

**ARTICLE 6 –SITE PLAN AND SUBDIVISION REVIEW**

Applicants shall submit applications for subdivision or site plan review 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 Code Enforcement Officer no later than fourteen (14) days prior to the meeting at which the item is to be heard. The Code Enforcement Officer shall forward the application package to the Planning Board nine (9) days prior to the meeting.

In reviewing site plans and approving subdivisions, the Planning Board shall consider all applicable standards and requirements of this Ordinance before granting approval, approval with conditions, or denial, and shall make findings of fact in regard to whether the provisions of this Ordinance have been met by the development and whether proposed subdivisions meet the guidelines of the state law, **Title 30-A, MRSA §4401-4407** as amended.

**6.1. ACTIVITIES REQUIRING SITE PLAN OR SUBDIVISION REVIEW BY THE PLANNING BOARD**

The following permit applications for land use activities in the Town of Clifton must receive site plan review and approval and/or subdivision review and approval before a permit is issued by the Code Enforcement Officer. The Code Enforcement Officer shall not issue a permit, plumbing permit or certificate of occupancy / use for any use or development within the scope of this Article until the Planning Board reviews and approves a site plan development application, or subdivision application unless otherwise exempted or allowed.

**6.1.1. From the Tables of Permitting and Approval.** All permit applications for uses and activities that require Planning Board site plan review as cited in the Permitting and Approval Tables of this Ordinance.

**6.1.1.1 Residential Use Applications.** (For uses so designated in **Article 8**)

**6.1.1.2. Non-Residential Applications.** (For uses so designated in **Article 13**)

**6.1.1.3. Shoreland Management Area Applications.** (For uses so designated in **Article 9, Table 9A**)

**6.1.1.4 Flood Hazard Management Area Applications.** (All such applications) (See **Article 10.**)

**6.1.1.5. Significant Aquifer Management Area Applications.** (Only applications that require site plan review for other reasons.) (See **Article 11.**)

**6.1.1.6. All applications so cited in this Ordinance.**

**6.1.2. Additional applications requiring Planning Board review and approval.**

**6.1.2.1. Applications Involving Non-Conforming Structures, Uses Or Lots.** (All such applications.) (See **Article 16.**)

**6.1.2.2. Subdivision Applications.** All subdivisions shall be as defined by **Title 30-A MRSA §4401** including the division of any existing building or the construction of any new structures or buildings containing three (3) or more units and shall require review and approval by the Planning Board. (Also see **Article 15.**)

**6.1.2.3. Expansion Of Existing Nonresidential Buildings Or Structures.** The expansion of an existing nonresidential building or structure, including accessory buildings, if the enlargement increases the total area for all floors within a five (5) year period by more than twenty (20) percent of the existing floor area shall require site plan review.

**6.1.2.4. Construction Of New Multi-Family Housing Or The Enlargement Of Existing Multi-Family Housing.** The construction of new multifamily housing or the enlargement of existing multifamily housing shall require site plan review for the construction of a residential building containing three (3) or more dwelling units or for the modification or expansion of an existing residential structure that increases the number of dwelling units in the structure by three (3) or more units in any five (5) year period.

**6.1.2.5. Changes In Use Of Existing Buildings Or Structures.** Changes in use of existing buildings or structures shall require site plan review for conversion of an existing building from residential to nonresidential use or for conversion of an existing nonresidential use to another nonresidential use. The conversion of an existing nonresidential use to another nonresidential use when the new use changes the basic nature of the existing use such that it increases the intensity of on- or off-site impacts shall subject the change in use to the standards and criteria of site plan review. The conversion of an existing nonresidential building or structure in whole or in part, into three (3) or more dwelling units within any five (5) year period shall require site plan review.

**6.1.2.6. Expansion Of The Amount Of Impervious Or Paved Surfaces.** The construction or expansion of paved areas or other impervious surfaces (not including building expansions), including walkways, access drives, and parking lots involving an area of more than 2,500 square feet within a five (5) year period.

**6.1.2.7. Commercial Uses Of Land That Do Not Involve Buildings Or Structures.** The establishment of a new nonresidential use even if no buildings or structures are proposed, including uses such as cemeteries, golf courses, groundwater extraction, and other nonstructural nonresidential uses shall require site plan review.

## **6.2. ADMINISTRATIVE PROCEDURE**

In order to establish an orderly, equitable and expeditious procedure for reviewing subdivisions and site developments and to avoid unnecessary delays in processing applications for Planning Board review, the Board shall have a written agenda prepared for each regularly scheduled meeting.

**6.2.1.** The agenda shall be prepared no less than one week in advance of the meeting, distributed to the Board members and any applicants appearing on the agenda, and posted at the municipal offices.

**6.2.2.** Applicants shall request to be placed on the Board's agenda at least ten days in advance of a regularly scheduled meeting by contacting the Code Enforcement Officer. Applicants who attend a meeting but who are not on the Board's agenda may be heard only after all agenda items have been completed, and then only if a majority of the Board so votes. However, the Board shall take no action on any application not appearing on the Board's written agenda.

**6.2.3.** The applicant, or the applicant's duly authorized representative, shall be present at all meetings when the application is addressed. The Board shall take no action on the application in the absence of the applicant or the applicant's authorized representative.

**6.2.3.1** If the applicant or authorized representative is unable to be present, the applicant will submit a waiver request to hear the project without a representative present.

**6.2.3.2.** The Board will vote on the waiver and will action the project only with a majority vote.

**6.3. SUBMISSION REQUIREMENTS**

The submission shall contain the following information and exhibits unless specifically waived by the Planning Board. “YES” indicates a submission requirement for the category of development listed in the column head. “NO” indicates the submission is not a requirement. “MAY” indicates the type or intensity of the development may require the submission requirement.

Submission Requirements	Subdivisions		Site Plans				
	Minor	Major	Tier 1	Tier 2	Tier 3 (Low)	Tier 3 (Moderate)	Tier 3 (High)
<b>6.3.1. Application Submittal.</b> The applicant shall submit eight (8) copies of a fully completed and signed Town standard application form to the Code Enforcement Officer. Paper copies of all materials are required. Submittal of materials in digital form may be requested by the Planning Board	YES	YES	YES	YES	YES	YES	YES
<b>6.3.2. Evidence Of Fee Payment.</b> The applicant shall present evidence of payment of the application and applicable technical review fees authorized in this Ordinance.	YES	YES	YES	YES	YES	YES	YES
<b>6.3.3. Plan Submittals And Map Scale.</b> The applicant shall submit three (3) sets of all plans, where practical on a 24” by 36” sheet, at a scale of one inch equals twenty (20) feet or one inch equals forty (40) feet and eight (8) copies of all site plans, maps and drawings no smaller than 11” x 17”. In some cases a scale of such as 100 feet to the inch (as an example) may be acceptable. Developers desiring to use smaller scales should request using smaller scales before making a submittal. These drawings can be printed to fit sheets with a graphic scale. If the complete project is too large for one sheet, it may be shown on more than one sheet with an index map. All plans should include the date, magnetic north arrow, graphic scale, Planning Board approval block, and the name, registration number and seal of the person who prepared the plan(s), if applicable.	YES	YES	NO	NO	YES	YES	YES
<b>6.3.3.1. General Map.</b> A general map shall be included on the site plan showing the general location of the site within the municipality.	YES	YES	YES	YES	YES	YES	YES
	YES	YES	NO	NO	YES	YES	NO

