

Development review includes Subdivision and Site Plan review, and certain changes of use and other procedures as outlined in Section 402. No development shall be approved unless it complies with all review criteria and findings indicated in Section 411.

All time frames for development review expressed in this chapter are maximums. The Town's staff and reviewing entities shall make every effort to conduct reviews as expeditiously as possible.

The following outlines the applicability for Development Review:

- A. Development review does not apply to:
  - 1] a single or two family dwelling.
  - 2] uses or structures that are accessory to a single or two family dwelling.
  - 3] agricultural land management practices.
- B. Activities not subject to development review still require appropriate permits issued by the Codes Enforcement Officer and/or the Village Review Board if the property is in the Village Review Zone.
- C. All activities listed in Section 402 shall be subject to Development Review.
- D. Projects subject to development review shall be divided into two classes, Major and Minor. Minor projects shall be reviewed by the Staff Review Committee. Major projects shall be reviewed by the Planning Board.
- E. Thresholds for development review apply only to new, or "add-on" construction, except as indicated in Section 402. Floor area and impervious surface area are calculated on a net basis. The floor area and the impervious surface area (roof) of a building each contribute separately to the cumulative total of the two. (Amended 6/19/00 R)
- F. If development is proposed on two or more lots and the Director of Planning and Development finds that the development functions as a single project, thresholds for development review shall be applied to the project as though the lots on which it is located were single lots. (Amended 9/4/01 R)

The following activities shall be subject to Minor Development Review by the Staff Review Committee:

- A. Any development activity or combination of activities that, within any five year period results in the construction of the following:
  - 1. In all zoning districts except for those indicated in 402.1A2:
    - a. Between 1,000 and 4,999 square feet of new floor area; (Amended 6/19/00 R)
    - b. Between 1,000 and 4,999 square feet of new impervious surface, or
    - c. A cumulative total of between 1,500 and 7,499 square feet of floor area and impervious surface. (Amended 6/19/00 R)
  - 2. In the MU4 (Fox Run), CC (Cook's Corner Center), I2 (Church Road Industrial Park), I3 (Bath Road Industrial), I4 (Exit 22), HC2 (Inner Bath Road):
    - a. Between 2,000 and 9,999 square feet of new floor area; (Amended 6/19/00 R)
    - b. Between 2,000 and 9,999 square feet or more of new impervious surface; or
    - c. A cumulative total of between 3,000 and 14,999 square feet or more of floor area and impervious surface. (Amended 6/19/00 R)
- B. Any use that involves the construction of one drive-up window.
- C. Marine Activities that involve the creation of less than 5,000 square feet of new impervious surface.

- D. Construction of a multi-family dwelling unit containing between 3 and 5 units.
- E. Development subject to Special Permit (Section 701) that results in the creation of less than 5,000 square feet of new impervious surface.
- F. Construction within the Natural Resources Protection Zone subject to the provisions of section 211.2.A.3, 304.6.D.4., 304.4.B or 304.7 (Amended 9/4/01 R, 10/15/01 R)

The following activities shall be subject to Major Development Review by the Planning Board:

- A. The creation of a Subdivision as defined by 30-A M.R.S.A. Section 4401, as amended.
- B. Any developm

- G. Development subject to Special Permit (Section 701) that involves creation of 5,000 square feet or more of new impervious surface.
- H. Mineral Extraction, pursuant to Section 306.6.
- I. The addition or expansion of a canopy for a gasoline sales station, pursuant to Section 306.14.
  
- A. Development Review Thresholds shall be based upon cumulative development totals over a five year period. If any threshold is exceeded during any five year period, all development within that time period shall be subject to review.
- B. Amendments to projects shall be subject to the level of review that is commensurate with the scope of the amendment proposed.

The authority of the Planning Board to review certain minor development projects is hereby delegated to the Staff Review Committee in accordance with the provisions of this Section. Whenever such delegation occurs, the term "Planning Board" shall also refer to the Staff Review Committee.

The Planning Board is responsible for the review of all major projects and of any minor project for which Planning Board review is requested by the applicant. The Planning Board may conduct Minor Project review if recommended by either the Director of Planning and Development or the Staff Review Committee.

- A. The Staff Review Committee shall consist of the Director of Planning and Development, the Town Engineer/Public Works Director, Codes Enforcement Officer, Recreation Director, Fire Chief, Police Chief, Assessor, Natural Resources Planner,

Superintendent of the Brunswick-Top

power to grant waivers, and the power to approve, approve with conditions, or deny applications for Site Plan approval.

- C. Actions by the Staff Review Committee to approve an application, with or without conditions, shall require the approval of a majority of those members present and voting. A quorum shall consist of three members.
- D. The Staff Review Committee may waive provisions of this Chapter and of Chapter 5, in accordance with Section 410.
- E. The Staff Review Committee shall set forth the reason for its decisions and make Findings of Fact, in writing, within 7 days of the meeting. Such findings of fact shall be sufficient to apprise the applicant and any interested member of the public of the basis for the decision.
- F. All appeals to a Staff Review Committee decision shall be heard by the Planning Board.
- G. The Staff Review Committee shall provide recommendations to the Planning Board for any project undergoing major development review. Individual members of the Committee may in addition submit letters of recommendations to the Planning Board.

For changes of use that do not exceed the thresholds required for site plan review as indicated in Section 402.2, and that do not constitute a Departmental Review pursuant to Section 702.4, the permit may be issued by the Codes Enforcement Officer, provided that the application is in compliance with all relevant provisions of this ordinance.

