



PLANNING BOARD AGENDA
June 10, 2025 – 6:00 p.m.
City Council Chambers, 60 Court Street

- 1. ROLL CALL:**
- 2. MINUTES:** Review the May 13, 2025, meeting minutes. All meetings are available live and after airing on YouTube <https://www.youtube.com/c/CityofAuburnMaine>
- 3. PUBLIC HEARING/ SITE PLAN REVIEW:** Brickyard Commons: The Planning Board will host a Public Hearing for the application submitted by, JIG Investments, LLC, for a Site Plan Review application. The applicant is proposing a 96-unit apartment complex with associated site improvements and infrastructure. This project was previously approved in 2022 but has since expired, and no changes are proposed from the prior approval. The subject property is located on Brickyard Circle, Tax Map Lot 199-052-000, and is within the T-5.1 - Downtown Traditional Center Zoning District.
- 4. PUBLIC HEARING/RECOMMENDATION TO CITY COUNCIL TEXT AMENDMENT:** Pursuant to the action of the City Council, review and provide a recommendation in accordance with City of Auburn Ordinances, Chapter 60, Article XVII, regarding a proposed amendment to Chapter 60, Article IV, Division 7, Section 60-307 (Dimensional Regulations), as it pertains to the General Business and Multifamily Suburban Districts and residential density requirements.
- 5. SITE PLAN REVIEW:** Danville Corner Housing Development: The Planning Board will open this project, which was previously postponed at the May 13, 2025, meeting, postpone to the August 12, 2025, Planning Board meeting. The application, submitted by Terradyn Consultants LLC on behalf of Timothy Millet, proposes 21 two-unit homes, resulting in a total of 42 residential units. The project is located on property owned by Spurwink Services Incorporated, on Danville Corner Road, Tax Map 122-004, within the General Business (GB) District.
- 6. PUBLIC COMMENT:**
- 7. MISCELLANEOUS:**
 - a. Upcoming Agenda Items
- 8. ADJOURNMENT**

Auburn Planning Board meetings can be viewed live on the City of Auburn YouTube channel (<https://www.youtube.com/c/CityofAuburnMaine>), and on Great Falls Television (Spectrum Cable Channel 11). Following live broadcasts, Planning Board meetings are rebroadcast at 7:00AM, noon, and 7:00PM on Tuesdays on GFTV and are available anytime on our YouTube channel.



City of Auburn, Maine
Office of Planning and Permitting
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PLANNING BOARD SUBCOMMITTEE AGENDA
June 10, 2025 – 4:00 p.m.
Room 204, 60 Court Street

- 1. ROLL CALL:**
- 2. WORKSHOP:** The subcommittee will host a workshop to discuss and provide recommendations to the Planning Board regarding the review and revision of the Planning Board's Policies and Procedures, including clarifications to officer election procedures and any other updates necessary to ensure consistency with best practices and governing regulations.

1. Call to Order

The meeting was called to order at 3:35 PM.

Members Present: Ed Bearor and Maureen Hopkins

2. Discussion Topics

a) Planning Board Policy and Procedures Review

- **Origin of Review:**
The review process stems from concerns raised during a Planning Board officer nomination process, where nominations and voting did not follow a clear procedure. Subsequent questions arose regarding the use of Robert's Rules of Order, which are currently not formally adopted.
- **Role of Robert's Rules:**
The group agreed that Robert's Rules should serve only as a fallback guidance if a situation is not addressed in the Planning Board's Policy and Procedures. Heavy reliance on them was discouraged due to complexity and inconsistent understanding.
- **Table vs. Postpone Terminology:**
Current use of the word "table" for deferring items was discussed. The recommendation is to use "postpone to a date certain" for clarity and consistency.
- **Submittal Deadlines:**
The group discussed eliminating duplicative language about submission deadlines, recommending instead to reference the deadlines set in the ordinance directly to avoid inconsistencies.
- **Findings of Fact & Voting Procedures:**
Members discussed the importance of findings of fact in decisions, particularly when projects are denied. Staff explained that approval letters currently cite the ordinance sections and criteria, but more detailed findings could strengthen the record, especially in contentious projects.
- **Reconsideration of Decisions:**
There was discussion about the value of adding a clear procedure for reconsideration of decisions, using a similar framework to the Board of Appeals (i.e., 45 days or as determined by policy).
- **Associate Member Participation:**
The group discussed clarifying the participation rights of associate members, confirming that associates should participate fully in discussions but only vote when formally seated in place of an absent full member. A consistent practice will be recommended for handling multi-meeting projects when alternate members change.
- **Opening Statement at Meetings:**
A draft rule was reviewed that would require the Chair to deliver an opening statement explaining meeting procedures and the Planning Board's role at each meeting. Adoption of a standard narrative was recommended.

b) Other Communities' Policies

- Staff provided a brief overview of policies and procedures from similar communities including South Portland, Augusta, Brunswick, Lewiston, Portland, Kennebunkport, and Falmouth.
- Members agreed to review these documents further and identify best practices to consider adopting.

3. Next Steps

- Staff will send digital copies of the sample policies to all subcommittee members.
- Subcommittee members will review and provide written comments and suggestions for the next meeting.
- Staff will draft proposed amendment language based on today's discussion, including:
 - Postponement terminology
 - Nomination process clarification
 - Reconsideration procedures
 - Associate member participation clarification
 - Potential template for an opening meeting statement.
- Staff will coordinate scheduling the next subcommittee meeting, aiming for a non-Tuesday afternoon to accommodate member schedules.

BY-LAWS FOR THE CITY OF BANGOR PLANNING BOARD

Amended December 17, 2002, replacing the By-Laws dated April 5, 1971, as amended January, 2010 and November 19, 2024.

The Planning Board is created by the Code of Ordinances of the City of Bangor, Chapter 23, Article II, and all Board members are subject to the City of Bangor's Code of Ethics, Code of the City of Bangor, Chapter 33; in the event that these By-Laws conflict with any provision of the Code of the City of Bangor, the provisions of the Code of the City of Bangor shall prevail.

Article I - Planning Board Membership

§ 1 Planning Board Members

- A. The Planning Board shall consist of seven (7) regular members and one alternate member all of whom are appointed by the City Council.
- B. All members of the Planning Board shall be residents of the City of Bangor, should be at least 18 years of age, and must be sworn in by the City Clerk, prior to performing their duties. A Board member's term begins no earlier than January 1 of the year they have been appointed to serve. However, if a successor board member has been appointed outside of the annual term, they shall be permitted to be appointed and qualified per the City of Bangor's Code of Ordinances.
- C. All members of the Planning Board shall serve without compensation and shall not be salaried officials of the City.
- D. All regular members present at a meeting shall vote on every item unless excused from consideration of an item because of a conflict of interest in accordance with the City of Bangor Code of Ethics.
- E. In the event that a regular member is absent from a meeting, or excused from consideration of an item because of a conflict, the Chair shall designate the alternate member to vote in place of the excused/absent regular member prior to the discussion of the item.
- F. The Alternate Member may participate in the discussion of all items before the Planning Board whether or not designated to vote on the matter, unless excused from consideration of an item because of a conflict.
- G. The Alternate Member may only offer a motion or second a motion if designated as a voting member on the matter under consideration.
- H. The Chair may assign any first year Board members with a mentor who is a Board member experienced in how the Board works and can guide the first year member in the process.
- I. Members may resign by submitting a written resignation to the Chair, the City Clerk, the Planning Officer, and the City Solicitor.

Article II - Officers

§ 2 Officers

The Board shall annually elect a Chair and Vice Chair from among the members of the Board at the first regular meeting of the Board following the swearing-in of new members by the City Clerk. Officers shall be elected by first being nominated by a Board member. Multiple members may be nominated, and no second is needed. A Board member may choose not to be nominated. Once nominated, voting shall be by roll call vote.

The Chair and Vice Chair shall serve for one year or until their successors are elected. The Vice Chair shall serve as the acting Chair in the Chair's absence, resignation, incapacity, or conflict of interest under the City of Bangor Code of Ethics. In the event that both the Chair and Vice Chair are absent or have a conflict of interest, the Board shall select a member by majority vote to serve as acting Chair for that meeting only.

§ 3 Duties

The Chair, or acting Chair in the Chair's absence, shall conduct each Planning Board meeting in accordance with § 8, declare votes in accordance with § 14, and designate the alternate member to vote in place of absent or conflicted members.

Article III - Conflicts of Interest

§ 4 Conflicts of Interest

No member shall participate in the deliberation or vote, or otherwise take part in the decision-making process, on any agenda item in which he or she or a member of his or her immediate family, has a financial or special interest, other than an interest held by the public generally.

- A. Any Board member who believes that he or she or a member of his or her immediate family has a financial or special interest, other than an interest held by the public generally, in any agenda item shall disclose the nature and extent of such interest for the record. Such disclosure shall be made no later than the beginning of the first meeting of the Board at which the agenda item concerned is to be taken up for consideration, recommendation, discussion or vote and at which the member is present. Additionally, any Board member who believes that any member or a member of such other Board member's immediate family has a financial or special interest, other than an interest held by the public generally in any agenda item, shall disclose the nature and extent of such interest on the record.
- B. Once the issue of conflict of interest has been raised relative to an individual Board member and disclosure has been made as provided above, such individual's fellow Board members shall review the facts as disclosed to them and shall vote on whether or not such individual has a financial or special interest with respect to the agenda item concerned. All conflicts of interest questions relating to a particular agenda item shall be resolved prior to any consideration of the item concerned, and each board member and the alternate board member present shall be entitled to vote on all conflicts of interest questions except for the Board member who is subject of the conflict of interest question.

- 1. A "financial interest" is a direct or indirect interest having monetary or pecuniary

value, including but not limited to the ownership of shares of stock. A Board member or any member of that member's immediate family who holds a financial interest in a disclosed blind trust shall not be deemed to have a conflict of interest with regard to matters pertaining to assets held by the trust.

2. "Immediate family" means spouse, children, parents, siblings, half-siblings, and in-law relations, and domestic partners.
 3. A "special interest" is a direct or indirect interest having value peculiar to a certain individual or group, whether economic or otherwise, which value may accrue to such individual or group as a result of the approval or disapproval of any item by the Planning Board which interest is not shared by the general public. A special interest includes the situation where a member is required to refrain from participating in the deliberation and vote on an application as the result of a professional code of conduct applicable to that member.
 4. All votes on conflict of interest questions shall be recorded. A majority vote shall determine whether such a conflict of interest exists.
 5. Upon determination that a conflict of interest exists, the Board member concerned shall refrain from participating in discussion, deliberation or vote on the relevant agenda item.
- C. To avoid the appearance of a violation of this section, once any individual Board member is determined to have a conflict of interest with respect to any agenda item, and once all conflict of interest questions relating to the agenda item concerned have been determined as provided in subsection B above, said individual shall immediately remove himself or herself from the meeting room or to the area of the room occupied by the general public. He or she shall not return to his or her regular seat as a member of the Board until deliberation and action on the item is completed. Nothing herein shall require an individual Board member to remove himself or herself for any item contained on a consent agenda on which there is no deliberation once the individual's conflict has been determined by the other members and the right to abstain from voting on the item has been granted.
- D. Nothing herein shall be construed to prohibit any Board member from representing his or her own personal interest by appearing before the Board on any such agenda item.

Article IV - Ex Parte Contacts

§ 5 Ex Parte Contacts Prohibited.

No Board member shall discuss any pending application outside the forum of a Planning Board meeting after an application is pending or otherwise accept any ex parte communications concerning a pending application. Board members may discuss pending applications with City Staff.

Article V - Meetings

§ 6 Time of Meeting

- A. The Board's regularly scheduled meetings shall be held on the first and third Tuesday of each month, or if such day is a City recognized holiday, then on the next business day, at

7:00 P.M. at City Hall unless otherwise designated with at least 24 hours advance notice to each regular member and alternate member, and the public.

- B. Special meetings of the Board may be called by the Chair or acting Chair. There shall be at least 24 hours advance notice of the time and place of a special meeting given to each regular member, alternate member, and the public.

§ 7 Meetings Recorded

It is the policy of the City of Bangor make a recording of all meetings and to broadcast all Planning Board meetings when possible.

§ 8 Conduct of Meetings

- A. All meetings shall be open to the public, with the exception of duly noticed executive sessions, in accordance with the Freedom of Access law, 1 M.R.S.A. § 401, *et seq.*, as may be amended.
- B. A quorum shall consist of five (5) members or alternate member of the Board. Less than a quorum may open a regularly scheduled meeting only for the purpose of continuing all agenda items to another date.
- C. If a regular member is not present for a meeting or has a conflict of interest, the Chair shall designate the alternate member to vote in the regular member's place.
- D. All decisions and/or approvals of the Board shall require at least four (4) affirmative votes after motion for passage has been seconded, except that final decisions on the Comprehensive Plan and recommendations to the City Council must be approved by a majority of all regular members and alternate member of the Board present and voting. On any item which requires four (4) affirmative votes and on which less than seven (7) votes will be cast, the Chair shall first offer the applicant an opportunity to continue the matter until the next meeting. The City Planning Officer shall record all motions and the vote thereon.
- E. Meetings shall be conducted in a manner generally consistent with Roberts Rules of Order, except that when Roberts Rules of Order are in conflict with the City of Bangor's Code of Ordinances or these bylaws, the Code or these bylaws shall take precedence.
- F. An Agenda for each regular meeting shall be prepared by the City Planning Office in consultation with the Chair or acting Chair. Each regular member and alternate member of the Board shall be mailed or emailed a copy of the Agenda, Staff Memorandum, and other meeting materials no less than five (5) days in advance of the meeting. Board members may also choose to pick up the Meeting Materials at City Hall, rather than having them mailed. For Board members receiving paper copies, if the Meeting Materials are not mailed on Thursday and a Board member is unable to pick up a copy from City Hall, the materials shall be hand delivered to Board members four (4) days before the meeting. Board members shall indicate to Staff whether they will require paper copies of the Meeting Materials at the beginning of their term. The order of business shall be as follows:

- 1. Introductions
 - a. Notes from the Chair

- b. Confirmation of voting members
2. Approval of the Minutes
3. Old Business
4. New Business
5. Other Information or Discussion

The Chair may direct staff to, or staff at their discretion may, place items out of time sequence to facilitate the Board's conduct of business. The Board by a vote of the majority present, may vote to modify the order of the agenda at the beginning of the meeting under Introductions.

§ 9 Public Hearing

The Board shall hold a public hearing as required by law, which hearing shall be advertised in a daily newspaper of general circulation in the City of Bangor and/or notices sent to abutting property owners as required by the Land Development Code.

§ 10 Form of Notice

Such notice shall be consistent with requirements of the Land Development Code and applicable State law.

§ 11 Conduct of Hearing

- A. Any person/applicant may appear or be represented by an agent or attorney at the hearing.
- B. At the hearing the order of business shall be generally as follows:
 1. The Chair shall give a statement of the project or question and open the public hearing; any potential conflicts of interest should be considered and discussed before hearing the applicant's case.
 2. The applicant or their agent shall be given the opportunity to present his/her case;
 3. Staff shall be given the opportunity to comment on the application.
 4. For land development permits, the Chair shall state if the application is considered complete with all applicable fees paid and that the applicant is considered to have standing.
 5. Board members shall be given the opportunity to discuss application completeness and/or to question the applicant.
 6. The Chair shall open the floor to public comment.
 - When speaking, members of the public shall provide their name and approximate address, and shall state whether they are opposed to or in favor of the project or question;
 - The Chair may limit the time that the public speaks as needed to keep the meeting efficient and on task.
 - All comments should be directed through the Chair. Side conversations

(either between Board members or among the public or the applicants) should be avoided and will not be made part of the official record of the meeting.

- Personal comments about the applicant, their representatives, Board members, staff or anyone present at the hearing or comments unrelated to the agenda item should be avoided. The Chair reserves the right to remove anyone from the hearing room who is disruptive to the hearing. Such individuals may submit comments in writing or by email in accordance with the usual process for submitting comments on land development or zone change applications
- Comments should be supported when possible by reference to City Ordinances or the Comprehensive Plan.

7. The applicant or their agent shall be given the opportunity answer any further questions and for rebuttal;
8. The Board may either vote to continue the public hearing to a later Planning Board meeting or the Chair shall close the public hearing. Once closed, the public hearing shall not be reopened except for good cause and, if reopened on a different day, upon advertising of the re-opened public hearing. If the public hearing is not closed and is instead continued to a later date, advertising of the new date is not necessary.

In order to maintain orderly procedure, each side shall proceed without interruption by the other.

§ 12 Request for Postponement of Hearing

When a hearing is postponed at the request of the applicant, and re-advertising is required, the expense of re-advertising shall be borne by the applicant.

Article VI - Decisions

§ 13 Meeting Required for Determination

No decision of the Board shall be made except in a duly called regular or special meeting of the Board.

§ 14 Voting

- A. The Board may only act upon a motion that has received a second, except for the election of officers and the selection of an acting Chair pursuant to §2 of these Bylaws. A motion shall be expressed in the affirmative, e.g., to approve the application. Offering a motion or second to approve an application does not obligate that member to vote in favor of the application.
- B. Any member voting to deny an application shall state for the record the applicable standard or standards they conclude are not met. _
- C. For clarity, voting on recommendations to the City Council should generally be considered on a motion of “ought to pass” rather than “ought not to pass”. A majority vote of “no” on an item

that is moved as “ought to pass” is the same as voting “ought not to pass”. For “no” votes on recommendations to City Council, Board members should state the reasons for their vote.

D. Approvals with Conditions:

If conditions are attached to an approval, they must relate to an applicable criterion and be designed to address a specific concern.

If a Planning Board member that feels an approval needs a condition attached to it to ensure compliance with the applicable standards, the motion for approval should contain that condition. If seconded, the Board would vote on the motion containing the condition.

While Staff occasionally recommends that certain conditions be placed on an approval, the Board is free to accept, modify, or reject such suggestions. Additionally, the Board has the right to place its own conditions on an approval. All conditions, however, must be relevant to one or more approval standards.

§ 15 Written Findings & Conclusions

The Planning Staff in consultation with the Chair and City Solicitor’s Office shall draft Findings & Conclusions as deemed necessary for the Board in accordance with the Freedom of Access law, 1 M.R.S.A. § 401, *et seq.* The draft Findings & Conclusions shall be presented to the Board for adoption or amendment at the next regularly scheduled Planning Board meeting or as soon as reasonably available.

§ 16 Recording of Decisions

Every decision of the Board shall be recorded as a part of the minutes of the meeting.

Article VII - Administrative Provisions

§ 17 Minutes

- A. The City Planning Office shall keep a record of the business transacted by the Board. In the absence of the City Planning Officer or a designee, the Chair may appoint a member of the Board or City staff to keep a record.
- B. The written minutes shall include the reasons for the Board’s decisions or recommendations and shall be made available to the public. Copies of the minutes shall be sent to the regular members and alternate members of the Board for approval as soon as they are available and included in the agenda packet along with the next meeting’s agenda.

§ 18 Waiver of By-Laws

In case of extenuating circumstances, a unanimous vote of the Board members present (regular and alternate member) may waive any by-law rule, if in the opinion of the Board such waiver does not lessen any party’s ability to be heard or violate a provision of State or local law.

§ 19 Public Record

These by-laws shall be filed in the City Planning Office and shall be a public record. Any and all documents filed with the City in connection with any application or question are public records in

accordance with the Freedom of Access law, 1 M.R.S.A. § 401, *et seq.*

§ 20 Amendment

These by-laws may be amended by a majority vote of the regular members and alternate member of the Board present at any regular or special meeting of the Board, provided there is a quorum, and provided notice of the proposed amendment has been included in the agenda of the meeting previous to the meeting at which it is proposed to vote on said amendment. Whenever a conflict between these bylaws and State law is evident, the governing State law supersedes these by-laws.

Chapter 12.2 PLANNING BOARD ORDINANCE¹

Sec. 12.2-1. Establishment and authority.

The Planning Board of the Town of Brunswick is hereby created and constituted under the provisions of the Maine Constitution and by Title 30-A, Section 3001 and Section 4301 and subsequent, as they may be amended.

(Ord. of 3-6-95, § I)

Sec. 12.2-2. Appointment, tenure, vacancy.

The planning board shall consist of seven (7) members appointed by the town council. They shall be residents of the Town of Brunswick and shall serve without compensation.

- (a) A town councilor may not be a member of the planning board.
- (b) The term of office of each member shall be three (3) years. The terms of office shall be staggered and shall expire on February 23.
- (c) The board shall annually elect a chair and a vice chair, and may create and fill such other offices as it may determine. Officers shall serve one-year terms and shall be eligible for re-election.
- (d) A quorum shall consist of any four (4) members. The board shall act by majority of those present and voting.
- (e) When there is a permanent vacancy, the town council shall appoint a person to serve for the unexpired portion of the term.
- (f) A vacancy shall occur upon the resignation or death of any member, or when a member ceases to be a resident of the town, or when a member fails to attend without cause, as determined by the town council, four (4) consecutive regular meetings, or fails to attend without cause, as determined by the town council, at least seventy-five (75) percent of all regular and workshop meetings during the preceding twelve-month period.

(Ord. of 3-6-95, § II; Ord. of 11-5-01)

Sec. 12.2-3. Rules and regulations

The board shall adopt rules and regulations for the transaction of its business. The board may recommend a schedule of filing fees relative to matters presented to the board sufficient to cover the administrative costs of public hearings, all of which shall be subject to modification by the town council prior to town council approval.

¹Editor's note(s)—At the direction of the town, provisions enacted by §§ I—VIII of an ordinance adopted and effective March 6, 1995, have been included as a chapter in this Code, and designated at the discretion of the editor as Ch. 12.2, §§ 12.2-1—12.2-8.

Cross reference(s)—Administration, Ch. 2; buildings and building regulations, Ch. 5; marine activities, structures and ways, Ch. 11; zoning ordinance adopted by reference, App. A, § 1.

(Ord. of 3-6-95, § III)

Sec. 12.2-4. Duties.

The planning board shall:

- (a) Prepare proposed revisions, from time to time as needed, of the Comprehensive Plan and land use ordinances of the Town of Brunswick.
- (b) Give the public ample opportunity to be heard concerning revisions to the Comprehensive Plan and the land use ordinances of the Town of Brunswick.
- (c) Approve the naming of all streets in proposed subdivisions.
- (d) Investigate and report on any problems referred to it in writing by the town council or by the town manager.
- (e) Make studies on any area of town development as it may deem necessary.
- (f) Make recommendations to the town council concerning any projected capital improvements programs.
- (g) Submit a status report of the planning board when requested by the town council.
- (h) Recommend such contracts subject to the approval of the town council as it may deem advisable to carry out the objectives and purposes of the board.

(Ord. of 3-6-95, § IV)

Sec. 12.2-5. Interrelation of town council and planning board.

The Board shall be an advisory body to the town council and the existing Comprehensive Plan and land use ordinances of the Town of Brunswick shall not be revised or amended until the board has made a recommendation on all proposed revisions or amendments.

(Ord. of 3-6-95, § V)

Sec. 12.2-6. Savings provision.

Nothing in this chapter shall invalidate prior planning boards or actions of prior planning boards which are hereby specifically ratified and approved.

(Ord. of 3-6-95, § VI)

Sec. 12.2-7. Transition provision.

Notwithstanding Section 12.2-2(b), the town council shall appoint one new member for a term expiring February 23, 2003 and one new member for a term expiring February 23, 2004.

(Ord. of 3-6-95, § VII; Ord. of 11-5-01)

Sec. 12.2-8. Effective date.

This chapter was amended by the town council on a regular basis on November 5, 2001. The effective date of this chapter is December 5, 2001.

(Ord. of 3-6-95, § VIII; Ord. of 11-5-01)

TOWN OF FALMOUTH PLANNING BOARD

Rules of Procedure

Adopted July 22, 1985

Amended 6/17/96

Amended 2/26/01

Amended 1/23/06

Amended 2/23/09

Amended 10/27/97

Amended 9/27/01

(Effective date 1/1/05)

Amended 10/15/07

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SECTION 1. ESTABLISHMENT

Pursuant to Article VII of the Falmouth Town Charter, the Planning Board hereby adopts the following rules of procedure.

SECTION 2. MOTIONS AND DUTIES

All members present at a meeting are permitted to make motions and to second motions. An Associate Member may vote only when (s)he has been designated by the Chair to act for a member.

Regular duties of all Regular or Associate Members (hereafter called members) shall consist of, but not be limited to, the following:

- 2.1 Attending all regular, workshop, or special meetings, unless excused by the Chair.
- 2.2 Maintaining a working knowledge of the Comprehensive Plan, the Subdivision Ordinance, and the Zoning and Site Plan Review Ordinance of the Town of Falmouth.
- 2.3 Applying the review criteria and performance standards of the ordinances that have been adopted by the Town Council in a consistent and objective manner to all development applications that come before the Planning Board. [Amended 2/26/01]

SECTION 3. OFFICERS [Amended 10/27/97]

At the Board's first meeting in March of each year, officers shall be nominated by a Board member, and a secret vote shall be taken for their election. Election shall be by a majority vote of all the members of the Board.

3.1 Chair

- 3.1.1 The Chair shall preside at all regular, workshop, and special meetings of the Board, and shall conduct the meetings consistent with Roberts Rules of Order, except that when Roberts Rules of Order are in conflict with these rules of procedure, these rules shall take precedence.
- 3.1.2 The Chair shall appoint members to the Committees of the Board.
- 3.1.3 The Chair shall be an ex officio member of all Committees.
- 3.1.4 The Chair shall prepare meeting agendas in accordance with the provisions of Section 5 and cause said agenda to be issued in due time before the scheduled meetings.

3.2 Vice Chair

- 3.2.1 The Vice Chair shall assume the duties of the Chair when the Chair is absent or unable to participate, due to a conflict of interest or other reason.

3.2.2 The Chair may delegate his/her duties to the Vice Chair when, in their judgment, workload or circumstances so dictate.

SECTION 4. MEETINGS

4.1 Regular Meetings

The Planning Board meets at 6:30 p.m. on the first Tuesday of each month. When the regular meeting day falls on a holiday or is postponed by the Chair due to adverse weather conditions or other cause, the regular meeting is held on the following Tuesday at the same time and place. The regular meeting may also be moved to another day by majority vote of the Board at the next prior meeting. [Amended 6/17/96]

4.2 Continuance of Regular Meetings

If the Planning Board considers that the application workload requires the Board to meet more than once in a month, the Board may continue the regular meeting on the following Tuesday at the same time and place. If the meeting is continued, the agenda will be continued from the point at which the meeting was adjourned.

4.3 Workshop Meetings

At the regular meeting, the Chair shall poll the members and decide on the scheduling of a workshop meeting. Unless another date is selected by majority vote, workshop meetings shall be held on the third Tuesday of the month. Workshop meetings shall be for the purpose of comprehensive planning or for consideration of other matters not directly involving the issuance or denial of permits or approvals.

4.4 Special Meetings

Special meetings may be called by the Chair, or by a majority of the Board members, and notice of such meetings shall be served in person or left at the residence of each member of the Board at least 48 hours before the special meeting. Notice of special meetings shall be posted at the Town Hall and shall also be provided to local representatives of the media in accordance with 1 M.S.R.A. § 406.

SECTION 5. MEETING AGENDAS

5.1 Application [Amended 10/15/07]

The Chair shall determine the order of items on the agenda for any regular meeting of the Board. Applications will generally be considered on a first-come, first-served basis, but the Chair may direct staff to place items out of time sequence to facilitate the Board's conduct of business. No item (except for previously tabled items, which are submitted in accordance with section 5.3 below) shall be in order for agenda consideration unless an application for such item has been filed at the Town Hall at least twenty-eight (28) days prior to the regular meeting, unless a Staff recommendation is received and it is approved by the Chair.

Applications considered by Planning Staff to be eligible for an administrative action shall be filed at the Town Hall at least fourteen (14) days prior to the regular meeting.

Applications shall be accompanied by application fees and all information required by the applicable ordinance or by checklists which may be developed by the Board, unless the applicant requests a waiver of required submissions where such waivers are permitted under the applicable ordinances. [Amended 2/26/01]

5.2 Finalizing the Agenda

At least fourteen (14) days prior to the regular meeting, the Chair shall determine the items that are in order for the final agenda. Upon consultation with Town staff, the Chair may cause any item for which incomplete submissions have been received to be removed from the agenda. The Chair shall direct Town staff to notify in writing the applicant and the abutters of any item removed from the agenda, stating the reasons for removal, and the conditions upon which said item might be resubmitted. [Amended 2/26/01]

5.3 Tabled Items [Amended 10/15/07]

Where applicants request an application be tabled prior to being heard by the Board, their agenda order and tabled status with respect to submission deadlines may be retained for one subsequent meeting. Applications tabled by the Board may retain their agenda order and tabled status with respect to submission deadlines for two subsequent meetings.

Subsequent information submitted by the applicant for tabled applications shall be filed at the Town Hall at least twenty-one (21) days prior to the regular meeting.

SECTION 6. CONDUCT OF MEETINGS

6.1 Commencement

The Chair shall call the meeting to order at the appointed time, cause the roll to be called, and a quorum being present, cause the minutes of the preceding meeting to be approved with or without amendment.

6.2 Administrative Actions

With the approval of the Chair, town staff shall introduce a list of applications to be considered as either consent approval items or denial items. A vote to approve the list of administrative action items shall constitute Board approval or denial of the items based on town staff recommendations included with the list. [Amended 2/26/01]

- a. Approval Items - This action will apply to items on the Administrative Actions list of such nature that a public hearing is not required. Any board member, the applicant, or a member of the public may request that any item be removed from the list of consent approval items and treated as a regular agenda item. In such cases, the item(s) shall be heard before any regular agenda items. [Amended 2/26/01]
- b. Denial - This action will apply to items on the Administrative Actions list that have been improperly filed, are incomplete, or clearly not within the ordinance requirements as determined by staff review. In such cases, the applicant may request that the Board consider the application as a regular agenda item. A majority vote of the Board

members shall be required to move the item to its proper order on the agenda as established in Section 5.1.

6.3 Public Hearings required by Municipal Reviewing Authority [Amended 2/23/09]

The Planning Board, in its capacity as the municipal reviewing authority, shall hold public hearings relative to any proposed zoning ordinance, zoning map, or amendment thereto as statutorily required by M.R.S.A. 30-A §4352. Public notice of said hearing shall be provided in compliance with state law and town ordinances.

a. Procedure for Public Hearings

- i. Public hearings under this section shall be held after administrative action items have been addressed and prior to consideration of items on the regular agenda.
 - ii. The Chair shall read the description of the item.
 - iii. The Chair shall open the public hearing and ask for public comment relative to the item. The Chair may set time limitations on public testimony and/or ask parties to consolidate or join testimony if their interests are substantially similar and such consolidation will expedite the hearing.
 - iv. The Chair shall close the public hearing.
 - v. The Chair will allow for Planning Board discussion of the item. The Board may choose to conduct deliberations on the proposed ordinance at the end of the Planning Board meeting in order to facilitate the processing of other business on the Board's agenda.
- b. Planning Board Recommendation - The Board shall deliberate on the administrative aspects of the proposed zoning ordinance, zoning map, or zoning amendment, and vote to recommend that the proposed ordinance, map, or amendment be approved, approved with revisions, or not approved.
- c. Report to Town Council – Town staff shall forward any public comment received and the Board's input and recommendation to the Town Council.

6.4 Hearing Procedure

Consideration of agenda items shall be conducted according to the following procedures provided that these procedures may be waived or modified by a majority vote of the Board: [Amended 2/26/01]

- (a) The Chair shall read the application as it appears on the agenda;
- (b) The applicant may address the Board to elaborate on his/her application;
- (c) Town staff members may be asked to address the submissions or any special considerations relating to the application;

- (d) The Chair shall ask for public comment for and against the proposal and shall permit cross-examination of witnesses as appropriate;
- (e) The Board members may direct questions through the Chair after each of the foregoing presentations;
- (f) The Chair shall close the public portion of the hearing, and the Board shall conduct its deliberations on the item;
- (g) The Board shall vote to approve the application with or without conditions, to deny the application, or to table the application.
- (h) A motion that fails to receive a majority vote shall require a subsequent vote to approve, deny, or table the application.

6.5 Meeting Length Limit

In order to ensure that all applications receive full and fair consideration, the Board must limit meeting lengths to reasonable hours. The Board will therefore not take up any new agenda items after 10:30 P.M. unless a majority of the Board has voted to do so at the request of the Chairman. If no vote is taken by the Board to hear new items after 10:30 P.M., all remaining agenda items will automatically be tabled until the next month's meeting of the Board.

6.6 Requests for Tabling

At any time prior to or during a meeting, applicants can request that their item be tabled. If applicants request to be tabled, their application will be considered in the same order that it appeared on the prior month's agenda based on the date of original filing compared to other pending applications. [Amended 1/23/06]

SECTION 7. NOTIFICATION

The Chair shall direct Town staff to issue a notice of decision to each applicant stating the action of the Board on his/her application. The notice shall include all conditions of approval or grounds for denial of the application.

SECTION 8. AMENDMENTS TO RULES OF PROCEDURE

Amendment to these rules of procedure may be adopted at any time by the majority of all members of the Board and shall become effective immediately upon the approval of the Town Council.

SECTION 9. MISCELLANEOUS

9.1 Checklists

Checklists of required submissions may be developed by the Board to assist the applicant and to assist the Town staff in administering the ordinance under the Board's jurisdiction.

RULES OF THE PORTLAND PLANNING BOARD

ARTICLE I. GENERAL PROVISION

- Section 1. These rules are supplementary to the provisions of Chapter 14 of the Municipal Code as it relates to the procedures of the Planning Board and are adopted pursuant to the authority granted in Section 14-25(b) of said Code.
- Section 2. Roberts Rules of Order shall supplement these rules and shall control procedures not covered by these rules.

ARTICLE II. OFFICERS AND DUTIES

- Section 1. The officers of the Board shall be the Chair and Vice Chair.
- Section 2. The Chair and Vice Chair shall be elected annually by the regular members at the last regular meeting in December.
- Section 3. The Chair shall appoint chairs and members for those committees as may be appropriate.

ARTICLE III. MEETINGS

- Section 1. Regular meetings shall be held on the second and fourth Tuesdays of each month at 7:00 p.m. or as otherwise noticed, in City Hall or at such other location of which notice is given. Where a regular meeting day falls on a recognized holiday, the regular meeting shall be held on the following Tuesday.
- Section 2. Special meetings may be called by the Chair at its discretion or upon the request of the City Council or four or more members, provided that twenty-four hours notice is given each member.
- Section 3. Meetings of any committee of the Board shall be held at the call of the Board or the committee Chair or by agreement of at least two committee members.
- Section 4. The Chair, in consultation with the Director of Planning and Urban Development or the Chief Planner, shall set the agenda for workshops, public hearings, and other meetings.
- Section 5. The Board may, by a majority vote, specify a date for an agenda item.

ARTICLE IV. ORDER OF BUSINESS

Section 1. All regular meetings of the Board shall proceed as follows:

- a. Roll call and declaration of quorum
- b. Reading and approval of minutes of the previous meeting
- c. Communications
- d. Unfinished business
- e. New business
- f. Adjournment.

ARTICLE V. NOTICE

Notice shall be given in accordance with Section 14-32 of the Municipal Code; provided, however, that each city councilor and all those individuals or entities included on the most current neighborhood and citizen list maintained by the planning authority, shall also be given the notice afforded under Section 14-32 of the Municipal Code.

Notice of a pending application for subdivision or major site plan review or for a proposed rezoning, including any contract or conditional rezoning, shall be posted in a timely fashion on the City of Portland web page.

Notice of the planning board agenda shall be posted in a timely fashion on the City of Portland web page.

ARTICLE VI. CONDUCT OF PUBLIC WORKSHOPS AND HEARINGS

A. PUBLIC WORKSHOPS

A workshop meeting provides the opportunity for the Planning Board to determine whether an application is complete and ready for public hearing. It is not deliberative in nature but rather is a vehicle by which the Planning Board undertakes a preliminary review of an application, provides comment to the applicant on any items needed to complete an application, and schedules the matter for a public hearing.

Section 1. Order of Proceedings. The following order of proceedings shall govern all public workshops conducted by the Board:

- A. The Planning Director of his/her designee may summarize the application and proposal and may comment on any items to be submitted prior to sending the application to a public hearing.

- B. The applicant may present information to the Board explaining the nature of its application and to inquire of the Board as to any issues to be addressed in advance of or at the public hearing.
- C. Public Comment: Members of the public, or a duly authorized agent or attorney, may offer verbal comments or statements relevant to matters under discussion by the Planning Board. The duration of each speaker's remarks shall be limited at the discretion of the Chair. The Chair's decision to limit the comment time per project may be based on managing the agenda in order to address all items scheduled.

Members of the public also may submit written comment relative to the application either before or at a public workshop or public hearing and such written comment shall become part of the official Planning Board record.

- D. After the close of the public comment session, the Planning Board shall come to a consensus as to whether the application is/not complete and may/not be scheduled for public hearing. No public comment shall be allowed at this time.
- E.. After the close of the public comment session, the Planning Board may identify issues of concern regarding the application and shall come to a consensus on whether the application is sufficiently complete and ready to schedule for public hearing.

The Planning Board may comment or ask questions at any time.

B. PUBLIC HEARINGS

A public hearing shall be held by the Planning Board pursuant to the City Ordinance and upon the submission of a complete application.

Section 1. Order of Proceedings The following order of proceedings shall govern all public hearings conducted by the Board:

- A. The Planning Director or his/her designee may summarize the application and proposal.
- B. The Planning Department staff shall give its report, commentary and recommendation, if any.
- C. The applicant shall present its opening statement and any testimony or other evidence.

- D. Other City departments, staffs, and officials may present reports, commentary, and recommendations.
- E. Public Comment. Members of the public may offer evidence or statements relevant to the project under consideration. Each speaker shall be limited to three (3) minutes. The Chair may, at its discretion, extend this period for an additional three (3) minutes. The Board may grant an initial or any further extensions upon a majority vote of those present and voting.
- F. After the close of the public comment period, answers shall be provided by the applicant or by staff as needed to questions raised during the public comment. The applicant shall be allowed to respond to public comment at this time.
- G. Response. Members of the public may respond to new issues raised by answers or information provided by the applicant or by staff. It shall be within the discretion of the Chair to determine whether a response is appropriate. In making this determination, the Chair shall decide whether the response constitutes facts or information that could not have been presented during the public comment period. The Board may override such a determination by the Chair by a majority vote.
- H. After the close of a public hearing and after responses to new issues have been completed, the Board shall commence its deliberations. No public comment shall be allowed during these deliberations, except as requested by the Board.

Cross-examination by the applicant and members of the public shall be conducted as directed by the Chair. The Planning Board may ask questions at any time.

Section 2. Rights of all persons. Any person may appear and testify at a public hearing, either in person or by duly authorized agent or attorney, as provided thereof and may submit documentary evidence; provided, however, that the Chair may exclude irrelevant material or unduly repetitious evidence, unless a majority of the Board votes to allow such material or evidence. Members of the public shall also have the right to examine evidence at the public hearing and reproduce any documents produced at the hearing at a later time to be arranged with staff at the expense of the person requesting the information.

Section 3. Rights of applicant. The applicant shall, in addition, have the following rights:

- a. to present witnesses and offer rebuttal evidence;
- b. to cross-examine all witnesses testifying in opposition to the applicant's position through the Chair, or, with permission of the Chair, directly; and
- c. to examine and reproduce any documents produced at the hearing.

Section 4. The rules of evidence shall not be strictly applied.

Section 5. Submission of Exhibits. Exhibits presented by an applicant or by a member of the public shall be numbered and become part of the record. The applicant or member of the public may provide a photograph or photocopy instead of an original model or document. Said photograph or photocopy shall be numbered and shall become part of the record.

Section 6. No new agenda items will be begun after 10:00 p.m. unless at least four members of the Board vote to suspend this rule. Any agenda items that have not begun before 10:00 p.m. shall be automatically tabled to the next regularly scheduled meeting or to a date determined by the Board. Before 9:30 p.m. the Planning Board may, at the discretion of the Chair, temporarily suspend consideration of the agenda item currently under review in order to determine whether remaining agenda items will be reached before 10:00 p.m. The Board will at that time notify the proponents of those agenda items which will not be reached, that the items will be tabled until the next regularly scheduled meeting or a date determined by the Board. Any item tabled under the provisions of this rule shall be considered as unfinished business at the next regularly scheduled meeting or at the meeting date specified by the Board.

ARTICLE VII. DELIBERATIONS, VOTING, DECISIONS.

Section 1. As to any matters not requiring a hearing, the Board may meet and deliberate at any properly called meeting, regardless of the presence of a quorum, or may continue consideration of such matter to any later meeting. However, no final action shall be taken on such a matter without a quorum being present.

Section 2. No member absent from a significant portion of a public hearing shall be qualified to vote upon the matter heard unless that member shall first certify for the record that she/he has reviewed the entire record of any such portion of the hearing during which she/he was absent and has fully informed her/himself of the essential facts and issues of the matter being heard so as to be able to cast an informed and independent vote.

- Section 3. Recommendations to the City Council shall include findings of fact and the reason or reasons for such recommendation and shall contain a separate statement setting forth the recommendation of the Board.
- Section 4. The Board will take no final or binding vote on any matter that is a final decision rather than merely a recommendation unless it shall first have stated its findings, reasons, and conclusions at a meeting open to the public. Where a vote on a matter results in a failure to approve, the Board shall immediately vote upon a motion to either table or deny the project. A motion to deny shall include the findings, reasons and conclusions of the Board supporting a denial.
- Section 5. Any one or more members of the Board may file minority or dissenting reports in support of any position concerning any matter brought before the Board.
- Section 6. When a vote is completed it shall be in order for any member who voted in the majority, in the negative in a tie vote, or otherwise on the prevailing side, to move for reconsideration thereof at the same or at the next regular meeting but not afterwards; and when the motion for reconsideration is decided, that vote shall not be reconsidered. No motion to reconsider a vote completed at a previous meeting shall be in order for consideration at the next regular meeting unless an item to that effect is contained on the agenda for such regular meeting or unless four (4) members consent to such reconsideration.
- Section 7. Any item finally acted upon and not thereafter reconsidered shall not again be considered for a period of one year succeeding the Board's final action on the original item if the Board determines it to be in the same or substantially the same form.
- Section 8. In the event of a tie vote, the matter shall be tabled to the next meeting, where it shall be considered as unfinished business.

ARTICLE VIII. TIME LIMITS.

- Section 1. In any case where these rules or any other statute, code or ordinance provides that the failure of the Board to act within a fixed period shall be deemed a grant or denial of an application, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Board rendered on the day following the expiration of such fixed period. Such a decision shall be appealable in the same manner as any

other decision but, on such appeal, shall be entitled to no presumption of correctness. Time limits for hearings and decisions shall be those set forth in State statutes and City ordinances.

ARTICLE IX. AMENDMENT OF RULES.

Section 1. These rules may be amended by an affirmative majority vote of the members of the Board.

Section 2. The proposed amendment must be presented in writing at a regular or special Board meeting preceding the meeting at which the vote is taken.

Regulation #1

Adopted:	...	05/14/85
Effective:	...	05/14/85
Amended: Modified Item 5 and added Item 8	...	10/22/85
Effective:	...	10/22/85
Amended: Renumbered Items, Modified Items 4,5 and 7 and Added Item 8	...	11/12/85
Effective:	...	11/12/85
Amended: Modified Item 1, Deleted Item 3, and Renumbered Items, and Added Items 9 and 10	...	03/26/86
Effective:	...	03/26/86
Amended: Modified Exhibit A identified in Item 8, Added Items 11 and 12	...	09/09/86
Effective:	...	09/09/86
Amended: Added Items 13 and 14	...	07/28/87
Effective:	...	07/28/87
Amended: Modified Items 1(a), 1(d), 2, 3, 8	...	09/27/88
Effective:	...	09/27/88
Amended: Added Item 15	...	10/10/89
Effective:	...	10/10/89
Amended: Modified Items 1(a), 1(c), 2, 3, 8	...	04/28/09
Effective:	...	04/28/09
Amended: Eliminated Items 9 & 10, Renumbered Items, Modified Item 15 which is now Item 13	...	10/26/10
Effective:	...	10/26/10
Amended: Modified Items 1(a, b, c), Eliminated Item 1(d) Modified Item 2, Eliminated Items 9 and 10	...	07/10/12
Effective:	...	07/10/12
Amended: Modified Items 1(a through c) & Added item 1(d) & 2 Modified Item 15 which is now Item 13	...	10/13/15
Effective:	...	10/13/15

ADMINISTRATIVE PROCEDURES FOR PLANNING BOARD MEETINGS

In recognition of the fact that overly long Planning Board meetings are not in the interest of the City, the applicants, or the Planning Board members in terms of quality of the review process, the Planning Board adopts the following administrative procedures for Planning Board meetings.

1) In order to be placed on the Planning Board agenda:

- a) A complete application, as determined by the Planning and Development Department, must be received at the Planning and Development Department no later than 4:30 p.m. forty-two (42) days prior to a regularly scheduled Planning Board meeting,
- b) The Community Planner must circulate plans for review at least thirty-five (35) days before the Planning Board meeting,
- c) Staff members from the reviewing City Departments, and consultants providing review services to the City, must complete their review at least fourteen (14) days prior to the meeting.
- d) All revised plans and documents and permits from other agencies must be submitted at least seven (7) days prior to the meeting.

2) The developer of any project that requires a permit from another regulatory agency, such as the Department of Environmental Protection, Inland Fisheries and Wildlife, Army Corps of Engineers, or City officials and/or agencies, must present a written copy of the approved permit to the Planning Department at least seven (7) days before any final review by the Board provided that, upon request, the Board may conduct a preliminary review of the project and submit written comments to the regulatory agency in question prior to the receipt of such final permit.

3) All applicants shall provide as part of their applications the following information:

Subdivision application: An accurate, current list the maps and lot numbers of properties within 500 feet of the project property and an accurate, current list of the names and mailing addresses of owners of abutting properties, as listed with the Tax Assessor. Abutting properties shall include those properties, which are on the other side of any street abutting the proposed subdivision.

Site plan applications: An accurate, current list of the maps and lot numbers of properties located within 500 feet of the project property.

Special exception applications: An accurate, current list of the maps and lot numbers of properties located within 500 feet of the project property.

Rezoning applications: An accurate, current list of the maps and lot numbers of properties located within the area proposed for rezoning and all properties within 500 feet of the area proposed for rezoning.

- 4) Except as otherwise provided by law, the Planning Director shall schedule the Planning Board's agenda. Items shall be placed on the agenda on a first come, first served basis (as determined by time and date of completed application) consistent with the provisions of paragraph 1 above. Any items, which cannot be fit on the agenda because of the number or length of previously scheduled items, shall receive priority in scheduling for the next regularly scheduled meeting.
- 5) No new agenda items will be begun after 11:00 p.m.
- 6) If during the course of a Planning Board meeting it becomes apparent that the Board will not reach certain agenda items, the Board may, prior to its 11:00 p.m. cut-off, offer to the proponents of such items the opportunity to have their items tabled immediately to the beginning of the next regularly scheduled meeting.
- 7) Agenda items remaining after the 11:00 p.m. cut-off time will automatically be tabled to the next regularly scheduled meeting.
- 8) The applicant for Planning Board review will receive a receipt as described in Exhibit A (attached) upon presentation of application materials to the Planning Department and the Planning Department shall state on said Exhibit the date the application is deemed complete. Should the Planning Board determine that an application is not complete, it shall table review of the application.
- 9) The City Planner will prepare draft informational reports as requested by the Board of Appeals for miscellaneous appeals, in conformance with the Zoning Ordinance, and present those reports to the Planning Board on a "consent calendar" at each meeting. Notification of these reports will be posted outside the City Clerk's office no later than Friday noon prior to the week in which the regularly scheduled Planning Board meeting will be held.
- 10) The City Planner and other relevant staff members will prepare comments for re-approval of lapsed site plans that have not changed and present those items and comments to the Planning Board on a "consent calendar" at each meeting unless a substantive change in the ordinance has taken place since the time of approval of the plan, warranting a more lengthy review of the project by the Planning Board. Notification of these applications will be posted outside the City Clerk's office no later than Friday noon prior to the week in which the regularly scheduled Planning Board meeting will be held.
- 11) The Planning Director, or other Planning Department staff member, will prepare public hearing legal notices. The applicant will be notified a minimum of 24 hours before the notice is to be delivered to the newspaper and may come to the Planning office to review the public hearing notice. The Planning Director will have final responsibility for the wording of the public hearing notice.

If there is an error in the ad placed in the newspaper, for any reason, it is the applicant's responsibility to pay for a new ad to be run. In the case of error, the hearing will be tabled and rescheduled.

REGULATION #2

Adopted: 5/14/85
Effective: 5/14/85
Revised: 6/24/14
Revised: 8/09/23

Erosion and Sedimentation Control Standards

Pursuant to the Code of Ordinances, Chapter 2, Section 2-116, and the Planning Board's authority to adopt written rules and regulations to govern its meetings and to aid in carrying out its duties as prescribed by state statute and city ordinance, the following Erosion and Sedimentation Control Standards shall apply under the City's responsibilities within the Municipal Separate Stormwater Sewer Systems (MS4s) program and under the City's current permit under said program.

Section 1 - Purpose

The purpose of this Regulation is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control erosion at construction sites and prevent migration of sediment from construction sites so that erosion and sedimentation do not adversely impact off-site natural resources, properties, or the Municipal Separate Storm Sewer System ("MS4").

Section 2 - Definitions

Terms utilized throughout this Regulation shall carry their customary meaning, except where specifically defined herein.

Common Plan of Development or Sale - Means "land subdivisions" as defined in City of South Portland Code of Ordinances, Chapter 24, *Subdivisions*.

Construction Activity – Means any activity on a Parcel that results in Disturbed Area.

Discharge - Means any spilling, leaking, pumping, pouring, emptying, dumping, disposing, or other addition of pollutants to the Waters of the State located within the Municipality's Urbanized Area and not including groundwater.

General Permit – Means the Maine Department of Environmental Protection General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems approved October 15, 2020 and modified November 23, 2021 and any amendment or renewal thereof.

Parcel - Means all contiguous land in the same ownership, except that lands located on opposite sides of a public or private road are considered each a separate tract or Parcel of land unless the road was established by the owner of land on both sides of the road after September 22, 1971.

Person - Means an individual, firm, corporation, municipality, quasi-municipal corporation, state agency, federal agency, or other legal entity which creates, initiates, originates, or maintains a Discharge authorized or regulated by the General Permit.

Protected Natural Resource - Means coastal sand dunes, coastal wetlands, significant wildlife habitat, fragile mountain areas, freshwater wetlands, community public water system primary protection areas, great ponds, or rivers, streams or brooks as defined in the *Natural Resources Protection Act* at 38 M.R.S. §480-B.

Qualified Professional – Means a person who has been certified by Enviro-Cert International in erosion and sedimentation control practices or has completed the Maine Department of Environmental Protection Erosion and Sedimentation Control Practices Workshop, or is a Maine Professional Engineer with at least two years' experience in designing Erosion and Sedimentation Control BMPs.

Section 3 - Applicability

This Regulation applies to any activity on a Parcel or Common Plan of Development or Sale commencing after the effective date of this Planning Board Regulation, which results in 2,000 square feet of Disturbed Area.

Section 4 - Procedure

4.1 Erosion and Sedimentation Control Plan Required

No Person shall commence any activity that generates Disturbed Area, as defined in the Code of Ordinances, Chapter 27, Section 27-201, *Definitions*; and is subject to the Section 3, Applicability, of this Regulation without first obtaining approval for an Erosion and Sedimentation Control Plan ("ESC Plan").

4.2 Review Authority

ESC Plan for activities that are subject to Planning Board review pursuant to the Code of Ordinances, shall be submitted to the Planning Board for concurrent review. For activities that are not subject to Planning Board review, but that require permitting or licensing by the City of South Portland, the ESC Plan shall be submitted to the Code Enforcement Officer for review.

4.3 Review

The Review Authority will review the ESC Plan for compliance with the standards of Section 5, Section 6, and Appendix 1 of this Regulation, and may approve, deny, seek amendments to, or conditionally approve the ESC Plan to ensure compliance with the MS4 Permit in effect in the City. The Review Authority shall make a determination on the ESC Plan through written comments. Rejected ESC Plans shall be revised and resubmitted.

4.4 Pre-Construction Meeting

Prior to the issuance of any permit to commence activities that are subject to an approved ESC Plan, the applicant shall request a pre-construction meeting with the Planning Director, or their designee, for Planning Board projects or the Code Enforcement Director, or their designee, for projects not subject to Planning Board Review. All representatives in charge of commencing, conducting, and completing activity that is subject to the ESC Plan shall attend the meeting. The Planning Director, Code Enforcement Director, or their designees, may require an initial site inspection to confirm that adequate erosion and sediment control measures have been installed prior to issuance of any permit to commence construction activities.

4.5 Compliance with Requirements

The applicant shall implement and comply with the ESC Plan as approved throughout all phases of Construction Activity.

Section 5 - Submission Requirements

5.1 Project Contacts and Qualifications

The ESC Plan application shall provide contact information (i.e., name, company if applicable, phone number, physical address, and email address) for:

1. Applicant
2. Qualified Professional, and
3. Contractor (if applicable)

5.2 ESC Plan

An application for review of an ESC Plan must include the following:

- 5.2.1 The ESC Plan shall consist of a graphic representation of the site at a scale no smaller than 1 inch = 100 feet showing:
 - a. Parcel boundaries;
 - b. Locations of Protected Natural Resources;
 - c. Locations of all potential sources of authorized and unauthorized non-stormwater discharges;
 - d. Topography for the pre-and post-construction conditions with 2-foot elevation contours,
 - e. Erosion and Sedimentation Control BMPs Notes with construction standards,
 - f. Dewatering plan if necessary;
 - g. Locations of areas not to be disturbed by Construction Activity, including trees, vegetation, and areas intended for infiltration; and
 - h. Locations and detailed specifications of all Erosion and Sedimentation Control BMPs that will be used to comply with the requirements of Appendix 1. This includes a narrative description of the timing, phasing, and inspections of Erosion and Sedimentation Control BMPs.
- 5.2.2 Any variances or releases provided by the Maine Department of Environmental Protection from Chapter 500 performance standards with respect to erosion and sedimentation control.
- 5.2.3 Confirmation that that the ESC Plan has been prepared by a Qualified Professional.

Section 6 - Requirements and Standards

The following standards shall be met for the Review Authority to grant approval for an ESC Plan:

6.1 ESC BMP Standards

The proposed ESC Plan shall comply with the requirements of Appendix 1.

Section 7 - Inspection

7.1 Monitoring

Monitoring is required according to the following table:

Project Type	Scheduled Inspections	Rain Event Inspections
Large Projects (≥ 1 acre disturbance)	Monthly inspections by City inspector with photo documentation; weekly inspection frequency if chronic or major deficiencies found; return to monthly inspections following satisfactory remediation of deficiencies	Inspections by City inspector after 1.5" rainfall
	Weekly contractor self-inspections.	Contractor self-inspections within 24 hrs of 0.2" rainfall; photos suggested but not required
Medium Projects (15,000 ft ² to <1 acre disturbance)	Monthly inspections by City inspector with photo documentation; weekly inspection frequency if chronic or major deficiencies found; return to monthly inspections following satisfactory remediation of deficiencies	Inspections by City inspector after 1.5" rainfall
	Weekly contractor self-inspections.	Contractor self-inspections within 24 hrs of 0.2" rainfall; photos suggested but not required
Small Projects (<15,000 ft ² disturbance)	City will conduct 2 inspections with photo documentation; additional inspections as needed if deficiencies identified.	Contractor self-inspections within 24 hrs of 0.2" rainfall; photos suggested but not required.
	Weekly contractor self-inspections.	

All self-inspections shall use the City's Erosion & Sediment Control inspection forms which shall be retained on the project site for review. The Portland International Jetport office of the National Weather Service shall be the authoritative reference for determining rainfall amount and intensity.

The applicant may be required by the Planning Director or Code Enforcement Director to pay 100% of the City's costs related to third-party inspection of the ESC Plan. This fee must be paid to the City and shall be deposited in a non-interest bearing escrow account.

Section 8 - Enforcement

Violations of any conditions or requirements of the ESC Plan shall be documented through the inspections of the ESC Plan, and shall be processed in accordance with the City's enforcement authority contained in the Code of Ordinances.

Appendix 1 – Erosion and Sedimentation Control Standards

The following are the mandatory minimum standards for Construction Activity subject to this Planning Board Regulation. The ESC Plan required under this Planning Board Regulation shall be developed and implemented to include these mandatory minimum standards, which are based upon the Maine Department of Environmental Protection's 06-096 CMR Chapter 500 Stormwater Management Rule Appendices A, B, and C.

The ESC Plan shall be prepared by a Qualified Professional as defined in this Planning Board Regulation.

A.1. General Timing of Installation and Maintenance until Permanent Stabilization

Sedimentation Control BMPs must be in place before Construction Activity begins.

- Additional Erosion and Sedimentation Control BMPs must be phased in as appropriate.
 - Erosion and Sedimentation Control BMPs must remain in place and functional until the Site is permanently stabilized.
 - Adequate and timely maintenance of Erosion and Sedimentation Control BMPs must be conducted until permanent stabilization is achieved.
1. **Pollution Prevention:** Minimize Disturbed Area and protect natural downgradient buffer areas, and any areas where stormwater may flow off-Site to the extent practicable. Control stormwater volume and velocity within the Site to minimize soil erosion. Minimize the disturbance of steep slopes. Control stormwater Discharges, including both peak flow rates and volume, to minimize erosion at outlets. The Discharge shall not result in erosion of any open drainage channels, swales, stream channels or stream banks, upland, or coastal or freshwater wetlands off the project Site.
 - a. Whenever practicable, no disturbance activities shall take place within 50 feet of any Protected Natural Resource.
 - b. If it is not practicable to maintain the 50-foot buffer of no disturbance, the ESC Plan must include redundant (at least two) perimeter control measures that are appropriate for the soil and slope.
 2. **Sediment Barriers:** Prior to construction, properly install sediment barriers at the downgradient edge of any area to be disturbed and adjacent to any drainage channels within the Disturbed Area. Sediment barriers shall be installed downgradient of soil and sediment stockpiles and stormwater must be prevented from running onto the stockpile. Maintain the sediment barriers by removing accumulated sediment, or removing and replacing the barrier, until the Disturbed Area is permanently stabilized. Where a Discharge to a storm drain inlet occurs, you must install and maintain protection measures that remove sediment from the Discharge. Storm drain inlet protection must include effective curb inlet or "back throat" protection, where applicable.
 3. **Stabilized Construction Entrance:** Prior to construction, properly install a stabilized construction entrance (SCE) at all points of egress from the Site. The SCE is typically a stabilized pad of aggregate, underlain by a geotextile filter fabric, or an engineered track out control mat which has been approved by Maine DEP which is used to prevent traffic from tracking material away from the Site onto public rights-of-way (ROWs). Maintain the SCE until all Disturbed Areas are stabilized. If an alternate SCE has been approved by Maine DEP, provide proof of this with the Plan or application.
 4. **Temporary Stabilization:**

- a. Within 7 days of the cessation of Construction Activities in an area that will not be worked for more than 7 days, stabilize any exposed soil with mulch, or other non-erodible cover.
 - b. Stabilize areas within 75 feet of a wetland or waterbody within 48 hours of the initial disturbance of the soil or prior to any storm event, whichever comes first.
5. Removal of Temporary Measures: Remove any temporary control measures, such as silt fence, within 30 days after permanent stabilization is attained. Remove any accumulated sediments and stabilize.
6. Permanent Stabilization: If the Site or a portion of the Site will not be worked for more than one year or has been brought to final grade, then permanently stabilize the area within 7 days by planting vegetation, seeding, sod, or through the use of permanent mulch, or riprap, or road sub-base. If using vegetation for stabilization, select the proper vegetation for the light, moisture, and soil conditions; amend the Disturbed Area subsoils with topsoil, compost, or fertilizers; protect seeded areas with mulch or, if necessary, erosion control blankets; and schedule sodding, planting, and seeding so to avoid die-off from summer drought and fall frosts. Newly seeded or sodded areas must be protected from vehicle traffic, excessive pedestrian traffic, and concentrated runoff until the vegetation is well-established with 90% cover by healthy vegetation. If necessary, areas must be reworked and restabilized if germination is sparse, plant coverage is spotty, or topsoil erosion is evident. Permanent Stabilization Definitions are as follows:
 - a. Seeded Areas: For seeded areas, permanent stabilization means a 90% cover of the Disturbed Area with mature, healthy plants with no evidence of washing or rilling of the topsoil.
 - b. Sodded Areas: For sodded areas, permanent stabilization means the complete binding of the sod roots into the underlying soil with no slumping of the sod or die-off.
 - c. Permanent Mulch: For mulched areas, permanent mulching means total coverage of the exposed area with an approved mulch material. Erosion control mix may be used as mulch for permanent stabilization according to the approved application rates and limitations.
 - d. Riprap: For areas stabilized with riprap, permanent stabilization means that slopes stabilized with riprap have an appropriate backing of a well-graded gravel or approved geotextile to prevent soil movement from behind the riprap. Stone must be sized appropriately. It is recommended that angular stone be used.
 - e. Paved Areas: For paved areas, permanent stabilization means the placement of the compacted gravel subbase is completed, provided it is free of fine materials that may runoff with a rain event.
 - f. Ditches, Channels, and Swales: For open channels, permanent stabilization means the channel is stabilized with a 90% cover of healthy vegetation, with a well-graded riprap lining, turf reinforcement mat, or with another non-erosive lining such as concrete or asphalt pavement. There must be no evidence of slumping of the channel lining, undercutting of the channel banks, or down-cutting of the channel.
7. Winter Construction: Winter construction is Construction Activity performed during the period from November 1 through April 15. If Disturbed Areas are not stabilized with permanent measures by November 1 or new soil disturbance occurs after November 1, but before April 15, then these areas must be protected and runoff from them must be controlled by the following additional winter construction measures and restrictions:
 - a. Site Stabilization: Hay mulch is applied at twice the standard temporary stabilization rate. At the end of each construction day, areas that have been brought to final grade must be stabilized. Mulch may not be spread on top of snow.
 - b. Sediment Barriers: All areas within 75 feet of a Protected Natural Resource must be protected with a double row of sediment barriers.

