

## **Notes For Planning Board 05/01/24 Discussion Contrasting Subdivision and Site Plan Review Approval Standards**

In 2019 the State amended the subdivision rules to allow municipalities to exempt multifamily buildings from subdivision review if the Town makes a finding that our site plan review standards can adequately address certain criteria. The specified criteria under MRS Title 30-A §4402 §6 includes stormwater management, sewage disposal, water supply and vehicular access and may include environmental effects such as layout, scale, appearance, and safety. The intent behind the State's amendments was to eliminate redundancy in local land use regulation by exempting development involving the division of new or existing structures into three or more dwelling units from subdivision review in cases when a municipal site plan ordinance applies.

At a previous Planning Board meeting, I heard that there was a desire to understand the difference between site plan and subdivision review standards. While it is difficult to compare the two different ordinances, I have put together these notes, which include a summary of the Subdivision Ordinance's approval standards and how I think the criteria and standards of Section 602. Site Plan review (under the Zoning Ordinance) may address some of the same requirements.

Please note that this is a very rough and simplified comparison, and you should refer to the following two documents: Section 602. Site Plan of the Freeport Zoning Ordinance, and Article 11 Approval Standards of the Subdivision Ordinance. Please also note that the application process and submission materials are very different for subdivisions and site plan applications, with the subdivision review process being much more detailed and complex. I do not compare the application process and submission materials in these notes, but if the Board is interested, I can include that information in the next meeting we discuss this topic.

We will be looking for feedback from the Planning Board regarding policy decisions, such as - should the Town exempt all multifamily buildings from subdivision review? Or, just certain multifamily buildings that meet certain criteria, such as:

- Multifamily buildings that are connected to a public water and sewer?
- Multifamily buildings that don't require a new road?
- Multifamily buildings contingent on the number of units?



Subdivision Standards	Site Plan Standards	MRS Title 30-A §4402 §6 Required Criteria
<ul style="list-style-type: none"> <li><input type="checkbox"/> Pollution</li> <li><input type="checkbox"/> Sufficient Water</li> <li><input type="checkbox"/> Impact on Existing Water Supplies</li> <li><input type="checkbox"/> Soil Erosion</li> <li><input type="checkbox"/> Traffic Conditions</li> <li><input type="checkbox"/> Sewage Disposal</li> <li><input type="checkbox"/> Solid Waste</li> <li><input type="checkbox"/> Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas, or Public Access to the Shoreline</li> <li><input type="checkbox"/> Conformance with Zoning Ordinance and Other Land Use Ordinances</li> <li><input type="checkbox"/> Financial and Technical Capacity</li> <li><input type="checkbox"/> Impact on Water Quality or Shoreline</li> <li><input type="checkbox"/> Impact on Ground Water Quality or Quantity</li> <li><input type="checkbox"/> Floodplain Management</li> <li><input type="checkbox"/> Identification of Freshwater Wetlands</li> <li><input type="checkbox"/> Rivers, Streams, And Brooks</li> <li><input type="checkbox"/> Storm Water Management</li> <li><input type="checkbox"/> Spaghetti Lots</li> <li><input type="checkbox"/> Phosphorus Impacts on Great Ponds</li> <li><input type="checkbox"/> Impacts on Adjoining Municipalities</li> <li><input type="checkbox"/> Land Impacted by Timber Harvesting</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Preservation of Landscape</li> <li><input type="checkbox"/> Relation of Proposed Buildings to the Environment</li> <li><input type="checkbox"/> Vehicular Access</li> <li><input type="checkbox"/> Parking and Circulation</li> <li><input type="checkbox"/> Surface Water Drainage</li> <li><input type="checkbox"/> Utilities</li> <li><input type="checkbox"/> Advertising Features</li> <li><input type="checkbox"/> Special Features</li> <li><input type="checkbox"/> Exterior Lighting</li> <li><input type="checkbox"/> Emergency Vehicle Access</li> <li><input type="checkbox"/> Landscaping</li> <li><input type="checkbox"/> Environmental Considerations</li> <li><input type="checkbox"/> Erosion and Sedimentation</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Stormwater management</li> <li><input type="checkbox"/> Sewage disposal</li> <li><input type="checkbox"/> Water supply</li> <li><input type="checkbox"/> Vehicular access</li> </ul> <p><b>May include criteria regarding:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Other environmental effects</li> <li><input type="checkbox"/> Layout</li> <li><input type="checkbox"/> Scale</li> <li><input type="checkbox"/> Appearance</li> <li><input type="checkbox"/> Safety</li> </ul>



