CHAPTER 16
SUBDIVISION & SITE PLAN REVIEW

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CHAPTER 16 ARTICLE I -- SUBDIVISION ORDINANCE

Sec. 16-100 PURPOSE, APPLICABILITY, AUTHORITY, ADMINISTRATION

A. PURPOSE

The purposes of this article are:

1. To provide for an expeditious and efficient process for the review of proposed subdivisions;
2. To assure new development complies with and meets the goals of the Rockland Comprehensive Plan;
3. To maintain the safety, health and welfare of the community;
4. To protect the environment and conserve Rockland's natural and cultural resources;
5. To assure that public utilities, services and facilities are available to the subdivision;
6. To minimize the potential impacts from new subdivisions on neighboring properties and on the municipality; and
7. To promote the responsible development of an economically sound and stable community.

B. APPLICABILITY:

1. This Chapter shall govern all subdivisions of land and buildings as defined in 30-M.R.S.A. §§4401 within the city unless specifically exempted under this article. When an application is made for the re-subdivision of a previously recorded subdivision under the provisions of these regulations, it shall be treated as a new subdivision provided the applicant is the owner of rights in the recorded subdivision.
2. In accordance with 30-A M.R.S.A. §4402.6, a division of new or existing structures into 5 or more dwelling units shall be exempt from subdivision review provided that such a division is reviewed under Ch. 16 Article II Site Plan Review.

C. AUTHORITY

1. These standards have been prepared in accordance with the provisions of Title 30-A M.R.S.A. §§4401-4408.
2. These standards shall be known and may be cited as "Chapter 16 Article I – Rockland Subdivision Ordinance"
3. The Planning Board of the City of Rockland shall administer these regulations.
4. These regulations may be amended by the Rockland City Council.
5. A public hearing shall be held prior to the adoption of any amendment.

Sec. 16-101 – ADMINISTRATIVE AND NOTIFICATION PROCEDURES

A. Notification: Upon receipt of an application for subdivision, the City Planner or their designee shall give a dated receipt to the applicant and shall notify by mail a general description of the project to the following:

1. all abutters to the proposed subdivision, and
2. the clerk and the reviewing authority of municipalities that abut or include any portion of the subdivision, and
3. any public drinking water supplier if any portion of the subdivision is within its source water protection area.

B. Public Meeting Notification: For all Public meetings where a subdivision application will be discussed, notification shall be distributed as follows:

1. Applicant(s) and designer: the applicant(s) and the lead designer for the project.
2. City Hall: posted at the designated area at the municipal offices.
3. Notification to adjoining municipality: if any portion of the subdivision abuts or crosses the municipal boundary, notification shall be sent to the clerk and the municipal reviewing authority of any neighboring municipality.
4. Notification to public drinking water supplier: If a proposed subdivision is within the water protection area of a public water supplier, the public water supplier shall be notified.

Sec. 16-102 SUBDIVISION REVIEW

A. Sketch Plan, Preliminary Plan, Final Plan. The review process varies based on the number of lots and/or units and the location of the subject property. A Sketch Plan review and Final Plan review are required for all applications. Certain subdivision applications also require Preliminary Plan review (See CH 16-104.A).

B. Applications submitted. All applications shall be submitted to the Rockland Planning and Code Enforcement Office. Application forms are available from the Planning and Code Enforcement Office. Application submission requirements and procedures are listed in Appendix A (Preliminary Plan) and Appendix B (Final Plan).

Sec. 16-103 SKETCH PLAN

A. Purpose: The purpose of the Sketch Plan meeting is for the applicant to present general information regarding the proposed subdivision to the Board and receive the Board's comments prior to the expenditure of substantial sums of money on surveying, natural resource identification, and engineering by the applicant.

B. Submission Requirements: The Sketch Plan and all supporting materials shall include the following information.

1. A plan showing, in simple sketch form, the proposed lot or lots, the proposed layout of existing and proposed streets, existing and proposed buildings, and other features in relation to existing conditions such as steep slopes, wetlands and vegetative cover in a general manner. Subdivisions outside of the designated Growth Area shall also include the net residential acreage calculation as defined in Sec. 16-103.B. To encourage flexibility in design, the Applicant is encouraged not to submit engineered plans at this phase in the process.