- c. Ditch Lines: Ditch lines must be stabilized with an appropriate stone lining backed by an appropriate gravel bed or geotextile unless specifically released from this standard by the Maine DEP. If release from Maine DEP has been granted, provide proof of this with the Plan or application.
 - d. Slopes: Mulch netting must be used to anchor mulch on all slopes greater than 8% unless erosion control blankets or erosion control mix is being used on these slopes. Unvegetated slopes less than 8% must be protected with an erosion control blanket, erosion control mix, or riprap.
8. Stormwater Channels: Each channel shall be constructed in sections so that the section's grading, shaping, and installation of the permanent lining can be completed the same day. If a channel's final grading or lining installation must be delayed, then diversion berms must be used to divert stormwater away from the channel, properly-spaced check dams must be installed in the channel to slow the water velocity, and a temporary lining installed along the channel to prevent scouring.
9. Sediment Basins: Sediment basins that will be used to control sediment during construction activities must be designed to provide storage for either the calculated runoff from a 2-year, 24-hour storm or provide for 3,600 cubic feet of capacity per acre draining to the basin. Outlet structures must discharge water from the surface of the basin whenever possible. Erosion controls and velocity dissipation devices must be used if the discharging waters are likely to create erosion. Accumulated sediment must be removed as needed from the basin to maintain at least half of the design capacity of the basin. Clearly visible staking must be installed with marks showing the elevation of half design capacity for easier inspection.
- The use of cationic treatment chemicals in Sediment Basins, such as polymers, flocculants, or other chemicals that contain an overall positive charge designed to reduce turbidity in stormwater may only be used if proof of approval by Maine DEP is provided.
10. Phasing Plan Requirements: No phasing plan is required if contractor will limit Disturbed Area to a maximum of 5 acres of disturbance across the Site at any time. If the Construction Activity will result in more than 5 acres of Disturbed Area at any one time, the Contractor shall provide a phasing plan showing:
- a. the initial 5-acre area to be disturbed;
 - b. which portions of the initial disturbance will be stabilized, and what temporary or permanent stabilization methods will be used;
 - c. which areas will be subsequently disturbed and what temporary or permanent stabilization methods will be used; and
 - d. each phase of disturbance and stabilization must clearly show the total areas in square feet or acres such that the 5-acre Disturbed Area limit at any one time is met throughout the entire project.

A.2. Inspection, Maintenance and Corrective Action by Applicant On-Site Personnel During Construction

During construction, the following are the inspection, maintenance, and corrective action requirements which must be implemented by the applicant or their on-Site representative:

- 1. Inspection: Disturbed and Impervious Areas, Erosion and Sedimentation Control BMPs, materials storage areas that are exposed to precipitation, and locations where vehicles enter or exit the Site

are inspected at least once a week as well as before and within 24 hours after a storm event (rainfall), and prior to completing permanent stabilization measures. A person with knowledge of erosion and sedimentation control, including the standards and conditions in the permit shall conduct the inspections.

2. **Maintenance and Corrective Action:** If Erosion or Sedimentation Control BMPs need to be maintained, or repaired or enhanced (corrective action), the work shall be initiated upon discovery of the problem but no later than the end of the next workday. If additional Erosion or Sedimentation Control BMPs or significant repair of Erosion or Sedimentation Control BMPs are necessary, implementation must be completed prior to any storm event (rainfall) and within 7 calendar days of identification. All measures must be maintained in effective operating condition until areas are permanently stabilized.
3. **Documentation:** A log (report) summarizing the inspections and any repairs or enhancements (corrective actions) added must be maintained by the applicant. The log must include the name(s) and qualifications of the person making the inspections, the date(s) of the inspections, and major observations about the operation and maintenance of erosion and sedimentation controls, materials storage areas, and vehicles access points to the Parcel. Major observations must include Erosion and Sedimentation Control BMPs that need maintenance, Erosion and Sedimentation Control BMPs that failed to operate as designed or proved inadequate for a particular location, and location(s) where additional Erosion and Sedimentation Control BMPs are needed. The log must document each Erosion and Sedimentation Control BMP requiring maintenance, Erosion and Sedimentation Control BMP needing replacement, and location needing additional Erosion and Sedimentation Control BMPs, as well as the corrective action taken and when it was taken. The log shall be maintained for at least three years from the completion of permanent stabilization.

A.3 Housekeeping Requirements

1. **Spill Prevention:** Controls must be used to prevent pollutants from construction and waste materials stored on-Site from entering stormwater, which includes storage practices to minimize exposure of the materials to stormwater. The Site contractor or operator must develop, and implement as necessary, appropriate spill prevention, containment, and response planning measures.
2. **Groundwater Protection:** During construction, liquid petroleum products and other hazardous materials with the potential to contaminate groundwater may not be stored or handled in areas of the Site draining to an infiltration area. An infiltration area is any area of the Site that by design or as a result of soils, topography, and other relevant factors accumulates runoff that infiltrates into the soil. Dikes, berms, sumps, and other forms of secondary containment that prevent discharge to groundwater may be used to isolate portions of the Site for the purposes of storage and handling of these materials.
3. **Fugitive Sediment and Dust:** Actions must be taken to ensure that activities do not result in noticeable erosion of soils or fugitive dust emissions during or after construction. Oil may not be used for dust control, but other water additives may be considered as needed. A stabilized construction entrance shall be included to minimize tracking of mud and sediment. If off-Site tracking occurs, public roads shall be swept immediately and no less than once a week and prior to significant storm events. Operations during dry months, that experience fugitive dust problems, shall wet down unpaved

access roads once a week or more frequently as needed with a water additive to suppress fugitive sediment and dust.

4. **Debris and Other Materials:** Minimize the exposure of construction debris, building and landscaping materials, trash, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials to precipitation and stormwater runoff. These materials must be prevented from becoming a pollutant source. Sediment generated by concrete or mortar mixing, brick cutting & saw cutting activities must be contained (e.g., sausage boom, straw bales, etc.) and cleaned up using dry methods (i.e., sweeping or vacuuming) to prevent it from entering drainage structures or water resources. These activities shall be done on vegetated areas whenever possible and away from drainage structures and water resources.
5. **Excavation Dewatering:** Excavation dewatering is the removal of water from trenches, foundations, coffer dams, ponds, and other areas within the construction area that retain water after excavation. In most cases the collected water is heavily silted and hinders correct and safe construction practices. The collected water removed from the ponded area, either through gravity or pumping, must be spread through natural wooded buffers or otherwise treated to collect the maximum amount of sediment possible, like a coffer dam sedimentation or sediment filter bag. Avoid allowing the water to flow over Disturbed Areas of the Site. If the Maine DEP has approved equivalent measures, provide proof of approval. Note that discharge of excavation dewater fluids from the Site must be visually clear (no visible suspended or settleable solids).
6. **Washout from Concrete, Stucco, Paint, Curing Compounds, or Other Construction Materials:** If washout/cleanout is to be completed on the Site, a designated area(s) shall be established and marked on the Erosion and Sedimentation Control Plan. This area shall be a minimum of 50 feet from all drainage structures, ditches, waterbodies, and resource areas, as well as property boundaries. The area shall not have an outlet to discharge wastes or flows. No detergents shall be used or vehicles washed in this location. A leak-proof pit or container shall be established in the washout area(s), to which washings shall be directed. This area shall be used for washout containment and dewatering by evaporation only. The pit shall not allow infiltration to occur. To prevent clean water from entering the pit, the washout area shall be covered during precipitation events. Inspections of the pit shall be conducted daily to ensure no leaks are present and no discharge is occurring.
7. **Authorized Non-stormwater Discharges:** Identify and prevent contamination by non-stormwater Discharges. Where allowed non-stormwater Discharges exist, they must be identified, and steps shall be taken to ensure the implementation of appropriate pollution prevention measures for the non-stormwater component(s) of the Discharge. Authorized non-stormwater Discharges are:
 - a. Discharges from firefighting activity
 - b. Hydrant flushing if dechlorinated to 0.05 mg/l or less
 - c. Vehicle wash water if detergents are not used and washing is limited to the exterior of vehicles (engine, undercarriage, and transmission washing is prohibited)
 - d. Dust control runoff if it does not cause erosion
 - e. Routine external building washdown, not including surface paint removal, that does not involve detergents
 - f. Pavement wash water (where spills/leaks of toxic or hazardous materials have not occurred, unless all spilled material had been removed) if detergents are not used
 - g. Uncontaminated air conditioning or compressor condensate

- h. Uncontaminated groundwater or spring water
 - i. Foundation or footer drain-water where flows are not contaminated
 - j. Uncontaminated excavation dewatering per item 5 Excavation Dewatering
 - k. Potable water including waterline flushings
 - l. Landscape irrigation
8. Unauthorized Non-stormwater Discharges: The following Discharges are prohibited:
- a. Wastewater from the washout or cleanout of concrete, stucco, paint, form release oils, curing compounds, or other construction materials;
 - b. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
 - c. Soaps, solvents, or detergents used in vehicle and equipment washing; and
 - d. Toxic or hazardous substances from a spill or other release.

Regulation #3

Adopted: 05/14/85

Effective: 05/14/85

Amended: 06/28/88

Effective: 06/28/88

Amended: 10/10/89

Effective: 10/10/89

SOUTH PORTLAND PLANNING BOARD

SUBDIVISION AND SITE PLAN APPLICATIONS

Purpose:

Several recent decisions of the Maine Supreme Judicial Court and newly enacted legislation have important implications for the review of proposed developments within the City of South Portland. This new regulation is intended to address subdivision and site plan review as these are affected by the court decisions and legislative changes.

1. Subdivisions – Definitions, Scope of Review

A “subdivision” shall mean a subdivision as defined in 30 M.R.S.A. §4956, as further interpreted in Town of York v. Cragin, Decision No. 4977, May 26, 1988 which is attached and partially quoted below:

“The statute provides that a subdivision is created when there is a ‘division of a tract or parcel of land into 3 or more lots.’ Although the statute deals comprehensively with methods of division (i.e., ‘sale, lease, development, buildings or otherwise’), the remaining language of the statute and our prior rulings require the splitting off of a legal interest to another and the division of a ‘parcel of land’ into lots...the division of a structure, as distinguished from the division of a parcel of land into lots, does not result in the creation of a subdivision...”

Lots of 40 or more acres shall be considered as lots for purposes of subdivision review in applications filed after April 19, 1988.

2. Subdivisions – Procedure to Modify “Subdivision” Applications:

All subdivision applications presently filed with the Planning Board and not yet given final approval or denial by the Board shall be reviewed by the Planning Director to determine if they are subdivisions within the meaning of 30 M.R.S.A. §4956. Those applications which do not fall within the statutory definition, as defined by the Law Court in Town of York v. Cragin, shall be returned to the applicant with instructions to resubmit the materials, appropriately designated, as part of a site plan application.

All subdivision approvals previously granted by the Board which are not subdivisions as defined by Cragin shall remain in effect and shall be treated as site plan approvals, thereby merging site plan and subdivision approvals into one "approval" decision. All procedural and substantive requirements which governed subdivision review and approval by the Board at the time will remain in effect, e.g., the developer will be required to complete public improvements pursuant to the Subdivision Ordinance, to post performance guarantees, to complete all conditions of approval, etc., as originally proposed and approved.

In any phased project which is not a "subdivision" within the statutory definition, the Board may clarify the type and status of the project in any subsequent decision on the project by making an appropriate finding of fact that the project shall be treated henceforth as a site plan development. A site plan application or application for amendment shall be governed by the site plan ordinance provisions in effect at the time of the application.

3. Site Plan Applications – Review

All subdivision applications presently on file which do not fall within the statutory definition of "subdivision" as interpreted by the Law Court shall be reviewed as site plan applications if such developments fall within the definition established in Chapter 27 of projects requiring site plan review. All materials provided for the pending subdivision application shall be deemed part of the site plan application materials.

Proposed condominium projects which fall under site plan review shall include as part of the application materials all relevant condominium documents previously required as part of the final subdivision application.

Design standards and other requirements established in the Code of Ordinances and applicable to sewers and drains, roadways and other improvements relating to residential and nonresidential subdivisions shall serve as guidelines for determining the adequacy of improvements proposed for residential and nonresidential site plan developments.

All approved site plan developments which include improvements as part of the design or conditions of approval shall be required to post performance guarantees.

The Board shall hold a public hearing on any application for site plan approval. At the time the proposal is reviewed by the Board, the chairman shall accept public comment on the project.

This regulation was adopted on June 28, 1988, pursuant to 30 M.R.S.A. §4956 (2) (B) and Ord. §2-116.

REGULATION #4

Adopted:	6/11/85
Effective:	6/11/85
Adopted:	9/09/86
Effective:	9/10/86
Adopted:	6/28/88
Effective:	6/28/88
Adopted:	7/12/88
Effective:	7/12/88
Adopted:	3/27/90
Effective:	3/27/90
Adopted:	7/23/91
Effective:	7/23/91
Adopted:	3/10/98
Effective:	3/10/98
Adopted:	12/10/02
Effective:	12/10/02
Adopted:	10/14/03
Effective:	02/22/04
Adopted:	06/22/04
Effective:	06/22/04
Adopted:	08/22/06
Effective:	08/22/06
Adopted:	02/08/22
Adopted:	06/26/24
Effective:	06/26/24

PLANNING BOARD APPLICATION FORMS AND INSTRUCTIONS

The following index of application forms and instructions are officially adopted by the South Portland Planning Board. All forms are available online at:

www.southportland.gov/661/Planning-Board-Regulations

Index of Applications

1. Universal Application Form – to be provided in all Planning Board applications.
2. Site Plan
3. Minor Subdivision
4. Preliminary Major Subdivision
5. Final Major Subdivision
6. Level One Erosion & Sedimentation Control Information
7. Level Two Erosion & Sedimentation Control Information
7. Nonconforming Lots of Record, Modified Site Plan Application
9. Zoning Map Change
10. Zoning Text Amendment
11. Special Exception
12. Special Exception: Farmers' Market
13. Purchase or Vacate City Rights from City Property
14. De Minimis Change
15. Minor Amendment to Site Plan
16. Street Discontinuance
17. Land Use Recommendation
18. Tree Protection Approval

PLANNING BOARD APPLICATION

NOTE: Applications are only accepted electronically. We will no longer be accepting physical submissions. Please email your full submission binder to your assigned Planner.

SITE DETAILS

Street Address: _____

[Deed Book and Page:](#) _____

Existing Subdivision Name _____ ☐ Not Applicable

Lot within subdivision _____ ☐ Not Applicable

[Tax Map & Lot](#) _____

[Zoning district](#) _____

Existing land use(s): _____

Total land area of parcel: _____

PROPERTY OWNER INFORMATION

Property Owner Name _____

Mailing Address _____

Phone Number _____

Email _____

APPLICANT INFORMATION (IF DIFFERENT FROM ABOVE)

Applicant Name _____

Mailing Address _____

Phone Number _____

Email _____

CONTACT PERSON / AGENT INFORMATION

Planning Division staff will only contact one designated person regarding the application. Please identify the primary contact:

☐ Property owner

☐ Designated applicant

☐ Other (fill out section below):

Applicant Name _____

Mailing Address _____

Phone Number _____

Email _____

PROJECT INFORMATION

Project Description:

Is the project located within any of the following? *(Please select all that apply):*

- | | |
|--|---|
| ☐ Special Flood Hazard Area | ☐ Shoreland Zoning Area |
| ☐ Urban Impaired Stream Watershed | ☐ Designated Historic Resource |

RIGHT, TITLE, AND INTEREST

Please provide the following at the time of your application packet submission:

- ☐ Evidence of right, title, or interest (e.g. lease, deed, purchase & sale agreement, or similar) for the subject property.
 - ☐ Attach a copy of the current owner's existing deed for the site. Financial information may be deleted.
- ☐ Evidence of corporate or partnership status (if applicable).
- ☐ List and documents for existing and proposed easements, covenants, or restrictions on the site. Reference each easement to the plan or drawing on which it is shown.
- ☐ If a property association will be established, provide draft articles of incorporation, Declaration of Covenants and Responsibilities, and by-laws.

APPLICATION TYPE

Please select **ALL** that apply:

Zoning Requests

- ☐ De Minimis Change, Zoning Approvals
- ☐ Minor Amendment, Zoning Approvals
- ☐ Site Plan (incl. Amendments)
- ☐ Special Exception (incl. Amendments)
- ☐ Marijuana Site Plan/Special Exception
- ☐ Nonconforming Lot of Record Site Plan
- ☐ Shoreland Zoning Approval
- ☐ Special Permitted Uses (CS) Standards
- ☐ Floodplain Management Approval
- ☐ Mobile Home Park Design Approval
- ☐ Tree Protection Approval

Subdivision Requests

- ☐ Minor Subdivision
- ☐ De Minimis Change, Subdivisions
- ☐ Preliminary Subdivision (Major)
- ☐ Final Subdivision (Major)
- ☐ Cluster Subdivision (Preliminary)
- ☐ Cluster Subdivision (Final)

Ordinance Changes and Master Planning

- ☐ Planning Board Workshop Request
- ☐ Zoning Text Amendment
- ☐ Zoning Map Amendment
- ☐ Contract Zone
- ☐ Conditional Zone
- ☐ Master Plan/Planned Dev. (incl. Amendments)
- ☐ Establishing (TIF) Development Districts

Waivers, Appeals, Variances & Other Requests

- ☐ Appeal of Fire Lane Designation
- ☐ Admin Appeal of Zoning Design Standards
- ☐ Miscellaneous Appeal for Off-Site Parking
- ☐ Waiver of Sound Level Limit
- ☐ Waiver/Variance to Street Design Standards
- ☐ Use of Freshwater Wetland Fund
- ☐ Use of Open Space Acquisition Fund
- ☐ Sale of City Real Property Interest
- ☐ Historic/Archaeological Inventory Listing

SIGNATURES

PROPERTY OWNER'S CONSENT REQUIRED:

I declare under penalty of perjury that I am the owner of said property. I certify that all of the submitted information is true and correct to the best of my knowledge and belief. I understand that any misrepresentation of submitted data may invalidate any approval of this application.

Signature of Property Owner

Date

I, _____, authorize the applicant or agent named on
this application to file this application.

**OWNER
INITIAL**

APPLICANT / AGENT CERTIFICATION:

I certify that all of the information provided within this application form and accompanying materials is true and accurate to the best of my knowledge. I understand that any misrepresentation of submitted data may invalidate any approval of this application.

Signature of Applicant

Date

Print Name and Title

PLANNING BOARD APPLICATION



SITE PLAN APPLICATION

(Ord. Sec. 27-1421 et. seq.)

****Please read the entire packet for instructions prior to completing the application****

****Submit pages 1 thru 10 only, keep pages 11 thru 14 for your records****

For Office Use:

Date Stamp:

Date & Time Received: _____ Project # _____

Application Fee Paid: _____ Check #: _____

\$750.00 Minimum Engineer Escrow Paid: _____

\$750.00 Minimum Legal Escrow Paid: _____

\$500.00 Minimum Architectural Escrow Paid: _____

\$150.00 Public Notice Administration Fee of Paid _____

Plus (\$1.00 per notice) _____

One(1) bound Completed Application: _____ Copies of Plans: _____ PDF _____

Name of Applicant/Company: _____

Applicant's mailing address: _____

Telephone#: _____ Fax#: _____

Cell#: _____ E-mail: _____

Name of Project: _____

Street Address: _____

Proposed Use: _____

Amendment to a previously approved site plan? Yes _____ No _____

Special Exception? Yes _____ No _____

The City will correspond with only one contact person/agent for this project. Please provide the requested information regarding the contact person/agent.

Contact Person: _____

Name of the Company and Address: _____

Telephone #: _____ Fax #: _____

Cell: _____ E-Mail: _____

After Planning Board approval, the City requires one contact person/agent for correspondence until the project has been completed. Please provide the requested information regarding the contact person/agent.

Contact Person/Agent: _____

Address: _____

Telephone #: _____ Fax #: _____

Cell #: _____ E-Mail: _____

I certify that all of the information provided in this application form and accompanying materials is true and accurate.

Date: _____

Signature of Applicant **(Use of blue ink for signature is required)**

(If signed by applicant's agent, provide written documentation of authority to act on behalf of applicant.)

Print name and title of signer _____

PLANNING BOARD APPLICATION

****IMPORTANT****

DATE of PRE-APPLICATION MEETING:

1. PROJECT DESCRIPTION

- A. Describe the overall project objectives and proposed uses of property, including quantity and type of residential units (if any)

B. Project details

1. Name of the project and approval date the subdivision site is in (if any)

Lot numbers (if applicable) _____

2. Tax Map number(s) _____ Lot number(s) _____

3. Existing zone of the site _____

Areas of Special Flood Hazard ____Yes ____No

Shoreland Area ____Yes ____No

4. a. Total land area of site (all contiguous land in same ownership) in sq. feet

_____ Total amount of land disturbance _____

b. Total floor area of each proposed building in square feet _____

c. Footprint of each proposed building in square feet _____

d. Height of proposed building(s) _____feet _____stories

e. Total number of proposed parking spaces _____

f. Number of proposed handicap parking spaces _____

C. Existing conditions

1. Existing land use _____

2. Total floor area of each existing building in square feet _____

3. Footprint of each existing building in square feet

PLANNING BOARD APPLICATION



- D. Attach as **EXHIBIT #1** the appropriate U.S.G.S. topographic map or other map of similar detail such as the Maine Atlas and Gazetteer map (clean photocopies are acceptable). Indicate the location of your project on the map.
- E. Construction sequence
1. Estimated time of start of project _____
Estimated time of completion of project _____
 2. Is this to be a phased project? Yes _____ No _____
 3. Attach as **EXHIBIT #2** a construction schedule outlining the anticipated sequence of construction (beginning and completion) for the major aspects of the proposed project, including roads, erosion control and drainage measures, (See ordinance section 27-1428(a) Time Limitations)

2. RIGHT, TITLE, OR INTEREST

- A. Name and mailing address of record owner of the site

Phone _____ FAX _____ EMAIL _____

- B. Attach as **EXHIBIT #3** evidence of corporate or partnership status, if applicant is not an individual.
- C. Attach as **EXHIBIT #4** evidence of applicant's right, title, or interest in the site. A complete copy of the document must be provided; financial information may be deleted.
- D. Attach as **EXHIBIT #5** a copy of the current owner's existing deed for the site.
- E. Attach as **EXHIBIT #6** summary lists of all existing and all proposed easements or other burdens for this property. Reference each easement to the plan or drawing on which it is shown.

Attach copies of all relevant documents relating to existing and proposed easements and burdens placed on the property, including metes and bounds descriptions or other specific mechanisms to describe proposed easements. Each copy should be numbered to correspond to the lists. Information about existing easements and burdens may be referenced in **Exhibit #5**.

- F. If a condominium, homeowners, or property owners association will be established, attach as **EXHIBIT #7** the articles of incorporation, the Declaration of Covenants and Responsibilities, and the proposed by-laws of the organization.

PLANNING BOARD APPLICATION



3. FINANCIAL CAPACITY

- A. Estimated cost of the project, including development costs and land purchase, (if any) _____
- B. Attach as **EXHIBIT #8** evidence of your financial capacity to complete the proposed development. Submit one or more of the following (please check as appropriate):
- ___1. A written statement from the applicant's bank or a certified public accountant who recently has audited the applicant's finances stating that the applicant has cash reserves in the amount of the estimated cost of the project and can devote those reserves to the project.
 - ___2. When the applicant will personally finance the development, provide copies of bank statements or other evidence, which will indicate availability of funds, and evidence that the applicant can devote these funds to the project.
 - ___3. The most recent corporate annual report indicating availability of sufficient funds to finance the development, together with a statement from the applicant that the funds are available and will be used for the proposed project.
 - ___4. Copies of contracts, which will provide the source of funding for the operation and maintenance of the development when, completed.
 - ___5. A letter from a financial institution, governmental agency, or other funding agency which indicates a timely commitment to provide a specified amount of funds and the uses for which the funds may be utilized.
 - ___6. In cases where outside funding is required, but there can be no commitment of money until regulatory approvals are received, a formal letter of "intent to fund upon approval" from the appropriate funding institution indicating the amount of funds it is prepared to provide and their specified uses and the conditions on which funds will be made available.
 - ___7. A letter from a financial institution indicating knowledge of the applicant and a potential interest in providing funding for the project. If this type of letter is submitted as evidence of financial capacity to complete the project, the application may be deemed to be complete but the Planning Board may require as a condition of approval that one of the other six methods provided herein for demonstrating financial capacity be submitted before a building permit may be issued for the project. (Please note: If this option is chosen, the Planning Board will condition the by approval requiring one of the above methods to be provided prior to issuing a Building Permit or holding a preconstruction meeting.)

PLANNING BOARD APPLICATION



4. TECHNICAL CAPABILITY

- A. List all projects completed in the City of South Portland by the applicant within the last five years, beginning with the most recent project:

- B. Have done no prior projects_____

- C. Attach as **EXHIBIT #9** a list of all consultants retained for this proposed project, such as engineers, landscape architects, architects, environmental consultants; and those firms or personnel who will be responsible for constructing, operating and maintaining the project.

5. SOLID WASTE

Attach as **EXHIBIT #10** an explanation of the proposed method of collection, removal, and disposal for anticipated solid waste from this project, including demolition debris.

6. PUBLIC UTILITIES

- A. Attach as **EXHIBIT #11** a written evaluation and demonstration of the adequacy and availability of all public services necessary to serve the proposed project, which shall include power supply, telephone, gas, cable TV, and alarms.
- B. Attach as **EXHIBIT #12** written approval from the Portland Water District of the water supply system proposed for the development.

7. TRAFFIC

- A. Attach as **EXHIBIT #13** a written evaluation and demonstration of the adequacy and availability of adjacent streets to serve the proposed project. For traffic study requirements, see Planning Board Regulation #7.

8. SANITARY SEWERS AND STORM DRAINS

- A. Estimated sewage gallons per day for the completed project: _____
- B. Will this project generate industrial or non-sanitary waste that will enter the public sewer or drains? No_____ Yes _____

If yes, please describe proposed types and amounts:

PLANNING BOARD APPLICATION



- C. Complete Appendix A of the application for review by the Water Resource Protection. Please include a copy of Appendix A with your application.
- D. The applicant shall notify, in writing, the Director of Water Resource Protection if its Stormwater Management Plan discharges runoff to the City's MS4 (Section 27-1536(c)&(d)(2)(e)). Please include a copy of any correspondence in **Exhibit #12**.

9. SURFACE DRAINAGE AND RUNOFF, STORMWATER MANAGEMENT

- A. Attach as **EXHIBIT #14** a description of any problems of drainage or topography, or a representation that, in the opinion of the applicant, there are none.
- B. Attach as **EXHIBIT #15** a complete stormwater management plan, including drainage calculations, a drainage plan, and an assessment of any pollutants in the stormwater runoff, that meets the requirements of Sections 24-43, 27-1426(b), and 27-1536.

10. EROSION AND SEDIMENTATION CONTROL

- A. Attach as **EXHIBIT #16** a written description of erosion and sedimentation control measures to be used during and after construction of the proposed project. Include either a Level I or II signed cover sheet indicating receipt of the Planning Board's Erosion Control Information.
- B. Show on a plan the proposed location, type, and detail of erosion control devices, unless this information is included on the site plan.

11. SOILS

- A. Attach as **EXHIBIT #17** a soils report, including description of soils and interpretation of engineering properties.
- B. Show on a plan the existing soil conditions on the site, unless this information is included on the site plan.

12. GEOGRAPHICAL INFORMATION SYSTEM COORDINATES

- A. Submit as **Exhibit #18** a diskette in G.I.S. or .DWG (AutoCAD) format on the City's Horizontal Datum: Maine Stateplane Coordinate System: Maine West Zone 4101, FIPS Zone 1802, North American Datum 1983; Units: Feet.

The preferable vertical datum is North American Vertical Datum 1988 (NAVD88). However, if only National Geodetic Vertical Datum, 1929 (NGVD29) is possible, that is permissible. The choice of vertical datum must be indicated on the digital submission. The Ellipsoid is GRS 80 (Geodetic Reference System 1980).

PLANNING BOARD APPLICATION



Data should be developed using either Real Time Kinematics (RTK) GPS or survey-grade GPS or traditional methods of occupying known, high precision surveyed monuments. All data should meet or exceed the ALTA/ASCM relative positional accuracy standard of .07 feet and be delivered in US Survey Feet. (See memorandum dated January 12, 2012 from Tex Haeuser, Planning Director).

13. SITE PLAN ORDINANCE REQUIREMENTS / OTHER

- A. Attach as **EXHIBIT #19** a list of approvals needed from other agencies and copies of all necessary reviews, licenses, permits, variances, and approvals from other agencies (see Planning Board Regulation #1)
- B. Attach as **EXHIBIT #20** a copy of your letter to the City Manager requesting amount(s) of required performance guarantee(s).
- C. Attach as **EXHIBIT #21** a written statement that explains how the project complies with the site plan standards and with specific performance standards required in the zoning district, and Shoreland Area, if applicable.
- D. Attach as **EXHIBIT #22** a summary list and a written offer of cession to the City of all proposed streets, utilities and/or open space proposed for dedication.
- E. Attach as **EXHIBIT #23** a written explanation of the proposed maintenance responsibilities for all utilities, facilities, stormwater system, and open space not to be dedicated to the City.
- F. Attach as **EXHIBIT #24** a list of City tax map and lot numbers of all current owners of property within 500 feet of the site. (see the City's G.I.S viewer: www.southportland.org)
- G. Attach as **EXHIBIT #25** all requests for waivers including an explanation of the undue hardship or special design requirements which are the basis for the requests.
- H. Attach as **EXHIBIT #26** a written explanation of all potential nuisances associated with this project and how they will be mitigated, or a representation that, in the opinion of the applicant, there are none.
- I. Attach as **EXHIBIT #27** a plan showing parking, vehicles and pedestrian circulation, and traffic control during construction. The plan will consist of a written explanation and drawings, as appropriate, and will include such items as parking for construction workers, parking for displaced employees or customers, and provisions for deliveries.
- J. **Application Fees:** Site Plan, \$500.00, plus \$100.00/1,000 sq. ft. total building gross area. Site Plan requiring land disturbance only, \$500.00, \$750 for disturbance > 2 acres. Amended Site Plan, \$500.00, except \$250.00 if modification would not otherwise have required site plan approval.

PLANNING BOARD APPLICATION



Brad Weeks-Director
Water Resource Protection
11 Waterman Drive
207-767-7675

Appendix A (IF REQUIRED)

PRETREATMENT PROGRAM

Article 1. INDUSTRIAL WASTE DISCHARGE QUESTIONNAIRE

1. Legal Name of Business or Industrial Concern:

2. Facility Contact:

(Person who is thoroughly familiar with operation of the facility, with the facts reported in this questionnaire, and who can be contacted, if necessary.)

Name: _____

Title: _____

Business Telephone: _____

3. Facility Mailing Address: _____

Street or P.O. Box: _____

City, State, Zip Code: _____

4. Facility Location: _____

Street, or other identifier: _____

5. Nature of Business: _____

If the Industrial User employs or will be employing processes in any of the business activities or services listed below, please place a check beside those activities or services that apply.

PLANNING BOARD APPLICATION

Business Activities or Services:

- ☐ Auto-Truck Dealers
- ☐ Auto-Truck Repair & Service Stations
- ☐ Auto-Truck Body Repair & Painting
- ☐ Auto-Truck Washing Facilities
- ☐ Bakery Products
- ☐ Carpet, Rug & Upholstery Cleaning
- ☐ Construction Site
- ☐ Computer Maintenance & Repair
- ☐ Restaurants - Bars
- ☐ Educational Services, Schools, Technical Institutions
- ☐ Food Stores
- ☐ Funeral Services
- ☐ Health Services, Medical & Dental Clinics- Laboratories
- ☐ Industrial & Commercial Machinery
- ☐ Laundry & Cleaning - Garment Services
- ☐ Metal Fabrication Shops
- ☐ Miscellaneous Food Preparers
- ☐ Miscellaneous Manufacturing
- ☐ Miscellaneous Repair Services
- ☐ Motor Freight Transportation & Warehousing
- ☐ Photographic & other Film Processing
- ☐ Transportation & Loading Equipment
- ☐ Veterinary Services
- ☐ Wholesale Trade- Durable & Non durable Goods
- ☐ Other, Please Describe: _____

Facility Operations: days/week _____
 shifts/day _____
 hours/shift _____

Total Number of Employees: full-time _____
 part-time _____

6. Estimated gallons per day of domestic/sanitary wastewater entering the City's sewer collection system. _____
7. Does your facility discharge wastes to the City sewer other than sanitary or domestic in nature?
 Yes () No ()

PLANNING BOARD APPLICATION



If yes, please explain, in detail, your facility in terms of the principle products or services that you provide, as well as any discharge to the sewer system.

Estimated gallons per day of nondomestic waste entering the City's sewer collection system.

8. Questionnaire completed by:

Name: _____

Title: _____

Telephone: _____

Date: _____

Please return completed questionnaire to:

City of South Portland

Water Resource Protection

P.O. Box 9422

South Portland, ME 04116-9422

Attn: Compliance Administrator

complyiwwdq

PLANNING BOARD APPLICATION

****Please keep pages 11 thru 14 for your records**
Do not include pages 11 thru 14 with your application**

14. SITE PLAN DRAWINGS, MAPS

A. Site plan drawings

- a. **paper should be no larger than 24" x 36"**
- b. **bound into sets, stapled, and folded to a size no larger than 14" x 10",**
with project name shown on front face of folded plan
- c. number and date drawings, with space for revision dates
- d. scale of the drawings shall be between 1"=20' and 1"=40'
- e. show the entire parcel in single ownership, plus off-site easements

B. Title block shall include:

- a. identification of plan as "Site Plan"; "Amended" if applicable
- b. name and address (including city) of project
- c. name(s) and address(es) of site owner and of applicant
- d. name and address of plan designer(s)

C. Location map (scale not over 1"=400') shall include:

- a. abutting property within one thousand feet of project boundaries
- b. outline of proposed project
- c. zoning district(s) of abutting properties
- d. parks and other public spaces
- e. street system in proposed site, if applicable

D. North arrow and scale

E. General plan notes shall include:

- a. zoning district and list of applicable space and bulk regulations comparing the required and proposed
- b. proposed number of units
- c. required and proposed number of regular and handicap parking spaces
- d. total square footage of existing and proposed buildings
- e. square footage of proposed building footprint

PLANNING BOARD APPLICATION

****Please keep pages 11 thru 14 for your records****

- f. all requested waivers, Planning Board Regulation #5 "Standard Condition of Approval," and, if an Amended Site Plan, previous Conditions of Approval.
- g. calculation of percentage of landscaping within parking lot(s)
- h. indication if proposed structure is to have sprinklers
- i. total overall cubic footage of proposed structure
- j. total square footage for each use, if applicable
- k. conditions of landscaping restoration plan, if applicable
- F. Name, location, width, status of existing and proposed streets.
- G. A Boundary Survey, Category 1, Condition 2, showing site boundaries
- H. Setbacks as required by zoning ordinance; zone line if site is transected by a zone line or if zone line is within 50 feet of the boundaries of the site
- I. Existing and proposed contours at 2' intervals. Show 1' contours and/or spot elevations if sufficient detail cannot be shown with 2' contours.
- J. Buildings, structures, and signs
 - a. location, dimensions, shape, facade elevations, entrances materials, colors of exterior of proposed buildings and structures
 - b. description of all finish surface materials
 - c. location, dimensions, shape of existing buildings
 - d. building's setbacks from property line, if different from required yard setbacks
- K. Names of abutting property owners and locations of buildings on abutting properties
- L. Locations and dimensions of parking areas, loading and unloading facilities, driveways, fire lanes, access points. Give parking space dimensions (standard 9' x 18' and all others proposed)
- M. Location of all existing and proposed easements and rights-of-way, including identification of who has or will receive the easement.
- N. Location, dimensions, materials of existing and proposed pedestrian access ways.
- O. Location and size of existing and proposed utilities, both on-site and in adjoining public ways. Location of nearest existing hydrant. Include installation details for proposed utilities.

For a site plan involving more than 15,000 square feet of impervious surface, paving, clearing, filling, or alteration of vegetative cover, the storm drainage design must meet the requirements of Ordinance Section 24-43 and 27-1536.

PLANNING BOARD APPLICATION

****Please keep pages 11 thru 14 for your records****

- P. Construction drawings showing plans, profiles, cross-sections, and details of appurtenances for sanitary sewer and storm drainage systems. These must meet the standards of Ordinance Section 24-43 and Planning Board Regulation #10.
- Q. Location, height, wattage, bulb type of exterior and building-mounted lighting. Include detail and underground wiring for site lights.
- R. Location and description of existing natural features, such as wetlands, water courses, marshes, rock outcroppings, stands of trees. Natural features to be preserved must be identified on plan.
- S. Existing and proposed landscaping, fencing, screening. Include fence dimensions, location, material, and a table showing number of plants of each species, common and botanical names. Include planting and preservation details, if applicable. Indicate proposed snow storage area, if applicable.
- T. Grades, street profiles, typical cross-section, and specifications of proposed streets and sidewalks. These must meet the standards of Ordinance Section 24-42.
- U. A description of any right-of-way, street, sidewalk, open space, or other area the applicant proposes to designate as public.
- V. Name, registration number, seal, and signature of engineer or land surveyor who prepared the plan.

Seal of registered professional engineer is required IF
 - a. plan proposes construction of building(s) which occupy ground area more than 8,000 square feet, or if
 - b. total project site disturbance exceeds 15,000 square feet.
- W. First floor finished floor elevation(s) for all proposed buildings.
- X. Granite monumentation at outside corners.
- Y. If project is within the Areas of Special Flood Hazard, extent of floodway and floodway fringe
- Z. If project is within Shoreland Area, show required setbacks.

PLANNING BOARD APPLICATION



****Please keep pages 11 thru 14 for your records****

SITE PLAN

APPLICATION EXHIBIT

CHECKLIST

Please mark each exhibit in the application with labeled and tabbed page dividers as follows:

- ___ EXHIBIT 1 Vicinity Map
- ___ EXHIBIT 2 Construction Schedule
- ___ EXHIBIT 3 Corporate or Partnership Status
- ___ EXHIBIT 4 Right, Title, or Interest
- ___ EXHIBIT 5 Existing Deed
- ___ EXHIBIT 6 Easements
- ___ EXHIBIT 7 Condominium, Homeowners, or Property Owners Association
- ___ EXHIBIT 8 Financial Capability
- ___ EXHIBIT 9 Personnel Description
- ___ EXHIBIT 10 Solid Waste
- ___ EXHIBIT 11 Adequacy and Availability of Public Utilities
- ___ EXHIBIT 12 Water Supply
- ___ EXHIBIT 13 Traffic
- ___ EXHIBIT 14 Surface Drainage and Runoff
- ___ EXHIBIT 15 Stormwater Management
- ___ EXHIBIT 16 Erosion and Sedimentation Control
- ___ EXHIBIT 17 Soils Report
- ___ EXHIBIT 18 G.I.S. Coordinates
- ___ EXHIBIT 19 Approvals from Other Agencies
- ___ EXHIBIT 20 Request for Amounts of Performance Guarantees
- ___ EXHIBIT 21 Compliance with Standards
- ___ EXHIBIT 22 Offers of Public Facilities to City
- ___ EXHIBIT 23 Maintenance of Private Utilities, Facilities, Open Space
- ___ EXHIBIT 24 Property Owners within 500 Feet
- ___ EXHIBIT 25 Waiver Requests
- ___ EXHIBIT 26 Nuisances
- ___ EXHIBIT 27 Construction Site Circulation Plan

PLANNING BOARD APPLICATION



MINOR SUBDIVISION APPLICATION

****Please read the entire packet for instructions prior to completing the application****

****Submit pages 1 thru 10, keep pages 11 thru 16 for your records****

For Office Use:

Date Stamp

Date & Time Received: _____ Project# _____
\$300 Application Fee Paid: _____ Check# _____
\$750 Minimum Engineering Escrow Paid: _____
\$750 Minimum Legal Escrow Paid: _____
\$150.00 Public Notice Administration Fee Paid: _____
Plus \$1.00 per notice mailed: _____
of Applications _____ #Copies of Plans: _____ PDF: _____
Mylar of Subdivision Plat(s) for Planning Board Endorsement: _____

The undersigned submits the accompanying Subdivision Plan of the property located in the City of South Portland for approval as a Minor Subdivision under the requirements of the Subdivision Ordinance, contained in Chapter 24, governing the subdivision of land in the City of South Portland.

Name of subdivision: _____
Street name and number(s) of subdivision: _____
Name of record owner of land: _____
Address: _____
Telephone #: _____ Fax #: _____
Cell#: _____ Email: _____

Name of sub divider/company (if different from owner): _____
Address: _____
Telephone #: _____ Fax #: _____
Cell#: _____ Email: _____

Person & Company to contact if there are problems with application:

Address: _____
Telephone #: _____ Fax #: _____
Cell#: _____ Email: _____

Name of designer/firm(s) (use additional sheets if necessary to list more than one firm):

Contact Person: _____
Address: _____
Telephone #: _____ Fax #: _____
Cell#: _____ Email: _____

PLANNING BOARD APPLICATION



After Planning Board approval, the City requires one contact person/agent for correspondence until the project has been completed. Please provide the requested information regarding the contact person/agent.

Pre-application Meeting Date: _____

Contact person & company: _____

Address: _____

Telephone #: _____ Fax #: _____

Cell # _____ Email: _____

Deed of property recorded in: _____

Book number: _____ Page number: _____

Map and lot number on file in the assessor's office:

Map number: _____ Lot number: _____

Proposed use of property (please be specific):

Proposed number of lots: _____

Estimated cost of the project: _____

Estimated time of start of construction: _____

Estimated time of completion of construction: _____

Is this application an amendment to a previously approved plan?

Yes: _____ No: _____

If yes, please provide a complete itemized list of the proposed changes to the subdivision (use separate sheet if necessary): _____

Existing Zone of property: _____

PLANNING BOARD APPLICATION



_____ Signature of Subdivider (Use of blue ink for signature is required) (If signed by subdivider's agent, documentation that the agent has legal authority to act on behalf of the subdivider is required) _____ Name of Subdivider or Subdivider's agent (Please print)	_____ Date:
---	----------------------------

Important: please read and carefully follow the attached instructions to ensure speedy processing of your application. Failure to follow these instructions will delay processing and final approval of your application.

The applicant or a duly authorized representative must attend the planning board meeting to discuss the application.

I certify that I have read the above statement indicating the importance of following the attached instructions for application to the planning board. In addition, I certify that all of the information provided in this application form and accompanying materials is true and accurate.	
_____ Signature (Use of blue ink for signature is required) _____ Print name of signer	_____ Date:

PLANNING BOARD APPLICATION



MINOR SUBDIVISION CHECKLIST

Applicant
submitted

Dept of P/D
submitted/satisfactory

1. _____ Documentation of title, right, or interest in the property (e.g., deed, option, purchase and sales contract, contract for sale, lease, etc.) _____/ _____
2. _____ Documentation of financial capability as follows: _____/ _____
A letter from a bank or independent financial professional clearly indicating:
 - a. applicant's name
 - b. location and description of project
 - c. estimated cost of project (must be greater than or equal to the estimated cost of project indicated on page 2 of this application), and
 - d. that applicant "has or can obtain" the funds necessary to complete the project; or the applicant's most recent financial report indicating adequate cash-on-hand to complete the project (NOTE: Examples provided upon request)
3. _____ Documentation of technical capability as follows: _____/ _____
 - a. list all projects done in South Portland within the last ten (10) years (use additional sheets if necessary)

 - b. list all projects, not necessarily within South Portland, done within the last two (2) years (use additional sheets if necessary)

 - c. has done no prior projects _____
 - d. other _____

PLANNING BOARD APPLICATION



Applicant
submitted

Dept of P/D
submitted/satisfactory

4. _____ Copy of all proposed and existing covenants, deed restrictions, or easements. The location of all proposed easements or deeds must be precisely defined with a metes and bounds description or some other specific mechanism.(NOTE: Generally, all applicable deeds and easements must be executed prior to final approval. If in a particular case execution of the deed or easement documents is impossible prior to Planning Board approval, the applicant must provide written evidence of the grantor's willingness to sign the documents upon approval by the Planning Board.) _____/ _____
5. _____ Letter to City Manager with copy to the Department of Planning and Development requesting amount of required performance guarantee (NOTE: Examples provided upon request) _____/ _____
6. _____ Written approval from other agencies such as the Department of Environmental Protection, Army Corps of Engineers, City Council, Board of Appeals, etc., if applicable (Planning Board Regulation #1 indicates that a written copy of the approval permit must be submitted prior to the Board's public hearing, if any, and final review of a project) _____/ _____
7. _____ Documentation of receipt of Planning Board's Erosion Control Information
Level One _____
Level Two _____ _____/ _____
8. _____ Erosion Control Plan (Level One only, unless otherwise requested) may be included on plan; otherwise eleven (11) copies are required (See Planning Board Regulation #2) _____/ _____
9. _____ If the project will disturb more than 15,000 sq. ft. of land, drainage calculations to support proposed stormwater control system and a brief summary in lay terms for Planning Board and relevant staff pursuant of Section 27-1536(c) _____/ _____
10. _____ Soils report including:
a. map of soils series located on property
b. description of soils
c. interpretation of engineering properties, (may be found in Cumberland County Medium Intensity Soil Survey) _____/ _____
11. _____ Written report (can be included on plan) that justifies that the project complies with specific performance standards required in zoning district (e.g., Professional Office District, Residential Use District, Light Industrial District, Suburban Commercial District, etc.), if applicable _____/ _____

PLANNING BOARD APPLICATION



Applicant
submitted

Dept of P/D
submitted/satisfactory

12. ___ If applicable,
- a. condominium or homeowner association by-laws _____/ _____
 - b. articles of incorporation, including:
 - 1) a summary of "Maintenance Responsibilities" as the first sheet of the document _____/ _____
 - 2) maintenance responsibilities must include among other items:
 - a) minimum annual and as-needed inspection and maintenance of all drainage facilities, _____/ _____
 - b) private snow and trash removal if any roadway standards are proposed to be waived, and _____/ _____
 - c) executed documentation of incorporation of the association with the Secretary of State _____/ _____
13. ___ Renderings of architecture and signage for projects reviewed under the Residential Use District, Professional Office District, Light Industrial Suburban Commercial District, or other relevant zoning districts. _____/ _____
14. ___ Written approval of water supply system proposals by Portland Water District _____/ _____
15. ___ Written offers of cession to City of all public facilities and public open space and copies of documents showing how applicant's retained open spaces are to be maintained, if applicable (NOTE: Examples provided upon request) _____/ _____
16. ___ Written evidence that Corporation Counsel is satisfied with the legal sufficiency of the documents relating to public facilities and public open space, if applicable _____/ _____
17. ___ Submit as Exhibit #18 a diskette in G.I.S. format on the City's Horizontal Datum: _____/ _____
Maine Stateplane Coordinate System: Maine West Zone 4101, FIPS Zone 1802, North American Datum 1983; Units: Feet. The preferable vertical datum is North American Vertical Datum 1988 (NAVD88). However, if only National Geodetic Vertical Datum, 1929 (NGVD29) is possible, that is permissible. The choice of vertical datum must be indicated on the digital submission. The Ellipsoid is GRS 80 (Geodetic Reference System 1980). Data should be developed using either Real Time Kinematics (RTK) GPS or survey-grade GPS or traditional methods of occupying known, high precision surveyed monuments. All data should meet or exceed the ALTA/ASCM relative positional accuracy standard of .07 feet and be delivered in US Survey Feet. (See memo dated January 12, 2012 from the Planning and Development Director, Charles Haeuser
18. ___ As part of Subdivision review, the applicant prior to submission for Minor Subdivision must receive assigned house/building street address numbers from the proper authority within the City of South Portland. These address numbers must be assigned to each new lot within the proposed subdivision. _____/ _____

PLANNING BOARD APPLICATION



Applicant
submitted

Dept of P/D
submitted/satisfactory

19. Location map showing adjoining property within 1000" including: _____/_____
a. Names of present abutting property owners (including the names of _____/_____
owners of properties separated from the parcel (s) under consideration
by public or private roadways, easements, and rights-of-way)
b. Name, location, and width of existing and proposed streets, easements, _____/_____
and building lines in and adjacent to proposed subdivision
c. Boundaries and designations of zoning districts, parks, and other public _____/_____
space
d. Outline of proposed subdivision _____/_____
e. Location of street system in proposed subdivision, if applicable _____/_____
(NOTE: If the details listed above are included on another plan
attached to the packet of plans provided for review, an abbreviated location
map showing an outline of the property and significant landmarks such as
roads, municipal boundaries, etc., may be included as an inset on that plan)
20. Eleven (11) copies of subdivision plan(s) reproduced on durable sheet no _____/_____
larger than 24" x 36". This sheet size may be varied if necessary to legibly
describe the project on a single sheet. The plan(s) should include:
*a. Identification of plan as a "Minor Subdivision" (or as _____/_____
"Amended Minor Subdivision", if applicable)
*b. Name of Subdivision (If this application is an amended subdivision, use _____/_____
title of previously approved plan. Please note that the subdivision name
must be the same as that listed on page 1 of this application.)
*c. Street name and number of subdivision (Please note that the street _____/_____
name and number must be the same as that listed on page 1 of this
application)
*d. Name of municipality _____/_____
e. Date _____/_____
*f. North arrow _____/_____
*g. Scale of 1" = 20' to 1" = 40' (This scale may be varied if necessary _____/_____
to legibly describe the project on a single sheet)
*h. Name and address of record owner _____/_____
(Please note that the name and address of record owner must be
identical to that listed on page 1 of this application)
*i. Name and address of subdivider, if different from owner _____/_____
(Please note that the name and address of subdivider must be
identical to that listed on page 1 of this application)

PLANNING BOARD APPLICATION



Applicant
submitted

Dept of P/D
submitted/satisfactory

- *j.____Name and address of designer(s) of plan _____/ _____
(Please note that the name and address of designer(s)
of plan must be identical to that listed on page 1
- *k.____Exact dimensions and acreage of parcel and proposed lots including _____/ _____
an actual field survey of location, bearing, and length of lot and
boundary lines, made and certified by a registered land surveyor
- *l.____Names of present adjoining property owners (including the names of _____/ _____
owners of properties separated from the parcel under consideration by
public or private roadways, easements, or rights-of-way)
- *m.____Zoning district, district boundaries, and list of applicable zoning provisions _____/ _____
including space and bulk regulations detailed in the appropriate zoning
district included in Chapter 27
- n.____Natural and proposed contour lines at 2' intervals _____/ _____
(If site is too flat to provide meaningful information at 2' intervals, spot
elevations at all appropriate locations may be substituted)
- *o.____Location, dimensions, and total square-footage of existing and proposed _____/ _____
buildings (Existing buildings should be identified as such)
- *p.____Locations, names, and widths of proposed and existing streets, _____/ _____
highways, alleys, parks, and other public open spaces; locations and
dimensions of driveways, parking and loading areas, and access points
(Existing improvements should be identified as such)
- *q.____Locations and dimensions of all of existing and proposed easements _____/ _____
and rights-of-way, as well as identification of who has or will receive the
easement and for what purpose (Existing easements and rights-of-way
be identified as such)
- r.____Locations, dimensions, and description of type of pedestrian access _____/ _____
pedestrian access ways (Existing improvements should be identified as such)
- *s____Delineation and square footage of proposed areas to be preserved forever _____/ _____
open/not to be developed, if applicable
- t.____Description of water, sanitary sewer, and storm drainage system including _____/ _____
location and size of existing and proposed water and sewer mains, culverts,
and storm drains, both on-site and in adjoining public ways, including invert
elevations at critical points of gravity utility systems (Existing improvements
should be identified as such)
- u.____Construction plans showing plans, profiles, cross-section, and details _____/ _____
appurtenances for street, sanitary sewer, and storm drainage systems
- v.____Location and sizes of other utility systems (Existing improvements should _____/ _____
be identified as such)

PLANNING BOARD APPLICATION



Applicant
submitted

Dept of P/D
submitted/satisfactory

- w. ___ Location and type of outdoor lighting _____/_____
- *x ___ Location of natural features such as water-courses, marshes, rock
out croppings, stands of trees, and other essential physical features,
if applicable; natural features to be preserved must be identified on plat _____/_____
- y. ___ Landscape plan showing location, types, and sizes of
plantings and screenings _____/_____
- z. ___ Location, dimensions, and materials of signs and advertising
features, if applicable _____/_____
- aa. ___ Designated fire lanes (NOTE: Applicant should check with Fire
Department for location and size of necessary fire lanes) _____/_____
- bb. ___ Description of all finish surface materials (i.e., curbing, paving,
lawn, etc.) on site details and relevant plans _____/_____
- cc. ___ Registered professional engineer's name, registration
number, seal, and signature if building's ground area exceeds 8,000
square feet or if building plus disturbed area exceed 15,000 square
feet (should be included on relevant plans, i.e., drainage, utilities,
roadway, details, etc.) _____/_____
- dd. ___ Location and type of proposed erosion control devices _____/_____
- *ee. ___ Number of lots proposed by the subdivision _____/_____
- ff. ___ Location of temporary markers, if applicable _____/_____
- gg. ___ Conditions of dedication of public areas, if applicable _____/_____
- hh. ___ Layout of bridges, if applicable _____/_____
- ii. ___ Designated area on plan for endorsement by Planning Board
(should include seven (7) lines for signatures and one (1) line
for date) _____/_____
- jj. ___ Tract corners marked by granite monuments/iron pins _____/_____
- kk. ___ All asterisked (*) items should be included on a plan identified
as the subdivision plat to be recorded after Planning Board
signature at the Cumberland County Registry of Deeds _____/_____
- ll. ___ All plans should be no larger than 24"x36" and must be bound
into sets, stapled, and folded to a size of no larger than 14" x 10"
with name of project shown on front face of folded plan _____/_____
- mm. ___ Any revision(s) to the originally submitted plan(s)
must include the date and full description of the revision(s) _____/_____
- One copy of each replaced sheet must be left for the Planning Dept.

PLANNING BOARD APPLICATION



Applicant
submitted

Dept of P/D
submitted/satisfactory

- nn. ____ If a full packet of plans is not presented with each revision, it is ____/____
the responsibility of the applicant to replace the originally
submitted sheets with the newly revised pages and rebind the
packet of plans/records. This is a necessary requirement for
project completion.
- *oo. ____ Note of all requested waivers must be provided on plat ____/____
- pp. ____ If seeking reclassification from major to minor subdivision: ____/____
- 1) ____ letter requesting reclassification ____/____
- 2) ____ both completed minor and major preliminary ____/____
subdivision application forms (and site plan application
form if appropriate)
- 3) ____ fee for minor subdivision (applicant is advised ____/____
to bring a check for the balance remaining for major
preliminary subdivision review to the Planning Board meeting
at which reclassification will be determined. This will allow review
that evening whether the Planning Board reclassifies the project
as a minor subdivision or determines **that major review is required**)

PLANNING BOARD APPLICATION



MINOR SUBDIVISION APPLICATION

EXHIBIT CHECKLIST

Please mark each exhibit in the application with tabbed page dividers as follows:

- ☐ EXHIBIT 1 Vicinity Map
- ☐ EXHIBIT 2 Construction Schedule
- ☐ EXHIBIT 3 Corporate or Partnership Status
- ☐ EXHIBIT 4 Right, Title, or Interest
- ☐ EXHIBIT 5 Existing Deed
- ☐ EXHIBIT 6 Easements
- ☐ EXHIBIT 7 Condominium, Homeowners, or Property Owners Association
- ☐ EXHIBIT 8 Financial Capability
- ☐ EXHIBIT 9 Personnel Description
- ☐ EXHIBIT 10 Solid Waste
- ☐ EXHIBIT 11 Adequacy and Availability of Public Utilities
- ☐ EXHIBIT 12 Water Supply
- ☐ EXHIBIT 13 Traffic
- ☐ EXHIBIT 14 Surface Drainage and Runoff
- ☐ EXHIBIT 15 Stormwater Management
- ☐ EXHIBIT 16 Erosion and Sedimentation Control
- ☐ EXHIBIT 17 Soils Report
- ☐ EXHIBIT 18 G.I.S. Coordinates
- ☐ EXHIBIT 19 Approvals from Other Agencies
- ☐ EXHIBIT 20 Request for Amounts of Performance Guarantees
- ☐ EXHIBIT 21 Compliance with Standards
- ☐ EXHIBIT 22 Offers of Public Facilities to City
- ☐ EXHIBIT 23 Maintenance of Private Utilities, Facilities, Open Space
- ☐ EXHIBIT 24 Property Owners within 500 Feet
- ☐ EXHIBIT 25 Waiver Requests
- ☐ EXHIBIT 26 Nuisances
- ☐ EXHIBIT 27 Construction Site Circulation Plan

INSTRUCTIONS

Be sure to submit your application well in advance of the date on which you plan to start the project.

In general, the City of South Portland does not require that the application or plan be prepared by professionals, except where specifically required by City Ordinance. Although professional advice and assistance may not be required, past experience indicates it is helpful in expediting your request.

Remember that incomplete applications will delay processing and approval of your application. You are required to have a pre-application meeting prior to submitting an application for review (see attached Administrative Procedures).

Please note that there is space next to the numbers on the attached checklist for the applicant to check off each required item submitted with this application form. Please be thorough.

A public hearing will be held before the Planning Board on this application.

Chapters 24 and 27 of the Code of Ordinances details the regulations governing submission of material required for approval of all applications.

1. Prior to submitting an application and the start of the review process, a pre-application conference is required with a Planner. The conference is initiated by the applicant and is scheduled with the applicant and a member of the Department of Planning and Development staff to discuss pertinent requirements.
2. Submit three (3) copies of your application well in advance of the date that you must begin your project. One (1) bound with original signature, two (2) loose leaf copies, and four copies of plan sets with the submittal of PDF Files of the application and plan set are acceptable for staff review.
3. Prepare the application, making sure all items on the checklist are addressed and that all required information is included in the application package. Call the Department of Planning and Development if you don't understand a requirement. Submit the application to the Department of Planning and Development.

The project must also comply with Planning Board Regulations and all applicable City ordinances.

ADMINISTRATIVE PROCEDURES FOR PLANNING BOARD MEETINGS

The Planning Board adopts the following administrative procedures for Planning Board meetings.

- 1) The following actions are required of applicants and Planning Department staff. If there is any conflict with a provision in the Zoning Ordinance, the Zoning Ordinance provision shall prevail.
 - a) Pre-Application Meeting: A pre-application meeting is required for all applications needing Planning Board approval. At a minimum the meeting must include the Code Enforcement Officer and a Planner. Pre-application meetings will be scheduled in the order they are received. The applicant must bring to the meeting all required application exhibits and submission materials, completed to at least the 75% level,

including evidence of right, title, and interest in the subject property and, for projects involving construction, engineering plans.

