

Town of Albion

Regulation Pertaining to Subdivision and Commercial Development Review

Revised 2/16

Part 1: Administrative Provisions

Part 2: Procedural Guidelines

Part 3: Submission Requirements

Part 1: Administrative Provisions

1. Authority

This Regulation is adopted pursuant to the instruction and authority of the planning board in Article IV, Section 3.B of the Town of Albion Land Use Ordinance.

2. Purpose

The purpose of this Regulation is to establish a clear set of administrative practices and standards for the review of development applications under the aforementioned ordinance. Development applications include both subdivision applications and application for review of major commercial developments.

3. Administration

The Town of Albion Planning Board is responsible for administering this regulation.

Amendment

The Town of Albion Planning Board may amend this Regulation only after holding a public hearing. The planning board shall provide at least fourteen (14) days' notice of the public hearing. The planning board shall amend this regulation only upon majority vote.

5. Effective Date

The effective date of this regulation shall be the date of adoption by the planning board. The same shall apply to any amendment adopted *except that* the amendment shall not apply to any application already submitted for review by the board.

Part 2: Procedural Guidelines

1. Introduction

This Part provides detailed procedures by which development applications are to be received and reviewed by the planning board.

2. Pre-applications (Sketch Plan)

A. Purpose

The purpose of the pre-application process is for the prospective applicant to present general information regarding the proposal to the planning board for comment before investing substantial time and money developing the application. This meeting provides the applicant information on procedures and requirements for submitting an application. The applicant may also use this opportunity to ask questions and schedule a site inspection with the Code Enforcement Officer.

B. Procedure

The prospective applicant shall contact the Chair or Secretary of the planning board to request to be placed on the board's agenda at least seven (7) days before the next regular scheduled meeting. The pre-application will be placed on the next agenda, provided that the agenda has not already been posted.

Prior to or at the meeting, the prospective applicant will provide an inked sketch plan of the proposed development indicating the proposed layout of roads and lot lines, anticipated location of proposed structures, and locations of existing features such as roads, easements, wetlands, and water bodies.

The planning board, at the review meeting, will provide guidance to the prospective applicant as follows:

- A determination of the scope of the application, for example whether it contains roads or other improvements which may require detailed information, or whether the proposed development may need permits or review by state or federal agencies and the proposed timeline for approval;
- A determination of whether additional submittals, for example traffic study, erosion control plan, or analysis of special historic or ecological resources, should be included;
- An opinion concerning any waivers to submission requirements to be proposed by the applicant.

C. Rights not vested

The pre-application meeting shall not be considered the initiation of the review process for the purposes of bringing the plan under protection of Title 1, MRSA, § 302.

3. Submitting an Application

A. Establishment of a File

After the pre-application meeting, the planning board shall establish a file for the proposed development. All information and submittals regarding the development shall be maintained in the file.

B. Code Enforcement Inspection of the Site

The Code Enforcement Officer will arrange with the applicant to perform an on-site inspection of the proposed site prior to the submission of the application to the planning board. The CEO will inform the planning board of the site inspection. Members of the planning board may accompany the CEO if the date and time of the inspection is posted at the town office.

The Code Enforcement Officer will verify information provided on the sketch plan and answer any questions the developer may have with regard to the site. The CEO will suggest a contour interval for the plan. The suggested contour interval will be forwarded to the planning board.

C. Application Forms and Submittal

An applicant will submit seven (7) copies of application materials as required in Part 3 of this regulation. The application must be accompanied by the Town's *Application Form*, available from the Code Enforcement Officer or Town website, and the *Application Fee* as calculated using the Town's Fee Schedule.

The applicant will submit the application directly to the Town Clerk or Town Office Staff. The Town Clerk or Town Office Staff will issue the applicant a dated receipt showing that the application has been received and fee paid, and will notify the Secretary of the planning board of his (her) action.

4. Development Review Process

A. Review for Completeness

Within thirty (30) days after receiving notification of the application, the planning board will meet to determine whether the application is complete. The applicant is not required to attend this meeting, but is advised that questions regarding adequacy of the contents may come up in the course of the meeting.

The board will notify the applicant in writing that either the application is complete or, if the application is incomplete, the specific material the applicant should submit to complete the application.

1. The planning board will act on any waivers requested for items not included.
2. The planning board will not begin the review of the application on its merits until it determines that the application is complete.
3. If the application is incomplete, the applicant shall submit the required material to the board before it commences review. After the board receives the materials from the applicant, it has thirty (30) additional days to review this material before notifying the applicant whether the application is complete.
4. The board may notify the applicant of additional studies needed to supplement the application or of the need to hire additional expertise for review.