2. Project narrative: a written narrative including general information that describes or outlines the existing conditions of the site and a full description of the proposed development including but not limited to items such as:

a) the number of lots and/or units;
b) a description of any common areas, parks, or recreational areas if proposed;
c) how the project will provide water and wastewater disposal;
d) proposed infrastructure such as roads or utilities;
e) contour elevations that will be proposed for the final plans; or
f) requested waivers.

3. Application form and fee: the completed application form, provided by the Planning and Code Department shall be submitted and the appropriate fees shall be paid in accordance with the City of Rockland fee schedule. The application shall be signed by the property owner and the developer proposing the project if they are different entities.

4. **Number of paper copies to submit:**

a) Plans – (8) sets of 22-in x 34-in Sketch Plans
(3) sets of plan reduced to 11-in x 17-in
(1) electronic .pdf file

b) Supporting documents
(1) completed application form
(1) copy of right, title or interest document (deed, lease any monetary information can be redacted)
(8) copies of the project narrative
(1) electronic .pdf file

C. Procedure

1. The applicant shall present the Sketch Plan and make a verbal presentation regarding the proposed subdivision.
2. Following the applicant's presentation, the Board may ask questions, point out potential problems or issues for future discussions, and make suggestions to be incorporated by the applicant into the subsequent application.
3. Waiver requests, if any, shall be presented at this meeting and final action on waivers may be taken; however, final action on a waiver request may be postponed until a subsequent review of the application.
4. The board may determine that abutter notification for the Sketch Plan meeting is warranted. Such notice shall be carried out according to Ch16-104.E.2.b).
5. If The Board determines that a Site Visit is warranted, the date of the Site Visit shall be determined at this meeting. To extent feasible the Site Visit shall be held within thirty days of the Sketch Plan meeting. The applicant may provide aerial or drone photography as an alternative to a Site Visit. Prior to the Site Visit, the applicant shall place stakes at the centerline of any proposed streets, and at the approximate intersections of the street centerlines and lot corners.

6. Notice of the sketch plan meeting and site visit shall be sent to applicants and abutters at least 7 days prior to the site visit.

D. **Board Action on Sketch Plan:** If the Planning Board finds that the applicant has appropriately identified the proposed developed and undeveloped areas the Board shall make a finding that the application is approved to proceed to the next level of review. The Board may make this finding with conditions that specific changes be made to the plan.

Sec. 16-104 - PRELIMINARY PLAN APPLICATION

A. APPLICABILITY: Subdivisions that meet the following thresholds are subject to Preliminary review.

1. Subdivisions wholly or partially within the Lindsey Brook watershed.
2. All subdivisions outside of designated Growth Areas.
3. All subdivisions that propose a new public or private road (this does not include driveways or parking areas for single family or multi-family subdivisions.)
4. Subdivisions outside of the Lindsey Brook watershed and within a designated "Growth Area" that meet the following threshold:
   a) Subdivisions of land only with 10 or more lots or units, if not connected to public water/sewer.
   b) Subdivisions with 25 or more lots or units that are connected to the public sewer system.

B. PROCEDURE Within one year of final action on a Sketch Plan, the applicant shall submit an application for approval of a Preliminary Plan to the Planning and Code Enforcement Office. If the Preliminary Plan is not submitted within one year of the date the finding was made for the Sketch Plan, the Board shall take a vote as to whether the Sketch Plan needs to be resubmitted. In deciding whether to require a resubmission of the Sketch Plan, the Board shall consider whether there has been a substantial change in membership of the Board, if the City has adopted or revised land use regulations that significant affect the subdivision, and/or whether the plan has changed substantially since it was reviewed by the Planning Board.

C. SUBMISSION REQUIREMENTS

1. The Preliminary Plan application shall be submitted on the form provided by the Planning and Code Department and shall include all items required for a complete submission listed in Appendix A and shall approximate the layout shown on the Sketch Plan, including all conditions required by the Board at Sketch Plan review.
2. All applications for Preliminary Plan shall be accompanied by the following fees:
   a) A nonrefundable application fee in accordance with the Fee Schedule adopted by the City.
   b) An escrow fee of $3,000, to be deposited in a City account designated for that subdivision application, to be used by the Board for hiring independent consulting services to review engineering and other technical submissions associated with the application, as necessary to ensure compliance with the Zoning Ordinance and Subdivision Regulations. If the balance in this special account is not sufficient to cover the cost of independent reviews, the applicant will be billed for any balances. Any balance in the escrow account remaining after a decision on the Final Plan application by the Board shall be returned to the applicant.