1. In the case of applications involving sensitive use setbacks, the applicant must provide evidence at the pre-application meeting that the proposed establishment meets the Zoning Ordinance separation performance standards. This evidence shall consist of a list of uses, by address, for each parcel within 1,000 feet of the parcel with the proposed establishment. In all cases, the burden of proof is on the applicant to ensure that the separation performance standards are met.
- b) **Application Submission and Processing:** Applications will not be reviewed or processed unless they are acceptable for submission. In order to be acceptable, the applicant must provide all of the items on a checklist developed by staff for each type of application. If an application is acceptable for submission, a staff member will sign the checklist and stamp it with the date and time. A copy of the signed checklist will be provided to the applicant and will constitute a determination from the City as to whether the application is acceptable for submission.
 1. In cases where a land use activity may not locate within a certain distance of another use, the date and time stamp shall mark once an applicant is considered by the City to have secured the right to operate in that location, assuming no other proximity-proscribed use already exists within the defined distance, and assuming the application succeeds in obtaining Planning Board approval.
 2. The application must be submitted in person to one of the Community Planners or to the Planning Administrative Assistant. If an Applicant is unable to submit the application in person, other arrangements agreeable to the Applicant and Planning staff will be made upon request.
 3. Within 30 days of receipt of an application that is determined to be acceptable for submission, Planning staff will send a letter to the applicant that contains a determination of whether the application is complete for Planning Board review.
 4. Once an application is determined to be complete for Planning Board review, Planning staff will consider the time needed for the applicant to respond to staff comments and will schedule the application for a Planning Board public hearing accordingly. In all cases, a public hearing on the application will be held within 90 days of when the application is deemed complete for review, unless the applicant agrees to an extension of the time period.
- 2) The developer of any project which requires a permit from another regulatory agency, such as the Department of Environmental Protection, Inland Fisheries and Wildlife, Army Corps of Engineers, or City official or agency, must present a written copy of the approved permit to the Planning Department at least seven (7) days before any final review by the Board: provided that, upon request, the Board may conduct a preliminary review of the project and submit written comments to the regulatory agency in question prior to the receipt of such final permit.
- 3) Except as otherwise provided by law, the Planning Director, or designee, shall schedule the Planning Board's agenda. Items shall be placed on the agenda on a first come, first served basis (as determined by time and date of completed application) consistent with the provisions of paragraph 1 above. Any items, which cannot be fit on the agenda because of the number or length of previously scheduled items, shall receive priority in scheduling for the next regularly scheduled meeting.

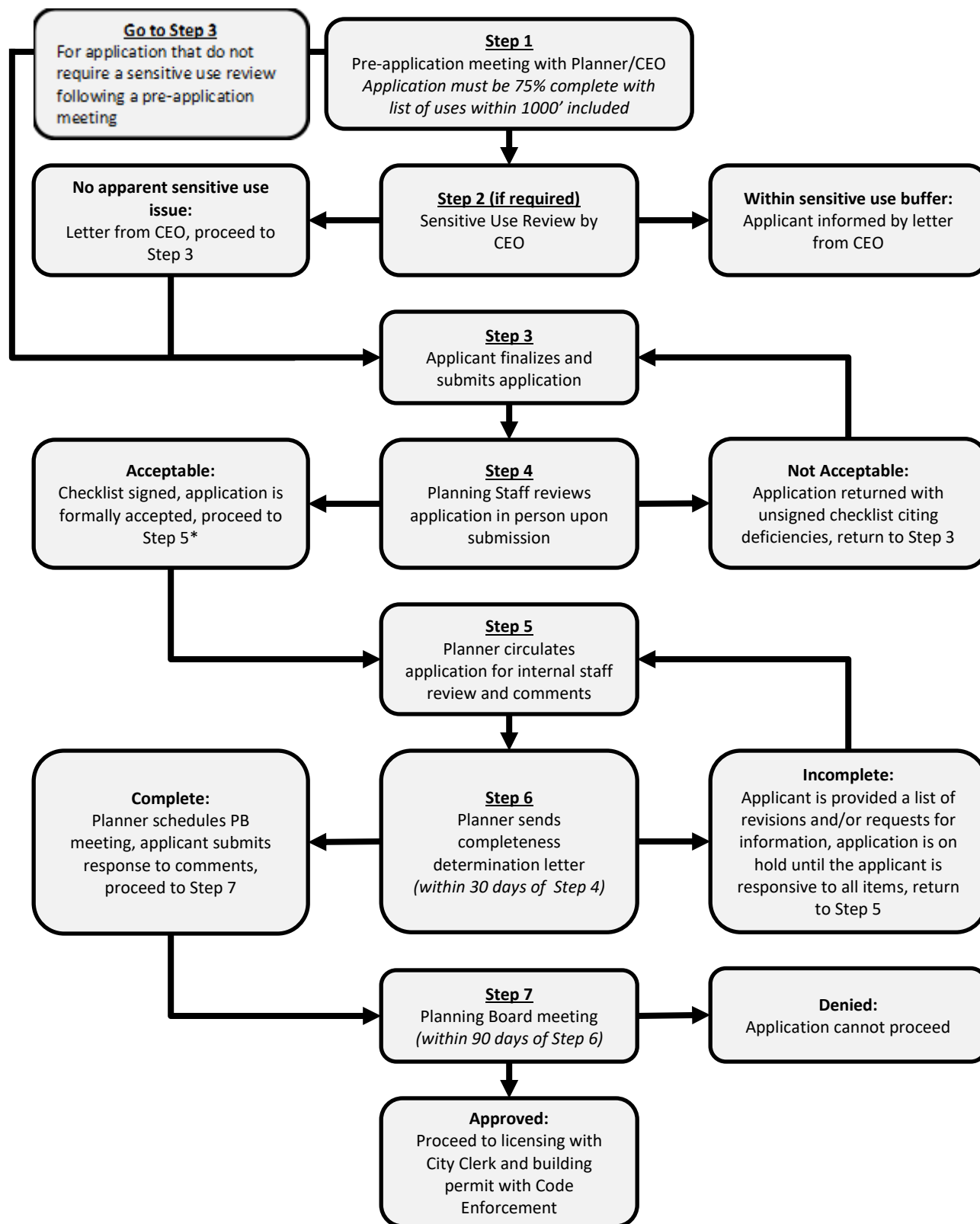
- 4) No new agenda items will begin after 11:00 p.m.
- 5) If during the course of a Planning Board meeting it becomes apparent that the Board will not reach certain agenda items, the Board may, prior to its 11:00 p.m. cut-off, offer to the proponents of such items the opportunity to have their items tabled immediately to the beginning of the next regularly scheduled meeting.
- 6) Agenda items remaining after the 11:00 p.m. cut-off time will automatically be tabled to the next regularly scheduled meeting.
- 7) A City Planner will prepare draft informational reports as requested by the Board of Appeals for miscellaneous appeals, in conformance with the Zoning Ordinance, and present those reports to the Planning Board on a "consent calendar" at each meeting. Notification of these reports will be posted outside the City Clerk's office no later than Friday noon prior to the week in which the regularly scheduled Planning Board meeting will be held.
- 8) A City Planner will prepare comments for re-approval of lapsed site plans that have not changed and present those items and comments to the Planning Board on a "consent calendar" at each meeting unless a substantive change in the ordinance has taken place since the time of approval of the plan, warranting a more lengthy review of the project by the Planning Board. Notification of these applications will be posted outside the City Clerk's office no later than Friday noon prior to the week in which the regularly scheduled Planning Board meeting will be held.
- 9) The Planning Director, or other Planning Department staff member, will prepare public hearing legal notices. The applicant will be notified a minimum of 24 hours before the notice is to be delivered to the newspaper and may come to the Planning office to review the public hearing notice. The Planning Director will have final responsibility for the wording of the public hearing notice.

If there is an error in the ad placed in the newspaper, for any reason, it is the applicant's responsibility to pay for a new ad to be run. In the case of error, the hearing will be tabled and rescheduled.

Public Notice Instructions:

When a project is scheduled for a public hearing before the Planning Board, the Department of Planning and Development currently notifies all owners of property within 500' of the lot being proposed for development. **Required at application submission: a list of map and lot numbers of properties within 500' of the lot under consideration, \$150.00 for staff administrative fee plus a \$1.00 per notice fee. These map & lot numbers must be obtained from the current, updated tax maps in the City Assessor's Office or the GIS Web Viewer on the City website, www.southportland.org**

Please call 207-767-7648 or 767-7633, Community Planner, for more information. Be advised to keep in touch with the staff throughout the process. Your responsiveness will help the process to run smoothly.



NEW APPLICATION APPLICABLE FOR SUBMISSION CHECKLIST

APPLICANT INFORMATION		
Applicant or agent name/ Company name:		
Project Name		
Project Address:		
Telephone number:		
Email address:		
Administrator Signature: Date: _____	Fee Total: _____ Check #: _____ Application: _____ Escrows: _____ Eng. Fee: _____ Legal Fee: _____ Arch. Fee: _____ PN Admin Fee: _____ PN Fee: _____	For Office Use: Date and Time stamp: _____
Applicant or agent: Date: _____		

CHECKLIST		
☐	Application fees, Peer review escrows, Public notice fees, and (If a Zoning Change or Subdivision) Portland Press Herald account number	
☐	Date of the Pre-application meeting w/Community Planner and CEO:	
☐	Signed application form (in BLUE Ink)	
☐	One(1) bound original application signed in blue ink, tabbed with a table of contents, and two(2) loose leaf application packets, tabbed with a table of contents.	
☐	All exhibits and plans, with relevant info, i.e. RTI, Financial Capacity, SW etc.	
☐	All necessary exhibits and supporting documentation, including building elevations and floor plans, sign details, and cut-sheet exhibits	
☐	Four(4) bound and folded plan sets not larger than 24" x 36"	
☐	Electronic files of application and plan sets	
☐	FOR MARIJUANA ESTABLISHMENT APPLICATIONS (ONLY) 300' and 1000' Buffer Analysis from sensitive uses will be verified by the Code Enforcement Officer. 300' Buffer Analysis another Marijuana stores or dispensaries will be verified by the Code Enforcement Officer. Disclaimer: <i>In cases where a land use activity may not locate within a certain distance of another use, the date and time stamp shall mark when an applicant is considered by the City to have secured the right to operate in that location, assuming no other proximity-proscribed use already exists within the defined distance, and assuming the application succeeds in obtaining Planning Board approval.</i>	

☐ ACCEPTABLE FOR SUBMISSION

☐ NOT ACCEPTABLE FOR SUBMISSION (Please be aware, the City WILL NOT hold incomplete applications. The applicant will be required to take the application with them and not leave it at the Planning Office.)

PLANNING BOARD APPLICATION



PRELIMINARY MAJOR SUBDIVISION APPLICATION

****Please read entire packet for instructions prior to completing the application form****

****Submit pages 1 thru 8, keep pages 9 thru 9 for your records****

For Office Use:	Date Stamp
Date & Time Received: _____ Check # _____ Project # _____	
\$750.00 (minimum)- Fee Paid: _____	
\$100.00 per lot/unit >3 _____	
\$750.00 Minimum Engineering Escrow Paid: _____	
\$750.00 Minimum Legal Escrow Paid: _____	
\$500.00 Minimum Architectural Escrow Paid: _____	
Public Notice Fee \$150.00 Administration Fee _____	
Plus \$1.00/ per notice _____	
Copies of Plans: ____ PDF Files: Yes __ No ____	

The undersigned submits the accompanying Preliminary Subdivision Plan of the property located in the City of South Portland for approval as a Major Subdivision under the requirements of the Subdivision Ordinance, contained in Chapter 24, governing the subdivision of land in the City of South Portland.

Name of subdivision: _____

Street name and number(s) of subdivision: _____

Name of record owner of land: _____

Address: _____

Telephone #: _____ Fax #: _____

Cell#: _____ Email: _____

Name of sub divider (if different from owner): _____

Address: _____

Telephone #: _____ Fax #: _____

Person to contact if there are problems with application:

Address: _____

Telephone #: _____ Fax #: _____

Cell#: _____ Email: _____

Name of designer/firm(s) (use additional sheets if necessary to list more than one firm):

Contact Person: _____

Address: _____

Telephone #: _____ Fax #: _____

Cell#: _____ Email: _____

PLANNING BOARD APPLICATION



After Planning Board approval, the City requires one contact person/agent for correspondence until the project has been completed. Please provide the requested information regarding the contact person/agent.

Contact person: _____

Address: _____

Telephone #: _____ Fax #: _____

Cell #: _____ Email: _____

Deed of property recorded in: _____

Book number: _____ Page number: _____

Map and lot number on file in the assessor's office:

Map number: _____ Lot number: _____

Proposed use of property (please be specific):

Proposed number of lots: _____

Estimated cost of project: _____

Estimated time start of construction: _____

Estimated time of completion of construction: _____

Is this application an amendment to a previously approved plan?

Yes: _____ No: _____

If yes, please provide a complete itemized list of the proposed changes to the subdivision (use separate sheet if necessary): _____

Existing Zone of property: _____

PLANNING BOARD APPLICATION



Date: _____
Signature of Subdivider (Use of blue ink for signature is required) (If signed by subdivider's agent, documentation that the agent has legal authority to act on behalf of the subdivider is required)
Name of Subdivider or Subdivider's agent (Please print)

Important: please read and carefully follow the attached instructions to ensure speedy processing of your application. Failure to follow these instructions will delay processing and final approval of your application.

The applicant or a duly authorized representative must attend the planning board meeting to discuss the application.

I certify that I have read the above statement indicating the importance of following the attached instructions for application to the planning board.	
In addition, I certify that all of the information provided in this application form and accompanying materials is true and accurate.	
Date: _____	
Signature (Use of blue ink for signature is required)	
Name (Please print)	

Application Fee for Preliminary Plan is \$750.00 plus \$100.00/lot or unit for each lot/unit greater than 3 lots/units.

PLANNING BOARD APPLICATION



PRELIMINARY MAJOR SUBDIVISION CHECKLIST

APPLICANT
SUBMITTED

DEPT OF P/D
SUBMITTED/SATISFACTORY

1. _____ Documentation of title, right, or interest in the property (e.g., deed, option, purchase and sales contract, contract for sale, lease, etc.) _____/ _____
2. _____ Documentation of receipt of Planning Board's Erosion Control Information
Level One _____
Level Two _____ _____/ _____
3. _____ Brief summary of proposed drainage and erosion control systems in lay terms _____/ _____
4. _____ Soils report including: _____/ _____
 - a. map of soils series located on property _____/ _____
 - b. description of soils _____/ _____
 - c. interpretation of engineering properties (may be found in Cumberland County Medium Intensity Soil Survey) _____/ _____
4. _____ Location map showing adjoining property within 1000' including: _____/ _____
 - a. _____ Names of present abutting property owners (including the names of owners of properties separated from the parcel(s) under consideration by public or private roadways, easements, and rights-of-way) _____/ _____
 - b. _____ Name, location, and width of existing and proposed streets, easements, and building lines in and adjacent to proposed subdivision _____/ _____
 - c. _____ Boundaries and designations of zoning districts, parks, and other public space _____/ _____
 - d. _____ Outline of proposed subdivision _____/ _____
 - e. _____ Location of street system in proposed subdivision, if applicable _____/ _____

(NOTE: If the details listed above are included on another plan attached to the packet of plans provided for review, an abbreviated location map showing an outline of the property and significant land marks such as roads, municipal boundaries, etc., may be included as an inset on that plan)

PLANNING BOARD APPLICATION



APPLICANT
SUBMITTED

DEPT OF P/D
SUBMITTED/SATISFACTORY

5. _____ Prior to Final Approval of the Major Subdivision: In order to facilitate _____/_____
the City of South Portland GIS and AutoCAD system, all subdivisions and site plans
reviewed by the City Planning Board and City staff subsequent to
March 10, 1998 shall be tied to the State Plane Coordinate System
NAD 83, Maine West Zone, with units in US survey feet. Each plan
shall be submitted with a diskette, in either AutoCAD r14 or DXF
format, that lists the coordinate pairs for at least three perimeter
boundary points.

6. _____ As part of Subdivision review, the applicant prior to submission for _____/_____
preliminary Subdivision must receive assigned house/building street
address numbers from the proper authority within the City of South
Portland. These address numbers must be assigned to each new lot
within the proposed subdivision.

7. _____ Four (4) copies of subdivision plan(s) should be on _____/_____
paper no larger than 24" x 36", bound into sets, stapled, and
folded to a size of no larger than 14" x 10" with the project name
shown on the front face of the folded plan. (At the time of
Application Submission.) Ten (10) final subdivision plans will be
required at the Planning Board public hearing.

The plan(s) should include:

*a. _____ Identification of plan as a "Preliminary Subdivision" (or as _____/_____
Amended Preliminary Subdivision", if applicable)

*b. _____ Name of Subdivision (If this application is an amended _____/_____
subdivision, use title of previously approved plan. Please
note that the subdivision name must be the same as that listed
as item 4 on page 1 of this application)

*c. _____ Street name and number of subdivision (Please note that the _____/_____
street name and number must be the same as that listed as
item 5 on page 1 of this application)

*d. _____ Name of municipality _____/_____

*e. _____ Date _____/_____

*f. _____ North arrow _____/_____

*g. _____ Scale of 1" = 20' to 1" – 50' (This scale may be varied if _____/_____
necessary to legibly describe the project on single sheet)

PLANNING BOARD APPLICATION



APPLICANT
SUBMITTED

DEPT OF P/D
SUBMITTED/SATISFACTORY

- *h.____ Name and address of record owner (Please note that the name and address of record must be identical to that listed as item 6 on page 1 of this application) _____/ _____
- *i.____ Name and address of subdivider, if different from owner (Please note that the name and address of subdivider must be identical to that listed as item 7 on page 1 of this application) _____/ _____
- *j.____ Name and address of designer(s) of plan (Please note that the name and address of the designer(s) of plan must be identical to that listed as item 9 on page 1 of this application) _____/ _____
- *k.____ Dimensions and acreage of parcel and proposed lots _____/ _____
- *l.____ Names of present adjoining property owners (including the names of owners of properties separated from the parcel under consideration by public or private roadways, easements, or rights-of-way) _____/ _____
- *m.____ Zoning district, district boundaries, and list of applicable zoning provisions including space and bulk regulations detailed in the appropriate zoning district included in Chapter 27 _____/ _____
- n.____ Natural and proposed contour lines at 1' intervals (If a site is too flat to provide meaningful information at 1' intervals, spot elevations at all appropriate locations may substituted) _____/ _____
- *o.____ Location, dimensions, and total square-footage of existing and proposed buildings (Existing buildings should be identified as such) _____/ _____
- *p.____ Locations, names, and widths of proposed and existing streets, highways, alleys, parks, and other public open spaces; locations and dimensions of driveways, parking and should be identified as such) _____/ _____
- *q.____ Locations and dimensions of all existing and proposed easements and rights-of-way, as well as identification of who has or will receive the easement and for what purpose (Existing easements and rights-of-way should be identified as such) _____/ _____
- r.____ Locations, dimensions, and description of type of pedestrian access ways (Existing improvements should be identified as such) _____/ _____
- *s.____ Delineation and square footage of proposed areas to be Preserved forever open/not to be developed, if applicable _____/ _____

PLANNING BOARD APPLICATION



APPLICANT
SUBMITTED

DEPT OF P/D
SUBMITTED/SATISFACTORY

- | | | |
|----------|---|------------|
| t. ____ | Description of water and sanitary sewer system including location and size of existing and proposed water sewer mains both on-site and in adjoining public ways, including invert elevations at critical points of gravity utility systems (Existing improvements should be identified as such) | ____/ ____ |
| u. ____ | Drainage and erosion control plan conforming with requirements set forth in Section 24-19(17) | ____/ ____ |
| v. ____ | Location and sizes of other utility systems (Existing improvements should be identified as such) | ____/ ____ |
| *w. ____ | Location of natural features such as watercourses, marshes, rock out-croppings, stands of trees, and other essential physical features, if applicable; natural features to be preserved must be identified on plat | ____/ ____ |
| x. ____ | Designated fire lanes (NOTE: Applicant should check with Fire Department for location and size of necessary fire lanes) | ____/ ____ |
| y. ____ | Location and type of proposed erosion control devices | ____/ ____ |
| z. ____ | Number of lots proposed by the subdivision | ____/ ____ |
| aa. ____ | Location of temporary markers, if applicable | ____/ ____ |
| bb. ____ | Conditions of dedication of public areas, if applicable | ____/ ____ |
| cc. ____ | Layout of bridges, if applicable | ____/ ____ |
| dd. ____ | All asterisked (*) items should be included on a plan identified as the subdivision plat when final subdivision application is made. The plat for the final subdivision shall be recorded after Planning Board signature at the Cumberland County Registry of Deeds. | ____/ ____ |
| ee. ____ | All plans should be on paper <u>no larger than 24" x 36"</u> and must be bound, stapled and <u>folded to a size no larger than 14" x 10"</u> with the name of the project shown on front face of folded plan | ____/ ____ |
| ff. ____ | Any revision(s) to the originally submitted plan(s) must include the date and full description of the revision(s) | ____/ ____ |

PLANNING BOARD APPLICATION



APPLICANT
SUBMITTED

DEPT OF P/D
SUBMITTED/SATISFACTORY

- gg. ____ If a full packet of plans is not presented with each revision, it is the responsibility of the applicant to replace the originally submitted sheets with the newly revised pages and rebind the packet of plans. One copy of each replaced sheet must be left for the Department of Planning and Development records. This is a necessary requirement for project completion. _____/_____
- *hh. Note of all requested waivers must be provided on plat _____/_____
- ii. ____ If seeking reclassification from major to minor subdivision: _____/_____
- 1) ____ letter requesting reclassification _____/_____
- 2) ____ both completed minor and major preliminary subdivision application forms (and site plan application form if appropriate) _____/_____
- 3) ____ fee for minor subdivision (applicant is advised to bring a check for the balance remaining for major preliminary subdivision review to the Planning Board meeting at which reclassification will be determined. This will allow review that evening whether the Planning Board reclassifies the project as a minor subdivision or determines that major review is required) _____/_____

PLANNING BOARD APPLICATION



INFORMATION FOR PRELIMINARY MAJOR SUBDIVISION APPLICANTS

Please note that there must be a public hearing legal notice published in the Portland Press Herald seven days prior to the date of the Planning Board meeting at which your proposed subdivision will be heard. You are responsible for paying the legal notice and must make payment to the newspaper.

The Department of Planning and Development will submit the notice to the newspaper approximately seven days before the scheduled Planning Board meeting for your request. The newspaper will then bill you directly.

If a holiday or other circumstance changes this schedule of notice submission, the Department of Planning and Development will notify you of such a change.

If you have any questions about this policy, please contact the Department of Planning and Development at 207-767-7603.

In general, the City of South Portland does not require that the application or plan be prepared by professionals, except where specifically required by City Ordinance. Although professional advice and assistance may not be required, past experience indicates it is helpful in expediting your request.

Remember that incomplete applications will delay processing and approval of your application. If you are new to South Portland's review process of special exception, we advise you to set up an appointment with the Community Planner in the Department of Planning and Development prior to submission of your application.

Please note that there is space next to the numbers on the attached checklist for the applicant to check off each required item submitted with this application form. Please be thorough.

A public hearing will be held before the Planning Board on this application.

Prior to submitting an application and the start of the review process, a pre-application conference is required with a Planner. The conference is initiated by the applicant and is scheduled with the applicant and a member of the Department of Planning and Development staff to discuss pertinent requirements.

Submit three (3) copies of your application well in advance of the date that you must begin your project. One (1) bound with original signature, two (2) loose leaf copies, and four (4) copies of plan sets with the submittal of PDF Files of the application and plan set are acceptable for staff review.

Prepare the application, making sure all items on the checklist are addressed and that all required information is included in the application package. Call the Department of Planning and Development if you don't understand a requirement. Submit the application to the Department of Planning and Development.

PLANNING BOARD APPLICATION



FINAL MAJOR SUBDIVISION & SITE PLAN APPLICATION

****Please read the entire packet for instructions prior to completing the application****

****Submit pages 1 thru 10, keep pages 11 thru 21 for your records****

For Office Use:

Date Stamp

Date & Time Received: _____ Check# _____ Project# _____

Application Fee (see pg. 21). : _____

\$750.00 Minimum Engineering Escrow Paid: _____

\$750.00 Minimum Legal Escrow Paid: _____

\$500.00 Minimum Architectural Escrow Paid: _____

\$150.00 Public Notice Administrative Fee _____

Public Notice Fee Paid (\$1.00 per notice): _____

Mylar of Subdivision Plat(s) for Planning Board Endorsement: _____

The undersigned submits the accompanying Final Subdivision Plan & Site Plan for a property located in the City of South Portland for approval as a Major Subdivision & Site Plan under the requirements of the Subdivision Ordinance and Site Plan Ordinance, contained in Chapter 24 and Chapter 27, governing the subdivision of land in the City of South Portland.

SUBDIVISION APPLICATION

Name of subdivision: _____

Street name and number(s) of subdivision: _____

Name of record owner of land: _____

Address: _____

Telephone #: _____ Fax #: _____

Cell#: _____ Email: _____

Name of subdivider (if different from owner): _____

Address: _____

Telephone #: _____ Fax #: _____

Cell#: _____ Email: _____

Person to contact if there are problems with application:

Name/Company: _____

Address: _____

Telephone #: _____ Fax #: _____

Cell#: _____ Email: _____

PLANNING BOARD APPLICATION



Name of designer/firm(s) (use additional sheets if necessary to list more than one firm):

Contact Person: _____

Address: _____

Telephone #: _____ Fax #: _____

Cell#: _____ Email: _____

After Planning Board approval, the City requires one contact person/agent for correspondence until the project has been completed. Please provide the requested information regarding the contact person/agent.

Contact person: _____

Address: _____

Telephone #: _____ Fax #: _____

Cell # _____ Email: _____

Deed of property recorded in: _____

Book number: _____ Page number: _____

Map and lot number on file in the assessor's office:

Map number: _____ Lot number: _____

Proposed use of property (please be specific):

Proposed number of lots: _____

Estimated cost of the project: _____

Estimated time of start of construction: _____

Estimated time of completion of construction: _____

Is this application an amendment to a previously approved plan?

Yes: _____ No: _____

PLANNING BOARD APPLICATION



If yes, please provide a complete itemized list of the proposed changes to the subdivision (use separate sheet if necessary): _____

Existing Zone of property: _____

_____ Signature of Subdivider (Use of blue ink for signature is required) (If signed by subdivider's agent, documentation that the agent has legal authority to act on behalf of the subdivider is required) _____ Name of Subdivider or Subdivider's agent (Please print)

Important: please read and carefully follow the attached instructions to ensure speedy processing of your application. Failure to follow these instructions will delay processing and final approval of your application.

The applicant or a duly authorized representative must attend the planning board meeting to discuss the application.

I certify that I have read the above statement indicating the importance of following the attached instructions for application to the planning board. In addition, I certify that all of the information provided in this application form and accompanying materials is true and accurate. _____ Signature (Use of blue ink for signature is required) _____ Print name of signer
--

PLANNING BOARD APPLICATION



SITE PLAN APPLICATION

**(Please provide any relevant information that is
Different from the above Subdivision Application)**

Name of Applicant/Company: _____

Applicant's mailing address: _____

Telephone#: _____ Fax#: _____

Cell#: _____ E-mail: _____

Name of Project: _____

Street Address: _____

Proposed Use: _____

Amendment to a previously approved site plan? Yes _____ No _____

Special Exception? Yes _____ No _____

The City will correspond with only one contact person/agent for this project. Please provide the requested information regarding the contact person/agent.

Contact Person: _____

Name of the Company and Address: _____

Telephone #: _____ Fax #: _____

Cell: _____ E-Mail: _____

After Planning Board approval, the City requires one contact person/agent for correspondence until the project has been completed. Please provide the requested information regarding the contact person/agent.

Contact Person/Agent: _____

Address: _____

Telephone #: _____ Fax #: _____

Cell #: _____ E-Mail: _____

I certify that all of the information provided in this application form and accompanying materials is true and accurate.

Signature of Applicant (Use of blue ink for signature is required) Date: _____

(If signed by applicant's agent, provide written documentation of authority to act on behalf of applicant.)

Print name and title of signer

PLANNING BOARD APPLICATION

****IMPORTANT****

DATE of PRE-APPLICATION MEETING:

1. PROJECT DESCRIPTION

(Please provide any relevant information that is different from the above Subdivision Application)

- A. Describe the overall project objectives and proposed uses of property, including quantity and type of residential units (if any)

B. Project details

1. Name of the project and approval date the subdivision site is in (if any)

Lot numbers (if applicable) _____

2. Tax Map number(s) _____ Lot number(s) _____

3. Existing zone of the site _____

Areas of Special Flood Hazard ____Yes ____No

Shoreland Area ____Yes ____No

4. a. Total land area of site (all contiguous land in same ownership) in sq. feet

_____ Total amount of land disturbance _____

- b. Total floor area of each proposed building in square feet _____

- c. Footprint of each proposed building in square feet _____

- d. Height of proposed building(s) _____feet _____stories

- e. Total number of proposed parking spaces _____

- f. Number of proposed handicap parking spaces _____

C. Existing conditions

1. Existing land use _____

2. Total floor area of each existing building in square feet _____

3. Footprint of each existing building in square feet _____

PLANNING BOARD APPLICATION



Required Exhibits

- D. Attach as **EXHIBIT #1** the appropriate U.S.G.S. topographic map or other map of similar detail such as the Maine Atlas and Gazetteer map (clean photocopies are acceptable). Indicate the location of your project on the map.
- E. Construction sequence
1. Estimated time of start of project _____
Estimated time of completion of project _____
 2. Is this to be a phased project? Yes _____ No _____
 3. Attach as **EXHIBIT #2** a construction schedule outlining the anticipated sequence of construction (beginning and completion) for the major aspects of the proposed project, including roads, erosion control and drainage measures, (See ordinance section 27-1428(a) Time Limitations)

2. RIGHT, TITLE, OR INTEREST

- A. Name and mailing address of record owner of the site

Phone _____ FAX _____ EMAIL _____

- B. Attach as **EXHIBIT #3** evidence of corporate or partnership status, if applicant is not an individual.
- C. Attach as **EXHIBIT #4** evidence of applicant's right, title, or interest in the site. A complete copy of the document must be provided; financial information may be deleted.
- D. Attach as **EXHIBIT #5** a copy of the current owner's existing deed for the site.
- E. Attach as **EXHIBIT #6** summary lists of all existing and all proposed easements or other burdens for this property. Reference each easement to the plan or drawing on which it is shown.

Attach copies of all relevant documents relating to existing and proposed easements and burdens placed on the property, including metes and bounds descriptions or other specific mechanisms to describe proposed easements. Each copy should be numbered to correspond to the lists. Information about existing easements and burdens may be referenced in **Exhibit #5**.

- F. If a condominium, homeowners, or property owners association will be established, attach as **EXHIBIT #7** the articles of incorporation, the Declaration of Covenants and Responsibilities, and the proposed by-laws of the organization.

PLANNING BOARD APPLICATION



3. FINANCIAL CAPACITY

- A. Estimated cost of the project, including development costs and land purchase, (if any) _____
- B. Attach as **EXHIBIT #8** evidence of your financial capacity to complete the proposed development. Submit one or more of the following (please check as appropriate):
- ___1. A written statement from the applicant's bank or a certified public accountant who recently has audited the applicant's finances stating that the applicant has cash reserves in the amount of the estimated cost of the project and can devote those reserves to the project.
 - ___2. When the applicant will personally finance the development, provide copies of bank statements or other evidence, which will indicate availability of funds, and evidence that the applicant can devote these funds to the project.
 - ___3. The most recent corporate annual report indicating availability of sufficient funds to finance the development, together with a statement from the applicant that the funds are available and will be used for the proposed project.
 - ___4. Copies of contracts, which will provide the source of funding for the operation and maintenance of the development when, completed.
 - ___5. A letter from a financial institution, governmental agency, or other funding agency which indicates a timely commitment to provide a specified amount of funds and the uses for which the funds may be utilized.
 - ___6. In cases where outside funding is required, but there can be no commitment of money until regulatory approvals are received, a formal letter of "intent to fund upon approval" from the appropriate funding institution indicating the amount of funds it is prepared to provide and their specified uses and the conditions on which funds will be made available.
 - ___7. A letter from a financial institution indicating knowledge of the applicant and a potential interest in providing funding for the project. If this type of letter is submitted as evidence of financial capacity to complete the project, the application may be deemed to be complete but the Planning Board may require as a condition of approval that one of the other six methods provided herein for demonstrating financial capacity be submitted before a building permit may be issued for the project. (Please note: If this option is chosen, the Planning Board will condition the by approval requiring one of the above methods to be provided prior to issuing a Building Permit or holding a preconstruction meeting.)

PLANNING BOARD APPLICATION



4. TECHNICAL CAPABILITY

- A. List all projects completed in the City of South Portland by the applicant within the last five years, beginning with the most recent project:

- B. Have done no prior projects_____

- C. Attach as **EXHIBIT #9** a list of all consultants retained for this proposed project, such as engineers, landscape architects, architects, environmental consultants; and those firms or personnel who will be responsible for constructing, operating and maintaining the project.

5. SOLID WASTE

Attach as **EXHIBIT #10** an explanation of the proposed method of collection, removal, and disposal for anticipated solid waste from this project, including demolition debris.

6. PUBLIC UTILITIES

- A. Attach as **EXHIBIT #11** a written evaluation and demonstration of the adequacy and availability of all public services necessary to serve the proposed project, which shall include power supply, telephone, gas, cable TV, and alarms.
- B. Attach as **EXHIBIT #12** written approval from the Portland Water District of the water supply system proposed for the development.

7. TRAFFIC

- A. Attach as **EXHIBIT #13** a written evaluation and demonstration of the adequacy and availability of adjacent streets to serve the proposed project. For traffic study requirements, see Planning Board Regulation #7.

8. SANITARY SEWERS AND STORM DRAINS

- A. Estimated sewage gallons per day for the completed project: _____
- B. Will this project generate industrial or non-sanitary waste that will enter the public sewer or drains? No_____ Yes _____

If yes, please describe proposed types and amounts:

PLANNING BOARD APPLICATION



- C. Complete Appendix A of the application for review by the Water Resource Protection. Please include a copy of Appendix A with your application.
- D. The applicant shall notify, in writing, the Director of Water Resource Protection if its Stormwater Management Plan discharges runoff to the City's MS4 (Section 27-1536(c)&(d)(2)(e)). Please include a copy of any correspondence in **Exhibit #12**.

9. SURFACE DRAINAGE AND RUNOFF, STORMWATER MANAGEMENT

- A. Attach as **EXHIBIT #14** a description of any problems of drainage or topography, or a representation that, in the opinion of the applicant, there are none.
- B. Attach as **EXHIBIT #15** a complete stormwater management plan, including drainage calculations, a drainage plan, and an assessment of any pollutants in the stormwater runoff, that meets the requirements of Sections 24-43, 27-1426(b), and 27-1536.

10. EROSION AND SEDIMENTATION CONTROL

- A. Attach as **EXHIBIT #16** a written description of erosion and sedimentation control measures to be used during and after construction of the proposed project. Include either a Level I or II signed cover sheet indicating receipt of the Planning Board's Erosion Control Information.
- B. Show on a plan the proposed location, type, and detail of erosion control devices, unless this information is included on the site plan.

11. SOILS

- A. Attach as **EXHIBIT #17** a soils report, including description of soils and interpretation of engineering properties.
- B. Show on a plan the existing soil conditions on the site, unless this information is included on the site plan.

12. GEOGRAPHICAL INFORMATION SYSTEM COORDINATES

- A. Submit as **Exhibit #18** a diskette in G.I.S. or .DWG (AutoCAD) format on the City's Horizontal Datum: Maine Stateplane Coordinate System: Maine West Zone 4101, FIPS Zone 1802, North American Datum 1983; Units: Feet.

The preferable vertical datum is North American Vertical Datum 1988 (NAVD88). However, if only National Geodetic Vertical Datum, 1929 (NGVD29) is possible, that is permissible. The choice of vertical datum must be indicated on the digital submission. The Ellipsoid is GRS 80 (Geodetic Reference System 1980).

PLANNING BOARD APPLICATION

Data should be developed using either Real Time Kinematics (RTK) GPS or survey-grade GPS or traditional methods of occupying known, high precision surveyed monuments. All data should meet or exceed the ALTA/ASCM relative positional accuracy standard of .07 feet and be delivered in US Survey Feet. (See memorandum dated January 12, 2012 from Tex Haeuser, Planning Director).

13. SITE PLAN ORDINANCE REQUIREMENTS / OTHER

- A. Attach as **EXHIBIT #19** a list of approvals needed from other agencies and copies of all necessary reviews, licenses, permits, variances, and approvals from other agencies (see Planning Board Regulation #1)
- B. Attach as **EXHIBIT #20** a copy of your letter to the City Manager requesting amount(s) of required performance guarantee(s).
- C. Attach as **EXHIBIT #21** a written statement that explains how the project complies with the site plan standards and with specific performance standards required in the zoning district, and Shoreland Area, if applicable.
- D. Attach as **EXHIBIT #22** a summary list and a written offer of cession to the City of all proposed streets, utilities and/or open space proposed for dedication.
- E. Attach as **EXHIBIT #23** a written explanation of the proposed maintenance responsibilities for all utilities, facilities, stormwater system, and open space not to be dedicated to the City.
- F. Attach as **EXHIBIT #24** a list of City tax map and lot numbers of all current owners of property within 500 feet of the site. (see the City's G.I.S viewer: www.southportland.org)
- G. Attach as **EXHIBIT #25** all requests for waivers including an explanation of the undue hardship or special design requirements which are the basis for the requests.
- H. Attach as **EXHIBIT #26** a written explanation of all potential nuisances associated with this project and how they will be mitigated, or a representation that, in the opinion of the applicant, there are none.
- I. Attach as **EXHIBIT #27** a plan showing parking, vehicles and pedestrian circulation, and traffic control during construction. The plan will consist of a written explanation and drawings, as appropriate, and will include such items as parking for construction workers, parking for displaced employees or customers, and provisions for deliveries.

PLANNING BOARD APPLICATION



Patrick Cloutier-Director
Water Resource Protection
11 Waterman Drive
207-767-7675

Appendix A (IF REQUIRED)

Article 1. PRETREATMENT PROGRAM INDUSTRIAL WASTE DISCHARGE QUESTIONNAIRE

1. Legal Name of Business or Industrial Concern:

2. Facility Contact:

(Person who is thoroughly familiar with operation of the facility, with the facts reported in this questionnaire, and who can be contacted, if necessary.)

Name: _____

Title: _____

Business Telephone: _____

3. Facility Mailing Address: _____

Street or P.O. Box: _____

City, State, Zip Code: _____

4. Facility Location: _____

Street, or other identifier: _____

5. Nature of Business: _____

If the Industrial User employs or will be employing processes in any of the business activities or services listed below, please place a check beside those activities or services that apply.

PLANNING BOARD APPLICATION

Business Activities or Services:

- ☐ Auto-Truck Dealers
- ☐ Auto-Truck Repair & Service Stations
- ☐ Auto-Truck Body Repair & Painting
- ☐ Auto-Truck Washing Facilities
- ☐ Bakery Products
- ☐ Carpet, Rug & Upholstery Cleaning
- ☐ Construction Site
- ☐ Computer Maintenance & Repair
- ☐ Restaurants - Bars
- ☐ Educational Services, Schools, Technical Institutions
- ☐ Food Stores
- ☐ Funeral Services
- ☐ Health Services, Medical & Dental Clinics- Laboratories
- ☐ Industrial & Commercial Machinery
- ☐ Laundry & Cleaning - Garment Services
- ☐ Metal Fabrication Shops
- ☐ Miscellaneous Food Preparers
- ☐ Miscellaneous Manufacturing
- ☐ Miscellaneous Repair Services
- ☐ Motor Freight Transportation & Warehousing
- ☐ Photographic & other Film Processing
- ☐ Transportation & Loading Equipment
- ☐ Veterinary Services
- ☐ Wholesale Trade- Durable & Non durable Goods
- ☐ Other, Please Describe:

Facility Operations: days/week _____
 shifts/day _____
 hours/shift _____

Total Number of Employees: full-time _____
 part-time _____

6. Estimated gallons per day of domestic/sanitary wastewater entering the City's sewer collection system. _____
7. Does your facility discharge wastes to the City sewer other than sanitary or domestic in nature?
 Yes () No ()

PLANNING BOARD APPLICATION



If yes, please explain, in detail, your facility in terms of the principle products or services that you provide, as well as any discharge to the sewer system.

Estimated gallons per day of nondomestic waste entering the City's sewer collection system.

8. Questionnaire completed by:

Name: _____

Title: _____

Telephone: _____

Date: _____

Please return completed questionnaire to:

City of South Portland

Water Resource Protection

P.O. Box 9422

South Portland, ME 04116-9422

Attn: Compliance Administrator

complyiwwdq

PLANNING BOARD APPLICATION



****Please keep pages 15 thru 20 for your records****

SITE PLAN APPLICATION

EXHIBIT CHECKLIST

Please mark each exhibit in the application with labeled and tabbed page dividers as follows:

- ___ EXHIBIT 1 Vicinity Map
- ___ EXHIBIT 2 Construction Schedule
- ___ EXHIBIT 3 Corporate or Partnership Status
- ___ EXHIBIT 4 Right, Title, or Interest
- ___ EXHIBIT 5 Existing Deed
- ___ EXHIBIT 6 Easements
- ___ EXHIBIT 7 Condominium, Homeowners, or Property Owners Association
- ___ EXHIBIT 8 Financial Capability
- ___ EXHIBIT 9 Personnel Description
- ___ EXHIBIT 10 Solid Waste
- ___ EXHIBIT 11 Adequacy and Availability of Public Utilities
- ___ EXHIBIT 12 Water Supply
- ___ EXHIBIT 13 Traffic
- ___ EXHIBIT 14 Surface Drainage and Runoff
- ___ EXHIBIT 15 Stormwater Management
- ___ EXHIBIT 16 Erosion and Sedimentation Control
- ___ EXHIBIT 17 Soils Report
- ___ EXHIBIT 18 G.I.S. Coordinates
- ___ EXHIBIT 19 Approvals from Other Agencies
- ___ EXHIBIT 20 Request for Amounts of Performance Guarantees
- ___ EXHIBIT 21 Compliance with Standards
- ___ EXHIBIT 22 Offers of Public Facilities to City
- ___ EXHIBIT 23 Maintenance of Private Utilities, Facilities, Open Space
- ___ EXHIBIT 24 Property Owners within 500 Feet
- ___ EXHIBIT 25 Waiver Requests
- ___ EXHIBIT 26 Nuisances
- ___ EXHIBIT 27 Construction Site Circulation Plan
- ___ EXHIBIT 28 Other: Lighting, Elevations, Floor Plans

PLANNING BOARD APPLICATION



FINAL MAJOR SUBDIVISION & SITE PLAN CHECKLIST

****Important****

Date of Pre-Application Meeting: _____

Applicant
submitted

Dept of P/D
submitted/satisfactory

1. _____ Documentation of title, right, or interest in the property (e.g., deed, option, purchase and sales contract, contract for sale, lease, etc.) _____ / _____
2. _____ Documentation of financial capability as follows: _____ / _____
3. A letter from a bank or independent financial professional clearly indicating:
 - a. applicant's name
 - b. location and description of project
 - c. estimated cost of project (must be greater than or equal to the estimated cost of project indicated on page 2 of this application), and
 - d. that applicant "has or can obtain" the funds necessary to complete the project; or the applicant's most recent financial report indicating adequate cash-on-hand to complete the project (NOTE: Examples provided upon request)
4. _____ Documentation of technical capability as follows: _____ / _____
 - a. list all projects done in South Portland within the last ten (10) years (use additional sheets if necessary)

 - b. list all projects, not necessarily within South Portland, done within the last two (2) years (use additional sheets if necessary)

 - c. has done no prior projects _____
 - d. other _____

PLANNING BOARD APPLICATION



Applicant
submitted

Dept of P/D
submitted/satisfactory

5. _____ Copy of all proposed and existing covenants, deed restrictions, or easements. The location of all proposed easements or deeds must be precisely defined with a metes and bounds description or some other specific mechanism.(NOTE: Generally, all applicable deeds and easements must be executed prior to final approval. If in a particular case execution of the deed or easement documents is impossible prior to Planning Board approval, the applicant must provide written evidence of the grantor's willingness to sign the documents upon approval by the Planning Board.) _____ / _____
6. _____ Letter to City Manager with copy to the Department of Planning and Development requesting amount of required performance guarantee (NOTE: Examples provided upon request) _____ / _____
7. _____ Written approval from other agencies such as the Department of Environmental Protection, Army Corps of Engineers, City Council, Board of Appeals, etc., if applicable (Planning Board Regulation #1 indicates that a written copy of the approval permit must be submitted prior to the Board's public hearing, if any, and final review of a project) _____ / _____
8. _____ Documentation of receipt of Planning Board's Erosion Control Information
Level One _____
Level Two _____ _____ / _____
9. _____ Erosion Control Plan (Level One only, unless otherwise requested) may be included on plan; otherwise eleven (11) copies are required (See Planning Board Regulation #2) _____ / _____
10. _____ If the project will disturb more than 15,000 sq. ft. of land, drainage calculations to support proposed stormwater control system and a brief summary in lay terms for Planning Board and relevant staff pursuant to Section 27-1536 (c) _____ / _____
11. _____ Soils report including:
a. map of soils series located on property
b. description of soils
c. interpretation of engineering properties, (may be found in Cumberland County Medium Intensity Soil Survey) _____ / _____
12. _____ Written report (can be included on plan) that justifies that the project complies with specific performance standards required in zoning district (e.g., Professional Office District, Residential Use District, Light Industrial District, Suburban Commercial District, etc.), if applicable _____ / _____

PLANNING BOARD APPLICATION



Applicant
submitted

Dept of P/D
submitted/satisfactory

13. ___ If applicable,
- a. condominium or homeowner association by-laws _____/____
 - b. articles of incorporation, including:
 - 1) a summary of "Maintenance Responsibilities" as the first sheet of the document _____/____
 - 2) maintenance responsibilities must include among other items: _____/____
 - 3) minimum annual and as-needed inspection and maintenance of all drainage facilities, _____/____
 - 4) private snow and trash removal if any roadway standards are proposed to be waived, and _____/____
 - 5) executed documentation of incorporation of the association with the Secretary of State _____/____
14. ___ Renderings of architecture and signage for projects reviewed under the Residential Use District, Professional Office District, Light Industrial Suburban Commercial District, or other relevant zoning districts. _____/____
15. ___ Written approval of water supply system proposals by Portland Water District _____/____
16. ___ Written offers of cession to City of all public facilities and public open space and copies of documents showing how applicant's retained open spaces are to be maintained, if applicable (NOTE: Examples provided upon request) _____/____
17. ___ Written evidence that Corporation Counsel is satisfied with the legal sufficiency of the documents relating to public facilities and public open space, if applicable _____/____
18. ___ Submit as Exhibit #18 a diskette in G.I.S. format on the City's Horizontal Datum: _____/____
 Maine Stateplane Coordinate System: Maine West Zone 4101, FIPS Zone 1802, North American Datum 1983; Units: Feet. The preferable vertical datum is North American Vertical Datum 1988 (NAVD88). However, if only National Geodetic Vertical Datum, 1929 (NGVD29) is possible, that is permissible. The choice of vertical datum must be indicated on the digital submission. The Ellipsoid is GRS 80 (Geodetic Reference System 1980). Data should be developed using either Real Time Kinematics (RTK) GPS or survey-grade GPS or traditional methods of occupying known, high precision surveyed monuments. All data should meet or exceed the ALTA/ASCM relative positional accuracy standard January 12, 2012 from the Planning and Development Director, Charles Haeuser
19. ___ As part of Subdivision review, the applicant prior to submission for Minor Subdivision must receive assigned house/building street address numbers from the proper authority within the City of South Portland. These address numbers must be assigned to each new lot within the proposed subdivision. _____/____
20. ___ Location map showing adjoining property within 1000' including: _____/____
- a. ___ Names of present abutting property owners (including the names of owners of properties separated from the parcel (s) under consideration by public or private roadways, easements, and rights-of-way) _____/____
 - b. ___ Name, location, and width of existing and proposed streets, easements, and building lines in and adjacent to proposed subdivision _____/____
 - c. ___ Boundaries and designations of zoning districts, parks, and other public space _____/____

PLANNING BOARD APPLICATION



Applicant
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Dept of P/D
submitted/satisfactory

21. ___ Outline of proposed subdivision _____/____
22. ___ Location of street system in proposed subdivision, if applicable _____/____
(NOTE: If the details listed above are included on another plan attached to the packet of plans provided for review, an abbreviated location map showing an outline of the property and significant landmarks such as roads, municipal boundaries, etc., may be included as an inset on that plan)
23. ___ Four copies of subdivision plan(s) at application submission and nine copies for the public hearing reproduced on durable sheet no larger than 24" x 36" and in an electronic format. This sheet size may be varied if necessary to legibly describe the project on a single sheet. The plan(s) should include:
- *a. ___ Identification of plan as a "Minor Subdivision" (or as "Amended Minor Subdivision", if applicable) _____/____
 - *b. ___ Name of Subdivision (If this application is an amended subdivision, use title of previously approved plan. Please note that the subdivision name must be the same as that listed on page 1 of this application.) _____/____
 - *c. ___ Street name and number of subdivision (Please note that the street name and number must be the same as that listed on page 1 of this application) _____/____
 - *d. ___ Name of municipality _____/____
___ Date _____/____
 - *f. ___ North arrow _____/____
 - *g. ___ Scale of 1" = 20' to 1" = 40' (This scale may be varied if necessary to legibly describe the project on a single sheet) _____/____
 - *h. ___ Name and address of record owner
(Please note that the name and address of record owner must be identical to that listed on page 1 of this application) _____/____
 - *i. ___ Name and address of subdivider, if different from owner (Please note that the name and address of subdivider must be identical to that listed on page 1 of this application) _____/____
 - *j. ___ Name and address of designer(s) of plan (Please note that the name and address of designer(s) of plan must be identical to that listed on page 1) _____/____
 - *k. ___ Exact dimensions and acreage of parcel and proposed lots including an actual field survey of location, bearing, and length of lot and boundary lines, made and certified by a registered land surveyor _____/____
 - *l. ___ Names of present adjoining property owners (including the names of owners of properties separated from the parcel under consideration by public or private roadways, easements, or rights-of-way) _____/____
 - *m. ___ Zoning district, district boundaries, and list of applicable zoning provisions including space and bulk regulations detailed in the appropriate zoning district included in Chapter 27. _____/____
 - n. Natural and proposed contour lines at 2' intervals (If site is too flat to provide meaningful information at 2' intervals, spot elevations at all appropriate locations may be substituted) _____/____
 - *o. ___ Location, dimensions, and total square-footage of existing and proposed buildings (Existing buildings should be identified as such) _____/____
 - *p. ___ Locations, names, and widths of proposed and existing streets, highways, alleys, parks, and other public open spaces; locations and dimensions of driveways, parking and loading areas, and access points (Existing improvements should be identified as such) _____/____

PLANNING BOARD APPLICATION



**Applicant
submitted**

**Dept of P/D
submitted/satisfactory**

- q. _____ Locations and dimensions of all of existing and proposed easements and rights-of-way, as well as identification of who has or will receive the easement and for what purpose (Existing easements and rights-of-way be identified as such) _____/_____
- r. _____ Locations, dimensions, and description of type of pedestrian access pedestrian access ways (Existing improvements should be identified as such) _____/_____
- *s. _____ Delineation and square footage of proposed areas to be preserved forever open/not to be developed, if applicable _____/_____
- t. _____ Description of water, sanitary sewer, and storm drainage system including location and size of existing and proposed water and sewer mains, culverts, and storm drains, both on-site and in adjoining public ways, including invert elevations at critical points of gravity utility systems (Existing improvements should be identified as such) _____/_____
- u. _____ Construction plans showing plans, profiles, cross-section, and details appurtenances for street, sanitary sewer, and storm drainage systems _____/_____
- v. _____ Location and sizes of other utility systems (Existing improvements should be identified as such) _____/_____
- w. _____ Location and type of outdoor lighting _____/_____
- *x. _____ Location of natural features such as water-courses, marshes, rock outcroppings, stands of trees, and other essential physical features, if applicable; natural features to be preserved must be identified on plat _____/_____
- y. _____ Landscape plan showing location, types, and sizes of plantings and screenings _____/_____
- z. _____ Location, dimensions, and materials of signs and advertising features, if applicable _____/_____
- aa. _____ Designated fire lanes (NOTE: Applicant should check with Fire Department for location and size of necessary fire lanes) _____/_____
- bb. _____ Description of all finish surface materials (i.e., curbing, paving, lawn, etc.) on site details and relevant plans _____/_____
- cc. _____ Registered professional engineer's name, registration number, seal, and signature if building's ground area exceeds 8,000 square feet or if building plus disturbed area exceed 15,000 square feet (should be included on relevant plans, i.e., drainage, utilities, roadway, details, etc.) _____/_____
- dd. _____ Location and type of proposed erosion control devices _____/_____
- *ee. _____ Number of lots proposed by the subdivision _____/_____
- ff. _____ Location of temporary markers, if applicable _____/_____
- gg. _____ Conditions of dedication of public areas, if applicable _____/_____
- hh. _____ Layout of bridges, if applicable _____/_____
- i. _____ Designated area on plan for endorsement by Planning Board (should include seven (7) lines for signatures and one (1) line for date) _____/_____
- jj. _____ Tract corners marked by granite monuments/iron pins _____/_____
- kk. _____ All asterisked (*) items should be included on a plan identified as the subdivision plat to be recorded after Planning Board signature at the Cumberland County Registry of Deeds _____/_____
- ll. _____ All plans should be no larger than 24"x36" and must be bound into sets, stapled, and folded to a size of no larger than 14" x 10" with name of project shown on front face of folded plan _____/_____

PLANNING BOARD APPLICATION



Applicant
submitted

Dept of P/D
submitted/satisfactory

- mm. ____ Any revision(s) to the originally submitted plan(s) must include the date and full description of the revision(s) One copy of each replaced sheet must be left for the Planning Dept. _____/_____
- nn. ____ If a full packet of plans is not presented with each revision, it is the responsibility of the applicant to replace the originally submitted sheets with the newly revised pages and rebind the packet of plans records. This is a necessary requirement for project completion. _____/_____
- *oo. ____ Note of all requested waivers must be provided on plat _____/_____
- pp. ____ If seeking reclassification from major to minor subdivision: _____/_____
- i. ____ letter requesting reclassification _____/_____
- ii. ____ both completed minor and major preliminary subdivision application forms (and site plan application form if appropriate) _____/_____
- iii. ____ fee for minor subdivision (applicant is advised to bring a check for the balance remaining for major preliminary subdivision review to the Planning Board meeting at which reclassification will be determined. This will allow review that evening whether the Planning Board reclassifies the project as a minor subdivision or determines that major review is required) _____/_____

PLANNING BOARD APPLICATION



Please note that there must be a public hearing legal notice published in the Portland Press Herald seven days prior to the date of the Planning Board meeting at which your proposed subdivision will be heard. You are responsible for paying the legal notice and must make payment to the newspaper.

The Department of Planning and Development will submit the notice to the newspaper approximately seven in advance the applicant's scheduled Planning Board meeting. The applicant is responsible for pay to the newspaper

If you have any questions about this policy, please contact the Department of Planning and Development at 207-767-7603.

In general, the City of South Portland does not require that the application or plan be prepared by professionals, except where specifically required by City Ordinance. Although professional advice and assistance may not be required, past experience indicates it is helpful in expediting your request.

Remember that incomplete applications will delay processing and approval of your application. If you are new to South Portland's review process of special exception, we advise you to set up an appointment with the Community Planner in the Department of Planning and Development prior to submission of your application.

Please note that there is space next to the numbers on the attached checklist for the applicant to check off each required item submitted with this application form. Please be thorough. A public hearing will be held before the Planning Board on this application.

Prior to submitting an application and the start of the review process, a pre-application meeting is required with a Planner. The meeting is initiated by the applicant and is scheduled with the applicant and a member of the Department of Planning and Development staff to discuss pertinent requirements.

Application fees must accompany the application at the time submittal to the Planning Office. The Final Major Subdivision and Site Plan application is two applications and the fee is a combination of land disturbance and new of lot/unit of the proposal development.

- Site Plan Fee for land disturbance < 2-acres: \$500.00 and \$750.00 Site Plan Fee for disturbance > 2-acres.;
- For Commercial Subdivisions the fee base is \$500.00 plus \$100.00 per 1,000 SF of total gross area;
- For Residential Subdivision the fee is assess at a \$100.00/lot or unit; and,
- For Amended Major Subdivision fee is \$500, if no additional lots created or \$750.00 for the first three additional lot/unit or \$100.00/lot or unit for four or more new lots or units.

Submit three copies of your application well in advance of the date that you must begin your project. One bound with original signature, two loose leaf copies, and four copies of plan sets with the submittal of PDF Files of the application and plan set are acceptable for staff review.

TO: Applicants for Site Plan and Subdivision Review

FROM: Department of Planning and Development

SUBJECT: Receipt of Erosion and Sedimentation Control Information – **Level One**

****Please read the attached material, sign the following statement, and return the statement (pages 1 and 2 only) to the Planning Department prior to Planning Board review of your proposed project****

Project: _____

Applicant: _____

Recipient of Information: _____

Company: _____

I certify that I have received a packet of information from the City of South Portland, including:

- (1) Erosion and Sedimentation control standards for site plan and subdivision review.
- (2) Statement on the values of wetlands and the effects of filling, and general description of erosion and sedimentation control options deemed acceptable by the Planning Board.

Signature (use of blue ink for signature is required)

Date: _____

Print name of signer

Contractor's Erosion and Sediment Control Certification

TO: Contractors and Applicants

FROM: Department of Planning and Development

SUBJECT: **Level One**: Erosion and Sedimentation Control Information and Pre-construction Conference

Please read the attached material, sign the following statement, make sure the Field Inspector signs it at the Pre-construction conference, and return the statement to the Dept. of Planning and Development prior to issuance of building permits for the approved project (see page 6 Sections D.2(a), D.2(b), and D.3 of the *Erosion and Sedimentation Control Standards for Site Plan and Subdivision Review* Informational Packet.)

Project:

Date of Approval:

Contractor:

Recipient of Information:

Company:

Date of Preconstruction Conference:

City of South Portland Field Inspector or Engineer: _____

I certify that I have received and read the packet of Erosion and Sedimentation control standards for site plan and subdivision review information from the City of South Portland and have attended a Pre-construction conference with the Department of Planning and Development.

Signature (use of blue ink for signature is required)

Date: _____

Print name of signer

****Please submit pages 1 and 2 only****

****Please keep the following pages 3 thru 11 for your records****

REGULATION #2

Adopted: 5/14/85

Effective: 5/14/85

Erosion and Sedimentation Control Standards for Site Plan and Subdivision Review

Subject to the provisions of the applicable City ordinances, the following standards apply.

PURPOSE AND APPLICABILITY

1. The Planning Board has adopted this set of Erosion and Sedimentation Control Standards to protect the City's natural and manmade drainage systems, as well as private properties, from damage and dysfunction due to erosion and sedimentation which accompany excavation and/or filling for site development. Such protection is intended to serve the public interest as follows:

- (a) Protection of streams, wetlands, and storm sewers prevents increased flood hazard.
- (b) Protection of streams, wetlands, and storm sewers protects water quality and other natural and aesthetic amenities appurtenant to water quality.
- (c) Prevention of erosion and retention of sediment on construction sites, reduces accidental damage to neighboring properties.
- (d) Reduction of the siltation rate reduces long-term public dredging costs in Portland Harbor.
- (e) Protection of storm sewers reduces public sewer maintenance costs.

2. These Standards apply to all proposed developments requiring site plan and/or subdivision review by the Planning Board. The degree of hazard to streams, wetlands, sewers and neighboring properties from uncontrolled erosion and sedimentation will vary considerably according to each proposed development. In order to prevent application of unduly restrictive erosion and sedimentation control requirements to proposed developments that pose little or no erosion and sedimentation hazards, two alternate Levels of Review following parallel review procedures are provided under these Standards. Projects posing a higher level of erosion and sedimentation must comply with stricter controls required under Level One of the standards. Projects posing only small erosion and sedimentation hazard must comply with less restrictive but still adequately protective controls, required under Level Two of the standards. The Department of Planning and Development Director will make the initial determination of whether the standards apply and, if so, under which level the project will be reviewed. The determination of the Department of Planning and Development Director is subject to appeal to the Planning Board whose decision shall be final.