Submission Requirements	Subdivisions		Site Plans				
	Minor	Major	Tier 1	Tier 2	Tier 3 (Low)	Tier 3 (Moderate)	Tier 3 (High)
<p><b>6.3.3.2. Location Map.</b> The applicant shall include a location map on the site plan or separate sheet, drawn at a scale of not over two-hundred (200) feet to the inch, and that shows all features within five-hundred (500) feet of the project boundary. The location map shall include the tax map and lot number of the project parcel or parcels.</p>							
<p><b>6.3.3.3.</b> An overview map that includes the extent of the entire Town, showing all roads, together with the location of all structures, (all protected locations and sensitive receptor sites if applicable) within 1.5 miles of any proposed development, access roads, easements, and any other features of the project deemed to be relevant by the Planning Board; tax map identifiers including current map and lot number and owner information; Growth Management Area identifiers within 1.5 miles of the proposed development; an aerial photo showing all parcels located within 1.5 miles of any proposed development; a topographical overlay for the project parcel(s) within 1.5 miles of any proposed development. The topographical overlay for areas beyond proposed construction areas may be based on existing public sources. The Planning Board reserves the right to request current ground truthed topography for the entire 1.5 mile study area at its discretion.</p>	NO	NO	NO	NO	NO	NO	YES
<p><b>6.3.3.4. Boundary Survey.</b> Identify the bearings and length of all property lines of the property to be developed and the source of the information including surveyor identification and the location of all required building setbacks, yards, and buffers and the boundaries of all contiguous property under the total or partial control of the owner or applicant regardless of whether all or part is being developed at this time. The Planning Board may waive this requirement of a boundary survey when sufficient information is available to establish, on the ground, all property boundaries within five-hundred (500) feet of the proposed development.</p>	YES	YES	NO	NO	YES	YES	YES

Submission Requirements	Subdivisions		Site Plans				
	Minor	Major	Tier 1	Tier 2	Tier 3 (Low)	Tier 3 (Moderate)	Tier 3 (High)
<b>6.3.4. Existing Site Conditions Plan(s).</b> The existing site conditions plan(s) shall show the following information and existing conditions and any limitations for its use and development.							
<b>6.3.4.1. Title Block.</b> The record owner’s name, address, project title and location of the subdivision or site plan and the applicant’s name and address if different.	YES	YES	YES	YES	YES	YES	YES
<b>6.3.4.2. Growth Management Classification(S).</b> Identify on the site plan the Growth Management classification(s) for the project.	YES	YES	YES	YES	YES	YES	YES
<b>6.3.4.3. Existing Contour Lines.</b> Contour lines at intervals of not more than five (5) feet unless otherwise prescribed by the Planning Board. These contours will typically only be required where roads or drainage is proposed for subdivisions. Other contours may be required on complex sites at the Planning Board’s discretion. Site plans may require contours for the entire site unless a waiver is requested and approved.	NO	YES	NO	NO	YES	YES	YES
<b>6.3.4.4. Buildings and Structures.</b> The location, dimensions (including height), size, ground/base floor elevation and setbacks of existing buildings/structures.	YES	YES	YES	YES	YES	YES	YES
<b>6.3.4.5. Streets And Driveways.</b> The location, names and widths of existing streets, driveways, parking and loading areas, walkways and rights-of-way within or adjacent to the proposed development.	YES	YES	YES	YES	YES	YES	YES
<b>6.3.4.6. Utilities.</b> The location, dimensions and size of all	YES	YES	YES	YES	YES	YES	YES

Submission Requirements	Subdivisions		Site Plans				
	Minor	Major	Tier 1	Tier 2	Tier 3 (Low)	Tier 3 (Moderate)	Tier 3 (High)
existing utility (transmission and distribution) locations for sewer and water mains, wells, on-site subsurface wastewater disposal systems, underground tanks or installations, gas, power and telephone lines and poles, outside lighting or other utilities including size and elevation of buried or underground utilities on the property to be developed, and on abutting streets, or land that may serve the development and an assessment of their adequacy and condition to meet the needs of the proposed use. Appropriate elevations may be necessary to determine the direction of flow.							
<b>6.3.4.7. Significant Features.</b> The location of drainage courses, culverts, catch basins, wetlands, stone walls, graveyards, fences, stands of trees, and other significant natural areas, wildlife habitats (including deer wintering areas), scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, great ponds, streams, tributary streams, and historic and/or archaeological resources, together with a description of such features.	NO	YES	NO	NO	YES	YES	YES
<b>6.3.4.8. Wetland Delineation.</b> A full delineation of all freshwater and forested wetland boundaries.	NO	YES	NO	NO	YES	YES	YES
<b>6.3.4.9. Drainage.</b> The direction of existing surface water drainage across the site.	YES	YES	NO	NO	YES	YES	YES
<b>6.3.4.10. Signs.</b> The location, front view, dimensions, and lighting of existing signs.	NO	YES	NO	YES	YES	YES	YES
<b>6.3.4.11. Easements.</b> The location and dimension of any	YES	YES	YES	YES	YES	YES	YES

Submission Requirements	Subdivisions		Site Plans				
	Minor	Major	Tier 1	Tier 2	Tier 3 (Low)	Tier 3 (Moderate)	Tier 3 (High)
existing easements and copies of existing covenants or deed restrictions.							
<b>6.3.4.12. Fire Protection.</b> The location of the nearest fire hydrant, dry hydrant or other water supply for fire protection.	YES	YES	NO	NO	YES	YES	YES
<b>6.3.4.13. Name Of Consultant.</b> The name, registration number, and seal of the person who prepared the plan, if applicable.	YES	YES	YES	YES	YES	YES	YES
<b>6.3.4.14. Increased Study Area.</b> Expand the study area for items listed in 6.3.4.7. Significant Features to 1.5 miles from the proposed development.	NO	NO	NO	NO	NO	NO	YES
<b>6.3.5. Proposed Site Conditions Plan(s).</b> The proposed site conditions plan(s) shall show the following information and proposed conditions.							
<b>6.3.5.1. Title Block.</b> Proposed subdivision or site plan name or identifying title.	YES	YES	YES	YES	YES	YES	YES
<b>6.3.5.2. Lots, Lot Lines And Temporary Markers.</b> Number of lots, proposed lot lines and location of temporary markers adequately located to enable the Planning Board to locate lots readily and appraise basic lot layouts in the field.	YES	YES	NO	NO	YES	YES	YES
<b>6.3.5.3. Contour Lines.</b> All proposed contours and proposed finished grade elevations of the entire site and the system of drainage proposed to be constructed. Contour lines shall be at two (2) foot intervals unless otherwise prescribed by the Planning Board.	NO	YES	NO	NO	YES	YES	YES

Submission Requirements	Subdivisions		Site Plans				
	Minor	Major	Tier 1	Tier 2	Tier 3 (Low)	Tier 3 (Moderate)	Tier 3 (High)
<b>6.3.5.4. Road, Driveways &amp; Parking Plan.</b> The location, names, sight distances, dimensions and design details of all existing and proposed driveways, roads, easements, parking and loading areas, and walkways. All proposed improvements shall fully comply with applicable design standards and requirements.	YES	YES	YES	YES	YES	YES	YES
<b>6.3.5.5. Rights-Of Ways And Easements.</b> All proposed rights-of-way, easements and other legal restrictions which may affect the premises in question.	YES	YES	YES	YES	YES	YES	YES
<b>6.3.5.6. Proposed Building Location.</b> The location, dimensions, including heights and ground floor elevations, setback dimensions, and buffers of all proposed buildings or building expansions on the site and proposed use thereof shall be provided.	YES	YES	YES	YES	YES	YES	YES
<b>6.3.5.7. Signs.</b> The proposed location, front view, dimensions, materials and size of all proposed signs, together with the material for securing the signs, and all permanent outdoor fixtures.	NO	YES	NO	YES	YES	YES	YES
<b>6.3.5.8. Soil Erosion And Sedimentation Control Plan.</b> If the project requires a storm water permit from the Maine Department of Environmental Protection or if the Planning Board determines that such information is necessary based upon the scale of the project or the existing conditions in the vicinity of the project, the applicant shall submit an erosion and sedimentation control plan, with water quality and/or phosphorous export management provisions.	NO	YES	NO	NO	YES	YES	YES
	NO	YES	NO	NO	YES	YES	YES