B. Professional Review and Assistance

1. At the time it deems the application to be complete, the planning board may identify portions of the development proposal that, due to their complexity, require an expertise in review that is not ordinarily available to the board. Examples include traffic analysis, noise, light, or radio frequency propagation, or archeological analysis. The planning board is authorized to retain impartial professional assistance to advise it on these elements of the application.
2. The cost of retaining professional assistance shall be borne by the applicant. The cost shall be estimated prior to commencement of the assistance. The applicant may set aside an amount equal to the estimated cost in advance, to be retained by the Town in an escrow account, or may choose to reimburse the Town directly for costs incurred. In either case, no application will receive final approval until the costs of professional assistance are paid.
3. The scope of services of the expert retained for this purpose shall be strictly limited to study and report on the application in hand.

C. Scheduling and Notification

1. Upon determining that the application is complete, the planning board will place it on the agenda for the next regularly-scheduled meeting of the board.
2. Abutters shall be notified by certified mail that an application has been filed. The notification shall identify the property to be developed, include a brief description of the type of development proposed, and provide the date, time, and place at which the board review will take place. Notification to abutters shall be mailed no less than fourteen (14) days before the scheduled date of review.

3. Notice of the date, time, and place of the pending review shall be published at least two (2) times in the local newspaper. The date of the first publication must be at least fourteen (14) days before the scheduled date of review.
4. Notice shall also be provided to the Board of Selectmen, to the Fire Chief, and to the Road Commissioner, with an invitation to provide comments on the application.
5. If any portion of the property to be developed crosses town boundaries, notice shall be sent to the clerk and planning board of the affected town, providing the date, time, and place of review. The board shall offer to conduct a joint review with the planning board of the affected town.
6. A copy of the application shall be available for public viewing during regular hours of the town office.

D. Review Meeting Procedure

1. Board review of the application shall be conducted in open, public session. The conduct of the meeting shall be as follows:
 - The applicant or his/her representative is required to attend. He or she shall give an oral presentation concerning the application;
 - Members of the public who wish to may speak for, against, or concerning the application. Written comment will also be accepted. The applicant may respond to questions if permitted by the Chairman of the board;
 - As provided in Article IV, section 3.F of the Ordinance, the board will act on any request by the applicant to modify performance standards;
 - The board will engage in deliberations concerning the application. The applicant and members of the public may participate during this period only at the discretion of the Chairman of the board.
 - The board will make findings of fact and conclusions of law and shall vote to approve or deny the application.
2. The board is not required to complete review of the application in one meeting. The board may defer any portion of the decision-making process to a subsequent meeting. The vote to approve or deny the application will take place no more than thirty-five (35) days from the date of the initial meeting for board review, unless a delay is mutually agreed upon by the applicant and the board.
3. The board shall, within sixty (60) days of determining it has received a complete application or within any other time limit that is otherwise mutually agreed to by the applicant and the board, issue a written decision to

either approve the application; approve the application with conditions; or deny the application.

The board shall base its decision on the following:

- For subdivisions, compliance with the review criteria contained in Title 30-A MRSA § 4404;
- For commercial development, compliance with the criteria and standards of Articles V, VI, and VII of the Land Use Ordinance.

4. Provision for Two-stage Review

A. Conditional Preliminary Approval

The planning board is authorized to grant approval of a development application conditional on provision by the applicant of additional information. The form of information is generally, but not exclusively, of two types:

- Engineering information, such as final road or stormwater design or the survey and setting of lot boundary markers;
- Administrative information, such as pending permit approvals from State or Federal regulatory authorities.

The board will state in writing as part of its conditional approval the elements that must be added to the application package in order to receive final approval.

B. Final Approval and Signing

The applicant shall provide the elements required as part of the conditional approval within ninety (90) days of the date of conditional approval, or a date otherwise mutually agreed upon.

Final approval shall be scheduled for the first regularly-scheduled meeting after the Code Enforcement Officer has certified that the elements required as part of the conditional approval have been submitted. The public is not required to be notified except through the standard posting of the agenda.

The applicant shall submit for signature at least two mylar copies and one paper copy of the final plan. One paper copy and one mylar copy will be retained by the Town of Albion.

Planning board members in attendance at the final review shall sign the approved plan if they find as follows:

- All changes, modifications and amendments required by the board have been placed on the Plan.
- Any permits required from Maine DEP, Maine DOT, US Army Corps of Engineers, or other state or federal agency are in hand.
- All waivers approved by the board are listed on the Plan.