3. In order to determine the appropriate Level of Review for each individual proposal, the Planning Director shall make a determination according to the following criteria:

(a) Criteria for Determining Applicability of Level One (more restrictive) Erosion and Sedimentation Control Standards

- (i) Project is proposed for land which when disturbed would release sediment into the natural drainage system as a nonpoint source.
- (ii) Project site directly abuts a stream, floodplain, or wetlands, or,
- (iii) Project is of large enough scope to warrant more careful review of erosion and sedimentation control plan to protect natural and municipal drainage system.

(b) Criteria for Determining Applicability of Level Two (less restrictive) Erosion and Sedimentation Control Standards

- (i) Project does not abut stream channels, wetlands, or floodplains, or,
- (ii) Project site drains through the municipal storm sewer system.

LEVEL ONE

Erosion and Sedimentation Control Standards for Site Plan and Subdivision Review

A. APPLICANT AND CONTRACTOR EDUCATION

1. The Planning Board requires that the applicant certify in writing that he or she has received at the time of application for project review a packet of information including:
 - (a) A brief statement of:
 - (i) the values of streams, wetlands, and floodplains and
 - (ii) the effects of filling on the values of streams and wetlands.
 - (b) Erosion and Sedimentation Control Standards for Site Plan and Subdivision Review: Level One, and
 - (c) A general description of erosion and sedimentation control options deemed acceptable by the Board.
2. The Planning Board requires that the applicant simultaneously certify in writing that he or she will read the packet of information and pass it on to the approved project's contractor and subcontractor.

B. DATA REQUIRED FOR REVIEW

1. The Planning Board requires that with the application for final approval the applicant must submit data for impact analysis and a detailed erosion and sedimentation control plan.
2. Data required for impact analysis shall include:
 - (a) Soil series and related engineering properties of each soil series present at the site according to the Cumberland County Soil Survey of the U.S. Soil Conservation Service and certification by an engineer, soils evaluator, or other qualified professional that he or she has conducted a site inspection and has verified this data as true and accurate, or,
 - (b) The following data obtained by a qualified engineer:
 - (i) Test pit logs,

- (ii) Soil series and related engineering properties of each soil series, and
 - (iii) Description of seasonal water table.
 - (c) Delineation of surface water, wetlands, and 100-year floodplains.
 - (d) The location of proposed or existing storm sewer intake and discharge points on or in the vicinity of the site.
3. The detailed erosion and sedimentation control plan shall include:
- (a) A plan of operations with erosion and sedimentation control measures, including:
 - (i) Equipment to be used and procedure for filling and/or excavation.
 - (ii) Estimation of the quantity and type of fill present on the site prior to project construction.
 - (iii) Specification of the quantity and type of new fill material to be used.
 - (iv) Time-frame of project and estimated timing and location of phases of filling and/or excavation operations and associated erosion and sedimentation control measures.
 - (b) Details of erosion and sedimentation control measures including:
 - (i) The location and details, including dates of installation and removal, of erosion control devices including hay bales, filter fabric, berms, sedimentation basins, drainage ditches, or other devices to control erosion and sedimentation. The location of these devices is general in nature and may not address unanticipated problems that occur during actual construction. The municipal Field Inspector may require additional devices during construction should they be warranted.
 - (ii) Compaction, grading and surface irregularity removal dates.
 - (iii) Gradients of fill surface following compaction, grading, and removal of surface irregularities.

- (iv) Revegetation and phasing schedule. Standards for fertilizer and seeding should be based on nutrient balances and seeding rates recommended by the Maine Soil Testing Laboratory or other appropriate source.
- (v) Schedule for erosion controls and revegetation monitoring, and if needed, maintenance measures to be carried out from start of construction to full revegetative stabilization of the site at final grades.

C. PERFORMANCE STANDARDS

The Planning Board requires that the plan of operation submitted by the applicant conform to the following performance standards:

1. Concerning the location and timing of construction activities:
 - (a) The Board may establish a maximum area for filling and/or excavation at one time to prevent unusual delays in applying erosion control measures due to the size of the area involved.
 - (b) The plan should seek to accomplish project goals with minimal disturbance of natural topography due to filling and/or excavation activities.
 - (c) The smallest possible area of land surface should remain unprotected for the shortest time practicable.
 - (d) The plan should allow sufficient time for new vegetation to be well established prior to the end of the normal growing season or provide for the establishment of vegetation, i.e. sod.
 - (e) If construction takes place or is completed during the non-growing season, the plan should require specific attention to installation and maintenance of devices to collect sediment mobile during spring runoff.
 - (f) The placement of erosion and sedimentation control devices shall take place before construction begins, except in cases where the board deems it unnecessary.
2. The quantity of fill to be applied should be specified and not substantially deviated from.

3. The quality of fill should fall within a range of particle sizes with a minimum particle size that will allow infiltration and a maximum particle size which will prevent the creation of unstable surface due to voids beneath the surface. Fill should be fairly uniform in texture and should not contain large stones, broken pavement, building rubble, debris, etc., except in cases where a diversity of materials would improve drainage.
4. Compaction, grading, and removal of surface irregularities should be accomplished as soon as possible after disturbance of soil and/or application of fill to minimize exposure of uncompacted material to the elements.
5. Gradients for fill surface after compaction, grading, and removal of surface irregularities should not exceed two feet horizontal to one foot vertical, unless slope stabilization such as riprap is proposed and approved.
6. On embankments above a gradient of three horizontal feet to one vertical foot the board may require mulch materials such as glass fiber, Excelsior wood fiber mats, or twisted jute yarns, and temporary seeding, to prevent siltation.
7. Revegetation shall be commenced as soon as practically possible. Banks shall be sodded or surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, if deemed necessary by the City's Consulting Engineering firm. The developer shall document to the City's Consulting Engineering firm that the resodded, resurfaced areas will be of a quality at least equal to the topsoil of land areas immediately surrounding the excavation. Existing topsoil found within the lines of improvement in excavation areas, embankment areas or both, may be excavated and stockpiled by the contractor for later use as loam on slopes and other areas. Stockpiles shall be placed at designated locations for designated time periods. Such topsoil shall be planted with legumes, grasses or other vegetation, which shall be maintained until well established. If germination is unsuccessful (less than 75% catch) within 30 days of seeding or there is unsatisfactory growth in the next year, the applicant shall reseed the area in accordance with approved seeding specifications. If at any time throughout the duration of the project, sediment from the work area should be transported in any manner outside the designated work limits, the material shall be removed from the affected places and returned to work site. In addition, any damage to vegetation outside of the project area caused by machinery used on the project shall be fully restored in an expeditious manner.

8. The applicant shall monitor and maintain erosion and sedimentation control measures and revegetated areas on a bi-weekly basis and, as needed, after severe storms. It is the applicant's or his/her agent's responsibility to note failures in devices and modify the devices to correct apparent problems as they occur. The applicant or his/her agent should not wait for the Field Inspector to bring these problems to his/her attention. The applicant or his/her agent should bring the Field Inspector's attention to any modifications prior to their execution.

D. PRECONSTRUCTION CONFERENCE

1. In addition to ensuring that the above performance standards are met by the plan of operation, the board requires as a condition of approval a preconstruction conference between the City's Consulting Engineering firm, Building Inspector, the Field Inspector, the applicant, and his/her contractor to reaffirm and clarify the specifics of the approved plan of operations and erosion and sedimentation control plan.
2. The Building Inspector shall not issue a Building Permit until the following conditions have been satisfied:
 - (a) The contractor certified in writing that he or she has received and read the packet of information supplied to the applicant under the requirements of Section A.
 - (b) The Field Inspector has verified that the erosion and sedimentation control devices required to be in place at the start of construction as a condition of approval are in place and properly installed and has photographed these devices in place.
3. Upon satisfaction of the requirements of subsection D.2(a) and (b), the Building Inspector shall with all other necessary conditions having been met, issue a Building Permit.

E. MONITORING

1. The Field Inspector shall conduct weekly field inspections to monitor contractor compliance with the erosion and sedimentation control standards.
2. Following rainstorms during which rainfall intensity reaches 1.0 inch per hour and/or the total rainfall amount exceeds 1.5 inches, the Field Inspector shall conduct inspections within 24 hours of the cessation of rainfall. The Portland International Jetport office of the National Weather Service shall be the authoritative reference for determining rainfall amount and intensity.

3. Except for photographs taken to verify the initial placement of erosion control devices, the Field Inspector shall record observations on film only where necessary to determine or document a violation.
4. The Field Inspector shall continue to monitor projects throughout construction, stabilization and revegetation of the site until final acceptance by the Building Inspector.

F. ENFORCEMENT

1. Violation of any conditions of site plan approval attached by the Planning Board under these standards shall be enforceable by a fine of not more than one hundred dollars (100.00) per day under Section 27-133 of the Zoning Ordinance.
2. Violation of any of the conditions of subdivision approval attached by the Planning Board under these standards shall be enforceable by a fine not to exceed one thousand dollars (1000.00) per day under Section 1-8 of the General Provisions of the City Code.
3. The Field Inspector shall refer observed violations to the Building Inspector for enforcement proceedings.
4. If the applicant or his/her agent fails to install or maintain erosion and sedimentation control devices or address problems brought to his/her attention by the Field Inspector, the City may issue a "stop work" order pending resolution of the problems as identified by the Field Inspector.

G. MONETARY GUARANTEE

The applicant must provide such monetary guarantee as required by City Ordinances in an amount to be determined by the City's Consulting Engineering firm based upon the cost of rectifying the "worst-case" scenario that could be created on site, and the impacts of such a scenario off-site; provided, however, the City's Consulting Engineering firm determination of such amount shall be based upon specific facts and cost figures for the lot in question; provided further, the amount of such guarantee may be reduced, but not below 50% of its original amount, by the Planning Board as work progresses. Except as provided, the guarantee may not be released until land has been certified to be rehabilitated by the City's Consulting Engineering firm and the Building Inspector after consultation with the Field Inspector.

TO: Applicants for Site Plan and Subdivision Review

FROM: Department of Planning and Development

SUBJECT: Receipt of Erosion and Sedimentation Control Information – **Level Two**

****Please read the attached material, sign the following statement, and return the statement (page one only) to the Planning Department prior to Planning Board review of your proposed project.****

Project: _____

Applicant: _____

Recipient of Information: _____

Company: _____

I certify that I have received a packet of information from the City of South Portland, including:

- (1) Erosion and Sedimentation control standards for site plan and subdivision review.
- (2) Statement on the values of wetlands and the effects of filling, and general description of erosion and sedimentation control options deemed acceptable by the Planning Board.

Signature (**use of blue ink for signature is required**)

Date: _____

Print name of signer

****Please submit page one only****

****Please keep the following pages 2 thru 7 for your records****

REGULATION #2

Adopted: 5/14/85

Effective: 5/14/85

Erosion and Sedimentation Control Standards for Site Plan and Subdivision Review

Subject to the provisions of the applicable City ordinances, the following standards apply.

PURPOSE AND APPLICABILITY

1. The Planning Board has adopted this set of Erosion and Sedimentation Control Standards to protect the City's natural and manmade drainage systems, as well as private properties, from damage and dysfunction due to erosion and sedimentation which accompany excavation and/or filling for site development. Such protection is intended to serve the public interest as follows:

- (a) Protection of streams, wetlands, and storm sewers prevents increased flood hazard.
- (b) Protection of streams, wetlands, and storm sewers protects water quality and other natural and aesthetic amenities appurtenant to water quality.
- (c) Prevention of erosion and retention of sediment on construction sites, reduces accidental damage to neighboring properties.
- (d) Reduction of the siltation rate reduces long-term public dredging costs in Portland Harbor.
- (e) Protection of storm sewers reduces public sewer maintenance costs.

2. These Standards apply to all proposed developments requiring site plan and/or subdivision review by the Planning Board. The degree of hazard to streams, wetlands, sewers and neighboring properties from uncontrolled erosion and sedimentation will vary considerably according to each proposed development. In order to prevent application of unduly restrictive erosion and sedimentation control requirements to proposed developments which pose little or no erosion and sedimentation hazards, two alternate Levels of Review following parallel review procedures are provided under these Standards. Projects posing a higher level of erosion and sedimentation must comply with stricter controls, required under Level One of the standards. Projects posing only small erosion and sedimentation hazard must comply with less restrictive but still adequately

protective controls, required under **Level Two** of the standards. The Planning Director will make the initial determination of whether the standards apply and, if so, under which level the project will be reviewed. The determination of the Planning Director is subject to appeal to the Planning Board whose decision shall be final.

3. In order to determine the appropriate Level of Review for each individual proposal, the Planning Director shall make a determination according to the following criteria:

(a) Criteria for Determining Applicability of Level One (more restrictive) Erosion and Sedimentation Control Standards

- (i) Project is proposed for land which when disturbed would release sediment into the natural drainage system as a nonpoint source.
- (ii) Project site directly abuts a stream, floodplain, or wetlands, or,
- (iii) Project is of large enough scope to warrant more careful review of erosion and sedimentation control plan to protect natural and municipal drainage system.

(b) Criteria for Determining Applicability of Level Two (less restrictive) Erosion and Sedimentation Control Standards

- (i) Project does not abut stream channels, wetlands, or floodplains, or,
- (ii) Project site drains through the municipal storm sewer system.

LEVEL TWO

Erosion and Sedimentation Control Standards for Site Plan and Subdivision Review: Level Two

A. APPLICANT AND CONTRACTOR EDUCATION

The Planning Board requires that the applicant certify in writing that he or she has received a packet of information at the time of application for project review, including:

1. A brief statement on the value of preventing sediment from a construction site entering the storm sewer system,
2. Erosion and Sedimentation Control Standards for Site Plan and Subdivision Review: Level Two, and
3. A general description of erosion and sedimentation control options deemed acceptable by the Board.

B. DATA REQUIRED FOR REVIEW

1. The Planning Board requires that with the application for final approval the applicant submit data for impact analysis, as follows:

- (a) Soil series and related engineering properties of each soil series present at the site according to the Cumberland County Soil Survey, or
- (b) The following data obtained by an engineer, soils evaluator or other qualified professional:
 - (i) Soil series and related engineering properties of each soil series.
 - (ii) Description of seasonal water table.
- (c) The locations of proposed or existing storm sewer intake and discharge points on or in the vicinity of the site.

2. The Planning Board may require an erosion and sedimentation control plan developed under the standards described for Level One projects in order to ensure that performance standards will be met.

C. PERFORMANCE STANDARDS

The Planning Board requires that the plan of operation submitted by the applicant conforms with the following performance standards:

1. Concerning the location and timing of construction activities:
 - (a) The Board may establish a maximum area for filling and/or excavation at one time to prevent unusual delays in applying erosion control measures due to the size of the area involved.
 - (b) The plan should seek to accomplish project goals with minimal disturbance of natural topography due to filling and/or excavation activities.
 - (c) The smallest possible area of land surface should remain unprotected for the shortest time practicable.
 - (d) The plan should allow sufficient time for new vegetation to be well established prior to the end of the normal growing season or provide for the establishment of vegetation, i.e. sod.
 - (e) If construction takes place or is completed during the non-growing season, the plan should require specific attention to installation and maintenance of devices to collect sediment mobile during spring runoff.
 - (f) The placement of erosion and sedimentation control devices shall take place before construction begins, except in cases where the board deems it unnecessary.
2. The quantity of fill to be applied should be specified and not substantially deviated from.
3. The quality of fill should fall within a range of particle sizes with a minimum particle size that will allow infiltration and a maximum particle size which will prevent the creation of unstable surface due to voids beneath the surface. Fill should be fairly uniform in texture and should not contain large stones, broken pavement, building rubble, debris, etc., except in cases where a diversity of materials would improve drainage.
4. Compaction, grading, and removal of surface irregularities should be accomplished as soon as possible after disturbance of soil and/or application of fill to minimize exposure of uncompacted material to the elements.
5. Gradients for fill surface after compaction, grading, and removal of surface irregularities should not exceed two feet horizontal to one foot vertical, unless slope stabilization such as rip rap is proposed and approved.

6. On embankments above a gradient of three horizontal feet to one vertical foot the board may require mulch materials such as glass fiber, Excelsior wood fiber mats, or twisted jute yarn, and/or temporary seeding, to prevent siltation.
7. Revegetation shall be commenced as soon as practically possible. Banks shall be sodded or surfaced with soil of quality at least equal to the topsoil of land areas immediately surrounding, if deemed necessary by the City Engineer. The developer shall document to the City Engineer that the resodded, resurfaced areas will be of a quality at least equal to the topsoil of land areas immediately surrounding the excavation. Existing topsoil found within the lines of improvement in excavation areas, embankment areas or both may be excavated and stockpiled by the contractor for later use as loam on slopes and other areas. Stockpiles shall be placed at designated locations for designated time periods. Such topsoil shall be maintained until well established. If germination is unsuccessful (less than 75% catch) within 30 days of seeding or there is unsatisfactory growth in the next year, the applicant shall reseed the area in accordance with approved seeding specifications. If at any time throughout the duration of the project, sediment from the work area should be transported in any manner outside the designated work limits, the material shall be removed from the affected places and returned to the work site. In addition, any damage to vegetation outside of the project area caused by machinery used on the project shall be fully restored in an expeditious manner.
8. The applicant shall monitor and maintain erosion and sedimentation control measures and revegetated areas on a bi-weekly basis and, as needed, after severe storms. It is the applicant's or his/her agent's responsibility to note failures in devices and modify the devices to correct apparent problems as they occur. The applicant or his/her agent should not wait for the Field Inspector to bring these problems to his/her attention. The applicant or his/her agent should bring to the Field Inspector's attention any modifications prior to their execution.

D. PRECONSTRUCTION CONFERENCE

In addition to ensuring that the above performance standards are met by the plan of operation, the Building Inspector may require as a condition of approval a preconstruction conference between the City's Consulting Engineering firm, Building Inspector, the Field Inspector, the applicant, and his/her contractor to reaffirm and clarify the specifics of the approved plan. In any event, the Building Inspector will notify the Field Inspector of the issuance of a building permit.

E. MONITORING

1. The Field Inspector shall conduct weekly field inspections to monitor contractor compliance with the erosion and sedimentation control standards.
2. Following rainstorms during which rainfall intensity reaches 1.0 inch per hour and/or the total rainfall amount exceeds 1.5 inches, the Field Inspector shall conduct inspections within 24 hours of the cessation of rainfall. The Portland International Jetport office of the National Weather Service shall be the authoritative reference for determining rainfall amount and intensity.
3. Except for photographs taken to verify the initial placement of erosion control devices, the Field Inspector shall record observations on film only where necessary to determine or document a violation.
4. The Field Inspector shall continue to monitor projects throughout construction, stabilization and revegetation of the site until final acceptance by the Building Inspector.

F. ENFORCEMENT

1. Violation of any conditions of site plan approval attached by the Planning Board under these standards shall be enforceable by a fine of not more than one hundred dollars (100.00) per day under Section 27-133 of the Zoning Ordinance.
2. Violation of any of the conditions of subdivision approval attached by the Planning Board under these standards shall be enforceable by a fine not to exceed one thousand dollars (1000.00) per day under Section 1-8 of the General Provisions of the City Code.
3. The Field Inspector shall refer observed violations to the Building Inspector for enforcement proceedings.
4. If the applicant or his/her agent fails to install or maintain erosion and sedimentation control devices or address problems brought to his/her attention by the Field Inspector, the City may issue a "stop work" order pending resolution of the problems as identified by the Field Inspector.

PLANNING BOARD APPLICATION

NONCONFORMING LOTS OF RECORD



SITE PLAN APPLICATION FOR DEVELOPMENT OF LOTS WITH LESS THAN THE REQUIRED
MINIMUM LOT SIZE OR STREET FRONTAGE

****Please read the entire packet for instructions prior to completing the application form****

Submit pages 1 thru 4 only with application, keep pages 5 thru 25 for your records

For Office Use:

Date Stamp:

Date & Time Received _____ Project #: _____
\$750.00 Application Fee Paid _____ Check#: _____
\$750.00 Engineering Escrow Paid _____
\$750.00 Legal Escrow Paid _____
\$500.00 Architectural Escrow Paid _____
\$150.00 Public Notice Administration Fee Paid _____
Plus (\$1.00 per notice) _____
Applications: _____ # of Plans: _____ PDF Files: _____

Name of Applicant _____ Company Name: _____

Applicant's Mailing Address _____

Telephone # _____ Fax# _____

Name of Project _____

Street Address _____

Proposed Use _____

**The City will correspond with only one contact person/agent for this project.
Please provide the requested information regarding the contact person/agent.**

Contact Person/Agent _____

Company/ Contact's Mailing Address _____

Contact's Phone # _____ Cell # _____ Fax# _____

Contact's Email Address: _____

I certify that all the information provided in this application form and accompanying materials is true and accurate.

Date: _____

Signature of Applicant (use of blue ink is required)

(agent must provide written documentation to act on behalf of applicant)

Print name and title of signer

PLANNING BOARD APPLICATION



****IMPORTANT****

DATE OF REQUIRED PRE-APPLICATION MEETING: _____

1. PROJECT DESCRIPTION

- a) Shoreland Area Y: _____ or N: _____ Flood Zone: _____
- b) Tax Map # _____ Lot # _____
- c) Property Address _____
- d) Existing Zoning District: _____ Neighborhood: _____
- e) Minimum Lot Size : _____ Lot Size (sq. ft.) _____
- f) Building Height: _____ Building Size (sq. ft.): _____
- g) Percent Building Lot Cover: _____ Building Footprint (sq. ft.) _____
- h) Amount of Sanitary Flow: _____ (GPD) Amount of Street Frontage: _____
- i) Building Separation: _____ Proposed # of bedrooms _____
- j) CCRD Plan Book _____ Page _____
- k) Total # of proposed parking spaces: _____ % of Vegetated & Permeable Area: _____
- l) Combined Sewer Y: _____ N: _____

2. RIGHT, TITLE OR INTEREST (Exhibit #2)

- a) Name & Mailing Address of Record Owner of the Site

- b) Phone # _____ Fax# _____
- c) Attach evidence of applicant's right, title or interest in site
- d) Attach a copy of the current owner's existing deed for the site
- e) Name of Subdivision: _____ Plan Book: _____ Page: _____ (include a full size map in the planset).
- f) Attach a list of easements and proposed easements or other burdens on the site, if applicable. These should also be referenced on the planset.

g) FINANCIAL CAPACITY

- a. Estimated cost of the project, including development costs and land purchase, (if any) _____

- b. As evidence of your financial capacity to complete the proposed development. Submit one or more of the following (please check as appropriate):

- ____ 1. A written statement from the applicant's bank or a certified public accountant who recently has audited the applicant's finances stating that the applicant has cash reserves in the amount of the estimated cost of the project and can devote those reserves to the project.
- ____ 2. When the applicant will personally finance the development, provide copies of bank statements or other evidence, which will indicate availability of funds, and evidence that the applicant can devote these funds to the project.

PLANNING BOARD APPLICATION



- ____3. The most recent corporate annual report indicating availability of sufficient funds to finance the development, together with a statement from the applicant that the funds are available and will be used for the proposed project.
- ____4. Copies of contracts, which will provide the source of funding for the operation and maintenance of the development when, completed.
- ____5. A letter from a financial institution, governmental agency, or other funding agency which indicates a timely commitment to provide a specified amount of funds and the uses for which the funds may be utilized.
- ____6. In cases where outside funding is required, but there can be no commitment of money until regulatory approvals are received, a formal letter of "intent to fund upon approval" from the appropriate funding institution indicating the amount of funds it is prepared to provide and their specified uses and the conditions on which funds will be made available.
- ____7. A letter from a financial institution indicating knowledge of the applicant and a potential interest in providing funding for the project. If this type of letter is submitted as evidence of financial capacity to complete the project, the application may be deemed to be complete but the Planning Board may require as a condition of approval that one of the other six methods provided herein for demonstrating financial capacity be submitted before a building permit may be issued for the project. (Please note: If this option is chosen, the Planning Board will condition the by approval requiring one of the above methods to be provided prior to issuing a Building Permit or holding a preconstruction meeting.)

3. PUBLIC UTILITIES (Exhibit #3)

- a) Estimated sewerage gallons per day (90 gallons per bedroom) _____ (Please provide a Sanitary Flow Allocation letter for the Water Resource Protection Director)
- b) Please attach written acknowledgment from Portland Water District of the availability of water supply for the project.
- c) Connected to the MS4: _____ (If so, please provide acceptance letter from the Water Resource Protection Director)

4) DRAINAGE (Exhibit #4) AND EROSION AND SEDIMENTATION CONTROL PLANS (Exhibit #5)

- a) Please provide an approved Drainage Plan meeting the standard in Section 27-1536 (e) (see attached checklist)
- b) Please review all of the Level One Erosion & Sedimentation Control information, sign pages 3 & 4 and return with this application (see attached).

5) APPROVAL STANDARDS FOR DEVELOPMENT OF NONCONFORMING LOTS OF RECORD (see attached Section 27-304(f) (10)) (Exhibit #6).

PLANNING BOARD APPLICATION



TO: Applicants for Site Plan and Subdivision Review

FROM: Department of Planning and Development

SUBJECT: Receipt of Erosion and Sedimentation Control Information – **Level One**

****Please read the attached material, sign the following statement, and return the statement to the Planning Department with your application.****

Project: _____

Applicant: _____

Recipient of Information: _____

Company: _____

I certify that I have received and reviewed the following information from the City of South Portland, including:

- (1) Erosion and Sedimentation control standards for site plan and subdivision review;
- (2) The link to the Maine Erosion and Sediment Control BMP Manual at www.maine.gov/dep/land/erosion/escbmpps;
- (3) The DEP Fact Sheet on *Vernal Pools: A Significant Wildlife Habitat*; and
- (4) Statement on the values of wetlands and the effects of filling, and general description of erosion and sedimentation control options deemed acceptable by the Planning Board.

Signature (**use of blue ink for signature is required**)

Date:

Print name of signer

****Please submit pages 1 thru 4 only with application****

PLANNING BOARD APPLICATION



Contractor's Erosion and Sediment Control Certification

TO: Contractors and Applicants
FROM: Department of Planning and Development
SUBJECT: **Level One**: Erosion and Sedimentation Control Information
and Pre-construction Conference

Please read the attached material, sign the following statement, make sure the City's Engineering Inspector signs it at the Pre-construction conference, and return the statement to the Dept. of Planning and Development prior to issuance of building permits for the approved project (see page 6 Sections D.2(a), D.2(b), and D.3 of the *Erosion and Sedimentation Control Standards for Site Plan and Subdivision Review* Informational Packet; also see the *Maine Erosion and Sediment Control BMP Manual* at www.maine.gov/dep/land/erosion/escbmps for detailed information on the selection of appropriate project-specific BMPs.)

Project: _____

Date of Approval: _____

Contractor: _____

Recipient of Information: _____

Company: _____

Date of Preconstruction Conference: _____

City of South Portland Field Inspector or Engineer: _____

I certify that I have received and read the packet of Erosion and Sedimentation control standards for site plan and subdivision review information from the City of South Portland, reviewed relevant sections of the Maine Erosion and Sediment Control BMP Manual applicable to the proposed project, and have attended a Pre-construction conference with the Department of Planning and Development.

Signature (use of blue ink for signature is required)

Date: _____

Print name of signer

****Please submit page 5 after approval****

PLANNING BOARD APPLICATION



****Please keep the following pages 6 thru 25 for your records****

REGULATION #2

Adopted: 5/14/85

Effective: 5/14/85

Revised: 6/24/14

Erosion and Sedimentation Control Standards

Subject to the provisions of the applicable City ordinances, the following standards apply.

PURPOSE AND APPLICABILITY

1. The Planning Board has adopted this set of Erosion and Sedimentation Control Standards to protect the City's natural and manmade drainage systems, as well as private properties, from damage and dysfunction due to erosion and sedimentation which accompany excavation and/or filling for site development. Such protection is intended to serve the public interest as follows:

- (a) Protection of streams, wetlands, and storm sewers prevents increased flood hazard.
- (b) Protection of streams, wetlands, and storm sewers protects water quality and other natural and aesthetic amenities appurtenant to water quality.
- (c) Prevention of erosion and retention of sediment on construction sites reduces accidental damage to neighboring properties.
- (d) Reduction of the siltation rate reduces long-term public dredging costs in Portland Harbor.
- (e) Protection of storm sewers reduces public sewer maintenance costs.

2. These Standards apply to all proposed developments requiring site plan and/or subdivision review by the Planning Board as well as development projects not requiring Planning Board review that involve new principal residential buildings or modifications to existing residential buildings with 1,000 square feet or more of disturbed area¹. The degree of hazard to streams, wetlands, sewers and neighboring properties from uncontrolled erosion and sedimentation will vary considerably according to each proposed development.

In order to prevent application of unduly restrictive erosion and sedimentation control requirements to proposed developments which pose little or no erosion and sedimentation hazards, two alternate Levels of Review following parallel review procedures are provided under these Standards. Projects posing a higher level of erosion and sedimentation must comply with stricter controls, required under Level One of the standards. Projects posing only small erosion and sedimentation hazard must comply with less restrictive but still adequately protective controls, required under Level Two of the standards.

The Planning Director, or the Director's designee, will make the initial determination of whether the standards apply and, if so, under which level the project will be reviewed. The determination of the Planning Director is subject to appeal to the Planning Board whose decision shall be final. All development projects not requiring Planning Board review that involve new principal residential buildings or modifications to existing residential buildings with 1,000 square feet or more of disturbed area are only subject Level Two erosion and sedimentation control standards.

¹ **Disturbed area.** All land areas that are stripped, graded, grubbed, filled, or excavated at any time during the site preparation or removing vegetation for, or construction of, a project. (Maine DEP Chapter 500 3.F.)

PLANNING BOARD APPLICATION



3. In order to determine the appropriate Level of Review for each individual proposal, the Planning Director, or the Director's designee, shall make a determination according to the following criteria:

(a) Criteria for Determining Applicability of Level One (more restrictive) Erosion and Sedimentation Control Standards

- (i) Project is proposed for land which when disturbed would release sediment into the natural drainage system as a nonpoint source.
- (ii) Project site directly abuts a stream, floodplain, or wetlands, or,
- (iii) Project is of large enough scope to warrant more careful review of erosion and sedimentation control plan to protect natural and municipal drainage system.

(b) Criteria for Determining Applicability of Level Two (less restrictive) Erosion and Sedimentation Control Standards

- (i) Project does not abut stream channels, wetlands, or floodplains;
- (ii) Project site drains through the municipal storm sewer system; or,
- (iii) Project does not require review by Planning Board.

LEVEL ONE

Erosion and Sedimentation Control Standards for Site Plan and Subdivision Review

A. APPLICANT AND CONTRACTOR EDUCATION

1. The Planning Board requires that the applicant certify in writing that he or she has received at the time of application for project review the following information including:
 - (a) A brief statement of:
 - (i) the values of streams, wetlands, and floodplains and
 - (ii) the effects of filling on the values of streams and wetlands.
 - (b) Erosion and Sedimentation Control Standards for Site Plan and Subdivision Review: Level One,
 - (c) The link to the *Maine Erosion and Sediment Control BMP Manual* at www.maine.gov/dep/land/erosion/escbmps, and
 - (d) A general description of erosion and sedimentation control options deemed acceptable by the Board.
2. The Planning Board requires that the applicant simultaneously certify in writing that he or she will read the packet of information including relevant sections of the *Maine Erosion and Sediment Control BMP Manual* applicable to the proposed project; it is also the applicant's responsibility to ensure that the approved project's contractor and subcontractor have also read the information packet and reviewed relevant sections of the *Maine Erosion and Sediment Control BMP Manual*.
3. The applicant, the approved project's contractor and subcontractor are all responsible for ensuring that proper erosion and sediment control BMPs are used to prevent sediment from leaving the construction site and entering adjacent water resources or the City's stormwater collection system. Projects occurring in the Shoreland Zone² must use contractors that have been certified by the Maine Department of Environmental Protection in the proper use of erosion and sediment control BMPs.

B. DATA REQUIRED FOR REVIEW

1. The Planning Board requires that with the application for final approval the applicant must submit data for impact analysis and a detailed erosion and sedimentation control plan.
2. Data required for impact analysis shall include:
 - (a) Soil series and related engineering properties of each soil series present at the site according to the Cumberland County Soil Survey of the U.S. Soil Conservation Service and certification by an engineer, soils evaluator, or other qualified professional that he or she has conducted a site inspection and has verified this data as true and accurate, or,
 - (b) The following data obtained by a qualified engineer:
 - (i) Test pit logs,
 - (ii) Soil series and related engineering properties of each soil series, and
 - (iii) Description of seasonal water table.
 - (c) Delineation of surface water, wetlands, and 100-year floodplains.
 - (d) The location of proposed or existing storm sewer intake and discharge points on or in the vicinity of the site.

² The Shoreland Zone is defined by the Maine DEP as all areas within 250' of rivers, wetlands, lakes and the ocean and 75' of certain streams. (The City of South Portland's Shoreland Zoning Map also defines these areas similarly).

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3. The detailed erosion and sedimentation control plan shall include:
 - (a) A plan of operations with erosion and sedimentation control measures, including:
 - (i) Equipment to be used and procedure for filling and/or excavation.
 - (ii) Estimation of the quantity and type of fill present on the site prior to project construction.
 - (iii) Specification of the quantity and type of new fill material to be used.
 - (iv) Time-frame of project and estimated timing and location of phases of filling and/or excavation operations and associated erosion and sedimentation control measures.
 - (b) Details of erosion and sedimentation control measures that are consistent with the latest version of the *Maine Erosion and Sediment Control BMP Manual*, including:
 - (i) The location and details, including dates of installation and removal, of erosion control practices including hay bales, filter fabric, berms, sedimentation basins, drainage ditches, or other practices to control erosion and sedimentation. The location of these practices is general in nature and may not address unanticipated problems that occur during actual construction. The Engineering Inspector and/or 3rd party inspector may require additional practices during construction should they be warranted.
 - (ii) Compaction, grading and surface irregularity removal dates.
 - (iii) Gradients of fill surface following compaction, grading, and removal of surface irregularities.
 - (iv) Revegetation and phasing schedule. Standards for fertilizer and seeding should be based on nutrient balances and seeding rates recommended by the Maine Soil Testing Laboratory or other appropriate source.
 - (v) Schedule for erosion controls and revegetation monitoring, and if needed, maintenance measures to be carried out from start of construction to full revegetative stabilization of the site at final grades.

C. PERFORMANCE STANDARDS

The Planning Board requires that the plan of operation submitted by the applicant conform to the following performance standards:

1. Concerning the location and timing of construction activities:
 - (a) The Board may establish a maximum area for filling and/or excavation at one time to prevent unusual delays in applying erosion control measures due to the size of the area involved.
 - (b) The plan should seek to accomplish project goals with minimal disturbance of natural topography due to filling and/or excavation activities.
 - (c) The smallest possible area of land surface should remain unprotected for the shortest time practicable.
 - (d) The plan should allow sufficient time for new vegetation to be well established prior to the end of the normal growing season or provide for the establishment of vegetation, i.e. sod.
 - (e) If construction takes place or is completed during the non-growing season, the plan should require specific attention to installation and maintenance of practices to collect sediment mobile during spring runoff.
 - (f) The placement of erosion and sedimentation control practices shall take place before construction begins, except in cases where the board deems it unnecessary.

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2. The quantity of fill to be applied should be specified and not substantially deviated from.
3. The quality of fill should fall within a range of particle sizes with a minimum particle size that will allow infiltration and a maximum particle size which will prevent the creation of unstable surface due to voids beneath the surface. Fill should be fairly uniform in texture and should not contain large stones, broken pavement, building rubble, debris, etc., except in cases where a diversity of materials would improve drainage.
4. Compaction, grading, and removal of surface irregularities should be accomplished as soon as possible after disturbance of soil and/or application of fill to minimize exposure of uncompacted material to the elements.
5. Gradients for fill surface after compaction, grading, and removal of surface irregularities should not exceed two feet horizontal to one foot vertical, unless slope stabilization such as riprap is proposed and approved.
6. On embankments above a gradient of three horizontal feet to one vertical foot the board may require mulch materials such as glass fiber, Excelsior wood fiber mats, or twisted jute yarns, and temporary seeding, to prevent siltation.
7. Revegetation shall be commenced as soon as practically possible. Banks shall be sodded or surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, if deemed necessary by the City's Consulting Engineering firm. The developer shall document to the City's Consulting Engineering firm that the resodded, resurfaced areas will be of a quality at least equal to the topsoil of land areas immediately surrounding the excavation. Existing topsoil found within the lines of improvement in excavation areas, embankment areas or both, may be excavated and stockpiled by the contractor for later use as loam on slopes and other areas. Stockpiles shall be placed at designated locations for designated time periods. Such topsoil shall be planted with legumes, grasses or other vegetation, which shall be maintained until well established. If germination is unsuccessful (less than 75% catch) within 30 days of seeding or there is unsatisfactory growth in the next year, the applicant shall reseed the area in accordance with approved seeding specifications. If at any time throughout the duration of the project, sediment from the work area should be transported in any manner outside the designated work limits, the material shall be removed from the affected places and returned to work site. In addition, any damage to vegetation outside of the project area caused by machinery used on the project shall be fully restored in an expeditious manner.
8. The applicant and/or the project contractor shall monitor and maintain erosion and sedimentation control measures and revegetated areas on a weekly basis and, as needed, after rain storms, according to the requirements listed under Monitoring below. It is the applicant's or his/her agent's responsibility to note failures in practices on the City's Erosion & Sediment Control Inspection form and modify the practices to correct apparent problems as they occur. The applicant or his/her agent should not wait for the Engineering Inspector and/or 3rd party inspector to bring these problems to his/her attention. The applicant or his/her agent should bring the Engineering Inspector's and/or 3rd party inspector's attention to any modifications prior to their execution.

D. PRECONSTRUCTION CONFERENCE

1. In addition to ensuring that the above performance standards are met by the plan of operation, the board requires as a condition of approval a preconstruction conference between the City's Consulting Engineering firm, Building Inspector, the Engineering Inspector, the applicant, and his/her contractor to reaffirm and clarify the specifics of the approved plan of operations and erosion and sedimentation control plan.
2. The Building Inspector shall not issue a Building Permit until the following conditions have been satisfied:
 - (a) The contractor certified in writing that he or she has received and read the packet of information supplied to the applicant under the requirements of Section A.

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(b) The Engineering Inspector and/or 3rd party inspector have verified that the erosion and sedimentation control practices required to be in place at the start of construction as a condition of approval are in place and properly installed and has photographed these practices in place.

3. Upon satisfaction of the requirements of subsection D.2(a) and (b), the Building Inspector shall with all other necessary conditions having been met, issue a Building Permit

E. MONITORING

Monitoring is required according to the following:

Project Type	Scheduled Inspections ²	Rain Event Inspections	
		Urban Impaired Stream	Non-Urban Impaired Stream
Large Projects¹ (≥ 1 acre)	Monthly inspections by City-appointed 3 rd party inspector with photo documentation; weekly inspection frequency if chronic deficiencies routinely found; return to monthly inspections following satisfactory remediation of deficiencies	Contractor self-inspections within 24 hrs of 0.2" rainfall; photos suggested but not required	Contractor self-inspections within 24 hrs of 1.5" rainfall; photos suggested but not required
	Weekly contractor self-inspections; photos suggested but not required		
Medium Projects (15,000 ft ² - 1 acre)	Monthly inspections by City-appointed 3 rd party inspector with photo documentation; weekly inspection frequency if chronic deficiencies routinely found; return to monthly inspections following satisfactory remediation of deficiencies	Contractor self-inspections within 24 hrs of 1.5" rainfall; photos suggested but not required	Contractor self-inspections within 24 hrs of 1.5" rainfall; photos suggested but not required
Small Projects (<15,000 ft ²)	City's Engineering Inspector will conduct 2 inspections with photo documentation; additional inspections as needed if deficiencies identified	Addressed during Engineering Inspector's visits	Addressed during Engineering Inspector's visits
Incidental³	No inspections required	No inspections required	No inspections required

1. Inspections required for compliance with Maine MS4 General Permit

2. City inspection requirements waived if MEDEP requires 3rd party inspections for project

3. Any project not requiring a Drainage Plan

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All self-inspections shall use the City's Erosion & Sediment Control inspection forms which shall be retained on the project site for review. The Portland International Jetport office of the National Weather Service shall be the authoritative reference for determining rainfall amount and intensity.

F. ENFORCEMENT

1. Violation of any conditions of site plan approval attached by the Planning Board under these standards shall be enforceable by a fine of not more than one hundred dollars (100.00) per day under Section 27-133 of the Zoning Ordinance.
2. Violation of any of the conditions of subdivision approval attached by the Planning Board under these standards shall be enforceable by a fine not to exceed one thousand dollars (1000.00) per day under Section 1-8 of the General Provisions of the City Code.
3. The Engineering Inspector and/or 3rd party inspector shall refer observed violations to the Code Enforcement Officer for enforcement proceedings.
4. If the applicant or his/her agent fails to install or maintain erosion and sedimentation control practices or address problems brought to his/her attention by the Engineering Inspector and/or 3rd party inspector, the City may issue a "stop work" order pending resolution of the problems as identified by the Engineering Inspector and/or 3rd party inspector.

G. MONETARY GUARANTEE

The applicant must provide such monetary guarantee as required by City Ordinances (Section 27-1430) in an amount to be determined by the City's Consulting Engineering firm based upon the cost of rectifying the "worst-case" scenario that could be created on site, and the impacts of such a scenario off-site; provided, however, the City's Consulting Engineering firm determination of such amount shall be based upon specific facts and cost figures for the lot in question; provided further, the amount of such guarantee may be reduced, but not below 50% of its original amount, by the Planning Board as work progresses. Except as provided, the guarantee may not be released until land has been certified to be rehabilitated by the City's Consulting Engineering firm and the Building Inspector after consultation with the Engineering Inspector and/or 3rd party inspector.

PLANNING BOARD APPLICATION



NONCONFORMING LOTS OF RECORD

SITE PLAN APPLICATION FOR DEVELOPMENT OF LOTS WITH LESS THAN THE REQUIRED MINIMUM LOT SIZE OR STREET FRONTAGE

Prior to submitting an application, **pre-application and pre-submittal meetings** with the Department of Planning & Development **are required**. The application shall not be considered by the Planning Board unless a meeting has been held. This meeting is intended to provide the applicant with an understanding of the City's standards & procedures and to allow the applicant to familiarize the staff with the proposed development.

Upon receipt of your application, exhibits and all applicable fees, staff shall start processing your request. **Please be advised that the Planning Board may schedule a Public Site Walk after your application has been submitted and may be conducted prior to the scheduling your application for a Planning Board Public Hearing.**

Upon acceptance of the completed application, the Planning Staff shall place the item on the Planning Board's agenda for consideration.

The Planning Director or the Planning Board:

1. May request a peer review of the design of the development from an architect or other design professional. This shall occur in accordance with Section 27-138.
2. Must hold a Public Hearing on the application in accordance with Section 27-1425.
3. May impose conditions of approval on the development. These conditions relate to the standards of Section 27-304. In all cases, the Planning Board shall include a condition requiring that the Certificate of Approval and the Findings of Fact for the development shall be recorded at the Cumberland County Registry of Deeds.

The development of the property must comply with the approved application including any conditions of approval. If it is necessary to make modifications to the approved plan prior to or during development, the Planning Director may approve such modifications provided they do not amount to a waiver or substantial alteration of the approved plan including any conditions or requirements set by the Planning Board. Any subsequent modifications to the building, site layout or use may occur only with approval of an amended application by the Planning Board.

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Public Notice Instructions:

When a project is scheduled for a public hearing before the Planning Board, the Department of Planning and Development currently notifies all owners of property within 500' of the lot being proposed for development. **Required at application submission: a list of map and lot numbers of property within 500' of the lot under consideration. \$150.00 for staff administrative fee plus a \$1.00 per notice fee. These map & lot numbers must be obtained from the current, updated tax maps in the City Assessor's Office or the GIS Web Viewer on the City website,** www.southportland.org/

Attached to this cover sheet is:

1. A list of approval standards for the development of lots of record. Please read these standards carefully and if you have any questions, please contact staff.
2. An exhibit sheet. (All exhibits must be received and reviewed by staff for the Director of Planning & Development in order to deem your application complete for a Planning Board review.)
3. Application form

We look forward to working with you.

APPROVAL STANDARDS FOR DEVELOPMENT OF NONCONFORMING LOTS OF RECORD

These standards must be met unless otherwise specifically provided for in this section. If there is any discrepancy between the standards presented here and those in Section 27-304 (f), those in Section 27-304 (g) shall apply.

- (1) The principal building must be a single-family detached dwelling used solely for residential purposes including home occupations.
- (2) Each building on the lot shall not exceed twenty-eight (28) feet in height, the height to be measured, notwithstanding the definition of building height in Sec. 27-201, from the peak or highest point on the roof line.
- (3) Total building coverage shall not exceed twenty-five (25) per cent of the lot.
- (4) At least twenty-five percent (25%) of the area of the lot must be vegetated and permeable, or naturally impermeable (e.g., naturally occurring ledge), open space.
- (5) Each building on the lot shall comply with the side and rear setback requirements of the district in which the lot is located, except that there shall be a minimum of twelve (12) feet separation between the new building and any existing principal or accessory building on an abutting lot, whichever produces the greater side and rear yard setbacks on the lot.
- (6) The principal building shall be connected to the public sewer system either directly or via a private sewer which is connected to the public sewer system.
- (7) Any building located in a combined sewer area shall not have a basement, unless the Planning Board finds that one of the following conditions is met:
 - (i) The finished floor elevation of the basement slab is a minimum of 12" above the seasonal high groundwater elevation, hydraulically restrictive horizon or bedrock as defined by the State of Maine Subsurface Wastewater Disposal Rules. The determination of the limiting factors shall be based on a soil profile description, prepared by a Maine-licensed site evaluator, for a minimum of two (2) test pits excavated within the footprint of the proposed building. The soil profile shall be documented on a standardized application form issued by the Maine Department of Health and Human Services (i.e., HHE-200 form, as may be amended from time to time). Submitted documentation to support the basement request shall include an elevation reference mark for verification. The soil profile and condition used for the determination of the limiting factor elevation shall be representative of the most limiting conditions beneath the foundation of the building.

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or

- (ii) The applicant demonstrates sufficient right, title or interest, reviewed and approved as to legal sufficiency by the Corporation Counsel, to discharge runoff from building foundation drain(s) or sump pump(s) onto or across downgradient properties. Such rights shall include any required downgradient areas along the flow path of the discharge from the project site to a natural stream or the City's public separated storm drainage system.
- (8) Building site plans submitted pursuant to Sec. 5-58 of the Code shall include a Drainage Plan meeting the requirements of Sec. 27-1536(e), Standards for a Drainage Plan.
- (9) Notwithstanding any other provision of this ordinance to the contrary, there shall be no vehicular access, driveway or parking easements allowed to benefit or burden the lot to be developed.
- (10) The proposed design and development of the lot and the buildings and structures on the lot shall be consistent with the established character of the neighborhood. In determining if the proposed development meets this criterion, the Planning Board must find that the following are met, if they are applicable to the location:
 - (i) If there is a predominate pattern of development in the immediate neighborhood with respect to the relationship of the principal building to the street, the principal building must be located on the lot so that it has a similar relationship to the street as other neighboring principal buildings on the same side of the street. If this requires the building to be closer to the front lot line than the required front yard setback, the building may encroach on the required yard and no variance is required.
 - (ii) If there is a predominate pattern in the width of buildings in relationship to the width of lots in the immediate neighborhood, the width of the front of the building must be similar to the relationship of neighboring lots on the same side of the street.
 - (iii) If there is a predominate pattern in the style of the roof and its orientation with respect to the street in the immediate neighborhood, the roof of the building must be similar to the relationship of buildings on neighboring lots on the same side of the street. If the predominant pattern is for the ridgeline of the roof to be perpendicular to the front property line, the portion of the proposed building facing the street must maintain this relationship.
 - (iv) If there is a predominate pattern in the height of buildings in the immediate neighborhood, the height of the building based upon existing

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grade must be consistent with the height of the buildings on neighboring lots on the same side of the street. If the predominant pattern is for buildings to have more than one story, the proposed building must have more than one story for the portion of the building facing the street.

- (v) The appearance of the wall of the building facing the street must be consistent with buildings on neighboring lots on the same side of the street. If there is a predominant pattern in the immediate neighborhood for these walls to be treated as the front of the building with a front door and windows, the front wall of the proposed building must be treated as the front of the building. If there is a predominant pattern for neighboring buildings to have a front porch, the design of the proposed building must be consistent with this pattern.
 - (vi) The exterior materials must be visually compatible with adjacent and nearby buildings where a predominate pattern in the exterior materials exists, except where unacceptable materials predominate. This provision shall not be used to exclude materials that are visually similar to existing materials but are made differently. The determination shall be based upon Sec. 27-1568(H), Materials and Colors.
- (11) If the nonconforming lot of record is located within the Shoreland Area Overlay District, including the Shoreland Resource Protection Overlay Subdistrict and the Stream Protection Overlay Subdistricts, the lot must be developed, and all buildings and structures located, in full compliance with the water setback requirements and performance standards of those districts.
- (12) If the nonconforming lot of record is located within a special flood hazard zone, the lot must be developed, and all buildings and structures located, in full compliance with the requirements of Article IV of Chapter 5 of the Code of Ordinances.

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NONCONFORMING RESIDENTIAL LOTS OF RECORD SITE PLAN - EXHIBIT LIST

- 1) _____ Submit one (1) bound copy of the application with original signature (in blue ink). PDF files are required. The Pre-Application date must be included in the application. One (1) hard copy of plan set (in the required form) must be submitted with the application submission. Also, electronic PDF files of all information are required.
- 12) _____ Submit documentation of title, right, interest in the property (deed, purchase & sale contract, contract for sale, lease, copy of the original subdivision, etc.)
- 3) _____ Provide an existing conditions plan prepared by a land surveyor or other qualified professional registered in the State of Maine and drawn to scale showing the boundaries of the lot of record, any improvements on the lot, including buildings, structures, or paving, the location of improvements on abutting lots, the topography and direction of drainage of the parcel, any existing easements, and the location of all utilities on the lot or in adjacent streets. These plans should be on paper no larger than 24" x 36". The plans must be bound into sets, stapled, and folded into a size no larger than 14" x 10" with the project name shown on the front of the folded plan.
- 4) _____ The plans shall provide the following information:
 - a) Identification of plan as Minor Site Plan
 - b) Locus Map (minimum 1" = 400')
 - c) Street name and number
 - d) Date and Scale
 - e) Name & Address of record owner
 - f) Zoning District and neighborhood of property and properties within 500'
 - g) Location & Dimensions of proposed dwelling
 - h) Location & Dimensions of driveway & sidewalk
 - i) Land area in square feet
 - j) Lot Coverage in square feet
 - k) Percentage of lot area to be covered with building
 - l) Vegetative and permeable area in square feet
 - m) Percentage of lot area proposed to be Vegetative and permeable area.
 - n) Location of all proposed utility connections.
- 5) _____ Provide building plans for the principal building and any accessory buildings including, at a minimum, the first floor plan and elevations for all sides of the building showing the architectural treatment of the property. The plan sets should be no larger than 24" x 36" and must be bound into sets, stapled, and folded to a size no larger than 14" x 10" with the project name shown on front face of folded plan.

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- 6) _____ Provide perspective drawings or photo simulations showing how the proposed building will appear when seen from the street and how it will fit into the streetscape.
- 7) _____ Provide a written and visual analysis of the existing character of the immediate neighborhood within five hundred (500) feet of the parcel that is within the same zone – focusing on the factors identified in Section 27-304(f) & (g). This should include aerial photos and pictures of the existing lots in the neighborhood, which are available on the City's webpage www.southportland.org Web GIS viewer
- 8) _____ Provide a written and visual analysis demonstrating how the proposed development of the lot meets Section 27-304(f) & (g).
- 9) _____ Erosion and Sedimentation Control Information cover sheet signed.
- 10) _____ As-built – Notes on the record drawing (see attached).
- 11) _____ Drainage Plan check list (see attached).
- 12) _____ If in a combined sewer area and basement is desired, please provide either of the following requirements:
 - (i) The finished floor elevation of the basement slab is a minimum of 12" above the seasonal high groundwater elevation, hydraulically restrictive horizon or bedrock as defined by the State of Maine Subsurface Wastewater Disposal Rules. The determination of the limiting factors shall be based on a soil profile description, prepared by a Maine-licensed site evaluator, for a minimum of two (2) test pits excavated within the footprint of the proposed building. The soil profile shall be documented on a standardized application form issued by the Maine Department of Health and Human Services (i.e., HHE-200 form, as may be amended from time to time). Submitted documentation to support the basement request shall include an elevation reference mark for verification. The soil profile and condition used for the determination of the limiting factor elevation shall be representative of the most limiting conditions beneath the foundation of the building.
 - Or
 - (ii) The applicant demonstrates sufficient right, title or interest, reviewed and approved as to legal sufficiency by the Corporation Counsel, to discharge runoff from building foundation drain(s) or sump pump(s) onto or across downgradient properties. Such rights shall include any required downgradient areas along the flow path of the discharge from the project site to a natural stream or the City's public separated storm drainage system.

PLANNING BOARD APPLICATION



INSTRUCTIONS

Be sure to submit your application well in advance of the date on which you plan to start the project.

In general, the City of South Portland does not require that the application or plan be prepared by professionals, except where specifically required by City Ordinance. Although professional advice and assistance may not be required, past experience indicates it is helpful in expediting your request.

Remember that incomplete applications will delay processing and approval of your application. You are required to have a pre-application meeting prior to submitting an application for review(see attached Administrative Procedures).

Please note that there is space next to the numbers on the attached checklist for the applicant to check off each required item submitted with this application form. Please be thorough.

A public hearing will be held before the Planning Board on this application.

Chapters 24 and 27 of the Code of Ordinances details the regulations governing submission of material required for approval of all applications.

1. Prior to submitting an application and the start of the review process, a pre-application conference is required with a Planner. The conference is initiated by the applicant and is scheduled with the applicant and a member of the Department of Planning and Development staff to discuss pertinent requirements.
2. Submit three (3) copies of your application well in advance of the date that you must begin your project. One (1) bound with original signature, two (2) loose leaf copies, and four copies of plan sets with the submittal of PDF Files of the application and plan set are acceptable for staff review.
3. Prepare the application, making sure all items on the checklist are addressed and that all required information is included in the application package. Call the Department of Planning and Development if you don't understand a requirement. Submit the application to the Department of Planning and Development.

The project must also comply with Planning Board Regulations and all applicable City ordinances.

PLANNING BOARD APPLICATION

ADMINISTRATIVE PROCEDURES FOR PLANNING BOARD MEETINGS

The Planning Board adopts the following administrative procedures for Planning Board meetings.

- 1) The following actions are required of applicants and Planning Department staff. If there is any conflict with a provision in the Zoning Ordinance, the Zoning Ordinance provision shall prevail.
 - a) **Pre-Application Meeting:** A pre-application meeting is required for all applications needing Planning Board approval. At a minimum the meeting must include the Code Enforcement Officer and a Planner. Pre-application meetings will be scheduled in the order they are received. The applicant must bring to the meeting all required application exhibits and submission materials, completed to at least the 75% level, including evidence of right, title, and interest in the subject property and, for projects involving construction, engineering plans.
 1. In the case of applications involving sensitive use setbacks, the applicant must provide evidence at the pre-application meeting that the proposed establishment meets the Zoning Ordinance separation performance standards. This evidence shall consist of a list of uses, by address, for each parcel within 1,000 feet of the parcel with the proposed establishment. In all cases, the burden of proof is on the applicant to ensure that the separation performance standards are met.
 - b) **Application Submission and Processing:** Applications will not be reviewed or processed unless they are acceptable for submission. In order to be acceptable, the applicant must provide all of the items on a checklist developed by staff for each type of application. If an application is acceptable for submission, a staff member will sign the checklist and stamp it with the date and time. A copy of the signed checklist will be provided to the applicant and will constitute a determination from the City as to whether the application is acceptable for submission.
 1. In cases where a land use activity may not locate within a certain distance of another use, the date and time stamp shall mark once an applicant is considered by the City to have secured the right to operate in that location, assuming no other proximity-proscribed use already exists within the defined distance, and assuming the application succeeds in obtaining Planning Board approval.
 2. The application must be submitted in person to one of the Community Planners or to the Planning Administrative Assistant. If an Applicant is unable to submit the application in person, other arrangements agreeable to the Applicant and Planning staff will be made upon request.

PLANNING BOARD APPLICATION



3. Within 30 days of receipt of an application that is determined to be acceptable for submission, Planning staff will send a letter to the applicant that contains a determination of whether the application is complete for Planning Board review.
 4. Once an application is determined to be complete for Planning Board review, Planning staff will consider the time needed for the applicant to respond to staff comments and will schedule the application for a Planning Board public hearing accordingly. In all cases, a public hearing on the application will be held within 90 days of when the application is deemed complete for review, unless the applicant agrees to an extension of the time period.
- 2) The developer of any project which requires a permit from another regulatory agency, such as the Department of Environmental Protection, Inland Fisheries and Wildlife, Army Corps of Engineers, or City official or agency, must present a written copy of the approved permit to the Planning Department at least seven (7) days before any final review by the Board: provided that, upon request, the Board may conduct a preliminary review of the project and submit written comments to the regulatory agency in question prior to the receipt of such final permit.
 - 3) Except as otherwise provided by law, the Planning Director, or designee, shall schedule the Planning Board's agenda. Items shall be placed on the agenda on a first come, first served basis (as determined by time and date of completed application) consistent with the provisions of paragraph 1 above. Any items, which cannot be fit on the agenda because of the number or length of previously scheduled items, shall receive priority in scheduling for the next regularly scheduled meeting.
 - 4) No new agenda items will begin after 11:00 p.m.
 - 5) If during the course of a Planning Board meeting it becomes apparent that the Board will not reach certain agenda items, the Board may, prior to its 11:00 p.m. cut-off, offer to the proponents of such items the opportunity to have their items tabled immediately to the beginning of the next regularly scheduled meeting.
 - 6) Agenda items remaining after the 11:00 p.m. cut-off time will automatically be tabled to the next regularly scheduled meeting.
 - 7) A City Planner will prepare draft informational reports as requested by the Board of Appeals for miscellaneous appeals, in conformance with the Zoning Ordinance, and present those reports to the Planning Board on a "consent calendar" at each meeting. Notification of these reports will be posted outside the City Clerk's office no later than Friday noon prior to the week in which the regularly scheduled Planning Board meeting will be held.

PLANNING BOARD APPLICATION



- 8) A City Planner will prepare comments for re-approval of lapsed site plans that have not changed and present those items and comments to the Planning Board on a "consent calendar" at each meeting unless a substantive change in the ordinance has taken place since the time of approval of the plan, warranting a more lengthy review of the project by the Planning Board. Notification of these applications will be posted outside the City Clerk's office no later than Friday noon prior to the week in which the regularly scheduled Planning Board meeting will be held.
- 9) The Planning Director, or other Planning Department staff member, will prepare public hearing legal notices. The applicant will be notified a minimum of 24 hours before the notice is to be delivered to the newspaper and may come to the Planning office to review the public hearing notice. The Planning Director will have final responsibility for the wording of the public hearing notice.

