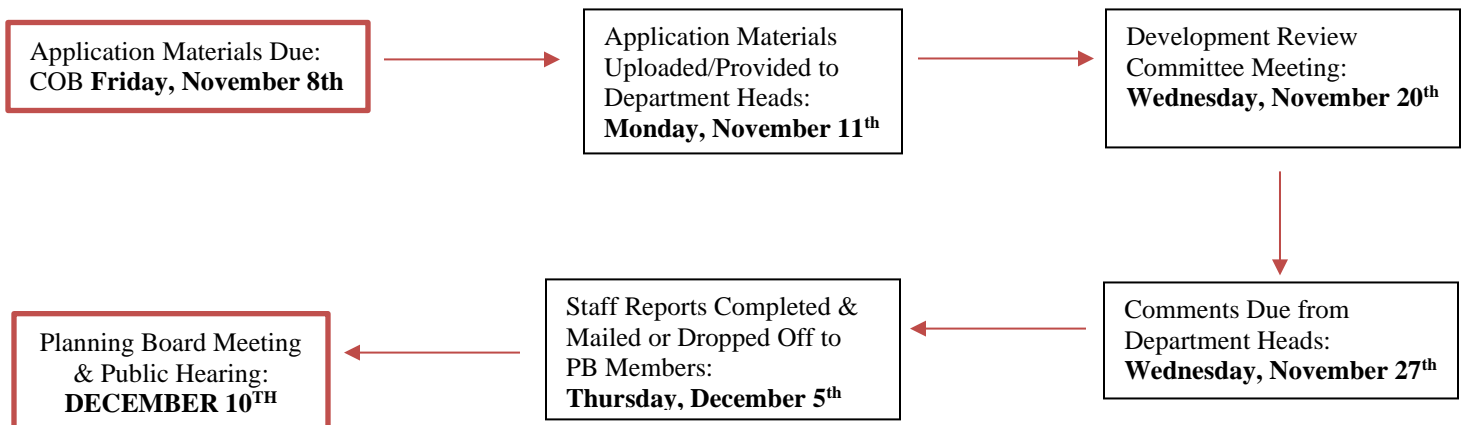




To: Auburn Planning Board
From: Megan Norwood, City Planner II
Re: Planning Board Review Process Schedule/Ordinance Requirements
Date: November 12, 2019

The purpose of this memo is to provide the Planning Board with an update/overview of how the process works from when Planning Staff receives an application to when the Planning Board completes its review and the final plan is ready to be signed and/or recorded. The Ordinance also defines a process for Special Exception, Site Plan and Subdivision review that is required to be followed by the Planning Board. Below is an example of the submission deadline and subsequent process for the December Planning Board meeting that Planning Staff has outlined and provided to Department Heads:

Timeline for December Planning Board Meeting



The current schedule does not necessarily incorporate all the requirements of the ordinance. Below are the three most common types of applications that the Planning Board reviews and their applicable decision-making, review timelines as spelled out in the ordinance.

Ordinance Timeline Requirements for **(Site Plan Review)**:

Sec. 60-1303. – Timeline. Within 5 days of receipt, the Planning Director is required to transmit copies of the application and site plan to the department that they feel requires such information. The departments have up to 15 days to make recommendations to the Planning Board *(Based on the current schedule Department Heads receive materials on Monday, November 11th. Comments are due back by Wednesday, November 27th – 16 Days this month. We also hold a Development Review meeting which is not required but allows us to discuss the applications with Department Heads).*

Sec. 60-1304. – Public Hearing. Within 30 days of receipt of a completed application, the Planning Board is required to hold a public hearing. The Planning Board is required to take final action on the site plan within

60 days of receiving a completed application, or another time as mutually agreed to. Requirements for the “finding:”

- A finding and determination that the proposed project will constitute a suitable development and will not result in a detriment to the neighborhood or the environment; or
- A written denial of the application stating the reasons for such denial, upon a finding that (examples): Vehicular loading, parking, pedestrians, value and safety of neighborhood, landscaping, soil/drainage, lighting, sewer/water impacts, fire hazard, zoning ordinance violation, municipal services impact, etc. (*Findings of Fact for Example or a Notice of Decision in the event of a denial*).

