projects for which a less complex review process is adequate to protect the [City's] [Town's] interest. Major developments are larger, more complex projects for which a more detailed review process and additional information are necessary.

Minor developments shall include those projects involving the construction or addition of fewer than [five thousand (5,000)] square feet of gross nonresidential floor area or projects involving only the installation of impervious surfaces, or projects involving the creation of fewer than [five (5)] dwelling units in a five (5) year period, or projects involving the conversion of existing buildings or structures from one use to another without enlargement of the gross floor area.

Major developments shall include projects involving the construction or addition of [five thousand (5,000)] or more square feet of gross nonresidential floor area, or projects involving the creation of [five (5)] or more dwelling units in a five (5) year period, or other projects requiring review which are not classified as a minor development.

An applicant may request that the Planner classify an application prior to its submission. In this case, the applicant must make a written request for a classification. This request must include the following information:

- (1) The names and addresses of the record owner and the applicant and the applicant's legal interest in the property;
- (2) The location of the project, including the tax map and lot number;
- (3) A brief description of the proposed activities in such detail as to allow a classification to be made.

Within [ten (10)] working days of the receipt of a site plan application or a request for a classification, the Planner shall notify the applicant, and the Chair of the Site Plan Review Board of the classification of the project in writing.

Discussion

Because classification of a project is delegated to a staff person, provision is made for the appeal of that decision to the Site Plan Review Board.

This allows for the reclassification of a project if the scope as described in the application differs from the previous description of the activity.

Model Ordinance Provisions

If the applicant believes that the Planner erred in the classification of the project, he/she may appeal the classification to the Site Plan Review Board. The appeal must occur within ten (10) working days of the date of the Planner’s determination and must be in writing. The appeal must set out the reasons that the petitioner believes that the application is misclassified. Within thirty (30) days of receiving an appeal, the Site Plan Review Board shall consider the appeal and determine if the classification is correct. If the Site Plan Review Board finds that the Planner erred in classifying the project, the Board shall direct the Planner to reclassify the project.

When the Planner or Site Plan Review Board has classified a project based upon a request for classification rather than an application, the subsequent application shall be consistent with the activities described in the request for classification. The Planner shall review such application to determine if the classification is still correct and may reclassify the application if the scope of activities has been changed. This action shall be appealable to the Site Plan Review Board as provided above.”

B. ALTERNATIVE REVIEW PROCEDURES

The basic site plan review system set forth in Section 9 provides for a single set of standards and procedures with review by the Planning Board. This section sets out two alternatives for the procedures: one for a review format in which there are major and minor developments but both types of projects are reviewed by the same body. The second provides for a bilevel review system in which the Planning Board or Site Plan Review Board reviews major projects and the review of smaller projects is delegated to a Staff Review Committee.

Option 1 - A Bilevel Review Process with the Planning Board or Site Plan Review Board Handling Both Major and Minor Developments

Use this language for the administrative provisions if you choose a bilevel review system in which the Planning or Site Plan Review Board reviews both minor and major developments.

“REVIEW PROCEDURES

The [Planning] [Site Plan Review] Board shall use the following procedures in reviewing applications for site plan review.

Discussion

This makes a preapplication meeting a requirement of the review process. This allows the Board to become familiar with the project and to classify the project as a minor or major development. If the community has a planner, it may want to delegate this responsibility to that person.

This sets forth the reasons for having a preapplication meeting to assure that the Board and applicant have the same expectations.

This allows the Board to schedule a site walk or act on waiver requests for minor developments. For major developments, this is handled after the site inventory and analysis phase.

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1. Preapplication

Prior to submitting a formal application, the applicant or his/her representative must request a preapplication conference with the [Planning Board] [Site Plan Review Board] [Planner]. The preapplication conference shall be informal and informational in nature. There shall be no fee for a preapplication review, and such review shall not cause the plan to be a pending application or proceeding under Title 1 M.R.S.A., §302. No decisions on the substance of the plan shall be made at the preapplication conference.

1.1 Purpose

The purposes of the preapplication conference are to:

- (1) Allow the [Board] [Planner] to understand the nature of the proposed use and the issues involved in the proposal,
- (2) Allow the applicant to understand the development review process and required submissions,
- (3) Identify issues that need to be addressed in future submissions,
- (4) Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities, and
- (5) Classify the project as a minor or major development.

In addition, for minor projects, the [Board] [Planner] may schedule a site inspection in accordance with subsection 2.5 if deemed necessary, and resolve any requests for waivers and variations from the submission requirements.

Discussion

This establishes what information the applicant should have available to allow for a meaningful discussion of the project.

This provides for the classification of the project at the preapplication conference.

This must be consistent with the choice for who holds the preapplication conference.

This section sets out the process that will be used in reviewing the application.

A one-step process is created for minor developments.

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1.2 Information Required

There are no formal submission requirements for a preapplication conference. However, the applicant should be prepared to discuss the following with the [Board] [Planner]:

- (1) The proposed site, including its location, size, and general characteristics,
- (2) The nature of the proposed use and potential development,
- (3) Any issues or questions about existing municipal regulations and their applicability to the project, and
- (4) Any requests for waivers from the submission requirements for minor developments.

The applicant's oral presentation and written materials about the scope and nature of the project must provide adequate information to allow the [Board] [Planner] to classify the project as a minor or major development.

1.3 Classification of Project

The [Board] [Planner] shall classify the project as a major or minor development during the preapplication conference.

2. Application Submission and Review Procedures

2.1 Minor Developments

Projects classified as minor developments shall go through a simplified review process. Applicants shall not be required to submit a site inventory and analysis and may proceed directly to preparing and submitting a formal site plan review application

Discussion

This establishes to whom the application is submitted. If staff is available, the applicant can be submitted to the Planner or Code Enforcement Officer as an alternative.

For major projects, a two-step review process is created. The first step is for the applicant to inventory existing conditions on the site and assess how these conditions may influence the use of the site.

The ordinance can also provide that the application be submitted to a staff person.

This sets out how the site inventory and analysis will be reviewed.

*This assures that the needed information is available before review begins.
Note: The list of needed information is addressed in Subsection C, Submission Requirements.*

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including the development plan and supporting documentation meeting the submission requirements.

This material must be submitted to the [Planner] [Code Enforcement Officer] [Planning Board] [Site Plan Review Board].

2.2 Major Developments

Applicants with projects classified as major developments must submit a site inventory and analysis for [Planning] [Site Plan Review] Board review. This review must be completed prior to the preparation and submission of a site plan review application and supporting documentation. The Board shall review the site inventory and analysis with the applicant and shall authorize the submission of the formal application when the site analysis is complete. The site inventory and analysis must be submitted to the [Planner] [Code Enforcement Officer] [Planning Board] [Site Plan Review Board].

2.3 Procedures Following Submission of the Site Inventory and Analysis

Upon receipt of a site inventory and analysis, the [Planner] [Code Enforcement Officer] [Planning Board] [Site Plan Review Board] shall give a dated receipt to the applicant. Within thirty (30) days of the receipt of a site inventory and analysis submission for a major development, the [Planner] [Code Enforcement Officer] [Planning Board] [Site Plan Review Board] shall review the material and determine whether or not the submission is complete. If the submission is determined to be incomplete, the applicant shall be notified in writing of this finding, which shall specify the additional material required to make the submission complete, and shall advise the applicant that the application will not be considered until the additional information is submitted. These steps, except the notification requirements, shall be repeated until the application is found to be complete. When the submission is determined to be complete, the applicant shall be notified in writing of this finding and the item placed on the agenda for informal review by the Board.

Discussion

This provides that the Board shall hold a site walk. It requires that interested parties be notified of this activity.

The Board's review of the site analysis should provide the applicant with guidance to be used in developing the site plan. It should also identify issues that will need to be addressed in the application. This allows the Board to work with the developer in shaping the best use of the site.

This sets out the review procedures for the formal application.

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The Planning Board shall hold an on-site inspection of the site to review the existing conditions, field verify the information submitted and investigate the development proposal. The Board may schedule this visit either before or after the first meeting at which the application is considered. The Board may decide not to hold an on-site inspection when the site is snow covered. If an application is pending during a period when there is snow cover, the deadline by which the Planning Board shall take final action on the application as specified in 2.7 may be extended, which extension shall not exceed [thirty (30)] days after the Board is able to conduct an on-site inspection. Written notice of the on-site inspection shall be provided to all parties entitled to notice under subsection 2.5.

Within forty-five (45) days of the finding that the site inventory and analysis submission is complete, the Board shall complete its review of the submission and notify the applicant in writing of its findings.

2.4 Review of Site Inventory and Analysis

The review of the site inventory and analysis shall be informational and shall not result in any formal approval or disapproval of the project by the [Planning] [Site Plan Review] Board. The parties identified in subsection 2.5 shall be notified of the time, date, and place of the Board meeting at which the site inventory and analysis will be reviewed. The Board shall review the submission to determine if the information provides a clear understanding of the site and identifies opportunities and constraints that help determine how it should be used and developed. The outcome of the review process shall be a determination by the Board of the issues and constraints that must be addressed in the formal site plan review application. The Board shall also act on any requests for waivers.

2.5 Procedures Following a Submission of a Site Plan Review Application

- (1) Upon receipt of a formal site plan review application, the [Planner] [Code Enforcement Officer] [Planning Board] [Site Plan Review Board] shall give a

Discussion

This provides for notice to the neighbors and municipal officials of the pending application. These should be customized to your local situation.

This requires that the Board verify that they have a complete application prior to starting review. This can be delegated to staff if the Board has adequate staff support. This should be provided for in the language.

Review can begin immediately upon finding that the application is complete.

This section provides for notice of the meeting and advertising of the public hearing if it is a major development.

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dated receipt to the applicant and shall notify by first-class mail all property owners within [five hundred (500)] feet of the parcel on which the proposed development is located. The notice shall specify the location of the proposed development and provide a general description of the project. Written notice of the pending application shall be mailed to the [Selectmen, Council, Town/City Manager, Fire Chief, Police Chief, Public Works Director, Building Inspector, Plumbing Inspector, and Superintendent of Schools], and a newspaper or newspapers in general circulation in [Town] [City].

- (2) Within thirty (30) days of the receipt of a formal development review application, the [Planner] [Code Enforcement Officer] [Planning Board] [Site Plan Review Board] shall review the material and determine whether or not the submission is complete. If the application is determined to be incomplete, the applicant shall be notified in writing of this finding, which shall specify the additional materials required to make the application complete, and shall advise the applicant that the application will not be considered until the additional information is submitted. These steps, except the notification requirements, shall be repeated until the application is found to be complete.
- (3) As soon as the application is determined to be complete, the applicant shall be notified in writing of this finding. The notification requirements of subsection (4) below shall be met and the item placed on the agenda for substantive review within thirty (30) days of this finding.
- (4) The [Planning] [Site Plan Review] Board shall give written notice of the date, time, and place of the meeting, or for major developments, the public hearing at which the application will be considered, to the applicant, all officials who received notice in (1), and all abutters. For major developments, a notice of the hearing shall be published in a newspaper of general circulation in the community at least once, the date of publication shall be at least seven (7) days prior to the hearing.

Discussion

This allows the Board to hold a site walk. While a major development requires a site walk in the inventory and analysis phase, another site visit may be required for some projects.

To allow adequate public comment on large scale projects, provision is made for a formal public hearing on major development applications.

This section establishes the procedures for the public hearing.

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(5) The Board may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted and investigate the development proposal. The Board may schedule this visit either before or after the public hearing. The Board will not hold an on-site inspection when the site is snow covered. If an application is pending during a period when there is snow cover, the Board will request that the applicant agree to extending the review period to allow an on-site inspection. The inability of the Board to hold a site inspection due to snow cover shall be sufficient grounds for denial of an application. Written notice shall be provided to all parties entitled to notice under (1) above.

2.6 Public Hearing on Major Development Applications

- (1) The Chair of the [Planning] [Site Plan Review] Board or his/her replacement shall chair the public hearing. The Chair shall open the public hearing by identifying the application and explaining the purpose of the hearing and the procedures to be followed.
- (2) The purpose of the public hearing is to allow the applicant and affected property owners to provide information as part of the record that the Board will use in considering its action on the application. Testimony presented at the hearing should be related to factual information about the application and related submissions and the project's compliance with the review standards and other regulations and requirements of this ordinance or other municipal ordinances.
- (3) The Chair shall provide the applicant or his/her representative with an opportunity to make any statement or presentations at the beginning of the hearing. The Chair shall 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-

Discussion

This requires the Board to act on the application in a timely manner. This section should be customized to meet local needs.

This requires the Board to make findings when acting on the application. Having written findings of fact is important if there ever is a question as to what the Board approved or if there is a lawsuit.

This provides for written notification to interested parties of the Board's decision.

This provides that the approved plan be signed and permanently filed with the Code Enforcement Officer. Recognizing how difficult it is to maintain a good local filing system, some towns may want someone else to be the repository of approved plans. Some communities require approved plans to be recorded in the Registry of Deeds. Before requiring this you should check with your local registry to be sure that they will

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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.

2.7 Final Action on the Application

The [Planning] [Site Plan Review] Board shall take final action on said application within [thirty (30)] days of the public hearing or within [forty-five (45)] days of the application being determined to be complete, if no public hearing is held. The Board shall act to deny, to approve, or to approve the application with conditions. The Board may impose such conditions as are deemed advisable to assure compliance with the standards of approval and performance standards of this ordinance.

In issuing its decision, the Board shall make written findings of fact that establish whether the proposed development does or does not meet the standards of approval, performance standards, and other requirements of this Ordinance.

The Board shall notify the applicant, all officials who previously received notice, and abutters who requested to be notified, of the action of the Board, including the findings of fact and any conditions of approval. This requirement can be met through the distribution of minutes of the meeting containing the findings of fact and decision of the Board.

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

3. Final Approval and Filing

Upon completion of the requirements of this article and an approval vote by the majority of the [Planning] [Site Plan Review] Board members, the application shall be deemed to have final approval and the site plan shall be signed by a majority of the

Discussion

accept approved site plans for filing.

This section requires the applicant to pay application and technical review fees. Major developments are also required to pay an additional fee to cover the review of the site inventory and analysis.

