

SECTION VII.E. ADDITIONAL REQUIREMENTS FOR PLANNED DEVELOPMENTS
[adopted 11/07/2007]

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[adopted 11/07/2007][Amended 03/18/2015]

A. GENERAL

Any proposal for a planned development must conform to the requirements of this section. The approval of a planned development involves a three phase process as follows:

- (1) The Site Inventory and Analysis Phase involves the preparation and review of a detailed analysis of the existing conditions on the site, the opportunities and constraints these conditions create for the use and development of the site, and the factors that must be addressed in the development of the Master Plan for the planned development. This phase must be completed before the Master Plan is submitted to the Town. For projects involving less than five (5) acres or that consist of a single building, the Master Plan may be submitted at the same time as the Site Inventory and Analysis.
- (2) The Master Plan Phase involves the preparation and review of a conceptual master plan for the overall planned development and the development standards that will apply to individual buildings, subdivisions, or phases of the development. Approval of the Master Plan and development standards must occur before any application is submitted for site plan review or subdivision approval.
- (3) The Site Plan or Subdivision Review Phase involves the preparation and review of the detailed development plans for individual buildings, subdivisions, or phases of the development in accordance with the Town's Site Plan Review Ordinance (Chapter 405B) and/or Subdivision Ordinance (Chapter 406) requirements. In addition to conforming to the requirements of those chapters and the other zoning requirements, a planned development must demonstrate that it is consistent with the approved Master Plan and its development standards.

B. WHERE PERMITTED

Planned developments are permitted only in those zones where they are expressly allowed by the standards of the zone.

C. AREA INCLUDED IN A PLANNED DEVELOPMENT

The intention of these requirements is that a planned development includes a substantial area that will allow for the master planning of a significant development activity. If a parcel is less than ten (10) acres, the entire area of the parcel must be included in the planned development unless the Planning Board determines otherwise based upon the unique characteristics of the parcel or existing development on the parcel. For lots with ten (10) acres or more, the Planning Board may permit a portion of the parcel to be treated as a planned development, or the parcel to be treated as more than one planned development, if it finds that such treatment will be consistent with the provisions of this section and will result in a coordinated development approach for the entire holding. If the Planning Board allows a planned development that is less than the entire parcel, the planned development must include at least five (5) acres. If the Planning Board permits multiple planned developments on a parcel, the Site Inventory and Analysis Phase and the Conceptual Site

SECTION VII.E. ADDITIONAL REQUIREMENTS FOR PLANNED DEVELOPMENTS
[adopted 11/07/2007]

Plan and Preliminary Infrastructure Plan of the Master Plan Phase submitted for the initial planned development must cover the entire area of the parcel.

D. SITE INVENTORY AND ANALYSIS PHASE

The Site Inventory and Analysis is intended to provide the applicant, Planning Board, staff, boards and utility districts, and public with a better understanding of the overall site and the opportunities and constraints that the natural and built environment create for the use and development of the site. The expectation is that the preparation of the inventory and analysis will result in a Master Plan for the planned development that reflects and is sensitive to the conditions on the site, that preserves areas that should be protected from development or intensive use, that utilizes the areas of the site that are most suitable for development for intensive use and development, and that recognizes and addresses identified constraints or limitations of the site. The Site Inventory and Analysis phase must be completed before the Master Plan is submitted except as provided for in A(1).

(1) Procedures

- a) The applicant shall deliver the Site Inventory and Analysis materials to the Planning Department with a request for the Board to initiate the review.
- b) Upon receipt of a Site Inventory and Analysis submission, the Planning Department shall review the submitted material and determine whether the submission is complete considering any requests for waivers of the submission requirements within five (5) working days of its receipt. If the staff determines that the submission is incomplete, he/she shall notify the applicant in writing of this finding, shall specify the additional material required to make the submission complete, and shall advise the applicant that the item will not be scheduled for discussion by the Planning Board until the additional information is submitted. A determination of incompleteness by the Planning Department may be appealed, in writing, to the Planning Board. These steps shall be repeated until the submission is determined to be complete.