D. ADMINISTRATIVE REVIEW:

1. Within 5 business days following an application submittal to the Planning and Code Enforcement Department, the City Planner, or their designee shall distribute the application, plans and supporting documentation to the Public Services Department, Fire Department and Police Department, for review.
2. Department Review: Within 14 days of distributing the application, the reviewing departments shall submit written comments regarding the application to the City Planner or their designee.
3. Initial Completeness Report/Plan Revisions: Within 30 days of application submission, the City Planner, or their designee, will provide an initial completeness report to the applicant with a determination that the application is either ready for Planning Board review or listing additional information or clarifications that are needed. The applicant shall respond to all requested additional items or clarifications listed in the report and make necessary changes to the application.

4. When the City Planner or their designee determines that the application meets all submittal requirements of this chapter the application shall be scheduled for review by the Planning Board at the next available regularly scheduled meeting.
5. If the City Planner or their designee determines that the application does not meet the submittal requirements, the applicant shall be notified in writing within 30 days of the issuance of the initial completeness report. Within 30 days of notification the applicant may request that the Planning Board determine completeness according to CH16-104.E.1 below.
6. Nothing in this subsection shall preclude a determination by the Planning Board that additional information is needed before the board can render a decision on the application.

E. PLANNING BOARD REVIEW*:*

1. Planning Board Determination of Application Completeness: The Planning Board shall vote to determine whether the application is complete prior to scheduling or opening a public hearing. If the Planning Board determines that an application is incomplete, the Board shall either issue a written decision of incompleteness or, with the applicant's consent, table the application until the next regular meeting of the Board and give the applicant an opportunity to provide the required information.
2. Public Hearing: Within thirty days of determining that it has received a complete application, the Planning Board shall hold a public hearing. Notice of the public hearing including the location, date and time of the meeting and a brief description of the item and information on how the public can find more detailed information shall be distributed as follows:
    a) City Hall: A printed agenda shall be posted on the City of Rockland website at least 7 days before the date that the scheduled meeting date.
    b) Mailed notices: The City of Rockland shall mail a printed agenda shall be mailed via standard US mail to all abutters to the subdivision postmarked at least 7 days before the date that the scheduled meeting date.
    c) A newspaper of general circulation: Notice to appear at least 7 days before the date that the scheduled meeting date.
3. Site Visit: The Planning Board may schedule a site visit of the subject property before making a final decision on the application. Public notice of the Site Visit shall be provided according to CH 16.104.E.2. above.

F. THIRD PARTY TECHNICAL REVIEW/HIRING OF CONSULTANTS

1. At any point prior to a decision on an application, the Planning Board may determine that it needs additional information from the applicant to complete its review, including, but not limited to, independent consulting services, special studies or technical analysis.
2. The cost of any such information or independent consulting services shall be at the applicant's expense and paid through the escrow funds as required in 16-104.B. 2.b). Failure to fund the escrow account or to pay for the cost of the information or consultant(s) shall be ground for denial of the application.
3. The Planning Board shall make every effort to be reasonable in its requests for information or consulting services, recognizing that such studies can add both time and cost to a project.

G. MEETING ATTENDANCE REQUIRED: The Board shall not review any application unless the applicant or the applicant's representative attends the meeting in person. Should the applicant or applicant's representative fail to attend in person the Board shall reschedule review of the application to its next regular meeting. The applicant shall be responsible to pay all expenses associated with public hearing notification.

H. BOARD ACTION AND DECISION on PRELIMINARY PLAN: Within sixty-five (65) days of the vote to determine an application complete, the Planning Board shall:

1. Approve, approve with conditions, or deny the Preliminary Plan application.
2. When granting a conditional approval, the Board shall state the conditions of such approval, if any, including but not limited to Board-required modifications, additional information for the Final Plan, and construction items for which cost estimates and performance guarantees will be required.
3. Issue a written decision stating its findings of fact, conditions, and conclusions of law in support of its decision. The written decision shall state all waivers granted or denied and the reasons for approval or denial.