The technical review fee is designed to allow the Board to “buy” needed technical review services.

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members of the Board and must be filed by the applicant with the [Code Enforcement Officer.] Any plan not so filed within thirty (30) days of the date upon which such plan is approved and signed by the Planning Board as herein provided shall become null and void. [In addition, the signed plan must be recorded in the _____ Registry of Deeds within thirty (30) days of the vote to approve the plan.] The Planning Board, by vote, may extend the filing period for good cause.

4. Fees

4.1 Site Inventory and Analysis Fees

Prior to submitting a site inventory and analysis for a major development, the applicant must pay a processing fee. This fee must be paid to the municipality and evidence of payment of the fee must be included with the submission.

4.2 Application Fee

An application for site plan review must be accompanied by an application fee. This fee is intended to cover the cost of the municipality’s administrative processing of the application, including notification, advertising, mailings, and similar costs. The fee shall not be refundable. This application fee must be paid to the municipality, and evidence of payment of the fee must be included with the application.

4.3 Technical Review Fee

In addition to the application fee, the applicant for site plan review must also pay a technical review fee to defray the municipality’s legal and technical costs of the application review. This fee must be paid to the municipality and shall be deposited in the Development Review Trust Account, which shall be separate and distinct from all other municipal accounts. The application will be considered incomplete until evidence of payment of this fee is submitted to the [Planning] [Site Plan Review] Board. The Board may reduce the amount of the technical review fee or waive it if

Discussion

This sets up procedures for using, accounting for, and refunding unused portions of the technical review fee.

This allows the Municipal Officers to set the site plan review fees. These fees should be tied to the scale and complexity of the project and the potential need for outside review services. It is important that these fees be established once site plan review is put into place. Some communities establish the application fee as a set amount such as \$25-\$50 for a minor site plan and \$200-\$400 for a major site plan, some have a basic fee such as \$50-\$100 and then require the applicant to pay the actual cost for engineering review, and others have a sliding fee scale tied to the size of the project such as \$0.05 per square foot of gross floor area or \$50 per 25,000 square feet of lot area.

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it determines that the scale or nature of the project will require little or no outside review.

The technical review fee may be used by the Board to pay for reasonable costs incurred by the Board, at its discretion, which relate directly to the review of the application pursuant to the review criteria. Such services may include, but need not be limited to, consulting engineering or other professional fees, attorney fees, recording fees, and appraisal fees. The municipality shall provide the applicant, upon written request, with an accounting of his or her account and shall refund all of the remaining monies, including accrued interest, in the account after the payment by the municipality of all costs and services related to the review. Such payment of remaining monies shall be made no later than sixty (60) days after the approval of the application, denial of the application, or approval with condition of the application. Such refund shall be accompanied by a final accounting of expenditures from the fund. The monies in such fund shall not be used by the Board for any enforcement purposes nor shall the applicant be liable for costs incurred by or costs of services contracted for by the Board which exceed the amount deposited to the trust account.

4.4 Establishment of Fees

The Municipal Officers may, from time to time and after consultation with the Board, establish the appropriate fees following posting of the proposed schedule of fees and public hearing.”

Discussion

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Option 2 - A Bilevel Review Process with the Planning Board or Site Plan Review Board Handling Major Developments and a Staff Review Committee Handling Minor Developments

Use this language for the administrative provisions if you choose a bilevel review system in which the Planning Board or Site Plan Review Board handles applications for major developments and a Staff Review Committee deals with minor developments.

Because there are two completely different review processes, separate procedures are provided for minor and major development applications.

This provides for an optional preapplication conference for minor developments.

For minor developments a simplified one-step review process is established.

“REVIEW PROCEDURES

The following procedures shall be used in reviewing applications for site plan review.

1. Procedures for Minor Developments

1.1 Preapplication Conference

Applicants for site plan review of a minor development are encouraged to schedule a preapplication conference with the Planner. The purpose of this meeting is to familiarize the applicant with the review procedures and submission requirements, and approval criteria, and to familiarize the Planner with the nature of the project. Such review shall not cause the plan to be a pending application or proceeding under Title 1 M.R.S.A. §302. No decisions relative to the plan may be made at this meeting.

In connection with the preapplication review, the Planner may determine that an on-site inspection be held to familiarize the Staff Review Committee with the project site. The on-site inspection shall be scheduled by the Planner and shall be attended by the applicant and/or the applicant’s representative and members of the Staff Review Committee. All abutters to the property shall be notified, in writing, of the time and date of the site inspection.

1.2 Application Procedure

The property owner or his/her representative must submit a formal minor development application for review and approval to the Planner.

Upon receipt of the application, the Planning Office shall provide the applicant with a dated receipt showing the nature of the application and the fees paid. Within five (5)

Discussion

The Planner determines if the application is complete.

This should be customized to reflect your staffing and the membership of the Staff Review Committee.

This provides for notification of abutters.

This establishes procedures for the review of minor applications by the Staff Review Committee. The Committee has 15 days to consider the application. This can be customized to meet local needs.

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working days of receipt of an application for a minor development, the Planner shall review the application and determine if the application meets the submission requirements. The Planner shall review any requests for a waiver from the submission requirements and shall act on these requests prior to determining the completeness of the application. If the application is complete, the Planner shall notify the applicant and the Chair of the [Planning] [Site Plan Review] Board in writing of this determination and the action on any waivers and shall provide copies of the application to the [Planning Office, Code Enforcement Office, Engineering Department, Police Department, and Fire Department]. If the application is incomplete, the Planner shall notify the applicant in writing of this determination, specify what additional materials or information are required to complete the application, and advise the applicant that the revised application package will be re-reviewed for completeness when it is resubmitted.

In addition, if the application is deemed to be complete, the Planner shall notify all abutters to the site as shown on the assessor's records, by first-class mail that an application has been filed. This notice shall contain a brief description of the proposed activity and the name of the applicant. It shall advise the party that a copy of the application is available for inspection and that written comments on the application will be received and considered by the Staff Review Committee, and provide the date, time, and place of the Committee meeting at which the application will be considered. Failure of any abutter to receive such notice shall not be grounds for delay of any consideration of the application nor denial of the project.

1.3 Staff Review Committee Meeting

Within [fifteen (15)] working days of the application being determined to be complete, the Staff Review Committee shall consider the application at a regular meeting of the Committee. The Planner shall notify the applicant, Chair of the [Planning] [Site Plan Review] Board and media in writing of the date, time and place of the meeting.

The applicant and/or his/her representatives shall be allowed to make a presentation

Discussion

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on the application, address any comments made by the staff or public, and present any proposed revisions to address these issues.

Any abutters may comment on the application or ask questions of the applicant and/or his/her representatives. The focus of the Committee's review shall be on the approval standards.

The Staff Review Committee shall consider if the application complies with the standards and criteria. If the Committee finds that the application conforms to these requirements, it shall make written findings of fact and it shall vote to approve the application. Approval by the Committee shall require the affirmative vote of a majority of the members of the Committee. The applicant, Chair of the [Planning] [Site Plan Review] Board, and any abutters who commented on the application or attended the Committee meeting shall be notified in writing of the Committee's action. The minutes of the Committee shall be adequate notification.

1.4 Appeal to the [Planning] [Site Plan Review] Board

Any party aggrieved by the decisions of the Staff Review Committee may seek an appellate review by the [Planning] [Site Plan Review] Board. The appellant shall have ten (10) days in which to file such an appeal with the Chair of the [Planning] [Site Plan Review] Board. The appeal must be in writing and must specify why the appellant believes the action of the Staff Review Committee was in error.

If an appeal is filed, the application shall be placed on the agenda of the next regular meeting of the [Planning] [Site Plan Review] Board. The appellant, applicant, and any abutters who provide written comments or attended a Committee meeting shall be notified in writing of the Board meeting. The Planner shall provide members of the Board with copies of the application, supporting material, any staff review comments, abutters' comments, and minutes of the Staff Review Committee meeting at which the application was considered.

It is essential that the findings be recorded in writing.

This section provides for the appeal of Staff Review Committee actions to the Planning or Site Plan Review Board.

Discussion

In considering the appeal, the Board should only consider information that was available at the time of initial consideration of the application.

This section establishes the procedures for reviewing applications for major developments.

This provides for a mandatory preapplication conference for major developments.

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The Board shall review the existing record of materials on an appellate basis and shall determine if the application conforms to the approval criteria and standards. If the Board finds that the application conforms to the standards, it shall approve the application, otherwise it shall deny the same.

The Planner shall notify the appellant, applicant, and abutters who participated in the review of the action of the [Planning] [Site Plan Review] Board.

2. Procedures for Major Developments

2.1 Preapplication Conference

Applicants for site plan review of a major development are required to schedule a preapplication conference with the Planner. The purpose of this meeting is to familiarize the applicant with the review procedures and submission requirements, and approval criteria, and to familiarize the Planner with the nature of the project. Such review shall not cause the plan to be a pending application or proceeding under Title 1 M.R.S.A. §302. No decisions relative to the plan may be made at this meeting.

2.2 Information Required

There are no formal submission requirements for a preapplication conference. However, the applicant should be prepared to discuss the following with the Planner:

- (1) The proposed site, including its location, size, and general characteristics,
- (2) The nature of the proposed use and potential development,
- (3) Any issues or questions about existing municipal regulations and their applicability to the project, and
- (4) Any requests for waivers from the submission requirements.

Discussion

For major projects, a two-step review process is created. The first step is for the applicant to inventory existing conditions on the site and assess how these conditions may influence the use of the site.

This sets out how the site inventory and analysis will be reviewed.

This assures that the needed information is available before review begins.

This provides that the Board shall hold a site walk.

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The applicant's oral presentation and written materials about the scope and nature of the project must provide adequate information to allow the Planner to classify the project as a minor or major development.

2.3 Site Inventory and Analysis

Applicants for projects classified as major developments must submit a site inventory and analysis for [Planning] [Site Plan Review] Board review. This review must be completed prior to the preparation and submission of a site plan review application and supporting documentation. The Board shall review the site inventory and analysis with the applicant and shall authorize the submission of the formal application when the site analysis is complete. The site inventory and analysis must be submitted to the [Planner] [Chair of the Board].

2.4 Procedures Following Submission of the Site Inventory and Analysis

Upon receipt of a site inventory and analysis, the Planner shall give a dated receipt to the applicant. Within ten (10) days of the receipt of a site inventory and analysis submission for a major development, the Planner shall review the material and determine whether or not the submission is complete. If the submission is determined to be incomplete, the Planner shall notify the applicant in writing of this finding, shall specify the additional material required to make the submission complete, and shall advise the applicant that the application will not be considered by the Board until the additional information is submitted. These steps, except the notification requirements, shall be repeated until the application is found to be complete. When the submission is determined to be complete, the Planner shall notify the applicant in writing of this finding and place the item on the agenda for review by the Board. The material shall also be provided to the members of the Staff Review Committee.

The [Planning] [Site Plan Review] Board shall hold an on-site inspection of the site to review the existing conditions, field verify the information submitted and investigate the development proposal. The Board may schedule this visit either before or after the

Discussion

The Board's review of the site analysis should provide the applicant with guidance to be used in developing the site plan. It should also identify issues that will need to be addressed in the application. This allows the Board to work with the developer in shaping the best use of the site.

This sets out the review procedures for the formal application.

This provides for notice to the neighbors and municipal officials of the pending application. These should be customized to your local situation.

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first meeting at which the application is considered. The Board may decide not to hold an on-site inspection when the site is snow covered. If an application is pending during a period when there is snow cover, the deadline by which the Planning Board shall take final action on the application as specified in 2.8 may be extended, which extension shall not exceed [thirty (30)] days after the Board is able to conduct an on-site inspection. Written notice of the on-site inspection shall be provided to all parties entitled to notice under subsection 2.6.

Within forty-five (45) days of the Board finding that the site inventory and analysis submission is complete, the Board shall complete its review of the submission and notify the applicant in writing of its findings.

2.5 Review of Site Inventory and Analysis

The review of the site inventory and analysis shall be informational and shall not result in any formal approval or disapproval of the project by the [Planning] [Site Plan Review] Board. The parties identified in subsection 2.6 shall be notified of the time, date, and place of the Board meeting at which the site inventory and analysis will be reviewed. The Board shall review the submission to determine if the information provides a clear understanding of the site and identifies opportunities and constraints that help determine how it should be used and developed. The Board shall also consider any input received from members of the Staff Review Committee. The outcome of the review process shall be the identification by the Board of the issues and constraints that must be addressed in the formal site plan review application. The Board shall also act on any requests for waivers.

2.6 Procedures Following a Submission of a Site Plan Review Application

- (1) Upon receipt of a formal site plan review application, the Planner shall give a dated receipt to the applicant and shall notify by first-class mail all property owners within [five hundred (500)] feet of the parcel on which the proposed development is located. The notice shall specify the location of the proposed development and provide a general description of the project.

Discussion

This requires that the Board verify that they have a complete application prior to starting review. This can be delegated to staff if the Board has adequate staff support. This should be provided for in the language.

Review can begin immediately upon the finding that the application is complete.

This section provides for notice of the meeting and advertising of the public hearing if it is a major development.

This allows the Board to hold a site walk. While a major development requires a site walk in the inventory and analysis phase, another site visit may be required for some projects.

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- (2) Within ten (10) days of the receipt of a formal development review application, the Planner shall review the material and determine whether or not the submission is complete. If the application is determined to be incomplete, the Planner shall notify the applicant in writing of this finding, shall specify the additional materials required to make the application complete and shall advise the applicant that the application will not be considered by the Board until the additional information is submitted to the Board. These steps, except the notification requirements, shall be repeated until the application is found to be complete.
- (3) When the Planner determines that the application is complete, the Planner shall notify the applicant in writing of this finding, meet the notification requirements of subsection (5) below, forward the application to the Staff Review Committee, and place the item on the agenda of the [Planning] [Site Plan Review] Board for substantive review within thirty (30) days of this finding.
- (4) Prior to consideration of the application by the [Planning] [Site Plan Review] Board, the Staff Review Committee shall review the application and make recommendations to the Board.
- (5) The Planner shall give written notice of the date, time, and place of the meeting or, for major developments, the public hearing at which the application will be considered, to the applicant and all abutters. For major developments, a notice of the hearing shall be published in a newspaper of general circulation in the community at least once, the date of publication shall be at least seven (7) days prior to the hearing.
- (6) The Board may hold another on-site inspection of the site to field verify the information submitted and investigate the development proposal. The Board may schedule this visit either before or after the public hearing. The Board will not hold an on-site inspection when the site is snow covered. If an application is pending during a period when there is snow cover, the Board will request that the applicant agree to extending the review period to allow an on-site inspection. The inability of the Board to hold a site inspection due to snow cover shall be

Discussion

To allow adequate public comment on large scale projects, provision is made for a formal public hearing on major development applications.

