

# PLANNING BOARD APPLICATION



## NONCONFORMING LOTS OF RECORD

SITE PLAN APPLICATION FOR DEVELOPMENT OF LOTS WITH LESS THAN THE REQUIRED MINIMUM LOT SIZE OR STREET FRONTAGE

**\*\*Please read the entire packet for instructions prior to completing the application form\*\***

**\*Submit pages 1 thru 4 only with application, keep pages 5 thru 25 for your records\***

**For Office Use:**

Date Stamp: \_\_\_\_\_

Date & Time Received \_\_\_\_\_ Project #: \_\_\_\_\_

\$750.00 Application Fee Paid \_\_\_\_\_ Check#: \_\_\_\_\_

\$750.00 Engineering Escrow Paid \_\_\_\_\_

\$750.00 Legal Escrow Paid \_\_\_\_\_

\$500.00 Architectural Escrow Paid \_\_\_\_\_

\$150.00 Public Notice Administration Fee Paid \_\_\_\_\_

Plus (\$1.00 per notice) \_\_\_\_\_

# Applications: \_\_\_\_\_ # of Plans: \_\_\_\_\_ PDF Files: \_\_\_\_\_

Name of Applicant \_\_\_\_\_ Company Name: \_\_\_\_\_

Applicant's Mailing Address \_\_\_\_\_

Telephone # \_\_\_\_\_ Fax# \_\_\_\_\_

Name of Project \_\_\_\_\_

Street Address \_\_\_\_\_

Proposed Use \_\_\_\_\_

**The City will correspond with only one contact person/agent for this project. Please provide the requested information regarding the contact person/agent.**

Contact Person/Agent \_\_\_\_\_

Company/ Contact's Mailing Address \_\_\_\_\_

Contact's Phone # \_\_\_\_\_ Cell # \_\_\_\_\_ Fax# \_\_\_\_\_

Contact's Email Address: \_\_\_\_\_

I certify that all the information provided in this application form and accompanying materials is true and accurate.

\_\_\_\_\_ Date: \_\_\_\_\_

Signature of Applicant (use of blue ink is required)  
(agent must provide written documentation to act on behalf of applicant)

**Print name and title of signer**

# PLANNING BOARD APPLICATION



**\*\*IMPORTANT\*\***

**DATE OF REQUIRED PRE-APPLICATION MEETING:** \_\_\_\_\_

## 1. PROJECT DESCRIPTION

- a) Shoreland Area Y: \_\_\_\_\_ or N: \_\_\_\_\_ Flood Zone: \_\_\_\_\_
- b) Tax Map # \_\_\_\_\_ Lot # \_\_\_\_\_
- c) Property Address \_\_\_\_\_
- d) Existing Zoning District: \_\_\_\_\_ Neighborhood: \_\_\_\_\_
- e) Minimum Lot Size : \_\_\_\_\_ Lot Size (sq. ft.) \_\_\_\_\_
- f) Building Height: \_\_\_\_\_ Building Size (sq. ft.): \_\_\_\_\_
- g) Percent Building Lot Cover: \_\_\_\_\_ Building Footprint (sq. ft.) \_\_\_\_\_
- h) Amount of Sanitary Flow: \_\_\_\_\_(GPD) Amount of Street Frontage: \_\_\_\_\_
- i) Building Separation: \_\_\_\_\_ Proposed # of bedrooms \_\_\_\_\_
- j) CCRD Plan Book \_\_\_\_\_ Page \_\_\_\_\_
- k) Total # of proposed parking spaces: \_\_\_\_\_ % of Vegetated & Permeable Area: \_\_\_\_\_
- l) Combined Sewer Y: \_\_\_\_\_ N: \_\_\_\_\_

## 2. RIGHT, TITLE OR INTEREST (Exhibit #2)

- a) Name & Mailing Address of Record Owner of the Site

\_\_\_\_\_  
\_\_\_\_\_

- b) Phone # \_\_\_\_\_ Fax# \_\_\_\_\_
- c) Attach evidence of applicant's right, title or interest in site
- d) Attach a copy of the current owner's existing deed for the site
- e) Name of Subdivision: \_\_\_\_\_ Plan Book: \_\_\_\_\_ Page: \_\_\_\_\_ (include a full size map in the planset).
- f) Attach a list of easements and proposed easements or other burdens on the site, if applicable. These should also be referenced on the planset.
- g) **FINANCIAL CAPACITY**
  - a. Estimated cost of the project, including development costs and land purchase, (if any) \_\_\_\_\_
  - b. As evidence of your financial capacity to complete the proposed development. Submit one or more of the following (please check as appropriate):
    - \_\_\_\_ 1. A written statement from the applicant's bank or a certified public accountant who recently has audited the applicant's finances stating that the applicant has cash reserves in the amount of the estimated cost of the project and can devote those reserves to the project.
    - \_\_\_\_ 2. When the applicant will personally finance the development, provide copies of bank statements or other evidence, which will indicate availability of funds, and evidence that the applicant can devote these funds to the project.

# PLANNING BOARD APPLICATION



- \_\_\_3. The most recent corporate annual report indicating availability of sufficient funds to finance the development, together with a statement from the applicant that the funds are available and will be used for the proposed project.
- \_\_\_4. Copies of contracts, which will provide the source of funding for the operation and maintenance of the development when, completed.
- \_\_\_5. A letter from a financial institution, governmental agency, or other funding agency which indicates a timely commitment to provide a specified amount of funds and the uses for which the funds may be utilized.
- \_\_\_6. In cases where outside funding is required, but there can be no commitment of money until regulatory approvals are received, a formal letter of "intent to fund upon approval" from the appropriate funding institution indicating the amount of funds it is prepared to provide and their specified uses and the conditions on which funds will be made available.
- \_\_\_7. A letter from a financial institution indicating knowledge of the applicant and a potential interest in providing funding for the project. If this type of letter is submitted as evidence of financial capacity to complete the project, the application may be deemed to be complete but the Planning Board may require as a condition of approval that one of the other six methods provided herein for demonstrating financial capacity be submitted before a building permit may be issued for the project. (Please note: If this option is chosen, the Planning Board will condition the by approval requiring one of the above methods to be provided prior to issuing a Building Permit or holding a preconstruction meeting.)