The sixty-five (65) day timeline may be extended by mutual agreement of the Board and the Applicant.

Sec. 16-105 - FINAL PLAN APPLICATION

A. PROCEDURE

1. **Time Limit**: Within six months, after the approval of the Preliminary Plan or Sketch Plan review if Preliminary Plan review is not required, the applicant shall submit an application for Final Plan approval or request an extension according to 16-105.B below Applications shall be submitted to the Planning and Code Enforcement Office. If the application for the Final Plan is not submitted within six months or the approved extension, the Board shall require resubmission of the Preliminary Plan. The Final Plan shall approximate the layout shown on the Preliminary Plan and shall include all changes or conditions required by the Board during Sketch Plan and/or Preliminary Plan review.
2. **Extension**: If an applicant cannot submit the Final Plan within six months or the mutually agreed timeframe, due to delays caused by other regulatory bodies, or other reasons, the applicant may request an extension. Such a request for an extension to the filing deadline shall be filed, in writing, to the City Planner or their designee prior to the expiration of the filing period. In determining whether to grant such extension, the City Planner or their designee shall consider the following:
    1. if progress has been made in preparation of the Final Plan, including pursual of permits before other agencies,
    2. whether there have been amendments to the Comprehensive Plan or city ordinances and regulations which may affect the proposed development.

B. SUBMISSION REQUIREMENTS:

1. The Final Plan application shall be submitted on the form provided by the Planning and Code Department and shall include all items required for a complete submission listed in Appendix B.
2. When an application that did not require Preliminary Plan review has been submitted for Final Plan Review the applicant shall submit an escrow fee according to 16-104.C.2.b.

C. ADMINISTRATIVE REVIEW OF APPLICATION COMPLETENESS:

1. Within 5 business days following an application submittal to the Planning and Code Enforcement Department, the City Planner, or their designee shall distribute the application, plans and supporting documentation to the Public Services Department, Fire Department and Police Department, for review.
2. Department Review: Within 14 days of distributing the application, the reviewing departments shall submit written comments regarding the application to the City Planner or their designee.
3. Initial Completeness Report/Plan Revisions: Within 30 days of application submission, the City Planner, or their designee, will provide an initial completeness report to the applicant with a determination that the application is ready for Planning Board review or listing additional information or clarifications that are needed. The applicant shall respond to all additional items or clarifications listed in the report and make necessary changes to the application.
4. When the City Planner or their designee determines that the application meets all submittal requirements of this chapter the application shall be scheduled for review by the Planning Board at the next available regularly scheduled meeting.
5. If the City Planner or their designee determines that the application does not meet the submittal requirements, the applicant shall be notified in writing within 30 days of the issuance of the initial completeness report. The applicant may appeal such decision to the Planning Board within 30 days of notification.
6. Nothing in this subsection shall preclude a determination by the Planning Board that additional information is needed before the Board renders a decision.

D. PLANNING BOARD REVIEW*:*

1. Planning Board Determination of Application Completeness: The Planning Board shall vote to determine whether the application is complete prior to scheduling or opening a public hearing. If the Planning Board determines that an application is incomplete, the Board shall either issue a written decision of incompleteness or, with the applicant's consent, table the application until the next regular meeting of the Board and give the applicant an opportunity to provide the required information.
2. Public Hearing: Within thirty days of determining that it has received a complete application, the Planning Board shall hold a public hearing. Notice of the public hearing including the location, date and time of the meeting and a brief description of the item and information on how the public can find more detailed information shall be distributed as follows:

a) City Hall: A printed agenda shall be posted on the City of Rockland website at least 7 days before the date that the scheduled meeting date.
b) Mailed notices: The City of Rockland shall mail a printed agenda shall be mailed via standard US mail to all abutters to the subdivision postmarked at least 7 days before the date that the scheduled meeting date.
c) A newspaper of general circulation: Notice to appear at least 7 days before the date that the scheduled meeting date.

3. Site Visit: The Planning Board may schedule a site visit of the subject property before making a final decision on the application. Public notice of the Site Visit shall be provided according to CH 16.105.D.2. above.