The Planning Board's review and approval is based upon the application plans and materials submitted by the applicant. The Director of Planning and Development may find proposed changes to an approved site plan, subdivision or Special Permit or related materials to be minor modification in which case approval by the Planning Board or the Staff Review Committee shall not be necessary. (Amended 9/4/01 R)

An application for development approval shall be considered to be pending from the date of the submission of a Sketch Plan until the Final Plan denial, approval, or conditional approval date. An application shall not be considered to be pending upon the following:

- A. the expiration of Sketch Plan approval, which shall be one year from the date that sketch plan approval was granted;
- B. the receipt in the Department of Planning and Development of the applicant's written statement withdrawing the application; or
- C. the failure of the applicant to respond to requests for additional information, appear at Board hearings, or otherwise maintain the application in an active state for a period of 4 months or more.

Demolition, excavation, filling, grading, removal of topsoil, and clearing of vegetation are prohibited on any portion of a property that is subject to a pending application for development review. Failure of the applicant to comply with these activity prohibitions, as determined by the Codes Enforcement Officer, may cause the application to be denied. If an application is denied pursuant to this Section 404.2, the application process shall be terminated. If the applicant chooses to reapply for the same project or submit a new application for a different project, the applicant must submit a detailed plan for remediation of any adverse impacts of the prohibited activity.

The following otherwise lawful activities are exempt from the provisions of Section 404.2:

- A. Activities related to the development of a lot not included in a subdivision or proposed subdivision unless such lot is subject to a pending Site Plan application;
- B. Activities required for the routine maintenance of existing structures or uses or to remedy a safety hazard;
- C. Activities incidental to the gathering of information needed for the pending application for development review (i.e. land surveying, soils mapping, etc.), provided that such activities be undertaken in a manner that minimizes the disruption of the site;
- D. Activities that are unrelated to the pending application, as determined by the Codes Enforcement Officer.

The Codes Enforcement Officer shall not issue building permits for construction on any portion of a property that is subject to a pending application for development review except as permitted in Subsection 404.3.

The following outlines the review procedures for development requiring Subdivision or Site Plan approval.

Pre-application meetings prior to Sketch Plan are optional but are strongly recommended prior to the expenditure of funds toward the design of a development proposal.

Prior to submitting an application for development review, the applicant is advised to meet with the Staff Review Committee to discuss application requirements, waivers of information requirements, and applicable development criteria. At this meeting, the Staff Review Committee and the applicant can discuss the applicant's and the Town's goals for the area proposed for development to seek a common vision for the proposed project. Any question as to whether the project is major or minor may also be resolved at this meeting.

Prior to filing an application to be reviewed by the Planning Board, the applicant may appear before the Planning Board for an informational discussion of the proposed development. The applicant is encouraged to present information relevant to the property that may assist the Planning Board and Department of Planning & Development in providing input to the applicant. Such information may include a portion of a U.S.G.S. topographic map showing the property's boundaries and the surrounding area, tax assessor's maps of the proposed application, a plot plan or survey showing the property's area, shape, and existing features (natural and human-made), and the purpose and proposed configuration of the development. If possible, materials should be informally submitted to the Planning Department to allow staff review prior to the meeting. At this meeting the Planning Board may discuss which information may be waived in the formal application.

- A. Development approval applications shall be submitted to the Director of Planning and Development. For each item listed in Section 412 the applicant shall submit either the requested information or a request for a waiver from the information requirement, pursuant to Section 410.
- B. Upon receipt of an application, the town shall provide the applicant a dated receipt. The town shall notify the owners of all property located within a 200 foot radius of the boundaries of the proposed development, giving a general description of the project and specifying its location. The

town shall mail notifications via first class mail between 15 and 10 days prior to a scheduled review for which it is required.

- A. An application is complete when an application form and all plan requirements or waiver requests have been submitted to the Director of Planning and Development. Within five working days of receiving an application, the Director of Planning and Development shall determine whether the application is complete. If an item is missing from the application and no waiver has been requested for it, the Director of Planning and Development shall notify the applicant in writing that the application is not complete and request the additional information required. The applicant shall submit the additional information as soon as possible and the procedure in this paragraph shall be repeated until the application is complete.
- B. With the exception of pre-application meetings, no application shall be placed on the Planning Board or Staff Review Committee agenda until the application is deemed complete.
- C. As used in this Section 405.3, "complete" shall mean that:
  - 1. all submission requirements established by this ordinance have either been complied with or a waiver has been requested;
  - 2. any additional information requested by the Planning Board or Staff Review Committee at any prior meeting has been provided; and
  - 3. all conditions of any relevant prior approval for the property have been fulfilled unless the application describes the manner in which unfulfilled conditions will be addressed.
- A. In reviewing the application, the Staff Review Committee shall first determine whether or not to grant the requested submission waivers, based upon the criteria in Section 410. The Director of Planning and Development shall make recommendations concerning any requested waiver. If a waiver request is denied, the application shall be deemed incomplete.
- B. When an application for a minor project is determined to be complete, the Director of Planning and Development shall so notify the applicant. The Director of Planning and Development shall also request the applicant to submit ten additional copies of the complete application materials to the Department of Planning and Development for distribution to Staff Review

Committee members. Such materials shall be received at least 15 working days prior to the Staff Review Committee meeting.

- C. Unless postponement of the decision is agreed to by the applicant, the Staff Review Committee shall issue a decision within 30 days after the Director of Planning & Development has determined that the application is complete.
- D. In issuing its decision, the Staff Review Committee shall make written findings of fact in accordance with the standards found in Section 411.
- E. A written record of the Staff Review Committee decision shall be maintained and shall be submitted to the Planning Board members and made available for public inspection. The Committee's written decision, in the form of minutes from the Committee's meeting, shall be mailed to the applicant within seven days of the meeting at which it is made.
- F. The applicant or an abutter may appeal the decision of the Staff Review Committee to the Planning Board by submitting an appeal application to the Director of Planning and Development within 30 days of the date of the action. The Planning Board may hold a public hearing and shall render its decision following the procedures in Subsection 405.5(C).
- G. All references to the Staff Review Committee in Subsections (B) through (D) above shall be construed to as references to the Planning Board if the Planning Board conducts the minor development review.