This section establishes the procedures for the public hearing.

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sufficient grounds for denial of an application. Written notice of the site inspection shall be provided to all parties receiving notice of the pending application.

2.7 Public Hearing on Major Development Applications

- (1) The Chair of the [Planning] [Site Plan Review] Board or his/her replacement shall chair the public hearing. The Chair shall open the public hearing by identifying the application and explaining the purpose of the hearing and the procedures to be followed.
- (2) The purpose of the public hearing is to allow the applicant and affected property owners to provide information as part of the record that the Board will use in considering its action on the application. Testimony presented at the hearing should be related to factual information about the application and related submissions and the project's compliance with the review standards and other regulations and requirements of this ordinance or other municipal ordinances.
- (3) The Chair shall provide the applicant or his/her representative with an opportunity to make any statement or presentations at the beginning of the hearing. The Planner shall then present any comments or recommendations from the Staff Review Committee. The Chair shall 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.

Discussion

This requires the Board to act on the application in a timely manner. This section should be customized to meet local needs.

This requires the Board to make written findings when acting on the application. Having written findings of fact is important if there ever is a question as to what the Board approved or if there is a lawsuit.

This provides for written notification to interested parties of the Board's decision.

This provides that the approved plan be signed and permanently filed with the Planner. Recognizing how difficult it is to maintain a good local filing system, some towns may want someone else to be the repository of approved plans. Some communities require approved plans to be recorded in the Registry of Deeds. Before requiring this, you should check with your local registry to be sure that they will accept approved site plans for filing.

Model Ordinance Provisions

2.8 Final Action on the Application

The [Planning] [Site Plan Review] Board shall take final action on said application within [thirty (30)] days of the public hearing. The Board shall act to deny, to approve, or to approve the application with conditions. The Board may impose such conditions as are deemed advisable to assure compliance with the standards of approval and performance standards of this ordinance.

In issuing its decision, the Board shall make written findings of fact that establish whether the proposed development does or does not meet the standards of approval, performance standards, and other requirements of this ordinance.

The Board shall notify the applicant and abutters who requested to be notified of the action of the Board including the findings of fact and any conditions of approval. This requirement can be met through the distribution of minutes of the meeting containing the findings of fact and decision of the Board.

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

3. Final Approval and Filing

Upon completion of the requirements of this article and an approval vote by the majority of the [Planning] [Site Plan Review] Board members, the application shall be deemed to have final approval and the site plan shall be signed by a majority of the members of the Board and must be filed by the applicant with the [Planner]. Any plan not so filed within thirty (30) days of the date upon which such plan is approved and signed by the Board as herein provided shall become null and void. [In addition, the signed plan must be recorded in the _____ Registry of Deeds within thirty (30) days of the vote to approve the plan.] The [Planning] [Site Plan Review] Board, by vote, may extend the filing period for good cause.

Discussion

This section requires the applicant to pay application and technical review fees. Major developments are also required to pay an additional fee to cover the review of the site inventory and analysis.

The technical review fee is designed to allow the Board to “buy” needed technical review services.

This sets up procedures for using, accounting for, and refunding unused portions of the technical review fee.

Model Ordinance Provisions

4. Fees

4.1 Site Inventory and Analysis Fees

Prior to submitting a site inventory and analysis for a major development, the applicant must pay a processing fee. This fee must be paid to the municipality, and evidence of payment of the fee shall be included with the submission.

4.2 Application Fee

An application for site plan review must be accompanied by an application fee. This fee is intended to cover the cost of administrative processing of the application, including notification, advertising, mailings, and similar costs. The fee shall not be refundable. This application fee must be paid to the municipality, and evidence of payment of the fee must be included with the application.

4.3 Technical Review Fee

In addition to the application fee, the applicant for site plan review must also pay a technical review fee to defray the legal and technical costs of the application review. This fee must be paid to the municipality and must be deposited in the Development Review Trust Account, which shall be separate and distinct from all other municipal accounts. The application will be considered incomplete until this fee is paid. The Board may reduce the amount of the technical review fee or waive it if it determines that the scale or nature of the project will require little or no outside review.

The technical review fees may be used by the Board to pay for reasonable costs incurred by the Board, at its discretion, which relate directly to the review of the application pursuant to the review criteria. Such services may include, but need not be limited to, consulting engineering or other professional fees, attorney fees, recording fees, and appraisal fees. The municipality shall provide the applicant, upon written request, with an accounting of his or her account and shall refund all of the

Discussion

This allows the Municipal Officers to set the site plan review fees. Some communities establish the application fee as a set amount such as \$25-\$50 for a minor site plan and \$200-\$400 for a major site plan, some have a basic fee such as \$50-\$100 and then require the applicant to pay the actual cost for engineering review, and others have a sliding fee scale tied to the size of the project such as \$0.05 per square foot of gross floor area or \$50 per 25,000 square feet of lot area.

Model Ordinance Provisions

remaining monies, including accrued interest, in the account after the payment by the municipality of all costs and services related to the review. Such payment of remaining monies shall be made no later than sixty (60) days after the approval of the application, denial of the application, or approval with condition of the application. Such refund shall be accompanied by a final accounting of expenditures from the fund. The monies in such fund shall not be used by the Board for any enforcement purposes nor shall the applicant be liable for costs incurred by or costs of services contracted for by the Board which exceed the amount deposited to the trust account.

4.4 Establishment of Fees

The Municipal Officers may, from time to time and after consultation with the Board, establish the appropriate fees following posting of the proposed schedule of fees and public hearing.”

C. Submission Requirements

If the administrative procedures create two categories of review, minor developments and major developments, the submission requirements in the basic ordinance must be replaced with submission requirements that establish different requirements for the two categories. Appropriate replacement language is provided in this section.

Discussion

Model Ordinance Provisions

If you require applicants to submit a site inventory and analysis for major developments, you should include these requirements.

This provides for basic information about the site and its existing conditions.

“SUBMISSION REQUIREMENTS

1. Site Inventory and Analysis Submission Requirements

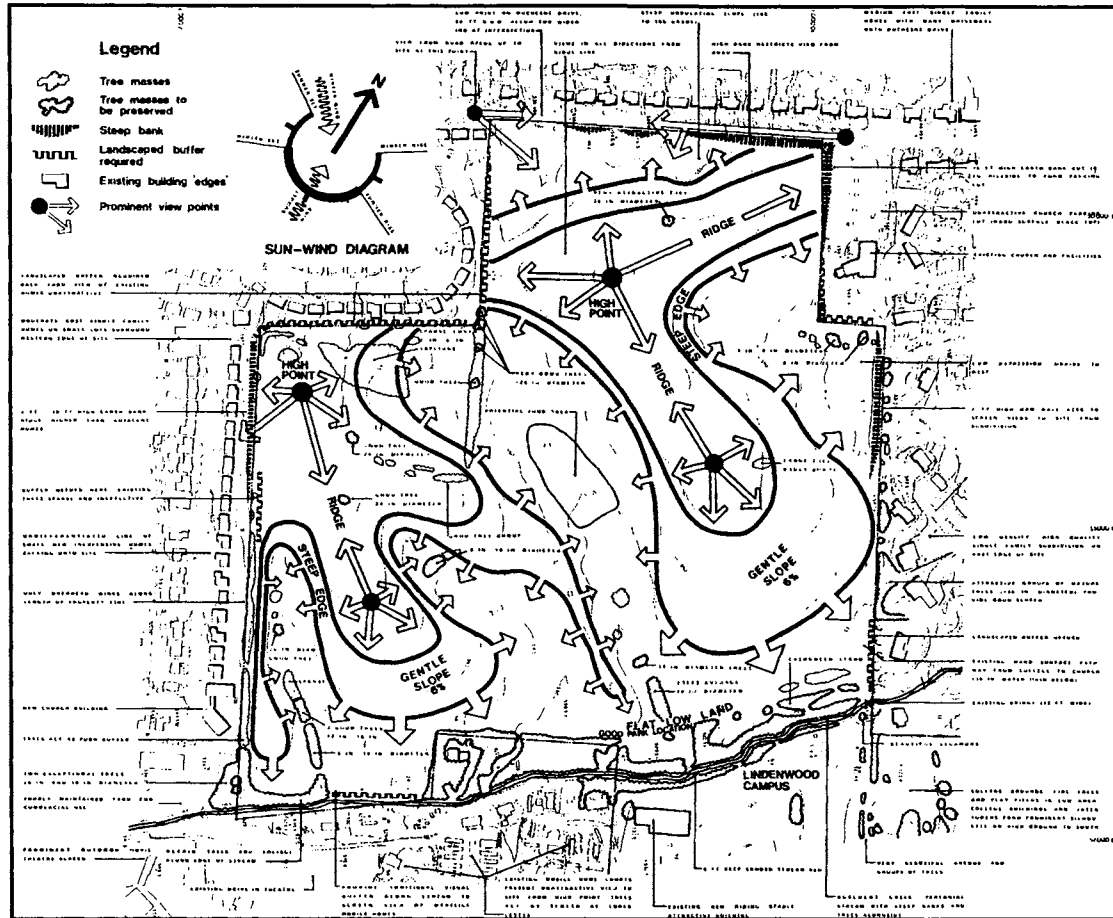
The site inventory and analysis is intended to provide both the applicant and the [Planning] [Site Plan Review] Board with a better understanding of the site and the opportunities and constraints imposed on its use by both the natural and built environment. It is anticipated that this analysis will result in a development plan that reflects the conditions of the site; those areas most suitable for the proposed use will be utilized, while those that are not suitable or present significant constraints will be avoided to the maximum extent possible. Therefore, the submission requirements provide that the applicant submit basic information about the site and an analysis of that information.

The site inventory and analysis submission must contain, at a minimum, the following information:

- (1) the names, addresses, and phone numbers of the record owner and the applicant
- (2) the names and addresses of all consultants working on the project
- (3) evidence of right, title, or interest in the property
- (4) evidence of payment of the site inventory and analysis fee

Discussion

Customize the number of copies to meet your local needs.



Model Ordinance Provisions

- (5) [eight (8)] copies of an accurate scale inventory plan of the parcel at a scale of not more than one hundred (100) feet to the inch showing as a minimum:
 - a. the name of the development, north arrow, date and scale;
 - b. the boundaries of the parcel;
 - c. the relationship of the site to the surrounding area;
 - d. the topography of the site at an appropriate contour interval depending on the nature of the use and character of the site (in many instances, submittal of the U.S.G.S. 10' contours will be adequate);
 - e. the major natural features of the site and within [one thousand (1,000)] feet of the site, including wetlands, streams, ponds, floodplains, groundwater aquifers, significant wildlife habitats or other important natural features (if none, so state);
 - f. existing buildings, structures, or other improvements on the site (if none, so state);
 - g. existing restrictions or easements on the site (if none, so state);
 - h. the location and size of existing utilities or improvements servicing the site (if none, so state);
 - i. a class B high intensity soil survey if any portion of the site is located in a resource protection district or wetland or a class D medium intensity soil survey.

Discussion

This site analysis plan should be assessment of the site for the proposed use. It should also identify any potential for conflict with neighboring uses or areas in which conflict can be minimized or avoided.

This section sets out the submission requirements for all applications.

Model Ordinance Provisions

- (6) [eight (8)] copies of a site analysis plan at the same scale as the inventory plan (see [5] above) highlighting the opportunities and constraints of the site. This plan should enable the [Planning] [Site Plan Review] Board to determine: which portions of the site are unsuitable for development or use; which portions of the site are unsuitable for on-site sewage disposal if public sewerage is not available; which areas of the site have development limitations (steep slopes, flat, soil constraints, wetlands, aquifers, wildlife habitat, scenic vistas, floodplains, drainage, etc.) which must be addressed in the development plan; which areas may be subject to off-site conflicts or concerns (i.e., noise, lighting, traffic, etc.); and which areas are well suited to the proposed use.
- (7) [eight (8)] copies of a narrative describing the existing conditions of the site, the proposed use and the constraints or opportunities created by the site. This submission should include any traffic studies, utility studies, market studies or other preliminary work that will assist the [Planning] [Site Plan Review] Board in understanding the site and the proposed use.
- (8) Any requests for waivers from the submission requirements for the site plan review application.