E. THIRD PARTY TECHNICAL REVIEW/HIRING OF CONSULTANTS. When an application that did not require Preliminary Plan review has been submitted for Final Plan Review the Planning Board may determine that it needs additional information from the applicant to complete its review, including, but not limited to, independent consulting services, special studies or technical analysis. The cost of any such information or independent consulting services shall be at the applicant's expense and paid through the escrow funds as required in CH 16-104.B. 2.b). Failure to fund the escrow account or to pay for the cost of the information or consultant(s) shall be ground for denial of the application.

F. PHASED DEVELOPMENT: When the Board takes action on the Final Plan, it may permit the Plan to be divided into two or more phases subject to any conditions the Board deems necessary in order to ensure the orderly development of the Plan.

G. MEETING ATTENDANCE REQUIRED: The Board shall not review any application unless the applicant or the applicant's representative attends the meeting in person. Should the applicant or applicant's representative fail to attend in person the Board shall reschedule review of the application to its next regular meeting. The applicant shall be responsible to pay all expenses associated with public hearing notification.

H. BOARD ACTION AND DECISION on FINAL PLAN: Within sixty-five (65) days of the vote to determine an application complete, the Planning Board shall:

1. approve, approve with conditions, or deny the Final Plan application. When granting a conditional approval, the Board shall state the conditions of such approval
2. issue a written decision stating its findings of fact, conditions, and conclusions of law in support of its decision. The written decision shall state all waivers granted or denied and the reasons for approval or denial.

The sixty-five (65) day timeline may be extended by mutual agreement of the Board and the Applicant.

I. PERFORMANCE GUARANTEE: The Planning Board shall have the authority to require applicants to post a performance guarantee for the following:

1. Public improvements, including but not limited to streets, sidewalks, street trees, parks, and utilities, public pathways, and for performance of site improvements as specified at the time of approval.
2. Erosion and sedimentation control to ensure that erosion control provisions are working, and required technical inspections take place.
3. Other elements of the project to ensure that they function concurrently with and subsequent to construction.

J. INDEPENDENT INSPECTOR: The Planning Board may require an escrow fee of $3,000 to an to be deposited in a City account designated for that subdivision application, to be used by the Board for hiring a qualified professional engineer to provide independent inspection services to ensure compliance during construction of the subdivision. If the balance in this special account is not sufficient to cover the cost of independent inspections, the applicant will be billed for any balances. Any balance in the escrow account remaining after project completion shall be returned to the applicant

K. VIOLATIONS OF PREVIOUSLY APPROVED PLANS: No plan shall be approved by the Board as long as the applicant is in violation of the provisions of a previously approved Subdivision Plan within the City of Rockland or is in violation of the City of Rockland Code of Ordinances.

L. RECORDING PLAN: Within 120 days of application approval, the applicant shall submit a copy of the Final Subdivision Recording Plan. All conditions of approval and waivers granted, the date the plan was approved by the Planning Board, and approval block with Planning Board signatures shall be shown on the plan. The signed Recording Plan shall be recorded in the Knox County Registry of Deeds within 90 days of the date of final approval.

M. TERM OF APPROVAL: Except in the case of a phased development plan, failure to complete substantial construction of the subdivision within five years of the date of approval and signing of the plan shall render the plan null and void.

Sec. 16-106 - REVISIONS TO APPROVED PLANS

A. PROCEDURE: The City Planner or their designee may approve alterations to an approved recording subdivision plan when all of the following conditions are met. Otherwise, a new subdivision plat must be submitted to the Planning Board:

1. The rearrangement of lot lines does not increase the number of lots within the subdivision.
2. The alteration will not affect any street, alley, utility easement or drainage easement.
3. The alteration meets all of the minimum requirements of Ch 16 and other applicable state and local codes
4. The alteration is reviewed by the Public Services Director and the Fire Chief or their designees.

B. SUBMISSION REQUIREMENTS: An application for a revision to a previously approved plan shall be submitted to the City Planner or their designee. The revised plan shall acknowledge that this plan is a revision to a previously approved plan and shall include the book and page number of the recorded plan. The plan shall also include a note that describes what from the previously approved plan are proposed.

