

## SECTION 10. ALTERNATIVES FOR STRUCTURING THE SITE PLAN REVIEW SYSTEM

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

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

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

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

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

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

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

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

### A. Review and Approval Alternatives

*Discussion*

*Model Ordinance Provisions*

These alternatives allow different review systems to be established.

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

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

**“REVIEW AND APPROVAL AUTHORITY**

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

*Discussion*

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

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

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

*This establishes basic qualifications for Board members.*

*Model Ordinance Provisions*

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

**SITE PLAN REVIEW BOARD**

**1. Site Plan Review Board Established**

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

**2. Appointment, Tenure, Qualification and Vacancy**

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

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

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

*Discussion*

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

*This addresses conflict of interest.*

*Model Ordinance Provisions*

**3. Organization and Rules**

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

A quorum shall consist of four (4) members.

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

**4. Powers and Duties**

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

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

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

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

**“REVIEW AND APPROVAL AUTHORITY**

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

*Discussion*

*ordinance.*

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

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

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

*Model Ordinance Provisions*

developments and major developments as defined below.

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

**CLASSIFICATION OF PROJECTS**

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

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

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

*Discussion*

*Model Ordinance Provisions*

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

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

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

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

*This establishes basic qualifications for Board members.*

**“REVIEW AND APPROVAL AUTHORITY**

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

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

**SITE PLAN REVIEW BOARD**

**1. Site Plan Review Board Established**

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

**2. Appointment, Tenure, Qualification and Vacancy**

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

*Discussion*

*Model Ordinance Provisions*

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

*This addresses conflict of interest.*

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

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

**3. Organization and Rules**

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

A quorum shall consist of four (4) members.

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

**4. Powers and Duties**

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

*Discussion*

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

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

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

*Model Ordinance Provisions*

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

**CLASSIFICATION OF PROJECTS**

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

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

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

*Discussion*

*Model Ordinance Provisions*

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

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

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

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

**“REVIEW AND APPROVAL AUTHORITY**

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

**1. Major Developments**

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

**2. Minor Developments**

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

**STAFF REVIEW COMMITTEE**

**1. Staff Review Committee Established**

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



*Discussion*

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

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

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

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

*Model Ordinance Provisions*

**2. Operation of the Staff Review Committee**

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

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

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

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

**CLASSIFICATION OF PROJECTS**

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

*Discussion*

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

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

*Model Ordinance Provisions*

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

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

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

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

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

*Discussion*

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

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

*Model Ordinance Provisions*

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

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

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

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

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

**“REVIEW AND APPROVAL AUTHORITY**

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

**1. Major Developments**

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

*Discussion*

*Model Ordinance Provisions*

*This language establishes the Site Plan Review Board and sets up its operation.*

*This part establishes the size of the Board which should be 7 members and establishes basic qualifications for Board members.*

**2. Minor Developments**

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

**SITE PLAN REVIEW BOARD**

**1. Site Plan Review Board Established**

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

**2. Appointment, Tenure, Qualification and Vacancy**

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

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

*Discussion*

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

*This addresses conflict of interest.*

*Model Ordinance Provisions*

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

**3. Organization and Rules**

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

A quorum shall consist of four (4) members.

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

**4. Powers and Duties**

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

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

**Discussion**

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

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

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

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

**Model Ordinance Provisions**

**STAFF REVIEW COMMITTEE**

**1. Staff Review Committee Established**

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

**2. Operation of the Staff Review Committee**

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

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

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

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

**CLASSIFICATION OF PROJECTS**

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

*Discussion*

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

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

*Model Ordinance Provisions*

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

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

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

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

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

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

*Discussion*

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

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

*Model Ordinance Provisions*

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

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

**B. ALTERNATIVE REVIEW PROCEDURES**

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

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

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

**“REVIEW PROCEDURES**

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



*Discussion*

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

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

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

*Model Ordinance Provisions*

**1. Preapplication**

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

**1.1 Purpose**

The purposes of the preapplication conference are to:

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

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

**Discussion**

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

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

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

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

*A one-step process is created for minor developments.*

**Model Ordinance Provisions**

**1.2 Information Required**

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

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

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

**1.3 Classification of Project**

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

**2. Application Submission and Review Procedures**

**2.1 Minor Developments**

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

*Discussion*

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

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

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

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

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

*Model Ordinance Provisions*

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

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

**2.2 Major Developments**

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

**2.3 Procedures Following Submission of the Site Inventory and Analysis**

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

*Discussion*

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

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

*This sets out the review procedures for the formal application.*

*Model Ordinance Provisions*

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

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

**2.4 Review of Site Inventory and Analysis**

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

**2.5 Procedures Following a Submission of a Site Plan Review Application**

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

*Discussion*

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

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

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

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

*Model Ordinance Provisions*

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

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

*Discussion*

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

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

*This section establishes the procedures for the public hearing.*

*Model Ordinance Provisions*

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

**2.6 Public Hearing on Major Development Applications**

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

*Discussion*

*Model Ordinance Provisions*

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

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

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

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

examine anyone offering testimony on the application. The Chair may allow the applicant this opportunity after each member of the public testifies if that is deemed to be desirable. At the conclusion of the applicant's response, the hearing shall be closed.

**2.7 Final Action on the Application**

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

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

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

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

**3. Final Approval and Filing**

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

**Discussion**

*accept approved site plans for filing.*

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

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

**Model Ordinance Provisions**

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

**4. Fees**

**4.1 Site Inventory and Analysis Fees**

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

**4.2 Application Fee**

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

**4.3 Technical Review Fee**

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



*Discussion*

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

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

*Model Ordinance Provisions*

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

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

**4.4 Establishment of Fees**

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

*Discussion*

*Model Ordinance Provisions*

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

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

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

*This provides for an optional preapplication conference for minor developments.*

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

**“REVIEW PROCEDURES**

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

**1. Procedures for Minor Developments**

**1.1 Preapplication Conference**

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

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

**1.2 Application Procedure**

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

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

*Discussion*

*The Planner determines if the application is complete.*

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

*This provides for notification of abutters.*

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

*Model Ordinance Provisions*

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

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

**1.3 Staff Review Committee Meeting**

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

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

*Discussion*

*It is essential that the findings be recorded in writing.*

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

*Model Ordinance Provisions*

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

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

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

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

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

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

**Discussion**

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

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

*This provides for a mandatory preapplication conference for major developments.*

**Model Ordinance Provisions**

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

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

**2. Procedures for Major Developments**

**2.1 Preapplication Conference**

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

**2.2 Information Required**

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

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

*Discussion*

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

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

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

*This provides that the Board shall hold a site walk.*

*Model Ordinance Provisions*

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

**2.3 Site Inventory and Analysis**

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

**2.4 Procedures Following Submission of the Site Inventory and Analysis**

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

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

*Discussion*

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

*This sets out the review procedures for the formal application.*

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

*Model Ordinance Provisions*

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

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

**2.5 Review of Site Inventory and Analysis**

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

**2.6 Procedures Following a Submission of a Site Plan Review Application**

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

*Discussion*

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

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

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

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

*Model Ordinance Provisions*

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



*Discussion*

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

*This section establishes the procedures for the public hearing.*

*Model Ordinance Provisions*

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

**2.7 Public Hearing on Major Development Applications**

- (1) The Chair of the [Planning] [Site Plan Review] Board or his/her replacement shall chair the public hearing. The Chair shall open the public hearing by identifying the application and explaining the purpose of the hearing and the procedures to be followed.
- (2) The purpose of the public hearing is to allow the applicant and affected property owners to provide information as part of the record that the Board will use in considering its action on the application. Testimony presented at the hearing should be related to factual information about the application and related submissions and the project's compliance with the review standards and other regulations and requirements of this ordinance or other municipal ordinances.
- (3) The Chair shall provide the applicant or his/her representative with an opportunity to make any statement or presentations at the beginning of the hearing. The Planner shall then present any comments or recommendations from the Staff Review Committee. The Chair shall then allow the members of the Board to ask questions of the applicant and for the applicant to answer those questions. Following Board questions, the Chair shall open the public hearing to the public for statements, information submissions, or questions about the project. At the close of the public comment period, the Chair shall afford the applicant an opportunity to answer any questions raised by the public, rebut any statements or information submitted, and cross-examine anyone offering testimony on the application. The Chair may allow the applicant this opportunity after each member of the public testifies if that is deemed to be desirable. At the conclusion of the applicant's response, the hearing shall be closed.