## **Section 602. Site Plan**

### **F. Criteria and Standards**

1. The following criteria and standards shall be utilized by the staff and the Project Review Board in reviewing applications for Site Plan Review. These standards are intended to provide a guide for the applicant in the development of site and building plans as well as a method of review for the Project Review Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The Project Review Board may waive the criteria presented in this section upon a determination by the Project Review Board that the criteria are not applicable to the proposed action or upon a determination by the Project Review Board that the application of this criteria are not necessary to carry out the intent of this Ordinance. The Project Review Board shall approve the site plan unless the plan does not reasonably meet the intent of one or more of the following criteria provided that the criteria were not first waived by the Project Review Board.

a. **Preservation of Landscape:** The landscape shall be developed in such a manner as to be in keeping with the character of the surrounding neighborhoods and in accordance with good development practice by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. If a site includes a ridge or ridges above the surrounding areas and provides scenic vistas for surrounding areas, special attempts shall be made to preserve the natural environment of the skyline of the ridge. Existing vegetation and buffering landscaping are potential methods of preserving the scenic vista.

b. **Relation of Proposed Buildings to the Environment:** The design and layout of the buildings and/or other development areas shall encourage safety, including fire protection. Proposed structures shall be related harmoniously to the terrain and to existing buildings and land uses in the vicinity which have a visual relationship to the proposed buildings. Visual compatibility, not uniformity with the surrounding area, shall be emphasized. Special attention shall be paid to the scale (mass), height and bulk, proportions of the proposed buildings, the nature of the open spaces (setbacks, landscaping) around the buildings, the design of the buildings (including roof style, facade openings, architectural style and details), building materials and signs.

If the structure is in the Design Review District, the Project Review Board shall incorporate the findings of the standards of Chapter 22 - Design Review Ordinance in its Site Plan Review findings.

If the structure is located in a Commercial District (Commercial I, Commercial III and/or Commercial IV), the Staff Review and/or Project Review Board shall incorporate the findings of the standards of Section 527. Performance Standards for Commercial Districts in its Site Plan Review findings.

c. **Vehicular Access:** The proposed layout of access points shall be designed so as to avoid unnecessary adverse impacts on existing vehicular and pedestrian traffic patterns. Special consideration shall be given to the location, number, and control of access points, adequacy

*Planning Board Meeting 05/01/24*  
*Excerpt from Section 602. Site Plan of the Town of Freeport Zoning Ordinance*

of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization and pedestrian-vehicular contacts. The entrance to the site shall meet the minimum sight distance according to any applicable State or municipal standards.

- d. **Parking and Circulation:** The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas shall be safe and convenient and, insofar as practical, shall not detract from the proposed buildings and neighboring properties. General interior circulation, separation of pedestrian and vehicular traffic, service traffic, drive-up facilities, loading areas, and the arrangement and use of parking areas shall be considered.
- e. **Surface Water Drainage:** Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. The increase in rate of runoff in the post development condition shall be held to a zero or less percent of the predevelopment condition unless an engineering study has absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a two year, ten year and twenty-five year storm frequency. Emphasis shall be placed on the protection of floodplains; reservation of stream corridors; establishment of drainage rights-of-way and the adequacy of the existing system; and the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage and the quality of the stormwater leaving the site. Maintenance responsibilities shall be reviewed to determine their adequacy.
- f. **Utilities:** All utilities included in the site plan shall be reviewed as to their adequacy, safety, and impact on the property under review and surrounding properties. The site plan shall show what provisions are being proposed for water supply, wastewater, solid waste disposal and storm drainage. Whenever feasible, as determined by the Project Review Board, all electric, telephone and other utility lines shall be installed underground. Any utility installations above ground shall be located so as to have a harmonious relationship with neighboring properties and the site.
- g. **Advertising Features:** The size, location, texture and lighting of all exterior signs and outdoor advertising structures or features shall not detract from the layout of the property and the design of proposed buildings and structures and the surrounding properties and shall not constitute hazards to vehicles and pedestrians.
- h. **Special Features:** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
- i. **Exterior Lighting:** All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to