The applicant shall submit:

1. Plan
   (1) copy of the previously approved plan;
   (8) sets of Revised Subdivision Plan 22-in x 34-in paper;
   (3) sets of Revised Subdivision Plan reduced to 11-in x 17-in;
   (1) electronic .pdf file.
2. Supporting documents
   (1) completed application form;
   (1) Project narrative;
   (1) copy of right, title or interest document (deed, lease any monetary information can be redacted);
   (8) copies of any supporting technical documents;
   (8) six copies of the summary, conclusions and recommendations of those documents.

The application shall include all supporting information necessary to allow a determination that the proposed revisions meet the standards of these regulations and the criteria of the statute. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the title of the subdivision and the book and page on which the original plan is recorded at the Registry of Deeds.

C. SCOPE OF REVIEW: The scope of review shall be limited to those portions of the plan which are proposed to be changed.

D. RECORDING: Such approved alterations shall be properly recorded in the registry within 30 days thereof or they shall be null and void. Recording of approved alterations also shall be in accordance with the requirements of 30-A M.R.S. § 4406

Sec. 16-107 – STATE REVIEW CRITERIA AND PERFORMANCE STANDARDS:

The Board shall review the subdivision application for conformance with the following statutory review criteria and performance standards and make findings that each has been met prior to the approval of a Final Plan. In all instances, the burden of proof shall be upon the applicant to present adequate information to demonstrate that all Performance Standards and statutory criteria have been met.

107.1 POLLUTION

A. STATE REVIEW CRITERIA: The proposed subdivision will not result in undue water or air pollution. In making the determination, the Board shall at least consider the elevation of the land above sea level and its relation to the flood plains; the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable state and local health and water resources rules and regulations.

B. 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.

107.2 SUFFICIENT WATER

A. STATE REVIEW CRITERIA: The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision

B. PERFORMANCE STANDARDS
   1. When a proposed subdivision is not within the public water supply service area, water supply shall be from individual wells or a private community water system.
      a. Individual wells shall be sited in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.
      b. If a central water supply system is provided by the applicant, the location and protection of the source, the design, construction and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231).
      c. In areas where there is not access to a hydrant, and the Rockland Fire Department has identified the need for additional water storage capacity for fire-fighting purposes, the Rockland Fire Department may require adequate water storage facilities in accordance with NFPA 1142 and CH 7-203 of City Code.

107.3 MUNICIPAL WATER SUPPLY

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

B. PERFORMANCE STANDARDS
   1. When a subdivision is to be served by the public water system, the complete supply system within the subdivision including fire hydrants, shall be installed at the expense of the applicant. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the Maine Water Company and the Rockland Fire Chief. Fire hydrants connected to a public water supply system shall be located subject to approval of the Fire Chief.
   2. All subdivisions served by the public water system shall be required to obtain an Ability to Serve letter with Maine Water Company. Any conditions of the ability to serve required by Maine Water Company shall be included as conditions of approval of the subdivision.

107.4 EROSION AND SEDIMENT CONTROL

A. STATE REVIEW CRITERIA: The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that dangerous or unhealthy conditions result.

B. PERFORMANCE STANDARDS: All projects shall meet the following standards:
   2. Design and placement of all erosion and sediment control measures shall comply with the standards and practices contained in the most recent version of the Maine Erosion and Sediment Control Best Management Practices Manual unless specifically approved by the Planning Board.
   3. To ensure that erosion and sediment control measures work properly, and to ensure that revegetation and slope stabilization takes place in a timely manner and is properly maintained, the Planning Board may require a performance guarantee for up to 12 months after the completion of construction.

4. For critical or large areas of disturbance on steep slopes or adjacent to surface waters, the Planning Board may require inspections by a qualified firm or individual.

107.5. TRAFFIC

A. STATE REVIEW CRITERIA: 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 highways located outside of the Rockland urban compact area as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, Section 704 and any rules adopted under that section.

