

- (2) Maine Department of Environmental Protection, under the Natural Resources Protection Act or Stormwater Law, or if an MEPDES wastewater discharge license is needed.
  - (3) Maine Department of Transportation, for a Traffic Movement Permit, and/or Highway Entrance/Driveway Access Management Permit outside of the Urban Compact,
  - (4) Town of Windham Public Works Department for a curb cut permit inside the Urban Compact. (*See Curb Cut Standards in Sec. 500 Performance Standards*)
  - (5) The Portland Water District if existing or proposed public water or sewer service is to be used.
  - (6) Maine Department of Health and Human Services if a central water supply system is to be used.
  - (7) A professional licensed in the State of Maine that a sufficient and healthful supply of water are available if individual wells serving each building site are to be used.
  - (8) Maine Department of Health and Human Services if a central sewage collection and treatment system is to be utilized.
  - (9) U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.
  - (10) Written approval of any proposed street names from the Town of Windham E911 Addressing Officer.
- (g) If the preliminary plan identified any areas listed on or eligible to be listed on the National Register of Historic Places, in accordance with Subsection 910.C.1.(b)(23), the applicant shall submit a copy of the plan and a copy of any proposed mitigation measures to the Maine Historic Preservation commission prior to submitting the final plan application.
- (h) Within thirty (30) days from the public hearing or within sixty (60) days of determining a complete application has been received, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact on the application, and approve, approve with conditions, or deny the Final Plan application. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

- A. Limitation of Waivers. The granting of a submission requirement waiver or site waiver may not conflict with, nor negate, any State Statutory requirements for the subdivision of land.
- B. Waiver of Submission Requirements. The Planning Board may waive the submission requirements identified in Subsection 910 (Submission Requirements) as being eligible for a waiver.
1. A waiver from the submission requirements shall not require the applicant or Board to follow the procedures and standards in Subsection C., below.
  2. In accordance with Section 910 (Submission Requirements) the applicant shall submit a list of submission requirements for which a waiver is sought. The list shall include the reasons for which the waiver is sought. The Board is not required to use any criteria in making its determination on the granting of a waiver of the submission requirements.
- C. Waiver of Subdivision Performance Standards. The Planning Board may waive the requirements of Section 911 Performance and Design Standards, unless prohibited by Maine statutes, where it finds that there are special circumstances of a particular parcel proposed to be subdivided, or that the application is simple and minor in nature. The applicant must demonstrate that the performance standards of these regulations and the criteria of the subdivision statute have been or will be met, the public health, safety and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the land use ordinance.
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 2. Criteria, below.
    - (a) The process for requesting waivers shall be in accordance with the provisions for review procedures in Section 906 and 907 and the provisions for submission requirements in Section 910.
    - (b) The Planning Board may request additional information to make a determination on a waiver request.
  2. Criteria. In granting site waivers, the Planning Board shall utilize the following criteria:
    - (a) The waiver will improve the ability of the project to take the property's pre-development natural features into consideration. Natural features include, but are not limited to, topography, location of water bodies, location of unique or valuable natural resources, relation to abutting properties or land uses.
    - (b) The waiver will not result in the following:

- (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.
  - (12) The Town's ability to provide the subdivision with public safety services.
- (c) Recording of Waivers of Subdivision Performance Standards. When the Board grants a site waiver to any of the improvements required by these regulations, the Final Plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted. Waivers must 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.