- Any conditions imposed by the board that have not been met at the time of final approval are listed on the Plan.
- The Plan contains a signature block and is titled as the “Final Plan.”
- Costs for professional assistance, if any, are paid in full.

5. Amendments and Revisions

A. Amendments to a Subdivision Plan

The planning board shall review any amendments or revisions to an approved subdivision plan. If the amendment or revision involves the creation of new lots or units, or a significant change in road alignment or design, the notice and meeting requirements for a new subdivision shall be followed.

B. Amendments to a Commercial Development Plan

The planning board shall review any change to a commercial development plan which involves any of the following conditions. The board may follow notice and meeting requirements if it determines the change to be significant.

- An increase in the number or footprint area of buildings on the site;
- An increase in the area of impervious surface on the site;
- A change of use of the property to a use which will generate a higher traffic demand; or
- A change in location or design of any infrastructure that will be used by the general public, including but not limited to parking areas, streetlights, roads, or sidewalks.

Part 3: Submission Requirements

1. Application Package

All applications shall be covered by a Town of Albion *Application Form*.

All applications shall be submitted with sufficient fees, as calculated under the Town of Albion Fee Schedule. No application shall be processed until fees are paid.

All applications shall include sufficient and legible copies for review. These shall include:

- Seven (7) copies of all required submissions, including plan drawings reduced to fit on 11 x 17 pages.
- One (1) copy of all plan drawings at a size of 24 x 36 inches. Subdivision plats shall be drawn at a scale of no smaller than one hundred feet (100') to the inch. Design plans for roads and other infrastructure shall include plans, profiles, and cross-sections, as appropriate.
- For the final plan only, the page for planning board signature shall be 24 x 36 inches in size and shall be presented on a reproducible, stable based transparent “mylar” original. Two (2) mylar copies shall be provided, one to be retained by the Town and one to be filed in the Kennebec County Registry of Deeds. One paper copy shall be provided, to be retained by the Town.

2. Submittals Required for all Applications

A. Application Form

A completed application form with all information included, shall be submitted. The form shall be signed by the applicant and by the owner of the property, if different.

B. Plan Drawing

The plan drawing shall contain the listed elements. In order to maintain clarity, the drawing may consist of two or more pages, individually numbered and labelled with the name of the development.

- i) Proposed name of the development and municipality(ies) in which it is located, together with assessor’s map and lot number(s) and street address if available.
- ii) Name and address of the landowner, applicant, his/her agent, and the person(s) who prepared the application.
- iii) Contour lines at the interval specified, showing elevations in relation to Mean Sea Level. (Most common contour interval is five feet (5')).
- iv) The date the Plan was prepared, magnetic north point, declination, and graphic map scale.

- v) The boundary lines of the tract and any proposed new lot lines with approximate dimensions and lot areas, including any proposed open space or land to be dedicated for public use.
- vi) The boundaries of all water bodies, wetlands, significant vernal pools or unique natural areas as identified on Beginning with Habitat maps or known historic or archeological sites located on the tract.
- vii) The location of any shoreland zoning or land use district boundaries affecting the tract.
- viii) If any portion of the development is in a flood prone area, the boundaries of any flood hazard areas with the 100 year flood elevation delineated.
- ix) The approximate location and dimensions of any structures proposed to be erected in the development, including but not limited to buildings, signs, lighting structures, and auxiliary and accessory structures.
- x) The approximate alignment and dimensions (profile and cross-section) of any road(s), access points, commercial driveways, or parking areas proposed to be constructed or improved to serve the development.
- xi) The location, dimensions, and description of any buffers or landscaping proposed for the development.
- xii) The size, type, and location of any water lines, sewer lines, hydrants, fire ponds, drainage facilities, electric or telephone lines and other utilities designed to service the subdivision.
- xiii) The boundaries of any farmland within the tract.
- xiv) A location map insert showing an outline of the development area at a scale sufficient to show adjacent roads, water bodies, municipal boundaries and other significant features in the vicinity.

C. Attachments to the Application

The following materials will be included with the application package.

- i) Verification of applicant's right, title, or interest in the property by means of a deed, lease, signed purchase and sales agreement or similar document.
- ii) A copy of the deed for the parent tract together with copies of all covenants or deed restrictions, easements, rights of way, or other encumbrances currently affecting the property.