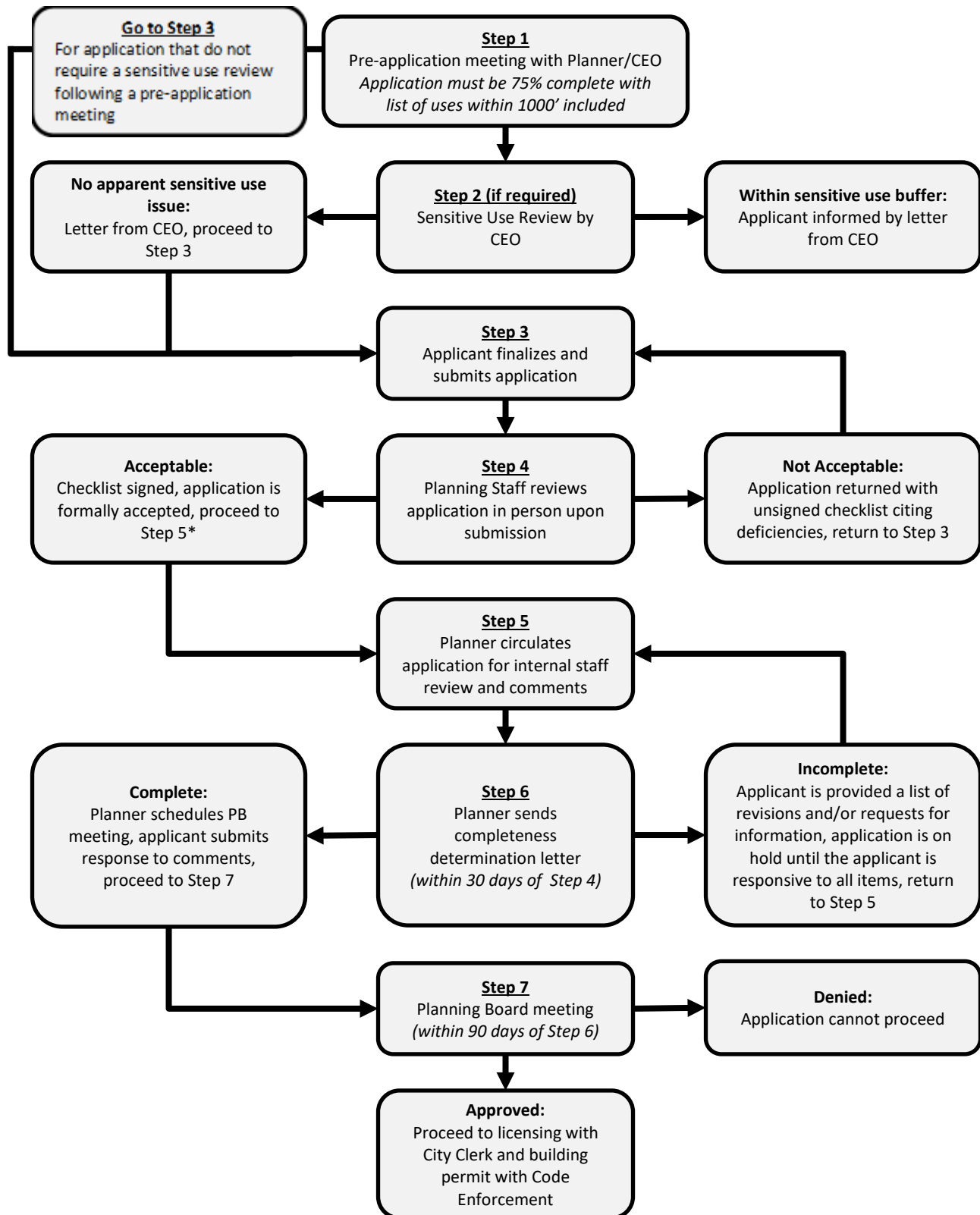
If there is an error in the ad placed in the newspaper, for any reason, it is the applicant's responsibility to pay for a new ad to be run. In the case of error, the hearing will be tabled and rescheduled.

Public Notice Instructions:

When a project is scheduled for a public hearing before the Planning Board, the Department of Planning and Development currently notifies all owners of property within 500' of the lot being proposed for development. **Required at application submission: a list of map and lot numbers of properties within 500' of the lot under consideration, \$150.00 for staff administrative fee plus a \$1.00 per notice fee. These map & lot numbers must be obtained from the current, updated tax maps in the City Assessor's Office or the GIS Web Viewer on the City website,** www.southportland.org

Please call 207-767-7648, Community Planner, for more information. Be advised to keep in touch with the staff throughout the process. Your responsiveness will help the process to run smoothly.

PLANNING BOARD APPLICATION



PLANNING BOARD APPLICATION

NEW APPLICATION SUBMISSION CHECKLIST



APPLICANT INFORMATION		
Applicant or agent name Company name		
Applicant's Telephone Number		
Applicant's Email		
Project Name		
Project Address		
Fee Total: _____ Check #: _____ Application: _____ Escrows: _____ Eng. Fee: _____ Legal Fee: _____ Arch. Fee: _____ PN Admin Fee: _____ PN Fee: _____	Administrator Signature _____ Date: _____ Applicant or agent: _____ Date: _____	For Office Use: Date and Time stamp

CHECKLIST		
☐	Application fees, Peer review escrows, Public notice fees, and (If a Zoning Change or Subdivision) Portland Press Herald account number	
☐	Date of the Pre-application meeting w/Community Planner and CEO:	
☐	Signed application form (in BLUE Ink)	
☐	One(1) bound original application signed in blue ink, tabbed with a table of contents, and two(2) loose leaf application packets, tabbed with a table of contents.	
☐	All exhibits and plans, with relevant info, i.e. RTI, Financial Capacity, SW etc.	
☐	All necessary exhibits and supporting documentation, including building elevations and floor plans, sign details, and cut-sheet exhibits	
☐	Four(4) bound and folded plan sets not larger than 24" x 36"	
☐	Electronic files of application and plan sets	
FOR MARIJUANA ESTABLISHMENT APPLICATIONS (ONLY)		
☐	300' and 1000' Buffer Analysis from sensitive uses — verified by the Code Enforcement Officer.	
☐	300' Buffer Analysis another Marijuana stores or dispensaries — verified by the Code Enforcement Officer.	
	Disclaimer: In cases where a land use activity may not locate within a certain distance of another use, the date and time stamp shall mark when an applicant is considered by the City to have secured the right to operate in that location, assuming no other proximity-proscribed use already exists within the defined distance, and assuming the application succeeds in obtaining Planning Board approval.	

☐ ACCEPTABLE FOR SUBMISSION

☐ NOT ACCEPTABLE FOR SUBMISSION (Please be aware, the City WILL NOT hold incomplete applications. The applicant will be required to take the application with them and not leave it at the Planning Office.)

Office.)

PLANNING BOARD APPLICATION



Drainage Plan Check List

The goal of the drainage plan is to reduce or minimize stormwater runoff leaving the site and shall include consideration of the site's total impervious surfaces, design of the stormwater management system, and downstream properties and drainage patterns. If there is any discrepancy between the check list items here and the requirements in Section 27-1536 (e), those in Section 27- 1536(e) shall apply.

The Drainage Plan shall demonstrate:

- 1) _____ Stormwater draining onto and across the site in the pre-improved state and will not be impeded or re-directed to create ponding or flooding on abutting lots;
- 2) _____ Any increase in volume or rate of stormwater draining from the lot will not cause or create flooding or ponding after the improvements and any increase of stormwater on an abutting lot shall have the permission, in the form of an easement to do so;
- 3) _____ Any increase in volume or rate of stormwater draining from the lot onto City property will not cause or create flooding or ponding after the improvements and any drainage on City owned property shall have the permission, in the form of an easement to do so;
- 4) _____ Any increase in volume or rate of stormwater draining from the lot into the City's separate storm sewer system can be accommodated in the system without creating downstream problems or exceeding the capacity of the storm sewer system (see Section 27-12536(e)(1)(d));
- 5) _____ Drainage plan are subject to the requirements of subsection (f) Standard for Easements or Rights-of-Ways, (g) Material Requirements, (h) Modification of the Standards and Requirements, and (i) Discharge of Stormwater; and,
- 6) _____ Drainage Plan Submission:
 - 1) The location and characteristics of any streams or drainage courses existing on the parcel and /or abutting parcels;
 - 2) The existing and proposed grade on the site using one-foot contours;
 - 3) The location and area of existing and proposed buildings and impervious surfaces;
 - 4) The existing pattern of stormwater drainage on the site, including points of discharge to the City's Stormwater System or adjacent properties; and,
 - 5) The existing pattern of stormwater drainage after development including the location and design of any stormwater facilities.

PLANNING BOARD APPLICATION



ZONING MAP CHANGE (Ord. Sec. 27-115)

****Please read the entire packet for instructions prior to completing the application form****

Submit pages 1 thru 6 only, keep pages 7 thru 14 for your records

For Office Use:

Date Stamp

Date & Time Received _____ Project# _____
\$500.00 Application Fee Paid _____ Check # _____
\$750.00 Minimum Engineering Escrow Paid: _____
\$750.00 Minimum Legal Escrow Paid: _____
\$150.00 Public Notice Administrative Fee Paid _____
Public Notice Fee Paid (\$1.00 each notice) _____ (plus Legal Advertisement in the newspaper)

Name of Applicant _____
(must own or have control of the property proposed for the zoning change)

Applicant's Mailing Address _____

Phone # _____ Fax# _____

(If more than one applicant and/or property owner, please submit additional copies of this page to provide the required information for all parties.)

**The City will correspond with only one contact person/agent for this project.
Please provide the requested information regarding the contact person/agent.**

Contact Person/Agent _____

Contact's Mailing Address _____

Contact's Phone # _____ Cell# _____ Fax# _____

Contact's Email Address _____

I certify that all of the information provided in this application form and accompanying materials is true and accurate.

_____ Date: _____

Signature of applicant (Use of blue ink for signature is required)

(If signed by applicant's agent, provide written documentation of authority to act on behalf of the applicant)

Print name, title, and company of signer

PLANNING BOARD APPLICATION



Application for Zoning Map Change with or without Proposed Accompanying Construction
(Items 1-5 to be completed by all applicants)

*****Date of Pre-application meeting:**

1. PROPOSAL DESCRIPTION

A. Explain the reason for the zoning map change request

B. Attach as **EXHIBIT #1** the appropriate section of the City of South Portland Tax Assessor's Map(s) with the following information:

- abutting property within one thousand feet of all boundaries of the total property proposed to be rezoned
- outline of total property proposed to be rezoned
- zoning district(s) of abutting properties

(This location map may be included as part of the site plan drawings.)

C. Proposal Details - for all properties located within the area proposed for rezoning

1. Name and approval date of subdivision property is in (if applicable)

Subdivision lot numbers (if applicable) _____

2. Street address(es) of property to be rezoned

3. Existing zone of property _____

Shoreland Protection District ☐ yes ☐ no

Areas of Special Flood Hazard ☐ yes ☐ no

4. Proposed zone of property _____

5. Book and page number(s) of recorded deed(s)

6. Assessor's Map number(s) _____ Lot number(s) _____

7. Total land area for each lot proposed to be rezoned

PLANNING BOARD APPLICATION



Total land area of each lot proposed to be rezoned that is within Areas of Special Flood Hazard and/or Shoreland Protection District(s)

8. Street frontage dimension for each lot proposed to be rezoned
-
-

9. Assessed value for each lot proposed to be rezoned (from records in Assessor's office)
-
-

D. Existing conditions - for all properties located within the area proposed for rezoning

1. Existing use of property (please be specific)
-

2. Total floor area of each existing building in square feet:

3. Footprint of each existing building in square feet:

E. Proposed use

1. Proposed use(s) of land - for all properties located within the area proposed for rezoning (please be specific)
-
-

2. Does the proposal include new construction? ☐ yes ☐ no

2. RIGHT, TITLE, OR INTEREST

- A. Attach as **EXHIBIT #2** evidence of corporate or partnership status, if applicant is not an individual. For corporations, the evidence shall be a certificate from the Maine Secretary of State that the applicant is registered to do business in the State of Maine and is in good standing. For limited partnerships, the evidence shall be a certificate from the Maine Secretary of State that the applicant is registered in the State of Maine. For other partnerships, the evidence shall be a certificate from the municipal clerk that the applicant is a registered mercantile partnership in that municipality or a copy of the partnership agreement.
- B. Attach as **EXHIBIT #3** evidence of applicant's right, title, or interest in the site. A complete copy of the document must be provided; financial information may be deleted.

PLANNING BOARD APPLICATION



C. Attach as **EXHIBIT #4** a copy of the current owner's existing deed for the site.

3. CONSISTENCY WITH COMPREHENSIVE PLAN

A. A zoning map change must be pursuant to and consistent with the City's existing Comprehensive Plan. What section(s) of the Comprehensive Plan support the requested zoning map change?

If your proposal is not supported by the Comprehensive Plan, please consult with the Department of Planning and Development.

4. SURVEY

A. If your proposal does not include new construction, please submit a Mortgage Loan Inspection Survey of the property proposed to be rezoned.

5. LIST OF ADJACENT PROPERTIES

A. Attach as **EXHIBIT #5** an accurate, current list of the Assessor's map(s) and lot numbers of all properties located within 500 feet of the boundaries of the area proposed for rezoning.

If new construction is proposed in conjunction with the zoning map change, please provide the following information

6. NEW CONSTRUCTION PROPOSAL

A. Proposed conditions

1. Total floor area of each proposed building in square feet:

2. Footprint of each proposed building in square feet:

3. Height of proposed building(s) _____ feet _____ stories

4. Total number of proposed parking spaces _____

5. Number of proposed handicap parking spaces _____

B. Construction sequence

1. Estimated time of start of construction _____

Estimated time of completion of construction _____

PLANNING BOARD APPLICATION



2. Is this to be a phased construction? _____ yes _____ no

7. FINANCIAL CAPACITY

A. Estimated cost of the project (including land purchase and development costs)

B. If you are proposing new construction in conjunction with the zoning map change request, you must submit a performance bond in an amount equal to at least 25% of the estimated cost of the development, provided that this amount shall not exceed fifty thousand dollars, \$50,000.00.

(Ord. Sec. 27- 115(f)).

8. SITE PLAN DRAWINGS, MAPS

A. Site plan drawings (Initial submission - 11 copies)

a. paper should be no larger than 24" x 36"

b. **bound into sets, stapled, and folded to a size no larger than 14" x 10"**, with project name shown on front face of folded plan

c. number and date drawings, with space for revision dates

d. scale of the drawings shall be between 1"=20' and 1"=40'

e. show the entire extent of contiguous property owned by the applicant(s), plus off-site easements that benefit the property, even if the total property is not part of the rezoning request

B. Title block shall include:

a. identification of plan as "Site Plan for Zone Change Request"

b. name and address (including city) of project

c. name(s) and address(es) of site owner and of applicant

d. name and address of plan designer(s)

e. area to record submittal date(s) and purpose (revision block)

C. Location map (scale not over 1"=400') shall include the appropriate section of the City of South Portland Tax Assessor's Map(s) with the following information: (if not already provided on separate sheet)

a. abutting property within one thousand feet of all boundaries of the total property proposed to be rezoned

b. outline of property proposed to be rezoned

c. zoning district(s) of abutting properties

D. North arrow and scale

E. General plan notes shall include:

a. proposed zoning district and list of applicable space and bulk regulations, comparing the required and proposed

b. proposed number of units

c. required and proposed number of regular and handicap parking spaces

d. total square footage of existing and proposed buildings

e. square footage of proposed building footprint

f. total square footage for each proposed use, if applicable

PLANNING BOARD APPLICATION



- F. Name, location, width, of existing and proposed streets.
- G. A Boundary Survey, Category 1, Condition 2, showing boundaries of all property proposed to be rezoned
- H. Setbacks as required by proposed zoning ordinance; zone line if site is transected by a zone line or if zone line is within 50 feet of the boundaries of the site
- I. Buildings, structures, and signs
 - a. locations, dimensions, entrances of existing and proposed buildings and structures
 - b. locations, dimensions, and materials of existing and proposed signs
- J. Names of abutting property owners (see Introduction)
- K. Locations of existing and proposed parking areas, loading and unloading facilities, driveways, access points.
- L. Locations of existing and proposed pedestrian access ways.
- M. Location and size of existing and proposed utilities, both on-site and in adjoining public ways.
- N. Locations and type of exterior and building-mounted lighting.
- O. Location and description of existing natural features, such as wetlands, water courses, marshes, rock outcroppings, stands of trees. Natural features to be preserved must be identified on plan.
- P. Existing and proposed landscaping, fencing, screening. Include locations, types, and sizes of plantings.
- Q. If project is within Areas of Special Flood Hazard, extent of floodway, floodway fringe, and/or Floodplain, please refer to Section 27-1322C.
- R. If project is within Shoreland Area, show required setbacks, please refer to Section 27-1322A.

ZONING MAP CHANGE APPLICATION INFORMATION

****Please keep the following pages 7 thru 14 for your records****

Planning Board Zoning Map Change Review Process and Procedures

In applying for a **Zoning Map Change**, with or without proposed accompanying construction, the applicant is encouraged to follow the process described below.

1. Prior to submitting an application and the start of the review process, a pre-application conference **is required**. The conference is initiated by the applicant and is scheduled with the applicant and members of the planning staff to discuss pertinent requirements.
2. Submit three (3) copies of your application well in advance of the date that you need approval of the zoning map change or must begin your project. Zoning map changes must be reviewed by both the Planning Board and the City Council, and receive approval from the City Council. The review process, from initial date of submission to being placed on a Planning Board agenda, typically takes a minimum of four to six weeks. Review and action at the City Council level typically takes a minimum of three weeks. Special circumstances of your specific proposal may result in a longer time for review.
3. Prepare the application, making sure all items on the checklist are addressed and that all required information is included in the application package. Call the Department of Planning and Development if you don't understand a requirement. Submit the application to the Department of Planning and Development.

The proposal must also comply with Planning Board Regulations and all applicable City ordinances. The following sections of the Code of Ordinances may apply to your proposal (this list is a guide and is not exclusive):

- * Zoning changes and amendments (Chapter 27, Article I, Sec. 27-115)
- * Standards in individual zoning districts, Areas of Special Flood Hazard, Shoreland Area; Site Plan and General Performance standards (if construction is proposed)
- * Parking and buffering (Chapter 27-1556)
- * Landscaping (Chapter 24, Article V, Section 24-42)
- * Establishment of fire lanes (Chapter 23, Article III)
- * Road and sewer standards (Chapter 24)
- * Stormwater Management (Chapter 27 Article XIX, Section 27-1536)

The Zoning Ordinance (Chapter 27) and Subdivision Ordinance (Chapter 24) of the Code of Ordinances may be purchased from the City Clerk or refer to www.southportland.org. Tax maps are also available on-line. The Planning Board Regulations may be obtained from the Department of Planning and Development and on-line at the Department of Planning and Development web page.

PLANNING BOARD APPLICATION



4. Submit one complete Application Form. Please note that some application items request submission of more than one copy initially. When your application is tentatively scheduled for a Planning Board agenda, the Department of Planning and Development will notify you.

If you are not proposing new construction with the zoning map change request, the following submission requirements apply:

- * At least seven (7) days before the Planning Board hearing date, if necessary, you must provide seven (7) additional copies of the final Application Form, including the cover page, application items 1-5, with Exhibits 1-5, and supporting documents, with any revised or additional documents.

If you are proposing new construction in conjunction with the zoning map change request, the following submission requirements apply:

- * Please see administrative procedures for instructions on submitting an application.
- * At least seven (7) days before the Planning Board hearing date, if necessary, you must provide seven (7) additional copies of the final Application Form, including the cover page, application items 1-8, with Exhibits 1-5, and supporting documents, with any revised or additional documents.

INSTRUCTIONS

Be sure to submit your application well in advance of the date on which you plan to start the project.

In general, the City of South Portland does not require that the application or plan be prepared by professionals, except where specifically required by City Ordinance. Although professional advice and assistance may not be required, past experience indicates it is helpful in expediting your request.

Remember that incomplete applications will delay processing and approval of your application. You are required to have a pre-application meeting prior to submitting an application for review (see attached Administrative Procedures).

Please note that there is space next to the numbers on the attached checklist for the applicant to check off each required item submitted with this application form. Please be thorough.

A public hearing will be held before the Planning Board on this application.

Chapters 24 and 27 of the Code of Ordinances details the regulations governing submission of material required for approval of all applications.

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 1. In the case of applications involving sensitive use setbacks, the applicant must provide evidence at the pre-application meeting that the proposed establishment meets the Zoning Ordinance separation performance standards. This evidence shall consist of a list of uses, by address, for each parcel within 1,000 feet of the parcel with the proposed establishment. In all cases, the burden of proof is on the applicant to ensure that the separation performance standards are met.
 - b) **Application Submission and Processing:** Applications will not be reviewed or processed unless they are acceptable for submission. In order to be acceptable, the applicant must provide all of the items on a checklist developed by staff for each type of application. If an application is acceptable for submission, a staff member will sign the checklist and stamp it with the date and time. A copy of the signed checklist will be provided to the applicant and will constitute a determination from the City as to whether the application is acceptable for submission.
 1. In cases where a land use activity may not locate within a certain distance of another use, the date and time stamp shall mark once an applicant is considered by the City to have secured the right to operate in that location, assuming no other proximity-proscribed use already exists within the defined distance, and assuming the application succeeds in obtaining Planning Board approval.
 2. The application must be submitted in person to one of the Community Planners or to the Planning Administrative Assistant. If an Applicant is unable to submit the application in person, other arrangements agreeable to the Applicant and Planning staff will be made upon request.

3. Within 30 days of receipt of an application that is determined to be acceptable for submission, Planning staff will send a letter to the applicant that contains a determination of whether the application is complete for Planning Board review.
 4. Once an application is determined to be complete for Planning Board review, Planning staff will consider the time needed for the applicant to respond to staff comments and will schedule the application for a Planning Board public hearing accordingly. In all cases, a public hearing on the application will be held within 90 days of when the application is deemed complete for review, unless the applicant agrees to an extension of the time period.
- 2) The developer of any project which requires a permit from another regulatory agency, such as the Department of Environmental Protection, Inland Fisheries and Wildlife, Army Corps of Engineers, or City official or agency, must present a written copy of the approved permit to the Planning Department at least seven (7) days before any final review by the Board: provided that, upon request, the Board may conduct a preliminary review of the project and submit written comments to the regulatory agency in question prior to the receipt of such final permit.
 - 3) Except as otherwise provided by law, the Planning Director, or designee, shall schedule the Planning Board's agenda. Items shall be placed on the agenda on a first come, first served basis (as determined by time and date of completed application) consistent with the provisions of paragraph 1 above. Any items, which cannot be fit on the agenda because of the number or length of previously scheduled items, shall receive priority in scheduling for the next regularly scheduled meeting.
 - 4) No new agenda items will begin after 11:00 p.m.
 - 5) If during the course of a Planning Board meeting it becomes apparent that the Board will not reach certain agenda items, the Board may, prior to its 11:00 p.m. cut-off, offer to the proponents of such items the opportunity to have their items tabled immediately to the beginning of the next regularly scheduled meeting.
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 - 7) A City Planner will prepare draft informational reports as requested by the Board of Appeals for miscellaneous appeals, in conformance with the Zoning Ordinance, and present those reports to the Planning Board on a "consent calendar" at each meeting. Notification of these reports will be posted outside the City Clerk's office no later than Friday noon prior to the week in which the regularly scheduled Planning Board meeting will be held.

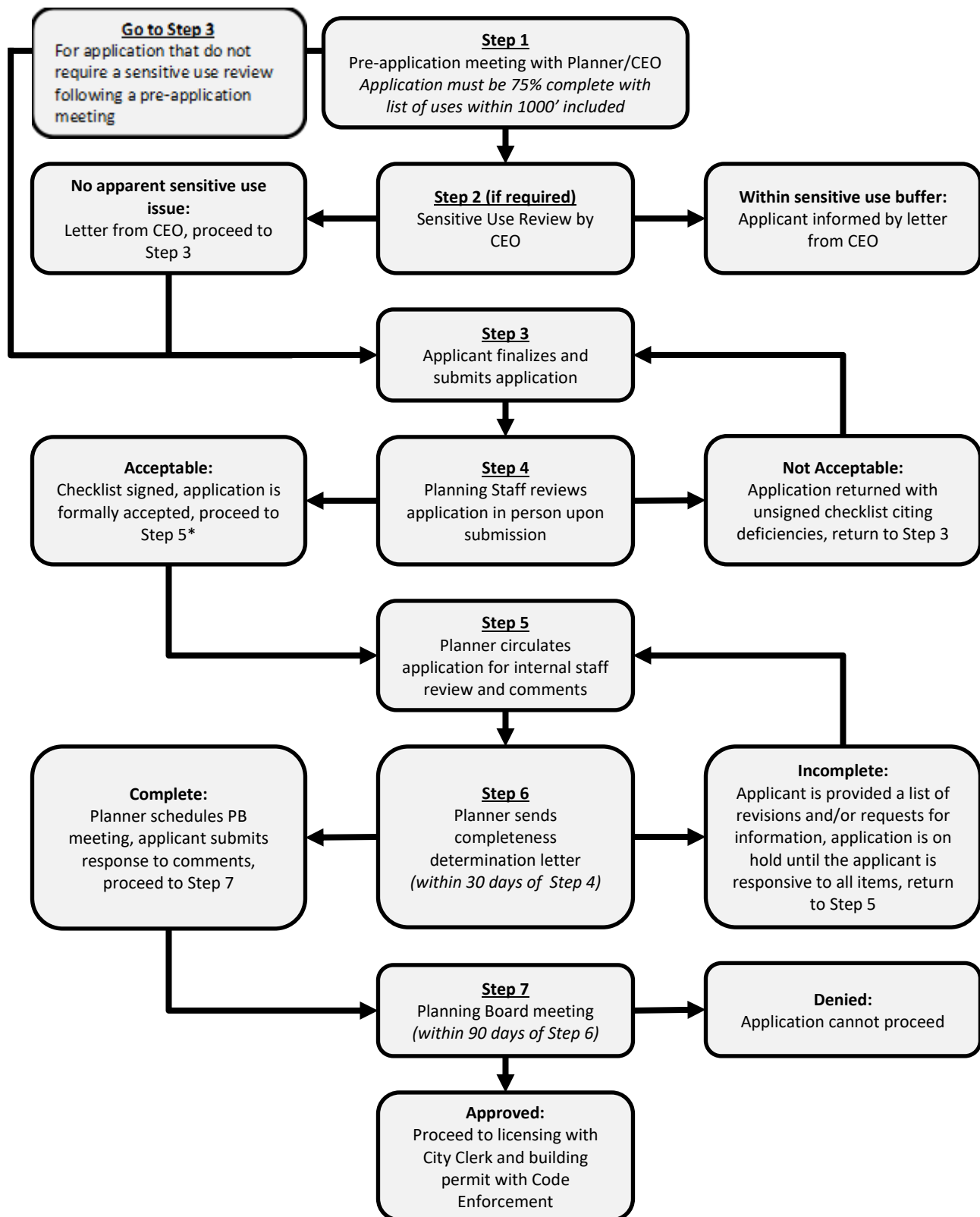
- 8) A City Planner will prepare comments for re-approval of lapsed site plans that have not changed and present those items and comments to the Planning Board on a “consent calendar” at each meeting unless a substantive change in the ordinance has taken place since the time of approval of the plan, warranting a more lengthy review of the project by the Planning Board. Notification of these applications will be posted outside the City Clerk’s office no later than Friday noon prior to the week in which the regularly scheduled Planning Board meeting will be held.
- 9) The Planning Director, or other Planning Department staff member, will prepare public hearing legal notices. The applicant will be notified a minimum of 24 hours before the notice is to be delivered to the newspaper and may come to the Planning office to review the public hearing notice. The Planning Director will have final responsibility for the wording of the public hearing notice.

If there is an error in the ad placed in the newspaper, for any reason, it is the applicant’s responsibility to pay for a new ad to be run. In the case of error, the hearing will be tabled and rescheduled.

Public Notice Instructions:

When a project is scheduled for a public hearing before the Planning Board, the Department of Planning and Development currently notifies all owners of property within 500’ of the lot being proposed for development. **Required at application submission: a list of map and lot numbers of properties within 500’ of the lot under consideration, \$150.00 for staff administrative fee plus a \$1.00 per notice fee. These map & lot numbers must be obtained from the current, updated tax maps in the City Assessor’s Office or the GIS Web Viewer on the City website, www.southportland.org**

Please call 207-767-7648 or 767-7633, Community Planner, for more information. Be advised to keep in touch with the staff throughout the process. Your responsiveness will help the process to run smoothly.



NEW APPLICATION APPLICABLE FOR SUBMISSION CHECKLIST

APPLICANT INFORMATION		
Applicant or agent name/ Company name:		
Project Name		
Project Address:		
Telephone number:		
Email address:		
Administrator Signature: Date: _____	Fee Total: _____ Check #: _____ Application: _____ Escrows: _____ Eng. Fee: _____ Legal Fee: _____ Arch. Fee: _____ PN Admin Fee: _____ PN Fee: _____	For Office Use: Date and Time stamp:
Applicant or agent: Date: _____		

CHECKLIST		
☐	Application fees, Peer review escrows, Public notice fees, and (If a Zoning Change or Subdivision) Portland Press Herald account number	
☐	Date of the Pre-application meeting w/Community Planner and CEO:	
☐	Signed application form (in BLUE Ink)	
☐	One(1) bound original application signed in blue ink, tabbed with a table of contents, and two(2) loose leaf application packets, tabbed with a table of contents.	
☐	All exhibits and plans, with relevant info, i.e. RTI, Financial Capacity, SW etc.	
☐	All necessary exhibits and supporting documentation, including building elevations and floor plans, sign details, and cut-sheet exhibits	
☐	Four(4) bound and folded plan sets not larger than 24" x 36"	
☐	Electronic files of application and plan sets	
☐	FOR MARIJUANA ESTABLISHMENT APPLICATIONS (ONLY) 300' and 1000' Buffer Analysis from sensitive uses will be verified by the Code Enforcement Officer. 300' Buffer Analysis another Marijuana stores or dispensaries will be verified by the Code Enforcement Officer. Disclaimer: In cases where a land use activity may not locate within a certain distance of another use, the date and time stamp shall mark when an applicant is considered by the City to have secured the right to operate in that location, assuming no other proximity-proscribed use already exists within the defined distance, and assuming the application succeeds in obtaining Planning Board approval.	

☐ ACCEPTABLE FOR SUBMISSION

☐ NOT ACCEPTABLE FOR SUBMISSION (Please be aware, the City WILL NOT hold incomplete applications. The applicant will be required to take the application with them and not leave it at the Planning Office.)

PLANNING BOARD APPLICATION



ZONING TEXT AMENDMENT

(Ord. Sec. 27- 115)

****Please read the entire packet for instructions prior to completing the application form****

***Submit pages 1 thru 4 only, keep pages 5 thru 12 for your records ***

For Office Use:

Date Stamp

Date & Time Received _____ Project # _____

\$1,000.00 Application Fee Paid _____ Check # _____

\$750.00 Minimum Engineering Escrow Paid: _____

\$750.00 Minimum Legal Escrow Paid: _____

\$150.00 Public Notice Administrative Fee Paid _____

Public Notice Fee Paid (\$1.00 each notice) _____ **
(For Site Plan Reviews)

Name of Applicant _____
(must own or have control of the property proposed for the zoning change)

Applicant's Mailing Address _____

Phone # _____ Fax# _____

(If more than one applicant and/or property owner, please submit additional copies of this page to provide the required information for all parties.)

**The City will correspond with only one contact person/agent for this project.
Please provide the requested information regarding the contact person/agent.**

Contact Person/Agent _____

Contact's Mailing Address _____

Contact's Phone # _____ Fax# _____

Contact's Cell # _____ Email _____

I certify that all of the information provided in this application form and accompanying materials is true and accurate.

Date: _____

Signature of applicant (Use of blue ink for signature is required)

(If signed by applicant's agent, provide written documentation of authority to act on behalf of the applicant)

Print name, title, and company of signer

PLANNING BOARD APPLICATION



Application for Zoning Text Amendment

Date of Pre-application meeting:

1. PROPOSAL DESCRIPTION

A. Explain the reason for the zoning text amendment request

B. Please provide both the existing language from the zoning ordinance and the proposed language of your zoning text amendment, including reference to the specific ordinance section

Existing: Ordinance Section _____

Proposed: _____

2. APPLICANT'S PROPERTY IN THIS ZONE (Required)

A. Property information

1. Existing zone _____
2. For each property in the subject zone owned by the applicant or in which the applicant has a legal interest, please provide the following information:
Street address(es) _____

Cumberland County Registry of Deeds-Plan Book _____ Page _____
Assessor' Map number(s) _____ Lot number(s) _____

PLANNING BOARD APPLICATION



B. Existing conditions

1. Existing use of the property (please be specific)

2. Total floor area of each existing building in square feet:

3. Footprint of each existing building in square feet:

C. Proposed use

1. Proposed use(s) of property (please be specific)

2. Does the proposal include new construction? Yes _____ No _____

3. RIGHT, TITLE, OR INTEREST

- A. Attach as **EXHIBIT #1** evidence of corporate or partnership status, if applicant is not an individual. For corporations, the evidence shall be a certificate from the Maine Secretary of State that the applicant is registered to do business in the State of Maine and is in good standing. For limited partnerships, the evidence shall be a certificate from the Maine Secretary of State that the applicant is registered in the State of Maine. For other partnerships, the evidence shall be a certificate from the municipal clerk that the applicant is a registered mercantile partnership in that municipality or a copy of the partnership agreement.

PLANNING BOARD APPLICATION



- B. Attach as **EXHIBIT #2** evidence of applicant's right, title, or interest in the site. A complete copy of the document must be provided; financial information may be deleted.
- C. Attach as **EXHIBIT #3** a copy of the current owner's existing deed for the property

4. CONSISTENCY WITH COMPREHENSIVE PLAN

- A. A zoning text amendment must be pursuant to and consistent with the City's existing Comprehensive Plan. What section(s) of the Comprehensive Plan support the requested zoning text amendment?

If your proposal is not supported by the Comprehensive Plan, please consult with the Department of Planning and Development.

- A. If your proposal does not include new construction, please submit a Mortgage Loan Inspection survey of the property proposed to be rezoned.

5. LIST OF PROPERTIES WITHIN THE ZONE

- A. Attach as **EXHIBIT #4** an accurate, current list of the Tax Assessor's map(s) and lot numbers of all properties located within the zone for which the text amendment is proposed. Please consult with the Department of Planning and Development regarding the extent of the required information for your particular project..

ZONING TEXT AMENDMENT APPLICATION INFORMATION

Please keep the following pages 5 thru 12 for your records

Planning Board Zoning Text Amendment Review Process and Procedures

In applying for a **Zoning Text Amendment**, the applicant is encouraged to follow the process described below.

1. Prior to submitting an application and the start of the review process, a pre-application conference **is required**. The conference is initiated by the applicant and is scheduled with the applicant and a member of the planning staff to discuss pertinent requirements.
2. Submit three (3) copies of your application well in advance of the date that you need approval of the zoning text amendment or must begin your project. Zoning text amendments must be reviewed by both the Planning Board and the City Council, and receive approval from the City Council. **The review process, from initial date of submission to being placed on a Planning Board agenda, typically takes a minimum of four to six weeks. Review and action at the City Council level typically takes a minimum of three weeks. Special circumstances of your specific proposal may result in a longer time for review.**
3. Prepare the application, making sure all items on the checklist are addressed and that all required information is included in the application package. Call the Department of Planning and Development if you don't understand a requirement. Submit the application to the Department of Planning and Development.

The proposal must also comply with Planning Board Regulations and all applicable City ordinances. The following sections of the Code of Ordinances may apply to your proposal (this list is a guide and is not exclusive):

- * Zoning changes and amendments (Chapter 27, Article I, Sec. 27-115)
- * Standards in individual zoning districts, Areas of Special Flood Hazard, Shoreland Area; Site Plan and General Performance standards (if construction is proposed)
- * Parking and buffering (Chapter 27-1556)
- * Landscaping (Chapter 24, Article V, Section 24-42)
- * Establishment of fire lanes (Chapter 23, Article III)
- * Road and sewer standards (Chapter 24)
- * Stormwater Management (Chapter 27, Article XIX, Section 27-1536)

The Zoning Ordinance (Chapter 27) may be purchased from the City Clerk or refer to www.southportland.org. Tax maps are also available on-line. The Planning Board Regulations may be obtained from the Department of Planning and Development and on-line at the Department of Planning and Development web page.

4. Submit one complete Application Form. Please note that some application items request submission of more than one copy initially. When your application is tentatively scheduled for a Planning Board agenda, the Department of Planning and Development will notify you.

At least seven (7) days before the Planning Board hearing date, if necessary, you must provide seven (7) additional copies of the final Application Form, including the cover page, application items 1-5, with Exhibits 1-4, and supporting documents, with any revised or additional documents.

INSTRUCTIONS

Be sure to submit your application well in advance of the date on which you plan to start the project.

In general, the City of South Portland does not require that the application or plan be prepared by professionals, except where specifically required by City Ordinance. Although professional advice and assistance may not be required, past experience indicates it is helpful in expediting your request.

Remember that incomplete applications will delay processing and approval of your application. You are required to have a pre-application meeting prior to submitting an application for review(see attached Administrative Procedures).

Please note that there is space next to the numbers on the attached checklist for the applicant to check off each required item submitted with this application form. Please be thorough.

A public hearing will be held before the Planning Board on this application.

Chapters 24 and 27 of the Code of Ordinances details the regulations governing submission of material required for approval of all applications.

1. Prior to submitting an application and the start of the review process, a pre-application conference is required with a Planner. The conference is initiated by the applicant and is scheduled with the applicant and a member of the Department of Planning and Development staff to discuss pertinent requirements.
2. Submit three (3) copies of your application well in advance of the date that you must begin your project. One (1) bound with original signature, two (2) loose leaf copies, and four copies of plan sets with the submittal of PDF Files of the application and plan set are acceptable for staff review.
3. Prepare the application, making sure all items on the checklist are addressed and that all required information is included in the application package. Call the Department of Planning and Development if you don't understand a requirement. Submit the application to the Department of Planning and Development.

The project must also comply with Planning Board Regulations and all applicable City ordinances.

ADMINISTRATIVE PROCEDURES FOR PLANNING BOARD MEETINGS

The Planning Board adopts the following administrative procedures for Planning Board meetings.

- 1)** The following actions are required of applicants and Planning Department staff. If there is any conflict with a provision in the Zoning Ordinance, the Zoning Ordinance provision shall prevail.
 - a) **Pre-Application Meeting:** A pre-application meeting is required for all applications needing Planning Board approval. At a minimum the meeting must include the Code Enforcement Officer and a Planner. Pre-application meetings will be scheduled in the order they are received. The applicant must bring to the meeting all required application exhibits and submission materials, completed to at least the 75% level, including evidence of right, title, and interest in the subject property and, for projects involving construction, engineering plans.
 1. In the case of applications involving sensitive use setbacks, the applicant must provide evidence at the pre-application meeting that the proposed establishment meets the Zoning Ordinance separation performance standards. This evidence shall consist of a list of uses, by address, for each parcel within 1,000 feet of the parcel with the proposed establishment. In all cases, the burden of proof is on the applicant to ensure that the separation performance standards are met.
 - b) **Application Submission and Processing:** Applications will not be reviewed or processed unless they are acceptable for submission. In order to be acceptable, the applicant must provide all of the items on a checklist developed by staff for each type of application. If an application is acceptable for submission, a staff member will sign the checklist and stamp it with the date and time. A copy of the signed checklist will be provided to the applicant and will constitute a determination from the City as to whether the application is acceptable for submission.
 1. In cases where a land use activity may not locate within a certain distance of another use, the date and time stamp shall mark once an applicant is considered by the City to have secured the right to operate in that location, assuming no other proximity-proscribed use already exists within the defined distance, and assuming the application succeeds in obtaining Planning Board approval.
 2. The application must be submitted in person to one of the Community Planners or to the Planning Administrative Assistant. If an Applicant is unable to submit the application in person, other arrangements agreeable to the Applicant and Planning staff will be made upon request.

3. Within 30 days of receipt of an application that is determined to be acceptable for submission, Planning staff will send a letter to the applicant that contains a determination of whether the application is complete for Planning Board review.
 4. Once an application is determined to be complete for Planning Board review, Planning staff will consider the time needed for the applicant to respond to staff comments and will schedule the application for a Planning Board public hearing accordingly. In all cases, a public hearing on the application will be held within 90 days of when the application is deemed complete for review, unless the applicant agrees to an extension of the time period.
- 2) The developer of any project which requires a permit from another regulatory agency, such as the Department of Environmental Protection, Inland Fisheries and Wildlife, Army Corps of Engineers, or City official or agency, must present a written copy of the approved permit to the Planning Department at least seven (7) days before any final review by the Board: provided that, upon request, the Board may conduct a preliminary review of the project and submit written comments to the regulatory agency in question prior to the receipt of such final permit.
 - 3) Except as otherwise provided by law, the Planning Director, or designee, shall schedule the Planning Board's agenda. Items shall be placed on the agenda on a first come, first served basis (as determined by time and date of completed application) consistent with the provisions of paragraph 1 above. Any items, which cannot be fit on the agenda because of the number or length of previously scheduled items, shall receive priority in scheduling for the next regularly scheduled meeting.
 - 4) No new agenda items will begin after 11:00 p.m.
 - 5) If during the course of a Planning Board meeting it becomes apparent that the Board will not reach certain agenda items, the Board may, prior to its 11:00 p.m. cut-off, offer to the proponents of such items the opportunity to have their items tabled immediately to the beginning of the next regularly scheduled meeting.
 - 6) Agenda items remaining after the 11:00 p.m. cut-off time will automatically be tabled to the next regularly scheduled meeting.
 - 7) A City Planner will prepare draft informational reports as requested by the Board of Appeals for miscellaneous appeals, in conformance with the Zoning Ordinance, and present those reports to the Planning Board on a "consent calendar" at each meeting. Notification of these reports will be posted outside the City Clerk's office no later than Friday noon prior to the week in which the regularly scheduled Planning Board meeting will be held.

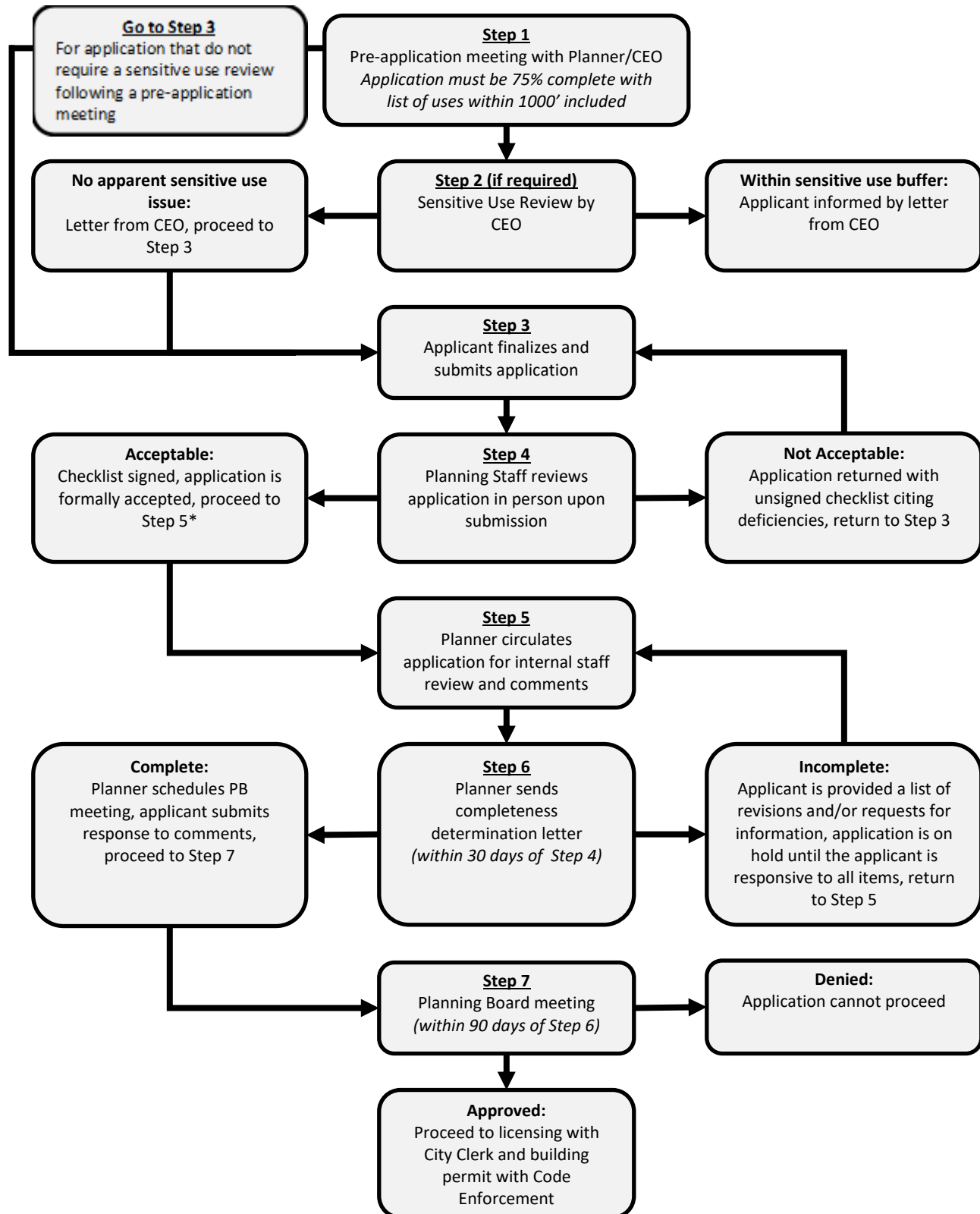
- 8) A City Planner will prepare comments for re-approval of lapsed site plans that have not changed and present those items and comments to the Planning Board on a “consent calendar” at each meeting unless a substantive change in the ordinance has taken place since the time of approval of the plan, warranting a more lengthy review of the project by the Planning Board. Notification of these applications will be posted outside the City Clerk’s office no later than Friday noon prior to the week in which the regularly scheduled Planning Board meeting will be held.
- 9) The Planning Director, or other Planning Department staff member, will prepare public hearing legal notices. The applicant will be notified a minimum of 24 hours before the notice is to be delivered to the newspaper and may come to the Planning office to review the public hearing notice. The Planning Director will have final responsibility for the wording of the public hearing notice.

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Public Notice Instructions:

When a project is scheduled for a public hearing before the Planning Board, the Department of Planning and Development currently notifies all owners of property within 500’ of the lot being proposed for development. **Required at application submission: a list of map and lot numbers of properties within 500’ of the lot under consideration, \$150.00 for staff administrative fee plus a \$1.00 per notice fee. These map & lot numbers must be obtained from the current, updated tax maps in the City Assessor’s Office or the GIS Web Viewer on the City website, www.southportland.org**

Please call 207-767-7648 or 767-7633, Community Planner, for more information. Be advised to keep in touch with the staff throughout the process. Your responsiveness will help the process to run smoothly.



New Application Applicable For Submission Checklist

APPLICANT INFORMATION		
Applicant or agent name/ Company name:		
Project Address:		
Telephone number:		
Email address:		
Administrator Signature:	Fee Total: _____	For Office Use: Date and Time stamp:
Date:	Application: _____	
	Escrows: _____	
Applicant or agent:	Eng.: _____	
Date:	Legal.: _____	
	Arch.: _____	
	PN: _____	

CHECKLIST		
☐	Application fees, Peer review escrows, Public notice fees, and (If a Zoning Change or Subdivision) Portland Press Herald account number	
☐	Date of the Pre-application meeting w/Community Planner and CEO:	
☐	Signed application form (in BLUE Ink)	
☐	One(1) bound original application signed in blue ink, tabbed with a table of contents, and two(2) loose leaf application packets, tabbed with a table of contents.	
☐	All exhibits and plans, with relevant info, i.e. RTI, Financial Capacity, SW etc.	
☐	All necessary exhibits and supporting documentation, including building elevations and floor plans, sign details, and cut-sheet exhibits	
☐	Four(4) bound and folded plan sets not larger than 24" x 36"	
☐	Electronic files of application and plan sets	
FOR MARIJUANA ESTABLISHMENT APPLICATIONS (ONLY)		
☐	300' and 1000' Buffer Analysis from sensitive uses — verified by the Code Enforcement Officer.	
☐	300' Buffer Analysis another Marijuana stores or dispensaries — verified by the Code Enforcement Officer.	
<i>Disclaimer: In cases where a land use activity may not locate within a certain distance of another use, the date and time stamp shall mark when an applicant is considered by the City to have secured the right to operate in that location, assuming no other proximity-proscribed use already exists within the defined distance, and assuming the application succeeds in obtaining Planning Board approval.</i>		

☐ ACCEPTABLE FOR SUBMISSION

☐ NOT ACCEPTABLE FOR SUBMISSION (Please be aware, the City WILL NOT hold incomplete applications. The applicant will be required to take the application with them and not leave it at the Planning Office.)

PLANNING BOARD APPLICATION

SPECIAL EXCEPTION APPLICATION FORM

For Office Use:

Date and time Stamp: _____

Date & Time Received _____ Project #: _____

\$500.00 (\$750 for Marijuana Establishments)

Application Fee Paid _____ Check #: _____

\$750.00 Engineering Escrow Paid _____

\$750.00 Legal Escrow Paid _____

\$500.00 Architectural Escrow Paid: _____

\$150.00 Public Notice Administrative Fee Paid _____

Plus (\$1.00 per notice) _____

of Applications _____ Copies of plans _____ PDF Files _____

The undersigned submits the accompanying Special Exception request for the property located in the City of South Portland for approval under the requirements of Chapter 27 of City of South Portland Zoning Ordinance.

Project Name: _____

Street name: _____

Number(s) of property: _____

Name of record owner of property: _____

Address: _____ Telephone

#: _____ Fax#: _____ Cell

#: _____ Email: _____

Name of applicant (if different from owner): _____

Address: _____ Telephone

#: _____ Fax#: _____

Person to contact if there are problems with application:

Name/Company: _____

Address: _____

Telephone #: _____ Fax#: _____

Cell #: _____ Email: _____

PLANNING BOARD APPLICATION

***Date of Pre-application meeting: _____

Map and lot number on file in the assessor's office:

Map number: _____ Lot number: _____

Zoning district: _____

Proposed use of property requiring special exception approval (please be specific):

Is this application an amendment to a previously approved special exception?

Yes: _____ No: _____

If yes, please provide a complete itemized list of the proposed changes to the special exception (use separate sheet if necessary): _____

Signature of Applicant (Use of blue ink for signature is required)

(if signed by applicant's agent, documentation that the agent has legal authority to act on behalf of the applicant is required)

Name of Applicant or Applicant's Agent (please print)

IMPORTANT: Please read and carefully follow the attached instructions to ensure speedy processing of your application. Failure to follow these instructions will delay processing and final approval of your application. The applicant or a duly authorized representative must attend the planning board meeting to discuss the application.

I certify that I have read the above statement indicating the importance of following the attached instructions for application to the department of planning and development.

In addition, I certify that all of the information provided in this application form and accompanying materials is true and accurate.

Signature (Use of blue ink for signature is required)

Print name of signer

SPECIAL EXCEPTION CHECKLIST

APPLICANT
SUBMITTED

DEPT. OF P/D
SUBMITTED/SATISFACTORY

1. Documentation of title, right, or interest in the property (e.g., deed option, purchase and sales contract, contract for sale, lease, etc.) _____/_____

2. Plan Sets:
If outdoor sales or displays are proposed, at least (4) copies of plan(s) of the property should be provided in a format
no larger than 24" x 36". bound into sets, staples and folded to a size no larger than 14" x 10" with name of project shown on front face of of folded plan. _____/_____

All plan sets are required to indicate the following:

- a. _____ Identification of plan as a "Special Exception" _____/_____
- b. _____ Name of project, if appropriate _____/_____
- c. _____ Street name and number of property (Please note that the street the street name and number must be the same as that listed on page 1 of this application) _____/_____
- d. _____ Date _____/_____
- e. _____ Scale _____/_____
- f. _____ Name and address of record owner of property (Please note that the name and address of record owner must be identical to that listed on page 1 of this application) _____/_____
- g. _____ Name and address of applicant (Please note that the name and address of applicant must be identical to that listed on page 1 of this application) _____/_____
- h. _____ Building(s) _____/_____
- i. _____ Location and size of parking area(s) _____/_____
- j. _____ Location and size of display area(s) _____/_____
- k. _____ Location and size of driveways _____/_____
- l. _____ Location of Sidewalks _____/_____
- m. _____ Any revision(s) to the originally submitted plan(s) must include the date and full description of the revision(s) _____/_____
- n. _____ If a full packet of plans is not presented with each revision, it is the responsibility of the applicant to replace the originally submitted sheets with the newly revised pages and rebind the packet of plans. One copy of each replaced sheet must be left for the Department of Planning and Development records. This is a necessary requirement for project completion. _____/_____

PLANNING BOARD APPLICATION

SPECIAL EXCEPTION-FARMERS' MARKET-VENDOR

****Please read the entire packet for instructions prior to completing the application form****

****Submit pages 1 thru 3, keep pages 4 thru 7 for your records****

For Office Use:

Date Stamp

Date & Time Received _____ Project: _____
 \$200.00 Application Fee Paid _____ Check# _____
 Public Notice Fee Paid (\$1.00 each notice) _____
 Three sets of Plans: _____ PDF Files: _____
 One original and two copies of the application _____

Name of Applicant _____

Applicant's Mailing Address _____

Telephone # _____ Fax# _____

Name of Project _____

Street Address _____

Proposed Use _____

**The City will correspond with only one contact person/agent for this project.
 Please provide the requested information regarding the contact person/agent.**

Contact Person/Agent _____

Contact's Mailing Address _____

Contact's Phone # _____ Cell# _____ Fax# _____

Contact's Email Address _____

I certify that all the information provided in this application form and accompanying materials is true and accurate.

 Signature of Applicant (use of blue ink is required) Date: _____

(agent must provide written documentation to act on behalf of applicant)

 Print name & title of signer

PLANNING BOARD APPLICATION

SPECIAL EXCEPTION-FARMERS' MARKET

1. Project Description

A. Project details

1. Tax Map number(s) _____ Lot number(s) _____
2. Existing zone of the site _____
3.
 - a. Total land area of site in square feet _____
 - b. Total land area of site to be used by applicant _____
 - c. Estimated number of vendors each week _____
 - d. Estimated number of available off-street parking spaces _____
 - e. Estimated number of available on-street parking spaces within 300 feet _____

2. Right, Title, or Interest

A. Name and mailing address of record owner of the site

Phone _____ FAX _____

B. Attach evidence of agreement between Farmer's Market and property owner

PLANNING BOARD APPLICATION

- 3. IN ADDITION TO MEETING THE SPECIAL EXCEPTION APPROVAL STANDARDS, THE APPLICANT SHALL DEMONSTRATE COMPLIANCE WITH ALL OF THE FOLLOWING:**
 - a) The proposed farmers' market will not cause unreasonable road congestion or unsafe conditions with respect to existing or proposed roads and internal vehicular and pedestrian site circulation.**
 - b) The proposed farmers' market will provide adequate on and off street parking to accommodate farmers and associated vendors and customers.**
 - c) The proposed farmers' market will provide for adequate waste collection disposal and recycling.**
 - d) The applicant shall provide a written narrative addressing the maximum number of farmers and vendors participating in the farmers' market.**
- 4. NOTIFICATION REQUIREMENTS**
 - a) Attach a list of names and mailing addresses, and City tax map and lot numbers, of all current owners of property within 500 feet of the site.**
- 5. REQUIRED PLAN DRAWINGS**
 - a) An existing conditions plan drawn to scale showing the boundaries of the lot and any existing improvements on the lot, including buildings and paving.**
 - b) A sketch plan that is to scale to include the following:**
 - 1) a title block entitled "Special Exception for a Farmers' Market"**
 - 2) the name and address of the record property owner**
 - 3) north arrow and date**
 - 4) driveways and access points, fire lanes**
 - 5) the number and location of parking spaces provided**
 - 6) proposed dates and hours of operation**
 - c) A plan showing parking and traffic circulation for both farmers, vendors and customers.**
 - d) A plan detailing locations, dimensions and renderings of proposed signs.**
 - e) A plan detailing location of waste and recycling containers.**

PLANNING BOARD APPLICATION

INSTRUCTIONS

Be sure to submit your application well in advance of the date on which you plan to start the project.

In general, the City of South Portland does not require that the application or plan be prepared by professionals, except where specifically required by City Ordinance. Although professional advice and assistance may not be required, past experience indicates it is helpful in expediting your request. Remember that incomplete applications will delay processing and approval of your application. If you are new to South Portland's process of special exception review, we advise you to set up an appointment with the Community Planner in the Department of Planning and Development prior to submission of your application.

Please note that there is space next to the numbers on the attached checklist for the applicant to check off each required item submitted with this application form. Please be thorough.

A public hearing will be held before the Planning Board on this application. Chapter 27 of the Code of Ordinances details the regulations governing submission of material required for approval of all applications. An application is considered complete when all of the following have been submitted to the Department of Planning & Development: a) the items required under Chapter 27, b) the items required in the attached checklist, and c) in some cases additional items specifically requested by the Planning Board or the City Staff. In order to be placed on the Planning Board agenda, a complete application must be received at the Department of Planning and Development by 4:30 p.m., forty-two (42) days prior to a regularly scheduled Planning Board meeting. Please see Planning Board Regulation #1 for clarification. The Planning Board meets on the second Wednesday of the month and on the fourth Wednesday when necessary. From time to time the Planning Board will schedule special meetings. Planning Board Regulation #1 indicates that any project with revisions presented to the Department of Planning and Development less than one week prior to the Planning Board meeting will be tabled automatically until the next regularly scheduled Planning Board meeting. The applicant, or a duly authorized representative, must attend the Planning Board meeting to discuss the application.

Items required for all applications review are more fully described in Article XIV of Chapter 27 of the City Code, which is available in the City Clerk's Office and at www.southportland.org. Copies of the Planning Board Regulations are available from the Department of Planning and Development and on-line at the Department of Planning and Development web page. Please direct any questions to the Community Planner, 207-767-7648.

PLANNING BOARD APPLICATION

City Ordinances and Planning Board Regulations include the following administrative procedures:

1. Applications are processed in the order in which they are received.
2. Within 30 days of receipt of the application in the Department of Planning & Development, you will be notified if your application is complete or incomplete. If it is incomplete, a list of outstanding items will be included in the notification letter. Each time revisions are submitted on an incomplete application, the City has another 30 days to review the revised materials to make a determination of completeness.
3. Once an application is deemed to be complete, the project will be reviewed by City staff for compliance with the Ordinance standards. You will be notified of staff comments regarding the project and you may make revisions to address these comments.

When the project is scheduled for a Planning Board agenda, the planning staff prepares a written report which discusses the project and makes a recommendation to the Planning Board as to a decision. The report is available on the Friday preceding the Planning Board meeting.

The Board will hold the public hearing on the application within 90 days of receipt of a complete application and make a decision within 30 days of that hearing. A decision may be postponed, with agreement of the applicant, to allow time for revisions to a plan.

The applicant or a duly authorized representative should attend the Planning Board meeting to discuss the application.

4. The Planning Board regularly meets on the second Wednesday of the month and the fourth Wednesday when necessary.

5. Public Notice Instructions:

When a project is scheduled for a public hearing before the Planning Board, the Department of Planning & Development notifies all owners of property within 500' of the lot being proposed for development. **Required at application submission:**

a list of map and lot numbers of property within 500' of the lot under consideration, plus a \$1.00 per notice fee. These map & lot numbers must be obtained from the current, updated tax maps in the City Assessor's Office City Assessor's Office or the GIS Web Viewer on the City website, www.southportland.org/ A staff member will verify the list.

Please call 207-767-7648, Community Planner, for more information

DEPARTMENT OF PLANNING AND DEVELOPMENT

FEE SCHEDULE

Pre-application meeting – if applicable, as determined by staff

- _____ Engineer Consulting Fee - \$250.00 (minimum)
- _____ Traffic Consulting Engineer Fee - \$300.00 (minimum)
- _____ Legal Consulting Fee - \$250.00 (minimum)

Application fees - required with project submittal

Site Plans

- _____ Land Disturbance of 15, 000 sq. ft. – 2 acres - \$300.00
- _____ Land Disturbance-exceeding 2 acres - \$400.00
- _____ Buildings with one unit or tenant, less than or equal to 2,000 sq. ft - \$400.00. Building size greater than 2,000 sq. ft. - \$25 per each 1,000 square foot.
- _____ For buildings with 2 or more units or tenants,
\$150 per unit or tenant up to 10 units or tenants, then
\$100 per unit for more than 10 units
- _____ Minor Site Plan Review - \$300.00
- _____ Amended Site Plan Review – Regular site plan fee applied to the area being modified; \$400.00 minimum
- _____ Amended Site Plan Review for projects that only require site plan review because they modify a previous site plan approval and would not otherwise trigger the need for site plan approval- \$50.00
- _____ Minor Site Plan for Non-conforming Lots of Record-less than 5000 sq ft or less than 50 ft of street frontage-\$300.00

Subdivisions

- _____ Minor Subdivision - \$300.00 Plus Advertising Costs to Newspaper
- _____ Preliminary Major Subdivision
Up to 10 lots - \$300.00 Plus Advertising Costs to Newspaper
10 Lots and more - \$300.00 Plus \$50.00 per lot Plus Advertising Costs to Newspaper
- _____ Final Major Subdivision
Up to 10 lots - \$750.00 Plus fee for land disturbance (see Site Plan fees) Plus Advertising Costs to Newspaper
Over 10 lots - \$750.00 Plus \$50.00 per lot, Plus fee for land disturbance (See Site Plan fees) Plus Advertising Costs
- _____ Amended Major Subdivision – for amendments that do not create additional lots - \$400.00. Regular fee for amendments that create additional lots, except that existing lots do not count in calculating the fee. Plus Advertising Costs to Newspaper

Zoning Changes

- _____ Map Change - \$500.00 Plus Advertising Costs to Newspaper
- _____ Text Change - \$500.00 Plus Advertising Costs to Newspaper

Special Exceptions

- _____ Special Exception - \$300.00
- _____ With Modified Site Plan - \$200.00
- _____ Accessory Dwelling Units - \$150.00

Master Plans

- _____ Master Plan - \$300.00

Reapproval of Lapsed Plans

- _____ Subdivision and Site Plan Applications - \$300.00

Request to Purchase

- _____ Request to purchase City Property - \$150.00

DeMinimis Change Request

- _____ Application Fee - \$50.00

Request to Vacate Street

- _____ Application Fee - \$300.00 Plus Applicant is responsible for title search fees

Public Notice Fee

- _____ \$1.00 per notice - required with project submittal.