When the submission is determined to be complete, the staff shall place the item on the agenda for discussion by the Planning Board at a workshop, and distribute copies of the submission to the Town Manager, Town Engineer, Public Works Director, Police Chief, Fire Chief, and utility districts for their review and comment. In addition, the staff shall notify all abutters and other property owners within five hundred (500) feet of the pending request and the date, time, and place of the workshop meeting at which the Planning Board will initiate review of the Site Inventory and Analysis.

As per the Planning Board's municipal capacity to review development projects that otherwise would require review by the Maine Department of Environmental Protection under the Site Location of Development Law, planned developments that include a minimum of three (3) acres or more of building and impervious coverage or fifteen (15) or more lots on thirty (30) or more acres shall also be submitted and reviewed by the State of Maine regarding significant wildlife and fisheries habitat and natural resources and significant historic and archeological resources as follows:

SECTION VII.E. ADDITIONAL REQUIREMENTS FOR PLANNED DEVELOPMENTS
[adopted 11/07/2007]

The Maine Department of Inland Fisheries and Wildlife shall be provided with a complete Site Inventory and Analysis submission and shall have the ability to review and provide advisory comments on any significant wildlife habitat, aquatic habitat, fisheries habitat, or wildlife travel corridor on and within five hundred (500) feet of the site.

The Maine Historic Preservation Commission shall be provided with a complete Site Inventory and Analysis submission and shall have the ability to review and provide advisory comments on the presence of any significant historic or archeological resources that may exist on the site.

- c) The Planning Board may hold a public on-site inspection of the site to review the existing conditions, field-verify the information submitted, and investigate the opportunities and constraints of the site. This inspection shall be a formal meeting of the Board. The Board may schedule this visit either before or after the initial workshop at which Site Inventory and Analysis is considered.
- d) Prior to preparing its findings, the Planning Board shall provide the public with the opportunity to comment on the Site Inventory and Analysis and whether it accurately reflects site conditions, the opportunities and constraints for the use of the site, and the issues that need to be addressed in the Master Plan. This can occur as part of the Planning Board workshop or be a formal public hearing, public workshop, or other public session that allows for public comment on the submittal if deemed necessary by the Board. If the Board decides to hold a separate opportunity to allow public input, the board shall provide appropriate public notice of this opportunity including written notification of abutters and other property owners within five hundred (500) feet.
- e) The Planning Board may request peer review on any aspects of the submission.
- f) Within forty-five (45) days of the meeting for the initial consideration of the site inventory and analysis, the Planning Board shall provide the applicant with its findings in writing.

(2) Submission Requirements

The Site Inventory and Analysis submission shall include the appropriate application fee and fourteen (14) copies of the following five items plus any additional information the applicant wishes to submit to enable the Planning Board to evaluate the site and its development potential:

- A completed application form provided by the Town
- A Site Context or Locus Map
- A Site Inventory Plan
- A Site Analysis Plan
- A Site Analysis Narrative

SECTION VII.E. ADDITIONAL REQUIREMENTS FOR PLANNED DEVELOPMENTS
[adopted 11/07/2007]

Each item shall include all of the information set forth below together with any supplemental information desired by the applicant. The Planning Board may not waive the submission of any of the five required items, but may waive the submission of individual pieces of data or information required for any of the five required items upon written request of the applicant and a finding, by formal vote of the Board, that the information is not needed to understand the conditions of the site and the opportunities and constraints resulting from these conditions.

- a) The Site Context or Locus Map shall show the location of the development in the Town and its relationship to adjacent property. The map shall be drawn at a size adequate to show the relationship of the proposed development to the adjacent properties within five hundred (500) feet of the site, and to allow the Board to locate the site within the municipality. The location map shall show:
 1. Existing subdivisions or other development in the proximity of the site.
 2. Locations and names of existing streets.
 3. Boundaries and designations of zoning districts.
 4. An outline of the land included in the planned development.