- iii) A copy of any lease terms, covenants, or deed restrictions proposed to cover all or part of the development.
- iv) Indication of the type of sewage disposal to be used in the development. When sewage disposal is to be accomplished by subsurface sewage disposal system, test pit analyses, prepared by a Licensed Site Evaluator shall be provided. A map showing the location of all test pits on the site shall be submitted. (Form HHE 200 – Page 2 of 3)
- v) Indication of the type of water supply to be used in the development. When water is to be supplied by a public water supply, certification that the water supply has been designed by a registered professional engineer. When water is to be supplied by private wells, evidence of adequate ground water supply and quality, in the form of test wells or a written statement from either a well driller or a geologist familiar with the area.
- vi) A description of fire protection measures to be available. Proposed sources of water must be reviewed by the fire chief prior to submittal of the application.
- vii) The names and addresses of owners of record of all property abutting the parcel to be developed, including any property directly across an existing public street.
- viii) A medium intensity soil survey covering the development. When the medium intensity soil survey shows soils which are generally unsuitable for the uses proposed, the applicant shall provide a high intensity soil survey or a report by a registered soil scientist or registered professional engineer experienced in geotechnics, indicating the suitability of soil conditions for those uses.
- ix) An estimate of the costs required to construct the infrastructure required for the development, including but not limited to public and private roads, sidewalks, parking areas, utility installations, and lighting fixtures, together with a proposed mechanism for financing the construction.

3. Conditional Requirements for Certain Applications

- A. Due to their size or potential impact on resources or facilities in the Town of Albion, developments with certain aspects must submit additional application information:
 - i) If the development is a subdivision, include an affidavit that no timber harvesting has occurred on the tract within the preceding five (5) years, or if it has, that it has not been conducted in violation of rules adopted pursuant to 12 M.R.S.A. §8869(14). The affidavit may be signed by a licensed forester or an agent of the Maine Bureau of Forestry.

- ii) If the development is a subdivision of ten lots/units or more, or a commercial building of greater than 2,000 square feet, include an estimate of the traffic volume to be produced.
- iii) If the development will generate traffic of more than 400 vehicles per day, include a traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic modeling. The Traffic Impact Analysis shall indicate recommended improvements to maintain the desired level of service on affected streets. If the development is large enough to require a Traffic Movement Permit from the Maine DOT, the applicant may substitute data and analysis necessary for that permit.
- iv) If the development involves any grading or construction, include a grading plan and an erosion control plan meeting the requirements of *Maine Erosion and Sedimentation Control BMP's* (DEP, March 2003 or as revised.)
- v) If the development will create more than 10,000 square feet of impervious surface, include a Stormwater Management Plan prepared by a registered professional engineer.
- vi) If the development is within the direct watershed of Lovejoy Pond, evidence that it will comply with the standard for phosphorous export in the ordinance, consistent with *Phosphorous Control in Lake Watersheds: A Technical Guide to Evaluating New Development* (DEP, May, 1992 or as revised.)
- vii) If the development proposes the establishment of an association for maintenance of a private road, central sewer system or water supply, open space or parkland, include proposed articles of incorporation and bylaws for the association.
- viii) If the development will result in the extraction of more than 2,000 gallons per day of water or if it is located over a mapped aquifer, include a groundwater impact analysis, prepared by a groundwater hydrologist.
- ix) If a commercial development will utilize or handle hazardous or toxic chemicals in the course of its operation, include a description of the chemicals to be used and a Spill Prevention, Control, and Cleanup Plan in accordance with 38 MRSA §1318-C.

B. Additional submission requirements may apply for specific forms of development, e.g. groundwater extraction, wireless telecommunication towers. Consult respective sections of Article VII of the ordinance for requirements.

C. Nothing in this regulation shall be construed as limiting the authority of the planning board to require the applicant to perform additional studies or hire a consultant to review any or all portions of an application. The cost to perform

additional studies or hire a consultant shall be borne by the applicant in accordance with Article IV, section 1.C(3) of the ordinance.

4. Final Plan Submission

The final plan intended for signature by the planning board shall include on its face the following items:

- i) The plan must show the name and signature, registration number, and seal of the surveyor or engineer who prepared it.
- ii) All waivers to performance standards approved by the board shall be listed on the Plan.
- iii) Any conditions imposed by the board that have not been met at the time of final approval shall be listed on the Plan.
- iv) If any roads within the development are to be privately-owned, the following sentence must appear: “[*Name of Roads*] shall remain private, to be maintained by [*Name of developer or homeowners’ association*], and shall not be offered for acceptance or maintained by the Town until they meet applicable public road design standards.”
- v) A signature block shall appear with the words “Approved, Town of Albion Planning Board” together with seven signature lines and a date line.