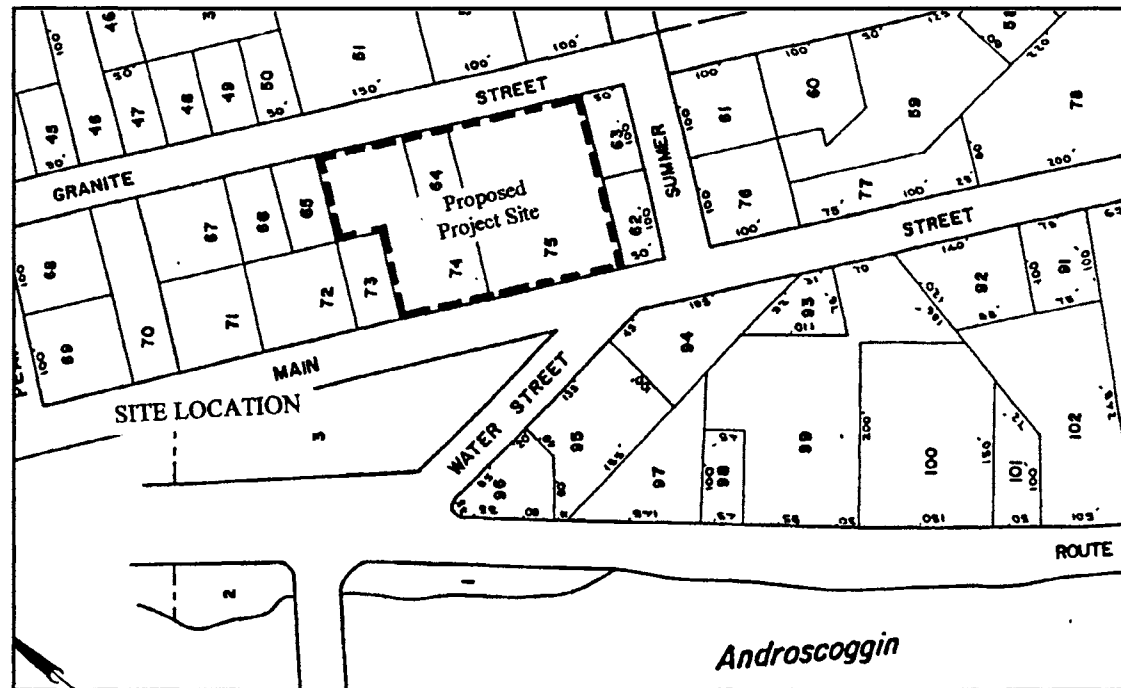
2. Site Plan Review Application Submission Requirements

Applications for site plan review must be submitted on application forms provided by the [Town] [City]. The complete application form, evidence of payment of the required fees, and the required plans and related information must be submitted to the [Planner] [Code Enforcement Officer] [Chair of the Board]. Applications for major developments will not be received until the review of the site inventory and analysis is completed. The submission must contain at least the following exhibits and information, unless specifically waived in writing:

Discussion

Model Ordinance Provisions

You should determine the number of copies you will need and adjust this submission requirement to meet your needs.



2.1 All Applications

All applications for site plan review must contain the following information:

- (1) A fully executed and signed copy of the application for development review.
- (2) Evidence of payment of the application and technical review fees.
- (3) [Eight (8)] copies of written materials plus [eight (8)] sets of maps or drawings containing the information listed below. The written materials must be contained in a bound report. The maps or drawings must be at a scale sufficient to allow review of the items listed under approval criteria, but in no case shall be more than one hundred (100) feet to the inch for that portion of the tract of land being proposed for development:

2.1.a General Information

- (1) record owner's name, address, and phone number and applicant's name, address and phone number, if different
- (2) the location of all required building setbacks, yards, and buffers
- (3) names and addresses of all property owners within [five hundred (500)] feet of any and all property boundaries
- (4) sketch map showing general location of the site within the municipality based upon a reduction of the tax maps
- (5) boundaries of all contiguous property under the total or partial control of the owner or applicant regardless of whether all or part is being developed at this time

Discussion

The applicant should be required to show that he/she has a legal interest in the property.

Evidence of technical capability might include documentation that the applicant has retained qualified contractors and consultants to supervise, construct, and inspect improvements in the proposed development. Evidence of financial capability should demonstrate that the applicant has adequate financial resources to construct the proposed improvements and meet the standards of the Ordinance. Evidence could include a letter from a financing institution regarding a loan, letter of credit, or bank account or a certified accountant's or annual report indicating adequate cash flow to cover anticipated expenses.

The information submitted should provide the reviewers with a good understanding of the existing conditions on the site and any limitations in its use and development.

Model Ordinance Provisions

- (6) the tax map and lot number of the parcel or parcels on which the project is to be located
- (7) a copy of the deed to the property, an option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant
- (8) the name, registration number and seal of the person who prepared the plan, if applicable
- (9) evidence of the applicant's technical and financial capability to carry out the project as proposed

2.1.b Existing Conditions

- (1) zoning classification(s), including overlay and/or subdistricts, of the property and the location of zoning district boundaries if the property is located in two (2) or more zoning districts or subdistricts or abuts a different district.
- (2) the bearings and length of all property lines of the property to be developed and the source of this information. The [Planning] [Site Plan Review] Board may waive this requirement of a boundary survey when sufficient information is available to establish, on the ground, all property boundaries.
- (3) location and size of any existing sewer and water mains, culverts and drains, on-site sewage disposal systems, wells, underground tanks or installations, and power

Discussion

It is important that the applicant and review body know where the property lines are.

This allows you to see how proposed driveways line up with existing drives and roads in the neighborhood.

It is important that the applicant assess the physical constraints of the site.

Model Ordinance Provisions

and telephone lines and poles on the property to be developed and on abutting streets or land that may serve the development and an assessment of their adequacy and condition to meet the needs of the proposed use. Appropriate elevations must be provided as necessary to determine the direction of flow.

- (4) location, names, and present widths of existing public and/or private streets and rights-of-way within or adjacent to the proposed development.
- (5) the location, dimensions and ground floor elevation of all existing buildings on the site.
- (6) the location and dimensions of existing driveways, parking and loading areas, walkways, and sidewalks on or immediately adjacent to the site.
- (7) location of intersecting roads or driveways within two hundred (200) feet of the site.
- (8) the location of open drainage courses, wetlands, stonewalls, graveyards, fences, stands of trees, and other important or unique natural areas and site features, including but not limited to, floodplains, deer wintering areas, significant wildlife habitats, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, and historic and/or archaeological resources, together with a description of such features.
- (9) the direction of existing surface water drainage across the site.
- (10) the location, front view, dimensions, and lighting of existing signs.
- (11) location and dimensions of any existing easements and copies of existing covenants or deed restrictions.

Discussion

The site plan and supporting materials for the proposed development must provide a complete picture of what changes will be made on the site and how they will be carried out.

The information about the development proposal should be of a preliminary nature, not detailed construction plans.

Model Ordinance Provisions

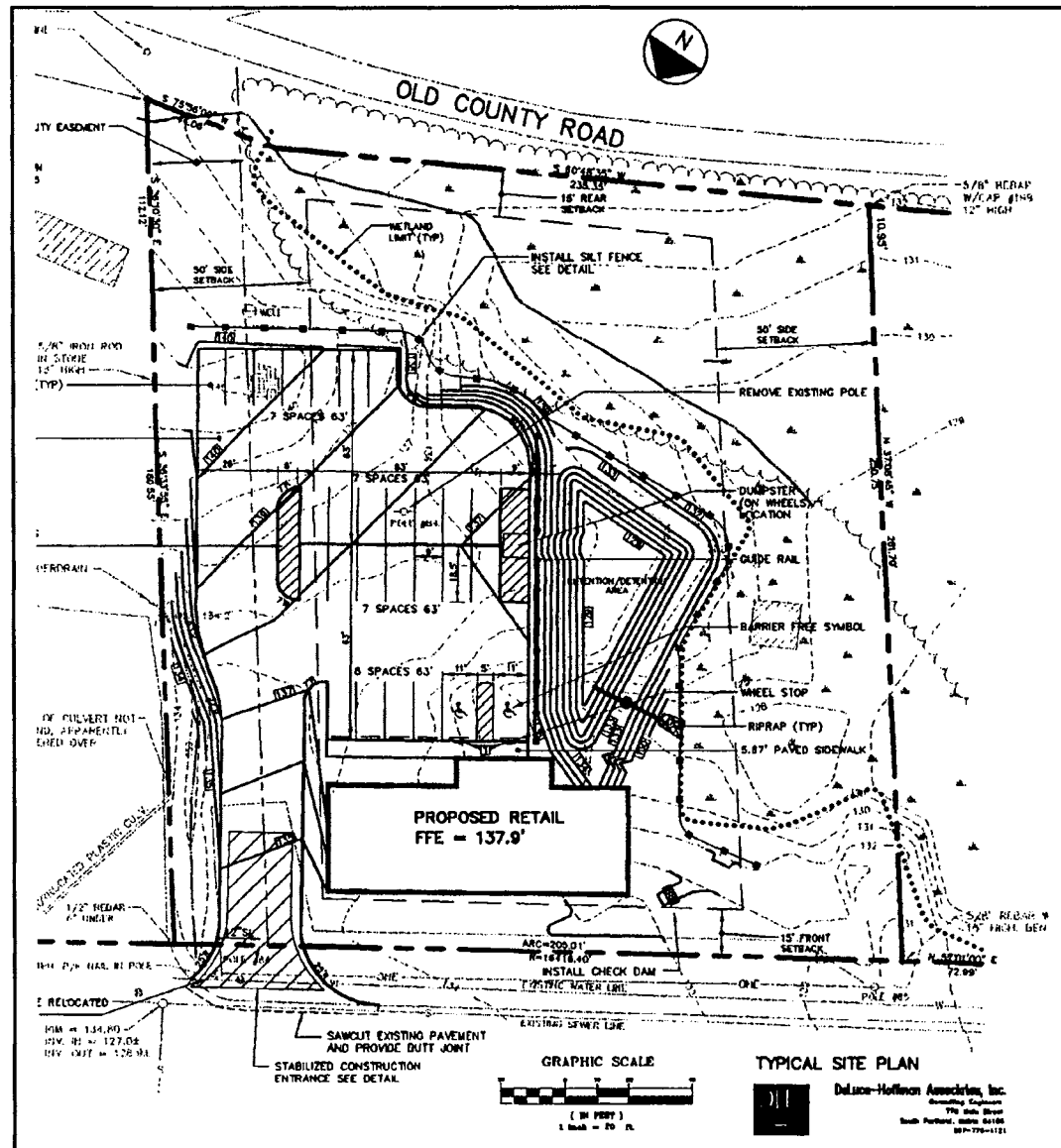
(12) the location of the nearest fire hydrant, dry hydrant or other water supply for fire protection.

2.1.c Proposed Development Activity

- (1) estimated demand for water supply and sewage disposal, together with the location and dimensions of all provisions for water supply and wastewater disposal, and evidence of their adequacy for the proposed use, including soils test pit data if on-site sewage disposal is proposed.
- (2) the direction of proposed surface water drainage across the site, and from the site, with an assessment of impacts on downstream properties.
- (3) provisions for handling all solid wastes, including hazardous and special wastes, and the location and proposed screening of any on-site collection or storage facilities.
- (4) the location, dimensions, and materials to be used in the construction of proposed driveways, parking and loading areas, and walkways and any changes in traffic flow onto or off-site.
- (5) proposed landscaping and buffering.
- (6) the location, dimensions, and ground floor elevation of all proposed buildings or building expansion proposed on the site.
- (7) location, front view, materials, and dimensions of proposed signs together with the method for securing the sign.
- (8) location and type of exterior lighting.
- (9) the location of all utilities, including fire protection systems.

Discussion

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- (10) a general description of the proposed use or activity.
- (11) an estimate of the peak hour and daily traffic to be generated by the project.
- (12) stormwater calculations, erosion and sedimentation control measures, and water quality and/or phosphorous export management provisions, if the project requires a stormwater permit from the Maine Department of Environmental Protection or if the Planning Board determines that such information is necessary based upon the scale of the project or the existing conditions in the vicinity of the project.

2.1.d Approval Block

Space must be provided on the plan drawing for the signatures of the [Planning] [Site Plan Review] Board and date, together with the following words, "Approved: [Town] [City] of [name of City or Town] [Planning] [Site Plan Review] Board."

Discussion

This describes the additional information that major development applications must include.

This should show how the findings and issues identified in the site inventory have been addressed in the site plan.

This requires an assessment of impacts if large volumes of water are withdrawn from the ground or if a large on-site sewage disposal system is utilized.

Model Ordinance Provisions

2.2 Major Developments

In addition to the information required for all applicants, an application for a major development must contain the following additional information.

- (1) A narrative and/or plan describing how the proposed development plan relates to the site inventory and analysis.
- (2) A grading plan showing the existing and proposed topography of the site at two (2) foot contour intervals, or such other interval as the [Planning] [Site Plan Review] Board may determine.
- (3) A stormwater drainage and erosion control program showing:
 - a) the existing and proposed method of handling stormwater runoff.
 - b) the direction of flow of the runoff, through the use of arrows.
 - c) the location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.
 - d) engineering calculations used to determine drainage requirements based upon the 25-year 24-hour storm frequency; this is required only if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.
 - e) methods of controlling erosion and sedimentation during and after construction.
- (4) A groundwater impact analysis prepared by groundwater hydrologist for projects involving on-site water supply or sewage disposal facilities with a capacity of two thousand (2,000) gallons or more per day.

Discussion

If landscaping is reviewed, details of the landscaping should be provided.

If the project has the potential for generating significant traffic, a traffic study is required. These numbers can be customized to fit local conditions.

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- (5) The name, registration number, and seal of the architect, engineer, landscape architect and/or similar professional who prepared the plan.
- (6) A utility plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, telephone, cable TV, and any other utility services to be installed on the site.
- (7) A planting schedule keyed to the site plan indicating the general varieties and sizes of trees, shrubs, and other vegetation to be planted on the site, as well as information pertaining to provisions that will be made to retain and protect existing trees, shrubs, and other vegetation.
- (8) A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent streets, if the project or expansion will provide parking for [*fifty (50)*] or more vehicles or generate more than [*one hundred (100)*] trips during the a.m. or p.m. peak hour based upon the latest edition of the trip generator manual of the Institution of Traffic Engineers.
- (9) A written statement from any utility district providing service to the project as to the adequacy of the water supply in terms of quantity and pressure for both domestic and fire flows, and the capacity of the sewer system to accommodate additional wastewater if public water or sewerage will be utilized.
- (10) Cost of the proposed development and evidence of the applicant's financial capacity to complete it. This evidence should be in the form of a letter from a bank or other source of financing indicating the name of the project, amount of financing proposed or available, and individual's or institution's interest in financing the project or in the form of a letter from a certified accountant or annual report indicating that the applicant has adequate cash flow to cover anticipated costs.

Discussion

Model Ordinance Provisions

3. Waiver of the Submission Requirements

The [Planner] [Planning Board] [Site Plan Review Board] may waive any of the submission requirements based upon a written request of the applicant. Such request must be made at the time of the preapplication conference or at the initial review of the application if no preapplication conference is held. A waiver of any submission requirement may be granted only if the [Planner] [Board] finds that the information is not required to determine compliance with the standards and criteria.”