Major project review shall be conducted in two steps: Sketch Plan and Final Plan. See Section 412 for submission requirements. An applicant may apply to have a project reviewed for Sketch and Final Plan approval concurrently; however, for larger projects, it is strongly encouraged that two separate processes be undertaken.

When an application, on a form provided by the Town, is submitted to the Planning Board, that application will have formal standing before the Planning Board. The Planning Board shall then consider the sketch plan and provide planning direction to the applicant in accordance with all pertinent provisions of the ordinance. After completing its review of the application, the Planning Board shall vote to deny, approve, or approve with conditions. The date of Sketch Plan approval, denial or conditional approval shall be the date that the Planning Board votes on a Sketch Plan application.

Once the Planning Board votes to deem a Final Plan application to be complete, the Board shall undertake the review of the proposal. Once review is complete, the Planning Board shall vote to deny, approve or approve with conditions. For site plan applications, the date of Final Plan approval, denial, or approval with conditions shall be the date that the Planning Board votes on a Final application. In the case of subdivisions, the date of approval and the date of approval with conditions shall be the date that the Chair of the Planning Board signs the recordable subdivision plan; if a subdivision application is denied, the date of denial shall be the date in which the Planning Board votes to deny the application.

Pursuant to the provisions of 30-A M.S.R.A. Section 4403(A), the Planning Board shall conduct a public hearing for any residential development containing more than 20 units, and for any non-residential development resulting in the new development of 30,000 or more square feet.

1. When a public hearing is to be conducted, the Director of Planning and Development shall prepare a notice of the date, time and place of the hearing with a brief description of the application and its location.
2. This notice shall be distributed to the applicant and the owners of all property located within a 200 foot radius of the boundaries of the parcel containing the proposed development.
3. This notice shall be published at least two (2) times in a newspaper having general circulation in Town. The date of the first publication must be at least seven (7) days before the hearing.

The Planning Board shall within 30 days of the public hearing or, if no hearing is held, within 60 days of the date on which a complete plan is submitted, or within any other time limit that is otherwise mutually agreed to, issue an order:

1. Denying the proposed subdivision or site plan;
2. Granting approval of the proposed subdivision or site plan;
3. Granting approval with conditions that it considers advisable to satisfy the criteria of this ordinance and Title 30-A M.S.R.A Section 4404.

The following procedures shall be applied to both the Sketch Plan and Final Plan levels of major development review.

The following Table details the required time frames for submission requirements to the Planning Board for both Sketch and Final applications, and all submission requirements. All time frames are expressed in calendar days. This table shall be considered to be a part of this zoning ordinance. In cases where the date prescribed in this table is a legal holiday, all deadlines shall apply to the previous working day.

<p>1. Three (3) Weeks Prior to Scheduled Planning Board Meeting</p>	<p>a) Deadline for filing application to Planning Board</p> <p>b) Applicant must submit one substantial application to the Director of Planning and Development. Director of Planning and Development shall determine application for completeness.</p>
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2. Two (2) Weeks  
Prior to Scheduled  
Planning Board Meeting

a) Director of Planning and Development. Completeness indicates that all required application materials are submitted. If the application is found to be incomplete, the applicant shall be placed on the Planning Board's agenda. The applicant may resubmit the application at a later date.

b) If the Director of Planning and Development determines that all required application materials have either been submitted or a copy of 18 copies of all plans and materials required for review, one copy of the application shall be submitted to the Planning Board and one copy shall be submitted to the Director of Planning and Development to the Curtis Memorial Library. For any plan that requires a site plan, the applicant shall submit five full sized copies and one copy reduced to 11" x 17".

	<p style="text-align: right;">c) The Town shall submit notification</p> <p>B.</p>
<p>3. Between Two (2) Weeks and Five (5) Days Prior to Scheduled Planning Board Meeting</p>	<p style="text-align: right;">a) Application shall be brought before          recommendations to assist the Planning Board in its review.</p> <p style="text-align: right;">b) If the project is subject to a public hearing, a newspaper of general circulation within this time frame. The first notice shall be published 10 days prior to the hearing.</p>
<p>4. Four (4) Days Prior to Scheduled Planning Board Meeting</p>	

	<p>a) The Director of Planning and Development shall review the application based on Section 411, and shall issue a draft set of conditions which shall be mailed, faxed or hand delivered to the Planning Board and the Applicant.</p>
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The Planning Board may undertake or require the applicant to undertake any study which it reasonably deems essential to ensure that the development can satisfy the Review Standards of Section 411. The reasonable cost of any such study shall be paid by the applicant.

Peer Review is a professional evaluation conducted by a consultant of the reviewing entity to assist in determining whether an application submission satisfies the Review Standards of Section 411. The reviewing entity may, by majority vote, select a consultant to perform a peer review for the reviewing entity at the applicant's expense with the applicant's consent. Peer review shall not be undertaken unless it is necessary for an informed review of the application materials and its costs are reasonable, considering the nature and the scope of the application. Estimated costs for peer review shall be disclosed to the applicant prior to undertaking such review. The Town may require an applicant from time to time to deposit funds into an escrow account to be held for the purpose of reimbursing the peer review costs. The applicant shall be entitled to an accounting of the use of all funds, and shall be entitled to a refund of all funds not expended upon final approval, denial or withdrawal of an application. The Planning Board reserves the right to deny any application due to a lack of information necessary to deem the proposal in compliance with Section 411.

Applications shall be accompanied by fees established by the Town Council.

