

SECTION 4. WHO SHOULD BE RESPONSIBLE FOR REVIEWING SITE PLANS?

How a community structures its **site plan review** process and who is designated to review site plans is determined by the local municipality. Unlike subdivision review in which State law defines who will review subdivisions and how, municipalities can develop **site plan review** procedures to meet their local needs and capabilities.

■ CONSIDERATIONS IN CHOOSING THE REVIEW AUTHORITY

In considering who should be involved with **site plan review**, the municipality should consider a number of factors:

Existing Workloads - **Site plan review** takes time. Therefore, it is important that the workloads of possible review bodies be considered. Delegating **site plan review** to the Planning Board may not be wise if the Board already has overloaded agendas. Similarly, involving a volunteer fire chief in the review process may be a problem if he/she is already struggling to fulfill his/her obligations to the fire department.

Availability of Support Staff - A municipality with paid staff and/or consultants who can assist in the review process has a wider range of options available to it. Some communities delegate aspects of **site plan review** to municipal staff or a part-time consultant.

Timeliness of the Review - One objective of **site plan review** should be to assure a thorough review in the least amount of time to minimize the burden on the applicant. Assigning the review to a board that meets once a month is unlikely to result in a speedy process.

Credibility with the Public - Residents must be assured that the process is fair and responsible if they are to support it. Those involved in **site plan review** must be

seen by the community as being fair, objective, and responsible.

■ WHO SHOULD BE THE REVIEWING AUTHORITY?

Options for who actually does the **site plan review** are outlined below:

- *Planning Board* - Many communities delegate **site plan review** to the Planning Board. The Board already exists, its rules of operation are established, it already deals with development and the review of subdivisions, and it should be familiar with the issues **site plan review** addresses.

Before assigning **site plan review** to the Planning Board, assess the pros and cons of this. While many planning boards are well qualified to take on the responsibility, some already have heavy workloads and long agendas. If this is true in your community, giving the Planning Board additional duties should be carefully considered. In addition, if the Planning Board meets only once a month, using them as the reviewing body can result in a slow process.

- *Site Plan Review Board* - Some communities have created a separate municipal board to review site plans. This group is similar to a planning board but deals only with site plans. Members could be appointed by the municipal officials or elected and are volunteers. Municipalities can require that some of the members have experience in site design, construction, or other aspects of development that would assist them in reviewing site plans.

If a community chooses this approach, it will be necessary to create the Site Plan Review Board. Typically this would be done through an ordinance enacted by the Council or Town Meeting that establishes the Board, identifies its duties and responsibilities, establishes how members are appointed, and outlines its operation.

This approach has advantages if a community expects to have enough applications to keep the Board busy and involved. The creation of a separate Site Plan Review Board has some of the same drawbacks as a planning board in terms of timeliness, but more flexibility can be built into the process.

- **Staff Site Plan Review Committee** - An increasing number of communities in Maine assign some or all of the **site plan review** functions to a committee made up of municipal staff such as the planner, public works director, fire chief, police chief, code enforcement officer, etc. Obviously this option is available only in communities that have staff or consultants to perform this role.

Since most aspects of **site plan review** involve technical issues (e.g., does the traffic pattern work? are drainage provisions satisfactory? etc.), involving the municipality’s technical staff directly in the review process can be a good approach. Staff review committees can also process reviews on a more timely basis. One Maine community with a staff **site plan review** committee holds meetings once a week if there are pending items, allowing most reviews to be completed within a couple of weeks.

In spite of these advantages, there are some drawbacks to staff review committees. Since paid staff have many competing duties, staff must be able to give adequate time to project review. This means that “management” needs to assure that this role is given proper emphasis. In some communities, delegating approval authority to staff can be a sensitive policy issue. It is important to recognize that this sort of delegation is already happening in most municipalities in one form or another. The local plumbing inspector reviews proposals for septic systems, determines compliance with the State plumbing code, and approves the activity. Similarly, code enforcement officers review construction projects for compliance with the building code, shoreland zoning, and local land use regulations. Many local fire departments already are involved in reviewing the fire safety aspects of new construction. Staff **site plan review** is simply another form of the activity that already occurs in most municipalities.

If a staff **site plan review** is selected, it is important to ensure that public notification and involvement in the review process are addressed.

- **Staff Sign-off Process** - An alternative to a formal staff committee process is a sign-off process in which designated municipal departments must review and approve the site plan. Under this system, a central contact point (planner, CEO, etc.) distributes the site plan and supporting materials to designated departments (public works, fire department, police department, engineering, etc.), who then review the proposal independently. If they approve the site plan, they sign off on the project. If not, they identify their concerns and needed changes to the plan.

The issues involved with this approach are similar to those involved with a staff committee. An additional concern is that each staff person could have veto power over development activities by simply withholding his/her approval.

■ BILEVEL REVIEW AUTHORITY

Some Maine communities have established a bilevel site plan review process. Small scale or low impact projects are handled through one system, often a staff review committee or sign-off system, while larger projects with significant community impacts are handled by the planning board or site plan review board.

This approach has many advantages for communities with a significant level of development activity and staff support. For low impact, small scale activities, it allows a streamlined review within a short time frame while assuring that basic concerns are addressed. For larger and more controversial projects that may have “policy” implications, it requires a review by the planning board or site plan review board made up of local residents. An added benefit is that this system can allow for “appeals” from staff decisions to a lay board, allaying fears of “bureaucratic authority.”

While this bilevel system has a number of advantages, it can become complex and rigid. This type of system should have a designated “gatekeeper” who can work with applicants to assure that they understand the process and receive timely guidance.

SECTION 4. ISSUES

- How much review work and time will **site plan review** involve?
- What is the current workload of existing boards such as the planning board?
- Can an existing board take on the additional responsibility of **site plan review**?
- What staff resources are available?
- If the municipality has staff or consultants available, what role should they play in **site plan review**?
- Should the Town create a single review authority that deals with all **site plan reviews** or should a bilevel system be considered?
- Is there a need to create a new body to review site plans?