Engineering Review Fee for Site Plans, Subdivision, Special Exceptions

- _____ Minimum \$500.00 escrow required with project submittal and subject to change depending on complexity of project

Legal Consultant Review Fee for Site Plans, Subdivisions, Special Exceptions

- _____ Minimum \$500.00 escrow required with project submittal and subject to change depending on complexity of project

Inspection Fees (may be required prior to pre-construction meeting)

- _____ Sites Without Maine Construction General Permit (less than an acre) - \$500.00 minimum
- _____ Sites With Maine Construction General Permit (greater than an acre) - \$2000.00 minimum

**Engineering fees for project review are estimated and due with project submittal.
Additional fees may be assessed depending on project complexity****Fees assessed for inspections completed by the city or its consultant are due
upon receipt of invoice.**

PLANNING BOARD APPLICATION

PURCHASE OR VACATE CITY RIGHTS FROM CITY PROPERTY

For Office Use:

Date Received: _____

Project ID #: _____

Application Fee: _____

Check #: _____

Public Notice Fee: _____

Applicant Name: _____

Applicant Mailing Address: _____

Primary Phone #: _____ E-Mail: _____

City-Owned Parcel Address: _____

City-Owned Property Map and Lot Number(s) (if applicable): _____

Name and Approval Date of Subdivision for the City-Owned Property (if applicable):

Register of Deeds Book/Page Reference for Property: _____ N/A: _____

Proposed Use of Property or Purpose of City Property Sale or Vacation of Rights(Please be specific and use additional pages if needed):

_____**I certify that all the information provided in this application form and accompanying materials is true and accurate.**_____
Signature of Applicant_____
Date_____
Print name of Applicant

Process

Following an initial Pre-Application meeting with the Planning Division, this application to request that the City Council sell city owned property, or vacate certain city rights to property is processed by the South Portland Planning Division in the Planning and Development Department. Applications are distributed to relevant City departments for review and comment, and a comprehensive list of comments, including mandatory application documents or materials that must be provided for processing as well as advisory application notes, will be distributed to the applicant in writing within 30 days of receiving the application and payment of applicable fees. Once the application is deemed complete for processing, the Planning Division will notify the applicant in writing of the tentative Planning Board public hearing date. The Planning Division may require third-party review, at the applicant's expense, to sufficiently review the application request.

Following the completion of the due notice period for the application, the Planning Board will review the application in a public hearing and provide a recommendation on the request to the City Council. Following the Planning Board hearing and recommendation, the application will be scheduled for a City Council hearing to determine whether to approve the request. Full details on the process, application requirements, and restrictions on the sale of municipal property or rights to property is outlined in the Code of Ordinances, Chapter 2, Administration, Section 2-171, et seq. Please reach out to the Planning Division with any questions or clarifications as you develop the application.

PLANNING BOARD APPLICATION



REQUEST FOR DeMINIMIS CHANGE TO AN APPROVED SITE PLAN

Submit pages 1 & 2

and Exhibits (as necessary)

For Office Use:

Date Stamp:

Date Received: _____ Project #: _____

\$150.00 Fee Paid: _____ Check #: _____

Engineering Escrow Paid (if necessary): _____

Legal Escrow Paid (if necessary): _____

Applicant(s) Name and Company: _____

Applicant(s) Address: _____

Name of Approved Project: _____

Street Name and Number of project: _____

Project's Map number: _____ Lot number: _____

Person to contact with questions concerning this application:

Name: _____

Address: _____

Telephone #: _____ Fax #: _____

Cell #: _____ E-mail: _____

Proposed Change to Plan (please be specific and use separate sheet if necessary):

If at any time it becomes necessary or desirable to make *de minimis* modifications to an approved project, plan subdivision, or development, the Planning Director shall place the *de minimis* change application on the Consent Calendar of the Planning Board meeting for action by the Planning Board. The Planning Board may approve the *de minimis* modifications if they:

- i. do not amount to a waiver or substantial alternation of any condition or requirement previously set by the Planning Board;
- ii. do not affect any approval standard;
- iii. meet all applicable ordinances and laws;
- iv. are reviewed by all appropriate City staff and consultants; and
- v. do not involve any change to lot lines.

The Planning Board may take action on the *de minimis* change request without specific discussion as part of a slate of Consent Calendar items, take the item off the Consent Calendar for specific discussion, postpone the item to enable the provision of public notice, determine that the proposed change or set of changes are not *de minimis* and do not qualify for the *de minimis* change review procedure, or take such other action as it deems appropriate.

As part of this application, the applicant shall submit the following items:

- **Applicant authorization letter if applicant is not the property owner**
- **Three (3) redlined plans showing the proposed changes**

The *de minimis* change application may be distributed to as many as nine (9) department heads depending on the scope of the proposed change. If the proposed change is for an inactive project (one that no longer holds performance guarantees), additional financial guarantees may be required as part of any approval.

I certify that all the information provided in this application form and accompanying materials is true and accurate

Signature of applicant or authorized agent (Use of blue ink for signature is required)

-

Print name, title, and company of signer

PLANNING BOARD APPLICATION



REQUEST FOR MINOR AMENDMENT OF AN APPROVED SITE PLAN

Submit pages 1 & 2

and Exhibits (as necessary)

For Office Use:

Date Stamp:

Date Received: _____ Project #: _____

\$250.00 Fee Paid: _____ Check #: _____

Engineering Escrow Paid (if necessary): _____

Legal Escrow Paid (if necessary): _____

Applicant(s) Name and Company: _____

Applicant(s) Address: _____

Name of Approved Project: _____

Street Name and Number of project: _____

Project's Map number: _____ Lot number: _____

Person to contact with questions concerning this application:

Name: _____

Address: _____

Telephone #: _____ Fax #: _____

Cell #: _____ E-mail: _____

Proposed Change to Plan (please be specific and use separate sheet if necessary):

The Planning Board may take action on the *Minor Amendment* request without specific discussion as part of a slate of Consent Calendar items pursuant to the Code of Ordinances, Chapter 27, Zoning, Section 27-142. Items placed on the Consent Calendar may be moved to a Public Hearing by a vote of the Planning Board for specific discussion, postponed to a future date to enable a public notice, determined that the proposed changes do not qualify as Minor Amendments, approved or denied as the Board deems appropriate.

As part of this application, the applicant shall submit the following items:

- **Applicant authorization letter if applicant is not the property owner**
- **Electronic plans in PDF format showing the proposed changes**

The application may be distributed to peer reviewers as necessary to evaluate whether the proposal is consistent with the Code of Ordinances and other applicable laws. If the proposed change is for an inactive project (one that no longer holds performance guarantees), additional financial guarantees may be required as part of any approval.

I certify that all the information provided in this application form and accompanying materials is true and accurate

Signature of applicant or authorized agent (Use of blue ink for signature is required)

-

Print name, title, and company of signer

PLANNING BOARD APPLICATION



REQUEST TO DISCONTINUE A CITY STREET

****Please read entire packet for instructions prior to completing the application form****

Submit page #1 only – keep pages 2 thru 5 for your records

For Office Use :

Date Stamp

Date & Time Received: _____ Project # _____

\$300.00 Application Fee Paid: _____ Check # _____

\$200.00 Legal Escrow Fee Paid: _____

Public Notice Fee Paid (\$1.00 per notice): _____

Name of City Street: _____

Date of the Planning Board Approval: _____

Map Number (s): _____

Council Street Acceptance Order Number: _____ and Date: _____

Name and Date of Original Subdivision: _____

Cumberland County Register of Deeds Book: _____ Page: _____

Person to contact if there are problems with the application:

Name: _____

Address: _____

Telephone #: _____ Fax #: _____

Cell #: _____ E-Mail: _____

Proposed Use of Property (please be specific and use additional pages if needed):

I certify that all the information provided in this application form and accompanying materials is true and accurate.

Signature of Applicant (Use of blue ink for signature is required)

Date: _____

Print name of signer

PLANNING BOARD APPLICATION



Process

The application for the request to vacate city owned/paper street is submitted to the Department of Planning and Development Office for processing. The application will be distributed to nine (9) department heads for their review in their specific fields of expertise. Once the department heads review the parcel under request, the Department of Planning and Development will inform you, through a letter, of the comments received on the request. In the letter, a tentative date of Planning Board review may be provided.

Public Notice Instructions:

When a project is scheduled for a public hearing before the Planning Board, the Department of Planning and Development currently notifies all owners of property within 500' of the lot being proposed for development. Required at application submission: a list of map and lot numbers of property within 500' of the lot under consideration, plus a \$1.00 per notice fee. These map & lot numbers must be obtained from the current, updated tax maps in the City Assessor's Office or the GIS Web Viewer on the City website, www.southportland.org/ A staff member will verify the list. Please call 207-767-7648 for more information.

In an advertised public hearing, the Planning Board will review the application and provide either a positive or a negative recommendation to the City Council. The City Council is the ultimate decision-maker on whether to sell or retain the parcel under request. If the paper street is vacated, the ownership shifts by law to the property of the abutters on either side of the right of way to the center line. The abutters could have an increase of the property values translating into increase property taxes.

On the attached sheets, please find the pertinent Ordinance Section: 2-171(c) Streets and rights-of-way.

PLANNING BOARD APPLICATION

Sec. 2-171. Sale of real property.

- (1) **General policy.** The sale of all real property owned by the city, including any interests therein, shall be governed by this ordinance. As a general rule, the city shall charge fair market value for the conveyance of any interest in real property, except as specifically provided below, and convey its interest by quit claim deed.
- (2) **Classification of property interest.** For the purpose of this division, real property interests owned by the city shall be classified and the disposition of those interests shall be as follows:
...
 - (a) **Streets and rights-of-way.**
 1. The sale or discontinuation/vacation of property interests in streets and rights-of-way shall be governed by this paragraph and the requirements of state law.
 2. The city's property interest in streets and rights-of-way shall not be sold or discontinued/vacated until the planning board has reviewed the matter and issued a written recommendation thereon to the city council.
 3. The city council shall then decide whether to sell or discontinue/vacate such interests. The assessment of damages shall be left to the discretion of the city council.
- (3) **Miscellaneous considerations.** The city council may waive any of the above requirements where the public interest so requires and where i) An abutting property owner has a unique interest in the property; ii) in the case of a street or right-of-way, a replacement of equal quality is given; or iii) a charitable, nonprofit, or other governmental agency offers to purchase property to be used for a charitable, nonprofit, or governmental purpose. The city council may authorize such a waiver only upon full public disclosure and an affirmative vote of not less than six (6) councilors.

(Ord. No. 22-89/90, 6-4-90, Ord. No. 17-91/92, 6-15-92)

DEPARTMENT OF PLANNING AND DEVELOPMENT

FEE SCHEDULE

Pre-application meeting – if applicable, as determined by staff

- _____ Engineer Consulting Fee - \$250.00 (minimum)
- _____ Traffic Consulting Engineer Fee - \$300.00 (minimum)
- _____ Legal Consulting Fee - \$250.00 (minimum)

Application fees - required with project submittal

Site Plans

- _____ Land Disturbance of 15, 000 sq. ft. – 2 acres - \$300.00
- _____ Land Disturbance-exceeding 2 acres - \$400.00
- _____ Buildings with one unit or tenant, less than or equal to 2,000 sq. ft - \$400.00. Building size greater than 2,000 sq. ft.- \$25 per each 1,000 square foot.
- _____ For buildings with 2 or more units or tenants,
\$150 per unit or tenant up to 10 units or tenants, then
\$100 per unit for more than 10 units
- _____ Minor Site Plan Review - \$300.00
- _____ Amended Site Plan Review – Regular site plan fee applied to the area being modified; \$400.00 minimum
- _____ Amended Site Plan Review for projects that only require site plan review because they modify a previous site plan approval and would not otherwise trigger the need for site plan approval- \$50.00
- _____ Minor Site Plan for Non-conforming Lots of Record-less than 5000 sq ft or less than 50 ft of street frontage-\$300.00

Subdivisions

- _____ Minor Subdivision - \$300.00 Plus Advertising Costs to Newspaper
- _____ Preliminary Major Subdivision
Up to 10 lots - \$300.00 Plus Advertising Costs to Newspaper
10 Lots and more - \$300.00 Plus \$50.00 per lot Plus Advertising Costs to Newspaper
- _____ Final Major Subdivision
Up to 10 lots - \$750.00 Plus fee for land disturbance (see Site Plan fees) Plus Advertising Costs to Newspaper
Over 10 lots - \$750.00 Plus \$50.00 per lot, Plus fee for land disturbance (See Site Plan fees) Plus Advertising Costs
- _____ Amended Major Subdivision – for amendments that do not create additional lots - \$400.00. Regular fee for amendments that create additional lots, except that existing lots do not count in calculating the fee. Plus Advertising Costs to Newspaper

Zoning Changes

- _____ Map Change - \$500.00 Plus Advertising Costs to Newspaper
- _____ Text Change - \$500.00 Plus Advertising Costs to Newspaper

Special Exceptions

- _____ Special Exception - \$300.00
- _____ With Modified Site Plan - \$200.00
- _____ Accessory Dwelling Units - \$150.00

Master Plans

- _____ Master Plan - \$300.00

Reapproval of Lapsed Plans

- _____ Subdivision and Site Plan Applications - \$300.00

Request to Purchase

- _____ Request to purchase City Property - \$150.00

DeMinimis Change Request

- _____ Application Fee - \$50.00

Request to Vacate Street

- _____ Application Fee - \$300.00 Plus Applicant is responsible for title search fees

Public Notice Fee

- _____ \$1.00 per notice - required with project submittal.

Engineering Review Fee for Site Plans, Subdivision, Special Exceptions

- _____ Minimum \$500.00 escrow required with project submittal and subject to change depending on complexity of project

Legal Consultant Review Fee for Site Plans, Subdivisions, Special Exceptions

- _____ Minimum \$500.00 escrow required with project submittal and subject to change depending on complexity of project

Inspection Fees (may be required prior to pre-construction meeting)

- _____ Sites Without Maine Construction General Permit (less than an acre) - \$500.00 minimum
- _____ Sites With Maine Construction General Permit (greater than an acre) - \$2000.00 minimum

**Engineering fees for project review are estimated and due with project submittal.
Additional fees may be assessed depending on project complexity.**

Fees assessed for inspections completed by the city or its consultant are due upon receipt of invoice.

PLANNING BOARD APPLICATION

REQUEST FOR A LAND USE RECOMMENDATION

****Please read entire packet for instructions prior to completing the application form****

Submit page #1 only – keep pages 2 thru 4 for your records

For Office Use :

Date Stamp

Date & Time Received: _____ Project # _____

\$300.00 Application Fee Paid: _____ Check # _____

\$200.00 Legal Escrow Paid: _____

Public Notice Fee Paid (\$1.00 per notice): _____

Name of City Street: _____

Date of the Planning Board Approval: _____

Map Number (s): _____

Council Street Acceptance Order Number: _____ and Date: _____

Name of Original Subdivision: _____

Cumberland County Register of Deeds Book: _____ Page: _____

Person to contact if there are problems with the application:

Name: _____

Address: _____

Telephone #: _____ Fax #: _____

Cell #: _____ E-Mail: _____

Proposed Use of Property (please be specific and use additional pages if needed):

I certify that all the information provided in this application form and accompanying materials is true and accurate.

Signature of Applicant (Use of blue ink for signature is required) Date: _____

Print name of signer

PLANNING BOARD APPLICATION



Process

The application for the request to vacate city owned/paper street is submitted to the Department of Planning and Development Office for processing. The application will be distributed to nine (9) department heads for their review in their specific fields of expertise. Once the department heads review the parcel under request, the Department of Planning and Development will inform you, through a letter, of the comments received on the request. In the letter, a tentative date of Planning Board review may be provided.

Public Notice Instructions:

When a project is scheduled for a public hearing before the Planning Board, the Department of Planning and Development currently notifies all owners of property within 500' of the lot being proposed for development. Required at application submission: a list of map and lot numbers of property within 500' of the lot under consideration, plus a \$1.00 per notice fee. These map & lot numbers must be obtained from the current, updated tax maps in the City Assessor's Office or the GIS Web Viewer on the City website, www.southportland.org/
A staff member will verify the list. Please call 207-767-7648 for more information.

Ordinance Section: 18-73 (d) Management of the Land Bank.

- (d) Maintain, manage and improve land and interests in land held by it in a manner which allows public use and enjoyment consistent with the natural, historic and scenic resources of the land, including planting, pruning and cutting of trees and shrubs to manage and enhance natural systems and constructing nature trails, bird nest boxes and nature identification signs. Annual expenditure of land bank funds for maintenance, management and limited capital improvement of Land Bank conservation lands and improvements thereon shall not exceed 10% of the land bank fund balance at the conclusion of the prior fiscal year, unless this limitation is waived by the City Council to further the purposes of this Article. Any conditional gift or donation specifying a particular use or expenditure shall not be included in this calculation.

Any proposed acquisition or sale of any real property interest(s) and any proposed use of land pursuant to this article shall be referred to the Planning Board for review and recommendation(s).

PLANNING BOARD APPLICATION

DEPARTMENT OF PLANNING AND DEVELOPMENT

FEE SCHEDULE

Pre-application meeting – if applicable, as determined by staff

- _____ Engineer Consulting Fee - \$250.00 (minimum)
- _____ Traffic Consulting Engineer Fee - \$300.00 (minimum)
- _____ Legal Consulting Fee - \$250.00 (minimum)

Application fees - required with project submittal

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\$150 per unit or tenant up to 10 units or tenants, then
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Zoning Changes

- _____ Map Change - \$500.00 Plus Advertising Costs to Newspaper
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PLANNING BOARD APPLICATION

Special Exceptions

- _____ Special Exception - \$300.00
- _____ With Modified Site Plan - \$200.00
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- _____ Master Plan - \$300.00

Reapproval of Lapsed Plans

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- _____ Request to purchase City Property - \$150.00

DeMinimis Change Request

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Request to Vacate Street

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Engineering Review Fee for Site Plans, Subdivision, Special Exceptions

- _____ Minimum \$500.00 escrow required with project submittal and subject to change depending on complexity of project

Legal Consultant Review Fee for Site Plans, Subdivisions, Special Exceptions

- _____ Minimum \$500.00 escrow required with project submittal and subject to change depending on complexity of project

Inspection Fees (may be required prior to pre-construction meeting)

- _____ Sites Without Maine Construction General Permit (less than an acre) - \$500.00 minimum
- _____ Sites With Maine Construction General Permit (greater than an acre) - \$2000.00 minimum

Engineering fees for project review are estimated and due with project submittal. Additional fees may be assessed depending on project complexity

Fees assessed for inspections completed by the city or its consultant are due upon receipt of invoice.

TREE PROTECTION APPROVAL

Project Address: **[STREET # AND NAME]**

Date:

Applicant Name:

APPLICATION SUBMITTAL REQUIREMENTS

Exhibit 1 – Application Forms and Documents

- ☐ Universal Application Form
- ☐ Indemnification Form
- ☐ Electronic Signature Disclosure Form
- ☐ Project Data Sheet
- ☐ Cover Letter summarizing project intent, including:
 - ☐ Itemized list of amendments in narrative form
 - ☐ Date of prior Planning Board approval

Exhibit 2 – Project Documentation

- ☐ Existing Conditions Plan (see § 27-1424(2)) documenting the location of Protected Trees proposed for Tree Removal.
- ☐ Narrative explaining in detail how Project Reductions or Modifications cannot prevent Tree Removal.
- ☐ Landscaping plan indicating the mitigation plan for the Tree Removal. This may address both On-site and Off-site replacement.
 - ☐ If **Off-site replacement** is proposed: Documentation from the owner(s) of the off-site property granting approval to plant trees on the property.
 - ☐ If **Off-site replacement** is proposed on City-owned or controlled property: a letter from the City Manager or their designee allowing planting on the property.
 - ☐ If **On-site replacement** is not provided as mitigation, a narrative, accompanied by such site plan drawings as may be necessary and appropriate, explaining in detail why On-site replacement is not feasible or practical.

Regulation #5

Adopted: 5/14/85

Effective: 5/14/85

Revised: 04/28/2021

Revision Effective: 04/28/2021

Revised: 06/08/2022

Revision Effective: 06/08/2022

STANDARD CONDITIONS OF APPROVAL

- I. **The following Standard Conditions of Approval will be attached to all Planning Board approvals:**

	Condition	Municipal Oversight	Must be Completed By:
1.	This approval is 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 changes as determined by the Planning Director which do not affect approval standards and are not subject to de minimis change review by the Planning Board pursuant to <u>Sections 27-140 or 24-27</u> of the Code of Ordinances, is subject to the review and approval of the Planning Board prior to implementation.	Planning Division	Ongoing
2.	All conditions of approval and any waivers granted shall appear on the face of the plans submitted with Building Permit applications, and the face of the subdivision plan, if applicable.	Code Office	Prior to Issuing Building Permit
3.	Prior to the issuance of a Building Permit, or release of the recording Subdivision-Signing Plan, if applicable, the applicant shall pay all outstanding review escrow account fees, post the necessary performance guarantee(s) in such amount(s) as established by the City, post erosion and sedimentation control inspection escrow, hold a pre-construction meeting with the City if necessary, and pay compensation and/or impact fees as determined by the Planning Board.	Planning Division	Prior to Issuing Building Permit
4.	This Planning Board approval is valid for [insert parameters] months from the date of approval. Unless the Special Exception use has commenced, if applicable, or Start of Construction, as defined in Section 27-201 of the Code of Ordinances and verified by the Code Enforcement Office, is completed within that period, the approval shall expire.	Planning Division	Ongoing

Attachment 1

	Condition	Municipal Oversight	Must be Completed By:
5.	Prior to the issuance of a Building Permit, the applicant shall submit three hard-copy plans at 24" x 36" size to the Planning Division with all conditions and waivers listed on the plans, and a CADD file meeting the City's G.I.S. requirements; grades will not be modified from the approved grading plan without Planning Board approval.	Planning Division	Prior to Issuing Building Permit
6.	The applicant shall provide the Planning and Development Director with satisfactory evidence that one of the first six methods set forth in Section 3(B) of the City's Site Plan application form relating to the applicant's financial capacity is in place.	Planning Division	Prior to Issuing Building Permit
7.	The applicant shall secure a Building Permit from the Code Enforcement Office in coordination with the Planning Division, Fire Department, and all relevant review authorities, prior to commencing any construction activities.	Code Office	Prior to Issuing Building Permit
8.	All exterior lighting shall be Dark Sky compliant.	Code Office	Prior to Issuing Building Permit
9.	Prior to the issuance of a Certificate of Occupancy, the applicant shall submit to the Planning Director a certified "as-built" grading plan & CADD file meeting the City's G.I.S. requirements; grades will not be modified from the approved grading plan without Planning Board approval.	Planning Division	Prior to Occupancy
10.	A waiver has been granted pursuant to Section [insert parameters] of the Code of Ordinances, which allows [insert parameters].	Planning Division	Ongoing
11.	Energy stretch code. New residential and commercial construction must comply with the IECC 2021 energy code.	Code Office	Ongoing
12.	All underground utilities, including stubbing out all utilities to all lots, if applicable, shall be completed prior to the final coat of paving.	Code Office	Ongoing
13.	A soil quality permit is required for any alteration of land for the purpose of construction, reconstruction, renovation, relocation, alteration, demolition, or enlargement of any structure that results in 2,000 square feet or more of soil disturbance, compaction, vegetation removal, and/or regarding on the site that will not be covered with impervious surfaces. Soil quality standards (decompaction & top soil with organic material) must be met. A soil quality permit shall be required prior to the issuance of a building or a demolition permit, if one is required, and shall be in addition to any other permits or approvals, including site plan, special exception, subdivision, and shoreland zoning permits or approvals, that may be required by law. (See Section 32-25 of the Code of Ordinances, Soil Quality Requirements for Regulated Development).	Code Office	Ongoing

Attachment 1

	Condition	Municipal Oversight	Must be Completed By:
14.	Prior to the issuance of a Certificate of Occupancy, the area between any street utility excavations for the project shall be milled so that pavement restoration is unified.	Code Office	Prior to Occupancy

II. The following Standard Conditions of Approval will be attached to all Planning Board approvals for projects involving the following parameters:

A. Projects involving Marijuana Establishments:

	Condition	Municipal Oversight	Must be Completed By:
1.	Prior to the issuance of a Certificate of Occupancy, the Code Enforcement Office shall inspect all marijuana establishments to verify that the facilities are constructed and can be operated in accordance with the land use approval(s) issued, the requirements of the Code of Ordinances, local and state building codes and electrical codes. The Fire Department will inspect all marijuana establishments prior to the issuance of a Certificate of Occupancy to verify that the facilities are constructed and can be operated in accordance with the requirements of Chapter 8 of the Code of Ordinances and all applicable fire codes.	Code Office	Prior to Occupancy
2.	The marijuana establishment shall ensure that all odor control measures are maintained in good operating standard at all times to ensure that odor nuisances at adjacent or adjoining properties are avoided. Per Section 27-1902(e)(2) of the Code of Ordinances, each marijuana operation and all associated odor control systems must operate such that marijuana odor cannot be reasonably detected at premises that are not under the custody or control of the establishment. The operator of the marijuana business shall maintain this standard at all times.	Code Office	Ongoing
3.	Prior to the issuance of a Certificate of Occupancy to operate a marijuana establishment, the individual or entity that will operate at the premises shall submit both a State and local license to operate a marijuana establishment at the premises to the Planning Director.	Planning Division	Prior to Occupancy

B. Projects involving an Accessory Dwelling Unit:

	Condition	Municipal Oversight	Must be Completed By:
1.	Prior to issuing a certificate of occupancy or completion the applicant shall provide evidence to the Planning Director that the Certificate of Approval and Findings of Fact for the Accessory Dwelling Unit has been recorded in the Cumberland County Registry of Deeds.	Planning Division	Prior to Occupancy

Attachment 1

C. Projects Involving Subdivision:

	Condition	Municipal Oversight	Must be Completed By:
1.	Prior to the issuance of any Certificates of Occupancy for the project, except as otherwise allowed by the Planning Board through a granted waiver, the applicant shall submit an inspection report to the Code Enforcement Officer documenting that the stormwater facilities have been installed and are functioning as designed and approved and are fully operational. This inspection report must be prepared by a qualified third party inspector as defined in Section 27-1536(c)(3)(e) of the Code of Ordinances.	Code Office	Prior to Occupancy
2.	Final incorporation by the developer of a condominium/homeowners' association shall be required. The developer shall provide the Planning Director with proof of filing of the condominium/homeowners' association's articles of incorporation with the Secretary of State's Office prior to the issuance of any building permit. Prior to the sale of any unit/lot, the City's Corporation Counsel, at the developer's expense, must review and approve the condominium/homeowners' association bylaws, declaration of protective covenants, and sample unit deed for all units (that references the stormwater management system maintenance agreement) for legal sufficiency.	Planning Division	Prior to Issuing Building Permit
3.	The developer is responsible for the maintenance and repair of the stormwater facilities, annual reporting, and otherwise complying with Section 27-1536(c)(3)(a) of the Code of Ordinances until such time as the condominium/homeowners' association is formed and is operational and these obligations are assigned to the condominium/homeowners' association.	Planning Division	Ongoing
4.	Prior to the scheduling of a preconstruction meeting, a Stormwater Management System Maintenance Agreement that runs with the land and is binding upon the property owner and its successors and assigns as their interests may from time to time appear must be submitted to the Planning Director. The City's Corporation Counsel, at the developer's expense, must review and approve all legal documentation relating to the stormwater management system for legal sufficiency. Prior to the issuance of any building permit for any lot shown on the plan, said maintenance agreement shall be duly executed and recorded by the developer at the Cumberland County Registry of Deeds, with a copy of the recorded instrument contemporaneously provided to the Planning Director.	Planning Division	Prior to Issuing Building Permit

Attachment 1

	Condition	Municipal Oversight	Must be Completed By:
5.	For Lot(s) [insert parameters], an individual drainage plan is required for each lot, which plan must be reviewed and approved by the Water Resource Protection Department prior to the issuance of a building permit for the lot. Individual lot grading as depicted on the approved drainage plans shall not be altered without first obtaining approval for the same from the Planning Board.	Planning Division	Prior to Issuing Building Permit

D. Residential Development Projects on Non-Conforming Lots of Record:

	Condition	Municipal Oversight	Must be Completed By:
1.	Prior to holding a pre-construction meeting and submitting a Building Permit application, the applicant shall provide evidence to the Planning Director that they have recorded the certificate of approval and findings of fact for the development in the Cumberland County Registry of Deeds (CCRD) and that they have signed the Level One Contractor's Erosion and Sedimentation Control Certification.	Planning Division	Prior to Submitting a Building Permit application
2.	Prior to holding a pre-construction meeting and submitting a Building Permit application, the applicant shall provide a Stormwater Management Drainage Maintenance Agreement acceptable to the Planning Director that has been recorded at the Cumberland County Registry of Deeds. The owner of the property and all future owners shall be required to operate, repair, maintain, and replace the Stormwater Management Facilities show in the Stormwater Management Plan.	Planning Division	Prior to Submitting a Building Permit application
3.	In accordance with Section 27-304(f)(2) of the Code of Ordinances, the height of the building shall not exceed 28 feet.	Code Office	Ongoing
4.	Prior to the issuance of a Certificate of Occupancy, the applicant shall submit to the Planning Director a certified "as-built" grading plan meeting the City's G.I.S. requirements; grades will not be modified from the approved grading plan without Planning Board approval.	Planning Division	Prior to Occupancy

Attachment 1

E. Projects Involving In-Lieu Compensation for Wetland Impacts:

	Condition	Municipal Oversight	Must be Completed By:
1.	Prior to holding a pre-construction meeting and submitting a Building Permit application, the applicant shall pay the Wetland Compensation Fee as determined by the Code Enforcement Office in compliance with the provisions of Section 27-1526(f) of the Code of Ordinances. In adopting this condition, the Planning Board delegates the review and verification of the fee payment to the Code Enforcement Office in consultation with the Planning Division, and Water Resources Protection Department if necessary, as required by Section 27-1526(f)(1) of the Code of Ordinances.	Planning Division	Prior to Submitting a Building Permit application
2.	Pursuant to Section 27-1526(e)(4) of the Code of Ordinances, the Planning Board has approved provisions for the long term maintenance of the upland buffer strip surrounding the impacted wetlands as outlined in the approved Plans and as may be amended by the approved Conditions of Approval for the Project. The buffer strip shall not be planted with non-invasive species. All long term maintenance measures must be established prior to the issuance of a Certificate of Occupancy and must be maintained in perpetuity. Any alterations or modifications to the wetlands, the upland buffer strip, or the long term maintenance measures for the wetlands and the upland buffer strip on the property shall require review and approval by the Planning Board.	Planning Division	Prior to Occupancy
3.	Prior to holding a pre-construction meeting and submitting a Building Permit application, wetlands and their uplands, associated setbacks and stream setbacks are to be staked to ensure that all erosion and sedimentation controls and site disturbance and construction activities avoid the protected wetland or required upland buffer areas.	Planning Division	Prior to Submitting a Building Permit application

F. Projects Involving Tree Preservation as Shown on a Site Plan:

	Condition	Municipal Oversight	Must be Completed By:
1.	Prior to holding a pre-construction meeting and submitting a Building Permit application, the applicant shall establish fencing at the drip line of all trees that are designated for preservation in the approved Site Plan. No construction staging or other construction-related activity is permitted within the drip line fence barrier unless reviewed and approved by the Planning Director.	Planning Division	Prior to Submitting a Building Permit application

Attachment 1

G. Projects Involving a Landscaping Plan:

	Condition	Municipal Oversight	Must be Completed By:
1.	The landscaping plan shall only use native plant species and shall not include trees and shrub species listed on the States Advisory List of Invasive Plants.	Planning Division	Prior to Occupancy

H. Projects with New or Updated Lot Lines:

	Condition	Municipal Oversight	Must be Completed By:
1.	Prior to the issuance of a Building Permit, the applicant shall submit to the Planning Director an AutoCADD dataset, ArcGIS Shapefile dataset, or other equivalent geospatial dataset that may be readily converted to AutoCADD and ArcGIS-compatible files, of the proposed parcel boundaries.	Planning Division	Prior to Building Permit issuance

I. Construction Staging:

	Condition	Municipal Oversight	Must be Completed By:
1.	Prior to the issuance of a Building Permit, a construction staging plan is required that outlines [insert parameters]. Should the staging plan include a request to stage materials in the public right of way (ROW), the request to use the ROW must be submitted via an application to the Public Works Director and must be approved by the Public Works Director before any staging in the ROW occurs.	Public Works	Prior to Building Permit issuance

Attachment 1

J. New Road to be Offered to the City for Acceptance:

	Condition	Municipal Oversight	Must be Completed By:
1.	Prior to the construction of the new road, all utilities, the stormwater management system, and the sewer system, the developer shall hold a preconstruction meeting with the City, post the sedimentation control inspection escrow, install all erosion control measures associated with building the road—including the storm and sewer infrastructure and the infiltration basin—and have the erosion control measures verified by the City's field inspector or his/her designee.	Planning Division	Ongoing
2.	Unless and until the City Council accepts [street name] as a public way, the developer shall be responsible for maintaining all [street name] improvements, including providing for snowplowing of the street, street sweeping, solid waste hauling, and maintaining roadside ditches, roadside culverts, and the stormwater management system.	Code Office	Ongoing
3.	No request that the City Council accept [street name] as a public way shall occur until final paving is complete.	Code Office	Ongoing
4.	Prior to any request that the City Council accept [street name] as a public way, the developer shall provide third party certification that the road, stormwater and sewer infrastructure have been built in accordance with the submitted plans and provide stamped as-builts plans of the infrastructure to be accepted. The road certification shall include all materials and compaction testing that meet current Maine Department of Transportation specifications.	Planning Division	Ongoing
5.	After final paving and any City Council acceptance of [street name] as a public way, it shall be subject to a five year moratorium on issuance of street opening permits in accordance with Article IV of Chapter 23 of the Code of Ordinances.	Code Office	Ongoing

K. Site Plan Review for Subdivisions per 30-A M.R.S. § 4402(6):

	Condition	Municipal Oversight	Must be Completed By:
1.	Only site plan review per 30-A M.R.S. § 4402(6) required. The South Portland Planning Board finds that (a) Section 27-1421 et seq. of the Code of Ordinances, governing site plan review, is at least equivalent to the City's subdivision standards in Chapter 24, and addresses all statutory review criteria established in 30 A M.R.S. § 4402(6); and (b) the Project meets the requirements of 30-A M.R.S. § 4402(6). Therefore, pursuant to Planning Board Regulation #11, the Project is subject to municipal site plan review only and does not require subdivision review.	Planning Division	Perpetual

Attachment 1

L. City Acceptance of Improvements, Facilities, or Dedications, Other than Roads

	Condition	Municipal Oversight	Must be Completed By:
1.	Proposed drainage, maintenance, access and utility easements/conveyances related to the project shall be submitted to the Planning Director prior to the issuance of a building permit. The City's Corporation Counsel, at the developer's expense, must review and approve all legal documentation relating to the proposed easements/conveyances. On or before the issuance of a building permit, the deed(s) shall be accepted by the City Council, duly executed, and recorded by the developer at the Cumberland County Registry of Deeds, with a copy of the recorded instrument contemporaneously provided to the Planning Director.	Planning Division	Prior to Issuing Building Permit
2.	Prior to City acceptance of stormwater facilities, as evidenced by a deed or bill of sale accepted by the City Council, the developer shall submit an inspection report to the Code Enforcement Officer documenting that the stormwater facilities have been installed and are functioning as designed and approved and are fully operational. This inspection report must be prepared by a qualified third party inspector as defined in Section 27-1536(c)(3)(e) of the Code of Ordinances. The third party inspector must be on the City's pre-approved list used for annual stormwater inspections. Installation of storm pipe must be witnessed by the developer's inspector and field logs documenting materials, alignment and compaction will need to be submitted for City review prior to acceptance. The City shall utilize its CCTV truck to televise the pipe after construction.	Code Office	Prior to Occupancy
3.	Prior to City acceptance of sewer utilities, as evidenced by a deed or bill of sale accepted by the City Council, the developer shall a third party inspector conduct pressure and vacuum testing in accordance with Chapter 22 of the Code of Ordinances. A representative from the City's Water Resource Protection Department shall be present to witness the sewer system testing. Installation of sewer pipe must be witnessed by the developer's inspector and field logs documenting materials, alignment and compaction will need to be submitted for City review prior to acceptance. The City shall utilize its CCTV truck to televise the pipe after construction.	Code Office	Prior to Occupancy

Attachment 1

M. Signs:

	Condition	Municipal Oversight	Must be Completed By:
1.	Prior to the issuance of any sign permit, the applicant shall submit a sign permit application for processing by the Code Enforcement Office. This Planning Board approval does not establish a sign standard, unless otherwise stated in this Findings of Fact and Decision. Any future sign permit shall be processed by the Code Enforcement Office, pursuant to Section 27-1561 of the South Portland Code of Ordinances, as may be amended, and the addition or revision of signage on the property shall not require review by the Planning Board unless it impacts an approval standard otherwise, as determined by the Planning Director.	Code Office	Prior to Issuing Sign Permit

N. Stormwater Management System Maintenance Agreements, Generally:

	Condition	Municipal Oversight	Must be Completed By:
1.	Prior to the scheduling of a preconstruction meeting, a Stormwater Management System Maintenance Agreement that runs with the land and is binding upon the property owner and his/her/its successors and assigns as their interests may from time to time appear must be submitted to the Planning Director. The City's Corporation Counsel, at the developer's expense, must review and approve all legal documentation relating to the stormwater management system for legal sufficiency. Prior to the issuance of a building permit, said maintenance agreement shall be duly executed and recorded by the developer at the Cumberland County Registry of Deeds, with a copy of the recorded instrument contemporaneously provided to the Planning Director.	Planning Division	Prior to Issuing Building Permit

Regulation #6

Adopted: 5/12/87

Effective: 5/12/87

SOUTH PORTLAND PLANNING BOARD

RESOURCE PROTECTION DISTRICT REGULATIONS

Pursuant to Section 2-116 of the South Portland Code of Ordinances and after having held a public hearing, the South Portland Planning Board adopts the following interpretive regulations:

1. The Planning Board requires that with the application for Special Exception for Special Exception or other applications submitted pursuant to Article IX. Resource Protection District RP. of the Code of Ordinances, the applicant must submit data for impact analysis relative to the conditions listed in Section 27-67a(b).
2. The data required for impact analysis shall include nine sets of plans drawn to scale of not more than one inch equals forty (40) feet nor less than one inch equals twenty (20) feet, showing:
 - (a) The nature, location, dimensions, and contours of the area in question; size and location of all existing and proposed structures on the site; location and elevations of streets and other access ways, drainage facilities, water, sewer, and other utility lines; elevations of existing and proposed structures, storage of materials, or fill (as permitted in items 3 and 4 below); existing vegetation and proposed landscaping.
 - (b) A topographic plan certified by a registered land surveyor, civil engineer, or other qualified person, which locates thereon the 100-year floodplain, the floodway, and the floodway fringe elevations.
 - (c) A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and the 100-year floodplain, the floodway, and the floodway fringe elevations.
 - (d) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
 - (e) Elevation in relation to mean sea level to which any structure has been floodproofed;

- (f) Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section 5-151(2) of the Code of Ordinances.
 - (g) Plans for any walls to be used to enclose space below the base flood level.
 - (h) Certification by a registered professional engineer demonstrating that the proposed development shall meet the conditions listed in Section 27-67a(b).
 - (i) A typical cross-section of any proposed driveway requiring fill.
3. For the purpose of Section 27-67a(b)(4), the term “fill” shall be defined to exclude the following:
- (a) Loaming and seeding (up to a maximum depth of 4” of loam).
 - (b) Backfilling of foundation, utility, and other similar ditches and trenches to the existing grade at the time of adoption of this regulation
 - (c) Grading around foundations necessary to facilitate drainage (up to 12’ away from the foundation and with a maximum slope of ½” per foot.
 - (d) Filling essential in the construction of access drives built to the existing grade at the time of adoption of this regulation, and for access to public ways, as provided under item 4, below.
4. If, in a particular case, the access drive must be constructed at an elevation above the existing grade in order to connect with an existing street, the Planning Board may permit the applicant to use gravel or other fill in the minimum amount necessary to achieve the elevation required for safe access to the property.
5. Any fill proposed to be deposited in the Resource Protection District, as specifically allowed above, must be shown to have some beneficial and necessary purpose and the amount placed shall not be greater than necessary to achieve the purpose demonstrated on the plan (s) submitted by the applicant.
6. Any fill deposited in the Resource Protection District, as specifically allowed above, shall be protected against erosion by vegetation cover, rip-rap, or pavement.
7. Under no circumstances shall filling in the Resource Protection District be permitted to create a buildable lot that would otherwise be undevelopable.

Regulation #7

Adopted: 6/14/88

Effective: 6/14/88

SOUTH PORTLAND PLANNING BOARD

Submission requirements for Traffic Impact Studies

- (a) Traffic consultants are encouraged to discuss projects with the Site Planner prior to starting the study. Topics for discussion at such meetings might include:
- (1) Directional distribution of traffic
 - (2) Definition of study area
 - (3) Intersections requiring critical lane analysis
 - (4) Methods for projecting build-out volume
 - (5) Design year and growth factors of base traffic, including estimated year of projected buildout
 - (6) Other project traffic to be included in the base and projected condition from approved or pending applications in the study area.

This discussion will provide a base of cooperation and communication between the City, the developer, and his consultant in creating traffic patterns that are in the best interest of the community.

- (b) The traffic study shall include the following:
- (1) Executive summary
The first section of the report must be a clear, concise description of the study findings and recommendations. The summary must be written so that any lay person will understand the recommendations of the report.

(2) Introduction

(a) Land use, site, and study area boundaries

A brief description of the size of the land parcel, general terrain features, and the location within the City and the region will be included in this section. In addition, roadways that afford access to the site and are included in the study area must be identified.

The exact limits of the study area will be based on engineering/planning judgment and an understanding of existing and possible future traffic conditions at the site. In all instances, however, the study area limits shall be discussed by the developer, his consultant, and the Site Planner. A vicinity map that shows the site in relation to the surrounding transportation system must be included.

b. Existing and proposed site uses

The existing and proposed uses and zoning districts of the site shall be identified. In addition, the specific use for which the request is made must be identified. If specific uses are not known, the highest traffic generators within the category best fitting the proposed uses will be used as acceptable traffic generators.

c. Existing and proposed uses in vicinity of site

A complete description of the existing land uses and zoning districts in the vicinity of the site shall be included.

The applicant should also include the proposed uses for vacant land or land proposed to be redeveloped in the vicinity of the site and within the prescribed study area. Most of this information can be obtained from the initial meeting with the Site Planner.

This information is helpful in determining the overall inputs to the corridor and intersections in the study area, present and future.

d. Existing and proposed roadways and intersections

Within the study area, the applicant must describe the geometrics and traffic signal controls for existing roadways and intersections, as well as any improvements contemplated by the City, State, or private developer. This description should include the nature of the improvement project, its extent, implementation schedule, and the agency or funding source.

(3). Trip generation and design hour volumes

A summary table listing each type of land use, the area involved, the average trip generation rates used (total daily traffic and a.m./p.m. peaks), and the resultant total trips generated must be provided.

Trip generation shall be calculated from the latest data contained within the most recent Institute of Transportation Engineers' (ITE) Trip Generation Guide or a study of a similar trip generator in southern Maine that is acceptable to the Site Planner. In the event that data is not available for the proposed land use, the Site Planner must approve estimated rates prior to acceptance of the traffic study.

Site design hour volumes (DHV) approximating the peak hour volume used to determine improvements will be estimated by one of the following methods which are listed in order of preference:

- a. Traffic volume counts for existing uses
- b. Peak hour trip generation rates as published in the ITE Trip Generation Summary or acceptable local data referenced above
- c. By the formula:
$$DHV = 59.13 + (0.133 \times AADT)$$
where DHV = Estimated design hour volume
AADT = Estimated annual average daily traffic

(4). Trip distribution

The vehicle direction approach for site generated traffic will be presented in this section. The technical analysis, basic methods, and assumptions used in this work must be clearly stated.

(5). Trip assignment

This section will describe the utilization of study area roadways by site generated traffic. The anticipated site traffic volumes must be combined with existing and projected area traffic volumes in Section (6) below to describe mainline and turning movement to volumes for future conditions with the site developed as proposed. Non-generated passerby traffic reductions in generation volumes may be considered, if applicable. All estimates of trip distribution, assignment, and modal split are subject to review and approval by the Site Planner.

(6). Existing and projected traffic volumes

Graphics should show:

- a. A.M. peak hour site traffic (in and out), including turning movements.
- b. P.M. peak hour site traffic (in and out), including turning movements.
- c. A.M. peak hour total including site (in and out) and through traffic, including turning movements for current conditions and 10 year projections and/or build out in all key intersections.
- d. P.M. peak hour total including site (in and out) and through traffic, including turning movements for current conditions and 10 year projections and/or build out in all key intersections.

All raw traffic count data, including hourly ADT and peak hour turning movements and analysis worksheets, shall be provided in the appendices. Computer techniques, and the associated printouts, can be used as part of the report.

All total daily traffic counts should be actual machine counts and not based on factored peak hour sampling. Latest available machine counts from the Maine Department of Transportation or the Portland Area Comprehensive Transportation Study (PACTS) are acceptable if counts are done within the past two (2) years and conditions are determined not to have changed significantly.

(7) Traffic signals

Traffic signals will be proposed if required by

- a. warrants as discussed in the Manual on Uniform Traffic Control Devices,
- b. accident data as required in section (a) below, or
- c. professional considerations of City staff.

Traffic signals may be desirable in specific circumstances where they do not meet the warrant, for example, to provide breaks in traffic to allow the reasonable entry of side-street traffic. In no case will a signal be allowed if the Level of Service of the main roadway is reduced below Level "E". Chapter 10 of the Highway Capacity Manual, "Unsignalized Intersections", may not be required to meet the level of service specified in Section 8 below. Both E and F levels of service may be permitted for side street left turns and crossing maneuvers as long as minimum sight distance requirements are exceeded and signalization warrants and other criteria noted above are not met. Any recommended traffic signals must be approved by the Traffic Engineer, City Electrician, and Site Planner prior to final approval by the Planning Board. In addition, the developer must also obtain a letter from the City Manager agreeing that the City will pay for power and maintenance of any proposed traffic signal.

(8) Level of service

- a. The following interpretations of "level of service" are provided from the ITE Handbook, Third Edition:

Level of Service A:

A condition of free traffic flow with low traffic density where no vehicle waits longer than one signal indication.

Level of Service B:

A continuous flow of traffic where only on rare occasions do drivers wait through more than one signal indication.

Level of Service C:

Still in the area of stable traffic flow, but intermittently drivers must wait through more than one signal indication and backups may develop behind left-turning vehicles.

Level of Service D:

Approaching instability; drivers are restricted in their freedom to change lanes and delays for approaching vehicles may be substantial during peak hours.

Level of Service E:

Traffic volumes are near or at the capacity of the roadway and long queues of vehicles may create lengthy delays especially for left-turning vehicles.

Level of Service F:

Congested condition of forced traffic flow, where queued backups from locations downstream restrict or prevent movement of vehicles out of the approach, creating a storage area during part or all of the peak hours.

INTERSECTION LOS

LOS	Signalized Intersection	Unsignalized Intersection	
	Delay	Delay	Reserve Capacity
A	5.0 seconds	Little or no delay	400
B	5.0 to 15.0	Short delays	300-399
C	15.1 to 25.0	Average delays	200-299
D	25.1 to 40.0	Long delays	100-199
E	40.1 to 60.0	Very long delays	0 – 99

ARTERIALS LOS

Arterial Class	I	II	III
Range of freeflow speed	45 to 35	35 to 30	35 to 25
Typical freeflow speed	35	30	25
LOS B	25	24	19
LOS C	22	18	13
LOS D	17	14	9
LOS E	13	10	7
LOS F	13	10	7

* Highway Capacity Manual, Special Report 209

Level of service designations as well as numerical figures, with and without the project impact, shall be presented in the traffic study as addressed in the ITE Highway Capacity Manual.

- b. Level of service C or better is the design objective, and level of service below D will not be acceptable for site and non-site traffic per PACTS standards. Except as noted in Section (7) above, in areas where level of service is decreased to capacity conditions by the project impact, corrective measures should be recommended to preserve the existing level of service with project impact in the design year specified using base study conditions. The design year is approximately five (5) years following construction or at projected build out of the project except as noted in Section (6) above.

(9) Traffic accidents

Traffic accident data shall be collected on the latest three (3) year totals available through the Maine Department of Transportation. If a critical rate factor of one (1.0) is established, then this area is defined as an accident problem area.

(10) Recommendations

In the event that analysis indicates unsatisfactory levels of service on study area roadways and intersections, a description of proposed improvements to remedy deficiencies shall be included. In addition, improvements to remedy accident problem areas must be included.

(a) Recommended improvements

This section shall describe the location, nature, and extent of proposed improvements to ensure sufficient acceptable roadway and intersection capacity using the methods of the most recent edition of the ITE Highway Capacity Manual. Accompanying this list of improvements should be preliminary cost estimates, proposed source of funding, timing, and likelihood of implementation.

(b) Volume/capacity analysis at critical points

Description of the volume/capacity analysis which demonstrates the anticipated results of making these improvements must be included in this section.

(c) Levels of service at critical points

As a result of the revised volume/capacity analysis presented in the previous section, levels of service for the highway system road lengths and intersections with improvements must be presented.

(11) Revisions to traffic study

Revisions to the traffic study must be provided as required by the Site Planner. The need for revisions will be based on the completeness of the traffic study, the thoroughness of the impact evaluation, and the compatibility of the study with the proposed access and development plan.

Regulation #9

Adopted: 07/24/07

Effective: 07/24/07

MARCH WORKSHOP

The fourth Tuesday of each March shall be devoted to an orientation of any incoming new Planning Board members followed by training session for sitting members on a topic of the Planning Board Chairman's choice. A suggested format is to conduct the new member orientation from 6:00 – 7:00 PM with attendance by the sitting Board members optional and the fully-attended training session from 7:00 to no later than 9:00 PM.

REGULATION #10

Adopted: 02/10/09

Effective: 04/22/09

REQUIREMENTS FOR STORM SEWER MATERIALS, INSTALLATION, CLEANING AND TESTING, INCLUDING DRAIN MANHOLES AND CATCH BASIN SPECIFICATIONS

Storm sewer facility installations are subject to the provisions of all applicable City ordinances as well as this regulation.

Purpose and applicability: The purpose of this regulation is to protect the City's stormwater facilities from the negative effects of inferior stormwater systems. This regulation applies to any land use application that requires stormwater management review and approval by the Planning Board or Code Enforcement Officer.

Civil engineers are strongly encouraged to discuss a project's stormwater management plan with the City's Site Planner and Water Resource Protection Department Engineer **prior to** plan submissions.

The following *2009 Water Resource Protection Department Storm Sewer Material Standards and Specifications* apply to all proposed developments. The standards and specifications are outlined as follows:

- A. Storm Sewer Pipe Specifications Table and Applications Schedule
 - Table 1 – 2009 Storm Sewer Pipe Specifications
 - 1. SDR-35 Pipe Application Schedule
 - 2. N-12 Pipe Application Schedule
 - 3. Blue Brute (DR-18) Pipe Applications Schedule
- B. Storm Sewer Line Cleaning
- C. Final Storm Sewer Testing
- D. Catch Basins, Grates and Frames
- E. Drain Manholes, Grates and Frames
- F. Maintenance Requirements

A. Storm Sewer Pipe Specifications Table and Applications Schedule

Table 1 – 2009 Storm Sewer Pipe Specifications

SYMBOL	DESCRIPTION	LOCATION	DEPTH RESTRICTIONS	MATERIAL	JOINT SYSTEM	SIZE
SDR-35	Gravity Storm Sewer Lines	Exterior	Minimum depth 3'	PVC	Push - On	4" thru 48"
	Perforated Storm Sewer Lines	Exterior	Minimum depth 3'	PVC	Push - On	4" thru 48"
N-12	Gravity Storm Lines	Exterior	Minimum Depth 3'	Polyethylene	Push - On	4" thru 60"
	Perforated Storm Sewer Lines	Exterior	Minimum Depth 3'	Polyethylene	Push - On	4" thru 60"
Dr-18	Gravity Storm sewer Lines	Exterior	Minimum Depth 1'	PVC	Push - On	4" thru 12"
	Storm Sewer Line Cleaning	-	-	-	-	-
	Final Storm Sewer Testing	-	-	-	-	-
	Catch Basins	Exterior	-	Concrete	-	4' – 8'
	Drain Manholes	Exterior	-	Concrete	-	4' – 8'
Revision dated February 4, 2009						

1. SDR-35 PIPE APPLICATION SCHEDULE

1. General:

- A. SDR-35 can be used as storm sewer drainage as well as sanitary sewer lines.
- B. SDR-35 may be used as driveway apron culverts.
- C. SDR-35 is available in sizes 4" thru 48".
- D. SDR-35 comes in standard lengths of 13' and 14'.

2. Quality:

A. Standards:

- 1. SDR-35 shall meet ASTM D3034 for sizes 4" thru 15".
- 2. SDR-35 shall meet ASTM F-679 for sizes 18" thru 27".
- 3. SDR-35 rubber seals shall meet ASTM D 3212.
- 4. All fittings and connectors shall meet ASTM D3034 and ASTM D 3212 Standards.

B. Manufacturers:

- 1. J-M Manufacturing
- 2. IPEX
- 3. Or equal to above

3. Materials:

- A. The gaskets shall be of a composition and texture that is resistant to common ingredients of storm sewer, including oils and groundwater, and that will permanently endure the conditions of the proposed use.
- B. All fittings and pipe shall have a water tight push on joint and must meet the ASTM D3034 and ASTM D3212 standards.
- C. Perforated pipe may be used to remove ground water where it is an issue but may not be used if tying into sanitary sewer lines. Perforations will be 1/2" holes every 5" on center and two rows at 120° apart.

4. Installation:

- A. Shall have minimum of 3' of cover over pipe from finished grade.
- B. Shall have minimum of 6" of 3/4" crushed stone bedding under pipe.
- C. Shall have 3/4" crushed stone to spring line of pipe.
- D. Shall have a minimum of 6" of either 3/4" crushed stone or sand over top of pipe.
- E. Perforated pipe shall be completely enveloped with 3/4" crushed stone, 6" minimum all the way around piping.
- F. Crushed Stone: Shall be a uniform material consisting of clean, hard, and durable particles or fragments, free from vegetable or other objectionable matter, containing angular pieces, as are those which come from a mechanical crusher. Gradation requirements shall be as follows:

Sieve Designation	Percent by Weight Passing Square Mesh Sieve
2 inch	100
1½ inch	95-100
¾ inch	35-70
⅜ inch	10-30
No. 4	0-5

G. Sand: Shall be well graded durable material free of organic matter and conform to the following gradation requirements:

Sieve Designation	Percent by Weight Passing Square Mesh Sieve
¾ inch	100
No. 4	95-100
No. 16	50-86
No. 50	10-30
No. 100	2-10
No. 200	0-5

H. Refer to Storm Sewer Line Cleaning and Final Storm Sewer Testing standards contained in this Regulation.

2. N-12 PIPE APPLICATION SCHEDULE

1. General:

- A. N-12 pipe may be used as storm sewer piping or road culverts.
- B. N-12 pipe is available in sizes 4" thru 60".
- C. N-12 pipe usually comes in 8 foot lengths.

2. Quality:

A. Standards:

- 1. N-12 pipe shall meet all specifications per 4" -10" AASHTO standards M 252 and 12" – 24" Type C M 294.
- 2. N-12 pipe shall meet the ASTM F 405 standard for corrugated Polyethylene Tubing and fittings.
- 3. N-12 pipe shall meet the ASTM F 667 specifications for 8" thru 15" pipe.
- 4. N-12 pipe will have walls that are smooth bore.
- 5. All N-12 pipe shall have a soil-tight joint system that meets the ASTM F477 standard.
- 6. Couplings, Tee's and fittings must meet AASHTO M294 standards. All connections must be a rubber gasket tight seal. No collared connections accepted.

B. Manufacturers:

- 1. Advanced Drainage Systems
- 2. Hancore Technology
- 3. Lane Companies
- 4. Or equal to above

3. Materials:

- A. The gaskets shall be of a composition and texture that is resistant to common ingredients of storm water, including oils and groundwater, and that will permanently endure the conditions of the proposed use.
- B. Perforated pipe may be used in any area that is wet due to ground water upon review and approval by the City.
- C. Perforated pipes may not be tied into any sanitary sewer.

4. Installations:

- A. Shall have minimum of 3' of cover over pipe from finished grade.
- B. Shall have minimum of 6" of $\frac{3}{4}$ crushed stone bedding under pipe.
- C. Pipe shall have $\frac{3}{4}$ crushed stone to spring line of pipe.
- D. Pipe shall be backfilled with $\frac{3}{4}$ crushed stone or sand from spring line of pipe to 6" of cover over top of pipe.
- E. Perforated pipe must be stoned with $\frac{3}{4}$ crushed stone from 6" below depth to 6" above the pipe.
- F. Crushed Stone: Shall be a uniform material consisting of clean, hard, and durable particles or fragments, free from vegetable or other objectionable matter, containing angular pieces, as are those which come from a mechanical crusher. Gradation requirements shall be as follows:

Sieve Designation	Percent by Weight Passing Square Mesh Sieve
2 inch	100
1½inch	95-100
¾ inch	35-70
⅜ inch	10-30
No. 4	0-5

- G. Sand: Shall be well graded durable material free of organic matter and conform to the following gradation requirements:

Sieve Designation	Percent by Weight Passing Square Mesh Sieve
¾ inch	100
No. 4	95-100
No. 16	50-86
No. 50	10-30
No. 100	2-10
No. 200	0-5

- H. Refer to Storm Sewer Line Cleaning and Final Storm Sewer Testing standards contained in this Regulation.

3. BLUE BRUTE PIPE APPLICATION SCHEDULE (Class 150 = DR-18)

1. General:

- A: DR-18 can be used for shallow drainage culverts where there is less than 3' of cover.
- B. DR-18 can be used for shallow storm sewer mains and service laterals where there is less than 3' of cover.
- C: DR-18 pipe usually comes in 20 foot lengths.

2. Quality:

- A. Standards:
 - 1. DR-18 shall meet the AWWA C-900 standard.
 - 2. DR-18 fittings will meet the ASTM D 1784 and shall be class 150.
 - 3. DR-18 bells shall be gasketed and meet the ASTM D3139 standard.
 - 4. DR-18 gaskets shall meet the ASTM F477 standard.
 - 5. DR-18 comes in sizes 4" thru 12".
- B. Manufacturers:
 - 1. IPEX
 - 2. J-M Manufacturing
 - 3. Or equal to above

3. Materials:

- A. The gaskets shall be of a composition and texture that is resistant to common ingredients of storm water, including oils and groundwater, and that will permanently endure the conditions of the proposed use.
- B. All fittings shall be push on with rubber gasket joints, and shall meet class 150 and conform to ASTM D1784 standard.
- C. Standard retainer glands will not be permitted for use with class 150 PVC pipe.

4. Installation:

- A. Shall have a minimum depth of 1' of cover over top of pipe from finished grade.
- B. Shall have minimum of 6" of $\frac{3}{4}$ " crushed stone bedding under pipe.
- C. Pipe can be backfilled with $\frac{3}{4}$ " crushed stone or sand to a minimum of 6" over top of pipe.

- D. Crushed Stone: Shall be a uniform material consisting of clean, hard, and durable particles or fragments, free from vegetable or other objectionable matter, containing angular pieces, as are those which come from a mechanical crusher. Gradation requirements shall be as follows:

Sieve Designation	Percent by Weight Passing Square Mesh Sieve
2 inch	100
1½ inch	95-100
¾ inch	35-70
⅜ inch	10-30
No. 4	0-5

- E. Sand: Shall be well graded durable material free of organic matter and conform to the following gradation requirements:

Sieve Designation	Percent by Weight Passing Square Mesh Sieve
⅜ inch	100
No. 4	95-100
No. 16	50-86
No. 50	10-30
No. 100	2-10
No. 200	0-5

- F. Refer to Storm Sewer Line Cleaning and Final Storm Sewer Testing standards contained in this Regulation.