If a proposed development requires both Subdivision and Site Plan review, the Board shall consider the Subdivision and Site Plans together and hold a joint meeting or hearing on both. A single application may be filed, provided that it contains all necessary information for both approvals.

The approval by the Board of a development plan shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, conservation easement, or other open space shown on such plan. When a park, playground, or other recreation area is shown on the plan to be dedicated to the municipality, approval of the plan shall not constitute an acceptance by the Town of such areas. The Board shall require the Plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement covering future deed and title dedication, and provision for the cost of grading, development, equipment and maintenance of any such dedicated area.

All Subdivisions for which Final Plan approval has been granted, and any conditions that have been imposed by the Planning Board for the subdivision or final plan shall be filed in the Cumberland County Registry of Deeds by the applicant. If the applicant fails to record the subdivision plan within 60 days after Development Plan approval by the Planning Board, the approval shall expire. No building permits associated with a subdivision shall be issued unless evidence of all recording requirements is provided by the applicant to the Codes Enforcement Officer. Any deeds issued after the granting of subdivision approval must reference the plan and any conditions imposed upon it. The Codes Enforcement Officer shall submit an affidavit to be recorded indicating that conditions of approval have been satisfied following the satisfactory completion of those conditions.

If an applicant wishes to undertake and complete different portions of a Site Plan or Subdivision at different times, the approved plans shall reflect the phasing.  
The Planning Board

shall review such proposals for the phasing of development as an integral part of the proposal. In order to gain approval for a phased development scheme, the applicant shall establish that all infrastructure systems will be able to function properly upon the completion of each new phase without the benefits of the unbuilt portions of the systems located in any later phase. The Board may accept, as part of a phasing plan, temporary structures, such as turnarounds, that may be required to permit an infrastructure system within a particular phase to function properly. In the case of a Subdivision the applicant shall provide a separate performance guarantee, in a form and amount acceptable to the Town Manager and Town Engineer, for the completion of the infrastructure of each phase.

1. Where construction and completion of improvements or fulfilment of conditions required in an approved plan is not pursued within the time limits stated below, the Site Plan, Subdivisions or Special Permit approval shall lapse according to the provisions of this Section. The applicant may, at any time before the date of approval expiration, make a written request to the Planning Board for an approval time extension. This request shall explain the reasons why the improvements have not been completed and indicate how the applicant expects to complete the project if an approval time extension is granted by the Board. (Amended 9/4/01 R)
2. The Planning Board may consider any zoning changes affecting the site when considering a request to extend any approval.

Except when otherwise stipulated in an approved phasing plan, Site Plan approval expires two years after the date of Final Plan approval unless construction of the approved project has been completed by that date. The Planning Board may extend the expiration of an approved site plan.

1. Subdivision approval shall expire at the end of five years after the date of Final Plan approval unless either the Town Engineer certifies that construction of all approved infrastructure systems

throughout the Subdivision has been completed or the Town Manager causes the completion of all approved infrastructure systems throughout the Subdivision according to the terms of the applicable performance guarantee. This expiration provision, together with the extension and notice provisions of Subsection (A) above shall be noted on the recorded Final Plan. The town shall notify the applicant, in writing, that a subdivision is to expire on or about the fifth anniversary of the Planning Board's approval.

2. Expiration of Subdivision approval shall not affect the validity of any lot which has been properly subdivided and legally conveyed to another owner.

: A special permit shall expire two years after it is ratified or deemed ratified by the Town Council if no Certificate of Occupancy is granted for the use. (Amended 9/4/01 R)

There shall be no sale of lots of a proposed or amended Subdivision until the following have occurred:

- A. The Final Plan or Amended Final Plan has been approved and signed by the Chair of the Planning Board; and
- B. The Final Plan has been duly recorded in the Registry of Deeds by the applicant.

Applications for development approval shall be reviewed under the ordinance provisions in effect at the time the application was submitted to the Director of Planning and Development.

Development approvals shall be fully vested from the date of the submission of a complete application until the expiration of such approval. After such expiration, the applicant shall have no rights to develop according to the expired Final Plan and shall be subject to any changes in this Ordinance that have been adopted since the first submission of a plan to the Director of Planning & Development.

In any partially completed phased project, if the commencement of any phase is delayed by two years or more, the Planning Board may declare the project approval expired as to all uncompleted phases, upon 60 days notice to the owner of the property. The owner may request an extension of the phasing plan at any time, which shall be granted if the owner can show good cause for the delay and if the Planning Board determines that continuing the project as approved is consistent with this Ordinance as amended.

- A. An application to revise a previously approved Site Plan or Subdivision shall follow the procedure required for a minor project, unless the revision is found not to require Site Plan approval pursuant to Section 702 of this Ordinance or is deemed to be a minor modification. If the Director of Planning and Development determines that the scope of the revisions will either increase the scale of a minor project to that of a major project or will be the functional equivalent of creating another major project, the procedure for a major project shall be followed. Any amendment to a subdivision plan, with the exception of minor modifications that qualify under Section 403.3B, shall be reviewed as Major Projects by the Planning Board.
- B. The applicant shall submit a copy of the approved plan, as well as copies of the proposed revision and other information required to process the application. The proposed changes to the approved plan shall be clearly indicated on the revised plan. The application shall include information sufficient to allow the Board to make a determination as to whether or not the revisions meet the standards of this Ordinance. No plan revision shall be approved if the applicant is not in full compliance with all relevant terms and conditions of previously approved plans.

- C. If zoning requirements have changed since the approval of an original Site Plan or Subdivision Plan, the applicant's revisions shall comply with all such changes. The Planning Board or Staff Review Committee may, as a condition of approval of a revision of a Site Plan, require modifications to the original Site Plan in order to comply with such zoning changes, provided that such modifications do not cause undue hardship to the applicant and are reasonable and proportionate in scope and cost to the requested plan revision.
- D. No changes, erasures, modifications, or revisions shall be made to any Final Plan after approval has been given by the Board and endorsed in writing on the Plan, except in accordance with this Section.