- b) The Site Inventory Plan shall show the existing natural features and resources and the built environment on and within five hundred (500) feet of the site. The Plan shall be an accurate scale plan of the site at a scale of not more than one (100) feet to the inch. If this scale is not adequate to show critical details of the inventory, the Planning Board may require larger scale plans be provided for these portions of the site. The Plan must show the following as a minimum:
 1. The proposed name of the development, north arrow (True Meridian), date, and scale.
 2. The boundaries of the parcel based upon a standard boundary survey prepared by a registered land surveyor and giving the bearings and distances of all property lines.
 3. Existing restrictions or easements on the site (if none, so state).
 4. The topography of the site at an appropriate contour interval depending on the nature of the use and character of the site as determined by the Town Planner.
 5. The location, extent, and, where appropriate, value or condition of the natural features of the site and within five hundred (500) feet of the site, including wetlands, vernal pools, streams, ponds, floodplains, groundwater aquifers, significant wildlife habitats, scenic views or areas, significant geological features, or other important natural features. Information on adjacent properties may be from published sources.
 6. The soils on the site through a medium intensity soil survey. The Planning Board may require the submission of a high intensity soils survey if it determines that a high intensity survey is required to evaluate the appropriate use of the property.
 7. Vegetative cover conditions on the property according to general cover type, and the identification of any exceptional specimens including any trees with a diameter at breast height of more than twenty-four inches.

SECTION VII.E. ADDITIONAL REQUIREMENTS FOR PLANNED DEVELOPMENTS
[adopted 11/07/2007]

8. Watershed and sub-watershed boundaries.
 9. The groundwater hydrology beneath the site including any information from test pits, borings, or existing wells.
 10. Existing buildings, structures, or other improvements on the site including streets, driveways, stone walls, fences, trails, and cemeteries (if none, so state).
 11. The approximate locations of all culturally, historically or archaeologically significant buildings, features, or sites. In particular, buildings, features or sites listed by the Maine State Historic Preservation Office, the Town's adopted Comprehensive Plan, or Section VII.H. Historic Preservation Provisions of the Town of Scarborough Zoning Ordinance shall be identified.
 12. The location and size of existing utilities or improvements servicing the site (if none, so state).
- c) The Site Analysis Plan shall be at the same scale as the inventory plan (see b. above) and highlight the opportunities and constraints of the site in a bubble diagram or annotated format. This plan must enable the Planning Board to determine: which portions of the site: 1) are unsuitable for development or use; 2) are well suited for the proposed use; 3) have potential conservation or open space value that should be addressed in the Master Plan; and 4) may be subject to or create off-site conflicts or concerns (noise, lighting, visual intrusion, traffic, etc.).
- d) The Site Analysis Narrative must describe the existing conditions of the site, the constraints and opportunities created by the site, the potential for mitigating any potential conflicts or concerns, the development potential of the site, and the open space conservation potential of the site. This submission should include a narrative description of the existing road system that will provide access to the project and any issues related to traffic capacity, safety, sight distances, or other traffic considerations together with any preliminary studies done relative to the site including traffic studies, market studies, or other information that will help the Board understand the site and the proposed project.

(3) Planning Board Action

The Site Inventory and Analysis phase is informational and does not result in any formal approval or disapproval of the project. The Planning Board shall review the submission to determine if the information provides a clear understanding of the site and identifies opportunities and constraints that help determine how it should be used and developed. The Planning Board shall also consider any input received from members of the Staff, other boards and commissions, utility districts, the Maine Historic Preservation Commission, the Maine Department of Inland Fisheries and Wildlife or members of the public. The Site Inventory and Analysis does not bind either the applicant or the board. The outcome of this phase of the review process shall be the identification by the Planning Board of the issues and constraints that must be addressed in the Master Plan and related submissions including proposed development standards.

SECTION VII.E. ADDITIONAL REQUIREMENTS FOR PLANNED DEVELOPMENTS
[adopted 11/07/2007]

E. MASTER PLAN PHASE

The Master Plan is intended to lay out, in general terms, how the planned development will be developed including the proposed use of various parts of the site, the primary road and pedestrian network, primary utility network, overall approach to stormwater management, proposed development areas, proposed open space areas, and proposed buffer areas and the development standards that will apply to development proposals. The intention of this phase is to provide the overall development framework for the district into which specific projects can then be fitted to produce a coordinated development.

