

escrow balance established in § **120-810D** above.

- (3) The applicant shall post with the Town an amount equal to 3% of the cost estimate for site improvements.
  - (a) If, and when, a construction observation will result in the Town exceeding the 3% of site improvements amount, the Town's consulting engineer will submit a written notice stating the reasons why the estimate is to be exceeded, and by how much.
  - (b) If the balance in the construction observation fee account shall be drawn down by 75%, the Town shall notify the applicant and require that an additional amount be deposited to cover the cost of remaining work before any such remaining work is undertaken. The Town shall continue to notify the applicant and require that any such additional amount(s) be deposited whenever the balance of the account is drawn down by 75% of the original deposit.
  - (c) Any and all unused observation fee funds shall be returned to the applicant.
- H. Section **120-810C** shall be administered by the Planning Director or other Town employee responsible for administering the ordinance under which review is sought. No building permit, commencement of any construction or site preparation, or certificate of occupancy may be issued or released until all fees assessed hereunder have been paid in full.
- I. 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.

**§ 120-811 Submission requirements.**  
**[Amended 11-28-2017 by Order 17-347]**

- A. Sketch plan submission requirements.
  - (1) The sketch plan is intended to provide both the applicant and the Planning Board/Staff Review Committee 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.
  - (2) The sketch plan submission shall contain, at a minimum, five copies of the following information, including full-size plan sets, along with one electronic version of the entire submission unless a waiver of a submission requirement is granted (see § **120-808**, Waivers):
    - (a) A complete sketch plan application form.
    - (b) A narrative describing the existing conditions of the site, the proposed use and the constraints or opportunities created by the site. This submission should outline any traffic studies, utility studies, market studies or other applicable work that will be conducted as part of the final plan application.
    - (c) The names, addresses, and phone numbers of the record owner and the applicant.
    - (d) The names and addresses of all consultants working on the project.
    - (e) Evidence of right, title, or interest in the property.

- (f) Evidence of payment of the application and escrow fees.
- (g) Any anticipated requests for waivers from the submission requirements for the final site plan review application (see § **120-808**, Waivers).
- (h) An accurate scale plan of the parcel, at a scale of not more than 100 feet to the inch, showing at a minimum the following information:
  - [1] The name of the development, North arrow, date and scale.
  - [2] The boundaries of the parcel.
  - [3] The relationship of the site to the surrounding area.
  - [4] 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 applicable USGS ten-foot contour map will be adequate);
  - [5] The approximate size and location of major natural features of the site, including wetlands, streams, ponds, floodplains, groundwater aquifers, significant wildlife habitats and fisheries or other important natural features (if none, so state).
  - [6] Existing buildings, structures, or other improvements on the site (if none, so state).
  - [7] Existing restrictions or easements on the site (if none, so state).
  - [8] The approximate location and size of existing utilities or improvements servicing the site (if none, so state).
  - [9] A Class D medium-intensity soil survey (information from the most current soil survey for Cumberland County, Maine, is acceptable).
  - [10] The location and size of proposed buildings, structures, access drives, parking areas, and other development features (if applicable).
  - [11] The sketch plan is not required to be surveyed. Recommendation: If the site is to be surveyed, please refer to the GIS requirements for final plan review. It may be in the applicant's best interest to obtain the required GIS data while the surveyor is on site.
- B. Final site plan review application submission requirements. Applications for final site plan review shall be submitted on application forms provided by the Town. The complete application form, evidence of payment of the required fees, and the required plans and related information shall be submitted to the Planning Department. Applications for major developments will not be received until the review of the sketch plan is completed. The submission shall contain at least the following exhibits and information, unless specifically waived in writing:
  - (1) Minor and major final site plans. All final site plan applications shall contain five copies of the following information, including full size plan sets, along with one electronic version of the entire submission:
    - (a) A fully executed and signed copy of the final site plan application form.
    - (b) Evidence of payment of the application and escrow fees.
    - (c) Written information. Written materials shall be contained in a bound report.