All street names are subject to the approval of the Assessor, to ensure that the proposed name is not currently in use. Street names shall be proposed with the sketch plan application, and shall be approved by the Assessor within 10 days.

No application shall be approved by the Planning Board as long as the property is in violation of any requirements of this Ordinance or of any previous Planning Board conditions imposed upon the property. This provision does not apply if the application is made in whole or in part for the purpose of bringing the project into compliance with such requirements or conditions.

The Planning Board may approve, deny, or approve with conditions an application for Development Review after it has reviewed the application and has made determinations in the form of Findings of Fact and Conclusions based on the Review Standards of Section 411.

Findings of Fact and Conclusions shall be made in writing and shall be sufficient to apprise the applicant and any interested party of the basis for the decision. Attached to it shall be the following:

- A. A report prepared by the Director of Planning and Development evaluating the application proposal based upon the Review Standards of Section 411.

- B. Any documents submitted to the Planning Board from the Town Engineer or other member of the Staff Review Committee;
- C. Any conditions imposed on the application; and
- D. Approved minutes of the meetings at which the application was acted upon.

The reviewing entity may waive requirements of the Development Review Process or of standards found in Chapter 5. The applicant shall meet with the Director of Planning and Development to discuss potential waivers. The Director of Planning and Development shall make recommendations in writing to the reviewing entity concerning any requested waiver.

The reviewing entity may grant waivers prior to voting upon the Final Plan, in accordance with the following:

The waiver shall be consistent with the Review Standards of Section 411. A waiver may be granted if the requested information or requirement is deemed by the reviewing entity to be either not relevant to the application or otherwise not necessary to determine compliance with the review standards of Section 411.

A waiver may be granted for submission requirements if the reviewing entity finds that the submission of that information is not necessary to make a determination that the proposal will satisfy the review requirements of Section 411.

A waiver may be granted if the reviewing entity finds that by doing so, the application will be brought closer into compliance with the goals of the Planning District, as indicated in Appendix I.

In order to grant Development Review Approval, the reviewing entity shall make Findings of Fact that the application satisfies all Review Standards of this Section. In making its finding, the reviewing entity may determine that a standard does not apply to the application. The reviewing entity may also find that a standard may be satisfied with conditions. In making its findings, the reviewing entity shall consider all requirements found in Chapters 2 and 3 of this Ordinance, which shall not be subject to waiver. The reviewing entity shall also consider all Development Plan Requirements found in Chapter 5 of this Ordinance, which may be waived only if the reviewing entity finds that the

review standard has been satisfied. The reviewing entity may require any information it deems necessary in order to find that the application satisfies the Review Standards.

The burden of proof that an application satisfies all review standards rests with the applicant. All requirements listed after each Review Standard shall be considered by the reviewing entity as a means by which the standards may be satisfied. Only those requirements listed which have applicability to the application shall be considered. All requirements may be waived by the reviewing entity (except where indicated) if the applicant adequately demonstrates that the Review Standards can be better satisfied by an alternative not indicated. In addition, if the unique circumstances of an application have conditions which are not addressed in the requirements, the reviewing entity may propose alternative means by which the Review Standard may be satisfied.

The reviewing entity will determine that the proposed development complies with all applicable provisions and requirements of this Ordinance.

In making this determination, the reviewing entity shall consider the following:

- A. All use, density, or dimensional requirements of the zoning district or any overlay zone in which the application is located. These requirements may not be waived.
- B. All applicable provisions relating to use or lot configuration as required in Chapter 3 of this ordinance. These requirements may not be waived.
- C. Any applicable conditions of a Special Permit, Zoning Variance, or Special Exception, which may not be waived.
- D. For Open Space Developments, the Standards found in Section 308 shall be applied and shall supersede any standard or requirement found in this ordinance.

The proposed development maximizes the preservation of natural features of the landscape, and does not occur within or cause harm to any land which is not suitable for development.

In making its determination, the reviewing entity shall consider the following:

- A. Section 211 (Natural Resource Protection Zone)
- B. Section 501 (Natural Features and Net Site Area)
- C. Section 502 (Flood Hazard Areas)
- D. Section 503 (Steep Slopes)

The proposed development will not adversely affect any water body or its shoreline when the property is located in part or in whole in the water body's watershed. The proposed development will not adversely affect the water quality of Casco Bay or its estuaries.

In making its determination, the reviewing entity shall consider the following:

- A. Reports or statements from a hydrogeologist, the Maine Department of Environmental Protection, Maine Department of Marine Resources, or other agent deemed appropriate by the Planning Board, which evaluates the impact of water discharges on the water quality of Casco Bay and estuaries, as applicable and necessary.
- B. Section 211 (Natural Resource Protection Zone)
- C. Section 209 (Coastal Protection)
- D. Section 504 (Storm Water Management)
- E. Section 505 (Groundwater)
- F. Section 506 (Erosion and Sedimentation)
- G. Section 507 (Sewage Disposal)

*Practices*, published by the State of Maine Department of Environmental Protection, November, 1995 as amended.

In making its determination, the reviewing entity shall consider the following, as applicable:

- A. Section 209 (Coastal Protection)
- B. Section 503 (Steep Slopes)
- C. Section 504 (Storm Water Management)

The proposed development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

In making its determination, the Planning Board shall consider the following, as applicable:

- A. Section 210 (Aquifer Protection Zone)
- B. Section 504 (Storm water Management)
- C. Section 505 (Groundwater Pollution)
- D. Section 507 (Sewage Disposal)

The proposed development will be constructed in accordance with Best Management Practices and will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy situation results.