**Discussion**

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

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

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

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

**Model Ordinance Provisions**

**2.8 Final Action on the Application**

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

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

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

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

**3. Final Approval and Filing**

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

*Discussion*

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

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

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

*Model Ordinance Provisions*

**4. Fees**

**4.1 Site Inventory and Analysis Fees**

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

**4.2 Application Fee**

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

**4.3 Technical Review Fee**

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

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

*Discussion*

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

*Model Ordinance Provisions*

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

**4.4 Establishment of Fees**

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

### C. Submission Requirements

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

*Discussion*

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

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

*Model Ordinance Provisions*

**“SUBMISSION REQUIREMENTS**

**1. Site Inventory and Analysis Submission Requirements**

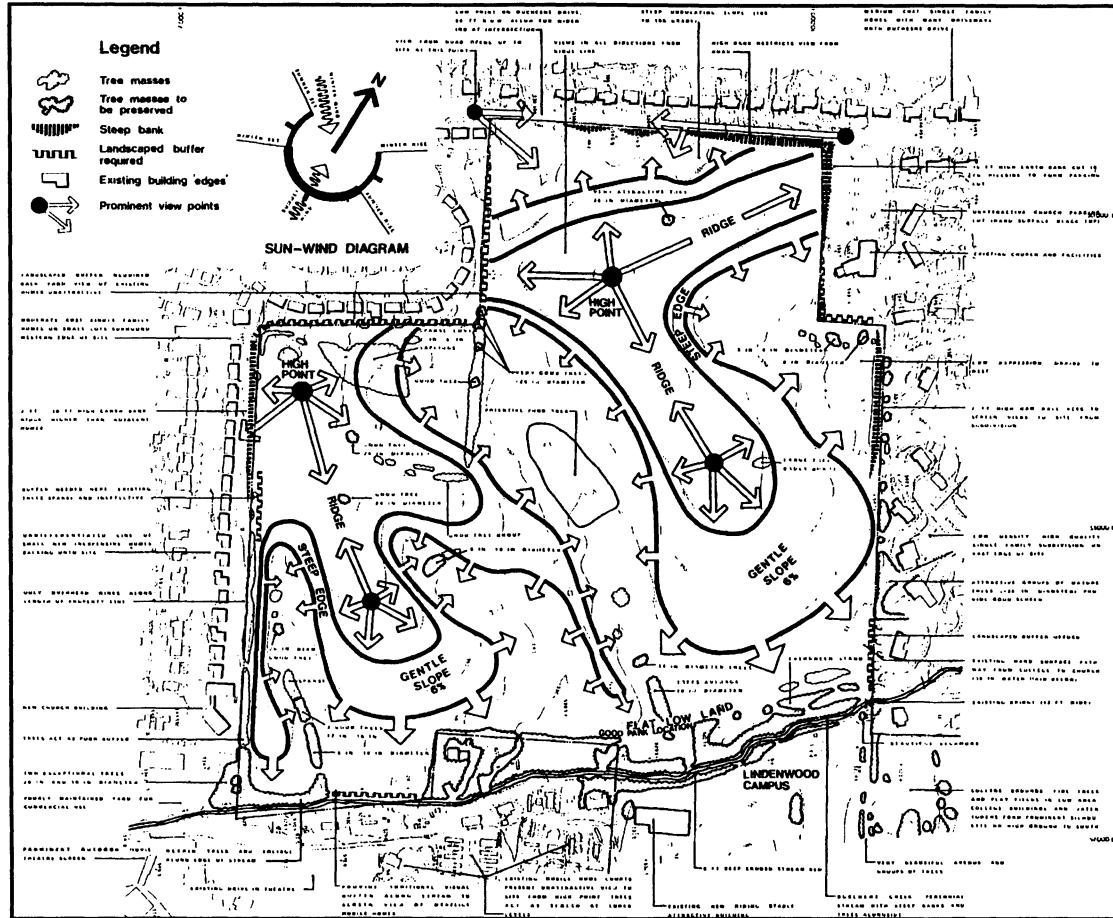
The site inventory and analysis is intended to provide both the applicant and the [Planning] [Site Plan Review] Board with a better understanding of the site and the opportunities and constraints imposed on its use by both the natural and built environment. It is anticipated that this analysis will result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

