

## SECTION 7. HOW WILL THE REVIEW PROCESS WORK?

Developing clear procedures for reviewing and approving site plans is vital. Further, the review process must be tailored to the capabilities of the municipality, the types of nonresidential development occurring in the community, and the expertise of those doing the review.

This section explores a number of considerations that should be evaluated as the review process is developed.

### ■ THE PREAPPLICATION PROCESS

What happens before a formal application for **site plan review** is submitted may be one of the most important factors in assuring that positive development occurs. For the best results, it is essential that the applicant and municipality communicate with one another as early in the process as possible, even before formal design of the project is started.

The review process should provide an opportunity for a prospective applicant to meet with a designated representative of the municipality prior to preparing the actual application. A preapplication meeting or conference should be strongly encouraged for all projects. Some communities make a preapplication meeting mandatory for larger or more complex projects.

There are a number of different approaches to the preapplication phase. If the municipality has staff, the preapplication meeting may be designed to occur with the staff person who has the most involvement with **site plan review**, such as the planner, code enforcement officer, or town manager. A second approach is to hold the preapplication meeting with all of the staff who are involved in reviewing site plans. This assures that all potential issues get “on the table.” If the Town has limited or no staff resources, the process should provide the opportunity for a preapplication conference with the review body (i.e., Planning Board, Site-Plan Review Board, etc.).

The preapplication phase should be informal and no decisions should be made about the project. Some review systems do however allow procedural decisions to be made at this time such as whether certain information will be required. Any procedural decisions of this type should be in writing. The objectives of the preapplication phase should be to:

1. Provide the prospective applicant with an understanding of the **site plan review** process, what information will be required, who will be involved in the review, and what the time schedule will be.
2. Provide the municipality with an understanding of the development proposal and the possible implications of the development activity for the community.
3. Assure that issues or concerns that need to be addressed in the development proposal are clearly identified and understood by the applicant.
4. Make the applicant aware of any opportunities for coordinating the development with community policies or programs.

For larger scale and/or more complex projects, a site analysis as discussed in Section 6 can be a tool for assuring a meaningful preapplication phase.

### ■ SKETCH PLAN PHASE

Generally, a sketch plan phase (as is typically found in subdivision review) is not necessary for the review of site plans, especially if provisions are made for a preapplication phase. The exception is in cases involving large scale projects or the development of large pieces of land. For most communities, a sketch plan phase can significantly lengthen the review process without markedly improving the quality of the development proposals.

## ■ APPLICATION PHASE

The review process needs to address a number of issues in this phase:

1. **Submission of the Required Information** - The **site plan review** process cannot begin, let alone be efficient and sound, until all of the needed information is received from the applicant. However, many communities provide a level of flexibility in what is required. Once the required information has been submitted and the reviewers find it is acceptable, formal review of the application can begin.
2. **Public Notification and Involvement** - The community needs to evaluate the appropriate role of the public in the review process. This includes notification of the neighbors that an application is pending and providing the opportunity for the public or neighbors to comment on the application. Local practice varies a great deal on these matters:
  - Notification - Since the type of uses covered by **site plan review** are often of interest to nearby property owners, the review system should make provision for notifying these people of the submission of the application. Two ways of addressing this is through a "pending application" notice mailed to project abutters when the application is submitted. This should inform them of the nature of the proposed activity, the review process, and their avenue for commenting on the application. Many communities develop a standardized form for this purpose. A second approach is to mail abutters copies of the meeting agenda at which the **site plan review** of the project of interest to them will be discussed.
  - Participation - The role of the public in **site plan review** needs to be tailored to mesh with local practices. Some communities hold public hearings on each application while others allow the public to speak at the meeting at which the project is reviewed or to provide written comments on the application. The key is to tailor the process to the needs of your community and your current practices. Participation by the public is an important issue, especially if staff play an active role in reviewing applications.

3. **Site Walks** - Reviewing a site plan without firsthand knowledge of the site is difficult. Therefore, it is prudent to assure that the people doing the review have visited the site. A common way to accomplish this is through a site walk in which the members of the review body visit the site in a group. Some regulations allow a staff person or chair to schedule a site walk prior to the initial consideration of an application to shorten processing time. Proper public notice of the site walk needs to be provided to interested parties and abutters since the site walk is technically a meeting.



4. **Technical Review** - **Site plan review** involves compliance with technical standards. The review process should establish procedures to assure that the technical aspects of the proposal are reviewed by competent professionals. This can be accomplished by either involving these professionals directly in the process such as through staff review committees or by referring the plans to the appropriate people for their review and comment. When a community has staff or consultants, this can be done quite easily. When there are limited staff resources, this is more difficult. A community can arrange to have the technical reviews done by an outside agency such as a regional planning commission or council of governments, a Soil and Water Conservation District or private consulting firms. The following table identifies some of the sources of review assistance. The cost of these outside services can be offset by charging the applicant a "peer review" fee.