In making its determination, the reviewing entity shall consider the following, as applicable:

- A. Section 503 (Steep Slopes)
- B. Section 506 (Erosion and Sedimentation)

The proposed development can be served by municipal sewer, or where on-site disposal is proposed, the system is designed in accordance with all applicable local, state and federal requirements.

In making its determination, the reviewing entity shall consider the following, as applicable:

- A. Section 209 (Coastal Protection)

B. Section 507 (Sewage Disposal)

The proposed development has a water source that is adequate to serve the proposed development, and that will have no adverse impact on existing water supplies.

In making its determination, the Planning Board shall consider the following, as applicable:

A. Section 209 (Aquifer Protection Zone)

B. Section 508 (Water Systems)

The proposed development will not have an undue adverse effect on the scenic or natural beauty of the area, historic sites, significant wildlife habitats identified by the Maine Department of Environmental Protection or by the Town Of Brunswick, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

In making its determination, the reviewing entity shall consider the following, as applicable:

A. Section 209 (Coastal Protection Zone)

B. Section 211 (Natural Resource Protection Zone)

C. Section 216 (Village Review Zone)

D. Section 501 (Preservation of Natural Features and Net Site Area)

E. Section 503 (Steep Slopes)

F. Section 517 (Preservation of Historic Resources)

Municipal resources are available to service the project, and that any on-site or off-site impacts associated with the development of the project will be mitigated.

In making its determination, the Planning Board shall consider the following, as applicable:

A. Section 509 (Community Facilities Impact Analysis)

B. Section 510 (Development Impact Fees)

The proposed development will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed, and the traffic associated with the development shall maintain level of service within 200 feet of any existing or proposed curb-cut.

In making its determination, the reviewing entity shall consider the following, as applicable:

- A. A statement or report from a traffic engineer indicating that the proposed development will not create or further contribute to unsafe traffic conditions .
- B. Statements from the Fire Chief, Police Chief and Public Works Director evaluating the project for highway or public road congestion or safety.
- C. Section 509 (Community Facilities Impact Analysis)
- D. Section 510 (Development Impact Fees)
- E. Section 511 (Development of New Streets)
- F. Section 512 (Off Street Parking)
- G. Section 513 (Curb Cuts and Highway Access)
- H. Section 514 (Off Street Loading)

The proposal shall be designed to accommodate bicyclists and pedestrians, and shall address issues of bicycle and pedestrian access, safety and circulation both within the site and to points outside of the site.

In making its determination, the reviewing entity shall consider the following, as applicable:

- A. Section 511 (Development of New Streets)
- B. Section 512 (Off Street Parking)
- C. Section 513 (Curb Cuts and Highway Access)
- D. Section 515 (Appearance Assessment)
- E. Section 516 (Building Configuration)

The proposed development shall be respectful of Brunswick's historic development patterns. In making this determination, the reviewing entity shall

consider whether the proposed development is located within a rural or growth area. In addition, the reviewing entity shall consider whether proposed non-residential development will have an adverse impact on areas which are primarily residential.

In making its determination, the reviewing entity shall consider the following, as applicable:

- A. Section 507 (Sewage Disposal)
- B. Section 511 (Development of New Streets)
- C. Section 512 (Off Street Parking)
- D. Section 515 (Appearance Assessment)
- E. Section 516 (Building Configuration)
- F. Section 517 (Preservation of Historic Resources)

The proposed development shall be compatible with its surroundings in terms of its size, scale, mass and design.

In making its determination, the reviewing entity shall consider the following, as applicable:

- A. Section 216 (Village Review Zone)
- A. Section 515 (Appearance Assessment)
- B. Section 516 (Building Configuration)
- C. Section 517 (Preservation of Historic Resources)

The proposed development will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized.

In making its determination, the reviewing entity shall consider the following, as applicable:

- A. Section 509 (Community Facilities Impact Analysis)
- B. Section 510 (Development Impact Fees)

The proposed residential development will not cause an unreasonable burden on the municipality's ability to provide recreational services.

In making its determination, the reviewing entity shall consider the following, as applicable:

- A. Section 509 (Community Facilities Impact Analysis)
- B. Section 519 (Recreation)

The project complies with the Americans With Disabilities Act, in a manner which is compatible with Brunswick's historic architecture.

In making its determination, the reviewing entity shall consider the following, as applicable:

- A. Section 216 (Village Review Zone)
- B. Section 515 (Appearance Assessment)
- C. Section 517 (Preservation of Historic Resources)
- D. Section 518 (Access for Persons With Disabilities)

The developer has adequate financial and technical capacity to complete the project, and that once it is completed, the project is expected to have adequate resources to maintain itself.

In making its determination, the reviewing entity shall consider the following, as applicable:

- A. Section 520 (Fiscal Capacity)
- B. Section 521 (Performance Guarantee)
- C. Section 522 (Home/Property Owner's Associations)
- D. Section 523 (Protected Open Space)

The proposed development will not contribute to unreasonable noise and dust, both during construction and after the development has been completed.

In making its determination, the reviewing entity shall consider the following, as applicable:

- A. Section 524 (Noise and Dust)

The applicant has sufficient right, title and interest in the subject property.  
(Amended 6/19/00R)

The applicant has paid applicable development review application fees.  
(Amended 6/19/00 R)

The following submission requirements apply to all major review projects, unless a waiver is granted. Minor review projects shall comply with applicable sketch plan submission requirements as well as such information required for Final Plan submission as the Planning Board or Staff Review Committee may require.

The following is required for Sketch Plan review unless a waiver is granted. All information provided or shown shall conform with the requirements of this Ordinance.