### 3. PUBLIC UTILITIES (Exhibit #3)

- a) Estimated sewerage gallons per day (90 gallons per bedroom) \_\_\_\_\_ (Please provide a Sanitary Flow Allocation letter for the Water Resource Protection Director)
- b) Please attach written acknowledgment from Portland Water District of the availability of water supply for the project.
- c) Connected to the MS4: \_\_\_\_\_ (If so, please provide acceptance letter from the Water Resource Protection Director)

### 4) DRAINAGE (Exhibit #4) AND EROSION AND SEDIMENTATION CONTROL PLANS (Exhibit #5)

- a) Please provide an approved Drainage Plan meeting the standard in Section 27-1536 (e) (see attached checklist)
- b) Please review all of the Level One Erosion & Sedimentation Control information, sign pages 3 & 4 and return with this application (see attached).

### 5) APPROVAL STANDARDS FOR DEVELOPMENT OF NONCONFORMING LOTS OF RECORD (see attached Section 27-304(f) (10)) (Exhibit #6).

# PLANNING BOARD APPLICATION



TO: Applicants for Site Plan and Subdivision Review  
FROM: Department of Planning and Development  
SUBJECT: Receipt of Erosion and Sedimentation Control Information – **Level One**

**\*\*Please read the attached material, sign the following statement, and return the statement to the Planning Department with your application.\*\***

Project: \_\_\_\_\_

Applicant: \_\_\_\_\_

Recipient of Information: \_\_\_\_\_

Company: \_\_\_\_\_

I certify that I have received and reviewed the following information from the City of South Portland, including:

- (1) Erosion and Sedimentation control standards for site plan and subdivision review;
- (2) The link to the Maine Erosion and Sediment Control BMP Manual at [www.maine.gov/dep/land/erosion/escbmpps](http://www.maine.gov/dep/land/erosion/escbmpps);
- (3) The DEP Fact Sheet on *Vernal Pools: A Significant Wildlife Habitat*; and
- (4) Statement on the values of wetlands and the effects of filling, and general description of erosion and sedimentation control options deemed acceptable by the Planning Board.

\_\_\_\_\_  
Signature (**use of blue ink for signature is required**)

Date: \_\_\_\_\_

\_\_\_\_\_  
Print name of signer

**\*\*Please submit pages 1 thru 4 only with application\*\***

# PLANNING BOARD APPLICATION



## Contractor's Erosion and Sediment Control Certification

TO: Contractors and Applicants  
FROM: Department of Planning and Development  
SUBJECT: **Level One:** Erosion and Sedimentation Control Information  
and Pre-construction Conference

Please read the attached material, sign the following statement, make sure the City's Engineering Inspector signs it at the Pre-construction conference, and return the statement to the Dept. of Planning and Development prior to issuance of building permits for the approved project (see page 6 Sections D.2(a), D.2(b), and D.3 of the *Erosion and Sedimentation Control Standards for Site Plan and Subdivision Review* Informational Packet; also see the *Maine Erosion and Sediment Control BMP Manual* at [www.maine.gov/dep/land/erosion/escbmps](http://www.maine.gov/dep/land/erosion/escbmps) for detailed information on the selection of appropriate project-specific BMPs.)

Project: \_\_\_\_\_

Date of Approval: \_\_\_\_\_

Contractor: \_\_\_\_\_

Recipient of Information: \_\_\_\_\_

Company: \_\_\_\_\_

Date of Preconstruction Conference: \_\_\_\_\_

City of South Portland Field Inspector or Engineer: \_\_\_\_\_

**I certify that I have received and read the packet of Erosion and Sedimentation control standards for site plan and subdivision review information from the City of South Portland, reviewed relevant sections of the Maine Erosion and Sediment Control BMP Manual applicable to the proposed project, and have attended a Pre-construction conference with the Department of Planning and Development.**

\_\_\_\_\_  
Signature (use of blue ink for signature is required) Date: \_\_\_\_\_

\_\_\_\_\_  
Print name of signer

**\*\*Please submit page 5 after approval\*\***

**\*\*Please keep the following pages 6 thru 25 for your records\*\***

## **REGULATION #2**

Adopted: 5/14/85

Effective: 5/14/85

Revised: 6/24/14

## **Erosion and Sedimentation Control Standards**

Subject to the provisions of the applicable City ordinances, the following standards apply.

### PURPOSE AND APPLICABILITY

1. The Planning Board has adopted this set of Erosion and Sedimentation Control Standards to protect the City's natural and manmade drainage systems, as well as private properties, from damage and dysfunction due to erosion and sedimentation which accompany excavation and/or filling for site development. Such protection is intended to serve the public interest as follows:

- (a) Protection of streams, wetlands, and storm sewers prevents increased flood hazard.
- (b) Protection of streams, wetlands, and storm sewers protects water quality and other natural and aesthetic amenities appurtenant to water quality.
- (c) Prevention of erosion and retention of sediment on construction sites reduces accidental damage to neighboring properties.
- (d) Reduction of the siltation rate reduces long-term public dredging costs in Portland Harbor.
- (e) Protection of storm sewers reduces public sewer maintenance costs.

2. These Standards apply to all proposed developments requiring site plan and/or subdivision review by the Planning Board as well as development projects not requiring Planning Board review that involve new principal residential buildings or modifications to existing residential buildings with 1,000 square feet or more of disturbed area<sup>1</sup>. The degree of hazard to streams, wetlands, sewers and neighboring properties from uncontrolled erosion and sedimentation will vary considerably according to each proposed development.

In order to prevent application of unduly restrictive erosion and sedimentation control requirements to proposed developments which pose little or no erosion and sedimentation hazards, two alternate Levels of Review following parallel review procedures are provided under these Standards. Projects posing a higher level of erosion and sedimentation must comply with stricter controls, required under Level One of the standards. Projects posing only small erosion and sedimentation hazard must comply with less restrictive but still adequately protective controls, required under Level Two of the standards.

The Planning Director, or the Director's designee, will make the initial determination of whether the standards apply and, if so, under which level the project will be reviewed. The determination of the Planning Director is subject to appeal to the Planning Board whose decision shall be final. All development projects not requiring Planning Board review that involve new principal residential buildings or modifications to existing residential buildings with 1,000 square feet or more of disturbed area are only subject Level Two erosion and sedimentation control standards.

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<sup>1</sup> **Disturbed area.** All land areas that are stripped, graded, grubbed, filled, or excavated at any time during the site preparation or removing vegetation for, or construction of, a project. (Maine DEP Chapter 500 3.F.)