Submission Requirements	Subdivisions		Site Plans				
	Minor	Major	Tier 1	Tier 2	Tier 3 (Low)	Tier 3 (Moderate)	Tier 3 (High)
<b>6.3.5.9. Storm Water Management Plan.</b> A storm water management plan shall be prepared by a registered professional engineer which plan shall include storm events for 10, 25, 50, and 100 years. The plan shall indicate that the project will meet all state storm water management guidelines as applicable. The Town encourages low impact development.							
<b>6.3.5.10. Public use.</b> Location of all parcels to be dedicated to public use such as parks or open space, the condition of such dedication, and the location of all natural features or site elements to be preserved if you intend to have these uses.	YES	YES	YES	YES	YES	YES	YES
<b>6.3.5.11. Utility Plan.</b> A utility plan showing the design details and provision for water supply, wastewater disposal, the location and nature of electrical, telephone, cable TV, and other utility services to be installed on the site, including existing and proposed fire protection systems.	NO	YES	NO	NO	YES	YES	YES
<b>6.3.5.12. Landscaping Plan.</b> A proposed plan for landscaping, buffering and screening should be provided. The applicant shall provide a planting schedule keyed to the site plan indicating the general varieties and sizes of trees, shrubs, and other vegetation to be planted on the site, as well as information pertaining to provisions that will be made to retain and protect existing trees, shrubs, and other vegetation.	NO	YES	NO	NO	YES	YES	YES
<b>6.3.5.13. Professional Certification.</b> The name, registration number and seal of the architect, engineer, landscape architect, and/or similar professional who prepared the plan, if applicable.	YES	YES	YES	YES	YES	YES	YES

Submission Requirements	Subdivisions		Site Plans				
	Minor	Major	Tier 1	Tier 2	Tier 3 (Low)	Tier 3 (Moderate)	Tier 3 (High)
<b>6.3.5.14. Approval Block.</b> Space shall be provided on the plan drawings for the signatures of the Clifton Planning Board and date together with the words, "Approved: Town of Clifton, Maine, Planning Board." For Tier 1 and 2 applications, the CEO form will suffice.	YES	YES	NO	NO	YES	YES	YES
<b>6.3.5.15. Traffic.</b> An estimate of the peak hour and daily traffic to be generated by the project and the measures the applicant proposes to manage and mitigate the impact.	NO	YES	NO	NO	YES	YES	YES
<b>6.3.5.16. Exterior Lighting.</b> The location and type of existing and proposed exterior lighting.	NO	YES	NO	NO	YES	YES	YES
<b>6.3.6. Written Supporting Information.</b> The applicant shall submit eight (8) copies of all written supporting information. Evidence submitted shall document that all performance standards contained in this Ordinance and State law can be met and that all of the subdivision or site plan review criteria will be satisfied. The written material must be contained in a bound report and contain the following information in the following order:							
<b>6.3.6.1. Evidence Of Legal Interest.</b> 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.	YES	YES	YES	YES	YES	YES	YES
<b>6.3.6.2. General description of proposed use.</b> A general description of the proposed use or activity.	YES	YES	YES	YES	YES	YES	YES
	NO	MAY	NO	NO	NO	NO	MAY

Submission Requirements	Subdivisions		Site Plans				
	Minor	Major	Tier 1	Tier 2	Tier 3 (Low)	Tier 3 (Moderate)	Tier 3 (High)
<b>6.3.6.3. Hydrological And/Or Hydrogeological Survey Or Assessment.</b> When these types of assessments are required, they shall be prepared and submitted in accordance with the LUO performance standards, state, or industry specific requirements as applicable.							
<b>6.3.6.4. Net Residential Acreage Calculation.</b> Evidence that the project will meet the net residential acreage calculation standard.	NO	YES	NO	NO	NO	NO	NO
<b>6.3.6.5. Refuse disposal.</b> Document provisions for handling all solid waste, including hazardous and special wastes and the location and proposed screening of any on-site collection or storage facilities.	YES	YES	NO	NO	YES	YES	YES
<b>6.3.6.6. Soils.</b> Evidence that the soils will support the project.	YES	YES	NO	NO	YES	YES	YES
<b>6.3.6.7. Subsurface Disposal System Report.</b> Subsurface Disposal System Report. An on-site soils investigation report by a Licensed Site Evaluator certified by the State of Maine Department of Human Services. This report shall contain the types of soil, location of test sites and proposed location and design of the most appropriate and suitable subsurface wastewater disposal systems of each lot in the project and be signed by the Site Evaluator.	YES	YES	NO	YES	YES	YES	YES
<b>6.3.6.8. Water And Sewer Demand.</b> The estimated demand for water and sewage disposal together with the location and dimension of all provisions for water supply and wastewater disposal, and evidence of their adequacy for the proposed use, including soils test pit data if on-site wastewater disposal is proposed.	NO	YES	NO	NO	YES	YES	YES

Submission Requirements	Subdivisions		Site Plans				
	Minor	Major	Tier 1	Tier 2	Tier 3 (Low)	Tier 3 (Moderate)	Tier 3 (High)
<b>6.3.6.9. Utility Statement.</b> A written statement from any utility providing services to the project as to the adequacy of the water supply in terms of quantity and pressure for both domestic and fire flows, and the capacity of the sewer system to accommodate additional wastewater if public water or sewerage will be utilized.	NO	YES	NO	NO	YES	YES	YES
<b>6.3.6.10. Storage Of Material &amp; Equipment.</b> The type, size and location of all machinery or equipment likely to generate appreciable noise at the lot lines. The amount and type of any raw, finished or waste materials to be stored outside of roofed buildings, including their physical and chemical properties, if appropriate.	NO	YES	NO	YES	YES	YES	YES
<b>6.3.6.11. Traffic Impact analysis.</b> When required, a traffic impact analysis shall be prepared.	NO	YES	NO	NO	YES	YES	YES
<b>6.3.6.12. Evidence Of Technical Capability.</b> Documentation that the applicant has retained qualified contractors and consultants to supervise, construct, and inspect the proposed development.	NO	YES	NO	NO	YES	YES	YES
<b>6.3.6.13. Evidence Of Financial Capability.</b> Documentation the applicant has adequate financial resources to construct the proposed improvements. Evidence could include a letter from a financing institution regarding a loan, letter of credit, or bank account or a certified accountant or annual report indicating adequate cash flow to cover anticipated expenses. The applicant should document a semi-detailed budget estimate for all costs associated with the capital investment including:	NO	YES	NO	NO	YES	YES	YES

Submission Requirements	Subdivisions		Site Plans				
	Minor	Major	Tier 1	Tier 2	Tier 3 (Low)	Tier 3 (Moderate)	Tier 3 (High)
engineering, legal, financial and capital expenses and documentation on financing package available to cover the project expenses.							
<b>6.3.6.14. Construction Schedule.</b> A schedule of construction, including anticipated beginning and completion dates.	YES	YES	NO	NO	YES	YES	YES
<b>6.3.6.15. Emergency Response Plan.</b> An emergency response plan developed in coordination with the Town’s emergency service providers; and an appropriate fire suppression system to address fires within the development; or an alternate approved plan shall otherwise address the issue of fire safety to the satisfaction of the Planning Board.	NO	NO	NO	NO	NO	NO	YES
<b>6.3.6.16. Emergency Shutdown Plan.</b> The Board may require a plan describing the circumstances causing an emergency shutdown to protect public safety and shall include a description of emergency and normal shutdown procedures and detail the procedures and responsibilities of the Town and the operator of an industrial facility in the event an emergency shutdown occurs.	NO	NO	NO	NO	NO	NO	YES
<b>6.3.6.17. Security Plan.</b> The security plan shall meet the following requirements: the outside of any structure shall not be climbable; all access doors to any unattended structure and electrical equipment shall be locked; warning signs shall be placed on each structure, on all electrical equipment and at each entrance to the development; and all motor vehicle access points to an unattended a non-residential development from public roads shall be gated.	NO	NO	NO	NO	NO	NO	YES