B. STORM SEWER LINE CLEANING

1. General:

A. Description

1. Upon completion of installation or repair of storm sewer lines, proper cleaning may be necessary.

2. Materials:

- A. Movable dams shall be permitted for the purpose of cleaning storm sewers. Movable dams need to be collapsible in case of upstream line surcharging, so the dam could be removed to allow flow to resume down the storm sewer line. Movable dams must be the same size as the inside diameter of the storm sewer line being cleaned, and have a flexible scraper attached so a thorough cleaning of debris is accomplished.
- B. High pressured water jetting equipment is the preferred way of cleaning storm sewer lines. This method allows for a thorough cleaning and does not disrupt regular flow from passing through the storm sewer line as line cleaning is being performed. This method also allows easier control of water flow, for efficiency for a light cleaning or heavy cleaning, depending on the amount of debris in the storm sewer line.
- C. Take precautions when using test balls and other methods of damming up lines, as these methods are not easily able to be removed in case of upstream surcharging.

3. Execution:

- A. Select the best method of cleaning the line by the condition and volume of flow at the time of cleaning.
- B. Select the best method of cleaning based on amount of debris in the line.
- C. Select the best method of cleaning for protecting the existing storm sewer line at the time of cleaning.
- D. Select the best method so as to capture all debris for removal in a downstream manhole.
- E. Removal of all debris is required when cleaning the storm sewer lines, passing of material down the line will not be permitted.
- F. All debris will be removed from the site and be disposed of in an approved manner upon completion of line cleaning.
- G. All line cleaning may be inspected to check for efficiency and quality of cleaning performed.

C. FINAL STORM SEWER TESTING

1. General:

A. Description

1. Work Included:

- a. Final storm sewer testing work includes the performance of testing and inspecting each and every length of storm sewer pipe, pipe joint and each item of appurtenant construction.
- b. Perform testing at a time acceptable to the City's engineer, which may be during the construction operations, after completion of all pipe laying operations.
- c. Provide all labor and equipment and any other necessary apparatus for the testing.

2. Execution

A. Performance

1. General:

- a. All storm sewers and appurtenant work, in order to be eligible for acceptance, shall be subjected to tests that will determine the degree of horizontal and vertical alignment.
- b. Thoroughly clean and flush all storm sewer lines to be tested, prior to initiating test procedures.
- c. Perform all tests and inspections in the presence of the City engineer, or others assigned by the engineer, to ensure accuracy and compliance.
- d. Remedial work:
 - i. Perform all work necessary to correct deficiencies discovered as a result of testing and or inspections.
 - ii. Completely retest all portions of the original construction on which remedial work has been performed.

2. Alignment tests:

- a. Perform tests for the correctness of horizontal and vertical alignment on each and every length of gravity storm sewer pipeline between manholes.
- b. Alignment tests to be conducted after all pipes have been installed and backfilled.
- c. The observation test shall be conducted after all upstream work has been completed and the pipeline cleaned of debris.
- d. Notify the City engineer at least 24 hours in advance of the proposed observation testing.
- e. Introduce water into the storm sewer lines to be tested from the upstream manhole prior to the observation test but no more than 24 hours in advance of the test.

- f. Beam a source of light, acceptable to the City engineer, through the pipeline from both ends and the City engineer will directly observe the light in the downstream, and/or upstream manhole of each test section.
- g. The length of pipe between manholes, diameter of pipe and amount of light observed in the manhole at the end of each pipe section will determine acceptance of the alignment test by the City engineer.
- h. The amount of vertical and horizontal deflection shall not be greater than the ASTM allowance and (manufacturer's recommendations) for the pipe being tested.
- i. NO STANDING WATER SHALL BE ALLOWED. The presence of standing water shall be cause for rejection of that pipe (including manhole) section.
- j. Improper alignment will be corrected by re-excavation and resetting of pipe.

3. Pipe Deflection:

- a. Pipe provided under this specification shall be installed so there is no more than a maximum deflection of 5.0 percent. Such deflection shall be computed by multiplying the amount of deflection (normal diameter less minimum diameter when measured) by 100 and dividing by the nominal diameter of the pipe.
- b. The contractor shall wait a minimum of 30 days after completion of a section of storm sewer, including placement and compaction of backfill, before measuring the amount of deflection by pulling a specially designed gage assembly through the completed section. The gage assembly shall be in accordance with the recommendations of the pipe manufacturer and be acceptable to the City engineer.
- c. Should the installed pipe fail to meet this requirement, the contractor shall do all work to correct the problem as the City engineer may require without additional compensation.

4. Television Inspection Tests (gravity storm sewers)

- a. Where television inspection testing is required, test procedures shall be in compliance with the requirements outlined in Specification Section.
- b. No standing water shall be allowed. The presence of standing water may be cause for rejection of that pipe.
- c. Any standing water, detectable leaks, improper joints or any other unacceptable feature detected by the television inspection will be corrected by re-excavation and resetting pipe at no additional cost to the owner.

D. CATCH BASINS, GRATES AND FRAMES

1. General:

A. Description

1. Construct catch basins, grates, frames, and brick masonry in conformance with the following specification.

B. Quality assurance

1. Precast Catch Basin Base, Barrel, and Top Sections:

- a. Conform to ASTM C478-72 (AASHTO M199-795) except as modified herein, or as directed by the City engineer.
- b. Average strength of 4,000 psi at 28 days.
- c. Testing:
 - i. Determine concrete strength by tests on 6 inch by 12 in vibrated test cylinders cured in the same manner as the bases, barrels and tops.
 - ii. Have tests conducted at manufacturer's plant or at an approved testing laboratory.
 - iii. Have not less than 2 tests made for each 100 vertical feet of precast catch basin sections.

2. Frames and Covers:

- a. Acceptable Manufacturers:
 - i. Etheridge Foundry Company: Type E245, Round, E 24x51/4.
 - ii. No equals.

3. Masonry:

- a. Brick: Shall comply with ASTM Standard Specifications for Sewer Brick (made from clay or shale), Designation C32, for Grade SS, hard brick.
- b. Cement: ASTM C-150.
- c. Hydrated Lime: ASTM C-207.
- d. Sand: ASTM C33.

C. Submittals To The Engineer

1. Bases, Barrel Sections and Tops: Submit test results and receive approval from the City engineer prior to delivery to the site.

2. Products:

A. Precast Catch Basin Sections

1. Use flat tops or eccentric cones as appropriate. Exterior face of cone sections shall not flare out beyond the vertical.
2. Joints: Bell-and-Spigot or tongue-and-groove formed on machine rings to insure accurate joint surfaces.
3. Constructed to support an HS-20 wheel loading.
4. The base section shall have a 2-foot minimum and 3-foot maximum sump.
5. Openings:
 - a. Provide openings in the risers to receive pipes entering the catch basin of the types and materials approved by the City engineer.
 - b. Make openings at the manufacturing plant or cut openings in the field.

- c. Provide flexible boot or solidly fill annular spaces around pipes entering the catch basin with non-shrink grout or other material approved by the City engineer.
 - d. Size: To provide a uniform annular space between the outside wall of pipe and the riser.
 - e. Location: To permit setting of the entering pipes at the correct elevations.
6. Joints:
- a. Joint gaskets to be flexible self seating butyl rubber joint sealant installed according to manufacturer's recommendations.
 - b. Acceptable Joint Gasket Materials:
 - i. Kent-Seal No. 2
 - ii. Ram-Neck
 - iii. Or equivalent
 - c. Joints between precast sections shall conform to related standards and manufacturer's instructions.
7. Frames and Grates:
- a. All frames and grates shall be made of cast iron and shall have machined bearing surfaces to prevent rocking under traffic.
 - b. Grate castings will be smooth with no sharp edges.
 - c. Constructed to support an HS-20 wheel loading.
8. Masonry:
- a. Brick:
 - i. Sound, hard, uniformly burned, regular and uniform in shape and size, compact texture, and satisfactory to the City engineer.
 - ii. Immediately remove rejected brick from the work.
 - iii. Adjust frame to grade with bricks laid flat with minimum of 1 course and a maximum of 5 courses.
 - b. Mortar:
 - i. Composition (by volume):
 - a. 1 part portland cement.
 - b. ½ part hydrated lime.
 - c. 4 ½ parts sand.
 - ii. The proportion of cement to lime may vary from 1:1/4 for hard brick to 1:3/4 for softer brick, but in no case shall the volume of sand exceed 3 times the sum of the volume of cement and lime.
 - c. Cement:
 - i. Shall be Type II portland cement.
 - d. Sand:
 - i. Shall consist of inert natural sand.
 - ii. Grading:

<u>Sieve</u>	<u>Percent Passing</u>
3/8	100
4	95-100
8	80-100
16	50-85
50	10-30
100	2-10
Fine Modulus	2.3-3.1

3. Execution:

A. Performance

1. Precast Catch Basin Sections:

- a. Perform jointing in accordance with manufacturer's recommendations and as approved by the City engineer.
- b. Install barrels and tops level and plumb.
- c. Make all joints water tight. Apply two rows of joint gasket material per barrel joint.
- d. Cut openings (as required) carefully to prevent damage to barrel sections and tops. Damaged barrel sections and tops shall be replaced by the Contractor at no additional expense to the City.
- e. For cold weather applications, install joint sealant per manufacturer's recommendations.

2. Masonry:

a. Laying Brick:

- i. Use only clean bricks in brickwork for catch basin.
- ii. Moisten the brick by suitable means until they are neither so dry as to absorb water from the mortar or so wet as to be slippery when laid.
- iii. Lay each brick in a full bed and joint of mortar without requiring subsequent grouting, flushing, or filling, and thoroughly bond as directed.
- iv. Construct all joints in a neat workmanlike manner, construct the brick surfaces inside the manholes so they are smooth with no mortar extending beyond the bricks and no voids in the joints. Maximum mortar joints shall be $\frac{1}{2}$ inch.

b. Curing:

- i. Protect brick masonry from drying too rapidly by using burlaps which are kept moist, or by other approved means.
- ii. Protect brick masonry from the weather and frost as required.

3. Frames and Grates:

- a. Set all frames in a full bed of mortar, true to grade and concentric with the catch basin opening.
- b. Completely fill all voids beneath the bottom flange to make a watertight fit.
- c. Place a ring of mortar at least one inch thick around the outside of the bottom flange, extending to the outer edge of the catch basin all around its circumference.
- d. Clean the frame seats before setting the covers in place.

4. Bedding and Backfill:

- a. Bedding material of catch basin shall be a minimum of 6 inches of crushed stone.

- b. Crushed Stone: Shall be a uniform material consisting of clean, hard, and durable particles or fragments, free from vegetable or other objectionable matter, containing angular pieces, as are those which come from a mechanical crusher. Gradation requirements shall be as follows:

Sieve Designation	Percent by Weight Passing Square Mesh Sieve
2 inch	100
1½ inch	95-100
¾ inch	35-70
⅜ inch	10-30
No. 4	0-5

- c. Backfill 18 inches all around catch basin with select fill.
- d. Select Fill: Shall consist of well graded granular material free of organic material, loam, wood, trash, snow, ice, frozen soil and other objectionable material and having no rocks with a maximum dimension of over 4 inches and meeting the following gradation requirements:

Sieve Designation	Percent by Weight Passing Square Mesh Sieve
4 inch	100
3 inch	90-100
No. 4	20-55
No. 40	5-40
No. 200	0-8

E. DRAIN MANHOLES, GRATES AND FRAMES

1. General:

A. Description

1. Construct drain manhole, grates, frames, brick masonry, inverts and apply waterproofing in conformance with the following specification.

B. Quality Assurance

1. Precast Drain Manhole Base, Barrel, and Top Sections:

- a. Conform to ASTM C478-97.
- b. Average strength of 4,000 psi at 28 days.
- c. Testing:
 - i. Determine concrete strength by tests on 6 inch by 12 in vibrated test cylinders cured in the same manner as the bases, barrels and tops.
 - ii. Have tests conducted at manufacturer's plant or at an approved testing laboratory.
 - iii. Have not less than 2 tests made for each 100 vertical feet of precast catch basin sections.

2. Drain Manhole Steps:

- a. Reliance Steel Products, Inc.
- b. M.A. Industries, Inc.
- c. Or equal.

3. Frames and Covers:

- a. Acceptable Manufacturers:
 - i. Etheridge Foundry Company: Type E245, Round.
 - ii. No equals.

4. Masonry:

- a. Brick: Shall comply with ASTM Standard Specifications for Sewer Brick (made from clay or shale), Designation C32, for Grade SS, hard brick.
- b. Cement: ASTM C-150.
- c. Hydrated Lime: ASTM C-207.
- d. Sand: ASTM C33.

5. Waterproofing:

- a. Acceptable Manufacturers:
 - i. Minwax Fibrous Brush Coat, Minwax Co., N.Y., N.Y.
 - ii. Tremco 121 Foundation Coating, Tremco Mfg. Co., Newark, N.J.
 - iii. Or equal.

C. Submittals To The Engineer

1. Bases, Barrel Sections and Tops: Submit test results and receive approval from the City engineer prior to delivery to the site.

2. Products:

A. Precast Drain Manhole Sections

1. Use flat tops or eccentric cones as appropriate.

a. Tops:

- i. Diameter: Eccentric cone type, 24 inches I.D. at top, 48 inches minimum at bottom.
- ii. Length: 4 feet.
- iii. Wall Thickness: Not less than 5 inches at the base, tapering to not less than 8 inches at the top.
- iv. Joints: Bell-and-Spigot or tongue-and-groove formed on machine rings to insure accurate joint surfaces.
- v. Exterior face of cone sections shall not flare out beyond the vertical.

b. Flat Slab Tops:

- i. Location: Where shallow installations do not permit the use of a cone-type top.
- ii. Slab Thickness: Not less than 6 inches.
- iii. Constructed to support an HS-20 wheel loading.

2. Openings:

- a. Provide openings in the risers to receive pipes entering the catch basin of the types and materials approved by the City engineer.
- b. Make openings at the manufacturing plant or cut openings in the field.
- c. Size: To provide a uniform annular space between the outside wall of pipe and the riser.
- d. Location: To permit setting of the entering pipes at the correct elevations.
- e. Openings shall have a flexible watertight union between pipe and the manhole base.
 - i. Cast into the drain manhole base and sized to the type of pipe being used.
 - ii. Type of flexible joint being used shall be approved by the City engineer. Install materials according to the Manufacturer's instructions.
 - a. Lock Joint Flexible Manhole Sleeve made by Interpace Corporation.
 - b. Kor N Seal made by National Pollution Control System, Inc.
 - c. Press Wedge II made by Press-Seal Gasket Corporation.
 - d. A-Lok Manhole Pipe Seal made by A-Loc Corporation.
 - e. Or equal.

3. Joints:

- a. Joint gaskets to be flexible self seating butyl rubber joint sealant installed according to manufacturer's recommendations.
- b. Acceptable Joint Gasket Materials:
 - i. Kent-Seal No. 2
 - ii. Ram-Neck
 - iii. Or equivalent
- c. Joints between precast sections shall conform to related standards and manufacturer's instructions.

4. Waterproofing:
 - a. The exterior surface of all manholes shall be given two coats of bituminous waterproofing material at an application rate of 75 to 100 square feet per gallon, per coat.
 - b. The coating shall be applied after the manholes have cured adequately and can be applied by brush or spray in accordance with the manufacturer's written instruction.
 - c. Sufficient time shall be allowed between coats to permit sufficient drying so that the application of the second coat has no effect on the first coat.
5. Frames and Grates:
 - a. All frames and grates shall be made of cast iron and shall have machined bearing surfaces to prevent rocking under traffic.
 - b. Grate castings will be smooth with no sharp edges.
 - c. Constructed to support an HS-20 wheel loading.
 - d. Dimensions and Style:
 - i. Covers – solid with drain in 3-inch letters diamond pattern.
 - ii. Frame – 24 inch diameter clear opening, with flange bracing ribs.
 - e. Minimum weight of frame and cover shall be 350 lbs.
6. Manhole Steps
 - a. Polyethylene coated steel safety type designed with a minimum concentrated live load of 300 pounds.
 - b. All steps shall be cast into walls of the precast section so as to form a continuous ladder with a distance of 12 inches between steps.
7. Masonry:
 - a. Brick:
 - i. Sound, hard, uniformly burned, regular and uniform in shape and size, compact texture, and satisfactory to the City engineer.
 - ii. Immediately remove rejected brick from the work.
 - iii. Adjust frame to grade with bricks laid flat with minimum of 1 course and a maximum of 5 courses.
 - b. Mortar:
 - i. Composition (by volume):
 - a. 1 part portland cement.
 - b. $\frac{1}{2}$ part hydrated lime.
 - c. $4\frac{1}{2}$ parts sand.
 - ii. The proportion of cement to lime may vary from 1:1/4 for hard brick to 1:3/4 for softer brick, but in no case shall the volume of sand exceed 3 times the sum of the volume of cement and lime.

- c. Cement:
 - i. Shall be Type II portland cement.
- d. Sand:
 - i. Shall consist of inert natural sand.
 - ii. Grading:

<u>Sieve</u>	<u>Percent Passing</u>
3/8	100
4	95-100
8	80-100
16	50-85
50	10-30
100	2-10
Fine Modulus	2.3-3.1

3. Execution:

A. Performance

1. Precast Drain Manhole Sections:
 - a. Perform jointing in accordance with manufacturer's recommendations and as approved by the City engineer.
 - b. Install barrels and tops level and plumb.
 - c. Make all joints water tight. Apply two rows of joint gasket material per barrel joint.
 - d. Cut openings (as required) carefully to prevent damage to barrel sections and tops. Damaged barrel sections and tops shall be replaced by the Contractor at no additional expense to the City.
 - e. For cold weather applications, install joint sealant per manufacturer's recommendations.
 - f. Install barrel sections and top so that the steps are in alignment.
2. Invert Channels:
 - a. Smooth and semicircular in shape.
 - b. Make changes in direction of flow with smooth curves having a radius as large as permitted by the size of the manhole.
 - c. Stop the pipes at the inside face of the manhole where changes of direction occur.
 - d. Form invert channels and shelf with brick. Fill the void area for constructing the brick shelf with mortar. Stone, gravel, or other material will not be permitted to fill the void area for constructing the brick shelf.
 - e. Shape invert to make smooth transition in vertical grade.
 - f. Slope brick shelf towards the flow channel.

3. Masonry:

a. Laying Brick:

- i. Use only clean bricks in brickwork for catch basin.
- ii. Moisten the brick by suitable means until they are neither so dry as to absorb water from the mortar or so wet as to be slippery when laid.
- iii. Lay each brick in a full bed and joint of mortar without requiring subsequent grouting, flushing, or filling, and thoroughly bond as directed.
- iv. Construct all joints in a neat workmanlike manner, construct the brick surfaces inside the manholes so they are smooth with no mortar extending beyond the bricks and no voids in the joints. Maximum mortar joints shall be $\frac{1}{2}$ inch.

b. Curing:

- i. Protect brick masonry from drying too rapidly by using burlaps which are kept moist, or by other approved means.
- ii. Protect brick masonry from the weather and frost as required.

4. Frames and Covers:

- a. Set all frames in a full bed of mortar, true to grade and concentric with the catch basin opening.
- b. Completely fill all voids beneath the bottom flange to make a watertight fit.
- c. Place a ring of mortar at least one inch thick around the outside of the bottom flange, extending to the outer edge of the catch basin all around its circumference.
- d. Clean the frame seats before setting the covers in place.

5. Plugging and Patching:

- a. Fill all exterior cavities with non-shrink grout and with bituminous waterproofing once the concrete and mortar has set.
- b. Touch up damaged water proofing.

6. Bedding and Backfill:

- a. Bedding material of drain manhole shall be a minimum of 6 inches of crushed stone.
- b. Crushed Stone: Shall be a uniform material consisting of clean, hard, and durable particles or fragments, free from vegetable or other objectionable matter, containing angular pieces, as are those which come from a mechanical crusher. Gradation requirements shall be as follows:

Sieve Designation	Percent by Weight Passing Square Mesh Sieve
2 inch	100
1½ inch	95-100
¾ inch	35-70
⅜ inch	10-30
No. 4	0-5

- c. Backfill 18 inches all around drain manhole with select fill.
- d. Select Fill: Shall consist of well graded granular material free of organic material, loam, wood, trash, snow, ice, frozen soil and other objectionable material and having no rocks with a maximum dimension of over 4 inches and meeting the following gradation requirements:

Sieve Designation	Percent by Weight Passing Square Mesh Sieve
4 inch	100
3 inch	90-100
No. 4	20-55
No. 40	5-40
No. 200	0-8

F. MAINTENANCE REQUIREMENTS

1. General

- A. The developer, applicant, his/her/its heirs, successors and assigns, shall maintain all components of the stormwater management system until the system is formally accepted by the City or is placed under the jurisdiction of a lawfully existing property owners' association whose rights and responsibilities include maintenance of the stormwater management system and that possesses adequate financial capacity to carry out these responsibilities.
- B. The property owner(s) and/or property owners' association responsible for the maintenance of all stormwater management facilities shall provide for the services necessary to implement the stormwater management plan and include details of such to the Planning Board as part of the Planning Board review process. A copy of the maintenance log book shall be submitted annually **on or before July 15th** to the Director of the City of South Portland Water Resource Protection Department. At a minimum, the appropriate and relevant maintenance, inspection and record keeping activities for each of the stormwater management structures, measures and devices will be performed on the prescribed schedule contained in the approved stormwater management plan.

Regulation #11

Adopted: 04/28/2021

Effective: 04/28/2021

The City of South Portland Planning Board finds that:

1. The City's Zoning Ordinance establishes that all multi-family projects involving a division of a new or existing structure into 3 or more dwelling units—whether the division is accomplished by sale, lease, development or otherwise—is subject to Site Plan review pursuant to the provisions of the Code of Ordinances, Chapter 27, Section 27-1421 et. seq. when the project involves New Construction of 1,000 sq. ft. or larger. Projects of less than 1,000 sq. ft. that involve a division of a new or existing structure into 3 or more dwelling units may not be subject to Site Plan review and are therefore not subject to this Regulation.
2. As outlined in the table below, the City's Site Plan standards of Section 27-1426 of the Zoning Ordinance fully address:
 - a. All Subdivision review criteria and standards outlined in Code of Ordinances Chapter 24, Subdivisions, for projects involving a division of a new or existing structure into 3 or more dwelling units whether the division is accomplished by sale, lease, development or otherwise; and
 - b. The statutory requirements outlined in Title 30-A M.R.S.A. §4402.6.A regarding review criteria for stormwater management, sewage disposal, water supply and vehicular access.

Subdivision Standard (Section 24-4)	State Criteria (§4402.6.A)	Site Plan Standard
a) undue water or air pollution.		27-1426(b), (j)
b) sufficient water		27-1426(c)
c) burden on water supply	water supply	27-1426(c)
d) soil erosion		27-1426(f)
e) road congestion and safety	vehicular access	27-1426(g), (h), (l)
f) adequate sewage disposal	sewage disposal	27-1426(d)
g) solid waste disposal		27-1426(e)
h) scenic/natural beauty impacts		27-1426(m)
i) All ordinances and Comp Plan compliance	all criteria listed	27-1426(i), (q)
j) financial/technical capacity		27-1426(s), (t)
k) wetland/water body impacts		27-1426(u)
l) ground water quality/quantity	water supply	27-1426(f)
m) flood prone areas		27-1426(b), (i), (q)
n) wetland alteration/impacts		27-1426(u), (w)
o) river, brook, stream delineated		27-1426(u), (i), (q)
p) adequate stormwater management	stormwater management	27-1426(v)
q) lot depth ratio to shore frontage		27-1426(i), (q)
r) impacts on adjoining municipalities	vehicular access	27-1426(l)

Therefore the City of South Portland Planning Board, acting as the City's Municipal Reviewing Authority, determines that the Subdivision exception provided in Title 30-A M.R.S.A. §4402.6 may be applied to all eligible projects in the City of South Portland without limitation. In processing applications under this exception, the Planning Division shall:

1. Provide an analysis in the staff memoranda on projects utilizing the exception which clearly outlines eligibility under the provisions of Title 30-A M.R.S.A. §4402.6; and
2. Include the following declaration in the draft Findings of Fact for the project:

The South Portland Planning Board finds that (a) the South Portland Code of Ordinances, Chapter 27, Section 27-1421 et seq., governing Site plan review, is at least equivalent to the City's Subdivision standards in Chapter 24, and addresses all Statutory review criteria established in Title 30-A MRSA §4402.6; and (b) the Project meets the requirements of Title 30-A MRSA §4402.6. Therefore, pursuant to Planning Board Regulation #11, the Project is subject to municipal Site Plan review only and does not require Subdivision review.

Regulation #12

Adopted: 08/11/2021

Effective: 08/11/2021

Pursuant to Section 4 of the City of South Portland Remote and Hybrid Meeting Policy adopted by the City Council at a public hearing on July 27, 2021, the South Portland Planning Board hereby adopts that policy for itself, as may be amended from time to time. Unless the context dictates otherwise, references to the City Council shall be replaced with the "Planning Board"; references to City Councilors or Councilors shall be replaced with "Planning Board members"; and references to the Mayor shall be replaced with the "Chair of the Planning Board."

PLANNING BOARD POLICIES AND REGULATIONS

REGULATION #1: Administrative Procedures for Planning Board Meetings

Adopted:	... 02/09/82
Effective:	... 02/09/82
Amended: Added Items 5 and 6	... 08/09/83
Effective:	... 01/01/84
Amended: Added Item 7	... 04/11/84
Effective:	... 04/11/84
Readopted: Changed Title of Regulation and Amended Item 4 to 12:00 noon	... 05/14/85
Effective:	... 05/14/85
Amended: Amended Item 5 and Added Item 8	... 10/22/85
Effective:	... 10/22/85
Amended: Renumbered Items, Modified Items 4, 5 and 7 and Added Item 8	... 11/12/85
Effective:	... 11/12/85
Amended: Modified Item 1, Deleted Item 3, Renumbered Items, and Added Items 9 and 10	... 03/25/86
Effective:	... 03/26/86
Amended: Modified Exhibit A identified in Item 8, Added Items 11 & 12	... 09/09/86
Effective:	... 09/09/86
Amended: Added Items 13 and 14	... 07/28/87
Effective:	... 07/28/87
Amended: Modified Items 1 (a), 1 (d), 2, 3, 8	... 09/27/88
Effective:	... 09/27/88
Amended: Added Item 15	... 10/10/89
Effective:	... 10/10/89
Amended: Modified Items 1 (a), 1 (c), 2, 3, 8	... 04/28/09
Effective:	... 04/28/09
Amended: Eliminated Items 9 & 10, Renumbered Items, Modified Item 15 which is now Item 13	 10/26/10
Effective:	10/26/10
Amended: Modified Items 1 (a, b, c), Eliminated Item 1 (d), Modified Item 2, Eliminated Items 9 and 10	07/10/12
Effective:	07/10/12

Amended: Modified Items 1 (a through c) & Added Item 1 (d) & 2 Modified Item 15 which is now Item 13	...10/13/15
Effective:	...10/13/15

REGULATION #2: Erosion and Sedimentation Control Standards

Adopted:	... 03/08/83
Effective:	... 03/08/83
Amended:	... 12/13/83
Effective:	... 01/01/84
Readopted: Elimination of Requirement for Certification of Rehabilitation by the Building Inspector	... 05/14/85
Effective:	... 05/14/85
Amended:	... 06/24/14
Effective:	... 06/24/14

REGULATION #3: Subdivisions

Adopted:	... 06/28/83
Effective:	... 06/28/83
Amended: Deleted Original Item 2 and Added Footnote to reflect Changes in City Ordinance	... 04/11/84
Effective:	... 04/11/84
Readopted: Added to Item 1 and Deleted Cite Item 2	... 05/14/85
Effective:	... 05/14/85
Amended: Replacement	... 06/28/88
Effective:	... 06/28/88
Amended: Modified Item 3	... 10/10/89
Effective:	... 10/10/89

REGULATION #4: Planning Board Application Forms and Instructions

Adopted:	... 08/09/83
Effective:	... 01/01/84
Adopted: Revised Forms	... 06/11/85
Effective:	... 06/11/85
Amended:	... 09/09/86
Effective:	... 09/10/86

Amended:	...	06/28/88
Effective:	...	06/28/88
Amended:	...	07/12/88
Effective:	...	07/12/88
Amended: Revised Site Plan form and new Modified Site Plan for Special Exception form	...	03/27/90
Effective:	...	03/27/90
Amended: Separate forms for text & map	...	07/23/91
Effective:	...	07/23/91
Amended: Site Plan for G.I.S. coordinates and Construction Site Circulation Plan and Subdivision Applications for G.I.S. Coordinates plus house numbers on Plat	...	03/10/98
Effective:	...	03/10/98
Amended: Added De Minimis Change, Request to Purchase, and Final Subdivision and Site Plan Applications	...	12/10/02
Effective:	...	12/10/02
Amended: Revised fees	...	08/22/06
Effective:	...	08/22/06
Amended: Revised forms to add Special Exception/farmers' Market	...	04/08/13
Effective: Ordinance passed by City Council	...	04/08/13

REGULATION #5: Standard Condition of Approval

Adopted:	...	02/14/84
Effective:	...	02/14/84
Readopted: Reference to Consent Calendar	...	05/14/85
Effective:	...	05/14/85
Adopted:	...	02/14/84
Effective:	...	02/14/84
Amended and modified	...	07/10/12
Effective:	...	07/10/12

REGULATION #6: Resource Protection District Regulations

Adopted:	...	05/12/87
Effective:	...	05/12/87

REGULATION #7: Submission Requirements for Traffic Impact Studies

Adopted:	... 06/14/88
Effective:	... 06/14/88

REGULATION #8: Review of Proposals for Mobile Home Parks

Adopted:	... 01/9/90
Effective:	... 01/9/90

REGULATION #9: March Workshop

Adopted:	... 07/24/07
Effective:	... 07/24/07

**REGULATION #10: Requirements for Storm Sewer Materials, Installation,
Cleaning and Testing, including Drain Manholes and
Catch Basin Specifications**

Adopted:	...02/10/09
Effective:	...04/22/09

City of Lewiston Planning Board Meeting Protocol, 2025

**(The purpose of this document is to provide guidance to Planning Board members
when conducting a meeting)**

A. *Call to Order (by chairperson)*

I am, _____, Chair of the Lewiston Planning Board. I welcome all here this evening and call this meeting to order (gavel). Roll Call please.

B. *Roll Call (by secretary)*

Planning Board Members:

Roger Dupre
Michael Marcotte
Lucy Bisson
Marc Roy
Shanna Cox
Amy Smith
Alexander Pine
Pentheia Burns (Associate Member)
Zoë Lidstrom (Associate Member)

City Staff:

Shelley Norton, Deputy Director
Jonathan Connor, Director
Craig Thibeault, Land Use Planner
Linda Tripp, Administrative Assistant
Identify any other Staff or City representative in attendance.

C. *Planning Board's Procedures (when appropriate, this section may want to be read aloud by the chairperson)*

The Planning Board is comprised of seven (7) appointed members. A quorum necessary to conduct an official meeting of the Planning Board shall consist of at least four (4) members.

Agendas for this meeting are available in the wall container at the entrance to this room, should anyone in attendance not have a copy. The agenda for this evening consists of the following items. Is there anyone in attendance present for a matter not on tonight's agenda?

"Regarding the agenda items before the Planning Board, I will first identify the item, and then Staff will make a brief presentation followed by Planning Board questions. I will then request a presentation by the applicant/petitioner to explain their proposal, followed by board questions. I will then open the meeting for public comment, with proponents speaking first followed by anyone in opposition or having questions regarding the proposal. I please ask that everyone who speaks for or against or has a

question concerning the subject matter to use the microphone provided by Staff as this meeting is being recorded and to identify themselves by name and address for our record. The applicant/petitioner shall be given the opportunity to make any responses to public comments. The public portion will then be closed and the Planning Board will deliberate and vote on the matter before us. Once the public comment portion of the meeting is closed, unless there is a specific question from a Board Member to the public, the public portion will remain closed.

The Planning Board must decide on all matters in accordance with the Code of Ordinances of the City of Lewiston along with any other provisions of law within our jurisdiction. Some decisions that this Board makes may also be contrary to public opinion and it is possible that some Board Members may have philosophical differences with some proposals; however, this Board must base its decisions on the law and ordinances rather than on individual sentiments. The concurring vote of at least four (4) members is required to constitute an action on any matter requiring a Public Hearing. All other matters require a simple majority vote.

D. Correspondence

The Chairperson will request a motion to accept and place on file correspondence (to be identified) and to include Planning Staff memoranda (this will establish the record as Staff memoranda will reference all submittals the Planning Board has received).

E. Public Hearings

Any agenda items requiring a public hearing by ordinance or law (i.e. development review, zoning amendments).

F. Other Business (these items are typically not public hearings, but rather public meetings. Public meetings are not required to be open to the public for comment.)

1. New Business
2. Old Business

G. Minutes

I am proposing to review and accept Minutes at the end of a meeting as a means to address matters of greater public interest first and in addition the Board may take time for Minute modifications without feeling pressured for time.

H. Adjournment



PLANNING BOARD HANDBOOK

Adopted: January ____, 2025

PLANNING BOARD HANDBOOK

CONTENTS

- I. Article IV, City Charter**
- II. Rules of Procedure**
- III. Public Procedures and Freedom of Access Law (Maine Public Right to Know Law)**
- IV. Ethical Principles in Planning (American Planning Association)**
- V. Article VII. Planning Board, Appendix A of the Zoning & Land Use Code**

ALL ORDINANCE PROVISIONS GOVERNING AND REGULATING DEVELOPMENT ACTIVITY IN THE CITY OF LEWISTON, AS REVIEWED BY THE PLANNING AND CODE ENFORCEMENT DEPARTMENT, PLANNING BOARD AND BOARD OF APPEALS ARE CONTAINED IN APPENDIX A OF THE LEWISTON REVISED CODE OF ORDINANCES ENTITLED, “ZONING AND LAND USE CODE”.

I. City Charter

EXCERPTS FROM CHARTER OF THE CITY OF LEWISTON

ARTICLE IV. ADMINISTRATIVE ORGANIZATION

Sec. 4.05. Planning board.

- (a) *Appointment.* There shall be a planning board consisting of seven (7) members, each of whom shall be a qualified voter of the City of Lewiston and who shall be appointed by the mayor and confirmed by the city council. No more than two (2) members may reside in the same ward. All members shall be appointed for three-year terms.

There shall be, in addition to the seven (7) members of the board, two (2) associate members of the board, each of whom shall be a qualified voter of the City of Lewiston, appointed by the mayor. The associate members are subject to the same ward residency requirements as the regular members. They shall serve for three-year staggered terms. An associate member shall serve in the place of a member who is absent, disqualified or otherwise unable to participate when designated by the chair person to do so.

- (b) *Compensation.* Each member shall receive compensation at the rate established by ordinance by the city council.
- (c) *Duties.* The planning board shall carry out those duties assigned to it by general law and by ordinance.
- (d) *Rules of procedure.* The planning board shall adopt appropriate rules of procedure consistent with the provisions of this Charter to enable it to carry out its functions.

(Amd. effective 1-1-03; Amd. effective 12-6-12; Amd. effective 12-2-21)

Sec. 4.07. Forfeiture of office.

A member of the planning board or board of appeals shall forfeit office and a vacancy therein shall exist, if a member:

- (1) Dies;
- (2) Resigns;
- (3) Moves from the city;
- (4) In the case of the planning board and board of appeals, moves into a ward in which there are currently two (2) members of the same board;
- (5) Is convicted of a crime or offense involving moral turpitude while in office;
- (6) Is found to be in violation of section 8.04 of this Charter; or
- (7) Exceeds the tenure authorized for the office.
- (8) Fails to attend three consecutive regular meetings of the board without being excused by the chair or, in the case of the chair, by the board.

If any vacancy should occur, it shall be filled for the remainder of the unexpired term by appointment of the mayor.

(Amd. eff. 1-1-07; Amd. effective 12-6-12; Amd. effective 12-2-21)

Sec. 4.08. Limitation of terms.

No member of any board established by this article shall serve more than three full consecutive terms on the same board.

Sec. 4.09. Removal from appointive office.

The city council, upon request from the mayor, or upon the written request or request to the City Clerk from three councilors, shall judge the qualifications of the members of any board established by this article and of the grounds for removal from or forfeiture of their office. In order to exercise these powers, the council shall have the power to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, whether residing within or without the State, to be taken in the manner prescribed by law for taking depositions in civil actions in the Maine Superior Court. A member charged with conduct constituting grounds for forfeiture of or removal from office shall be entitled to a hearing at which the individual charged shall have the opportunity to present witnesses and cross examine witnesses. Notice of such hearing shall be provided to the member at least seven (7) days in advance of the hearing via certified mail and, if available, by electronic means. If applicable under 1 MRSA Section 405(6) (A), the hearing shall take place in executive session unless the member charged requests it be done in public session. Removal from office requires the affirmative vote of at least five members of the council, including the mayor if voting under section 2.03, such vote to take place in public.

(Amd. effective 12-2-21)

ARTICLE VI. FINANCIAL PROCEDURES

Sec. 6.05. Capital program.

- (a) *Submission to council.* The administrator shall each year prepare and submit to the council a five-year capital program, including the capital program proposed for the school department, at least five and one-half (5 1/2) months prior to the end of the current fiscal year. The administrator shall concurrently refer the capital program to the planning board for its review.
- (b) *Contents.* The capital program shall include:
 - (1) A clear general summary of its contents;
 - (2) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
 - (3) Cost estimates, method of financing and recommended time schedules for each improvement; and
 - (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

- (c) *Planning board review.* The planning board shall review the proposed capital program each year, and following public hearing thereon, shall forward its recommendations to the city council at least four and one-half (4 1/2) months prior to the end of the current fiscal year.

(Ord. No. C87-1, 11-3-87)

ARTICLE VIII. GENERAL PROVISIONS

Sec. 8.01. Terms of officers and employees.

- (a) *Elected officers.* The term of any elected officer shall date from the first Monday in January next following election, except that in the event the first Monday shall fall on a holiday or the day following a holiday, then on the following Tuesday. If a person is elected to fill a vacancy in office, that person's term shall begin immediately upon taking the oath of office.
- (b) *Appointive officers and employees.* Except as may otherwise be provided in this Charter, all city officers, employees and appointees shall serve at the pleasure of the appointing power.

(Amd. effective 12-6-12)

Sec. 8.03. Swearing in officers.

All officers provided for in this Charter, whether elective or appointive, shall, before assuming their respective duties, qualify by being sworn to the faithful performance thereof before the city clerk or some magistrate thereto qualified.

Sec. 8.04. Personal financial interest.

If any elected or appointed official, officer or employee or the spouse of any such person has a financial interest, direct or indirect, in any contract with the city or in the purchase or sale of any land, material, supplies or services to the city or to a contractor supplying the city, that official shall make known that interest and shall refrain from voting upon or otherwise participating in the capacity of an elected or appointed official, officer or employee, in the making of such purchase or sale or in the making or performance of such contract. Any such person who willfully conceals a personal financial interest or that of a spouse, or willfully violates the requirements of this section, shall be guilty of malfeasance in office or position and shall forfeit the office or position. Violation of this section with the knowledge, express or implied, of the person or corporation contracting with or making a purchase from or a sale to the city, shall render the contract, purchase or sale voidable by the city.

Sec. 8.05. Prohibitions.

- (a) *Activities prohibited.* No person shall be appointed to or removed from or in any way favored or discriminated against with respect to any city position or appointive city administrative office because of race, sex, political or religious opinions or affiliations or on any other basis prohibited by statute of general application.

- (b) *Penalties.* Any person convicted of any crimes involving falsification in official matters, bribery, corrupt practices or obstructing governmental administration, as these crimes are defined in the Revised Statutes of Maine, as amended, shall be ineligible for a period of two (2) years following said conviction to hold any city office or employment, except as otherwise provided by law.
- (c) *Elective office.* Except as otherwise provided by law, no person who holds an appointive office in the city government or is an employee of the city, including the school department, shall hold an elective office in the city government. However, a person holding an elective office shall be eligible, during a term in office, to become a candidate for the same or another elective office. In the event such person is elected to the second office, a vacancy shall exist in the first office when such person qualifies for the second office. No person shall be a candidate for more than one (1) city elective office in the same city election.

(Amd. effective 12-6-12; Amd. effective 12-2-21)

II. Rules of Procedure

Lewiston Planning Board 2025

1. Officers.

The first regular meeting in January shall constitute an annual organizational meeting of the Board. A chairperson, vice-chairperson, and secretary shall then be elected by a majority vote of members present. The officers will serve for one (1) year until their successors are elected at the next organizational meeting.

Officers may be elected for a shorter term at the discretion of the Planning Board with new elections to be held upon that term's expiration. Should an officer cease to serve for whatever reason, the Planning Board may hold new elections.

2. Duties.

A. The chairperson shall call regular meetings of the Planning Board as required. The chairperson shall also call meetings of the Planning Board when requested to do so by four (4) members of the Planning Board. The chairperson shall preside at all meetings and hearings of the Board, decide all points of order and procedure, be the official spokesperson for the Board, act as liaison between the Board and other agencies of the City of Lewiston, and perform any duties required by law, ordinance, charter or the Board.

B. In the absence or disqualification of the chairperson, the vice-chairperson shall assume the duties of the chairperson. In the absence and/or disqualification of both the chairperson and vice-chairperson, a member shall be chosen by a majority vote of all members present and will assume the duties of chairperson for that meeting.

C. The secretary, with the assistance of the Planning and Code Enforcement Staff, shall keep a permanent record of all Board Meetings or other official actions of the Board and shall keep all correspondence of the Board on file in the City Planning and Code Enforcement Department's office. The secretary, with the assistance of the Planning and Code Enforcement Department Staff, shall also be responsible for keeping the records of the various proceedings which may be brought before the Board. All records to be prepared or retained by the secretary are deemed public and may be inspected at reasonable times. The secretary, with the direction of the Planning and Code Enforcement Department Staff, shall conduct, at the direction of the Planning Board, all official correspondence of the Board, send out all required notices, and perform all other duties required by law, ordinance, or the Board.

All correspondence from the City Staff as well as all recommendations presented and actions suggested as necessary shall be incorporated without the need for a specific motion into the record and shall be part of the record of the hearing on the specific issue.

D. The Planning Board shall request an advisory opinion from the Historic Preservation Review Board concerning development proposals that may potentially impact significant structures or districts as defined in Appendix A, Article XV, Sec. 3 of the Zoning and Land Use Code.

3. Meetings.

A. Regular meetings of the Planning Board shall be held on the second and fourth Mondays of each month beginning at 5:30 p.m. in the City Building. No new agenda item shall be heard after 9:00 p.m., with meetings adjourning no later than 9:30 p.m. Whenever there are no business matters to be considered at any regular meeting, other than the organizational meeting, the chairperson may dispense with such meetings by notifying each member of the Board and each other person who may have been given notice of the meeting at least 24 hours prior to the time set for the meeting, provided that when at least four (4) other members of the Board request that such regular meeting be held, the chairperson shall not dispense with it.

Notification by use of electronic mail shall be considered an acceptable means of communication.

- B. **Special meetings** and executive sessions may be held upon call of the Mayor, the chairperson, and at such other times as the Planning Board may determine, provided that at least 24 hours notice of the meeting be given to each member.
- C. **Removal of Members-** A member who misses three (3) consecutive meetings without just cause, as determined by the chairperson, shall be reported to the Mayor for an evaluation of his/her willingness to continue to serve on this Board.
- D. **Late Material** related to both development and non-development review agenda items which are not included in the Planning Board packet may only be considered if agreed to by a majority vote of the Board.
- E. **Agenda-** The order of business at all regular meetings of the Planning Board shall be as follows:
1. Roll Call - Planning Board Members, City Staff, and identify other Staff or City representatives in attendance.
 2. Adjustments to the Agenda.
 3. Correspondence - The Chairperson will request a motion to accept and place on file correspondence (to be identified), other submitted material not in the Planning Board packet, and -Staff memoranda (this will establish the record as Staff memoranda will reference all submittals the Planning Board has received.) Pursuant to 2.C. all correspondence from the City Staff is, without need for motion, incorporated into the record. All other correspondence may be adopted by motion at this point or later in the proceedings as decided by the Planning Board by four (4) affirmative votes.
 4. Public Hearings.
 5. Review of Development Proposals.
 6. Other Business - New and Old Business.
 7. Reading of Minutes of the previous meeting.
 8. Adjournment.
- F. **Protocol** - The Planning Board is comprised of seven (7) appointed members. A quorum necessary to conduct an official meeting of the Planning Board shall consist

of at least four (4) members. There shall be, in addition to the seven (7) members of the Board, two (2) associate members. Associate members will sit with the rest of the members and may participate in all Board deliberations, but are not able to vote unless designated by the chair or acting chair to serve in the place of a member who is absent, substantially tardy, recuses themselves, is disqualified or otherwise unable to participate. Such designations should be on a rotating basis between associate members as the opportunity arises during the course of the meeting.

Agendas for meetings shall be made available at the entrance to the meeting room.

Regarding the agenda items before the Planning Board, the chair shall first identify the item, and Staff will make a brief presentation followed by Planning Board questions. The chair will then request a presentation by the applicant/ petitioner to explain their proposal followed by Board questions. The chair will then open the meeting for public comment with proponents speaking first followed by anyone in opposition or having questions regarding the proposal. The chair shall request that everyone who speaks for or against or has a question concerning the subject matter to identify themselves by name and address for our record. The applicant/petitioner shall be given the opportunity to make any responses to public comments. The public portion will then be closed and the Planning Board will deliberate and vote on the matter before us. Once the public comment portion of the meeting is closed, unless there is a specific question from a Board Member to the public, the public portion will remain closed.

The Planning Board must decide on all matters in accordance with the Code of Ordinances of the City of Lewiston along with any other provisions of law within the Board's jurisdiction. Some decisions that this Board makes may also be contrary to public opinion and it is possible that some Board Members may have philosophical differences with some proposals. However, the Board must base its decisions on the law and ordinances rather than on individual sentiments. The concurring vote of at least four (4) members is required to constitute an action on any matter requiring a Public Hearing. All other matters require a simple majority vote.

- G. **Guidance-** The Planning Board shall act in accordance with the provisions of the Zoning Ordinance (Appendix A of the Lewiston Revised Code of Ordinances) and shall follow as guidance, the standards of development review outlined in the Site Plan Review and Design Guidelines adopted by the Planning Board on October 22, 1987, and as amended and adopted by the City Council on October 6, 2020.
- H. **Minutes-** The secretary, with the assistance of the Planning and Code Enforcement Department staff, shall keep minutes of the proceedings of each meeting of the Planning Board, including workshops, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and the final disposition of matters shall be recorded by resolution indicating the reasons of the Board therefore.
- I. **Freedom of Access/Information-** All meetings of the Planning Board shall be conducted in accordance with Maine's Public Right to Know Law. A copy of this

statute, Title I, M.R.S.A., Sections 401—410 is enclosed in this handbook and deemed a part of these Rules.

- J. **Attendance by Applicant-** An applicant or petitioner or their agent must appear at the scheduled meeting at which the subject case is to be heard. Failure to appear may result in the dismissal of the case. The Planning Board may, upon majority vote, continue the matter to a date specific for the hearing. Reinstatement of the case shall be allowed upon the filing of a written request. Reinstatement shall be allowed only upon payment of any required fees incurred from re-advertising the case.
- K. **Continuance-** A continuance may be granted to an applicant when good cause is shown that they are unable to present their case at the scheduled meeting.

4. Notice.

- A. **Legal Notice-** The secretary of the Planning Board, with the assistance of the Planning and Code Enforcement Department staff, will coordinate with the City Clerk of the City of Lewiston to ensure compliance with required legal notice for public meetings. In addition, it will be assumed by implication that notice of public hearings held by the Planning Board is mandatory and legal notice will consist of a notice conspicuously posted in the office of the City Clerk a reasonable time in advance of the meeting which under normal circumstance will be construed to mean at least seven (7) days before the date of each meeting. The Board at its discretion may determine that a given matter is of particular importance or interest to the community and in addition to posting as required above may insert a paid notice of the subject public hearing in the local newspaper.

On all proposals to amend the code, including rezoning proposals, notice shall be provided in accordance with Title 30-A, Chapter 187 §4352, section 8, 9, and 10 of the Maine Revised Statutes Annotated. In the case of a proposal for conditional or contract zoning, a copy of the proposed conditions and restrictions must be included. Mailed notices shall be sent first class to the addresses shown on the property tax records of the City of Lewiston and shall be deemed given when mailed.

- B. **Meeting Notice-** The secretary of the Planning Board, with the assistance of Planning and Code Enforcement Department Staff, will coordinate with the City Clerk of the City of Lewiston to serve notice of such public hearings detailing subject, time, and place of hearing a reasonable time in advance of the hearing, upon those individuals meriting personal notice because of their relationship to the subject matter at issue. By way of example, the following are parties who because of their relationship to the subject matter at issue shall be given official notice of such public hearing: developer of a proposed development, petitioners of a zoning amendment, all land owners whose property abuts the lot or lots involved, and other property owners potentially affected by the proposed development or zoning amendment as determined by the Planning and Code Enforcement Department Staff. Notice shall be by any method of personal service or substituted personal service authorized by the ordinances of the City of Lewiston and the laws of the State of Maine.
- C. Notice of Abutters.

Procedure for Notification of Development to Affected Property Owners.

For projects requiring Planning Board review and approval, the Planning and Code Enforcement Department Staff shall notify abutting and affected property owners, in writing, of the specific nature of the development plans.

The word, “abutting” shall be defined to mean any property which shares a common physical boundary with the area under review and properties located directly across any previously accepted city street.

The word, “affected” shall be defined to mean any property not sharing a common physical boundary but upon whom the proposed development would have impact, as determined by the Planning and Code Enforcement Department Director or designee.

Notification shall be by first-class mail and include a brief description of the project. Notice shall be mailed at least seven (7) days in advance of formal review by the Planning Board and shall include the date(s) and time(s) of review by the reviewing authority.

5. Ad Hoc Committees.

The chairperson may from time to time appoint committees necessary to perform special functions of the Board.

6. Parliamentary Procedures.

- A. In all cases where parliamentary procedure questions arise in the conduct of the Board’s affairs, the current edition of Robert’s Rules of Order shall be taken as the source of authority to decide the orderly course of the proceedings except as otherwise provided herein.
- B. Reconsideration of Items - When an item is voted on by the Board, it shall be in order for any member who voted on the prevailing side to move a reconsideration thereof, during the same meeting or at the immediate next regularly scheduled Planning Board meeting, but not afterwards. In instances where a majority of those present vote in favor of an item but there are less than the normally required four votes, the prevailing side shall be those who voted against the item. No motion to reconsider a vote taken at a previous meeting shall be in order for consideration at the immediate next regularly scheduled Planning Board meeting unless an item to that effect is scheduled on the agenda for such meeting or unless five of the members consent to such reconsideration.

7. Hearing Procedures for all Planning Board Public Hearings.

- I. Staff presentation
- II. Applicant presentation
- III. Public Comment:
 - A. Proponents or their representatives
 - B. Opponents or their representatives.
 - C. Other interested parties.
 - D. When all parties or representatives have presented their position, other parties may ask questions through the chair.
 - E. Testimony or other evidence may be submitted or received in writing when the same shall benefit convenience. This shall not be construed to abridge the right of any person or party to be heard orally by the Board.

- IV. After determining all public representatives have been provided opportunity to be heard, the Chair shall close the review to public comment. (The Board shall reserve the right to question through the Chair, any person present).
- V. The Board shall deliberate on the evidence (the record) and take appropriate action (including findings of fact) which may include tabling the item to a future meeting.
- VI. Within five (5) working days of the meeting, written notification of Board action shall be sent to the applicant.

8. Guide to Ethical Conduct.

The Planning Board adopts for the Board and its staff as a guide to ethical conduct The American Planning Associations (APA) “Ethical Principles in Planning”, as applicable, copies of which are enclosed in this handbook and deemed a part of these Rules. (See Section IV of the Handbook)

9. Amendment.

These Rules may be suspended, amended, or repealed on an affirmative vote of a majority of all members present.

10. Review and Adoption.

These Rules of Procedure shall be reviewed and adopted annually at the Board’s organizational meeting, or during the year should the need arise.

11. Student Members.

Student members are appointed by the Mayor. They will enjoy full honorary Board privileges and should be extended the same courtesy as full Board Members. The only exception is that they have no voting privileges. Student members will have full access to information as regular Board Members and receive meeting information packets as regular Board Members. Student Members will conduct themselves appropriately. Student members serve at the pleasure of the Planning Board Chair and/or the Mayor.

12. Workshops

- a) Workshop meetings shall be held when deemed appropriate and necessary.
- b) Citizens are welcome, and highly encouraged, to attend and participate in workshops, however, discussion maybe limited by the Planning Board Chair, if deemed appropriate.

13. Rules of Decorum

The Planning Board will practice civility and decorum in discussion and debate. Each member of the Board shall cooperate with the Chair when presiding in preserving order and decorum and no member shall, by conversation or otherwise, delay or interrupt the proceedings of the Board, nor disturb any member while speaking, or fail to abide by the orders of the Chair except as specifically permitted by these Rules or Roberts Rules of Order.

- (a) Subject to being overruled by a majority vote of the members, which vote shall be taken without debate or comment, the Chair shall maintain order and preserve the decorum of the meeting.

- (b) Every member of the Board desiring to speak shall seek recognition from the Chair and, upon recognition, shall confine remarks to the question under debate, avoiding all indecorous language or reference to personalities, and direct comments to the Chair unless otherwise granted permission.
- (c) A member of the Board, once recognized, shall not be interrupted when speaking unless it is for the purpose of calling such person to order. If a member of the Board, while speaking, is called to order, that person shall cease speaking until the question of order is determined.
- (d) When two or more members request the floor at the same time, the Chair shall name the one entitled to the floor.
- (e) After receiving permission from the Chair, any member may address a question to any other member.
- (f) All members of the Board shall be provided the opportunity to speak and agree or disagree, but no member shall speak twice on any given subject unless all other members have been given the opportunity to speak.
- (g) No Board members shall engage in private conversation while in the Planning Board in such a manner as to interrupt the proceedings of the Board.
- (h) If considered necessary because of grave disorder, the Chair may adjourn or suspend the meeting for a specified time.

14. Rules and Procedures Governing Public Comment Periods

Planning Board meetings are conducted to carry on the official business of the City of Lewiston. All meetings, except Executive Sessions, are open to the public. The public is cordially invited to attend all meetings, and to participate in them consistent with the provisions of this policy and with the exception of workshops, which are primarily intended for the Board and staff to review and discuss items prior to their appearance on a regular Planning Board meeting.

The intent of this policy is to allow a fair and adequate opportunity for the public to be heard, to express opinions and concerns related to the business of the Board, and to provide adequate time for the Board to obtain information and opinions on subjects before it while ensuring that the time allowed for public input does not interfere with the addressing the scheduled agenda.

To carry out these purposes, the following rules and procedures shall govern the public comment period at all Lewiston Planning Board meetings:

Addressing Specific Agenda Items

Public comments will be allowed during the meeting on those items requiring a public hearing. These comments should be directly related to the specific agenda item being addressed. Public comments will not be taken during other agenda items or workshops unless a request is made to the Planning Board Chair by a Board member or staff member of the Planning and Code Enforcement Department. Individuals addressing the Planning Board during the public comment period will limit their comments to (3) three minutes.

Rules Governing Public Comment Periods

1. Since meetings are recorded, persons wishing to speak must use the public podium located to the left side of the audience or the table in front of the dais, and speakers must preface their comments by giving their full name and address.
2. Comments must be limited to issues or concerns directly related to the specific agenda item being considered. Public comment on matters not related to that specific item will not be allowed, so as to make sure that all meetings are carried out

in a productive and efficient time and in keeping with the interests of all who attend and participate in a Board meeting.

3. Per state law, found in Title 1, Section 408, complaints or charges from the public about an individual employee will not be permitted. We encourage you to address such comments by directly contacting the City Administrator for their immediate follow-up and review.

4. Comments related to personal disputes between the speaker and other private residents will be ruled out of order by the Planning Board Chair:

5. Individuals will be restricted to speaking once per public comment period for each specific agenda item unless requested to do so by the Planning Board Chair.

6. Individuals addressing the Board shall direct their remarks exclusively to the Planning Board Chair. No person other than Board members and the individual at the podium shall be permitted to enter into any discussion, either directly or through members of the Board. The public comment period is an opportunity for residents to express their views on matters relating to that specific agenda item.

7. As a limited designated public forum, the Board does not have the right to prohibit disparaging, rude and other remarks of a personal nature. But, because of the potential implications, including personal liability of the speakers, we encourage any speakers to strive to be accurate in their statements and avoid making personal, rude, or provocative remarks.

8. It is the role and responsibility of the Planning Board Chair to make certain all statements respect the dignity and seriousness of the proceeding.

9. Persons present at Board meetings shall not interrupt, nor applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting.

Failure To Follow Guidelines

The Planning Board Chair will limit commentary that is determined not to be germane to the topic at hand, or which violates any of the guidelines listed above. The Chair will direct any individual not operating in accord with these guidelines to cease such action or risk being asked to be seated or removed. If such conduct continues, the Chair will call a recess, request the removal of such person(s) from the Chambers, adjourn the meeting, or take other such appropriate action. Repeated violations by any individual will result in the Chair revoking that individual's right to speak at future meetings. Should the Chair fail to take action, any Board member may move that the Chair enforce the rules and guidelines and, if denied, request that the Board vote on the motion.

III. Public Procedures and Freedom of Access Law

(Maine Public Right to Know Law)

(Acquired from <https://legislature.maine.gov/statutes/1/title1ch13sec0.html> on December 30, 2024)

TITLE 1, CHAPTER 13

PUBLIC RECORDS AND PROCEEDINGS

SUBCHAPTER 1

FREEDOM OF ACCESS

§400. Short title

This subchapter may be known and cited as "the Freedom of Access Act." [PL 2011, c. 662, §1 (NEW).]

SECTION HISTORY

PL 2011, c. 662, §1 (NEW).

§401. Declaration of public policy; rules of construction

The Legislature finds and declares that public proceedings exist to aid in the conduct of the people's business. It is the intent of the Legislature that their actions be taken openly and that the records of their actions be open to public inspection and their deliberations be conducted openly. It is further the intent of the Legislature that clandestine meetings, conferences or meetings held on private property without proper notice and ample opportunity for attendance by the public not be used to defeat the purposes of this subchapter. [PL 1975, c. 758 (RPR).]

This subchapter does not prohibit communications outside of public proceedings between members of a public body unless those communications are used to defeat the purposes of this subchapter. [PL 2011, c. 320, Pt. B, §1 (NEW).]

This subchapter shall be liberally construed and applied to promote its underlying purposes and policies as contained in the declaration of legislative intent. [PL 1975, c. 758 (RPR).]

SECTION HISTORY

PL 1975, c. 483, §1 (AMD). PL 1975, c. 758 (RPR). PL 2011, c. 320, Pt. B, §1 (AMD).

§402. Definitions

1. Conditional approval. Approval of an application or granting of a license, certificate or any other type of permit upon conditions not otherwise specifically required by the statute, ordinance or regulation pursuant to which the approval or granting is issued. [PL 1975, c. 758 (NEW).]

1-A. Legislative subcommittee. "Legislative subcommittee" means 3 or more Legislators from a legislative committee appointed for the purpose of conducting legislative business on behalf of the committee. [PL 1991, c. 773, §1 (NEW).]

2. Public proceedings. The term "public proceedings" as used in this subchapter means the transactions of any functions affecting any or all citizens of the State by any of the following:

A. The Legislature of Maine and its committees and subcommittees; [PL 1975, c. 758 (NEW).]

B. Any board or commission of any state agency or authority, the Board of Trustees of the University of Maine System and any of its committees and subcommittees, the Board of Trustees of the Maine Maritime Academy and any of its committees and subcommittees, the Board of Trustees of the Maine Community College System and any of its committees and subcommittees; [PL 1989, c. 878, Pt. A, §1 (RPR); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

C. Any board, commission, agency or authority of any county, municipality, school district or any regional or other political or administrative subdivision; [PL 1991, c. 848, §1 (AMD).]

D. The full membership meetings of any association, the membership of which is composed exclusively of counties, municipalities, school administrative units or other political or administrative subdivisions; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities; [PL 1995, c. 608, §1 (AMD).]