# ***PLANNING BOARD APPLICATION***



3. In order to determine the appropriate Level of Review for each individual proposal, the Planning Director, or the Director's designee, shall make a determination according to the following criteria:
- (a) Criteria for Determining Applicability of Level One (more restrictive) Erosion and Sedimentation Control Standards
    - (i) Project is proposed for land which when disturbed would release sediment into the natural drainage system as a nonpoint source.
    - (ii) Project site directly abuts a stream, floodplain, or wetlands, or,
    - (iii) Project is of large enough scope to warrant more careful review of erosion and sedimentation control plan to protect natural and municipal drainage system.
  - (b) Criteria for Determining Applicability of Level Two (less restrictive) Erosion and Sedimentation Control Standards
    - (i) Project does not abut stream channels, wetlands, or floodplains;
    - (ii) Project site drains through the municipal storm sewer system; or,
    - (iii) Project does not require review by Planning Board.

## LEVEL ONE

### Erosion and Sedimentation Control Standards for Site Plan and Subdivision Review

#### A. APPLICANT AND CONTRACTOR EDUCATION

1. The Planning Board requires that the applicant certify in writing that he or she has received at the time of application for project review the following information including:
  - (a) A brief statement of:
    - (i) the values of streams, wetlands, and floodplains and
    - (ii) the effects of filling on the values of streams and wetlands.
  - (b) Erosion and Sedimentation Control Standards for Site Plan and Subdivision Review: Level One,
  - (c) The link to the *Maine Erosion and Sediment Control BMP Manual* at [www.maine.gov/dep/land/erosion/escbmeps](http://www.maine.gov/dep/land/erosion/escbmeps), and
  - (d) A general description of erosion and sedimentation control options deemed acceptable by the Board.
2. The Planning Board requires that the applicant simultaneously certify in writing that he or she will read the packet of information including relevant sections of the *Maine Erosion and Sediment Control BMP Manual* applicable to the proposed project; it is also the applicant's responsibility to ensure that the approved project's contractor and subcontractor have also read the information packet and reviewed relevant sections of the *Maine Erosion and Sediment Control BMP Manual*.
3. The applicant, the approved project's contractor and subcontractor are all responsible for ensuring that proper erosion and sediment control BMPs are used to prevent sediment from leaving the construction site and entering adjacent water resources or the City's stormwater collection system. Projects occurring in the Shoreland Zone<sup>2</sup> must use contractors that have been certified by the Maine Department of Environmental Protection in the proper use of erosion and sediment control BMPs.

#### B. DATA REQUIRED FOR REVIEW

1. The Planning Board requires that with the application for final approval the applicant must submit data for impact analysis and a detailed erosion and sedimentation control plan.
2. Data required for impact analysis shall include:
  - (a) Soil series and related engineering properties of each soil series present at the site according to the Cumberland County Soil Survey of the U.S. Soil Conservation Service and certification by an engineer, soils evaluator, or other qualified professional that he or she has conducted a site inspection and has verified this data as true and accurate, or,
  - (b) The following data obtained by a qualified engineer:
    - (i) Test pit logs,
    - (ii) Soil series and related engineering properties of each soil series, and
    - (iii) Description of seasonal water table.
  - (c) Delineation of surface water, wetlands, and 100-year floodplains.
  - (d) The location of proposed or existing storm sewer intake and discharge points on or in the vicinity of the site.

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<sup>2</sup> The Shoreland Zone is defined by the Maine DEP as all areas within 250' of rivers, wetlands, lakes and the ocean and 75' of certain streams. (The City of South Portland's Shoreland Zoning Map also defines these areas similarly).

# PLANNING BOARD APPLICATION



3. The detailed erosion and sedimentation control plan shall include:
  - (a) A plan of operations with erosion and sedimentation control measures, including:
    - (i) Equipment to be used and procedure for filling and/or excavation.
    - (ii) Estimation of the quantity and type of fill present on the site prior to project construction.
    - (iii) Specification of the quantity and type of new fill material to be used.
    - (iv) Time-frame of project and estimated timing and location of phases of filling and/or excavation operations and associated erosion and sedimentation control measures.
  - (b) Details of erosion and sedimentation control measures that are consistent with the latest version of the *Maine Erosion and Sediment Control BMP Manual*, including:
    - (i) The location and details, including dates of installation and removal, of erosion control practices including hay bales, filter fabric, berms, sedimentation basins, drainage ditches, or other practices to control erosion and sedimentation. The location of these practices is general in nature and may not address unanticipated problems that occur during actual construction. The Engineering Inspector and/or 3<sup>rd</sup> party inspector may require additional practices during construction should they be warranted.
    - (ii) Compaction, grading and surface irregularity removal dates.
    - (iii) Gradients of fill surface following compaction, grading, and removal of surface irregularities.
    - (iv) Revegetation and phasing schedule. Standards for fertilizer and seeding should be based on nutrient balances and seeding rates recommended by the Maine Soil Testing Laboratory or other appropriate source.
    - (v) Schedule for erosion controls and revegetation monitoring, and if needed, maintenance measures to be carried out from start of construction to full revegetative stabilization of the site at final grades.

## C. PERFORMANCE STANDARDS

The Planning Board requires that the plan of operation submitted by the applicant conform to the following performance standards:

1. Concerning the location and timing of construction activities:
  - (a) The Board may establish a maximum area for filling and/or excavation at one time to prevent unusual delays in applying erosion control measures due to the size of the area involved.
  - (b) The plan should seek to accomplish project goals with minimal disturbance of natural topography due to filling and/or excavation activities.
  - (c) The smallest possible area of land surface should remain unprotected for the shortest time practicable.
  - (d) The plan should allow sufficient time for new vegetation to be well established prior to the end of the normal growing season or provide for the establishment of vegetation, i.e. sod.
  - (e) If construction takes place or is completed during the non-growing season, the plan should require specific attention to installation and maintenance of practices to collect sediment mobile during spring runoff.
  - (f) The placement of erosion and sedimentation control practices shall take place before construction begins, except in cases where the board deems it unnecessary.