(1) Procedures

- a) The applicant shall initiate the review process by delivering the Master Plan materials to the Planning Department with a request for the Board to initiate the review.
- b) Upon receipt of a Master Plan submission, the Planning Department shall review the submitted material and determine whether the submission is complete considering any requests for waivers of the submission requirements within five (5) working days of its receipt. If the staff determines that the submission is incomplete, he/she shall notify the applicant in writing of this finding, shall specify the additional material required to make the submission complete, and shall advise the applicant that the item will not be scheduled for discussion by the Board until the additional information is submitted. A determination of incompleteness by the planning staff may be appealed, in writing, to the Planning Board. These steps shall be repeated until the submission is determined to be complete.

When the submission is determined to be complete, the staff shall place the item on the agenda for discussion by the Planning Board, and distribute copies of the submission to the Town Manager, Town Engineer, Public Works Director, Police Chief, Fire Chief, utility districts, and Conservation Commission for their review and comment. In addition, the staff shall notify all abutters and other property owners within five hundred (500) feet of the pending request and the date, time, and place of the workshop meeting at which the Planning Board will initiate review the Master Plan.

- c) The Planning Board may hold a public on-site inspection of the site. The Board may schedule this visit either before or after the initial meeting at which the Master Plan is considered. The site inspection is a formal meeting of the Board.
- d) The Planning Board shall provide the public with the opportunity to comment on the Master Plan. This can occur as part of the Planning Board workshop or be a formal public hearing, public workshop, or other public session that allows for public comment on the submittal if deemed necessary by the Board. If the Board decides to hold a separate opportunity to allow public input, the board shall provide appropriate public notice of this opportunity including written notification of abutters and other property owners within five hundred (500) feet. e) Within forty-five (45) days of the workshop for the initial consideration of the Master Plan, the Planning Board shall approve, approve with conditions, or disapprove the Master Plan. The time for consideration of the Master Plan may be extended with the mutual consent of the applicant and the Planning Board. The Board shall provide the applicant with a written record of its action and supporting findings within seven (7) working days of its action.

SECTION VII.E. ADDITIONAL REQUIREMENTS FOR PLANNED DEVELOPMENTS
[adopted 11/07/2007]

(2) Submission Requirements. The Master Plan submission shall include the appropriate application fee, and fourteen (14) copies of the following six items plus any additional information the applicant wishes to submit to enable the Planning Board to evaluate the proposed development and the treatment of the site vis-à-vis the Site Inventory and Analysis:

- A Development Narrative
- A Conceptual Site Plan
- A Preliminary Infrastructure Plan
- A Neighborhood Impact Mitigation Plan
- An Environmental Assessment
- Development and Design Standards
- Historic Preservation Plan

Each item shall include all of the information set forth below together with any supplemental information desired by the applicant. The Planning Board may waive the submission of any of the six required items as well as the submission of individual pieces of data or information required for any of the six required items upon written request of the applicant and a finding, by formal vote of the Board, that the information is not needed to understand how the proposed development relates to the conditions of the site or the proposed nature of development, or that the information is not appropriate given the scale of the development.

- a) The Development Narrative must describe the overall nature of the proposed development, the general utilization of the site, the types and scale of anticipated development, and provisions to address the constraints and limitations identified in the Site Inventory and Analysis. The development narrative must specifically address how the planned development standards of the zone in which the development is located will be met.
- b) The Conceptual Site Plan must be an accurate, scaled plan at the same scale as the Site Analysis Plan submitted in the Site Inventory and Analysis Phase and show the proposed layout of the site, the proposed use of various parts of the site, the primary road and pedestrian network, primary utility network, overall approach to stormwater management, proposed development areas, proposed open space areas, and proposed buffer areas. The conceptual site plan may show proposed uses in a bubble diagram or similar conceptual format and does not need to include the location of individual buildings. However, if buildings are not shown on the conceptual site plan, the development standards (see f. below) must address the site and architectural design issues related to the design of individual buildings and sites.
- c) The Preliminary Infrastructure Plan must show the layout and preliminary design of the various infrastructure components that will serve as the core infrastructure for the site if the site will have any internal infrastructure/utility networks. This should address off-site infrastructure improvements where necessary. The Plan should include the proposed primary road network within the development as well as access into and out of the site, the public water and sewerage systems, the overall approach to stormwater management including any mitigation activities to comply with state stormwater requirements, electric,