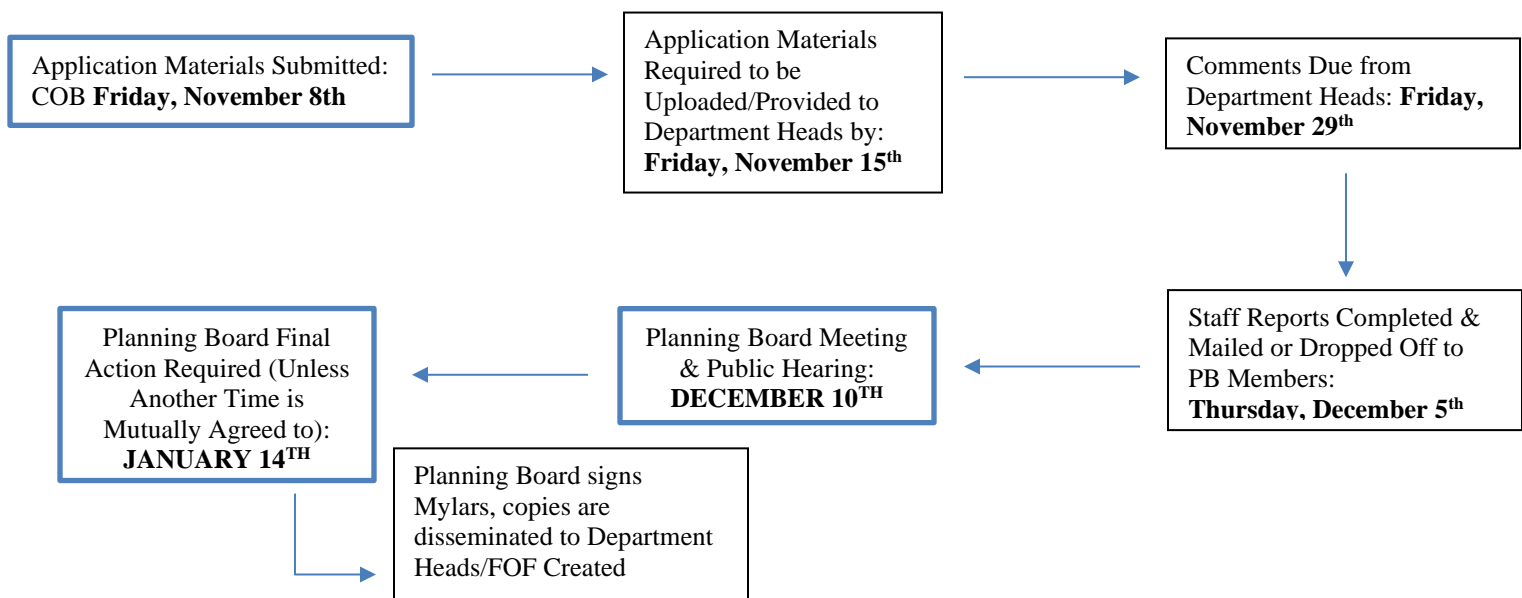
Sec. 60-1306. – Signed Copies. If no action is taken within 60 days after submittal of a completed application, the site plan shall be deemed to have been approved. An original of the approved plan signed by the Planning Board and one signed copy shall be delivered to the applicant, assessors department, engineering department, and to the building inspector to issue permits. (*Does the Planning Board sign Site Plans now, should this be amended to say Planning Board Chair?*)

Sec. 60-1307. – Findings in Writing. The findings of the Planning Board are required to be in writing with one copy being forward to the applicant. The written findings should also include a statement as to how any deficiencies in the site plan might be resolved and what conditions, modifications and restrictions are to be complied with in executing the plan (*Findings of Fact Example*).