Submission Requirements	Subdivisions		Site Plans				
	Minor	Major	Tier 1	Tier 2	Tier 3 (Low)	Tier 3 (Moderate)	Tier 3 (High)
<p><b>6.3.6.18. Sign Plan.</b> The application shall include a sign plan meeting the following requirements:</p> <ul style="list-style-type: none"> <li>i. The plan shall provide signage identifying the boundaries of the Project Parcels, and providing appropriate safety notices and warnings about trespassing.</li> <li>ii. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.</li> <li>iii. No advertising material or signage other than warning, equipment and ownership information shall be allowed on structures over 65 feet in height. This prohibition shall include the attachment of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices, but not including weather devices.</li> <li>iv. The address and phone number of the operator of any industrial development shall be posted on all access points from public roads.</li> </ul>	NO	NO	NO	NO	YES	YES	YES
<p><b>6.3.6.19. Blasting/Explosives Plan.</b> The application shall include a blasting plan and provide verification that all blasting operations comply with the provisions set forth by the <b>State of Maine Statute Title 38, Chapter 3, Subchapter 1, Article 8-A, § 490-Z(14)</b> anytime blasting is needed.</p>	YES	YES	YES	YES	YES	YES	YES
<p><b>6.3.6.20. FAA Statement.</b> The application shall include a statement from the Federal Aviation Administration that a proposed structure over 200 feet in height will not pose a hazard to aircraft.</p>	YES	YES	YES	YES	YES	YES	YES

Submission Requirements	Subdivisions		Site Plans				
	Minor	Major	Tier 1	Tier 2	Tier 3 (Low)	Tier 3 (Moderate)	Tier 3 (High)
<p><b>6.3.6.21. Natural Resource Protection.</b> The applicant shall submit written evidence that the Environmental Coordinator of the Maine Department of Inland Fisheries and Wildlife (MDIFW) and that the Maine Natural Areas Program (MNAP) have both been notified of the pending application. The written evidence shall include memoranda from these entities stating their concerns or lack thereof that the proposed development will not have an undue adverse effect on rare, threatened, or endangered wildlife, significant wildlife habitat, rare, threatened or endangered plants and rare and exemplary plant communities. ***This applies to projects requiring MDEP approval only.***</p>	NO	NO	NO	NO	YES	YES	YES

### 6.3.7. Submission of a Comprehensive Impact Statement

Note: The intent of the Town is to assess impacts in greater detail than the submissions may generally supply. In particular, larger projects should have a greater degree of oversight and review. However, the term “Environmental Impact Statement” is used by the federal government as a process step for federal agency actions. This is not the intention of the Town. The Town will refer to this requirement as a “Comprehensive Impact Statement.”

The Planning Board shall determine that the proposed project meets all the standards and criteria of this Ordinance and that the proposed project will not cause undue adverse impacts. When requested by the Planning Board, the applicant shall provide a written Comprehensive Impact Statement. All Tier 3, High Impact projects require a Comprehensive Impact Statement.

The applicant shall provide the Board with written data and analysis relevant to the proposed project in *sufficient detail for the Board* to ascertain what the potential impact of the project may be on the development site, adjoining land and the community at large.

The applicant *shall* address potential impact issues and detail how the project design and development mitigate potential harm to the environment. The applicant *may* need to demonstrate the technical and financial capacity to make performance guarantees as provided for in this Ordinance.

The scope and depth of the Comprehensive Impact Statement will be in keeping with the scope and intensity of the proposed project. The Statement shall reflect a comprehensive gathering of facts, a thorough technical analysis of the facts, a complete and objective presentation of the potential impacts and a detailed action plan to address the potential negative impacts identified. The Board recommends the following format. Failure to follow this format may result in delays while the Board ascertains the required information is part of the package.

#### **CIS SECTION 1. Description of the Proposed Project:**

Describe the proposed project. Include information, such as, the location of the project, the scope of the project, the timeframe for development; and, if applicable, the project’s interrelationship with other Federal, State, or Local projects or proposals. The applicant shall submit to the Planning Board letters of review of the project from appropriate state and federal officials.

#### **CIS SECTION 2. Description of the Site:**

Describe the existing site environment and other existing relevant conditions requested by the Board for inclusion in the CIS. Include available information about any probable future influences on the site not related to the proposed project.

The Statement shall include descriptive and factual data relevant to at least the following attributes of the site where relevant:

- (1) Current Land Use
- (2) Fish and wildlife habitat
- (3) Vegetation and forest resources
- (4) Geology and soils
- (5) Mineral resources



- (6) Air and water quality
- (7) Water resources/hydrology
- (8) Historic/archeological resources
- (9) Transportation/Access
- (10) Financial Contribution to Community (taxes, employment, resources, etc.)

**CIS SECTION 3. Identification and Discussion of Potential Positive and Negative Impacts of the Proposed Project:**

This is a detailed expansion of the hard metrics developed for Section 2. Identify potential impacts of the proposed project, including environmental damage caused by users upon economic, cultural, aesthetic, and social conditions as well as the physical and biological environment. Any potential off-site impacts, such as increased traffic on neighborhood roads or increased noise levels in surrounding areas should also be identified.

Objectively discuss the identified impacts of the proposed project and of any other related actions contemplated for the future of the site. "Impacts" are direct or indirect changes to the existing environment or community, whether beneficial or adverse. The discussion should be based on and reference the descriptions of the project in Sections 1 and 2. Describe actions proposed to mitigate impact. Avoid discussion of issues with no descriptive background in prior sections.

The Board may direct this section to include any or all of the following elements.

- (1) Impact on water and air quality.
- (2) Impact on existing water supplies.
- (3) Geological impact and potential for soil erosion.
- (4) Impact on existing roads and highways.
- (5) Impact of sewage disposal.
- (6) Impact of solid waste disposal.
- (7) Impact on aesthetic, cultural, natural and historic and archaeological areas.
- (8) Impact on other development in the Town.
- (9) Impact on surface waters.
- (10) Impact on groundwater.
- (11) Potential for flood hazard.
- (12) Impact on freshwater wetlands.
- (13) Impact on streams and brooks.
- (14) Potential for storm water damage.
- (15) Potential impact on shore frontage and access to the shoreline.
- (16) Potential impact on lake phosphorus load.
- (17) Impact on adjoining municipalities.
- (18) Impact on the Town's forest resources.
- (19) Impact on fish and wildlife.
- (20) Impact on the landscape and ridgelines.

**CIS SECTION 4. Tabular Presentation of Proposed Mitigating Actions.**

Develop a table of impacts and *briefly* identify proposed mitigation based on discussion in the previous sections. For positive impacts, state "NA". The purpose of this is to provide the Board and public an inclusive reference and summary of the discussion.

**SUGGESTIONS FOR PREPARING THE STATEMENT:**

- Do not rely on generalities. The specific facts are essential. General statements and all allegations should always be supported and quantified where possible.
- Liberal use of photos, sketches, and related graphics to help explain the project are of great value. Pictures (particularly aerial photography) reduce lengthy narrative materials.
- Writing should be clear and concise. Adverse impacts should be addressed as fairly as the beneficial impacts. Use of tables may help clarify some aspects of the project not clear to the board or public.
- Whenever possible, impact should be quantified (i.e., number of acres of trees to be removed, cubic yards of fill required,, jobs lost, jobs created, property value diminished, property value increased, etc.)

**6.3.8. Waivers of Submission Requirements.**

**6.3.8.1** The Planning Board shall have the authority, within its sole discretion, to waive any *submission requirements* deemed unnecessary by the Planning Board to determine compliance with performance standards. The applicant must request the waiver; the Board should not waive submission requirements without a written request from the applicant.

**6.8.3.2.** The Planning Board shall not waive state or federal submission requirements for applications within the Shoreland Management Area or the Flood Hazard Management Area.

**6.8.3.3.** The Planning Board ***shall not waive performance standards*** for the completed project.

**6.8.3.4.** A request for a waiver of submission requirements shall be in writing and Planning Board granting of a waiver shall be in writing with a written finding. The Planning Board will take due care when waiving submission requirements and shall document the reasons for granting such waivers. The Board will formally vote (and record the vote) at a regular business meeting on each individual waiver request. The CEO will provide documentation to the applicant for the record approving or denying such waivers.

**6.4. APPLICATION PROCESS**

**6.4.1. Economic Development and Pre-Application Confidentiality.** The Board recognizes there are business reasons and statutory protections in limited circumstances. There are five categories of documents relating to economic development confidentially by statute **5 MRSA § 13119-A**. These include proprietary information, tax or financial information, financial statements, credit assessments, and any records in connection with the matching of potential investors with business in the State by the Department of Economic and Community Development or a municipality.