*Planning Board Meeting 05/01/24*  
*Excerpt from Section 602. Site Plan of the Town of Freeport Zoning Ordinance*

people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public. For all proposed lighting, the source of the light shall be shielded and the light should be directed to the ground, except in the case of ground sign lighting. In the Village Commercial 1 and 2 Districts, lighting for pedestrian walkways and adjacent public sidewalks shall also be provided.

- j. Emergency Vehicle Access:** Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.
- k. Landscaping:** Landscaping shall be designed and installed to define, soften, or screen the appearance of off-street parking areas from the public right(s)-of-way and abutting properties, to enhance the physical design of the building(s) and site, and to minimize the encroachment of the proposed use on neighboring land uses. Particular attention should be paid to the use of planting to break up parking areas. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping may include trees, bushes, shrubs, ground cover, perennials, annuals, plants, grading and the use of building and paving materials in an imaginative manner.
- l. Environmental Considerations:** A site plan shall not be approved unless it meets the following criteria:
- (1) Will maintain safe and healthful conditions;
  - (2) Will not result in water pollution, erosion, or sedimentation to surface waters;
  - (3) Will adequately provide for the disposal of all wastewater;
  - (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
  - (5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
  - (6) Will protect archaeological and historic resources as designated in the Comprehensive Plan;
  - (7) Will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District;
  - (8) Will avoid problems associated with floodplain development and use; and
  - (9) Is in conformance with the standards of Section 306, Land Use Standards, of the Town of Freeport Shoreland Zoning Ordinance.
- m. Erosion and Sedimentation.** The proposed site shall be constructed in accordance with the Maine Department of Environmental Protection's Best Management Practices and shall not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy situation results.





*Please note: This summary of Article 11 – Approval Standards of the Subdivision Ordinance was generated for the purposes of generalized comparison to Section 602. Site Plan review criteria (Zoning Ordinance) only. Please refer to the Subdivision Ordinance for complete standards.*

## **Summary of Chapter 25 Subdivision Ordinance, Article 11 - Approval Standards** (State Requirements and Performance Standards)

### **11.1 Pollution (State Standard).**

The proposed subdivision will not result in undue water or air pollution. In making the determination, the Board shall at least consider:

1. The elevation of the land above sea level and its relation to the flood plains;
2. The nature of soils and subsoils and their ability to adequately support waste disposal;
3. The slope of the land and its effect on effluents;
4. The availability of streams for disposal of effluents; and
5. The applicable state and local health and water resources rules and regulations.

#### Freeport's Performance Standards:

1. The proposed subdivision shall not discharge wastewater to a water body without a license from the Maine Department of Environmental Protection.
2. Discharges of storm water shall be treated to remove oil, grease, and sediment prior to discharge into surface water bodies.

#### **Comparison to Section 602. Site Plan review standards:**

Article 11.1 Pollution standards are addressed in the following sections of Site Plan review:

- Section 602.F.1.(e). Surface Water Drainage (stormwater and drainage criteria)
- Section 602.F.1.(l). Environmental Considerations (robust environmental protection criteria)
- Section 602.F.1.(m). Erosion and Sedimentation (erosion and sedimentation control criteria per Maine DEP BMPs)

### **11.2 Sufficient Water (State Standard).**

The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.