- A. Name, address, and telephone numbers of applicant, owner, and authorized representative.
- B. Name, registration number, address, phone number of engineer, surveyor, architect, landscape architect or planner.
- C. Interest of the applicant in property and abutting property.
- D. Tax map and lot numbers.
- E. Variances granted by the Zoning Board of Appeals, if any.
- F. Special Permits, if any.
- G. Special Exceptions, if any.
- H. Date, north point, scale, name of project, if any.

- I. Land area, existing use of the property, location of proposed development, locations reserved for future development.
- J. Tentative rights-of-way locations, lot lines, lot numbers, lot areas.
- K. Estimated soil boundary locations from the Soil Conservation Service Medium Intensity Soil Survey noting areas of severe and very severe soil limitations for the activities proposed.
- L. Existing natural, topographical, and cultural features including areas of steep slopes, bedrock outcrops, ponds, streams, aquifers, and other water bodies, wetlands, groundwater recharge areas, slumps, flood hazard areas, trees and other vegetation, excavation sites, stone walls, net site area pursuant to Section 501.2, historic and archaeologic sites, structures, or districts, and any other pertinent features.

- M. If applicable, tentative location of proposed structures, owners of existing structures, and neighboring land uses.
  - N. Special conservation and recreation areas.
  - O. Location map.
  - P. Zoning information, including the zoning district(s) in which the property is located, and the location of any overlay zones. Such information shall be depicted on all plans submitted.
  - Q. Any conditions imposed by a previous development review on the site.
  - R. Such other information as the Planning Board deems necessary to conduct an informed review.
  - S. A letter of consent signed by property owner authorizing the development review application in cases where applicant is not owner of property.
  - T. The application fee established by the Town Council.
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- 1. Perimeter survey for applications involving the subdivision of land and for major development projects, covenants, deed restrictions, easements, or rights of way existing or planned.
  - 2. Name, address, map and lot number of abutting landowners.
  - 3. Construction schedule, costs, and performance guarantee agreement, proof of financial capability.
  - 4. A list of all waivers requested.
  - 5. Such other information as the Planning Board deems necessary to conduct an informed review.
  - 6. The application fee established by the Town Council.

Blueprint or blackline prints of the Final Plan(s) shall be included with each submission package at a size not to exceed 24" x 36". All plans shall be drawn at a standard engineering scale. The plan(s) shall include:

1. Name of development.
2. Scale, date, north point, area, number of lots (if a subdivision).
3. Boundaries of all lots and tracts with accurate distances and bearings, locations of all permanent monuments properly identified as existing or proposed.
4. Certification by a professional land surveyor that the land has been surveyed and the boundaries established in accordance with the State of Maine Board of Licensure for Professional Surveyors standards for Category 1 (Standard Boundary Survey), conditions 1, 2 or 3.
5. Existing zoning district and overlay zone designation.
6. Names of engineer and surveyor; and professional registration numbers of those who prepared the plan.
7. Names of current owner(s) of subject parcel and abutting parcels.
8. Name, location, width of paving and rights-of-way, profile, cross-section dimensions, curve radii of all existing and proposed streets; profiles of center-lines of proposed streets, at a horizontal scale of 1" equals 50' and vertical scale of 1 inch equals 5 feet, with all elevations referred to in U.S.G.S. datum.
9. A general road plan noting circulation, direction, traffic control devices, street lighting, and type of lighting proposed.
10. Existing and proposed easements associated with the development.

11. Kind, location, profile and cross-section of all proposed drainage facilities, both within the development and outside of it, and a storm-water management plan which includes the submission requirements listed in the storm-water management checklist available in the Planning Department.
12. Location of features, natural and artificial, affecting the development, such as water bodies, wetlands, streams, vegetation, rail-roads, ditches and buildings.
13. Location of existing and proposed utilities; water, sewer, electrical lines, and profiles of all underground facilities. Where private well water is to be utilized, the tentative location of those wells should be shown on the plan.
14. Existing and proposed location, size, profile and cross section of sanitary sewers; description, plan and location of other means of sewage disposal with evidence of soil suitability.
15. Topography with contour intervals of not more than 2 feet.
16. A Class A (high intensity) Soil Survey prepared in accordance with the standards of the Maine Association of Professional Soil Scientists.
17. Location of all existing trees over 10 inches in diameter, locations of tree stands, and a plan showing trees to be removed as a result of the development proposal.
18. Lighting plan showing details of all proposed lighting and the location of that lighting in relation to the site.
19. Existing locations and proposed locations, widths and profiles of sidewalks.
20. Location map.
21. Approximate locations and dimensions of proposed parking areas.
22. Proposed ownership and approximate location and dimensions of open spaces for conservation and recreation.

23. Grading, erosion control, and landscaping plan; proposed finished grades, slopes, swales, and ground cover or other means of stabilization.
24. Reference to special conditions stipulated by the Planning Board, with the conditions either set forth in full on the plan or identified as specific documents filed with the Board.
25. A wetlands map drawn by a specialist delineating wetland boundaries in accordance with the methods prescribed by the U.S. Army Corps of Engineers at the time of the application.
26. Dedicated public open spaces, areas protected by conservation easements, and existing and proposed open spaces or recreation areas.
27. For Open Space Developments, a note indicating the total permitted lot count of the entire land tract based upon the density standards in this Ordinance, the number of lots created by the Plan, and the number of lots permitted to be subdivided in the future, as well as a table showing setback requirements and impervious surface coverage limits for each lot.
28. Building envelopes showing acceptable locations for principal and accessory structures.

Where applicable, the Final Plan submission shall include the following information:

1. Documentation of ownership or contract.
2. Drafts of legal documents appropriate to the application, including: deeds, easements, conservation easements, deed restrictions or covenants, home/property owners' association declaration and by-laws, and such other agreements or documents as are necessary to show the manner in which conservation land will be owned, maintained, and protected.
3. Draft performance guarantee or conditional agreement.
4. Disclosure of any required permits from the Department of Environmental Protection, Marine Resources, U.S. Army Corps of

Engineers, Department of Inland Fisheries and Wildlife, or other agencies, as applicable; or, if a permit has already been granted, a copy of that permit.