**6.4.1.1.** Any such policies, economic development programs, or communications falling within this statute will be at the Select Board level.

**6.4.1.2.** No member of the Planning Board shall be a party to discussions with developers under this statute. Developers exploring opportunities, proposing applications or actively seeking approval and Board members should have no expectation of private communications regarding any aspects of projects, proposed rules, policies, or strategies.

**6.4.1.3.** The CEO will only be a party to these discussions if the proposed project is not within the approval authority of the CEO.

**6.4.2. Pre-Application Conferences.**

**6.4.2.1 Purpose.** The purpose of the pre-application conference is to:

- Give the applicant the opportunity to explain the nature of the project.
- Enable the Board to understand the nature and issues about the proposal.
- Enable the applicant to understand municipal requirements and concerns.
- Identify specific or less obvious issues to address in future submissions.
- Advise the applicant of known future changes affecting the project outcome.

**6.4.2.2. Advisory.** A pre-application conference is strongly advised for Tier 3 projects and Major Subdivisions. The pre-application conference shall be informal and informational in nature. There shall be no fee for a pre-application conference and no decision on the substance of the plan shall be made at a pre-application conference.

**6.4.2.3. Establishment a File.** Following the pre-application meeting, the Board shall establish a file for the proposed development project. All correspondence and submissions regarding the pre-application meeting and application shall be maintained in the file.

**6.4.3. Vesting Rights.** Vesting with the town means the applicant will undergo project review, zoning, rules, permits issued or applied for, and adjoining property state/status based on the ordinance in place on the date of vesting. Vesting by the municipality may or may not affect rules or regulations implemented by the state or federal governments during the review period.

**6.4.3.1. Site Plans.** Use one of the following vesting methods.

**6.4.3.1.1.** Submit a completed site plan application along with submission requirements, any waiver requests and accompanying fees for review. Once the Planning Board deems it a complete submission, the plan will be considered substantially reviewed under **1 MRSA §302**. This is the preferred method and is the “default” condition in the State of Maine.

**6.4.3.1.2.** Submit an “Intent to File” letter; a scaled drawing prepared by a qualified professional; a *detailed* project summary and associated *non-refundable* application fee to the Code Enforcement Officer. The CEO will present the request to the Planning Board for vesting action on the next regular agenda based on the agenda deadline.

(i) The Board will review the request considering any CEO recommendations.

(ii) If the request is approved by the Planning Board, the project will be “vested” based on the date of receipt of the Intent to File letter by the town for a period of 120 days during which time the applicant must provide a completed site plan application with submission requirements, any waiver requests and accompanying additional fees for review. The Board must then deem the application complete by a vote within the 120-day period.

(iii) *Failure to file a completed application with the Code Enforcement Officer and have it deemed complete by the Board within the 120-day window described above may result in the applicant being subject to ordinance changes; moratoriums; adjoiner permit applications; changes in adjoiner site conditions; etc.*

**6.4.3.2. Subdivisions.** Submit a completed subdivision plan application along with submission requirements, any waiver requests and accompanying fees for review. Once the Planning Board deems it a complete submission, the plan will be considered substantially reviewed under **1 MRSA §302**.

**6.4.4. On-site Inspection.** The Board shall schedule an on-site inspection for proposals if there is no snow on the ground. The Planning Board may schedule a site visit for site plan review

applications if the Planning Board deems it necessary. For subdivisions, the applicant shall place "flagging" at the centerline of any proposed streets, and at the approximate intersections of the street centerlines and lot corners, prior to the on-site inspection. For non-residential development projects, the applicant shall place flagging to indicate the locations of buildings and other features of the development. The Planning Board may proceed with other aspects of the application process and schedule one or more site visits at a time more appropriate to evaluate the scope and scale of the project. The Board may request application changes and clarifications after the site visit due to the discovery of new information, needs, or issues.

#### **6.4.5. Non-Residential Impact Assessment And Clarification Of Procedural Issues.**

**6.4.5.1.** The Planning Board shall make an assessment of impact of non-residential applications and make a preliminary determination of Tier Classification as set forth in this Ordinance.

**6.4.5.2.** At this time also, the Planning Board may resolve any requests for waivers and variations from the submission requirements.

**6.4.5.3.** The Board and the Applicant shall discuss whether review of the project will be best accomplished with two distinct review processes, one for a provisional approval and one for the final approval, or whether the project can be adequately reviewed with one review and decision-making procedure.

**6.4.5.4.** Typically, projects requiring permits outside the jurisdiction of the Town will require two review processes. The first review will consider the Town requirements only. The second review will ensure all permits external to the Town (state and federal agencies) are in place and will resolve any differences or issues that may have developed or that may not have been addressed by the external review process.

#### **6.4.6. Plan Submittal and Review Process.**

**6.4.6.1. Submission Of Completed Application To The Code Enforcement Officer.** The applicant shall submit a minimum of eight (8) copies of his/her application and the required supporting information fourteen (14) days prior to the meeting at which the item is to be heard.

#### **6.4.6.2. Code Enforcement Officer Review Of The Application.**

**6.4.6.2.1. Dated Receipt.** The Code Enforcement Officer shall issue the applicant a dated receipt.

**6.4.6.2.2. Fees Submitted.** The applicant shall provide the Code Enforcement Officer with the applicable fees.

**6.4.6.2.3. Review For Completeness.** The Code Enforcement Officer shall initially review the application and determine whether or not it is complete.

**6.4.6.2.4. Notice Of Incomplete Application.** If the application is found to be incomplete, the Code Enforcement Officer shall, within nine (9) days, notify the applicant in writing, of the information needed to complete the application. Upon the applicant's submission of such additional information, the Code Enforcement Officer shall again review the application.

**6.4.6.2.5. Application Forwarded.** When the Code Enforcement Officer determines that the application is complete, copies of the submitted application and supporting documents shall be forwarded to the members of the Planning Board at least nine (9) days prior to the meeting of the Planning Board.

**6.4.6.2.6. Notifications.** Upon determination that the application is complete, the Code

Enforcement Officer shall make the following notifications.

**(i) Notice to Abutters.** The Town shall give all owners of abutting property of the proposed project parcel notice of the pending application. Such notice shall specify the location and give a general description of the project and will supply proof of the date and form of this notification to the Planning Board. This notice shall indicate the time, date and place of Planning Board consideration of the application.

**(ii) Notice to Municipal Officials.** The Code Enforcement Officer may provide written notice and copies of the application to the municipal officers (for comments relevant to impacts on municipal services and fiscal capacity), to the Comprehensive Planning Committee (for comments relevant to the Comprehensive Plan), and to the Eddington Town Manager (for comments relevant to impacts on fire, rescue and EMS services). Notice and request for comment may also be directed to neighboring towns relevant to impacts on shared resources.

**6.4.6.3. Planning Board Review.** At the meeting of the Planning Board at which the proposed development is scheduled to be reviewed, the Planning Board shall:

**6.4.6.3.1. Code Enforcement Officer Report.** Hear any report of the Code Enforcement Officer.

**6.4.6.3.2. Municipal Officials Comment Submittal.** Review written or oral comments from municipal officials.

**6.4.6.3.3. Abutter Comment Submittal.** Review written or oral comments from abutters.

**6.4.6.3.4. Interveners.** The Board shall accept applications for interveners in accordance with **Article 2** for not more than 30 days from the date the Board formally votes on a completed application for Major Subdivisions or Tier 3 High Impact development. The Board will hear and make decisions upon intervener applications at least 14 days prior to any public hearing.

**6.4.6.3.5. Applicant's Response.** Hear any comments of the applicant regarding the Code Enforcement Officer's report, the Municipal Officials comments, and abutter comments. At the Planning Board or applicant's discretion, the project review may be tabled to allow the applicant to prepare response(s).

**6.4.6.3.6. Final Determination Of Non-Residential Classification.** Make a final determination of tier classification of the project.

**6.4.6.3.7. Request For Submission Waivers.** Hear any requests from the applicant for waivers of submission materials pursuant to **Article 6.3.8. Waiver of Submission Requirements.**

**6.4.6.3.8. Decide On Public Hearing.** If the application is determined to be complete, the Planning Board shall deem the application pending and shall determine whether or not to set the matter to public hearing.