- [1] A narrative describing the proposed use or activity.
- [2] Record owner's name, address, and phone number and applicant's name, address and phone number, if different.
- [3] Names and addresses of all abutting property owners.
- [4] 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.
- [5] Copies of existing or proposed covenants or deed restrictions.
- [6] Copies of existing or proposed easements on the property.
- [7] The name, registration number and seal of the licensed professional who prepared the plan, if applicable.
- [8] Evidence of the applicant's technical capability to carry out the project as proposed.
- [9] An assessment of the adequacy of any existing sewer and water mains, culverts and drains, on-site sewage disposal systems, wells, underground tanks or installations, and power and telephone lines and poles on the property.
- [10] Estimated demand for water supply and sewage disposal.
- [11] Provisions for handling all solid wastes, including hazardous and special wastes.
- [12] Detail sheets of proposed light fixtures.
- [13] Listing of proposed trees or shrubs to be used for landscaping.
- [14] An estimate of the weekday a.m. and p.m. and Saturday peak-hour and daily traffic to be generated by the project.
- [15] A description of important or unique natural areas and site features, including but not limited to floodplains, deer wintering areas, significant wildlife habitats, fisheries, 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.
- [16] A narrative describing stormwater drainage, maintenance and inspection program, and erosion and sedimentation control measures, stormwater calculations, 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 or Staff Review Committee determines that such information is necessary based upon the scale of the project or the existing conditions in the vicinity of the project.
- [17] 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.
- [18] Financial capacity.
- [a] Estimated costs. Specify the estimated total cost of the development and itemize the estimated major expenses. The itemization of major costs may include, but not be limited to, the cost of the following activities: land purchase, roads, sewers, structures, water supply, erosion control, pollution abatement

management facilities, including but not limited to any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all municipal and state inspection, cleaning and maintenance requirements of the approved stormwater management plan.

- (b) If the stormwater management facilities require maintenance to function as intended by the approved stormwater management plan, that person shall take corrective action(s) to address the deficiency or deficiencies.
- (c) A qualified third-party inspector hired by that person shall, on or by May 1 of each year, provide a completed and signed certification to the enforcement authority, in a form provided by the Town of Windham, certifying that the person has inspected the stormwater management facilities and that they are adequately maintained and functioning as intended by approved stormwater management plan, or that they require maintenance or repair, describing any required maintenance and any deficiencies found during inspection of the stormwater management facilities, and, if the stormwater management facilities require maintenance or repair of deficiencies in order to function as intended by approved stormwater management plan, the person shall provide a record of the required maintenance or deficiency and corrective action(s) taken.

F. Erosion control.

- (1) All building, site, and roadway designs and layouts shall harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity shall be kept to a minimum. Parking lots on sloped sites should be terraced to avoid undue cut and fill and/or the need for retaining walls. Natural vegetation shall be preserved and protected wherever possible.
- (2) An Erosion Control Plan shall show the use of erosion and sediment control best management practices (BMPs) at the construction site consistent with the minimum standards outlined in the Maine DEP Stormwater Rule Chapter 500 Appendix A – Erosion and Sediment Control, Appendix B – Inspections and Maintenance, Appendix C – Housekeeping. Erosion and Sedimentation Control. BMPs shall be designed, installed and maintained in accordance with the standards contained in the latest revisions of the following Maine DEP Documents:

- (a) Maine DEP Erosion and Sediment Control Best Management Practices (BMPs) Manual for Designers and Engineers.
- (b) Maine Erosion and Sediment Control Practices Field Guide for Contractors.

~~Soil erosion and sedimentation of watercourses and water bodies shall be minimized by an active program meeting the requirements of the "Maine Erosion and Sediment Control BMPs" (Maine Department of Environmental Protection), dated March 2003, or other construction management practices system approved by the Planning Board or Staff Review Committee, as appropriate.~~

- (c) Applicants are ~~encouraged~~required to utilize contractors who are certified in erosion control through the Maine Department of Environmental Protection's Voluntary Contractor Certification Program.
- (3) ~~The plan shall meet the standards of Chapter 201, Stormwater Management, Article I, Surface Water Protection, of the Town Code, where applicable.~~

G. Water supply provisions.

- (1) The development shall be provided with a system of water supply that provides each use with an adequate supply of water.