

**TOWN OF BUCKSPORT
LAND USE/BUILDING PERMIT APPLICATION**

**SUPPLEMENTAL INFORMATION FOR APPLICATIONS
SUBJECT TO LEVEL 2 REVIEW BY THE PLANNING BOARD**

THIS FORM (PAGE 1) AND A SITE PLAN COMPLYING WITH THE REQUIREMENTS IDENTIFIED BELOW MUST BE SUBMITTED WITH ANY APPLICATION FOR A LAND USE/BUILDING PERMIT THAT IS SUBJECT TO LEVEL 2 REVIEW. PLEASE CHECK EACH BOX TO INDICATE COMPLIANCE, IF APPLICABLE.

Site plans must comply with the following basic format:

- Black ink on white paper at a scale of one inch equals not more than 100 feet. 10 copies must be provided.
- Paper size no larger than 24" x 36", with a margin of at least one inch, and two inches on the left side for binding purposes.

Site plans must include the following basic identifying information:

- The project name, the name of the municipality, name and address of the record owner of the property being developed and the name and address of the project developer.
- Districts affecting the lot to be developed and contiguous lots.
- Name, address, license number, seal and signature of the surveyor providing surveying data.
- Name, address, license number, seal and signature of the engineer providing engineering data, if any.
- Tax map and lot identification of the property.
- A location map based on a U.S.G.S. topographic map.
- A north point arrow and a graphic scale.

Site plans must include the following basic dimensional information:

- Size, in acres, of the property.
- Bearings and lengths of the boundary lines of the property to be developed, as identified by a standard boundary survey.
- Width of street frontage and shoreline frontage.
- Footprint and height dimensions of buildings and other structures.
- Setback dimensions of buildings and other structures.
- Percent of lot coverage by structures and non-vegetated surfaces in any shoreland district.

Site plans must include identification of the following natural features of the property to be developed, as may be applicable:

- Topography, shown as contour lines at intervals not to exceed 20 feet
- Cleared or natural openings in the vegetation, including timber harvests.
- Water bodies, including ponds, rivers, streams, tributary streams and wetlands.
- The location of essential habitat for rare, threatened and endangered plants and animals.
- Approximate locations of ledge outcroppings.
- Surface water drainage flow patterns.
- The location of significant sand and gravel aquifers.
- The location of any other natural features or unique site elements.

Site plans must include the following site development information, as may be applicable:

- The location of proposed and existing structures.
- The location and size of sewer and water utilities, including manholes and hydrants.
- The location of power, telephone and cable utilities including the location of utility poles for above-ground service.
- The location of proposed utility service connections.
- The location, width, typical cross-section, grades and profiles of all proposed streets and sidewalks.
- The location of street lamps.
- The location of subsurface wastewater disposal system soil test pits.
- A stormwater management plan, including erosion and sedimentation control measures, and the location and dimensions of culverts, ditches, catch basins and curbing.
- The location and right-of-way width of any street providing direct access to the property to be developed.
- The location, dimensions and purpose of any existing or proposed easement.
- The location of parking areas.
- The location of any pedestrian ways, open spaces, parks and other areas to be reserved for or dedicated to public use and/or ownership.
- A planting plan and schedule keyed to the site plan indicating the general species and sizes of trees, shrubs, and other plants to be planted on the site.

LEVEL 2 REVIEW PROCEDURES

PRE-APPLICATION MEETING

- 1) Purpose: To exchange information between the CEO and a pre-applicant concerning a proposed project and the application review process.
- 2) Timing: The CEO may conduct a pre-application meeting upon initial contact by a pre-applicant or a meeting may be scheduled. A pre-application meeting with the planning board may also be scheduled upon request. A pre-application meeting is optional.
- 3) Procedure: The CEO and planning board shall establish the appropriate procedures for their respective pre-application meetings to meet the needs of each pre-applicant.

PRELIMINARY REVIEW

- 1) Purpose: To identify compliance with minimum application content requirements.
- 2) Timing: The review must commence within one week of receipt of an application by the CEO.
- 3) Procedure: Preliminary reviews must proceed as follows:
 - a) The CEO shall review the application and provide written notification to the applicant of any identified omissions. The applicant may request a waiver of identified omissions. The request must be in writing and submitted to the CEO, who shall submit the request to the planning board during the application presentation.

DEPARTMENT REVIEW

- 1) Purpose: To identify any impacts a proposed land use may have on municipal services.
- 2) Timing: The review must commence upon submission of an application by the CEO to the town manager.
- 3) Procedure: A department review must proceed as follows:
 - a) The CEO shall submit copies of the application to the town manager for distribution to department directors whose department services may be impacted by the proposed development. Written comments must also be requested from the town's public water supplier, if the proposed development requires public water service.
 - b) The town manager shall forward all written comments from the department directors to the CEO, who shall submit them to the planning board during the application presentation.