SECTION 11. ADDITIONAL STANDARDS OF APPROVAL

The basic **site plan review** system set out in Section 9 incorporates basic standards that address issues related to public health, public safety, and environmental protection. **Site plan review** offers the community the opportunity to go beyond these basic considerations to address how a project can be designed so that it is a “good neighbor” and so that it is compatible with the character of the community or neighborhood in which it is located.

This section includes additional standards that communities may want to include in their **site plan review** provisions to address these “good neighbor” and design considerations.

A special note of caution is in order with respect to the design standards. Any design standards that you include must be tailored to the character of your community and the particular situations that exist. The standards included here are provided as examples of how these issues can be addressed. Any requirement will need to be customized to your community. In addition, some of these design standards may be more appropriately included in your zoning ordinance so that they apply only in particular circumstances or locations in your community.

Discussion

Model Ordinance Provisions

● Good Neighbor Standards

This group of standards deals with how the proposed development relates to neighboring properties and how negative impacts on those neighbors are minimized or prevented. Use these standards if your community is concerned about these issues.

This standard deals with exterior lighting on the site.

1. Exterior Lighting

- “**Exterior Lighting** - The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated. All exterior lighting must be designed and shielded to avoid undue glare, adverse impact on neighboring properties and rights-of-way, and the unnecessary lighting of the night sky.”

----- **OR** -----

Discussion

This alternative standard provides specific criteria that site lighting must meet. You should review the illumination standards to assure that it is reasonable in your community.



An Exterior Light Designed to Shine Down and not Light the Night Sky

This standard deals with creating buffers between different types of uses.

Model Ordinance Provisions

- “Exterior Lighting** - The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated.

Lighting may be used which serves security, safety and operational needs but which does not directly or indirectly produce deleterious effects on abutting properties or which would impair the vision of a vehicle operator on adjacent roadways. Lighting fixtures must be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings and so that they do not unnecessarily light the night sky. Direct or indirect illumination must not exceed 0.5 footcandles at the lot line or upon abutting residential properties.

All exterior lighting, except security lighting, must be turned off between 11 P.M. and 6 A.M. unless located on the site of a commercial or industrial use which is open for business during that period.

Wiring to light poles and standards must be underground.”

2. Buffering of Adjacent Uses

- “Buffering** - The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade, and/or a combination of these or other techniques.”

OR

Discussion

This alternative provides some additional specificity for the buffering standard.



Exterior Air Conditioning Equipment
Shielded by Landscaping

You should review the requirement for buffer width and adjust it if necessary to fit your situation.

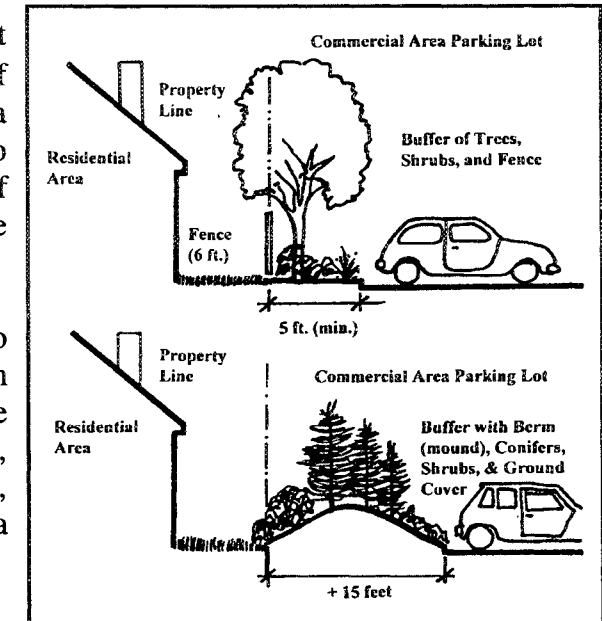


A Buffer of Trees and Shrubs

Model Ordinance Provisions

- “Buffering** - The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for screening of mechanical equipment and service and storage areas.

Buffering must be designed to provide a year-round visual screen in order to minimize adverse impacts. It may consist of fencing, evergreens, berms, rocks, boulders, mounds, or a combination thereof.



A development must provide sufficient buffering when topographical or other barriers do not provide reasonable screening and where there is a need to:

- a. shield neighboring properties from any adverse external effects of the development, or
- b. shield the development from the negative impacts of adjacent uses.

The width of the buffer may vary depending on the treatment of the area. Within densely built-up areas, a buffer with dense plantings, fencing, or changes in grade may be as little as five (5) feet in width. A buffer with moderate levels of planting should be ten (10) feet to fifteen (15) feet in width. In suburban and rural settings, the width of the vegetated buffer should be increased to a minimum of twenty-five (25) feet. Areas adjacent to service, loading, or storage areas should be screened by dense planting, berms, fencing, or a combination thereof with a width of a minimum of five (5) feet.”

Discussion

This standard addresses sound level issues.

This alternative standard establishes specific criteria for noise levels associated with various activities.

Model Ordinance Provisions

3. Noise

"Noise - The development must control noise levels such that it will not create a nuisance for neighboring properties."

OR

"Noise - The maximum permissible sound pressure level of any continuous, regular or frequent or intermittent source of sound produced by any activity on the site shall be limited by the time period and by the abutting land use as listed below. Sound levels shall be measured at least four (4) feet above ground at the property boundary of the source.

Abutting Use	Sound Pressure Level Limits Using the Sound Equivalent Level of One Minute (leq 1) (Measured in dB(a) Scale)	
	7 a.m.- 10 p.m.	10 p.m.- 7 a.m.
Residential	55	45
Residential located in a commercial-industrial district	65	55
Public, semipublic and institutional	60	55
Vacant or rural	60	55
Commercial	65	55
Industrial	70	60

Discussion

Model Ordinance Provisions

This standard provides for the location and screening of storage areas.



A Dumpster Hidden Behind a Brick Wall Enclosure with Gated Entrance

Noise shall be measured by a meter set on the A-weighted response scale, fast response. The meter shall meet the American National Standards Institute (ANSI S1 4-1961) 'American Standards Specification for General Purpose Sound Level Meters.'

No person shall engage in construction activities, on a site abutting any residential use between the hours of 10 p.m. and 6 a.m."

4. Storage of Materials

- "Storage of Materials - Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.

All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.

Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition."

Discussion

Model Ordinance Provisions

● **Design Standards**

These standards address the physical appearance of the project and its relationship to the neighborhood. It is very important that any visual and design standards included in your ordinance be compatible with the visual environment of your community. While the standards provided here are reasonable for many Maine communities, you may need to customize them to reflect local conditions. Some of these standards are suitable for urban or built-up environments, while others are appropriate for rural environments.



A Buffer of Lawn, Shrubs, and Trees in Front of Stores Along Route

This standard addresses the basic placement of the building on the site and the overall layout of the site.

1. Landscaping

- “Landscaping** -Landscaping must be provided as part of site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a pleasing site character. The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties.

Landscaping may include plant materials such as trees, shrubs, groundcovers, perennials, and annuals, and other materials such as rocks, water, sculpture, art, walls, fences, paving materials, and street furniture.”

2. Building Placement

- “Building Placement** - The site design should avoid creating a building surrounded by a parking lot. In urban, built-up areas and in villages, buildings should be placed close to the street, in conformance with existing, adjacent setbacks. Parking should be to the side or preferably in the back.

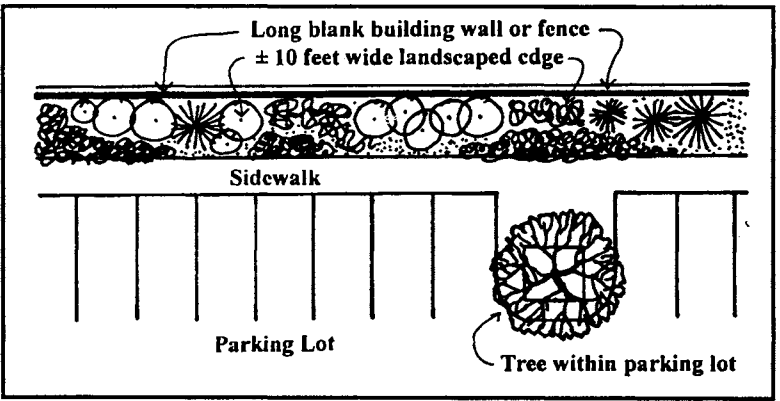
In rural, uncongested areas buildings should be set well back from the road so as

Discussion

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to conform with the rural character of the area. If the parking is in front, a generous, landscaped buffer between road and parking lot is to be provided. Unused areas should be kept natural, as field, forest, wetland, etc.

Where two or more buildings are proposed, the buildings should be grouped and linked with sidewalks; tree planting should be used to provide shade and break up the scale of the site. Parking areas should be separated from the building by a minimum of five (5) to ten (10) feet. Plantings should be provided along the building edge, particularly where building facades consist of long or unbroken walls.”



This standard addresses the illumination of buildings.

3. Building Illumination

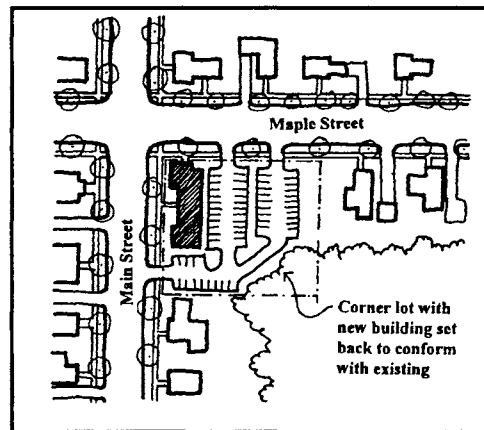
- “Building Illumination** - Building facades may be illuminated with soft lighting of low intensity that does not draw inordinate attention to the building. The light source for the building facade illumination must be concealed.

Building entrances may be illuminated using recessed lighting in overhangs and soffits, or by use of spotlighting focused on the building entrances with the light source concealed (e.g., in landscaped areas). Direct lighting of limited exterior building areas is permitted when necessary for security purposes.”

Discussion

This standard requires that the main entrance be oriented toward the street. This is appropriate in village or urban settings and other situations where there is a consistent character.

This standard requires the placement of new buildings to conform to established setback lines.

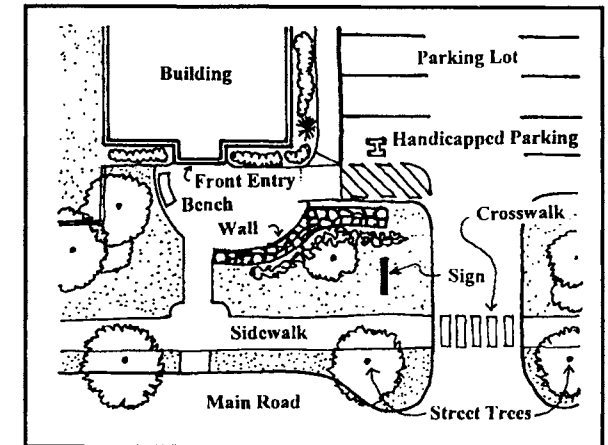


Model Ordinance Provisions

4. Building Entrances

- “Building Entrances** - The main entrance to the building should be oriented toward the street unless the parking layout or the grouping of the buildings justifies another approach, and should be clearly identified as such through building and site design, landscaping, and/or signage.

At building entrance areas and drop-off areas, site furnishings such as benches and sitting walls and, if appropriate, bicycle racks shall be encouraged. Additional plantings may be desirable at these points to identify the building entrance and to complement the pedestrian activity at this point.”



5. Setback and Alignment of Buildings

- “Setback and Alignment of Buildings** - Where there is a reasonably uniform relationship between the front walls of buildings and the street, new buildings must be placed on a lot in conformance with the established relationship. For buildings on corner lots, the setback relationship of both streets should be maintained. The creation of ‘empty corners’ should be avoided through the placement of the building and other site features.”

Discussion

This standard addresses the placement type and size of business signs that are appropriate in various situations. A 4' x 4' or 4' x 8' sized sign is usually adequate. If your zoning ordinance addresses signs, the provisions of your site plan review process must be consistent with those requirements.



An effective sign that uses a symbol to catch the eyes. It is about 8 feet high and 4 feet wide.

This standard addresses the treatment of sidewalks. This provision may need to be customized to match existing practices in your community.

*Model Ordinance Provisions***6. Business Signs**

- “Business Signs** - Freestanding commercial business signs should be placed at right angles to the street so as to be viewed from both directions. Simple, geometrically shaped signs set low the ground must be used. Minimize the number of words and use symbols to catch the eye. Signs shall be no larger than 4' x 4' or 4' x 8'.

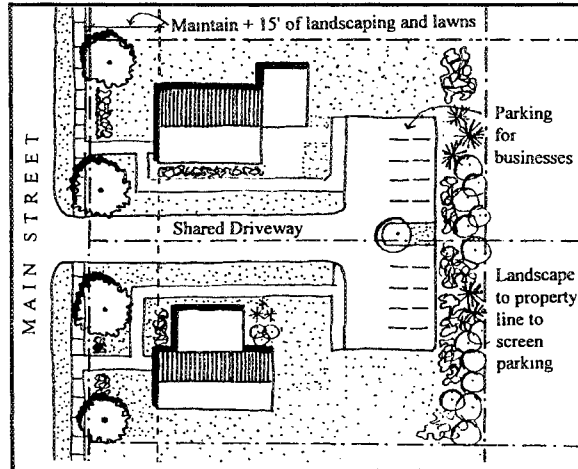
In urban, built-up areas commercial business signs must be placed on the building, unless visibility is impaired and a freestanding sign is the best option.”

7. Sidewalks

- “Sidewalks** - Where an existing or planned public sidewalk is interrupted by a proposed project driveway, the sidewalk material must continue to be maintained across the driveway, or the driveway must be painted to distinguish it as a sidewalk. Further, if street trees exist on an adjacent property, street trees must be planted, in a like manner, on the new site. In urban situations a widening of the sidewalk onto private property to encourage window shopping and an improved streetscape should be encouraged. Benches, sculpture, planters and other street furniture should be encouraged.”

Discussion

This standard requires parking to be put at the side or rear of buildings in built-up areas.



An Example of Attractive Lights and Trees along a Buffer Strip

This standard requires the creation of a landscaped buffer along the road when parking is located in front of a building.

