

G. Final Site Plan, Public Hearing Procedures

1. 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.
2. Notice of the public hearing shall be published in a newspaper of general circulation, mailed to the applicant and property owners within five hundred (500) feet of the property under review. Notices shall be published and/or sent at least seven (7) days prior to the public hearing.
3. The public hearing shall follow the procedures established in the Town of Windham's Planning Board Rules, as amended.

H. Final Site Plan, Vote on Application

1. The Board shall make findings of fact on the application, and approve, approve with conditions, or deny the application. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.
2. 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 conclusions of the Board.

808 Waivers

- A. **Waiver of Submission Requirements.** The Development Review Committee, for minor developments, or the Planning Board, for major developments, may waive any of the submission requirements of Section 811 based upon a written request by the applicant. Such request shall be submitted at the time of the preapplication conference for minor developments or as part of the sketch plan application for major developments. A waiver of any submission requirement may be granted only if the Planning Board or Development Review Committee finds that the information is not required to determine compliance with the standards and criteria of the Land Use Ordinance.
- B. **Waiver of Site Plan Performance Standards.** The Planning Board may waive the requirements of Section 812 if it finds that extraordinary and unnecessary hardships,

not self-imposed, may result from strict compliance with the site plan review standards. In all cases, waivers shall not be deemed a right of the applicant, but rather shall be granted at the discretion of the Planning Board.

1. Procedure. The applicant shall submit a list of the requested waiver(s) in writing. For each waiver requested, the applicant shall submit answers to each of the criteria in Subsection 808.B.2 below.
 - (a) The Planning Board may request additional information to make a determination on a waiver request.
2. Criteria. In granting a waiver, the Planning Board shall use the following criteria:
 - (a) The waiver will improve the ability of the project to take the site's pre-development natural features into consideration. Natural features include, but are not limited to, topography, location of water bodies, surface drainage, location of unique or valuable natural resources, relation to abutting properties or land uses.
 - (b) The waiver does not result in:
 - (1) Undue water or air pollution,
 - (2) Undue light pollution or glare,
 - (3) An inadequate water supply,
 - (4) Unreasonable soil erosion,
 - (5) Unreasonable traffic congestion or safety risk,
 - (6) Decreased pedestrian safety or access,
 - (7) Inadequate supply of parking spaces,
 - (8) Inadequate sewage disposal capacity,
 - (9) Inadequate solid waste disposal capacity,
 - (10) An adverse impact on scenic or natural beauty, aesthetics, historic sites, or rare or irreplaceable natural areas,
 - (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.