# PLANNING BOARD APPLICATION



2. The quantity of fill to be applied should be specified and not substantially deviated from.
3. The quality of fill should fall within a range of particle sizes with a minimum particle size that will allow infiltration and a maximum particle size which will prevent the creation of unstable surface due to voids beneath the surface. Fill should be fairly uniform in texture and should not contain large stones, broken pavement, building rubble, debris, etc., except in cases where a diversity of materials would improve drainage.
4. Compaction, grading, and removal of surface irregularities should be accomplished as soon as possible after disturbance of soil and/or application of fill to minimize exposure of uncompacted material to the elements.
5. Gradients for fill surface after compaction, grading, and removal of surface irregularities should not exceed two feet horizontal to one foot vertical, unless slope stabilization such as riprap is proposed and approved.
6. On embankments above a gradient of three horizontal feet to one vertical foot the board may require mulch materials such as glass fiber, Excelsior wood fiber mats, or twisted jute yarns, and temporary seeding, to prevent siltation.
7. Revegetation shall be commenced as soon as practically possible. Banks shall be sodded or surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, if deemed necessary by the City's Consulting Engineering firm. The developer shall document to the City's Consulting Engineering firm that the resodded, resurfaced areas will be of a quality at least equal to the topsoil of land areas immediately surrounding the excavation. Existing topsoil found within the lines of improvement in excavation areas, embankment areas or both, may be excavated and stockpiled by the contractor for later use as loam on slopes and other areas. Stockpiles shall be placed at designated locations for designated time periods. Such topsoil shall be planted with legumes, grasses or other vegetation, which shall be maintained until well established. If germination is unsuccessful (less than 75% catch) within 30 days of seeding or there is unsatisfactory growth in the next year, the applicant shall reseed the area in accordance with approved seeding specifications. If at any time throughout the duration of the project, sediment from the work area should be transported in any manner outside the designated work limits, the material shall be removed from the affected places and returned to work site. In addition, any damage to vegetation outside of the project area caused by machinery used on the project shall be fully restored in an expeditious manner.
8. The applicant and/or the project contractor shall monitor and maintain erosion and sedimentation control measures and revegetated areas on a weekly basis and, as needed, after rain storms, according to the requirements listed under Monitoring below. It is the applicant's or his/her agent's responsibility to note failures in practices on the City's Erosion & Sediment Control Inspection form and modify the practices to correct apparent problems as they occur. The applicant or his/her agent should not wait for the Engineering Inspector and/or 3<sup>rd</sup> party inspector to bring these problems to his/her attention. The applicant or his/her agent should bring the Engineering Inspector's and/or 3<sup>rd</sup> party inspector's attention to any modifications prior to their execution.

## D. PRECONSTRUCTION CONFERENCE

1. In addition to ensuring that the above performance standards are met by the plan of operation, the board requires as a condition of approval a preconstruction conference between the City's Consulting Engineering firm, Building Inspector, the Engineering Inspector, the applicant, and his/her contractor to reaffirm and clarify the specifics of the approved plan of operations and erosion and sedimentation control plan.
2. The Building Inspector shall not issue a Building Permit until the following conditions have been satisfied:
  - (a) The contractor certified in writing that he or she has received and read the packet of information supplied to the applicant under the requirements of Section A.

# PLANNING BOARD APPLICATION



- (b) The Engineering Inspector and/or 3<sup>rd</sup> party inspector have verified that the erosion and sedimentation control practices required to be in place at the start of construction as a condition of approval are in place and properly installed and has photographed these practices in place.
3. Upon satisfaction of the requirements of subsection D.2(a) and (b), the Building Inspector shall with all other necessary conditions having been met, issue a Building Permit

## E. MONITORING

Monitoring is required according to the following:

Project Type	Scheduled Inspections <sup>2</sup>	Rain Event Inspections	
		Urban Impaired Stream	Non-Urban Impaired Stream
<b>Large Projects<sup>1</sup></b> (≥ 1 acre)	Monthly inspections by City-appointed 3 <sup>rd</sup> party inspector with photo documentation; weekly inspection frequency if chronic deficiencies routinely found; return to monthly inspections following satisfactory remediation of deficiencies	Contractor self-inspections within 24 hrs of 0.2" rainfall; photos suggested but not required	Contractor self-inspections within 24 hrs of 1.5" rainfall; photos suggested but not required
	Weekly contractor self-inspections; photos suggested but not required		
<b>Medium Projects</b> (15,000 ft <sup>2</sup> - 1 acre)	Monthly inspections by City-appointed 3 <sup>rd</sup> party inspector with photo documentation; weekly inspection frequency if chronic deficiencies routinely found; return to monthly inspections following satisfactory remediation of deficiencies	Contractor self-inspections within 24 hrs of 1.5" rainfall; photos suggested but not required	Contractor self-inspections within 24 hrs of 1.5" rainfall; photos suggested but not required
<b>Small Projects</b> (<15,000 ft <sup>2</sup> )	City's Engineering Inspector will conduct 2 inspections with photo documentation; additional inspections as needed if deficiencies identified	Addressed during Engineering Inspector's visits	Addressed during Engineering Inspector's visits
<b>Incidental<sup>3</sup></b>	No inspections required	No inspections required	No inspections required

1. Inspections required for compliance with Maine MS4 General Permit
2. City inspection requirements waived if MEDEP requires 3<sup>rd</sup> party inspections for project
3. Any project not requiring a Drainage Plan

# PLANNING BOARD APPLICATION



All self-inspections shall use the City's Erosion & Sediment Control inspection forms which shall be retained on the project site for review. The Portland International Jetport office of the National Weather Service shall be the authoritative reference for determining rainfall amount and intensity.

## F. ENFORCEMENT

1. Violation of any conditions of site plan approval attached by the Planning Board under these standards shall be enforceable by a fine of not more than one hundred dollars (100.00) per day under Section 27-133 of the Zoning Ordinance.
2. Violation of any of the conditions of subdivision approval attached by the Planning Board under these standards shall be enforceable by a fine not to exceed one thousand dollars (1000.00) per day under Section 1-8 of the General Provisions of the City Code.
3. The Engineering Inspector and/or 3<sup>rd</sup> party inspector shall refer observed violations to the Code Enforcement Officer for enforcement proceedings.
4. If the applicant or his/her agent fails to install or maintain erosion and sedimentation control practices or address problems brought to his/her attention by the Engineering Inspector and/or 3<sup>rd</sup> party inspector, the City may issue a "stop work" order pending resolution of the problems as identified by the Engineering Inspector and/or 3<sup>rd</sup> party inspector.

## G. MONETARY GUARANTEE

The applicant must provide such monetary guarantee as required by City Ordinances (Section 27-1430) in an amount to be determined by the City's Consulting Engineering firm based upon the cost of rectifying the "worst-case" scenario that could be created on site, and the impacts of such a scenario off-site; provided, however, the City's Consulting Engineering firm determination of such amount shall be based upon specific facts and cost figures for the lot in question; provided further, the amount of such guarantee may be reduced, but not below 50% of its original amount, by the Planning Board as work progresses. Except as provided, the guarantee may not be released until land has been certified to be rehabilitated by the City's Consulting Engineering firm and the Building Inspector after consultation with the Engineering Inspector and/or 3<sup>rd</sup> party inspector.

