

Town of Windham

Planning Department
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Windham, ME 04062

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MEMO

DATE: August 30, 2017

TO: Windham Town Council

THROUGH: Tony Plante, Town Manager

FROM: Amanda Lessard, Planner *AL*

Cc: Ben Smith, Director of Planning

RE: Planning Board Recommendation - Land Use Ordinance Amendment – Section 800 and 900, regarding the number of application submissions signature sheets for approved plans

At the Planning Board's meeting on August 14, 2017, a public hearing was held on the proposed ordinance changes to the Land Use Ordinance, Chapter 140, Section 800 Site Plan Review and Section 900 Subdivision Review to change the number of required hardcopy application submissions from fifteen (15) to three (3), the number of signature sheets for approved plans, and specify that an electronic submission is required. The goal of this clarification is to both reduce costs for project applicants and pressure on storage space in the planning office.

No members of the public spoke for or against the proposed amendment.

During Planning Board discussion members of the Board commented that it would be helpful to have full sized plans for reference at Planning Board meetings.

Following discussion of the proposed changes, the Board made the following motion:

To recommend approval of the amendment with a change from requiring the submission of three hard copies to five hard copies.

Motion: Margaret Pinchbeck
2nd: Keith Elder

Vote: 5-0

The draft redlined ordinance amendment forwarded to the Council has been changed to incorporate the Planning Board's recommendation for the number of application submissions from fifteen (15) to five (5).

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MEMO

DATE: July 12, 2017

TO: Windham Planning Board
FROM: Ben Smith, Director of Planning *BUS*
Cc: Amanda Lessard, Planner

RE: Ordinance Amendments – Sections 811 & 910, number of required hardcopy application submissions and Sections 809 & 912, number of signature sheets for approved plans.
Planning Board Meeting: July 24, 2017

The proposed changes to the Site Plan and Subdivision Ordinances relate to the Town's ability to collect, store, and disseminate more information electronically due to the Planning Board's Chromebooks and the large format scanner/plotter in the planning office. Storage and management of paper records, both in the planning files and full sized plan sets in the file room, is becoming more cumbersome as we run low on physical space.

Submission Standards

Staff suggests reducing the required number of hardcopy submission for every packet submitted for review from fifteen (15) to three (3). This will reduce expenses for project applicants and make management of paper records more manageable in the planning office.

Clarification on the number of plans required for Planning Board signatures

The goal of this clarification is again to both reduce application costs and pressure on storage space in the planning office. Full size or reduced copies of individual plan sheets or entire plan sets can be printed on demand in the future.

(11) Flooding or adverse drainage impacts on abutting properties.

3. Recording of Waivers of Site Plan Performance Standards. When the Board grants a waiver to any of the improvements required by these regulations, the Final Plan shall indicate the waivers granted. Waivers shall be listed in a separate location from either the plan's general notes or any conditions of approval. Waivers of the required application submissions do not need to be listed.

809 Final Approval and Filing

- A. Upon completion of the requirements of this article and an approval vote by the majority of the Planning Board members, or Staff Review Committee members, the application shall be deemed to have final approval.
- B. The applicant shall send an electronic version of the approved plans to the Planner for review.
 1. Within seven (7) working days, the Planner shall review and confirm that the plan includes the conditions of approval, amendments, notes and other information as required by the Planning Board's, or Staff Review Committee's, final approval.
- C. Once confirmed by the Planner, the applicant shall provide the following items:
 1. One (1) complete full size plan set ~~of mylars~~ with a signature block on the overall site plan sheet.
 2. One (1) mylar ~~or~~ and one (1) paper copy of the plan sheet containing the signature block
 3. Any additional plan sheets with the signature block for the applicant's records, if desired by the applicant.
 43. A complete electronic copy of the site plan in a format acceptable to the Town.
 54. Revised GIS data with any changes made during the review process, if necessary.
- D. The site plan shall be signed by a majority of the members of the Planning Board or Staff Review Committee and shall be filed by the applicant with the Planner.
 1. Any plan not so filed with the Town 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.
 2. The Planning Board, by vote, may extend the filing period for good cause.

810 Fees

- A. Sketch Plan Fee. Prior to submitting a Sketch Plan for a major development, the applicant shall pay the processing fee as set by the Town Council in the Windham Fee Schedule (*See Appendix A Fee Schedule*).

811 Submission Requirements

A. Sketch Plan Submission Requirements

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.

1. The Sketch Plan submission shall contain, ~~at a minimum, fifteen (15)~~ ~~three (3)~~ ~~five (5)~~ copies of the following information, including full size plan sets, along with one (1) electronic version of the entire submission unless a waiver of a submission requirement is granted (*See Sec. 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 Section 808 Waivers*).
 - (h) An accurate scale plan of the parcel, at a scale of not more than one hundred (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 U.S.G.S. 10' 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 ~~fifteen~~ ~~three (3)~~ ~~five (5)~~ copies of the following information, including full size plan sets, along with one (1) 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.