PUBLIC NOTIFICATION

- 1) Purpose: To give written notice of a proposed land use to owners of property within close proximity to the development site.
- 2) Timing: The notice to property owners must be sent at least one week before the date when the application will be presented to the planning board.
- 3) Procedure: Public notification must proceed as follows:
 - a) The CEO shall send a notice describing the proposed land use, its location and the applicant's name via US First Class Mail to all owners of property within 100 feet of the boundaries of the property to be developed. The notice must also include the date, time and location of the meeting at which the application will be submitted to the planning board. A copy of the notice must be provided to the applicant.

APPLICATION PRESENTATION

- 1) Purpose: To provide the planning board and public in attendance with a general description of a proposed land use development.
- 2) Timing: The application presentation must take place at the first available planning board meeting after conclusion of the preliminary review and department review.
- 3) Procedure: An application presentation must proceed as follows:
 - a) The CEO shall conduct an oral presentation to describe the proposed project. The presentation may include visual aids such as photographs and drawings. The CEO shall also provide the board with any waiver requests submitted by the applicant.
 - b) Upon conclusion of the CEO's presentation, the applicant may conduct a presentation.
 - c) The board may consider any waiver request upon conclusion of all presentations. A decision to grant a waiver may be postponed until applicable land use standards have been reviewed at the appropriate time. All waiver request decisions must be made in accordance with the requirements in Section 17.

PUBLIC COMMENT PERIOD

- 1) Purpose: To provide the public an opportunity to comment on or ask questions about a proposed land use.
- 2) Timing: A public comment period must be allowed during the first review of an application.
- 3) Procedure: A public comment period must proceed as follows:
 - a) Upon conclusion of the application presentation, the chairman shall open a public comment period and allow comments and questions from the public. A public comment period is not intended to be a venue for discussion between parties, but the chairman may allow the applicant to respond to comments or questions at the time they are submitted, if appropriate. The chairman shall regulate the proceeding to ensure an efficient use of time.
 - b) Comments and questions submitted during the public comment period shall be addressed by the board at the appropriate point during their review of the application, as determined by the chairman.
 - c) The chairman shall set a reasonable time to conclude the public comment period so as to allow the conduct of other business of the board. If the time allotted for a public comment period is insufficient to allow for all public input, the chairman may allow additional time or continue the proceeding at the next available meeting. A standards review for an application may not commence until the public comment period for that application has concluded.

STANDARDS REVIEW

- 1) Purpose: To determine if a proposed land development complies with applicable land use standards.
- 2) Timing: The standards review must commence upon conclusion of the public hearing or at the first available planning board meeting thereafter. Commencement of the review is considered the initiation of a substantive review process for the purposes of bringing the application under the protection of Title 1 M.R.S.A. §302.
- 3) Procedure: A standards review must proceed as follows:
 - a) The planning board shall review the application for compliance with applicable land use standards. The board may request the applicant to provide additional information if it is needed to clarify or verify compliance. Any cost incurred to provide the information is the responsibility of the applicant. In the event the requested information is not submitted within 30 days from the date of the request or upon any other mutually agreeable time period, the review must be based on the information as submitted.
 - b) The planning board shall issue a determination regarding any request for a waiver of required information that has not been previously addressed. The determination must be made in accordance with the requirements in Section 17. If a waiver request is denied, the board shall determine if the standards review may continue prior to the submission of required information.
 - c) The planning board may require a site visit if necessary to assist in their standards review. Notice of the site visit must be provided to the public in accordance with Title 1 M.R.S.A. §406. Payment for site visit costs must be made in accordance with the requirements of Section 11.6.4.
 - d) The standards review is deemed concluded upon a determination that all applicable Sections 12, 13 and 14 land use standards have been reviewed. The board's standards review must be documented in writing.

FINDINGS AND DECISION

- 1) Purpose: To evaluate an application for compliance with applicable Section 15 performance criteria and to approve or deny the application.
- 2) Timing: The findings must commence upon conclusion of the standards review or at the first available planning board meeting thereafter.
- 3) Procedure: A findings and decision must proceed as follows:
 - a) The planning board shall make a positive finding of performance criteria upon determining that the requirements of corresponding Sections 12, 13 and 14 land use standards have been met. A written finding must be made for each criterion identified in Section 15. Any performance criterion or portion thereof that does not apply must be noted as "not applicable" in the findings, with a written explanation of that determination.
 - b) An application for which a positive finding has been made for all applicable Section 15 performance criteria is deemed approved by the planning board. An application for which a positive finding has not been made for any applicable Section 15 performance criteria is deemed denied by the planning board. In making findings, the planning board may include any reasonable condition of approval that is relevant to compliance with the requirements of this ordinance. The written findings and decision must be given to the applicant if the application is denied or if the approval of the application is the subject of an appeal.

A Level 2 application review must be completed as soon as practicable, but in no case more than 35 days after the completion of the standards review.