# PLANNING BOARD APPLICATION



## **NONCONFORMING LOTS OF RECORD**

### SITE PLAN APPLICATION FOR DEVELOPMENT OF LOTS WITH LESS THAN THE REQUIRED MINIMUM LOT SIZE OR STREET FRONTAGE

Prior to submitting an application, **pre-application and pre-submittal meetings** with the Department of Planning & Development **are required**. The application shall not be considered by the Planning Board unless a meeting has been held. This meeting is intended to provide the applicant with an understanding of the City's standards & procedures and to allow the applicant to familiarize the staff with the proposed development.

Upon receipt of your application, exhibits and all applicable fees, staff shall start processing your request. **Please be advised that the Planning Board may schedule a Public Site Walk after your application has been submitted and may be conducted prior to the scheduling your application for a Planning Board Public Hearing.**

Upon acceptance of the completed application, the Planning Staff shall place the item on the Planning Board's agenda for consideration.

#### **The Planning Director or the Planning Board:**

1. May request a peer review of the design of the development from an architect or other design professional. This shall occur in accordance with Section 27-138.
2. Must hold a Public Hearing on the application in accordance with Section 27-1425.
3. May impose conditions of approval on the development. These conditions relate to the standards of Section 27-304. In all cases, the Planning Board shall include a condition requiring that the Certificate of Approval and the Findings of Fact for the development shall be recorded at the Cumberland County Registry of Deeds.

The development of the property must comply with the approved application including any conditions of approval. If it is necessary to make modifications to the approved plan prior to or during development, the Planning Director may approve such modifications provided they do not amount to a waiver or substantial alteration of the approved plan including any conditions or requirements set by the Planning Board. Any subsequent modifications to the building, site layout or use may occur only with approval of an amended application by the Planning Board.

# PLANNING BOARD APPLICATION



## Public Notice Instructions:

When a project is scheduled for a public hearing before the Planning Board, the Department of Planning and Development currently notifies all owners of property within 500' of the lot being proposed for development. **Required at application submission: a list of map and lot numbers of property within 500' of the lot under consideration, \$150.00 for staff administrative fee plus a \$1.00 per notice fee. These map & lot numbers must be obtained from the current, updated tax maps in the City Assessor's Office or the GIS Web Viewer on the City website, [www.southportland.org/](http://www.southportland.org/)**

## **Attached to this cover sheet is:**

1. A list of approval standards for the development of lots of record. Please read these standards carefully and if you have any questions, please contact staff.
2. An exhibit sheet. (All exhibits must be received and reviewed by staff for the Director of Planning & Development in order to deem your application complete for a Planning Board review.)
3. Application form

We look forward to working with you.

## APPROVAL STANDARDS FOR DEVELOPMENT OF NONCONFORMING LOTS OF RECORD

These standards must be met unless otherwise specifically provided for in this section. If there is any discrepancy between the standards presented here and those in Section 27-304 (f), those in Section 27-304 (g) shall apply.

- (1) The principal building must be a single-family detached dwelling used solely for residential purposes including home occupations.
- (2) Each building on the lot shall not exceed twenty-eight (28) feet in height, the height to be measured, notwithstanding the definition of building height in Sec. 27-201, from the peak or highest point on the roof line.
- (3) Total building coverage shall not exceed twenty-five (25) per cent of the lot.
- (4) At least twenty-five percent (25%) of the area of the lot must be vegetated and permeable, or naturally impermeable (e.g., naturally occurring ledge), open space.
- (5) Each building on the lot shall comply with the side and rear setback requirements of the district in which the lot is located, except that there shall be a minimum of twelve (12) feet separation between the new building and any existing principal or accessory building on an abutting lot, whichever produces the greater side and rear yard setbacks on the lot.
- (6) The principal building shall be connected to the public sewer system either directly or via a private sewer which is connected to the public sewer system.
- (7) Any building located in a combined sewer area shall not have a basement, unless the Planning Board finds that one of the following conditions is met:
  - (i) The finished floor elevation of the basement slab is a minimum of 12" above the seasonal high groundwater elevation, hydraulically restrictive horizon or bedrock as defined by the State of Maine Subsurface Wastewater Disposal Rules. The determination of the limiting factors shall be based on a soil profile description, prepared by a Maine-licensed site evaluator, for a minimum of two (2) test pits excavated within the footprint of the proposed building. The soil profile shall be documented on a standardized application form issued by the Maine Department of Health and Human Services (i.e., HHE-200 form, as may be amended from time to time). Submitted documentation to support the basement request shall include an elevation reference mark for verification. The soil profile and condition used for the determination of the limiting factor elevation shall be representative of the most limiting conditions beneath the foundation of the building.

# PLANNING BOARD APPLICATION



or

- (ii) The applicant demonstrates sufficient right, title or interest, reviewed and approved as to legal sufficiency by the Corporation Counsel, to discharge runoff from building foundation drain(s) or sump pump(s) onto or across downgradient properties. Such rights shall include any required downgradient areas along the flow path of the discharge from the project site to a natural stream or the City's public separated storm drainage system.
- (8) Building site plans submitted pursuant to Sec. 5-58 of the Code shall include a Drainage Plan meeting the requirements of Sec. 27-1536(e), Standards for a Drainage Plan.
- (9) Notwithstanding any other provision of this ordinance to the contrary, there shall be no vehicular access, driveway or parking easements allowed to benefit or burden the lot to be developed.
- (10) The proposed design and development of the lot and the buildings and structures on the lot shall be consistent with the established character of the neighborhood. In determining if the proposed development meets this criterion, the Planning Board must find that the following are met, if they are applicable to the location:
- (i) If there is a predominate pattern of development in the immediate neighborhood with respect to the relationship of the principal building to the street, the principal building must be located on the lot so that it has a similar relationship to the street as other neighboring principal buildings on the same side of the street. If this requires the building to be closer to the front lot line than the required front yard setback, the building may encroach on the required yard and no variance is required.
  - (ii) If there is a predominate pattern in the width of buildings in relationship to the width of lots in the immediate neighborhood, the width of the front of the building must be similar to the relationship of neighboring lots on the same side of the street.
  - (iii) If there is a predominate pattern in the style of the roof and its orientation with respect to the street in the immediate neighborhood, the roof of the building must be similar to the relationship of buildings on neighboring lots on the same side of the street. If the predominant pattern is for the ridgeline of the roof to be perpendicular to the front property line, the portion of the proposed building facing the street must maintain this relationship.
  - (iv) If there is a predominate pattern in the height of buildings in the immediate neighborhood, the height of the building based upon existing

# PLANNING BOARD APPLICATION



grade must be consistent with the height of the buildings on neighboring lots on the same side of the street. If the predominant pattern is for buildings to have more than one story, the proposed building must have more than one story for the portion of the building facing the street.