- (d) If the balance in the observation fee account shall be drawn down by 75 percent, 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.
- (1) 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 percent of the original deposit.
- (e) Any and all unused inspection fee funds shall be returned to the applicant.
- 6. This Subsection 909.C. shall be administered by the Planning Director or other Town employee responsible for administering the ordinance under which review is sought.
 - (a) 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.
- D. Establishment of Fees. The Municipal Officers may, from time to time, establish the appropriate fees following posting of the proposed schedule of fees and public hearing.

910 Submission Requirements

A. Minor and Major Subdivisions

1. *Sketch Plan*

A Sketch Plan shall be required for both Minor and Major Subdivision applications. The Sketch Plan shall show, in simple form, the proposed layout of the subdivision. The Sketch Plan shall show site conditions and identify important or unique natural areas and site features. The intent of the Sketch Plan is to provide the applicant and the Planning Board with a flexible and low-cost means to understanding the site, and to create a development plan that reflects the site's opportunities and constraints.

The Sketch Plan submission shall contain ~~five (5)three (3), at a minimum, fifteen (15)~~ copies of the following information, including full size plan sets, along with one (1) electronic version of the entire submission:

- (a) A complete Sketch Plan application form,
- (b) A narrative describing the existing conditions of the site, the number and size of lots, and the constraints and opportunities of the site. The narrative should outline any traffic studies, utility studies, market studies or other applicable work that will be conducted as part of the Preliminary Plan (Major Subdivision) or Final Plan (Minor Subdivision) application.

B. Minor Subdivision**1. *Final Plan***

The Final Plan submission shall include ~~fifteen (15)~~ ~~three (3)~~ five (5) copies of the following information, listed, below including full size plan sets, along with one (1) electronic version of the entire submission. The Board may waive the submission information that is listed in Subsection 910.B.1.(c).

(a) Mandatory Written Information

- (1) A fully executed application form signed by a person with right, title, or interest in the property proposed for subdivision.
- (2) Evidence of payment of the application and escrow fees (*See Appendix A Fee Schedule*).
- (3) The name, registration number and seal of the Maine Licensed Professional Land Surveyor who conducted the survey,
- (4) Name, registration number and seal of the licensed professional who prepared the plan (if applicable).
- (5) Description of how solid waste generated from the proposed subdivision is to be collected and disposed of.
- (6) A statement from the Maine Department of Inland Fisheries and Wildlife that no significant wildlife habitat exists on the site.
- (7) Copies of existing or proposed deed restrictions or covenants.
- (8) Copies of existing or proposed easements on the property.
- (9) An acceptable title opinion proving right of access to the proposed subdivision or site for any property proposed for development on or off of a private way or private road.
- (10) Financial Capacity
 - (i) 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 and landscaping.

- (c) Submission Information for which a Waiver may be Granted. The following items shall be submitted as part of the Final Plan application, unless the applicant submits, and is granted by the Planning Board, a written waiver request as part of the Sketch Plan application review (*See Sec. 908 Waivers*)
- (1) Contour lines at intervals of 5 feet, or at lesser intervals as the Planning Board may require.
 - (2) Description of how stumps and demolition debris will be disposed of.
 - (3) A surface drainage plan or stormwater management plan with profiles and cross-sections showing the design of all facilities and conveyances necessary to meet the stormwater management standards set forth in Section 900 (Subdivision Review). The plan shall be drawn by a Maine Licensed Professional Civil Engineer, and shall include a written statement indicating that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or on adjacent properties. Changes in runoff shall be calculated by using the TR-55 or TR-20 method or subsequent revisions.
 - (4) A soil erosion and sediment control plan prepared by a Maine Licensed Professional Engineer or a Certified Professional in Erosion and Sediment Control (CPESC).
 - (5) If subsurface wastewater disposal systems (septic) are proposed, a hydrogeologic assessment prepared by a Maine Licensed Site Evaluator or Certified Geologist regarding the ability of the site to meet the performance standards and approval criteria for subsurface wastewater disposal.
 - (6) The location of driveways, if requested by the Planning Board.

C. Major Subdivision

1. ***Preliminary Plan***

The Preliminary Plan submission shall include ~~fifteen (15)~~ ~~three (3)~~ five (5) copies of the following information, ~~listed, below~~ including full size plan sets, along with one (1) electronic version of the entire submission. The Board may waive the submission information that is listed in Subsection 910.C.1.(c) all dimensions shown in feet or decimals of a foot, drawn to a scale of not more than one hundred (100) feet to the inch showing or accompanied by the following information:

- (a) Mandatory Written Information
- (1) A fully executed and signed application form.

may be affected, and recommended improvements to maintain the desired level of service on the affected streets.