Model Ordinance Provisions

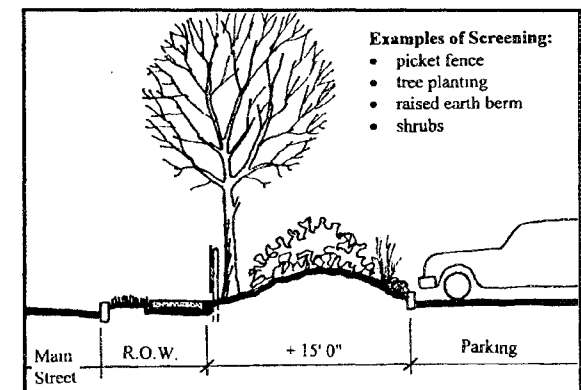
8. Location of Off-Street Parking

- “Location of Off-Street Parking** - Within built-up areas, parking lots should be located to the side or rear of the building. Parking should not be located between the building and the street. The use of shared parking, shared driveways and the cross-connection of parking lots is encouraged.

In suburban and rural areas, smaller uses that may need public visibility from the street should be sited as close to the street as possible. In this case, not more than one row of parking shall be allowed between the building and the street, with the balance of the parking located at the side and/or rear of the building. Larger scale uses and uses which do not require visibility from the road may be located further from the road with a landscaped buffer between the building and the street.”

9. Landscaped Roadside Buffers

- “Landscaped Roadside Buffers** - Whenever the area between the street and the front of the building is used for parking or vehicle movement, a vegetated buffer strip must be established along the edge of the road right-of-way. This buffer strip must soften the appearance of the site from the road and must create defined points of access to and egress from the site. The width of the buffer strip must increase with the setback of the building as follows:



Discussion

Model Ordinance Provisions

Building Setback	Buffer Width
< 50 feet	10 feet
50-74 feet	15 feet
75-99 feet	20 feet
100 feet or more	25 feet

Where the buffer cannot be achieved, a low wall, fence, or hedge may be used to create the buffer.”

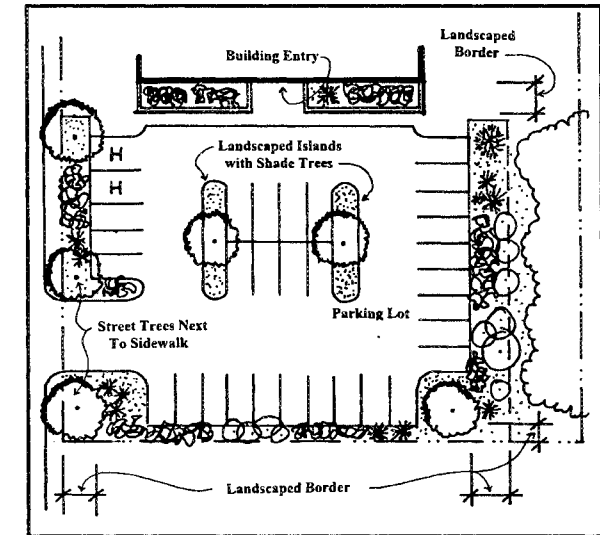
This requires landscaping within parking lots.



Generous tree and shrub plantings within the parking lot break up what could be a sea of asphalt.

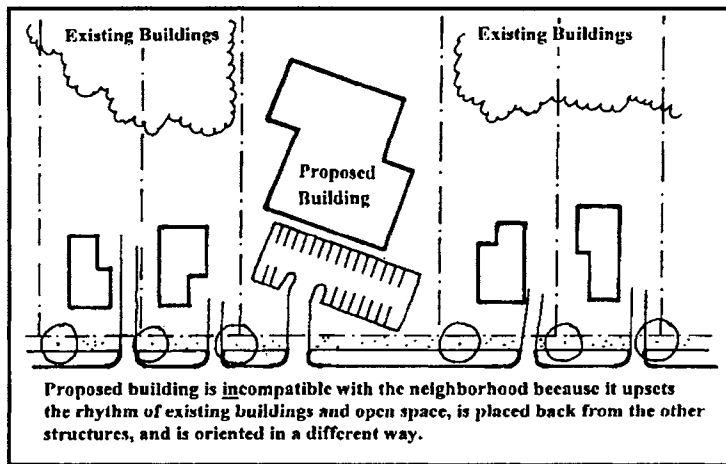
10. Landscaping of Parking Lots

- “**Landscaping of Parking Lots** - Landscaping around and within parking lots shades hot surfaces and visually “softens” the hard surface look of parking areas. Parking areas must be designed and landscaped to create a pedestrian-friendly environment. A landscaped border must be created around parking lots. Any parking lot containing ten (10) or more parking spaces must include one (1) or more landscaped islands within the interior of the lot. There must be at least one (1) island for every twenty (20) spaces. Landscaping must screen the parking area from adjacent residential uses and from the street.”

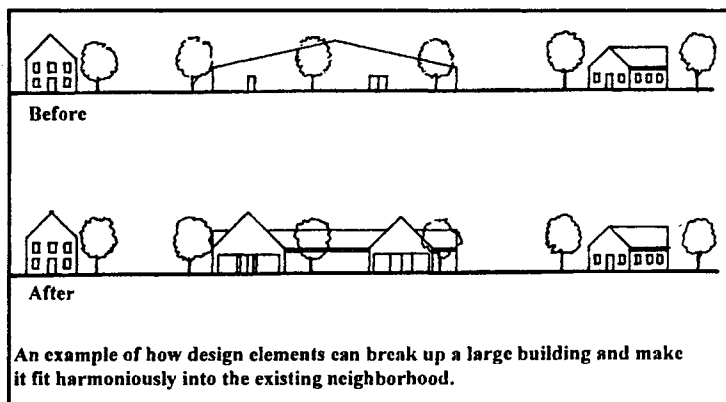


Discussion

This standard deals with how the building is sited on the lot when the project is within a built-up area.



This standard addresses the scale of buildings and the way in which larger buildings can be designed to minimize their apparent size.



Model Ordinance Provisions

11. Building Orientation

- “Building Orientation** - New buildings within a built-up area should be compatible with the neighborhood such that they reflect the overall building bulk, square footage, dimensions, placement of the building on the lot, and rhythm of buildings and spaces along the street edge and minimize the visual impact on the neighborhood. The visual impact of a building shall be measured by its relationship to other buildings on the lot, design of the front of the building, and the rhythm of buildings and open spaces along the street.”

12. Building Scale

- “Building Scale** - When large new buildings or structures are proposed in built-up areas where their scale (size) and other features may be significantly different from that which already exists in the immediate neighborhood, care must be taken to design the new building or structure so that it is compatible with its neighbors. This may include making the building appear small, using traditional materials, styles and/or proportions.”

Discussion

Model Ordinance Provisions

This standard addresses the location and layout of drive-throughs.

13. Design of Drive-Through Facilities

- “Drive-Through Facilities** - Any use that provides drive-through service must be located and designed to minimize the impact on neighboring properties and traffic circulation. No drive-through facility shall be located in the area of the site adjacent to a residential use or residential zone. Communication systems must not be audible on adjacent properties in residential use. Vehicular access to the drive-through shall be through a separate lane that prevents vehicle queuing within normal parking areas. Adequate queuing space must be provided to prevent any vehicles from having to wait on a public street, within the entry from the street, or within designated parking areas. The drive-through must not interfere with any sidewalk or bicycle path.”

This standard deals with protecting views from public roads or land. It addresses views that have previously been “identified” as being important to the community. The list of views should be included in an official document such as the Comprehensive Plan or the site plan review provisions.

14. View Protection

- “View Protection** - When a proposed development is located within the viewshed of an identified view from a public street or facility, the development must be designed to minimize the encroachment of all buildings, structures, landscaping, and other site features on the identified view.”

This standards addresses development near ridgelines to assure that the silhouette of the structures does not extend above the ridgeline.

15. Ridgeline Protection

- “Ridgeline Protection** - When a proposed development is located on a hillside that is visible from a public street, road, water body, or facility, the development must be designed so that buildings, structures, and other improvements do not extend above the existing ridgeline or alter the ridge profile significantly when viewed from the public streets, roads, water bodies, or facilities. This provision may be waived for communication towers, spotting towers, and similar facilities that must be located above the ridgeline for operational reasons.”

Discussion

This standard addresses the visual impact of development on hillsides that can be seen from public areas and requires steps to minimize the impact.

This standard addresses the visual impact of waterfront development as seen from the water.

Model Ordinance Provisions

16. Hillside Development

- “Hillside Development** - When a proposed development is located on a hillside that is visible from a public street, road, water body, or facility, the development must be designed so that it fits harmoniously into the visual environment when viewed by the public from public areas. In predominantly natural environments, site clearing must be minimized and vegetation must be retained or provided to minimize the visual intrusion of the development. In developed environments, the appearance of the new development, when viewed by the public from public areas, must be compatible with the existing visual character in terms of scale, massing, and height to the maximum extent reasonable.”

17. Shoreland Development

- “Shoreland Development** - When a proposed development is immediately visible from a great pond, river, stream, or the Atlantic Ocean, the development must be designed so that it fits harmoniously into the visual environment when viewed from the water body. In predominantly natural environments, site clearing must be minimized, natural vegetation must be maintained adjacent to the shoreline to soften the appearance of the development, and vegetation must be retained or provided to minimize the visual intrusion of the development. In developed shoreland environments, the appearance of the new development when viewed from the water must be compatible with the existing visual character in terms of scale, massing, and height to the maximum extent possible. Storage and service areas must be screened or landscaped to minimize their visual impact.”

APPENDIX A

BASIC MODEL

**APPENDIX A
BASIC MODEL
SITE PLAN REVIEW ORDINANCE
FOR
A COMMUNITY WITH LIMITED
NONRESIDENTIAL DEVELOPMENT AND LIMITED STAFF SUPPORT**

SEC. 1. PURPOSE

The site plan review provisions set forth in this ordinance are intended to protect the public health and safety, promote the general welfare of the community, and conserve the environment by assuring that nonresidential [*and multifamily*] construction is designed and developed in a manner which assures that adequate provisions are made for traffic safety and access; emergency access; water supply; sewage disposal; management of stormwater, erosion, and sedimentation; protection of the groundwater; protection of the environment, wildlife habitat, fisheries, and unique natural areas; protection of historic and archaeological resources; minimizing the adverse impacts on adjacent properties; and fitting the project harmoniously into the fabric of the community.

SEC. 2. APPLICABILITY OF SITE PLAN REVIEW

A person who has right, title, or interest in a parcel of land must obtain site plan approval prior to commencing any of the following activities on the parcel, obtaining a building or plumbing permit for the activities, or undertaking any alteration or improvement of the site including grubbing or grading:

- (1) The construction or placement of any new building or structure for a nonresidential use, including accessory buildings and structures
- (2) The expansion of an existing nonresidential building or structure including

accessory buildings that increases the total floor area.

- (3) The conversion of an existing building, in whole or in part, from a residential use to a nonresidential use.
- (4) The establishment of a new nonresidential use even if no buildings or structures are proposed, including uses such as gravel pits, cemeteries, golf courses, and other nonstructural nonresidential uses.
- (5) The conversion of an existing nonresidential use, in whole or in part, to another nonresidential use if the new use changes the basic nature of the existing use such that it increases the intensity of on- or off-site impacts of the use subject to the standards and criteria of site plan review described in [Section] [paragraph] ____ of this [ordinance] [section].
- (6) The construction of a residential building containing three (3) or more dwelling units.
- (7) The modification or expansion of an existing residential structure that increases the number of dwelling units in the structure by three (3) or more in any five (5) year period.
- (8) The conversion of an existing nonresidential building or structure, in whole or in part, into three (3) or more dwelling units within a five (5) year period.

- (9) The construction or expansion of paved areas or other impervious surfaces, including walkways, access drives, and parking lots involving an area of more than [two thousand five hundred (2,500)] square feet within any three (3) year period.

The following activities shall not require site plan approval. Certain of these activities will, however, require the owner to obtain a building permit, plumbing permit, or other state or local approvals:

- (1) The construction, alteration, or enlargement of a single family or two-family dwelling, including accessory buildings and structures,
- (2) The placement, alternation, or enlargement of a single manufactured housing or mobile home dwelling, including accessory buildings and structures on individually owned lots,
- (3) Agricultural activities, including agricultural buildings and structures,
- (4) Timber harvesting and forest management activities,
- (5) The establishment and modification of home occupations that do not result in changes to the site or exterior of the building.
- (6) Activities involving nonresidential buildings or activities that are specifically excluded from review by the provisions of this section.

SEC. 3. DEFINITIONS

3.1. Meaning of Words

All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural.

3.2. Definitions

ABUTTING PROPERTY: Any lot which is physically contiguous with the subject lot even if only at a point and any lot which is located directly across a street or right-of-way from the subject lot such that the extension of the side lot lines of the subject lot would touch or enclose the abutting property.

ACCESSORY BUILDING: A detached, subordinate building, the use of which is clearly incidental and related to that of the principal building or use of the land, and which is located on the same lot as that of the principal building or use.

ACCESSORY STRUCTURE OR USE: A use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

AGGRIEVED PARTY: An owner of land whose property is directly or indirectly affected by the granting or denial of an approval under this ordinance; a person whose land abuts land for which approval has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such approval.

ARTERIAL: A controlled access road or a street or road with traffic signals at important intersections and/or stop signs on side streets or which is functionally classified by the Maine Department of Transportation as an arterial.

BUILDING: Any permanent structure, having one or more floors and a roof, which is used for the housing or enclosure of persons, animals or property. When any portion thereof is separated by a division wall without opening, then each such portion shall be deemed a separate building.

BUILDING FOOTPRINT: The area covered by a building measured from the

exterior surface of the exterior walls at grade level exclusive of cantilevered portions of the building. Where the building is elevated above grade level on posts or similar devices, the building footprint is the area the building would cover if it were located at ground level.

CHANGE FROM ONE CATEGORY OF NONRESIDENTIAL USE TO ANOTHER CATEGORY OF NONRESIDENTIAL USE: A change in the type of occupancy of a nonresidential building or structure, or a portion thereof, such that the basic type of use is changed, such as from retail to office or storage to a restaurant, but not including a change in the occupants.