- (v) The appearance of the wall of the building facing the street must be consistent with buildings on neighboring lots on the same side of the street. If there is a predominant pattern in the immediate neighborhood for these walls to be treated as the front of the building with a front door and windows, the front wall of the proposed building must be treated as the front of the building. If there is a predominant pattern for neighboring buildings to have a front porch, the design of the proposed building must be consistent with this pattern.
  - (vi) The exterior materials must be visually compatible with adjacent and nearby buildings where a predominate pattern in the exterior materials exists, except where unacceptable materials predominate. This provision shall not be used to exclude materials that are visually similar to existing materials but are made differently. The determination shall be based upon Sec. 27-1568(H), Materials and Colors.
- (11) If the nonconforming lot of record is located within the Shoreland Area Overlay District, including the Shoreland Resource Protection Overlay Subdistrict and the Stream Protection Overlay Subdistricts, the lot must be developed, and all buildings and structures located, in full compliance with the water setback requirements and performance standards of those districts.
- (12) If the nonconforming lot of record is located within a special flood hazard zone, the lot must be developed, and all buildings and structures located, in full compliance with the requirements of Article IV of Chapter 5 of the Code of Ordinances.

# PLANNING BOARD APPLICATION



## NONCONFORMING RESIDENTIAL LOTS OF RECORD SITE PLAN - EXHIBIT LIST

- 1) \_\_\_\_\_ Submit one (1) bound copy of the application with **original signature (in blue ink)**. PDF files are required. The Pre-Application date must be included in the application. One (1) hard copy of plan set (in the required form) must be submitted with the application submission. Also, electronic PDF files of all information are required.
  
- 12) \_\_\_\_\_ Submit documentation of title, right, interest in the property (deed, purchase & sale contract, contract for sale, lease, copy of the original subdivision, etc.)
  
- 3) \_\_\_\_\_ Provide an existing conditions plan prepared by a land surveyor or other qualified professional registered in the State of Maine and drawn to scale showing the boundaries of the lot of record, any improvements on the lot, including buildings, structures, or paving, the location of improvements on abutting lots, the topography and direction of drainage of the parcel, any existing easements, and the location of all utilities on the lot or in adjacent streets. These plans should be on paper no larger than 24" x 36". The plans must be bound into sets, stapled, and folded into a size no larger than 14" x 10" with the project name shown on the front of the folded plan.
  
- 4) \_\_\_\_\_ The plans shall provide the following information:
  - a) Identification of plan as Minor Site Plan
  - b) Locus Map (minimum 1" = 400')
  - c) Street name and number
  - d) Date and Scale
  - e) Name & Address of record owner
  - f) Zoning District and neighborhood of property and properties within 500'
  - g) Location & Dimensions of proposed dwelling
  - h) Location & Dimensions of driveway & sidewalk
  - i) Land area in square feet
  - j) Lot Coverage in square feet
  - k) Percentage of lot area to be covered with building
  - l) Vegetative and permeable area in square feet
  - m) Percentage of lot area proposed to be Vegetative and permeable area.
  - n) Location of all proposed utility connections.
  
- 5) \_\_\_\_\_ Provide building plans for the principal building and any accessory buildings including, at a minimum, the first floor plan and elevations for all sides of the building showing the architectural treatment of the property. The plan sets should be no larger than 24" x 36" and must be bound into sets, stapled, and folded to a size no larger than 14" x 10" with the project name shown on front face of folded plan.

# PLANNING BOARD APPLICATION



- 6) \_\_\_\_\_ Provide perspective drawings or photo simulations showing how the proposed building will appear when seen from the street and how it will fit into the streetscape.
- 7) \_\_\_\_\_ Provide a written and visual analysis of the existing character of the immediate neighborhood within five hundred (500) feet of the parcel that is within the same zone – focusing on the factors identified in Section 27-304(f) & (g). This should include aerial photos and pictures of the existing lots in the neighborhood, which are available on the City's webpage [www.southportland.org](http://www.southportland.org) Web GIS viewer
- 8) \_\_\_\_\_ Provide a written and visual analysis demonstrating how the proposed development of the lot meets Section 27-304(f) & (g).
- 9) \_\_\_\_\_ Erosion and Sedimentation Control Information cover sheet signed.
- 10) \_\_\_\_\_ As-built – Notes on the record drawing (see attached).
- 11) \_\_\_\_\_ Drainage Plan check list (see attached).
- 12) \_\_\_\_\_ If in a combined sewer area and basement is desired, please provide either of the following requirements:
  - (i) The finished floor elevation of the basement slab is a minimum of 12" above the seasonal high groundwater elevation, hydraulically restrictive horizon or bedrock as defined by the State of Maine Subsurface Wastewater Disposal Rules. The determination of the limiting factors shall be based on a soil profile description, prepared by a Maine-licensed site evaluator, for a minimum of two (2) test pits excavated within the footprint of the proposed building. The soil profile shall be documented on a standardized application form issued by the Maine Department of Health and Human Services (i.e., HHE-200 form, as may be amended from time to time). Submitted documentation to support the basement request shall include an elevation reference mark for verification. The soil profile and condition used for the determination of the limiting factor elevation shall be representative of the most limiting conditions beneath the foundation of the building.

Or

  - (ii) The applicant demonstrates sufficient right, title or interest, reviewed and approved as to legal sufficiency by the Corporation Counsel, to discharge runoff from building foundation drain(s) or sump pump(s) onto or across downgradient properties. Such rights shall include any required downgradient areas along the flow path of the discharge from the project site to a natural stream or the City's public separated storm drainage system.

# PLANNING BOARD APPLICATION



## INSTRUCTIONS

Be sure to submit your application well in advance of the date on which you plan to start the project.

In general, the City of South Portland does not require that the application or plan be prepared by professionals, except where specifically required by City Ordinance. Although professional advice and assistance may not be required, past experience indicates it is helpful in expediting your request.

Remember that incomplete applications will delay processing and approval of your application. You are required to have a pre-application meeting prior to submitting an application for review(see attached Administrative Procedures).

Please note that there is space next to the numbers on the attached checklist for the applicant to check off each required item submitted with this application form. Please be thorough.

A public hearing will be held before the Planning Board on this application.