Ordinance Timeline Requirements for (**Special Exception**):

The process is the same as the Site Plan review, however, there is one section that says as part of the granting or denial of any petition for a special exception, *the board shall show by written statements filed in its records of such application and by a statement in the minutes of the board how the special exception sought fulfills the foregoing conditions*. An applicant can also request the board to make a statement as to how the special exception may be granted without danger to health and safety and without substantially derogating from the essential intents and purposes of the zoning ordinance or of the city master development plan. (*Findings of Fact example showing the 7 conditions of special exceptions – Sec. 60-1336(a)(1-7) in the Ordinance. A lot of times a Planning Board will go through each of the 7 conditions and state how the project meets or does not meet the condition. As part of the application process, the Applicant is required to provide a response to those standards for the Planning Board to evaluate based on the items submitted*).

Site Plan/Special Exception Timeline (Required by Ordinance)



Ordinance Timeline Requirements (**Major/Minor Subdivision**):

Sec. 60-1360. For a Minor Subdivision, the Planning Board is required to hold a public hearing within 30 days after receiving the completed application. Final action is required within 30 days of receipt of a completed application or within such other time limits mutually agreed to by the Developer. Final action whether approval, approval with conditions or disapproval is required to have the reasons specified in writing (*Findings of Fact Example*).

Sec. 60-1361. – Major Subdivision. A public hearing is required for a preliminary plan within 30 days of receiving the completed application (*Same as Site Plan/Special Exception/Minor Subdivision*). The difference between Major/Minor Subdivisions is that with a major subdivision the Applicant can submit a preliminary plan. When granting preliminary approval to the preliminary plan, the Planning Board is required to state the conditions of the approval, if any, with respect to:

- The specific changes which it will require in the final plan;
- The character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety and general welfare.

Sec. 60-1362. Major Subdivision Final Plan.

(A) Within 6 months after the preliminary approval of the preliminary plan, an application for approval of the final subdivision plan is required to be submitted to the Planning Board. If the final plan is not submitted to the Planning Board within 6 months after the approval of the preliminary plan, a single 6 month extension may be given upon a showing of good cause in writing by the Applicant to the Planning Board not less than 30 days before the expiration of approval of the existing plan.

(B) Within 30 days after the public hearing on a final plan, the Planning Board is required to conditionally approve, approve with conditions, or disapprove the final plan. These decisions are required to include Findings of Fact.

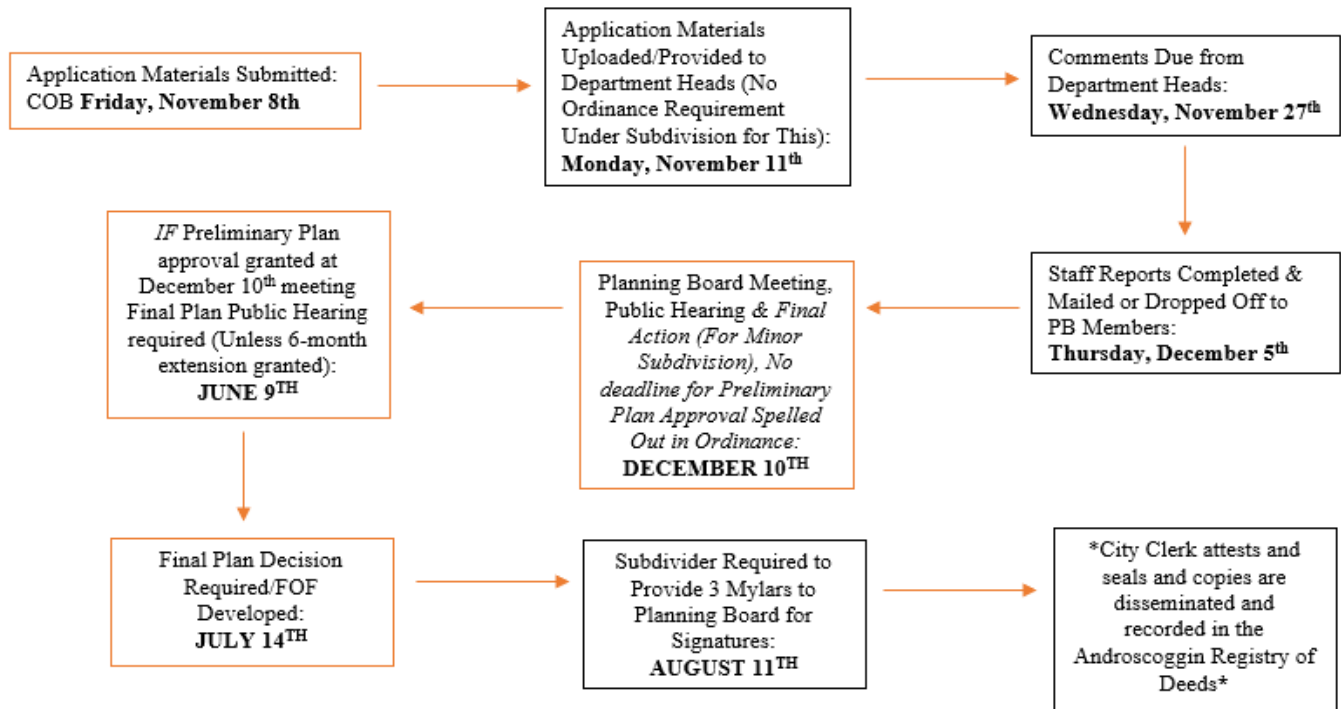
Sec. 60-1363. Final Approval and Filing.