E. The board of directors of a nonprofit, nonstock private corporation that provides statewide noncommercial public broadcasting services and any of its committees and subcommittees; [PL 2009, c. 334, §1 (AMD).]

F. Any advisory organization, including any authority, board, commission, committee, council, task force or similar organization of an advisory nature, established, authorized or organized by law or resolve or by Executive Order issued by the Governor and not otherwise covered by this subsection, unless the law, resolve or Executive Order establishing, authorizing or organizing the advisory organization specifically exempts the organization from the application of this subchapter; and [PL 2009, c. 334, §2 (AMD).]

G. The committee meetings, subcommittee meetings and full membership meetings of any association that:

- (1) Promotes, organizes or regulates statewide interscholastic activities in public schools or in both public and private schools; and
- (2) Receives its funding from the public and private school members, either through membership dues or fees collected from those schools based on the number of participants of those schools in interscholastic activities.

This paragraph applies to only those meetings pertaining to interscholastic sports and does not apply to any meeting or any portion of any meeting the subject of which is limited to personnel issues, allegations of interscholastic athletic rule violations by member schools, administrators, coaches or student athletes or the eligibility of an individual student athlete or coach. [PL 2009, c. 334, §3 (NEW).]

[PL 2009, c. 334, §§1-3 (AMD).]

3. Public records. The term "public records" means any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension, that is in the possession or custody of an agency or public official of this State or any of its political subdivisions, or is in the possession or custody of an association, the membership of which is composed exclusively of one or more of any of these entities, and has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business, except:

A. Records that have been designated confidential by statute; [PL 1975, c. 758 (NEW).]

B. Records that would be within the scope of a privilege against discovery or use as evidence recognized by the courts of this State in civil or criminal trials if the records or inspection thereof were sought in the course of a court proceeding; [PL 1975, c. 758 (NEW).]

C. Legislative papers and reports until signed and publicly distributed in accordance with legislative rules, and records, working papers, drafts and interoffice and intraoffice memoranda used or maintained by any Legislator, legislative agency or legislative employee to prepare proposed Senate or House papers or reports for consideration by the Legislature or any of its committees during the legislative session or sessions in which the papers or reports are prepared or considered or to which the paper or report is carried over; [PL 1991, c. 773, §2 (AMD).]

C-1. Information contained in a communication between a constituent and an elected official if the information:

- (1) Is of a personal nature, consisting of:
 - (a) An individual's medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;
 - (b) Credit or financial information;
 - (c) Information pertaining to the personal history, general character or conduct of the constituent or any member of the constituent's immediate family; or
 - (d) Complaints, charges of misconduct, replies to complaints or charges of misconduct or memoranda or other materials pertaining to disciplinary action; or
- (2) Would be confidential if it were in the possession of another public agency or official; [PL 2019, c. 667, Pt. A, §1 (AMD).]

D. Material prepared for and used specifically and exclusively in preparation for negotiations, including the development of bargaining proposals to be made and the analysis of proposals received, by a public employer in collective bargaining with its employees and their designated representatives; [PL 1989, c. 358, §4 (AMD).]

E. Records, working papers, interoffice and intraoffice memoranda used by or prepared for faculty and administrative committees of the Maine Maritime Academy, the Maine Community College System and the University of Maine System when the subject matter is confidential or otherwise protected from disclosure by statute, other law, legal precedent or privilege recognized by the courts of this State. The provisions of this paragraph do not apply to the boards of trustees and the committees and subcommittees of those boards, which are referred to in subsection 2, paragraph B; [PL 2019, c. 667, Pt. B, §1 (AMD).]

F. Records that would be confidential if they were in the possession or custody of an agency or public official of the State or any of its political or administrative subdivisions are confidential if those records are in the possession of an association, the membership of which is composed exclusively of one or more political or administrative subdivisions of the State; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities; [PL 1991, c. 448, §1 (AMD).]

G. Materials related to the development of positions on legislation or materials that are related to insurance or insurance-like protection or services which are in the possession of an association, the membership of which is composed exclusively of one or more political or administrative subdivisions of the State; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities; [PL 1991, c. 448, §1 (AMD).]

H. Medical records and reports of municipal ambulance and rescue units and other emergency medical service units, except that such records and reports must be available upon request to law enforcement officers investigating criminal conduct; [PL 1995, c. 608, §4 (AMD).]

I. Juvenile records and reports of municipal fire departments regarding the investigation and family background of a juvenile fire setter; [PL 1999, c. 96, §1 (AMD).]

J. Working papers, including records, drafts and interoffice and intraoffice memoranda, used or maintained by any advisory organization covered by subsection 2, paragraph F, or any member or staff of that organization during the existence of the advisory organization. Working papers are public records if distributed in a public meeting of the advisory organization; [PL 2019, c. 667, Pt. B, §2 (AMD).]

K. Personally identifying information concerning minors that is obtained or maintained by a municipality in providing recreational or nonmandatory educational programs or services. This paragraph does not apply to records governed by Title 20-A, section 6001 and does not supersede Title 20-A, section 6001-A; [PL 2019, c. 667, Pt. A, §2 (AMD).]

L. Records describing security plans, security procedures or risk assessments prepared specifically for the purpose of preventing or preparing for acts of terrorism, but only to the extent that release of information contained in the record could reasonably be expected to jeopardize the physical safety of government personnel or the public. Information contained in records covered by this paragraph may be disclosed to the Legislature or, in the case of a political or administrative subdivision, to municipal officials or board members under conditions that protect the information from further disclosure. For purposes of this paragraph, "terrorism" means conduct that is designed to cause serious bodily injury or substantial risk of bodily injury to multiple persons, substantial damage to multiple structures whether occupied or unoccupied or substantial physical damage sufficient to disrupt the normal functioning of a critical infrastructure; [PL 2003, c. 614, §1 (AMD).]

M. Records or information describing the architecture, design, access authentication, encryption or security of information technology infrastructure, systems and software, including records or information maintained to ensure government operations and technology continuity and to facilitate disaster recovery. Records or information covered by this paragraph may be disclosed to the Legislature or, in the case of a political or administrative subdivision, to municipal officials or board members under conditions that protect the information from further disclosure; [PL 2019, c. 667, Pt. A, §3 (AMD).]

N. Social security numbers; [PL 2011, c. 320, Pt. E, §1 (AMD).]

O. Personal contact information concerning public employees, except when that information is public pursuant to other law. For the purposes of this paragraph:

(1) "Personal contact information" means personal address, telephone number, facsimile number, e-mail address, cellular telephone number, pager number and username, password and uniform resource locator for a personal social media account as defined in Title 26, section 615, subsection 4; and

(2) "Public employee" means an employee as defined in Title 14, section 8102, subsection 1, except that "public employee" does not include elected officials; [PL 2019, c. 667, Pt. B, §3 (AMD).]

P. Geographic information regarding recreational trails that are located on private land that are authorized voluntarily as such by the landowner with no public deed or guaranteed right of public access, unless the landowner authorizes the release of the information; [PL 2011, c. 149, §1 (AMD).]

REVISOR'S NOTE: (Paragraph P as enacted by PL 2009, c. 339, §3 is REALLOCATED TO TITLE 1, SECTION 402, SUBSECTION 3, PARAGRAPH Q)

Q. **(REALLOCATED FROM T. 1, §402, sub-§3, ¶P)** Security plans, staffing plans, security procedures, architectural drawings or risk assessments prepared for emergency events that are prepared for or by or kept in the custody of the Department of Corrections or a county jail if there is a reasonable possibility that public release or inspection of the records would endanger the life or physical safety of any individual or disclose security plans and procedures not generally known by the general public. Information contained in records covered by this paragraph may be disclosed to state and county officials if necessary to carry out the duties of

the officials or the Department of Corrections under conditions that protect the information from further disclosure; [PL 2015, c. 335, §1 (AMD).]

R. [PL 2017, c. 163, §1 (RP).]

S. E-mail addresses obtained by a political subdivision of the State for the sole purpose of disseminating noninteractive notifications, updates and cancellations that are issued from the political subdivision or its elected officers to an individual or individuals that request or regularly accept these noninteractive communications; [PL 2015, c. 161, §1 (AMD).]

T. Records describing research for the development of processing techniques for fisheries, aquaculture and seafood processing or the design and operation of a depuration plant in the possession of the Department of Marine Resources; [PL 2017, c. 118, §1 (AMD).]

U. Records provided by a railroad company pursuant to Title 23, section 7311, subsection 5 and records describing hazardous materials transported by the railroad company in this State, the routes of hazardous materials shipments and the frequency of hazardous materials operations on those routes that are in the possession of a state or local emergency management entity or law enforcement agency, fire department or other first responder, except that records related to a train carrying hazardous materials that has derailed at any point from a main line train track or related to a discharge of hazardous materials transported by a railroad company that poses a threat to public health, safety and welfare are subject to public disclosure after that discharge. For the purposes of this paragraph, "hazardous material" has the same meaning as set forth in 49 Code of Federal Regulations, Section 105.5; and [PL 2023, c. 618, §1 (AMD).]

V. Participant application materials and other personal information obtained or maintained by a municipality or other public entity in administering a community well-being check program, except that a participant's personal information, including health information, may be made available to first responders only as necessary to implement the program. For the purposes of this paragraph, "community well-being check program" means a voluntary program that involves daily, or regular, contact with a participant and, when contact cannot be established, sends first responders to the participant's residence to check on the participant's well-being. [PL 2017, c. 118, §3 (NEW).]

[PL 2023, c. 618, §1 (AMD).]

3-A. Public records further defined. "Public records" also includes the following criminal justice agency records:

A. Records relating to prisoner furloughs to the extent they pertain to a prisoner's identity, public criminal history record information, as defined in Title 16, section 703, subsection 8, address of furlough and dates of furlough; [PL 2013, c. 267, Pt. B, §1 (AMD).]

B. Records relating to out-of-state adult probationer or parolee supervision to the extent they pertain to a probationer's or parolee's identity, public criminal history record information, as defined in Title 16, section 703, subsection 8, address of residence and dates of supervision; and [PL 2013, c. 267, Pt. B, §1 (AMD).]

C. Records to the extent they pertain to a prisoner's, adult probationer's or parolee's identity, public criminal history record information, as defined in Title 16, section 703, subsection 8, and current address or location, unless the Commissioner of Corrections determines that it would be detrimental to the welfare of a client to disclose the information. [PL 2013, c. 267, Pt. B, §1 (AMD).]

[PL 2013, c. 267, Pt. B, §1 (AMD).]

4. Public records of interscholastic athletic organizations. Any records or minutes of meetings under subsection 2, paragraph G are public records.

[PL 2009, c. 334, §4 (NEW).]

5. Public access officer. "Public access officer" means the person designated pursuant to section 413, subsection 1.

[PL 2011, c. 662, §3 (NEW).]

6. Reasonable office hours. "Reasonable office hours" includes all regular office hours of an agency or official.

[PL 2011, c. 662, §3 (NEW).]

SECTION HISTORY

PL 1973, c. 433, §1 (AMD). PL 1975, c. 243 (RPR). PL 1975, c. 483, §2 (AMD). PL 1975, c. 758 (RPR). PL 1977, c. 164, §§1,2 (AMD). PL 1977, c. 696, §9 (AMD). PL 1985, c. 695, §§1,2 (AMD). PL 1985, c. 779, §§1,2 (AMD). PL 1987, c. 20, §1 (AMD). PL 1987, c. 402, §A1 (AMD). PL 1987, c. 477, §1 (AMD). PL 1989, c. 358, §§1-4 (AMD). PL 1989, c. 443, §§1,2 (AMD). PL 1989, c. 878, §§A1,2 (AMD). PL 1991, c. 448, §§1,2 (AMD). PL 1991, c. 773, §§1,2 (AMD). PL 1991, c. 848, §1 (AMD). PL 1995, c. 608, §§1-5 (AMD). PL 1997, c. 714, §1 (AMD). PL 1999,

c. 96, §§1-3 (AMD). PL 2001, c. 477, §1 (AMD). PL 2001, c. 675, §§1-3 (AMD). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF). PL 2003, c. 392, §§1-3 (AMD). PL 2003, c. 614, §§1-3 (AMD). PL 2005, c. 381, §§1-3 (AMD). PL 2007, c. 597, §1 (AMD). RR 2009, c. 1, §§1-3 (COR). PL 2009, c. 176, §§1-3 (AMD). PL 2009, c. 334, §§1-4 (AMD). PL 2009, c. 339, §§1-3 (AMD). PL 2011, c. 149, §§1-3 (AMD). PL 2011, c. 264, §1 (AMD). PL 2011, c. 320, Pt. E, §1 (AMD). PL 2011, c. 662, §§2, 3 (AMD). PL 2013, c. 267, Pt. B, §1 (AMD). PL 2013, c. 339, §§1-3 (AMD). PL 2013, c. 518, §§1-3 (AMD). PL 2015, c. 161, §§1-3 (AMD). PL 2015, c. 335, §1 (AMD). PL 2017, c. 118, §§1-3 (AMD). PL 2017, c. 163, §1 (AMD). PL 2019, c. 667, Pt. A, §§1-3 (AMD). PL 2019, c. 667, Pt. B, §§1-4 (AMD). PL 2023, c. 618, §1 (AMD).

§402-A. Public records defined
(REPEALED)

SECTION HISTORY

PL 1975, c. 483, §3 (NEW). PL 1975, c. 623, §1 (RPR). PL 1975, c. 758 (RP).

§403. Meetings to be open to public; record of meetings

1. Proceedings open to public. Except as otherwise provided by statute or by section 405, all public proceedings must be open to the public and any person must be permitted to attend a public proceeding.
[PL 2011, c. 320, Pt. C, §1 (NEW).]

2. Record of public proceedings. Unless otherwise provided by law, a record of each public proceeding for which notice is required under section 406 must be made within a reasonable period of time after the proceeding and must be open to public inspection. At a minimum, the record must include:

A. The date, time and place of the public proceeding; [PL 2011, c. 320, Pt. C, §1 (NEW).]

B. The members of the body holding the public proceeding recorded as either present or absent; and [PL 2011, c. 320, Pt. C, §1 (NEW).]

C. All motions and votes taken, by individual member, if there is a roll call. [PL 2011, c. 320, Pt. C, §1 (NEW).]

[PL 2011, c. 320, Pt. C, §1 (NEW).]

3. Audio or video recording. An audio, video or other electronic recording of a public proceeding satisfies the requirements of subsection 2.

[PL 2011, c. 320, Pt. C, §1 (NEW).]

4. Maintenance of record. Record management requirements and retention schedules adopted under Title 5, chapter 6 apply to records required under this section.

[PL 2011, c. 320, Pt. C, §1 (NEW).]

5. Validity of action. The validity of any action taken in a public proceeding is not affected by the failure to make or maintain a record as required by this section.

[PL 2011, c. 320, Pt. C, §1 (NEW).]

6. Advisory bodies exempt from record requirements. Subsection 2 does not apply to advisory bodies that make recommendations but have no decision-making authority.

[PL 2011, c. 320, Pt. C, §1 (NEW).]

SECTION HISTORY

PL 1969, c. 293 (AMD). PL 1975, c. 422, §1 (AMD). PL 1975, c. 758 (RPR). PL 2009, c. 240, §1 (AMD). PL 2011, c. 320, Pt. C, §1 (RPR).

§403-A. Public proceedings through remote access during declaration of state of emergency due to COVID-19
(REPEALED)

SECTION HISTORY

PL 2019, c. 617, Pt. G, §1 (NEW). MRSA T. 1 §403-A, sub-§3 (RP).

§403-B. Remote participation in public proceedings

1. Remote participation. This section governs remote methods of participation in public proceedings of certain public bodies. For the purposes of this section, "remote methods" means telephonic or video technology allowing simultaneous reception of information and may include other means when such means are necessary to provide reasonable accommodation to a person with a disability. Public proceedings may not be conducted by text-only means such as e-mail, text messages or chat functions.

[PL 2021, c. 290, §1 (NEW).]

2. Requirements. A public body subject to this subchapter may allow members of the body and the public to participate in a public proceeding using remote methods only under the following conditions:

- A. After notice and hearing the body has adopted a written policy governing the conditions upon which members of the body and the public may participate in a public proceeding of that body by remote methods.
- (1) If a public body has not adopted a policy authorizing remote methods of participation under this section and if the chair of the body determines that an emergency or urgent issue exists that prevents the public body from meeting in person to adopt a policy, the chair may call a meeting of the body in which the members may participate by remote methods. Notice of the meeting must include information about how the public can participate in the meeting and the proposed policy or instructions on how to obtain a copy of the proposed policy in advance of the meeting. Once the meeting is convened, the members shall vote on whether to support the chair's determination that an emergency or urgent issue exists that prevents the public body from meeting in person.
 - (2) If 2/3 of the members vote in support of the chair's determination under subparagraph (1), after an opportunity for hearing, the members may vote on whether to adopt a policy authorizing remote methods of participation in public proceedings of the body under this section; [PL 2021, c. 611, §1 (AMD).]
- B. [PL 2021, c. 666, §1 (RP).]
- C. The policy adopted pursuant to paragraph A must provide members of the public a meaningful opportunity to attend by remote methods when members of the body participate by remote methods, and reasonable accommodations may be provided when necessary to provide access to individuals with disabilities; [PL 2021, c. 290, §1 (NEW).]
- D. If the body allows or is required to provide an opportunity for public input during the proceeding, an effective means of communication between the members of the body and the public must be provided; [PL 2021, c. 290, §1 (NEW).]
- E. Notice of the proceeding must be provided in accordance with section 406. When the public may attend by remote methods pursuant to paragraphs C and D, the notice must include the means by which members of the public may access the proceeding using remote methods. The notice must also identify a location for members of the public to attend in person. The body may limit public attendance at a proceeding solely to remote methods if there is an emergency or urgent situation that requires the body to meet only by remote methods; [PL 2021, c. 666, §2 (AMD).]
- F. A member of the body who participates in a public proceeding by remote methods is present for purposes of a quorum and voting; [PL 2021, c. 290, §1 (NEW).]
- G. All votes taken during a public proceeding using remote methods must be taken by roll call vote that can be seen and heard if using video technology, and heard if using only audio technology, by the other members of the public body and the public; [PL 2023, c. 185, §1 (AMD).]
- H. The public body must make all documents and other materials considered by the public body available, electronically or otherwise, to the public who attend by remote methods to the same extent customarily available to members of the public who attend the proceedings of the public body in person, as long as additional costs are not incurred by the public body. The public body must make the proposed policy regarding remote participation available in advance of the meeting if meeting remotely under paragraph A, subparagraphs (1) and (2); and [PL 2023, c. 185, §2 (AMD).]
- I. When the public may attend a public proceeding by remote methods, the public body must allow members of the public to record the proceeding remotely using the same electronic platform that is used to conduct the proceeding remotely as long as the electronic platform allows participants other than the host to record the proceeding remotely, additional costs are not incurred by the public body and the recording of the proceeding does not interfere with the orderly conduct of the proceeding. [PL 2023, c. 185, §3 (NEW).]
- [PL 2023, c. 158, §1 (AMD); PL 2023, c. 185, §§1-3 (AMD).]
- 2-A. Blanket remote participation policies; exceptions.** The applicability of a policy adopted by a public body under subsection 2 to other public bodies within the jurisdiction of the public body is governed by this subsection.
- A. Except as provided in paragraphs B and C, a remote participation policy adopted by a public body pursuant to subsection 2 applies to a board, committee or subcommittee that is within the jurisdiction of the public body, unless the board, committee or subcommittee adopts its own policy under subsection 2. [PL 2023, c. 158, §2 (NEW).]
 - B. A remote participation policy adopted pursuant to subsection 2 by the county commissioners of the county, the municipal officers of a municipality or the officers of any regional or other political subdivision applies to all public bodies subject to this subchapter that are within the jurisdiction of the county, municipality or regional or other political subdivision, respectively, unless the county commissioners, municipal officers or other officers of the regional or other political subdivision specifically authorize a public body under their jurisdiction to adopt its own remote participation policy. [PL 2023, c. 158, §2 (NEW).]

C. Nothing in this subsection limits the right of a school board to choose to adopt or to choose not to adopt a remote participation policy under subsection 2. [PL 2023, c. 158, §2 (NEW).]
[PL 2023, c. 158, §2 (NEW).]

3. Remote participation not permitted. This section does not authorize town meetings held pursuant to Title 30-A, section 2524 or regional school unit budget meetings held pursuant to Title 20-A, section 1482-A to be conducted using remote methods.
[PL 2021, c. 290, §1 (NEW).]

4. Application. This section does not apply to:

A. The Legislature; or [PL 2021, c. 290, §1 (NEW).]

B. A public body to which specific statutory provisions for remote participation apply. [PL 2021, c. 290, §1 (NEW).]

[PL 2021, c. 290, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 290, §1 (NEW). PL 2021, c. 611, §§1, 2 (AMD). PL 2021, c. 666, §§1-3 (AMD). PL 2023, c. 158, §§1, 2 (AMD). PL 2023, c. 185, §§1-3 (AMD).

§404. Recorded or live broadcasts authorized

In order to facilitate the public policy so declared by the Legislature of opening the public's business to public scrutiny, all persons shall be entitled to attend public proceedings and to make written, taped or filmed records of the proceedings, or to live broadcast the same, provided the writing, taping, filming or broadcasting does not interfere with the orderly conduct of proceedings. The body or agency holding the public proceedings may make reasonable rules and regulations governing these activities, so long as these rules or regulations do not defeat the purpose of this subchapter. [PL 1975, c. 758 (RPR).]

SECTION HISTORY

PL 1975, c. 422, §2 (RPR). PL 1975, c. 483, §4 (AMD). PL 1975, c. 758 (RPR).

§404-A. Decisions (REPEALED)

SECTION HISTORY

PL 1973, c. 433, §2 (NEW). PL 1973, c. 704, §§1,2 (AMD). PL 1975, c. 758 (RP).

§405. Executive sessions

Those bodies or agencies falling within this subchapter may hold executive sessions subject to the following conditions. [PL 1975, c. 758 (NEW).]

1. Not to defeat purposes of subchapter. An executive session may not be used to defeat the purposes of this subchapter as stated in section 401.

[PL 2009, c. 240, §2 (AMD).]

2. Final approval of certain items prohibited. An ordinance, order, rule, resolution, regulation, contract, appointment or other official action may not be finally approved at an executive session.

[PL 2009, c. 240, §2 (AMD).]

3. Procedure for calling of executive session. An executive session may be called only by a public, recorded vote of 3/5 of the members, present and voting, of such bodies or agencies.

[PL 2009, c. 240, §2 (AMD).]

4. Motion contents. A motion to go into executive session must indicate the precise nature of the business of the executive session and include a citation of one or more sources of statutory or other authority that permits an executive session for that business. Failure to state all authorities justifying the executive session does not constitute a violation of this subchapter if one or more of the authorities are accurately cited in the motion. An inaccurate citation of authority for an executive session does not violate this subchapter if valid authority that permits the executive session exists and the failure to cite the valid authority was inadvertent.

[PL 2003, c. 709, §1 (AMD).]

5. Matters not contained in motion prohibited. Matters other than those identified in the motion to go into executive session may not be considered in that particular executive session.

[PL 2009, c. 240, §2 (AMD).]

6. Permitted deliberation. Deliberations on only the following matters may be conducted during an executive session:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

- (1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
- (2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
- (3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
- (4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present.

This paragraph does not apply to discussion of a budget or budget proposal; [PL 2009, c. 240, §2 (AMD).]

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

- (1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire; [PL 2009, c. 240, §2 (AMD).]

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency; [PL 1987, c. 477, §3 (AMD).]

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions; [PL 1999, c. 144, §1 (RPR).]

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage; [PL 2009, c. 240, §2 (AMD).]

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute; [PL 1999, c. 180, §1 (AMD).]

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and [PL 1999, c. 180, §2 (AMD).]

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter. [PL 1999, c. 180, §3 (NEW).]

[PL 2009, c. 240, §2 (AMD).]

SECTION HISTORY

PL 1975, c. 758 (RPR). PL 1979, c. 541, §A3 (AMD). PL 1987, c. 477, §§2,3 (AMD). PL 1987, c. 769, §A1 (AMD). PL 1999, c. 40, §§1,2 (AMD). PL 1999, c. 144, §1 (AMD). PL 1999, c. 180, §§1-3 (AMD). PL 2003, c. 709, §1 (AMD). PL 2009, c. 240, §2 (AMD).

§405-A. Recorded or live broadcasts authorized (REPEALED)

SECTION HISTORY

PL 1975, c. 483, §5 (NEW). PL 1975, c. 758 (RP).

§405-B. Appeals (REPEALED)

SECTION HISTORY

PL 1975, c. 483, §5 (NEW). PL 1975, c. 758 (RP).

§405-C. Appeals from actions (REPEALED)

SECTION HISTORY

PL 1975, c. 483, §5 (NEW). PL 1975, c. 758 (RP).

§406. Public notice

Public notice shall be given for all public proceedings as defined in section 402, if these proceedings are a meeting of a body or agency consisting of 3 or more persons. This notice shall be given in ample time to allow public attendance and shall be disseminated in a manner reasonably calculated to notify the general public in the jurisdiction served by the body or agency concerned. In the event of an emergency meeting, local representatives of the media shall be notified of the meeting, whenever practical, the notification to include time and location, by the same or faster means used to notify the members of the agency conducting the public proceeding. [PL 1987, c. 477, §4 (AMD).]

SECTION HISTORY

PL 1975, c. 483, §6 (AMD). PL 1975, c. 758 (RPR). PL 1987, c. 477, §4 (AMD).

§407. Decisions

1. Conditional approval or denial. Every agency shall make a written record of every decision involving the conditional approval or denial of an application, license, certificate or any other type of permit. The agency shall set forth in the record the reason or reasons for its decision and make finding of the fact, in writing, sufficient to appraise the applicant and any interested member of the public of the basis for the decision. A written record or a copy thereof shall be kept by the agency and made available to any interested member of the public who may wish to review it.

[PL 1975, c. 758 (NEW).]

2. Dismissal or refusal to renew contract. Every agency shall make a written record of every decision involving the dismissal or the refusal to renew the contract of any public official, employee or appointee. The agency shall, except in case of probationary employees, set forth in the record the reason or reasons for its decision and make findings of fact, in writing, sufficient to apprise the individual concerned and any interested member of the public of the basis for the decision. A written record or a copy thereof must be kept by the agency and made available to any interested member of the public who may wish to review it.

[PL 2009, c. 240, §3 (AMD).]

SECTION HISTORY

PL 1975, c. 758 (NEW). PL 2009, c. 240, §3 (AMD).

§408. Public records available for public inspection and copying (REPEALED)

SECTION HISTORY

PL 1975, c. 758 (NEW). PL 2003, c. 709, §2 (RPR). PL 2007, c. 501, §1 (AMD). PL 2009, c. 240, §4 (AMD). PL 2011, c. 662, §4 (RP).

§408-A. Public records available for inspection and copying

Except as otherwise provided by statute, a person has the right to inspect and copy any public record in accordance with this section within a reasonable time of making the request to inspect or copy the public record.

[PL 2011, c. 662, §5 (NEW).]

1. Inspect. A person may inspect any public record during reasonable office hours. An agency or official may not charge a fee for inspection unless the public record cannot be inspected without being converted or compiled, in which case the agency or official may charge a fee as provided in subsection 8.

[PL 2011, c. 662, §5 (NEW).]

2. Copy. A person may copy a public record in the office of the agency or official having custody of the public record during reasonable office hours or may request that the agency or official having custody of the record provide a copy. The agency or official may charge a fee for copies as provided in subsection 8.

A. A request need not be made in person or in writing. [PL 2011, c. 662, §5 (NEW).]

B. The agency or official shall mail the copy upon request. [PL 2011, c. 662, §5 (NEW).]

[PL 2011, c. 662, §5 (NEW).]

3. Acknowledgment; clarification; time estimate; cost estimate. The agency or official having custody or control of a public record shall acknowledge receipt of a request made according to this section within 5 working days of receiving the request and may request clarification concerning which public record or public records are being requested. Within a reasonable time of receiving the request, the agency or official shall provide a good faith, nonbinding estimate of the time frame within which the agency or official will comply with the request and a cost estimate as provided in subsection 9. The agency or official shall make a good faith effort to fully respond to the request within the estimated time frame. For purposes of this subsection, the date a request is received is the date a sufficient description of the public record is received by the agency or official at the office responsible for maintaining the public record. An agency or official that receives a request for a public record that is maintained by that agency but is not maintained by the office that received the request shall forward the request to the office of the agency or official that maintains the record, without willful delay, and shall notify the requester that the

request has been forwarded and that the office to which the request has been forwarded will acknowledge receipt within 5 working days of receiving the request.

[PL 2023, c. 155, §1 (AMD).]

4. Refusals; denials. If a body or an agency or official having custody or control of any public record refuses permission to inspect or copy or abstract a public record, the body or agency or official shall provide, within 5 working days of the receipt of the request for inspection or copying, written notice of the denial, stating the reason for the denial or the expectation that the request will be denied in full or in part following a review. A request for inspection or copying may be denied, in whole or in part, on the basis that the request is unduly burdensome or oppressive if the procedures established in subsection 4-A are followed. Failure to comply with this subsection is considered failure to allow inspection or copying and is subject to appeal as provided in section 409.

[PL 2015, c. 494, Pt. A, §1 (RPR).]

4-A. Action for protection. A body, an agency or an official may seek protection from a request for inspection or copying that is unduly burdensome or oppressive by filing an action for an order of protection in the Superior Court for the county where the request for records was made within 30 days of receipt of the request.

A. The following information must be included in the complaint if available or provided to the parties and filed with the court no more than 14 days from the filing of the complaint or such other period as the court may order:

- (1) The terms of the request and any modifications agreed to by the requesting party;
- (2) A statement of the facts that demonstrate the burdensome or oppressive nature of the request, with a good faith estimate of the time required to search for, retrieve, redact if necessary and compile the records responsive to the request and the resulting costs calculated in accordance with subsection 8;
- (3) A description of the efforts made by the body, agency or official to inform the requesting party of the good faith estimate of costs and to discuss possible modifications of the request that would reduce the burden of production; and
- (4) Proof that the body, agency or official has submitted a notice of intent to file an action under this subsection to the party requesting the records, dated at least 10 days prior to filing the complaint for an order of protection under this subsection. [PL 2015, c. 248, §2 (NEW).]

B. Any appeal that may be filed by the requesting party under section 409 may be consolidated with an action under this subsection. [PL 2015, c. 248, §2 (NEW).]

C. An action for protection may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require upon the request of any party. [PL 2015, c. 248, §2 (NEW).]

D. If the court finds that the body, agency or official has demonstrated good cause to limit or deny the request, the court shall enter an order making such findings and establishing the terms upon which production, if any, must be made. If the court finds that the body, agency or official has not demonstrated good cause to limit or deny the request, the court shall establish a date by which the records must be provided to the requesting party. [PL 2015, c. 248, §2 (NEW).]

[PL 2017, c. 288, Pt. A, §1 (AMD).]

5. Schedule. Inspection, conversion pursuant to subsection 7 and copying of a public record subject to a request under this section may be scheduled to occur at a time that will not delay or inconvenience the regular activities of the agency or official having custody or control of the public record requested. If the agency or official does not have regular office hours, the name and telephone number of a contact person authorized to provide access to the agency's or official's records must be posted in a conspicuous public place and at the office of the agency or official, if an office exists.

[PL 2011, c. 662, §5 (NEW).]

6. No requirement to create new record. An agency or official is not required to create a record that does not exist.

[PL 2011, c. 662, §5 (NEW).]

7. Electronically stored public records. An agency or official having custody or control of a public record subject to a request under this section shall provide access to an electronically stored public record either as a printed document of the public record or in the medium in which the record is stored, at the requester's option, except that the agency or official is not required to provide access to an electronically stored public record as a computer file if the agency or official does not have the ability to separate or prevent the disclosure of confidential information contained in or associated with that file.

A. If in order to provide access to an electronically stored public record the agency or official converts the record into a form susceptible of visual or aural comprehension or into a usable format for inspection or copying, the agency or official may charge a fee to cover the cost of conversion as provided in subsection 8.

[PL 2011, c. 662, §5 (NEW).]

B. This subsection does not require an agency or official to provide a requester with access to a computer terminal. [PL 2011, c. 662, §5 (NEW).]

[PL 2011, c. 662, §5 (NEW).]

8. Payment of costs. Except as otherwise specifically provided by law or court order, an agency or official having custody of a public record may charge fees for public records as follows.

A. The agency or official may charge a reasonable fee to cover the cost of copying. A reasonable fee to cover the cost of copying is no more than 10¢ per page for a standard 8 1/2 inches by 11 inches black and white copy of a record. A per-page copy fee may not be charged for records provided electronically. [PL 2021, c. 313, §1 (AMD).]

B. The agency or official may charge a fee to cover the actual cost of searching for, retrieving and compiling the requested public record in accordance with this paragraph. Compiling the public record includes reviewing and redacting confidential information.

(1) The agency or official may not charge a fee for the first 2 hours of staff time per request.

(2) After the first 2 hours of staff time, the agency or official may charge a fee of not more than \$25 per hour. [PL 2021, c. 375, §1 (AMD).]

C. The agency or official may charge for the actual cost to convert a public record into a form susceptible of visual or aural comprehension or into a usable format and for the actual cost of a device used to store the public record if the storage device will be given to the requester by the agency or official. [PL 2023, c. 155, §2 (AMD).]

D. An agency or official may not charge for inspection unless the public record cannot be inspected without being compiled or converted, in which case paragraph B or C applies. [PL 2011, c. 662, §5 (NEW).]

E. The agency or official may charge for the actual mailing costs to mail a copy of a record. [PL 2011, c. 662, §5 (NEW).]

F. An agency or official may require payment of all costs before the public record is provided to the requester. [PL 2017, c. 158, §1 (NEW).]

[PL 2023, c. 155, §2 (AMD).]

9. Estimate. The agency or official having custody or control of a public record subject to a request under this section shall provide to the requester an estimate of the time frame within which the agency or official will comply with the request and of the total cost as provided by subsection 8. If the estimate of the total cost is greater than \$50, the agency or official shall inform the requester before proceeding. If the estimate of the total cost is greater than \$100, subsection 10 applies.

[PL 2023, c. 155, §3 (AMD).]

10. Payment in advance. The agency or official having custody or control of a public record subject to a request under this section may require a requester to pay all or a portion of the estimated costs to complete the request prior to the search, retrieval, compiling, conversion and copying of the public record if:

A. The estimated total cost exceeds \$100; or [PL 2011, c. 662, §5 (NEW).]

B. The requester has previously failed to pay a properly assessed fee under this chapter in a timely manner. [PL 2011, c. 662, §5 (NEW).]

[PL 2011, c. 662, §5 (NEW).]

11. Waivers. The agency or official having custody or control of a public record subject to a request under this section may waive part or all of the total fee charged pursuant to subsection 8 if:

A. The requester is indigent; or [PL 2011, c. 662, §5 (NEW).]

B. The agency or official considers release of the public record requested to be in the public interest because doing so is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester. [PL 2011, c. 662, §5 (NEW).]

[PL 2011, c. 662, §5 (NEW).]

12. Retention of fees or costs. An agency may retain any fees or costs charged under this section.

[PL 2021, c. 375, §2 (NEW).]

SECTION HISTORY

PL 2011, c. 662, §5 (NEW). PL 2013, c. 350, §§1, 2 (AMD). PL 2015, c. 248, §§1, 2 (AMD). PL 2015, c. 249, §1 (AMD). PL 2015, c. 317, §1 (AMD). PL 2015, c. 494, Pt. A, §1 (AMD). PL 2017, c. 158, §1 (AMD). PL 2017, c. 288, Pt. A, §1 (AMD). PL 2021, c. 313, §1 (AMD). PL 2021, c. 375, §§1, 2 (AMD). PL 2023, c. 155, §§1-3 (AMD).

§409. Appeals

1. Records. Any person aggrieved by a refusal or denial to inspect or copy a record or the failure to allow the inspection or copying of a record under section 408-A may appeal the refusal, denial or failure within 30 calendar

days of the receipt of the written notice of refusal, denial or failure to the Superior Court within the State for the county where the person resides or the agency has its principal office. The agency or official shall file a statement of position explaining the basis for denial within 14 calendar days of service of the appeal. If a court, after a review, with taking of testimony and other evidence as determined necessary, determines such refusal, denial or failure was not for just and proper cause, the court shall enter an order for disclosure. Appeals may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.

[PL 2015, c. 249, §2 (AMD).]

2. Actions. If any body or agency approves any ordinances, orders, rules, resolutions, regulations, contracts, appointments or other official action in an executive session, this action is illegal and the officials responsible are subject to the penalties hereinafter provided. Upon learning of any such action, any person may appeal to any Superior Court in the State. If a court, after a trial de novo, determines this action was taken illegally in an executive session, it shall enter an order providing for the action to be null and void. Appeals may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.

[PL 2011, c. 559, Pt. A, §2 (AMD).]

3. Proceedings not exclusive. The proceedings authorized by this section are not exclusive of any other civil remedy provided by law.

[PL 2009, c. 240, §6 (AMD).]

4. Attorney's fees. In an appeal under subsection 1 or 2, the court may award reasonable attorney's fees and litigation expenses to the substantially prevailing plaintiff who appealed the refusal under subsection 1 or the illegal action under subsection 2 if the court determines that the refusal or illegal action was committed in bad faith. Attorney's fees and litigation costs may not be awarded to or against a federally recognized Indian tribe. This subsection applies to appeals under subsection 1 or 2 filed on or after January 1, 2010.

[PL 2009, c. 423, §1 (NEW).]

SECTION HISTORY

PL 1975, c. 758 (NEW). PL 1987, c. 477, §5 (AMD). PL 2007, c. 695, Pt. C, §1 (AMD). PL 2009, c. 240, §§5, 6 (AMD). PL 2009, c. 423, §1 (AMD). PL 2011, c. 559, Pt. A, §§1, 2 (AMD). PL 2011, c. 662, §6 (AMD). PL 2013, c. 350, §3 (AMD). PL 2015, c. 249, §2 (AMD).

§410. Violations

1. Civil violation. An officer or employee of a state government agency or local government entity who willfully violates this subchapter commits a civil violation.

[PL 2019, c. 247, §1 (NEW).]

2. Penalties. A state government agency or local government entity whose officer or employee commits a civil violation described in subsection 1 is subject to:

A. A fine of not more than \$500 for a civil violation described in subsection 1; [PL 2019, c. 247, §1 (NEW).]

B. A fine of not more than \$1,000 for a civil violation described in subsection 1 that was committed not more than 4 years after a previous adjudication of a civil violation described in subsection 1 by an officer or employee of the same state government agency or local government entity; or [PL 2019, c. 247, §1 (NEW).]

C. A fine of not more than \$2,000 for a civil violation described in subsection 1 that was committed not more than 4 years after 2 or more previous adjudications of a civil violation described in subsection 1 by an officer or employee of the same state government agency or local government entity. [PL 2019, c. 247, §1 (NEW).]

[PL 2019, c. 247, §1 (NEW).]

SECTION HISTORY

PL 1975, c. 758 (NEW). PL 1987, c. 477, §6 (RPR). PL 2019, c. 247, §1 (RPR).

§411. Right To Know Advisory Committee

1. Advisory committee established. The Right To Know Advisory Committee, referred to in this chapter as "the advisory committee," is established to serve as a resource for ensuring compliance with this chapter and upholding the integrity of the purposes underlying this chapter as it applies to all public entities in the conduct of the public's business.

[PL 2005, c. 631, §1 (NEW).]

2. Membership. The advisory committee consists of the following members:

A. One Senator who is a member of the joint standing committee of the Legislature having jurisdiction over judiciary matters, appointed by the President of the Senate; [PL 2005, c. 631, §1 (NEW).]

- B. One member of the House of Representatives who is a member of the joint standing committee of the Legislature having jurisdiction over judiciary matters, appointed by the Speaker of the House; [PL 2005, c. 631, §1 (NEW).]
- C. One representative of municipal interests, appointed by the Governor; [PL 2005, c. 631, §1 (NEW).]
- D. One representative of county or regional interests, appointed by the President of the Senate; [PL 2005, c. 631, §1 (NEW).]
- E. One representative of school interests, appointed by the Governor; [PL 2005, c. 631, §1 (NEW).]
- F. One representative of law enforcement interests, appointed by the President of the Senate; [PL 2005, c. 631, §1 (NEW).]
- G. One representative of the interests of State Government, appointed by the Governor; [PL 2005, c. 631, §1 (NEW).]
- H. One representative of a statewide coalition of advocates of freedom of access, appointed by the Speaker of the House; [PL 2005, c. 631, §1 (NEW).]
- I. One representative of newspaper and other press interests, appointed by the President of the Senate; [PL 2005, c. 631, §1 (NEW).]
- J. One representative of newspaper publishers, appointed by the Speaker of the House; [PL 2005, c. 631, §1 (NEW).]
- K. Two representatives of broadcasting interests, one appointed by the President of the Senate and one appointed by the Speaker of the House; [PL 2005, c. 631, §1 (NEW).]
- L. Two representatives of the public, one appointed by the President of the Senate and one appointed by the Speaker of the House; [PL 2015, c. 250, Pt. A, §1 (AMD).]
- M. The Attorney General or the Attorney General's designee; [PL 2021, c. 313, §2 (AMD).]
- N. One member with broad experience in and understanding of issues and costs in multiple areas of information technology, including practical applications concerning creation, storage, retrieval and accessibility of electronic records; use of communication technologies to support meetings, including teleconferencing and Internet-based conferencing; databases for records management and reporting; and information technology system development and support, appointed by the Governor; and [PL 2021, c. 313, §3 (AMD).]
- O. One representative having legal or professional expertise in the field of data and personal privacy, appointed by the Governor. [PL 2021, c. 313, §4 (NEW).]

The advisory committee shall invite the Chief Justice of the Supreme Judicial Court to designate a member of the judicial branch to serve as a member of the committee.

[PL 2021, c. 313, §§2-4 (AMD).]

3. Terms of appointment. The terms of appointment are as follows.

- A. Except as provided in paragraph B, members are appointed for terms of 3 years. [PL 2005, c. 631, §1 (NEW).]
 - B. Members who are Legislators are appointed for the duration of the legislative terms of office in which they were appointed. [PL 2005, c. 631, §1 (NEW).]
 - C. Members may serve beyond their designated terms until their successors are appointed. [PL 2005, c. 631, §1 (NEW).]
- [PL 2005, c. 631, §1 (NEW).]

4. First meeting; chair. The Executive Director of the Legislative Council shall call the first meeting of the advisory committee as soon as funding permits. At the first meeting, the advisory committee shall select a chair from among its members and may select a new chair annually.

[PL 2005, c. 631, §1 (NEW).]

5. Meetings. The advisory committee may meet as often as necessary but not fewer than 4 times a year. A meeting may be called by the chair or by any 4 members.

[PL 2005, c. 631, §1 (NEW).]

6. Duties and powers. The advisory committee:

- A. Shall provide guidance in ensuring access to public records and proceedings and help to establish an effective process to address general compliance issues and respond to requests for interpretation and clarification of the laws; [PL 2005, c. 631, §1 (NEW).]
- B. Shall serve as the central source and coordinator of information about the freedom of access laws and the people's right to know. The advisory committee shall provide the basic information about the requirements of the law and the best practices for agencies and public officials. The advisory committee shall also provide general information about the freedom of access laws for a wider and deeper understanding of citizens' rights

and their role in open government. The advisory committee shall coordinate the education efforts by providing information about the freedom of access laws and whom to contact for specific inquiries; [RR 2005, c. 2, §1 (COR).]

C. Shall serve as a resource to support the establishment and maintenance of a central publicly accessible website that provides the text of the freedom of access laws and provides specific guidance on how a member of the public can use the law to be a better informed and active participant in open government. The website must include the contact information for agencies, as well as whom to contact with complaints and concerns. The website must also include, or contain a link to, a list of statutory exceptions to the public records laws; [RR 2005, c. 2, §1 (COR).]

D. Shall serve as a resource to support training and education about the freedom of access laws. Although each agency is responsible for training for the specific records and meetings pertaining to that agency's mission, the advisory committee shall provide core resources for the training, share best practices experiences and support the establishment and maintenance of online training as well as written question-and-answer summaries about specific topics. The advisory committee shall recommend a process for collecting the training completion records required under section 412, subsection 3 and for making that information publicly available; [PL 2007, c. 576, §1 (AMD).]

E. Shall serve as a resource for the review committee under subchapter 1-A in examining public records exceptions in both existing laws and in proposed legislation; [PL 2005, c. 631, §1 (NEW).]

F. Shall examine inconsistencies in statutory language and may recommend standardized language in the statutes to clearly delineate what information is not public and the circumstances under which that information may appropriately be released; [PL 2005, c. 631, §1 (NEW).]

G. May make recommendations for changes in the statutes to improve the laws and may make recommendations to the Governor, the Legislature, the Chief Justice of the Supreme Judicial Court and local and regional governmental entities with regard to best practices in providing the public access to records and proceedings and to maintain the integrity of the freedom of access laws and their underlying principles. The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out legislation based on the advisory committee's recommendations; [PL 2005, c. 631, §1 (NEW).]

H. Shall serve as an adviser to the Legislature when legislation affecting public access is considered; [PL 2005, c. 631, §1 (NEW).]

I. May conduct public hearings, conferences, workshops and other meetings to obtain information about, discuss, publicize the needs of and consider solutions to problems concerning access to public proceedings and records; [PL 2005, c. 631, §1 (NEW).]

J. Shall review the collection, maintenance and use of records by agencies and officials to ensure that confidential records and information are protected and public records remain accessible to the public; and [PL 2005, c. 631, §1 (NEW).]

K. May undertake other activities consistent with its listed responsibilities. [PL 2005, c. 631, §1 (NEW).]

[PL 2007, c. 576, §1 (AMD).]

7. Outside funding for advisory committee activities. The advisory committee may seek outside funds to fund the cost of public hearings, conferences, workshops, other meetings, other activities of the advisory committee and educational and training materials. Contributions to support the work of the advisory committee may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution shall certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the advisory committee's activities. Such a certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of funds, the date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of those funds. The Executive Director of the Legislative Council shall administer any funds received by the advisory committee.

[PL 2005, c. 631, §1 (NEW).]

8. Compensation. Legislative members of the advisory committee are entitled to receive the legislative per diem, as defined in Title 3, section 2, and reimbursement for travel and other necessary expenses for their attendance at authorized meetings of the advisory committee. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the advisory committee.

[PL 2005, c. 631, §1 (NEW).]

9. Staffing. The Legislative Council shall provide staff support for the operation of the advisory committee, except that the Legislative Council staff support is not authorized when the Legislature is in regular or special session. In addition, the advisory committee may contract for administrative, professional and clerical services if funding permits.

[PL 2005, c. 631, §1 (NEW).]

10. Report. By January 15, 2007 and at least annually thereafter, the advisory committee shall report to the Governor, the Legislative Council, the joint standing committee of the Legislature having jurisdiction over judiciary matters and the Chief Justice of the Supreme Judicial Court about the state of the freedom of access laws and the public's access to public proceedings and records.

[PL 2005, c. 631, §1 (NEW).]

SECTION HISTORY

RR 2005, c. 2, §1 (COR). PL 2005, c. 631, §1 (NEW). PL 2007, c. 576, §1 (AMD). PL 2015, c. 250, Pt. A, §§1, 2 (AMD). PL 2021, c. 313, §§2-4 (AMD).

§412. Public records and proceedings training for certain officials and public access officers

1. Training required. A public access officer and an official subject to this section shall complete a course of training on the requirements of this chapter relating to public records and proceedings. The official or public access officer shall complete the training not later than the 120th day after the date the official assumes the person's duties as an official or the person is designated as a public access officer pursuant to section 413, subsection 1.

[PL 2021, c. 313, §5 (AMD).]

2. Training course; minimum requirements. The training course under subsection 1 must be designed to be completed by an official or a public access officer in less than 2 hours. At a minimum, the training must include instruction in:

- A. The general legal requirements of this chapter regarding public records and public proceedings; [PL 2007, c. 349, §1 (NEW).]
- B. Procedures and requirements regarding complying with a request for a public record under this chapter; and [PL 2007, c. 349, §1 (NEW).]
- C. Penalties and other consequences for failure to comply with this chapter. [PL 2007, c. 349, §1 (NEW).]

An official or a public access officer meets the training requirements of this section by conducting a thorough review of all the information made available by the State on a publicly accessible website pursuant to section 411, subsection 6, paragraph C regarding specific guidance on how a member of the public can use the law to be a better informed and active participant in open government. To meet the requirements of this subsection, any other training course must include all of this information and may include additional information.

[PL 2019, c. 300, §1 (AMD).]

3. Certification of completion. Upon completion of the training course required under subsection 1, the official or public access officer shall make a written or an electronic record attesting to the fact that the training has been completed. The record must identify the training completed and the date of completion. The official shall keep the record or file it with the public entity to which the official was elected or appointed. A public access officer shall file the record with the agency or official that designated the public access officer.

[PL 2019, c. 300, §1 (AMD).]

4. Application. This section applies to a public access officer and the following officials:

- A. The Governor; [PL 2007, c. 349, §1 (NEW).]
- B. The Attorney General, Secretary of State, Treasurer of State and State Auditor; [PL 2007, c. 349, §1 (NEW).]
- C. Members of the Legislature elected after November 1, 2008; [PL 2007, c. 576, §2 (AMD).]
- D. [PL 2007, c. 576, §2 (RP).]
- E. Commissioners, treasurers, district attorneys, sheriffs, registers of deeds, registers of probate and budget committee members of county governments; [PL 2007, c. 576, §2 (NEW).]
- F. Municipal officers; municipal clerks, treasurers, managers or administrators, assessors and code enforcement officers and deputies for those positions; and planning board members and budget committee members of municipal governments; [PL 2021, c. 313, §6 (AMD).]
- G. Superintendents, assistant superintendents and school board members of school administrative units; and [PL 2021, c. 313, §7 (AMD).]
- H. Officials of a regional or other political subdivision who, as part of the duties of their offices, exercise executive or legislative powers. For the purposes of this paragraph, "regional or other political subdivision" means an administrative entity or instrumentality created pursuant to Title 30-A, chapter 115 or chapter 119 or

a quasi-municipal corporation or special purpose district, including, but not limited to, a water district, sanitary district, hospital district, school district of any type, transit district as defined in Title 30-A, section 3501, subsection 1 or regional transportation corporation as defined in Title 30-A, section 3501, subsection 2.

[PL 2007, c. 576, §2 (NEW).]

[PL 2021, c. 313, §§6, 7 (AMD).]

SECTION HISTORY

PL 2007, c. 349, §1 (NEW). PL 2007, c. 576, §2 (AMD). PL 2011, c. 662, §7 (AMD). PL 2019, c. 300, §1 (AMD). PL 2021, c. 313, §§5-7 (AMD).

§413. Public access officer

1. Designation; responsibility. Each agency, county, municipality, school administrative unit and regional or other political subdivision shall designate an existing employee as its public access officer to serve as the contact person for that agency, county, municipality, school administrative unit or regional or other political subdivision with regard to requests for public records under this subchapter. The public access officer is responsible for ensuring that each public record request is acknowledged within 5 working days of the receipt of the request by the office responsible for maintaining the public record requested and that a good faith estimate of when the response to the request will be complete is provided according to section 408-A. The public access officer shall serve as a resource within the agency, county, municipality, school administrative unit and regional or other political subdivision concerning freedom of access questions and compliance.

[PL 2015, c. 317, §2 (AMD).]

2. Acknowledgment and response required. An agency, county, municipality, school administrative unit and regional or other political subdivision that receives a request to inspect or copy a public record shall acknowledge and respond to the request regardless of whether the request was delivered to or directed to the public access officer.

[PL 2011, c. 662, §8 (NEW).]

3. No delay based on unavailability. The unavailability of a public access officer may not delay a response to a request.

[PL 2011, c. 662, §8 (NEW).]

4. Training. A public access officer shall complete a course of training on the requirements of this chapter relating to public records and proceedings as described in section 412.

[PL 2011, c. 662, §8 (NEW).]

SECTION HISTORY

PL 2011, c. 662, §8 (NEW). PL 2015, c. 317, §2 (AMD).

§414. Public records; information technology

An agency shall consider, in the purchase of and contracting for computer software and other information technology resources, the extent to which the software or technology will: [PL 2011, c. 662, §8 (NEW).]

1. Maximize public access. Maximize public access to public records; and

[PL 2011, c. 662, §8 (NEW).]

2. Maximize exportability; protect confidential information. Maximize the exportability of public records while protecting confidential information that may be part of public records.

[PL 2011, c. 662, §8 (NEW).]

SECTION HISTORY

PL 2011, c. 662, §8 (NEW).

IV. Ethical Principles in Planning

(Adopted May 1992 by the American Planning Association and acquired from <http://www.planning.org/ethics/ethicalprinciples.htm> on January 18, 2017)

This statement is a guide to ethical conduct for all who participate in the process of planning as advisors, advocates, and decision makers. It presents a set of principles to be held in common by certified planners, other practicing planners, appointed and elected officials, and others who participate in the process of planning.

The planning process exists to serve the public interest. While the public interest is a question of continuous debate, both in its general principles and in its case-by-case applications, it requires a conscientiously held view of the policies and actions that best serve the entire community.

Planning issues commonly involve a conflict of values and, often, there are large private interests at stake. These accentuate the necessity for the highest standards of fairness and honesty among all participants.

Those who practice planning need to adhere to a special set of ethical requirements that must guide all who aspire to professionalism.

The Code is formally subscribed to by each certified planner. It includes an enforcement procedure that is administered by AICP. The Code, however, provides for more than the minimum threshold of enforceable acceptability. It also sets aspirational standards that require conscious striving to attain.

The ethical principles derive both from the general values of society and from the planner's special responsibility to serve the public interest. As the basic values of society are often in competition with each other, so do these principles sometimes compete. For example, the need to provide full public information may compete with the need to respect confidences. Plans and programs often result from a balancing among divergent interests. An ethical judgment often also requires a conscientious balancing, based on the facts and context of a particular situation and on the entire set of ethical principles.

This statement also aims to inform the public generally. It is also the basis for continuing systematic discussion of the application of its principles that is itself essential behavior to give them daily meaning.

The planning process must continuously pursue and faithfully serve the public interest.

Planning Process Participants should:

1. Recognize the rights of citizens to participate in planning decisions;
2. Strive to give citizens (including those who lack formal organization or influence) full, clear and accurate information on planning issues and the opportunity to have a meaningful role in the development of plans and programs;
3. Strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons;
4. Assist in the clarification of community goals, objectives and policies in plan-making;

5. Ensure that reports, records and any other non-confidential information which is, or will be, available to decision makers is made available to the public in a convenient format and sufficiently in advance of any decision;
6. Strive to protect the integrity of the natural environment and the heritage of the built environment;
7. Pay special attention to the interrelatedness of decisions and the long range consequences of present actions.

Planning process participants continuously strive to achieve high standards of integrity and proficiency so that public respect for the planning process will be maintained.

Planning Process Participants should:

1. Exercise fair, honest and independent judgment in their roles as decision makers and advisors;
2. Make public disclosure of all "personal interests" they may have regarding any decision to be made in the planning process in which they serve, or are requested to serve, as advisor or decision maker.
3. Define "personal interest" broadly to include any actual or potential benefits or advantages that they, a spouse, family member or person living in their household might directly or indirectly obtain from a planning decision;
4. Abstain completely from direct or indirect participation as an advisor or decision maker in any matter in which they have a personal interest, and leave any chamber in which such a matter is under deliberation, unless their personal interest has been made a matter of public record; their employer, if any, has given approval; and the public official, public agency or court with jurisdiction to rule on ethics matters has expressly authorized their participation;
5. Seek no gifts or favors, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favors were intended or expected to influence a participant's objectivity as an advisor or decision maker in the planning process;
6. Not participate as an advisor or decision maker on any plan or project in which they have previously participated as an advocate;
7. Serve as advocates only when the client's objectives are legal and consistent with the public interest.
8. Not participate as an advocate on any aspect of a plan or program on which they have previously served as advisor or decision maker unless their role as advocate is authorized by applicable law, agency regulation, or ruling of an ethics officer or agency; such participation as an advocate should be allowed only after prior disclosure to, and approval by, their affected client or employer; under no circumstance should such participation commence earlier than one year following termination of the role as advisor or decision maker;
9. Not use confidential information acquired in the course of their duties to further a personal interest;
10. Not disclose confidential information acquired in the course of their duties except when required by law, to prevent a clear violation of law or to prevent substantial injury to third persons; provided that disclosure in the latter two situations may not be made until after verification of the facts and issues involved and consultation with other planning process participants to obtain their separate opinions;
11. Not misrepresent facts or distort information for the purpose of achieving a desired outcome;

12. Not participate in any matter unless adequately prepared and sufficiently capacitated to render thorough and diligent service;
13. Respect the rights of all persons and not improperly discriminate against or harass others based on characteristics which are protected under civil rights laws and regulations.

V. Appendix A, Zoning and Land Use Code

Article VII – Planning Board

Sec. 1. Purpose.

The purpose of this article is to establish the organization, authority and responsibilities of the planning board.

Sec. 2. Authority.

The planning board is established pursuant to Section 4.05 of the City Charter and the laws of the state as amended.

Sec. 3. Organization and rules.

- (a) A quorum necessary to conduct an official meeting of the planning board shall consist of at least four members.
- (b) The concurring vote of at least four members is required to constitute an action on any matter requiring a public hearing.
- (c) All seven members enjoy the same rights and privileges regardless of any planning board office that they may hold.
- (d) The mayor or chairperson of the planning board may call special meetings of the board.
- (e) Any request for a recommendation by the city council shall be acted upon within 30 days of the request except as otherwise provided for by statute or ordinance or unless a longer period is specified by the city council.
- (f) The planning board may adopt rules of procedure and may adopt statements of policy consistent with the Charter and this Code to assist it in the performance of its functions.
- (g) No member of the board shall participate in the hearing or disposition of any matter in which he has an interest. Any question of whether a member has a conflict of interest sufficient to disqualify the member shall be decided by a majority vote of the members present, except the member whose possible conflict is being examined. Where such vote results in a tie, the subject member shall be disqualified.

Sec. 4. Powers and duties.

- (a) The planning board shall prepare and maintain the official map.
- (b) The planning board shall prepare and maintain a comprehensive plan as defined in 30 M.R.S.A. section 4961 as amended and shall review and make recommendations on all investigations, reports and plans relating to the planning and development of the city or affecting the comprehensive plan.
- (c) The board shall perform those duties prescribed by ordinance and statute including, but not limited to, approving or disapproving subdivisions, making recommendations on amendments to the land use code and administering and enforcing certain provisions of the Code.

- (d) The board shall perform those duties requested by the city council and may perform duties upon request of other public agencies.
- (e) The board shall review the annual capital program and report to the city council accordance with Section 6.05 of the City Charter its findings regarding the needs of the city for the improvement, replacement and alteration of existing facilities and the acquisition or construction of additional facilities and the order in which such projects should be undertaken. The board shall hold at least one public hearing prior to making its recommendations to the city council.
- (f) The board shall review and make a recommendation to the city council with regard to all capital expenditures costing \$100,000.00 or more which are not included in the annual capital program.
- (g) The board may provide assistance and recommendations to any municipal department on matters affecting the comprehensive plan. Each officer and department of the city shall give all reasonable aid, cooperation and information to the board.
- (h) The board shall review and make a recommendation to the city council with regard to the acquisition, except through tax lien foreclosure (36 M.R.S.A. section 942 as amended), and disposition of all public ways, lands, buildings and other municipal facilities.
- (i) The powers and duties described in this section are subject to the powers and duties assigned to the historic preservation review board in article XV of this Code.
- (j) Conditional use permits. The board shall hear and decide applications for conditional use permits, where the development is a major development as defined in article XIII of this Code, in accordance with the standards and procedures set forth in article X of this Code.
- (k) The board shall make determinations necessary for its review of major developments as defined in article XIII of this Code.

(Ord. No. 89-3, 4-7-89; Ord. No. 98-6, 7-2-98; Ord. No. 99-11, 5-20-99; Ord. No. 20-10e, 11-05-20)

Sec. 5. Administration and staff support.

- (a) The planning director shall assist the planning board in the administration of its powers and duties including preparing agendas and minutes, providing public notice of meetings, handling correspondence and maintaining all official records.
- (b) Unless otherwise specifically provided in this Code, whenever the planning board conducts a public hearing, notice of said public hearing shall be provided by publication of said notice at least seven days prior to the hearing in a newspaper of general circulation in the city.

Sec. 6. Appeal of planning board action.

Any appeal from an action of the planning board in administering the provisions of this Code shall be made to the superior court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure as amended.