COLLECTOR STREET: A street that collects traffic from local streets and connects with arterials or a street or road functionally classified as a collector by the Maine Department of Transportation.

CURB CUT: The opening along the curb line or street right-of-way line at which point vehicles may enter or leave the street.

ENLARGEMENT OR EXPANSION OF A STRUCTURE: An increase of the building footprint and/or increase in the height of the structure beyond its present highest point. Alterations of existing buildings which are required in order to meet the requirements of the Americans with Disabilities Act (ADA) and/or the State Fire Code are not considered to be enlargements or expansions of a structure and are not required to meet otherwise applicable setback requirements, provided the alterations are the minimum necessary to satisfy the ADA and/or State Fire Code.

ENLARGEMENT OR EXPANSION OF USE: Any intensification of use in time, volume, or function, whether or not resulting from an increase in the footprint, height, floor area, land area or cubic volume occupied by a particular use. Increases which are required in order to meet the requirements of the Americans with Disabilities Act and/or the State Fire Code are not considered to be enlargements or expansions of use.

FISHERIES, SIGNIFICANT FISHERIES: Areas identified by a governmental

agency such as the Maine Department of Inland Fisheries and Wildlife, Atlantic Salmon Authority, or Maine Department of Marine Resources as having significant value as fisheries and any areas so identified in the municipality's comprehensive plan.

FLOOR AREA: The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

GROUNDWATER: All of the water found beneath the surface of the ground. For purposes of aquifer protection, this term refers to the subsurface water present in aquifers and recharge areas.

HISTORIC OR ARCHAEOLOGICAL RESOURCES: Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource and any areas identified in the municipality's comprehensive plan.

IMPERVIOUS SURFACE: The area covered by buildings and associated constructed facilities, areas which have been or will be covered by a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas, which have been or will be compacted through design or use to reduce their permeability. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of stormwater.

LOCAL STREET: A public street or road which is not identified as an arterial or collector. A local street includes a proposed street shown on an approved and recorded subdivision.

LOT AREA: The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

NATURAL AREAS AND NATURAL COMMUNITIES, UNIQUE NATURAL AREAS AND NATURAL COMMUNITIES: Areas identified by a governmental agency such as the Maine Department of Conservation Natural Areas Program as having significant value as a natural area and any areas identified in the municipality's comprehensive plan.

PRINCIPAL STRUCTURE: A building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

PRINCIPAL USE: A use other than one which is wholly incidental or accessory to another use on the same premises.

RECHARGE AREA: Area composed of permeable, porous material through which precipitation and surface water infiltrate and directly replenish groundwater in aquifers.

SETBACK, FRONT: An open area extending the entire width of a lot from lot sideline to lot sideline and extending in depth at a right angle from the street R-O-W to such depth as specified. Such area shall be unoccupied and unobstructed by any building from the ground upward.

SETBACK, REAR: An open area extending the entire width of a lot from lot sideline to lot sideline and extending at a right angle from the rear property line of such lot to such depth as specified. Such area shall be unoccupied and unobstructed by any building from the ground upward.

SETBACK, SIDE: An open area extending along each sideline of a lot between the front setback and the rear setback on such lot and extending at a right angle from the sidelines of such lot to such depth as specified. Such area shall be unoccupied and unobstructed by any building from the ground upward.

STRUCTURE: Anything constructed or erected, which requires location on the

ground or attached to something having a location on the ground, but not including a tent or vehicle.

SUBSTANTIALLY COMMENCED; SUBSTANTIALLY COMPLETED: Construction shall be considered to be substantially commenced when any work beyond the state of excavation, including but not limited to, the pouring of a slab or footings, the installation of piles, the construction of columns, or the placement of a manufactured home on a foundation has begun. Construction shall be considered to be substantially completed when it has been completed to the point where normal functioning, use, or occupancy can occur without concern for the general health, safety, and welfare of the occupant and the general public. At a minimum it shall include the completion of no less than [seventy (70)] percent of the costs of the proposed improvements within a development and shall include permanent stabilization and/or revegetation of areas of the site that were disturbed during construction.

USE: The purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

VEGETATION: All live trees, shrubs, ground cover, and other plants.

WILDLIFE HABITAT, SIGNIFICANT WILDLIFE HABITAT: Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife as having significant value as habitat for animals and any areas identified in the municipality's comprehensive plan.

SEC. 4. ADMINISTRATION AND ENFORCEMENT

This ordinance shall be administered and enforced by a Code Enforcement Officer (CEO) appointed by the Municipal Officers.

It shall be the duty of the CEO or his/her agent to enforce the provisions of this ordinance. If the CEO or his/her agent shall find that any provision of this ordinance is being violated, he/she shall notify in writing the person responsible for such

violation, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of buildings, structures, additions, or work being done, or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

The CEO is hereby authorized to institute or cause to be instituted, in the name of the municipality, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this ordinance; provided, however, that this section shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions of this ordinance.

Any person, firm, or corporation being the owner of or having control or use of any building or premises who violated any of the provisions of this ordinance, shall be fined in accordance with Title 30-A, §4452. Each day such a violation is permitted to exist after notification shall constitute a separate offense. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

SEC. 5. INTERPRETATION OF THE ORDINANCE

The Code Enforcement Officer (CEO) shall be responsible for administering the provisions of this ordinance including interpreting the provisions hereof.

Any person who believes that the CEO has made an error in the interpretation or application of the provisions of this ordinance, may appeal such determination to the Zoning Board of Appeals as an administrative appeal. If the Board finds that the CEO erred in his/her interpretation of the ordinance, it shall modify or reverse the action accordingly.

SEC. 6. REVIEW AND APPROVAL AUTHORITY

The Planning Board is authorized to review and act on all site plans for development requiring site plan review as defined above.

In considering site plans under this provision, the Planning Board may act to approve, disapprove, or approve the project with conditions as are authorized by these provisions.

SEC. 7. REVIEW PROCEDURES

The Planning Board shall use the following procedures in reviewing applications for site plan review.

7.1. Preapplication

Prior to submitting a formal application, the applicant or his/her representative may request a preapplication conference with the Planning Board. A preapplication conference is strongly advised. The preapplication conference shall be informal and informational in nature. There shall be no fee for a preapplication review, and such review shall not cause the plan to be a pending application or proceeding under Title 1 M.R.S.A. §302. No decision on the substance of the plan shall be made at the preapplication conference.

7.1.1. Purpose

The purposes of the preapplication conference are to:

- (1) Allow the Planning Board to understand the nature of the proposed use and the issues involved in the proposal,
- (2) Allow the applicant to understand the development review process and required submissions,

- (3) Identify issues that need to be addressed in future submissions, and
- (4) Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.

In addition, the Board may schedule a site inspection in accordance with subsection 7.2(5) if deemed necessary and resolve any requests for waivers and variations from the submission requirements.

7.1.2. Information Required

There are no formal submission requirements for a preapplication conference. However, the applicant should be prepared to discuss the following with the Board:

- (1) The proposed site, including its location, size, and general characteristics,
- (2) The nature of the proposed use and potential development,
- (3) Any issues or questions about existing municipal regulations and their applicability to the project, and
- (4) Any requests for waivers from the submission requirements.

7.2. Application Submission and Review Procedures

The applicant must prepare and submit a site plan review application, including the development plan and supporting documentation, that meets the submission requirements set forth below. This material must be submitted to the Chair of the Planning Board.

- (1) At the first meeting at which the application is considered, the Planning Board shall give a dated receipt to the applicant and shall notify by first-class mail all property owners within [*five hundred (500)*] feet of the parcel on which the

proposed development is located. Written notice of the pending application shall be mailed to the [*Selectmen, Town Manager, Fire Chief, Police Chief, Road Commissioner, Building Inspector, Plumbing Inspector*], and other interested parties.

- (2) Within thirty (30) days of the receipt of a formal site plan review application, the Planning Board shall review the material and determine whether or not the submission is complete. If the application is determined to be incomplete, the Board shall notify the applicant in writing of this finding, shall specify the additional materials required to make the application complete and shall advise the applicant that the application will not be considered by the Board until the additional information is submitted to the Board. These steps, except the notification requirements, shall be repeated until the application is found to be complete.
- (3) As soon as the Board determines that the application is complete, the Board shall: notify the applicant in writing of this finding, meet the notification requirements of subsection (4) below, and place the item on the agenda for substantive review within thirty (30) days of this finding.
- (4) The Planning Board shall give written notice of the date, time, and place of the meeting at which the application will be considered to the applicant, all persons who received the notice in (1).
- (5) The Planning Board may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted and investigate the development proposal. The Board may schedule this visit either before or after the first meeting at which the application is considered. The Board may decide not to hold an on-site inspection when the site is snow covered. If an application is pending during a period when there is snow cover, the deadline by which the Planning Board shall take final action on the application as specified in (6) may be extended, which extension shall not exceed [*thirty (30)*] days after the Board is able to conduct an on-site inspection. Written notice of the on-site inspection shall be provided to all parties entitled to notice under

subsection (4).

- (6) The Planning Board shall take final action on said application within [thirty (30)] days of determining that the application is complete. The Board shall act to deny, to approve, or to approve the application with conditions. The Board may impose such conditions as are deemed advisable to assure compliance with the standards of approval.

In issuing its decision, the Planning Board shall make written findings of fact establishing that the proposed development does or does not meet the standards of approval and other requirements of the Town. The Board shall notify the applicant, all officials who received notice under (4), and all parties who requested to be notified of the action of the Board, including the findings of fact, and any conditions of approval. This requirement can be met through the distribution of minutes of the meeting containing the findings of fact and decision of the Board.

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

7.3. Final Approval and Filing

Upon completion of the requirements of this Section and an approval vote by the majority of the Planning Board, the application shall be deemed to have final approval and the site plan shall be signed by a majority of the members of the Board and must be filed with the [Code Enforcement Officer]. Any plan not so filed within thirty (30) days of the date upon which such plan is approved and signed by the Board shall become null and void. [In addition, the signed plan must be recorded in the _____ Registry of Deeds within thirty (30) days of the vote to approve the plan.] The Planning Board, by vote, may extend the filing period for good cause.

7.4. Fees

7.4.1. Application Fee

An application for site plan review must be accompanied by an application fee. This fee is intended to cover the cost of the municipality's administrative processing of the application, including notification, advertising, mailings, and similar costs. The fee shall not be refundable. This application fee must be paid to the municipality and evidence of payment of the fee must be included with the application.

7.4.2. Technical Review Fee

In addition to the application fee, the applicant for site plan review must also pay a technical review fee to defray the municipality's legal and technical costs of the application review. This fee must be paid to the municipality and shall be deposited in the Development Review Trust Account, which shall be separate and distinct from all other municipal accounts. The application will be considered incomplete until evidence of payment of this fee is submitted to the Planning Board. The Board may reduce the amount of the technical review fee or eliminate the fee if it determines that the scale or nature of the project will require little or no outside review.

The technical review fee may be used by the Planning Board to pay reasonable costs incurred by the Board, at its discretion, which relate directly to the review of the application pursuant to the review criteria. Such services may include, but need not be limited to, consulting engineering or other professional fees, attorney fees, recording fees, and appraisal fees. The municipality shall provide the applicant, upon written request, with an accounting of his or her account and shall refund all of the remaining monies, including accrued interest, in the account after the payment by the Town of all costs and services related to the review. Such payment of remaining monies shall be made no later than sixty (60) days after the approval of the application, denial of the application, or approval with condition of the application. Such refund shall be accompanied by a final accounting of expenditures from the fund. The monies in such fund shall not be used by the Board for any enforcement purposes nor shall the

applicant be liable for costs incurred by or costs of services contracted for by the Board which exceed the amount deposited to the trust account.

7.4.3. Establishment of Fees

The Municipal Officers may, from time to time and after consultation with the Board, establish the appropriate application fees and technical review fees following posting of the proposed schedule of fees and public hearing.

SEC. 8. SUBMISSION REQUIREMENTS

Applications for site plan review must be submitted on application forms provided by the municipality. The complete application form, evidence of payment of the required fees, and the required plans and related information must be submitted to the [*Chair of the Planning Board*] [*Code Enforcement Officer*]. The submission must contain at least the following exhibits and information unless specifically waived in writing. The Planning Board may waive any of the submission requirements based upon a written request of the applicant. Such request must be made at the time of the preapplication conference or at the initial review of the application if no preapplication conference is held. A waiver of any submission requirement may be granted only if the Board makes a written finding that the information is not required to determine compliance with the standards.

All applications for site plan review must contain the following information:

- (1) A fully executed and signed copy of the application for site plan review.
- (2) Evidence of payment of the application and technical review fees.
- (3) [*Eight (8)*] copies of written materials plus [*eight (8)*] sets of maps or drawings containing the information listed below. The written materials must be contained in a bound report. The maps or drawings must be at a scale sufficient to allow review of the items listed under the approval standards and

criteria, but in no case shall be more than one hundred (100) feet to the inch for that portion of the tract of land being proposed for development:

8.1. General Information

- (1) record owner's name, address, and phone number and applicant's name, address and phone number if different
- (2) the location of all required building setbacks, yards, and buffers
- (3) names and addresses of all property owners within five hundred (500) feet of any and all property boundaries
- (4) sketch map showing general location of the site within the municipality based upon a reduction of the tax maps
- (5) boundaries of all contiguous property under the total or partial control of the owner or applicant regardless of whether all or part is being developed at this time
- (6) the tax map and lot number of the parcel or parcels on which the project is located
- (7) a copy of the deed to the property, an option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant
- (8) the name, registration number, and seal of the person who prepared the plan, if applicable
- (9) evidence of the applicant's technical and financial capability to carry out the project as proposed

8.2. Existing Conditions

- (1) zoning classification(s), including overlay and/or subdistricts, of the property and the location of zoning district boundaries if the property is located in two (2) or more zoning districts or subdistricts or abuts a different district.
- (2) the bearings and length of all property lines of the property to be developed and the source of this information. The Planning Board may waive this requirement of a boundary survey when sufficient information is available to establish, on the ground, all property boundaries.
- (3) location and size of any existing sewer and water mains, culverts and drains, on-site sewage disposal systems, wells, underground tanks or installations, and power and telephone lines and poles on the property to be developed, on abutting streets, or land that may serve the development, and an assessment of their adequacy and condition to meet the needs of the proposed use. Appropriate elevations must be provided as necessary to determine the direction of flow.
- (4) location, names, and present widths of existing public and/or private streets and rights-of-way within or adjacent to the proposed development.
- (5) the location, dimensions and ground floor elevation of all existing buildings on the site.
- (6) the location and dimensions of existing driveways, parking and loading areas, walkways, and sidewalks on or immediately adjacent to the site.
- (7) location of intersecting roads or driveways within two hundred (200) feet of the site.
- (8) the location of open drainage courses, wetlands, stonewalls, graveyards, fences, stands of trees, and other important or unique natural areas and site features, including but not limited to, floodplains, deer wintering areas,

significant wildlife habitats, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, and historic and/or archaeological resources, together with a description of such features.