**6.4.6.3.9. Discretionary Hearing.** The Planning Board shall have the discretion to hold a public hearing to maximize public input and provide the applicant with more of an opportunity to prepare a response to any criticism of the proposed project. If a public hearing is set, such hearing shall take place within forty-five (45) days (or sixty (60) days for Major Subdivisions or Tier 3 High Intensity development) of the Planning Board's determination that the application is complete. This deadline may be extended by mutual agreement of the Planning Board and the applicant, either in writing or orally, on the record at a public meeting.

**6.4.6.4. Public Hearing Notice And Procedure.**

Subdivision and site plan review applications shall comply with the following notice and public hearing procedures when required:

**6.4.6.4.1. Newspaper Notice.** In the event that the Planning Board determines to hold a public hearing on an application for subdivision or site plan approval, it shall hold such hearing within forty-five (45) days (or sixty (60) days for Major Subdivisions or Tier 3 High Intensity development) of receipt of a completed application, and shall cause notice of the date, time and place of such hearing to be given to the person making the application and to be published in a newspaper of general circulation in the Town of Clifton, at least twice, the date of the first publication to be at least seven (7) days prior to the hearing. Such notice shall also be posted in three public places in the community at least seven (7) days prior to the hearing.

**6.4.6.4.2. Sequence Of Presentation.**

(i) Presentation by applicant and his or her attorney and witnesses, without interruption;

(ii) Questions through the chairperson to the applicant by Planning Board members and people who will be directly affected by the project (e.g. abutters, other interested parties, and interveners per **Article 2**) and requests for more detailed information on the evidence by the applicant;

(iii) Presentation by abutters or others who will be directly affected by the project and their attorneys and witnesses;

(iv) Questions by the applicant and Planning Board members through the chairperson to the people directly affected and the witnesses who made the presentations;

(v) Rebuttal statements by any of the people who testified previously;

(vi) Comments or questions by other interested people in the audience;

(vii) Once everyone has had the opportunity to be heard to the extent allowed by the Planning Board's procedures, the chairperson should close the hearing. If more time is needed, the Planning Board may vote to extend the hearing to a later date.

**6.4.6.5. Closure Of Submittal And Review By The Planning Board.**

**6.4.6.5.1.** Within 45 days of the public hearing or within 45 days of determination that no public hearing will be required, the Planning Board will notify the applicant requesting any additional information or will close submittal and review.

**6.4.6.5.2.** If the Board requires no additional information, the Board will close the submittal and review phase; notify the applicant and progress to the process of deliberation and decision. At this time the Board will also not receive any more information from other parties.

**6.4.6.5.3.** If additional information is required, the Planning Board will identify the specific information and provide a reasonable time for the applicant to respond. If the applicant fails to respond within nine (9) months, the applicant will no longer be vested and will have to reinitiate the application process from the start, including submission of fees.

**6.4.6.5.4.** If the Board accepts additional information from the applicant, the Board will provide an opportunity for interested parties to respond and then for a final counter-

response by the applicant. The Board will then close the submittal and review phase and progress to the process of deliberation and decision.

**6.4.5.5.5.** The Board will formalize the closure in the form of a motion.

**6.4.7. Planning Board Deliberation and Decision.** Once the application is deemed complete and submittal and review closed, the application shall be placed on the agenda for the next regular meeting of the Board.

**6.4.7.1. Time Frame For Deliberation.**

**6.4.7.1.1.** During this phase, the Board may question the developer regarding the submitted information. However, the Board will not accept new information from any party – including the applicant – unless it votes the project back into the review phase.

**6.4.7.1.2.** Single review applications. The Planning Board shall reach a decision on the subdivision or site development application within sixty (60) days of the being placed on the Planning Board agenda for deliberation and decision. This time period may be extended by written, mutual agreement of the Planning Board and the applicant.

**6.4.7.1.3.** Two review applications. For projects requiring a second review phase, the Planning Board may, at its discretion, conduct a second public hearing.

(i) The Board recommends interested parties participate in external agency public participation processes to influence the outcome of the project before it returns to the town. There may not be a second local public hearing nor the re-opening of the local submittal and review process to evaluate information not already in the public domain and reviewed by external agencies. The process of examining permits issued by external agencies will not in and of itself constitute an opening of the submittal and review phase triggering comment opportunity for interested parties.

(ii) If there is a second public hearing, the submittal and review process outlined above will be re-opened affording all parties to provide information and data to the Board before it renders a final decision.

**6.4.7.1.4.** In any case, the Planning Board will render a decision within 60 days of the closure of submittal and review for each phase. The Board shall be free to schedule additional special meetings or workshops appropriately noticed to the public to meet these deadlines without the perception of preferential treatment (positive or negative) towards a particular developer or type of project.

**6.4.7.1.5. Immediate Action.** The Planning Board may at its discretion act upon the application at the same meeting at which completeness is determined.

**6.4.7.2. Finding of Facts and Rendering Decision.**

**6.4.7.2.1.** Decision for single review projects. For projects requiring a single review, the Planning Board shall make written findings of fact on the application, and approve, approve with conditions, or deny the project plan.

**6.4.7.2.2.** Decision for two phase review projects. For projects requiring two reviews, the Planning Board shall make written findings of fact on the application, and approve, approve with conditions, or deny the provisional project plan. If the Planning Board decides to approve a project requiring on-going external agency review, the board will issue a provisional approval only while the applicant pursues the additional external agency permits and approvals.

Once the applicant returns with the additional permits and approvals, the Board may re-initiate the second review process to resolve any differences or issues that may have

developed not in keeping with local requirements and planning objectives.

The applicant will have up to 24 months to obtain external agency permits during which time they will provide progress reports to the Planning Board for periods not exceeding 6 months. Failure to comply with obtaining external permits within 24 months or providing progress reports within the specified times may result in subjecting the project to updated land use ordinance and planning requirements within the Town.

**6.4.7.2.3.** Conditions may be imposed on approvals. If an application is granted with conditions, the findings of fact shall state those conditions; which may include (but not be limited to): the character and extent of the required improvements for which waivers may have been requested *and* which the Board finds may be waived without jeopardy to the public health, safety, and general welfare. The Board, may also place conditions on the project based on the full review but not requested as waivers in order to further ensure public health, safety, and welfare. The Board may also place conditions on the construction items for which cost estimates and performance guarantees will be required as prerequisite to the approval of the final plan.

**6.4.7.2.4.** Provisional approval shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the provisional plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval by the Board upon fulfillment of the requirements of these regulations and the conditions of provisional approval, if any. Prior to the approval of the final plan, the Board may require that additional information be submitted and changes in the plan be made as a result of further study of the proposed subdivision or development project or as a result of new information received.

### **6.4.7.3. Planning Board Review of the Final Plan.**

**6.4.7.3.1. Plat Or Plan To Be Attested.** The approval of a final plat or plan shall be attested on the original transparency or Mylar and three (3) copies by the signatures of a legal majority of the Planning Board.

**6.4.7.3.2. Filing.** Two (2) signed copies of the final plat or plan as approved, shall be filed with the municipality, one (1) with the assessors and one (1) with the Planning Board. The applicant shall be required to record and file the signed original transparency or Mylar of the final plat or plan with the County Registry of Deeds within thirty (30) days of its approval by the Planning Board.

#### **6.4.7.3.3. The Final Plat Or Plan Shall Show The Following:**

- (i) **Plan Requirements.** Plans will meet federal and state statutory and professional requirements associated with and appropriate to the proposed development.
- (ii) **Surveyor and/or Other Required Professionals.** Date, seals, and written certifications of the professionals responsible for the document being recorded.
- (iii) **Streets.** Existing and proposed names and lines of all streets, lengths of all straight lines, the deflection of angles, radii, length of curves, and central angles of all curves, and tangent distances and bearings.
- (iv) **Easements.** Location, dimensions and purposes of all easements, areas reserved for or dedicated to public use and areas reserved by the applicant.
- (v) **Lot Numbers.** Lot numbers and letters in accordance with the prevailing policy on existing tax maps. Applies to subdivisions only.
- (vi) **Permanent Markers.** Location and description of permanent markers to be set



prior to lot conveyance. No lots shall be sold until permanent markers are in place. Applies to subdivisions only.