- (6) If any portion of the proposed subdivision is in the direct watershed of a great pond, and meets the criteria of Subsection 911.J Stormwater Management, the following shall be submitted or indicated on the plan:
 - (i) A phosphorus impact analysis and control plan conducted using the procedures set forth in MDEP Manual; “Stormwater Management for Maine Phosphorus Control in Lake Watersheds,” published by the MDEP, January 2008, and subsequent revisions. The analysis and control plan shall include all worksheets, engineering calculations, and construction specifications and diagrams for control measures, as required by the Phosphorus Design Manual.
 - (ii) A long-term maintenance plan for all phosphorus control measures.
 - (iii) Contour lines at an interval consistent with Subsection 910.C.1.(b)(9), above. Offsite areas draining onto the development site may use the best available data from aerial topographic mapping or USGS topographic maps.
 - (iv) Areas with sustained slopes greater than 25% covering more than one acre shall be delineated.

2. *Final Plan*

The Final Plan [submission](#) shall include ~~fifteen (15)~~ ~~three (3)~~ **five (5)** copies of the [following information listed below, including full size plan sets, along with one \(1\) electronic version of the entire submission.](#)

(a) Mandatory Written Information

- (1) A fully executed and signed Final Plan application form.
- (2) Evidence that the escrow account balance is greater than 25% of the initial Preliminary Plan deposit.
- (3) If public open space is to be provided, written offers of cession to the Town of Windham shall be provided.
- (4) Copies of agreements or other documents showing the manner in which spaces, title to which is reserved by the subdivider, are to be submitted.
- (5) Copies of any approvals from outside agencies per the requirements of Subsection 907.C.4.(f) Review Procedures for Major Subdivisions.
- (6) Assessor's proposed Map and Lot numbers.

- (1) Any subdivision application that includes the creation of one or more public streets must provide draft homeowners association documents to the Planning Board. The association documents shall specify the rights and responsibilities of each lot owner with respect to the maintenance, repair, and plowing of the subdivision street(s) should they not be accepted by the Town Council.
- (2) The homeowners association documents shall be in a form acceptable to the Town Attorney.
- (3) The homeowners association documents shall be recorded in the Cumberland County Registry of Deeds within ninety (90) days of the date that the Board votes to approve the subdivision.

912 Final Approval and Filing

- A. Upon findings of fact and determination that all standards in Title 30-A M.R.S.A., §4404, and Section 900 of the Land Use Ordinance have been met, and upon voting to approve the subdivision, the Board shall sign the Final Plan.
 1. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.
- B. The applicant shall record and file the plan as follows:
 1. The mylar(s) of an approved subdivision shall include the signed stamp of the licensed professional who prepared the plans.
 2. Major Subdivisions must resubmitt the application's GIS data if revisions have been made during the Preliminary Plan or Final Plan review phase. The revised date must in the format required for Preliminary Plan submissions and all revisions made to the plan following the Preliminary Plan submission must be included.
 - (a) The Planning Board shall not sign any mylars until the GIS data has been resubmitted.
 3. One (1) original mylar of the signed plan shall be retained by the Board as part of its permanent records.
 4. One (1) original mylar of the signed plan shall be recorded in the Registry of Deeds.
 - (a) Within seven (7) days of recording, the applicant shall provide the Town with a copy of the recorded plan. No site work shall commence, or building permits issued, prior to the Town's receipt of a copy of the recorded plan.

5. One (1) complete full-sized paper set of the approved plans shall be filed with the Planning Department, plus one (1) full size paper copy of the plan sheet containing the signature block, and one (1) electronic copy of the subdivision plan in a format acceptable to the Town.
 6. Documentation shall be submitted to the Town confirming that all required open space related deeds, covenants, or legal agreements have been filed with the Registry of Deeds.
- C. Plan Sections. At the time the Board grants final plan approval, it may permit the plan to be divided into two (2) or more sections subject to any conditions the Board deems necessary in order to ensure the orderly development of the plan.
1. If any Town or quasi-municipal department head notified of the proposed subdivision informs the Board that their department or district does not have adequate capital facilities to service the subdivision, the Board shall require the plan to be divided into two (2) or more sections subject to any conditions the Board deems necessary in order to allow the orderly planning, financing and provision of public services to the subdivision.
 - (a) If the expansion, addition or purchase of the needed facilities is included in the Town's capital improvements program, the time period of the phasing shall be no longer than the time period contained in the capital improvements program for the expansion, addition or purchase.
- D. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing on the plan, unless a revised Final Plan is first submitted and the Board approves any modifications, in accordance with Section 914 Post Approval Activities. The Board shall make findings that the revised plan meets the criteria of Title 30-A M.R.S.A., §4404, and the standards of Section 900 of this Ordinance.
- E. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the Town of Windham of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the Town, approval of the plan shall not constitute an acceptance by the Town of Windham of such areas.
1. The Board shall require the plan to contain appropriate notes to this effect.
 2. The Board may also require the filing of a written agreement between the applicant and the municipal officers covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.