REVIEW FEE

The review fee for a Level 2 land use application is based on the total estimated cost of the project described in the application. A minimum \$50.00 review fee is required for a project with a total estimated cost of \$50,000 or less. If the total estimated cost exceeds \$50,000, the fee is calculated as follows:

- 1) For projects with a total estimated cost of up to and including \$1,000,000, the review fee is 1/10% (.001) of the total estimated project costs.
- 2) For projects with a total estimated cost greater than \$1,000,000, the fee is \$1,000 plus 1/100% (.0001) of the portion of the estimated project cost above \$1,000,000.
- 3) For the purposes of this section, land acquisition costs and permit and review fees are not included in determining the total cost of the project.
- 4) The total estimated cost of any project that extends beyond the boundaries of the town may only include costs associated with the portion of the project located within the town.

A special meeting fee in the amount of \$185.00 is required when a special meeting is scheduled by the planning board to conduct an application review or conduct a site visit related to an application review. The fee must be submitted by the applicant at least one week prior to the scheduled meeting date. If a special meeting or site visit is cancelled, the fee must be applied to other required fees as identified in this section. If there are no other fees due, the balance must be refunded to the applicant upon conclusion of the application review.

The applicant shall deposit with the town the full estimated cost of consultant services required by the planning board before service is provided. Payment of any balance due to cover the final cost of consultant services is due upon request by the town. Any deposit balance remaining upon payment in full for consultant services must be applied to other required fees as identified in this section. If there are no other fees due, the balance must be refunded to the applicant upon conclusion of the application review.

A service fee may be required if the planning board determines that stenography, audio or video recording of an application review is necessary. An estimated fee for the service must be submitted by the applicant to the town at least one week prior to any meeting where such service will be provided. Payment of any balance due once such service is ended is due upon request by the town. Any deposit balance remaining upon payment in full for special services must be applied to other required fees as identified in this section. If there are no other fees due, the balance must be refunded to the applicant upon conclusion of the application review.

ISSUANCE OF PERMIT

- 11.7.1 The code enforcement officer shall issue a land use permit for an approved application no later than 10 days after the date of approval provided that any other prerequisite permits or approvals have been obtained. The permit authorizes the commencement of any land use approved by the reviewing authority, except as otherwise provided for in section 11.7.7. A land use permit may also authorize the construction or installation of any structure that is part of the permitted land use, in lieu of a separate building permit that would otherwise be required in accordance with Chapter 5, provided that the applicable permit fees required by Chapter 5 have been submitted, and that a sufficient description of the structure has been submitted.
- 11.7.2 A land use permit is in effect for two years from the date of issue, except as provided for in sections 11.7.2.1, 11.7.2.2, 11.7.2.3 and 11.7.2.4.
- 11.7.2.1 The code enforcement officer may increase the effective period of a permit to 3 years, upon written request by the permittee. The request must be submitted to the town office no less than one week prior to the permit expiration date. A \$25.00 administrative fee must be included with the request. Before the effective period of the permit may be increased, the permittee must demonstrate that a substantial start of the permitted land use has been achieved.
- 11.7.2.2 The planning board may increase the effective period of a land use permit to a period not to exceed 5 years, when considering approval of an application subject to Level 2 review. The effective period may only be

increased if the board finds that improvements which are required for the land use cannot be substantially completed within 2 years due to:

- 1) the timelines of other required regulatory approvals needed before construction can begin,
- 2) the scale or complexity of the project, or
- 3) the planned phased development approved by the board.

- 11.7.2.3 The planning board may amend a land use permit approved by the board to increase the effective period of the permit in accordance with section 11.7.2.2, provided that the increased effective period starts from the original date of approval. A written request from the permittee must be submitted to the town office no less than one week prior to the permit expiration date. A \$25.00 administrative fee must be included with the request.
- 11.7.2.4 A written request submitted in accordance with the requirements of section 11.7.2.1 or 11.7.2.3 will result in a temporary extension of the permit expiration date, if necessary, until such time a decision is made on the request.
- 11.7.2.5 A permitted land use that is granted a permit expiration date extension in accordance with sections 11.7.2.1 or 11.7.2.3 may not be subject to any condition of approval requiring the land use to comply with any new or revised land use standard that became effective after the date the land use was originally approved.
- 11.7.2.6 The authority to conduct a land use will remain in effect after the permit expiration date, provided that substantial completion has been achieved prior to that date, and provided that the land use is conducted in accordance with all applicable laws, rules and regulations.
- 11.7.3 A land use permit becomes invalid on its expiration date if a substantial start was not achieved prior to the original permit expiration date, or substantial completion was not achieved before the permit expiration date set in accordance with the provisions of section 11.7.2.
- 11.7.3.1 No work may be conducted after a land use permit becomes invalid until a new permit is issued by the reviewing authority. The extent of review must be determined by the reviewing authority, and must be based on the extent to which the permitted land use had been completed prior to the permit expiration. The land use may be subject to compliance with any revised or added land use standards that are applicable.
- 11.7.4 A permit issued for any land use in a shoreland district must be kept on site while the work authorized by the permit is performed.
- 11.7.5 The issuance of a land use permit does not authorize the applicant to commence any activity or use that requires other permits or approvals from local, State or Federal agencies, offices or departments before such permits or approvals have been obtained.

Please contact the code enforcement officer if you have any questions about Level 2 review procedures.