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

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

**Discussion**

Customize the number of copies to meet your local needs.



**Model Ordinance Provisions**

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

*Discussion*

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

*This section sets out the submission requirements for all applications.*

*Model Ordinance Provisions*

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

**2. Site Plan Review Application Submission Requirements**

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

*Discussion*

*Model Ordinance Provisions*

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

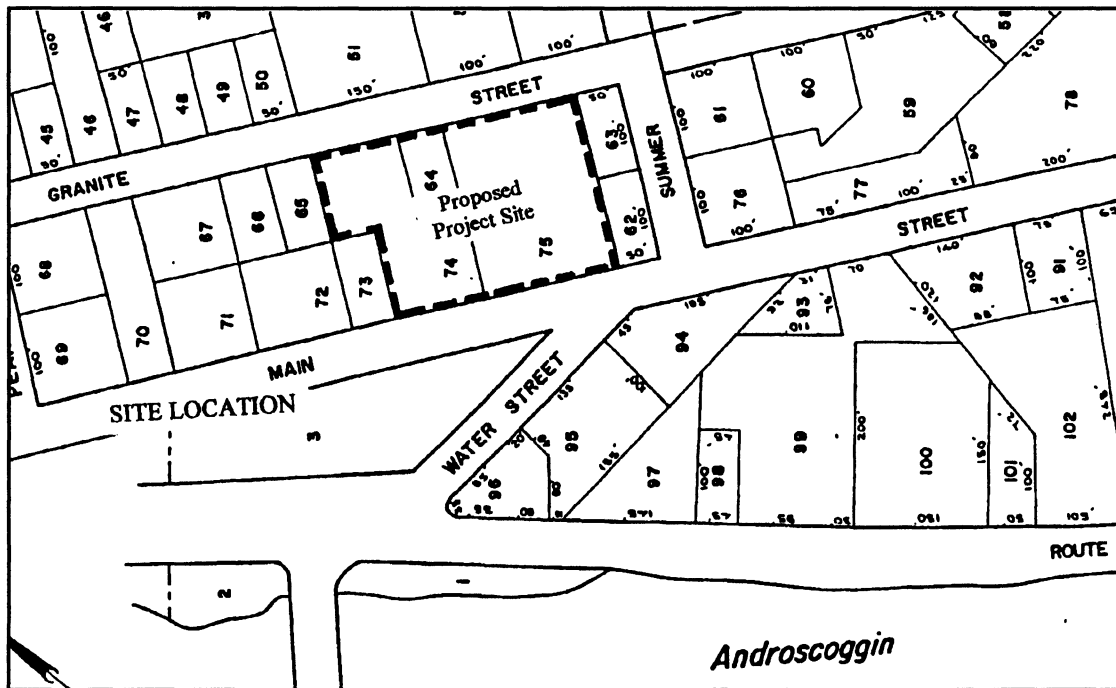
**2.1 All Applications**

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

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

**2.1.a General Information**

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





*Discussion*

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

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

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

*Model Ordinance Provisions*

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

**2.1.b Existing Conditions**

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

*Discussion*

*Model Ordinance Provisions*

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

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