- (1) Not more than 30 days after the date of the vote of final approval, the Subdivider at his expense shall furnish the Planning Board with 3 reproductions on Mylar of each sheet of the endorsed original Mylar drawing of the final plan as approved together with the 3 paper prints of each sheet thereof, and each reproduction or print shall show any endorsement made on its original.
- (2) The City Clerk shall attest and seal each of the 3 master reproductions and each of the aforesaid 3 paper prints. The City Planner shall transmit one of such paper prints, so attested, to the City Engineer, one to the Water District and one to the Sewer District if located within Sewer District limits, otherwise to the Planning and Permitting Services Department. In addition, the City Planner shall send one of the 3 sets of attested copies to the Planning Board, one set to the assessor and one set to the Subdivider to be recorded by them in the Androscoggin County Register of Deeds, and a CAD disk to information services.

(Further deliberation is needed on this process to ensure it is followed or amended to reflect the current process).

The Subdivision review process does not currently require Planning Staff to provide applications to various Department Heads for review before the Planning Board meeting. It also does not lay out a timeline for the Planning Board to make a decision on a Preliminary Plan, only a final plan.

Major/Minor Subdivision Timeline (Required by Ordinance)



Some Items for the Planning Board to Consider:

- How does the Planning Board feel about the overall calendar? Does it make sense? If not, what adjustments could be made to make things flow better for the Board?
- Does the Planning Board like the process of having the entire board sign Findings of Fact or should it be just the Chair?
 - Would the Planning Board like to review the formal Findings of Fact at the next meeting (understanding that the approval already exists and the review process would not hold up the Applicant as the decision has already been made and is documented in meeting minutes).
- How about signing Mylars? Should the Planning Board as a whole sign the Mylars for Site Plan, Special Exception and Subdivisions? Should just the Chair sign them?
- When an item is tabled, the schedule does not work out to allow for the Applicant to address the Planning Boards recommendations and submit for the next meeting. If the Applicant is required to adhere to the Planning Board calendar they would not be able to resubmit for 2 months (*example, if the Planning Board tables a proposal at the November meeting, they wouldn't be able to resubmit for the December meeting, they would have to wait until the January meeting*). The quick turnaround also does not afford Staff the time that may be needed to review the new materials submitted to make sure items are adequately addressed and prepare a Staff Report for the next meeting.
- The big piece here is ensuring the Ordinance adequately reflects the process that takes place each month during application review/the creation of the final Findings of Fact.

Megan Norwood

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City Planner II