**Sources of Technical Review Assistance**

Since **site plan review** involves a number of technical areas, a municipality, even one with its own staff, may need to obtain outside technical assistance to review certain aspects of some development proposals. The following are sources of technical assistance.

- **Planning and Site Design**
  - Councils of government
  - Regional planning commissions
  - Planning consultants
- **Engineering and Utilities**
  - Local water districts
  - Local sewer/sanitary districts
  - Engineering firms
- **Traffic Impacts, Driveway Locations, Design of Vehicular and Pedestrian Access**
  - MDOT regional offices
  - Traffic engineers
- **Groundwater Impacts**
  - Hydrogeology consultants
  - Maine DEP
- **Drainage, Erosion, and Sedimentation Controls**
  - County Soil and Water Conservation Districts
  - Engineering firms
  - Maine DEP
- **Floodplains**
  - State Planning Office
  - FEMA Regional Office
  - COG's and regional planning commissions
- **Historic and Archaeological Resources**
  - State Historic Preservation Office

Many communities establish "as needed" working relationships with technical specialists to review certain aspects of site plans. The costs for this outside review can be recovered through review fees paid by the applicant.

5. **Compliance with the Review Standards** - The review body and its technical reviewers must evaluate the application and determine if it is in compliance with the standards set forth in the regulations. While this may seem to be self-evident, some review bodies do not adhere to this practice. The review body should make written "findings of fact" that describe the project and how it conforms or does not conform with each standard.
6. **Notice of Actions** - Following a decision on the application, the review body should provide written notice to the applicant, CEO and other municipal officers, abutters, and anyone else who participated in the review or commented on the application.
7. **Appeals** - The **site plan review** process should clearly spell out how decisions of the review body can be appealed. There are two basic avenues of appeal possible. The first is to direct appeals to a local Board of Appeals (often the Zoning Board of Appeals). This has the advantage of keeping the review of the decision in the hands of members of the community. Some communities have, however, experienced problems with this system as it pits the evaluation of one local board against another.

An alternative is to have site plan decisions appealed directly to the courts. While this is a costly alternative, in most communities it is probably the better approach for dealing with appeals.

A third alternative exists if **site plan review** is conducted by a staff review committee or involves a sign-off process. In this situation, providing for an appeal of a "staff decision" to a board of local citizens is probably desirable. In these cases, the appeal can be to the Planning Board or the Appeals Board.

■ **POST APPROVAL PHASE**

Action by the review board does not end the process. The **site plan review** regulations should also address what happens following approval. This includes the following:

1. **Coordination with Other Permits** - The site plan approval needs to be incorporated into the building permit for the project and any conditions of approval should be noted.
2. **Inspection During Construction** - The project needs to be inspected while it is being built to assure that it conforms to the approved plans.
3. **Storage of Approved Plans** - The site plan regulations should state where the approved plans are to be kept. This might be the office of the CEO, Town Clerk, Planner, or some other staff person.
4. **Recording of the Approved Plan** - The State Subdivision Law requires that approved subdivision plans be recorded in the local registry of deeds so that there is a public record of approvals. For site plans, there is no State requirement for recording, but some provision should be made for preserving a permanent record of the approval and a copy of the approved site plan. Communities should decide for themselves if the recording of site plans is desirable in their situation. The advantage is that it provides a permanent record of the approval, but it may be more costly for the applicant. If you decide to require that approved site plans be recorded, your standards must assure that the plan will be in a form that is suitable for recording and will be accepted by the local registry. If you decide to review multifamily housing under **site plan review** instead of under your subdivision regulations, the approved site plan for these projects will need to be recorded in the local registry of deeds.
5. **Minor Changes** - During construction of a project, the need for minor field changes often occurs. The regulations should stipulate how this will be handled, who can approve them, and what record of these minor changes will be made.
6. **Submission of "As-Built Plans"** - Since minor field changes do often occur during a construction project, the regulations should require the submission of "as-built plans" showing the actual completed project as constructed, especially for larger scale projects.
7. **Amendments to Approved Plans** - The site plan provisions should establish a

procedure for amending previously approved plans with the passage of time.

**SECTION 7. ISSUES**

- How should the preapplication phase be handled?
- Should a site analysis be required for large scale projects?
- Is there a need for a sketch plan phase? If so, for what types of projects?
- Who will be responsible for assuring that the necessary information has been submitted?
- What provisions will be made for notifying the public of pending **site plan review** applications?
- When is a public hearing appropriate?
- Should site walks or site visits be required as part of the review process?
- Who will review the technical aspects of the application?
  - The basic engineering details?
  - Erosion and sedimentation control provisions?
  - Traffic analysis?
  - Groundwater impacts?
- Should there be a provision for peer review fees to offset the cost of outside, professional review?
- How should appeals of site plan actions be handled?
- Who will be responsible for inspecting the actual construction for compliance?
- Where will approved plans be stored and should they be "recorded?"
- How will minor changes to approved plans be handled?