#### Freeport's Performance Standards (Summarized):

1. Water Supply (See standards)
2. Water Quality (See standards)

#### Design Guidelines:

1. Well construction (See standards)

*Please note: This summary of Article 11 – Approval Standards of the Subdivision Ordinance was generated for the purposes of generalized comparison to Section 602. Site Plan review criteria (Zoning Ordinance) only. Please refer to the Subdivision Ordinance for complete standards.*

## 2. Fire Protection (See standards)

### **Comparison to Section 602. Site Plan review standards:**

Article 11.2 Sufficient water standards are addressed in the following section of Site Plan review:

- Section 602.F.1(f). Utilities (criteria regarding showing that there are provisions for water supply)

### **11.3 Impact on Existing Municipal Water Supplies (State Standards).**

The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used.

#### *Freeport's Performance Standards:*

A proposed subdivision shall not generate a demand on the source, treatment facilities, or distribution system of the Maine Water Company or the South Freeport Water District beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the subdivision. The applicant shall be responsible for paying the costs of improvements to the supplier's system as necessary to alleviate any deficiencies or expand the capacity of the system needed to service the subdivision.

### **Comparison to Section 602. Site Plan review standards:**

Article 11.3 Impacts on Existing Municipal Water Supply are addressed in the following sections of Site Plan review:

- Section 602.F.1.(f). Utilities (criteria regarding showing that there are provisions for water supply)
- Section 602.F.1.(l). Environmental Considerations (criteria regarding water pollution, and disposal of wastewater)

### **11.4 Soil Erosion (State Standard).**

The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

**Please note:** This summary of Article 11 – Approval Standards of the Subdivision Ordinance was generated for the purposes of generalized comparison to Section 602. Site Plan review criteria (Zoning Ordinance) only. Please refer to the Subdivision Ordinance for complete standards.

Freeport’s Performance Standards:

1. The proposed subdivision shall prevent soil erosion from entering water bodies, wetlands, and adjacent properties.
2. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.
3. Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations unless the removal has received site plan approval in accordance with the extraction provisions of the Zoning Ordinance.

**Comparison to Section 602. Site Plan review standards:**

Article 11.4 Soil Erosion standards are addressed in the following sections of Site Plan review:

- Section 602.F.1.(e). Surface Water Drainage (stormwater requirements)
- Section 602.F.1.(l) Environmental Considerations (sedimentation to surface waters)
- Section 602.F.1.(m) Erosion and Sedimentation (erosion and sedimentation control criteria per Maine DEP BMPs)

**11.5 Traffic Conditions.**

The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by 23 M.R.S. § 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform with 23 M.R.S. § 704 and any rules adopted under that statute.

Freeport’s Performance Standards (Summarized):

1. At a minimum, provision shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to:
  - a. Safeguard against hazards to traffic and pedestrians on existing streets and within the subdivision;
  - b. Avoid traffic congestion on any street; and
  - c. Provide safe and circulation on adjacent public streets and within the subdivision.

Design Standards (Summarized):

*Please note: This summary of Article 11 – Approval Standards of the Subdivision Ordinance was generated for the purposes of generalized comparison to Section 602. Site Plan review criteria (Zoning Ordinance) only. Please refer to the Subdivision Ordinance for complete standards.*

1. Standards for Public Streets (must conform to Chapter 26 Street Acceptance Ordinance of the Freeport Municipal Code)
2. Standards for Private Roads (**note:** these are extensive standards, governing design, access control, dead-end streets, sidewalks, bicycles and trails and underground utilities)

**Comparison to Section 602. Site Plan review standards:**

Article 11.5 Traffic Conditions are addressed in the following sections of Site Plan review:

- Section 602.F.1.(c) Vehicular Access
- Section 602. F.1.(d) Parking and Circulation
- Section 602.F.1.(j) Emergency Management

Note: We may want to add language to Section 602. F. 1. (d) or Section 512. D. of the Zoning Ordinance to create standards for private road requirements for multifamily projects specifying property owners’ association for care and maintenance, a statement on the recording plan that the Town of Freeport will not accept the road, and additional review standards.

**11.6 Sewage Disposal (State Standard).** The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.

*Freeport’s Performance Standards (Summarized):*

1. Public System (See standards)
2. Private Systems (See standards)

**Comparison to Section 602. Site Plan review standards:**

Article 11.6 Sewage Disposal are addressed in the following sections of Site Plan review:

- Section 602.F.1.(f) Utilities
- Section 602.F.1.(l) Environmental Considerations

**11.7 Solid Waste (State Standard).**

Municipal solid waste disposal. The proposed subdivision will not cause an unreasonable burden on the municipality’s ability to dispose of solid waste, if municipal services are to be utilized.