- (9) the direction of existing surface water drainage across the site.
- (10) the location, front view, dimensions, and lighting of existing signs.
- (11) location and dimensions of any existing easements and copies of existing covenants or deed restrictions.
- (12) the location of the nearest fire hydrant, dry hydrant or other water supply for fire protection.

8.3. Proposed Development Activity

- (1) estimated demand for water supply and sewage disposal together with the location and dimensions of all provisions for water supply and wastewater disposal, and evidence of their adequacy for the proposed use, including soils test pit data if on-site sewage disposal is proposed.
- (2) the direction of proposed surface water drainage across the site and from the site, with an assessment of impacts on downstream properties.
- (3) provisions for handling all solid wastes, including hazardous and special wastes and the location and proposed screening of any on-site collection or storage facilities.
- (4) the location, dimensions, and materials to be used in the construction of proposed driveways, parking and loading areas, and walkways and any changes in traffic flow onto or off-site.
- (5) proposed landscaping and buffering.

- (6) the location, dimensions, and ground floor elevation of all proposed buildings or building expansion proposed on the site.
- (7) location, front view, materials, and dimensions of proposed signs together with the method for securing the sign.
- (8) location and type of exterior lighting.
- (9) the location of all utilities, including fire protection systems.
- (10) a general description of the proposed use or activity.
- (11) an estimate of the peak hour and daily traffic to be generated by the project.
- (12) stormwater calculations, erosion and sedimentation control measures, and water quality and/or phosphorous export management provisions, if the project requires a stormwater permit from the Maine Department of Environmental Protection or if the Planning Board determines that such information is necessary based upon the scale of the project or the existing conditions in the vicinity of the project.

8.4. Approval Block

Space must be provided on the plan drawing for the signatures of the Planning Board and date together with the following words, "Approved: Town of [name of Town] Planning Board.

SEC. 9. APPROVAL STANDARDS AND CRITERIA

The following criteria shall be used by the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of these standards. In all instances,

the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

9.1. Utilization of the Site

The plan for the development must reflect the natural capabilities of the site to support development. Buildings, lots, and support facilities must be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. Natural drainage areas must also be preserved to the maximum extent. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

9.2. Adequacy of Road System

Vehicular access to the site must be on roads which have adequate capacity to accommodate the additional traffic generated by the development. For developments which generate [one hundred (100)] or more peak hour trips based on the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers, intersections on major access routes to the site within [one (1) mile] of any entrance road which are functioning at a Level of Service of D or better prior to the development must function at a minimum at Level of Service D after development. If any such intersection is functioning at a Level of Service E or lower prior to the development, the project must not reduce the current level of service. This requirement may be waived by the Planning Board if the project is located within a growth area designated in the Town's adopted Comprehensive Plan and the Board determines that the project will not have an unnecessary adverse impact on traffic flow or safety.

A development not meeting this requirement may be approved if the applicant

demonstrates that:

- (1) A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or
- (2) The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will assure the completion of the improvements with a financial guarantee acceptable to the municipality.

9.3. Access into the Site

Vehicular access to and from the development must be safe and convenient.

- (1) Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.
- (2) Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.
- (3) The grade of any proposed drive or street must be not more than $\pm 3\%$ for a minimum of two (2) car lengths, or forty (40) feet, from the intersection.
- (4) The intersection of any access/egress drive or proposed street must function:
(a) at a Level of Service of D following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or (b) at a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated.
- (5) Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if it is safe and does not promote

shortcutting through the site.

- (6) Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.
- (7) Accessways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.
- (8) The following criteria must be used to limit the number of driveways serving a proposed project:
 - a. No use which generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.
 - b. No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all accessways must not exceed sixty (60) feet.

9.4. Accessway Location and Spacing

Accessways must meet the following standards:

- (1) Private entrances/exits must be located at least fifty (50) feet from the closest unsignalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the accessway. This requirement may be reduced if the shape of the site does not allow conformance with this standard.
- (2) Private accessways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

9.5. Internal Vehicular Circulation

The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

- (1) Nonresidential projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing for a minimum of [WB-40] vehicles.
- (2) Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).
- (3) The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.
- (4) All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.





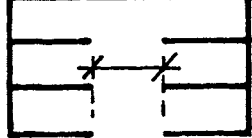
9.6. Parking Layout and Design

Off-street parking must conform to the following standards:

- (1) Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.
- (2) All parking spaces, access drives, and impervious surfaces must be located at

least [five (5) feet] from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within [five (5) feet] of the front property line. Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24) feet in width.

- (3) Parking stalls and aisle layout must conform to the following standards.

Parking Angle	Stall Width	Skew Width	Stall Depth	Aisle Width
				
90°	9'-0"		18'-0"	24'-0" two way
60°	8'-6"	10'-6"	18'-0"	16'-0" one way only
45°	8'-6"	12'-9"	17'-6"	12'-0" one way only
30°	8'-6"	17'-0"	17'-0"	12'-0" one way only

- (4) In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.
- (5) Parking areas for nonresidential uses must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Double stack parking may be permitted for resident parking in conjunction with residential uses if both spaces in the stack are assigned to the occupants of the same dwelling unit.
- (6) Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or

bicycle movement on adjacent walkways, or damage landscape materials.

9.7. Pedestrian Circulation

The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect with amenities such as parks or open space on or adjacent to the site.

9.8. Stormwater Management

Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

- (1) To the extent possible, the plan must retain stormwater on the site using the natural features of the site.
- (2) Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.
- (3) The applicant must demonstrate that on- and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to flooding and erosion of shoreland areas, or that he/she will be responsible for whatever improvements are needed to provide the required

increase in capacity and/or mitigation.

- (4) All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.
- (5) The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.
- (6) The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.
- (7) The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

9.9. Erosion Control

All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and/or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.

Soil erosion and sedimentation of watercourses and water bodies will be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 1991.

9.10. Water Supply

The development must be provided with a system of water supply that provides each use with an adequate supply of water.

If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

9.11. Sewage Disposal

The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code.

- (1) All sanitary sewage from new or expanded uses must be discharged into a public sewage collection and treatment system when such facilities are currently available or can reasonably be made available at the lot line and have adequate capacity to handle the projected waste generation.
- (2) If the public collection system is not at the lot line, but can be extended in the public right-of-way, the collection system must be extended by the owner and the new or expanded use connected to the public system. Such extension shall be required if the public system is within one hundred (100) feet of a new use with a design sewage flow of less than five hundred (500) gallons per day or within three hundred (300) feet of a new use with a design sewage flow of five hundred (500) or more gallons per day and the system has adequate capacity to accommodate the additional flow. The Planning Board may waive this requirement if the use is already served by a properly functioning subsurface disposal system that is properly sized for the projected flows, provided that connection to the public system will occur if and when the subsurface system needs to be replaced.

- (3) If the public system cannot serve or be extended to serve a new or expanded use, the sewage must be disposed of by an on-site sewage disposal system meeting the requirements of the Subsurface Wastewater Disposal Rules.
- (4) When two (2) or more lots or buildings in different ownership share the use of a common subsurface disposal system, the system must be owned and maintained in common by an owners' association. Covenants in the deeds for each lot must require mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system.
- (5) Industrial or commercial wastewater may be discharged to public sewers in such quantities and/or of such quality as to be compatible with sewage treatment operations. Such wastes may require pretreatment at the industrial or commercial site in order to render them amenable to public treatment processes. Pretreatment includes, but is not limited to, screening, grinding, sedimentation, pH adjustment, surface skimming, chemical oxidation and reduction and dilution. The pretreatment standards shall be determined by [*insert the organization responsible for the operation of the sewerage system*].

9.12. Utilities

The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

9.13. Natural Features

The landscape must be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction. Extensive grading and filling must be avoided as far as possible.

9.14. Groundwater Protection

The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

9.15. Water Quality Protection

All aspects of the project must be designed so that:

- (1) No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
- (2) All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.
- (3) If the project is located within the watershed of a 'body of water most at risk from development' as identified by the Maine Department of Environmental Protection (DEP), the project must comply with the standards of the DEP with respect to the export of total suspended solids and/or phosphorous.

9.16. Hazardous, Special and Radioactive Materials

The handling, storage, and use of all materials identified by the standards of a federal or state agency as hazardous, special or radioactive must be done in accordance with

the standards of these agencies.

No flammable or explosive liquids, solids or gases shall be stored in bulk above ground unless they are located at least seventy-five (75) feet from any lot line, or forty (40) feet in the case of underground storage. All materials must be stored in a manner and location which is in compliance with appropriate rules and regulations of the Maine Department of Public Safety and other appropriate federal, state, and local regulations.

9.17. Shoreland Relationship

The development must not adversely affect the water quality or shoreline of any adjacent water body. The development plan must provide for access to abutting navigable water bodies for the use of the occupants of the development as appropriate.

9.18. Technical and Financial Capacity

The applicant must demonstrate that he/she has the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan.

9.19. Solid Waste Disposal

The proposed development must provide for adequate disposal of solid wastes. All solid waste must be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

9.20. Historic and Archaeological Resources

If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

9.21. Floodplain Management

If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Town's Floodplain management provisions.

[*Note: If you wish to incorporate any of the good neighbor or design standards discussed in Section 11 of the handbook, you should add them here.*]

SEC. 10. POST APPROVAL ACTIVITIES

10.1. Limitation of Approval

Substantial construction of the improvements covered by any site plan approval must be commenced within [*twelve (12) months*] of the date upon which the approval was granted. If construction has not been substantially commenced and substantially completed within the specified period, the approval shall be null and void. The applicant may request an extension of the approval deadline prior to the expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to [*two (2), six (6)*] month extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

10.2. Incorporation of Approved Plan

One copy of the approved site plan must be included with the application for the building permit for the project and all construction activities must conform to the approved plan, including any conditions of approval and minor changes approved by the Code Enforcement Officer to address field conditions.

10.3. Recording of the Approved Plan

One copy of the approved site plan must be recorded in the _____ County Registry of Deeds within thirty (30) days of approval and the book and page number provided to the Code Enforcement Officer. Failure to record the plan within thirty (30) days

shall void the approval. The Planning Board may extend this period for cause.

10.4. Improvement Guarantees

10.4.1. Application

- (1) Improvement Guarantee - The Planning Board may require the posting of an improvement guarantee in such amount and form as specified in subsection B below as is reasonably necessary to ensure the proper installation of all off-site improvements required as conditions of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.
- (2) Upon substantial completion of all required improvements, the developer must notify the Planning Board of the completion or substantial completion of improvements, and must send a copy of such notice to the appropriate municipal officials. The respective municipal officials shall inspect all improvements and must file a report indicating either approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.
- (3) The Planning Board shall either approve, partially approve, or reject the improvements on the basis of the report of the municipal officials.
- (4) If the improvements are approved, the guarantee shall be released. Where partial approval is granted, the developer shall be released from liability only for that portion of the improvements approved.

10.4.2. Form of Guarantee

Performance guarantees may be provided by a variety of means including, but not limited to, the following which must be approved as to form and enforceability by the [*Town Manager*] [*Board of Selectmen*] [*Municipal Attorney*].

- (1) Security Bond - The applicant may obtain a security bond from a surety

bonding company authorized to do business in the state.

- (2) Letter of Credit - The applicant may provide an irrevocable letter of credit from a bank or other reputable lending institution.
- (3) Escrow Account - The applicant may deposit cash, or other instruments readily convertible into cash at face value, either with the municipality, or in escrow with a bank. Any such account must require Town approval for withdrawal and must stipulate that the Town can withdraw the money upon forty-eight (48) hour advance notice to the applicant to complete the guaranteed improvements.

10.5. Submission of As-Built Plans

Any project involving the construction of more than [*twenty thousand (20,000)*] square feet of gross floor area or [*fifty thousand (50,000)*] square feet of impervious surface, must provide the Code Enforcement Officer with a set of construction plans showing the building(s) and site improvements as actually constructed on the site. These “as-built” plans must be submitted within thirty (30) days of the issuance of a certificate of occupancy for the project or occupancy of the building.

10.6. Minor Changes to Approved Plans

Minor changes in approved plans necessary to address field conditions may be approved by the Code Enforcement Officer provided that any such change does not affect compliance with the standards or alter the essential nature of the proposal. Any such change must be endorsed in writing on the approved plan by the Code Enforcement Officer.

10.7. Amendments to Approved Plans

Approvals of site plans are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals, and supporting documents, except minor changes that do not affect approval standards, is subject to review and approval.

SEC. 11. APPEAL OF PLANNING BOARD ACTIONS

Appeal of any actions taken by the Planning Board with respect to this section shall be to the Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80B.

SEC. 12. AMENDMENTS TO THE ORDINANCE

Amendments of this ordinance may be initiated by the municipal officers or the Planning Board.

No proposed amendments to this ordinance shall be referred to the [*Town Meeting*] [*Town Council*] until the municipal officers have held a public hearing on the proposal, notice of which shall be posted at least fourteen (14) days prior to such hearing and advertised in a newspaper of general circulation in the municipality at least two (2) times with the date of first publication being at least fourteen (14) days prior to the hearing and the second at least seven (7) days prior to the hearing.

The proposed amendments shall be adopted by a simple majority vote of the [*Town Meeting*] [*Town Council*].

SEC. 13. SEVERABILITY

The invalidity of any section or provision of this ordinance shall not be held to invalidate any other section or provision of this ordinance.