Chapters 24 and 27 of the Code of Ordinances details the regulations governing submission of material required for approval of all applications.

1. Prior to submitting an application and the start of the review process, a pre-application conference is required with a Planner. The conference is initiated by the applicant and is scheduled with the applicant and a member of the Department of Planning and Development staff to discuss pertinent requirements.
2. Submit three (3) copies of your application well in advance of the date that you must begin your project. One (1) bound with original signature, two (2) loose leaf copies, and four copies of plan sets with the submittal of PDF Files of the application and plan set are acceptable for staff review.
3. Prepare the application, making sure all items on the checklist are addressed and that all required information is included in the application package. Call the Department of Planning and Development if you don't understand a requirement. Submit the application to the Department of Planning and Development.

The project must also comply with Planning Board Regulations and all applicable City ordinances.

# PLANNING BOARD APPLICATION



## **ADMINISTRATIVE PROCEDURES FOR PLANNING BOARD MEETINGS**

The Planning Board adopts the following administrative procedures for Planning Board meetings.

- 1) The following actions are required of applicants and Planning Department staff. If there is any conflict with a provision in the Zoning Ordinance, the Zoning Ordinance provision shall prevail.
  - a) **Pre-Application Meeting:** A pre-application meeting is required for all applications needing Planning Board approval. At a minimum the meeting must include the Code Enforcement Officer and a Planner. Pre-application meetings will be scheduled in the order they are received. The applicant must bring to the meeting all required application exhibits and submission materials, completed to at least the 75% level, including evidence of right, title, and interest in the subject property and, for projects involving construction, engineering plans.
    1. In the case of applications involving sensitive use setbacks, the applicant must provide evidence at the pre-application meeting that the proposed establishment meets the Zoning Ordinance separation performance standards. This evidence shall consist of a list of uses, by address, for each parcel within 1,000 feet of the parcel with the proposed establishment. In all cases, the burden of proof is on the applicant to ensure that the separation performance standards are met.
  - b) **Application Submission and Processing:** Applications will not be reviewed or processed unless they are acceptable for submission. In order to be acceptable, the applicant must provide all of the items on a checklist developed by staff for each type of application. If an application is acceptable for submission, a staff member will sign the checklist and stamp it with the date and time. A copy of the signed checklist will be provided to the applicant and will constitute a determination from the City as to whether the application is acceptable for submission.
    1. In cases where a land use activity may not locate within a certain distance of another use, the date and time stamp shall mark once an applicant is considered by the City to have secured the right to operate in that location, assuming no other proximity-proscribed use already exists within the defined distance, and assuming the application succeeds in obtaining Planning Board approval.
    2. The application must be submitted in person to one of the Community Planners or to the Planning Administrative Assistant. If an Applicant is unable to submit the application in person, other arrangements agreeable to the Applicant and Planning staff will be made upon request.

# **PLANNING BOARD APPLICATION**



3. Within 30 days of receipt of an application that is determined to be acceptable for submission, Planning staff will send a letter to the applicant that contains a determination of whether the application is complete for Planning Board review.
  4. Once an application is determined to be complete for Planning Board review, Planning staff will consider the time needed for the applicant to respond to staff comments and will schedule the application for a Planning Board public hearing accordingly. In all cases, a public hearing on the application will be held within 90 days of when the application is deemed complete for review, unless the applicant agrees to an extension of the time period.
- 2) The developer of any project which requires a permit from another regulatory agency, such as the Department of Environmental Protection, Inland Fisheries and Wildlife, Army Corps of Engineers, or City official or agency, must present a written copy of the approved permit to the Planning Department at least seven (7) days before any final review by the Board: provided that, upon request, the Board may conduct a preliminary review of the project and submit written comments to the regulatory agency in question prior to the receipt of such final permit.
  - 3) Except as otherwise provided by law, the Planning Director, or designee, shall schedule the Planning Board's agenda. Items shall be placed on the agenda on a first come, first served basis (as determined by time and date of completed application) consistent with the provisions of paragraph 1 above. Any items, which cannot be fit on the agenda because of the number or length of previously scheduled items, shall receive priority in scheduling for the next regularly scheduled meeting.
  - 4) No new agenda items will begin after 11:00 p.m.
  - 5) If during the course of a Planning Board meeting it becomes apparent that the Board will not reach certain agenda items, the Board may, prior to its 11:00 p.m. cut-off, offer to the proponents of such items the opportunity to have their items tabled immediately to the beginning of the next regularly scheduled meeting.
  - 6) Agenda items remaining after the 11:00 p.m. cut-off time will automatically be tabled to the next regularly scheduled meeting.
  - 7) A City Planner will prepare draft informational reports as requested by the Board of Appeals for miscellaneous appeals, in conformance with the Zoning Ordinance, and present those reports to the Planning Board on a "consent calendar" at each meeting. Notification of these reports will be posted outside the City Clerk's office no later than Friday noon prior to the week in which the regularly scheduled Planning Board meeting will be held.

# PLANNING BOARD APPLICATION



- 8) A City Planner will prepare comments for re-approval of lapsed site plans that have not changed and present those items and comments to the Planning Board on a “consent calendar” at each meeting unless a substantive change in the ordinance has taken place since the time of approval of the plan, warranting a more lengthy review of the project by the Planning Board. Notification of these applications will be posted outside the City Clerk’s office no later than Friday noon prior to the week in which the regularly scheduled Planning Board meeting will be held.
- 9) The Planning Director, or other Planning Department staff member, will prepare public hearing legal notices. The applicant will be notified a minimum of 24 hours before the notice is to be delivered to the newspaper and may come to the Planning office to review the public hearing notice. The Planning Director will have final responsibility for the wording of the public hearing notice.