SECTION VII.E. ADDITIONAL REQUIREMENTS FOR PLANNED DEVELOPMENTS
[adopted 11/07/2007]

cable, and fiber optic systems, and any shared or common facilities such as parking or service areas.

- d) The Neighborhood Impact Mitigation Plan must describe how the impacts of the proposed development on neighboring residential areas including traffic, noise, exterior lighting, and visual considerations will be minimized. The impact mitigation plan must specify the areas that will be retained as buffers and how those areas will be treated and protected. The plan must include any specific standards or requirements that will be imposed on individual buildings or projects such as increased setbacks, buffering or landscaping, and similar measures.
- e) The Environmental Assessment must identify and evaluate the importance of the natural resources on the site based upon the Site Inventory and Analysis, detail how the Conceptual Site Plan has been designed to minimize encroachment on high value resources identified in the Site Inventory and Analysis, describe actions that will be taken to reduce adverse impacts on these resources from the proposed use of the site, and what mitigation activities will be undertaken to compensate for any undesirable negative impacts. The Environmental Assessment must also address how the development will conform, in a general sense, to federal, state, and local environmental regulations.
- f) Development and Design Standards that will apply to individual buildings or projects if the Conceptual Site Plan does not address site and building design issues. The standards should assure that the development will conform to the design elements of the zoning district in which it is located, as well as the Design Standards for Scarborough's Commercial Districts, and result in a coordinated, visually-integrated development. These standards must address, at a minimum, parking layout and design, landscaping, exterior lighting, signage, pedestrian and bicycle facilities, noise, and architectural design and details.
- g) Any historic or archeological resource that has been identified by the Maine Historic Preservation Commission, the Town's adopted Comprehensive Plan, or Section VII.H. Historic Preservation Provisions of the Town Scarborough Ordinance should be preserved and incorporated into the development plan in a manner that retains its historic or archeological value if feasible. If an identified resource will be removed or will be altered in a manner that diminishes its historic or archeological value, the burden is on the applicant to demonstrate that options for preserving the resource have been explored. The Planning Board, Planning Department, and the applicant may consult the State Historic Preservation Office, the Scarborough Historical Society, or similar organizations with the mission of historic and archeological preservation on options for preserving the resource. If the resource will be removed, the applicant must demonstrate that reasonable efforts have been made to preserve the resource value or relocate it to another location.

(3) Planning Board Action

The Planning Board shall approve the Master Plan only if it finds that it complies with the following criteria. The Planning Board may impose conditions on its approval of the Master

SECTION VII.E. ADDITIONAL REQUIREMENTS FOR PLANNED DEVELOPMENTS
[adopted 11/07/2007]

Plan if it finds that such conditions are necessary for the Master Plan to comply with the approval criteria:

- a) The Master Plan is consistent with the Site Inventory and Analysis and reflects a reasonable utilization of the site given both environmental and built-environment considerations. Areas that are proposed to be intensively developed or used are located in the areas identified for development in the Site Inventory and Analysis. Areas that were identified as being unsuitable for development in the Site Inventory and Analysis are protected and the adverse impacts of development mitigated. Areas that were identified as having open space or conservation and natural resource value in the Site Inventory and Analysis have been addressed and the resource value maintained through the utilization of the site, mitigation activities, and/or on or off-site compensatory activities. Other issues and concerns identified in the Site Inventory and Analysis have been appropriately addressed in the Master Plan.
- b) The Master Plan is consistent with the space and bulk standards, the development standards, and other requirements for planned developments in the zoning district in which it is located.