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

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

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

*Discussion*

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

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

*Model Ordinance Provisions*

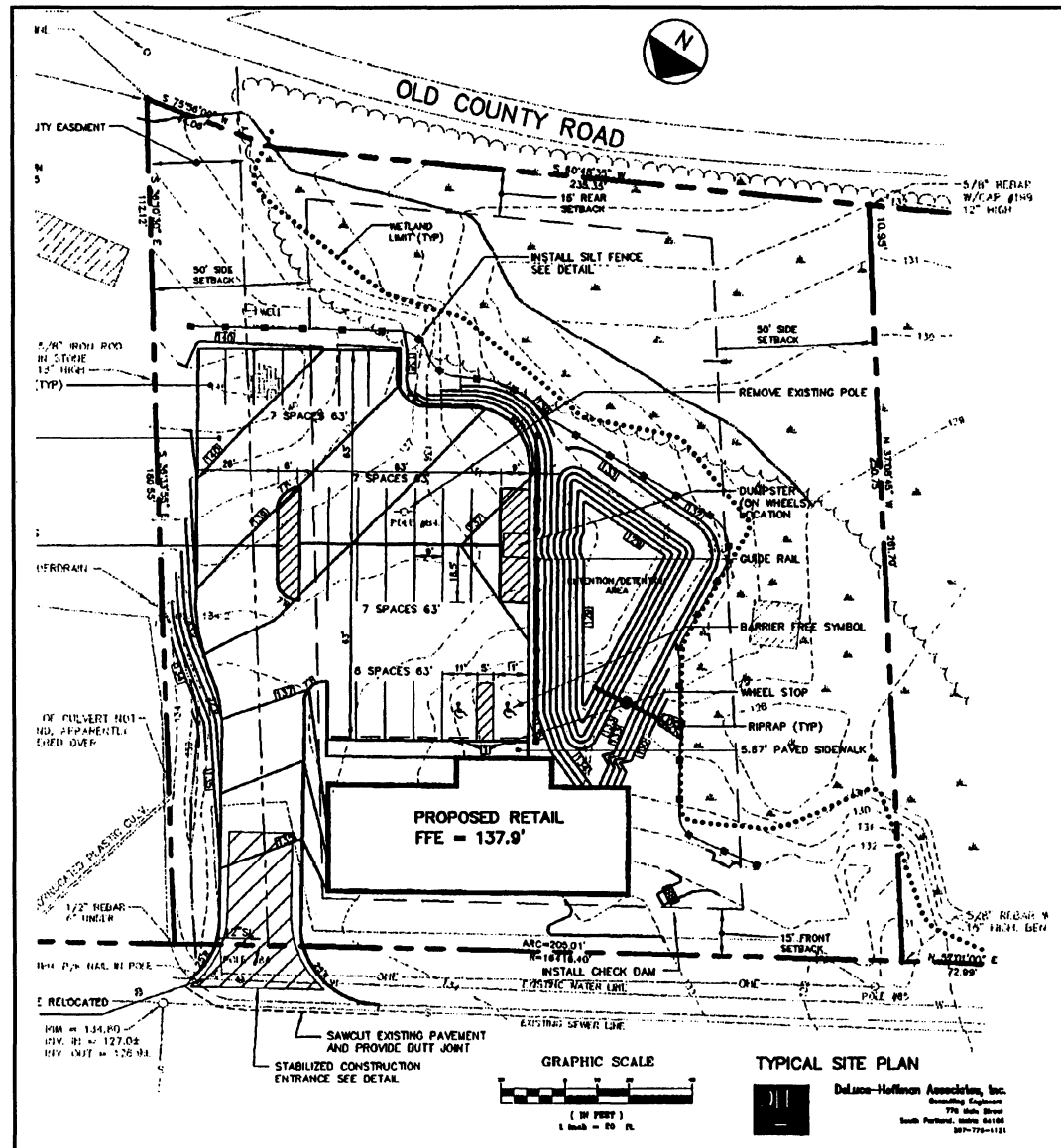
(12) the location of the nearest fire hydrant, dry hydrant or other water supply for fire protection.

**2.1.c Proposed Development Activity**

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

*Discussion*

*Model Ordinance Provisions*



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

**2.1.d Approval Block**

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

**Discussion**

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

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

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

**Model Ordinance Provisions**

**2.2 Major Developments**

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

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

*Discussion*

*Model Ordinance Provisions*

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

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

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

*Discussion*

*Model Ordinance Provisions*

**3. Waiver of the Submission Requirements**

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