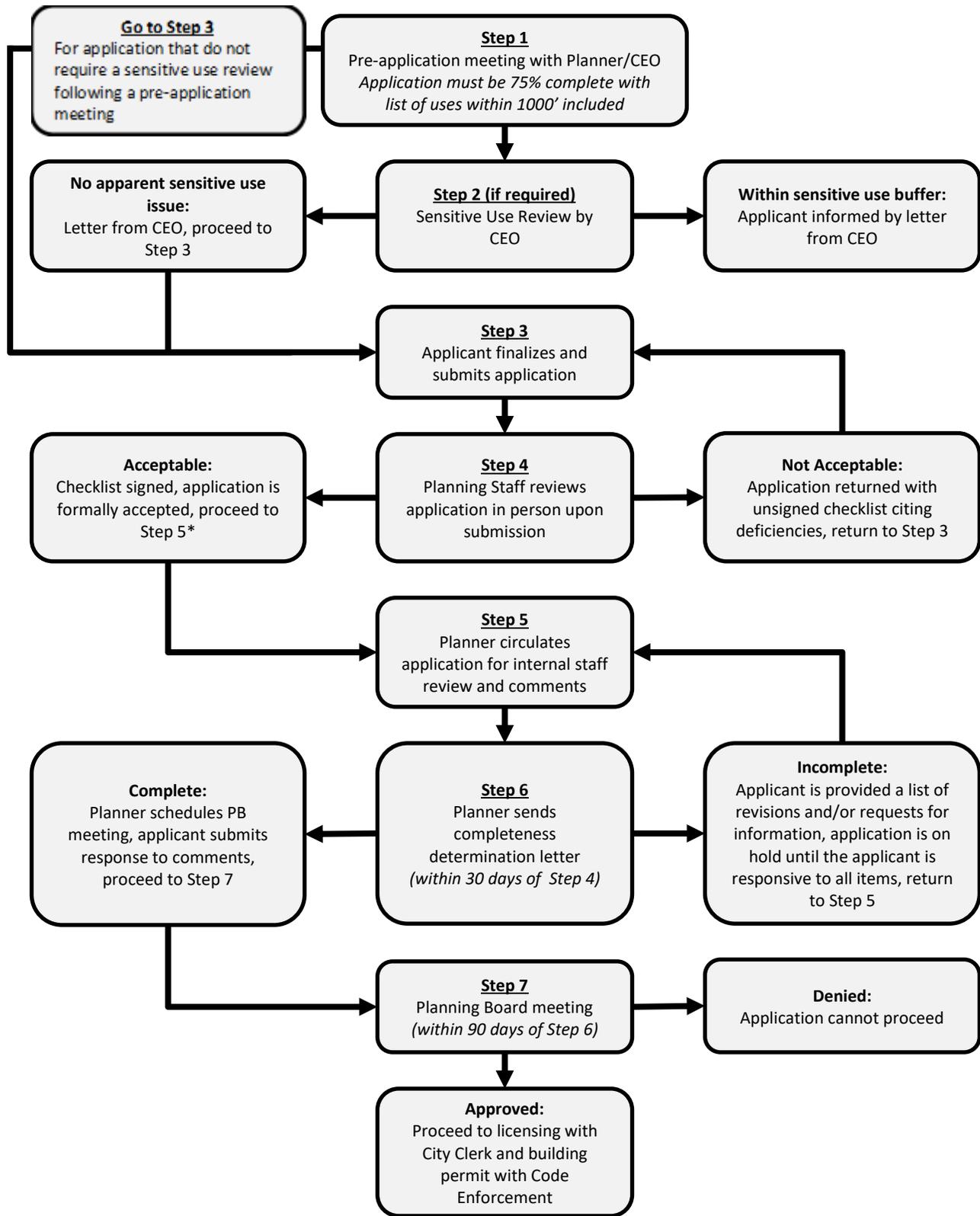
If there is an error in the ad placed in the newspaper, for any reason, it is the applicant’s responsibility to pay for a new ad to be run. In the case of error, the hearing will be tabled and rescheduled.

## **Public Notice Instructions:**

When a project is scheduled for a public hearing before the Planning Board, the Department of Planning and Development currently notifies all owners of property within 500’ of the lot being proposed for development. **Required at application submission: a list of map and lot numbers of properties within 500’ of the lot under consideration, \$150.00 for staff administrative fee plus a \$1.00 per notice fee. These map & lot numbers must be obtained from the current, updated tax maps in the City Assessor’s Office or the GIS Web Viewer on the City website, [www.southportland.org](http://www.southportland.org)**

Please call 207-767-7648, Community Planner, for more information. Be advised to keep in touch with the staff throughout the process. Your responsiveness will help the process to run smoothly.

# PLANNING BOARD APPLICATION



# PLANNING BOARD APPLICATION

## NEW APPLICATION APPLICABLE FOR SUBMISSION CHECKLIST

APPLICANT INFORMATION		
Applicant or agent name Company name		
Applicant's Telephone Number		
Applicant's Email		
Project Name		
Project Address		
<b>Fee Total:</b> _____ <b>Check #:</b> _____ <b>Application:</b> _____ <b>Escrows:</b> <b>Eng. Fee:</b> _____ <b>Legal Fee:</b> _____ <b>Arch. Fee:</b> _____ <b>PN Admin Fee:</b> _____ <b>PN Fee:</b> _____	Administrator Signature  _____  Date: _____  Applicant or agent:  _____  Date: _____	<b>For Office Use:</b> Date and Time stamp          

CHECKLIST		
<input type="checkbox"/>	Application fees, Peer review escrows, Public notice fees, and (If a Zoning Change or Subdivision) Portland Press Herald account number	
<input type="checkbox"/>	Date of the Pre-application meeting w/Community Planner and CEO:	
<input type="checkbox"/>	Signed application form (in BLUE Ink)	
<input type="checkbox"/>	One(1) bound original application signed in blue ink, tabbed with a table of contents, and two(2) loose leaf application packets, tabbed with a table of contents.	
<input type="checkbox"/>	All exhibits and plans, with relevant info, i.e. RTI, Financial Capacity, SW etc.	
<input type="checkbox"/>	All necessary exhibits and supporting documentation, including building elevations and floor plans, sign details, and cut-sheet exhibits	
<input type="checkbox"/>	Four(4) bound and folded plan sets not larger than 24" x 36"	
<input type="checkbox"/>	Electronic files of application and plan sets	
<b>FOR MARIJUANA ESTABLISHMENT APPLICATIONS (ONLY)</b>		
<input type="checkbox"/>	300' and 1000' Buffer Analysis from sensitive uses — verified by the Code Enforcement Officer.	
<input type="checkbox"/>	300' Buffer Analysis another Marijuana stores or dispensaries — verified by the Code Enforcement Officer.	
<i><b>Disclaimer:</b> In cases where a land use activity may not locate within a certain distance of another use, the date and time stamp shall mark when an applicant is considered by the City to have secured the right to operate in that location, assuming no other proximity-proscribed use already exists within the defined distance, and assuming the application succeeds in obtaining Planning Board approval.</i>		

ACCEPTABLE FOR SUBMISSION

NOT ACCEPTABLE FOR SUBMISSION (Please be aware, the City WILL NOT hold incomplete applications. The applicant will be required to take the application with them and not leave it at the Planning Office.)

Office.)