**(vii) Performance Guarantee.** A performance guarantee to secure completion of all public improvements required by the Planning Board.

**(viii) Land Dedication.** Written copies of any documents of land dedication, and written evidence that the Board of Selectmen is satisfied with the legal sufficiency of any documents conveying such land dedication.

**(ix) Signature Lines.** Five (5) lines for signatures of the Town of Clifton Planning Board and a line for date of approval.

**(x) Certification.** A professional seal stating that all construction standards of this Ordinance have been met.

**(xi) Lot Frontage.** The plan shall show that all lots have frontage on public or private roads. Applies for projects where public access is presumed or required.

**6.4.7.3.4. Changes Need Approval.** No changes, erasures, modifications or revisions shall be made in any subdivision or site plan review after approval has been given by the Planning Board, unless the revised plan is first submitted and the Planning Board approves any modifications.

**6.4.7.3.5. Fees.** All applications for final subdivision plan approval shall be accompanied by an application fee payable by check to the Town of Clifton, Maine.

#### **6.4.7.4. Code Enforcement Officer permits.**

Upon notification of the decision of the Planning Board, the Code Enforcement Officer, as instructed, shall within ten (10) days, issue with conditions prescribed by the Planning Board or deny a permit. If the permit is denied, the reasons shall be stated in writing as findings of fact from the permitting authority.

#### **6.4.8. Project Commencement And Completion.**

After final approval all projects must be commenced within one (1) year and completed within two (2) years unless a special schedule has been approved or an extension has been granted by the Planning Board. In the case the project is taken before the Board of Appeals or entered in the state or federal court process (not as a result of a local, state, or federal agency enforcement action) after Planning Board approval, the timeline will begin the date of the final adjudication.

#### **6.4.9. Submission of As-Built Plans**

For all Tier 3 projects, the developer must provide the Code Enforcement Officer with a set of construction plans showing the building(s) and site improvements as actually constructed on the site. These "as-built" plans must be submitted within thirty (30) days of the issuance of a certificate of occupancy for the project or occupancy of the building.

#### **6.4.10. Other Required Permits.**

The granting of project approval does not relieve the applicant from the need to obtain any other permits or approvals required prior to the commencement of any activity or use. Such other required permits or approvals may include, but are not limited to, subdivision approval, building, plumbing and electrical permits, licenses granted pursuant to **Title 38, MRSA §1022**, as amended, Maine Department of Environment Protection and United States Army Corps of Engineers approvals, subsurface wastewater disposal permits, sewer connection permits, Maine Department of Transportation approvals, and the like. The fact that the applicant may

have obtained or may have been granted such permits or approvals prior to site plan review may be considered by the Planning Board as evidence as to the plan's compliance with applicable review standards but shall not be deemed conclusive evidence as to compliance.

## **6.5. FEES**

### **6.5.1. Application Fee.**

An application for site plan review must be accompanied by an application fee made by check payable to the Town of Clifton, Maine in accordance with the Schedule of Fees adopted by the Municipal Officers. This fee is intended to cover the cost of the town's administrative processing of the application, including notification, advertising, mailings, and similar costs. The fee shall not be refundable. The application fee shall be paid to the town, and evidence of payment of the fee shall be included with the application.

**6.5.2. Professional Review And Assistance.** The Clifton Planning Board reserves the right to require an independent review by a professional of its choice, of any proposed plans/details, specifications, surveys, improvements, or reports submitted by any developer as part of the application. If the Board agrees that such an analysis is necessary, or if they agree that additional professional analysis is required to gauge the impact in the community or local environment due to the proposed development, then the Board shall choose a professional, obtain an estimate for the work, and notify the developer that the amount of the estimate must be deposited with the Town of Clifton before any further consideration is given to the application. No review will be initiated until the developer pays the estimated amount to the Town. Following the completion of the review, the developer will be billed for any reasonable cost incurred over the estimate or will be refunded any remaining balance from the deposit. Refusal to pay for the professional assistance will result in automatic denial of the application and no further action will be taken by the Board until payment is made.

If the Municipal Officers consider it necessary or advisable that covered work be inspected or tested by others, then the developer, at the Municipal Officer's request, will uncover, expose or otherwise make available for observation, inspection or testing as the Municipal Officers or the Town's representative may require, that portion of the work, in question, furnishing all necessary labor, material, tools, and equipment. If it is found that such work is defective, the developer will bear the expenses including the expense of uncovering, exposure, observation, inspection and testing and of satisfactory reconstruction. If however, such work is not found to be defective, then the developer shall be fully reimbursed for all expenses directly attributable to such uncovering, exposure, observation, inspection, testing and of reconstruction. Furthermore, if the developer refuses to comply with the Municipal Officers' or the Town's representative's request, then the Town reserves the right to draw upon the funds deposited by the developer for use by the Town to perform any needed reviews and inspection, and use this money to complete such uncovering, exposure, observation, inspection and testing and of satisfactory reconstruction.

**6.5.3. Establishment Of Fees.** The Municipal Officers may, from time to time and after consultation with the Planning Board, establish the appropriate application fees and technical review fees following posting of the proposed schedule of fees and public hearing.

## **6.6. PERFORMANCE GUARANTEES**

**6.6.1. Types Of Guarantees.** If any proposed development is of a size or nature requiring significant investment in *existing* road/street, drainage or other improvements, the Board *may* require a performance guarantee as a condition of approval. With the submittal of the application for Final Plan, the developer (if requested) shall provide one of the following performance guarantees, as approved by the Planning Board, for an amount adequate (as determined by the Town's professional representative) to cover construction cost of all required improvements:

**6.6.1.1** Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town of Clifton as owner, for the establishment of an escrow account.

**6.6.1.2** A performance bond payable to the Town issued by a surety company.

**6.6.1.3** An irrevocable letter of credit from a financial institution establishing funding for the construction of the development, from which the Town may draw if construction is deemed inadequate or incomplete.

**6.6.2. Contents Of Guarantee.** The performance guarantee shall contain a construction schedule, cost estimates for each major phase of infrastructure construction reviewed and approved by the Town's engineer taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the developer will be in default and the Town shall have access to the funds to finish construction.

**6.6.3. Escrow Account.** A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the sub-divider or site plan developer, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the sub-divider or site plan developer.

**6.6.4. Performance Bond.** A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the sub-divider or site plan developer, and the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision or site plan for which approval is sought.

**6.6.5. Letter Of Credit.** An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the subdivision or site plan and may not be used for any other project or loan.

**6.6.6. Phasing Of Development.** The Board may approve plans to develop a project or a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

**6.6.7. Release Of Guarantee.** Prior to the release of any part of the performance guarantee, the Planning Board shall determine to its satisfaction, in part upon the report of the Code Enforcement Officer and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

**6.6.8. Default.** If, upon inspection, the Code Enforcement Officer finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he or she shall so report in writing to the Board of Selectmen, the Planning Board, and the developer. The Municipal Officers shall take any steps necessary to preserve the Town's rights.

## **6.7. SPECIFIC SITE PLAN AND SUBDIVISION REVIEW STANDARDS**

The following standards are to be used by the Planning Board in evaluating Site Plan Review applications and shall serve as minimum requirements for approval of the site plan. Upon consideration of these factors and standards, the Planning Board may attach such conditions, in addition to those listed elsewhere in this ordinance, that it finds necessary to further the purposes of this ordinance. Such conditions may include, but are not limited to, specifications for: increased setbacks and yards; landscaping and planting screens; period of operation; locations of parking and signs; or any other conditions necessary to fulfill the purposes of this

Land Use Ordinance. Violation of any conditions so attached to an approved Site Plan shall constitute a violation of this Land Use Ordinance.