5. Any additional statements or studies required by the Planning Board which are deemed necessary in accordance with this Ordinance.
6. Storm water management program for the proposed project prepared by a professional engineer.
7. A statement from the Brunswick-Topsham Water District of conditions under which water will be provided, in accordance with Section 508, or any private water system data.
8. A statement from the Brunswick-Topsham Water District of its review and comments on the proposed use if the project involves development within the Aquifer Protection Zone.
9. A statement from the Fire Chief recommending the number, size, and location of hydrants, available pressure levels, road layout and street and project name, and any other fire protection measures to be taken.
10. A statement by the Superintendent of the Brunswick Sewer District of the conditions under which the Sewer District will provide sewage disposal service and approval of the sanitary sewers proposed within the development; or a statement relative to the capacity of the sewage treatment plant to treat septic waste from proposed on-site septic systems. In case the applicant proposes to manage septate without the involvement of the Brunswick Sewer District, the applicant shall submit a septate management plan for the Board's review.

11. Where a septic system is to be used, evidence of soil suitability is required, in accordance with Section 507.
12. All applicable materials necessary for the reviewing entity to review the proposal in accordance with the Criteria of Section 411.
13. A plan of all buildings with new construction or expansion of an existing facility, including type, size, and footprint, floor layout, setback, elevation of first floor slab, storage, and loading areas.
14. An elevation view of all sides of each building proposed indicating height, color, bulk, surface treatment, and signage.
15. A circulation plan describing all pedestrian and vehicle traffic flow development's traffic on surrounding road systems.
16. The size and proposed location of water supply and sewage disposal systems and provision for future expansion of those systems.
17. A site landscaping plan indicating grade change, vegetation to be preserved, new plantings used to stabilize areas of cut and fill, screening; the size, location, purpose and type of vegetation.
18. Any other exhibits or data deemed necessary by the Planning Board to evaluate the proposed development for Site Plan review purposes.

The Planning Board may approve a proposal for a project to be designated as a common development plan if it meets the criteria of this section. A common development plan may involve a development proposal for multiple new buildings or structures on a single lot, a proposal for multiple new buildings or structures on multiple lots, or a proposal for the construction of a single new building or a redevelopment building on an individual lot or multiple lots. In the latter case, the Planning Board shall evaluate the proposal in terms of how the new building relates to existing and/or planned development on adjacent lots that abut the same public or private street(s) as the subject property.

In reviewing a proposal for a project to be designated as a common development plan , the Planning Board shall find that all of the following criteria will be met:

A. All buildings and structures shall be part of, and consistent with, a common pattern of development. In the case of a single building on an individual lot, the proposed building

D. The timing of the submission and staff review of the request shall be in accordance with Section 405.5.E.

E. Within sixty (60) days of the date on which a complete request is submitted, the Planning Board shall decide if the proposed development conforms to the criteria and shall be designated as a common development plan . If the Board finds that the criteria are met, it shall approve the designation. If not, the Board shall deny the designation and indicate the reasons for its denial.

F. Once a development has been designated as a common development plan , all subsequent applications for development review for buildings or structures within the area covered by the designation shall be consistent with the common development plan reviewed by the Planning Board in making the determination.

G. An owner or applicant may request that a project that has been designated as a common development plan be revised based upon new information using the same procedure as used for the initial designation. If a project is revised, the revised project must be consistent with any existing development approval.

H. Prior to the start of construction of the first building or structure within a designated common development plan , the owner or applicant may request that the designation be vacated and no longer apply to the project. Once construction is started on the first building under the designation of a common development plan , the designation may not be vacated but may be revised.

I. In designating a project as a common development plan , the Planning Board may identify conditions of approval that shall be attached to future development approvals to assure that construction occurs in accordance with the representations made to the Board.

A request for a project to be designated as a common development plan shall be accompanied by the following submissions:

A. A master site plan at a scale of not more than one inch equals fifty feet showing the location of all proposed buildings and structures, pedestrian network and facilities, road network, bicycle facilities, pedestrian amenity areas, parking areas, and similar site improvements. If the request is for a single building on an individual lot, the site plan shall also identify these features on the adjacent lots.

B. A description (including drawings or sketches) and analysis of the common features of the development that contribute to the project being in conformance with the criteria

set forth above and a statement of how these common features will be applied throughout the development.

C. A description of the pedestrian and bicycle features of the development showing how the individual buildings and structures will be designed to be pedestrian and bicycle friendly.

D. A master signage plan showing how graphics will be used in a coordinated manner to reinforce the concept of a single, coordinated development. The signage plan shall include information on the size, location, lighting, color, and materials for signs including directional and regulatory signs.

E. A master lighting plan prepared by a qualified lighting professional showing how site lighting will be used to reinforce the concept of a single, coordinated development. The lighting plan shall include the following:

1. a written description of how the lighting will be used to integrate the project as well as provide for safety and security,
2. a site plan showing the general treatment of all proposed lighting ,
3. a description of the proposed lighting fixtures including photometric data, Color Rendering Index (CRI) and other descriptive information about the fixtures, and
4. the proposed mounting height of the fixtures.

F. A master landscaping plan showing how landscaping will be used to reinforce the concept of a single, coordinated development including a written description of the landscape concept and the general locations and types of landscaping proposed.

G. Evidence of how the project will conform to the Cook's Corner Design Standards for common development plans if the project is located in the CC District.

H. A list of waivers requested from the Cook's Corner Design Standards and reasons for those requests.”

(Section 413 Amended in entirety 5/20/02 R)