*Please note: This summary of Article 11 – Approval Standards of the Subdivision Ordinance was generated for the purposes of generalized comparison to Section 602. Site Plan review criteria (Zoning Ordinance) only. Please refer to the Subdivision Ordinance for complete standards.*

Freeport’s Performance Standards:

The Project Review Board shall require the applicant to make arrangements for the disposal of the solid waste in accordance with the Freeport Solid Waste Control and Solid Waste Flow Control Ordinances. The alternate arrangements shall be at a disposal facility which is in compliance with its license.

**Comparison to Section 602. Site Plan review standards:**

Article 11.7 Solid Waste are addressed in the following sections of Site Plan review:

- Section 602.F.1.(f) Utilities
- Section 602.F.1.(l) Environmental Considerations

**11.8 Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas, or Public Access to the Shoreline (State Standard).**

Aesthetic, cultural, and natural values. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, rare and irreplaceable natural areas, or any public rights for physical or visual access to the shoreline.

Freeport’s Performance Standards (Summarized):

1. Preservation of Natural Beauty and Aesthetics
2. Retention of Opens Spaces and Natural, Historic, or Archeological Features  
Protection of Significant Wildlife Habitat and Important Habitat Areas
3. Protection of Significant Wildlife Habitat
4. Shoreline Access

**Comparison to Section 602. Site Plan review standards:**

Article 11.8 Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas, or Public Access to the Shoreline are addressed in the following sections of Site Plan review:

- Section 602.F.1.(a) Preservation of Landscape
- Section 602.F.1.(b) Relation of Proposed Buildings to the Environment
- Section 602.F.1.(i) Exterior Lighting
- Section 602.F.1.(k) Landscaping
- Section 602.F.1.(l) Environmental Considerations

*Please note: This summary of Article 11 – Approval Standards of the Subdivision Ordinance was generated for the purposes of generalized comparison to Section 602. Site Plan review criteria (Zoning Ordinance) only. Please refer to the Subdivision Ordinance for complete standards.*

**11.9 Conformance with Zoning Ordinance and Other Land Use Ordinances. Conformity with local ordinances and plans (State Standard).**

The proposed subdivision conforms with a duly adopted subdivision ordinance, zoning ordinance, floodplain ordinance, the comprehensive plan, and other ordinances included in the municipal code as appropriate. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.

*Freeport’s Performance Standards and Design Guidelines: (See standards)*

**Comparison to Section 602. Site Plan review standards:**

Notwithstanding Section 602. Site Plan Review, all site plans must conform with the Town’s ordinances, including all the provisions outlines in the Zoning, Shoreland and Floodplain ordinances.

**11.10 Financial and Technical Capacity (State Standard).** The subdivider has adequate financial and technical capacity to meet the standards of this section.

*Freeport’s Performance Standards (Summarized):*

1. Financial Capacity
2. Technical Ability

**Comparison to Section 602. Site Plan review standards:**

Article 11.10 Financial capacity is not addressed as a standard under Section 602. F. Criteria and Standards, but can be addressed by requiring a performance guarantee per Section 602.C.10. Performance Guarantee.

Technical capacity is not addressed as a standard under Section 602. F. Criteria and Standards, but can be addressed by requiring review by an expert per Section 602.C.8. Review by an Expert.

*Please note: This summary of Article 11 – Approval Standards of the Subdivision Ordinance was generated for the purposes of generalized comparison to Section 602. Site Plan review criteria (Zoning Ordinance) only. Please refer to the Subdivision Ordinance for complete standards.*

**11.11 Impact on Water Quality or Shoreline (State Standard).**

Surface waters; outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within two hundred and fifty (250) feet of any wetland, great pond, or river as defined in 38 M.R.S. § 436-A, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.

1. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than two hundred and fifty (250) feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.
2. The frontage and setback provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning as defined in 38 M.R.S. § 436-A, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of 30-A M.R.S. §4401(1), on September 23, 1983.

Freeport’s Performance Standards:

The application shall demonstrate that the cutting or removal of vegetation along water bodies will not increase water temperature, or result in shoreline erosion or sedimentation of water bodies. It shall also demonstrate compliance with the shoreland zoning performance standards where applicable.

Design Guidelines:

These restrictions shall appear as notes on the plan and as deed restrictions to the affected lots.

**Comparison to Section 602. Site Plan review standards:**

Article 11.11 Impacts on water quality or shoreline are addressed in the following sections of Site Plan review:

- Section 602.F.1.(e). Surface Water Drainage (stormwater and drainage criteria)
- Section 602.F.1.(l). Environmental Considerations (water pollution, wastewater, points of access to coastal waters, pollution, sedimentation, or erosion of surface waters)
- Section 602.F.1.(m). Erosion and Sedimentation

*Please note: This summary of Article 11 – Approval Standards of the Subdivision Ordinance was generated for the purposes of generalized comparison to Section 602. Site Plan review criteria (Zoning Ordinance) only. Please refer to the Subdivision Ordinance for complete standards.*

**11.12 Impact on Ground Water Quality or Quantity (State Standard).**

The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

*Freeport’s Performance Standards (Summarized):*

1. Ground Water Quality (See standards)
2. Ground Water Quantity (See standards)

**Comparison to Section 602. Site Plan review standards:**

Article 11.12 Impacts to groundwater quality or quantity are addressed in the following section of Site Plan review:

- Section 602.F.1.(l). Environmental Considerations (water pollution)

**11.13 Floodplain Management. Flood areas (State Standard).**

Based on the Federal Emergency Management Agency’s Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

*Freeport’s Performance Standards (Summarized):*

(Performance standards apply when the subdivision is located in a special flood hazard area identified by FEMA)

**Comparison to Section 602. Site Plan review standards:**

Article 11.13 Floodplain management is addressed in the following section of Site Plan review:

- Section 602.F.1.(l). Environmental Considerations (avoid problems associated with floodplain development and use)



*Please note: This summary of Article 11 – Approval Standards of the Subdivision Ordinance was generated for the purposes of generalized comparison to Section 602. Site Plan review criteria (Zoning Ordinance) only. Please refer to the Subdivision Ordinance for complete standards.*

**11.14 Identification of Freshwater Wetlands (State Standard).**

All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

*Freeport’s Performance Standards:*

Freshwater wetlands, including forested wetlands, shall be identified and mapped in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, published by the United States Army Corps of Engineers.

**Comparison to Section 602. Site Plan review standards:**

Article 11.14 Identification of wetlands can be addressed by requiring that all multifamily projects must meet the requirements of Section 602.C.2.(c).(iii)

Projects that are proposed on undeveloped land, that include the demolition of buildings, or that include a building and/or parking area is more than two-thousand (2,000) square feet should first submit a conceptual plan. A conceptual plan should include environmentally sensitive areas such as wetlands, water bodies, streams, and steep slopes, locations of passing test pits if a subsurface sewage disposal system is proposed, the location of buildings and parking areas, and building elevations if a building is proposed. Conceptual plans should not be engineered plans. The purpose of the conceptual plan is to introduce the project to the Board and to contact property owners near the project. This portion of the review gives the Board and nearby property owners an opportunity to comment on the project before any engineering is done for the project. This phase of the review process is to direct the applicant as to what changes should be made and what information should be included in the final plan.

**11.15 Identification of Farmlands (State Standard).**

All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district.

*Freeport’s Performance Standards:*

The subdivision plan shall show all farmland located within or abutting the subdivision.

*Please note: This summary of Article 11 – Approval Standards of the Subdivision Ordinance was generated for the purposes of generalized comparison to Section 602. Site Plan review criteria (Zoning Ordinance) only. Please refer to the Subdivision Ordinance for complete standards.*

**Comparison to Section 602. Site Plan review standards:**

Article 11.15 Identification of farmlands is not a requirement per Freeport’s Section 602. Site Plan Review. If the Board wishes to keep the requirement that farmlands be identified, a suggestion would be to require this type of identification as part of the submission of a conceptual plan per Section 602.C.2.(c).(iii).