**6.7.1. Compatible Use.** The proposed use is an allowed use within the district.

**6.7.2. Buffering of Adjacent Uses.** The development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade, and/or a combination of these or other techniques. (Also see **Article 7 GPS 3.0.**)

**6.7.3. Buffering of Residential Uses.** Please refer to **Article 7 GPS 3.0.**

**6.7.4. Conformance to Town Road Plans and Standards.** Where applicable, development roads and streets shall be incorporated into the subdivision plat or site plan, in the location and to the dimensions indicated in the town road plan and to the Road Design and Construction Standards of this Ordinance.

**6.7.5. Conformance to Future Land Use Plan and Provision for Open Space.** When a proposed public building site, park, playground, or other land for public use is located in whole or in part within the subdivision or development, the Planning Board may require that, as a prerequisite to plat or plan approval, such sites be reserved by the developer for acquisition by the Town. Whenever a plat or plan proposes the dedication of land for public use that the Planning Board finds not required or suitable for public use, the Board shall refuse to approve the plat or plan. Provision for dedicated open space shall conform to the Common and Open Space Standards of this Ordinance.

**6.7.6. Easements.** Easements across lots shall be provided where necessary for utilities or drainage. Such easements shall be centered on rear or side lot lines wherever possible, and be wide enough for the purpose for which they are intended.

**6.7.7. Exterior Lighting.**

**6.7.7.1.** The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated.

**6.7.7.2.** Lighting may be used which serves security, safety and operational needs, but which does not directly or indirectly produce deleterious effects on abutting properties or which would impair the vision of a vehicle operator on adjacent roadways. Lighting fixtures must be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings and so that they do not light the night sky.

**6.7.7.3.** All exterior lighting, except where security lighting is necessary, must be turned off between 11:00 PM and 6:00 AM unless located on the site of a commercial or industrial use which is conducting business during that period.

**6.7.7.4.** Building entrances may be illuminated using recessed lighting in overhangs and soffits, or by use of spotlighting focused on the building entrances with the light source concealed (e.g. in landscaped areas). Direct lighting of exterior building areas is permitted only when necessary for security purposes, in limited areas.

**6.7.8. Hazardous Waste.** The applicant shall demonstrate compliance with Federal and State laws and regulations when hazardous waste is generated or stored on site.

**6.7.9. Landscaping.** The development plan will provide for landscaping that breaks up parking areas, softens the appearance of the development and protects abutting properties from any significant adverse impacts of the development. Only native plants shall be used for landscaping. The use of invasive plants shall be discouraged.

**6.7.10. Large Parcels.** In case a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow the opening of future streets and logical future re-subdivision. Applies to subdivisions only.

**6.7.11. Lots.** Lots shall front upon a public or private street or road. Lot lines shall be perpendicular or radial to street lines. Lot dimensions shall meet the requirements of the ordinance for the growth management area(s) in which the subdivision is located. Corner lots shall be increased in size wherever necessary so that any structure to be placed thereon shall conform to the minimum setback line of each street as required by this Ordinance.

**6.7.12. Monuments.** The developer shall install (Applies to subdivisions only):

**6.7.12.1.** A concrete or stone monuments, not less than four (4) inches square, five (5) feet long and four and one half (4 1/2) feet into the ground, at every street intersection, angle point, beginning of curve and end of curve on either side of the road right-of-way line. (Three quarter (3/4) inch drill hole in ledge with an Iron Pin grouted in is acceptable as a monument).

**6.7.12.2.** If, in the opinion of the Planning Board, monuments are inappropriate Iron Pins may be substituted. Iron Pins shall not be less than three-quarter (3/4) inches in diameter, five (5) feet long, and four and one half (4 1/2) feet into the ground.

**6.7.12.3.** Locations of monuments other than above stated may be approved by the Planning Board upon review.

**6.7.13. Noise.** The development will control noise levels such that it will not create unreasonable interference with use and enjoyment of neighboring properties. Projects with specific noise criteria will be deemed in compliance with this requirement by meeting the project specific requirements.

**6.7.14. Material Storage.** Exposed nonresidential storage areas, exposed machinery and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse shall have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to screen the proposed use from abutting residential uses and users of public streets.

All dumpsters or similar large collection receptacles for trash or other waste shall be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it shall be screened by fencing or landscaping.

Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and maintained in good condition.

**6.7.15. Road Name Signs.** The Town shall be responsible for the erection of road name signs at all intersections. The developer will reimburse the Town for materials and labor.

**6.7.16. Subdivision or Site Plan Names.** The name of the subdivision or site plan shall not duplicate or too closely approximate the name of any other subdivision within the Town.

## **6.8. STATUTORY REVIEW CRITERIA**

By Maine Statute, the Planning Board shall consider the following statutory review criteria (**Title 30-A, §4404**) before granting approval of **subdivision** applications and shall determine that, in addition to complying with all applicable land use standards of this Ordinance, the proposed subdivision will comply with these statutory criteria. The Planning Board shall make findings of fact relevant to the following:

**6.8.1. Pollution.** Will not result in undue water or air pollution. In making this determination the Board shall at least consider:

**6.8.1.1.** The elevation of land above sea level and its relation to the flood plains;

**6.8.1.2.** The nature of soils and sub-soils and their ability to adequately support waste disposal;

**6.8.1.3.** The slope of the land and its effect on effluents;

**6.8.1.4.** The availability of streams for disposal of effluents; and

**6.8.1.5.** The applicable state and local health and water resources rules and regulations.

**6.8.2. Sufficient Water.** Has sufficient water available for the reasonably foreseeable needs of the development;

**6.8.3. Municipal water supply (not applicable).**

**6.8.4. Erosion.** Will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;

**6.8.5. Traffic.** Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by **Title 23, MRSA §754**, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to **Title 23, MRSA §704** and any rules adopted under that section;

**6.8.6. Sewage Disposal.** Will provide for adequate sewage waste disposal;

**6.8.7. Municipal Solid Waste Disposal.** Will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized;

**6.8.8. Aesthetic, Cultural, and Natural Values.** Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or by the municipality or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

**6.8.9. Conformity with Local Ordinances and Plans.** Conforms with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any. In making this determination, the Planning Board may interpret these ordinances and plans.

**6.8.10. Financial and Technical Capability.** The developer has adequate financial and technical capacity to meet the standards of this section.

**6.8.11. Surface Waters; Outstanding River Segments.** Whenever situated entirely or partially within the watershed of any great pond or lake or within 250 feet of any wetland, great pond or river as defined in **Title 38, MRSA Chapter 3, Subchapter 1, Article 2-B**, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

**6.8.12. Groundwater.** Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

**6.8.13. Flood Areas.** Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision or development,

or any part of it is in such an area, the sub-divider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;

**6.8.14. Freshwater Wetlands.** All freshwater wetlands within the proposed subdivision or development have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district;

**6.8.15. River, Stream or Brook.** Any river, stream or brook within or abutting the proposed subdivision or development has been identified on any maps submitted as part of the application. For purposes of this section, “river, stream or brook” has the same meaning as in **Title 38, MRSA §480-B, Subsection 9.**

**6.8.16. Storm Water.** The proposed development will provide for adequate storm water management.

**6.8.17. Spaghetti-Lots Prohibited.** If any lots in the proposed subdivision or development have shore frontage on a river, stream, brook or great pond as these features are defined in **Title 38, MRSA §480-B**, none of the lots created within the subdivision or development have a lot depth to shore frontage ratio greater than 5 to 1.

**6.8.18. Lake Phosphorus Concentration.** The long-term cumulative effects of the proposed development will not unreasonably increase a great pond’s phosphorus concentration during the construction phase and life of the proposed development.

**6.8.19. Impact on Adjoining Municipality.** For any proposed development that crosses municipal boundaries, the proposed development will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the development is located.

**6.8.20. Lands Subject To Liquidation Harvesting.** Timber on the parcel being developed has not been harvested in violation of rules adopted pursuant to **Title 12, MRSA §8869, MRSA Subsection 14.** If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the development that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to **Title 32, MRSA Chapter 76.** If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority’s request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require an applicant to provide a determination certified by a licensed forester.

For the purposes of this subsection, “liquidation harvesting” has the same meaning as in **Title 12, MRSA §8868, Subsection 6** and “parcel” means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership. This subsection takes effect on the effective date of rules adopted pursuant to **Title 12, MRSA §8869, Subsection 14.**