**11.16 Rivers, Streams, and Brooks (State Standard).**

Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, “river, stream or brook” has the same meaning as in Title 38, Section 480-B, Subsection 9.

*Freeport’s Performance Standards:*

The final subdivision plan shall show all rivers, streams, and brooks that are located within the subdivision or abut the subdivision.

**Comparison to Section 602. Site Plan review standards:**

Article 11.16 Identification of rivers, streams and brooks can be addressed by requiring that all multifamily projects must meet the requirements of Section 602.C.2.(c).(iii)

**11.17 Storm Water Management (State Standard).**

The proposed subdivision will provide for adequate storm water management.

*Freeport’s Performance Standards:* (See standards)

*Desing Guidelines:* (See standards)

**Comparison to Section 602. Site Plan review standards:**

Article 11.17 Storm Water Management are addressed in the following sections of Site Plan review:

- Section 602. F.1. (e). Surface Water Drainage
- Section 602.F.1.(l). Environmental Considerations

*Please note: This summary of Article 11 – Approval Standards of the Subdivision Ordinance was generated for the purposes of generalized comparison to Section 602. Site Plan review criteria (Zoning Ordinance) only. Please refer to the Subdivision Ordinance for complete standards.*

**11.18 Spaghetti Lots (State Standard).**

Spaghetti lots prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond, or coastal wetland as these features are defined in Title 38, §480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than five (5) to one (1).

*Freeport’s Performance Standards:*

Any lot that has shore frontage on a river, stream, brook, or great pond as defined by Title 38 M.R.S. §480-B, shall not have a lot depth to shore frontage ratio greater than five (5) to one (1). (See definition of Frontage – Shore in Section 104. Definitions of the Zoning Ordinance)

**Comparison to Section 602. Site Plan review standards:**  
Not applicable

**11.19 Phosphorus Impacts on Great Ponds (State Standard).**

Lake phosphorus concentration. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond’s phosphorus concentration during the construction phase and life of the proposed subdivision.

**Comparison to Section 602. Site Plan review standards:**  
Need to confirm that Article 11.19 is applicable to any of Freeport’s ponds.

**11.20 Impacts on Adjoining Municipalities (State Standard).**

For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

*Please note: This summary of Article 11 – Approval Standards of the Subdivision Ordinance was generated for the purposes of generalized comparison to Section 602. Site Plan review criteria (Zoning Ordinance) only. Please refer to the Subdivision Ordinance for complete standards.*

Freeport’s Performance Standards:

If the subdivision is located in two (2) or more municipalities, the applicant shall demonstrate that the project will meet the standards of 11.5 of this Ordinance relating to traffic conditions for all roads impacted by the subdivision regardless of in which municipality the impacted roads are located.

**Comparison to Section 602. Site Plan review standards:**

Article 11.20 Impacts on adjoining municipalities is not specifically addressed in Site Plan review. However Sections 602.F.1.(c) Vehicular Access and 602.F.1.(d). Parking and Circulation address, in general, access points and vehicular traffic.

**11.21 Land Impacted by Timber Harvesting (State Standard- summarized).**

Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12 M.R.S. §8869 (14). If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that five (5) years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. For the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12 M.R.S. §8868 (6) and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership. This subsection takes effect on the effective date of rules adopted pursuant to Title 12 M.R.S. §8869 (14).

Freeport’s Performance Standards:

If it appears that the land has been harvested within the past 5 years the applicant shall provide written documentation certified from the Maine forest service by a forester licensed pursuant to Title 32, M.R.S. Chapter 76, demonstrating that a violation of Title 12 M.R.S. §8869 (14) has not occurred.

**Comparison to Section 602. Site Plan review standards:**

Article 11.21 Land impact by timber harvesting is not specifically addressed in Site Plan review. However, landscaping is a requirement per Section 602.F.(k). Landscaping.