B. PERFORMANCE STANDARDS: The proposed subdivision shall meet the following performance standards and the traffic and street design standards included in CH 19.402.G. and the standards of CH 16-405 Street Construction Standards.
   1. The subdivision transportation system shall:
      a) Provide safeguards against hazards to vehicles, bicyclists and pedestrians in interior subdivision streets and access connections to external streets.
      b) Avoid traffic congestion on any street.
      c) Provide safe and convenient circulation for vehicles, bicyclists and pedestrians on interior subdivision streets and access connections to external streets. The Planning Board may require the construction of sidewalks by the applicant for subdivisions with frontage on existing public or private streets.
      d) Meet the minimum access permitting requirements of Appendix H of the Rockland Pedestrian Safety Plan, 2021, and of the Maine Department of Transportation "Rules and Regulations Pertaining to Traffic Movement Permits" for accesses that are expected to carry more than 100 passenger vehicle equivalent trips in the peak hour

107.6 SEWAGE DISPOSAL

A. STATE REVIEW CRITERIA: The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.

B. PERFORMANCE STANDARDS
   1. Public Systems
      a) Any subdivision connected to the public system shall meet all of the standards of Chapter 14, Article II-IV as amended from time to time.
      b) When a subdivision is proposed to be served by the public sewage system, the complete collection system within the subdivision, including manholes and pump stations, and including any off-site improvements that are necessary for the proposed subdivision shall be installed at the expense of the applicant.
      c) The Rockland Pollution Control Department shall certify that providing service to the proposed subdivision is within the capacity of the system's existing collection and treatment system or improvements planned to be complete prior to the construction of the subdivision.
      d) The Rockland Pollution Control Department shall review and approve the construction drawings for the sewerage system. The size and location of laterals, collectors, manholes, and pump stations shall be reviewed and approved in writing by the servicing sewer district or department.
   2. Private Systems
      a) Private subsurface wastewater disposal systems the system shall meet the standards of the Maine Plumbing Code 2021 CH 241 and City Code CH 14-404.
      b) The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.
      c) The site evaluator shall certify in writing that all test pits that are adequate for the proposed development and which meet the Disposal Rules.
      d) In no instance shall a disposal area be on a lot which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

107.7 MUNICIPAL SOLID WASTE DISPOSAL

A. STATE REVIEW CRITERIA: 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.

B. PERFORMANCE STANDARDS

1. Solid waste shall be managed in accordance with City Code CH 14, Article 1. If the additional solid waste from the proposed subdivision exceeds the capacity of the municipal solid waste facility, causes the municipal facility to no longer be in compliance with its license from the Department of Environmental Protection, or causes the municipality to exceed its contract with a non-municipal facility, the applicant shall make alternate arrangements for the disposal of solid waste at another licensed disposal facility. The Board may not require the alternate arrangement to exceed a period of five years. In addition, all waste materials shall be stored in a tightly covered, leak proof container so that the contents are inaccessible to animals and rodents. Provisions shall be made for pest control.

107.8 AESTHETIC, CULTURAL AND NATURAL VALUES

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

B. PERFORMANCE STANDARD:

1. Natural beauty and aesthetics
    a) Outside of the Growth Area as designated in the Comprehensive Plan, the subdivision plan shall delineate the limit of clearing of trees. The limit of clearing shall be clarified by notes on the Final Plan and deed restrictions if necessary.
    b) Outside of the Growth Area designated in the Comprehensive Plan, the subdivision shall be designed to minimize the visibility of buildings from existing public roads. For subdivisions in which the land cover type at the time of application is forested, a wooded buffer strip no less than fifty feet in width along all existing public roads shall be maintained. The buffer may be broken only for driveways and streets. The Planning Board may require a landscape plan to buffer the development from the road.
    c) On parcels that are considered Focus Areas of Statewide Ecological Significance by Beginning with Habitat, the plan shall incorporate recommendations, if any, made by Inland Fisheries and Wildlife and/or the Maine Natural Areas Program.
    d) In subdivisions in Growth Areas designated in the Comprehensive Plan, the Board may require the application to include a landscape plan that will show the preservation of any existing large specimen trees, and/or the planting of new trees or other types of planting to beautify the development and to blend it with other adjacent properties.
    e) When a proposed subdivision contains a ridge line identified in the Scenic Resources section of the Comprehensive Plan as a visual resource to be protected, the plan shall restrict tree removal and prohibit building placement within 50 feet vertical distance of the ridge top. These restrictions shall appear as notes on the plan and as covenants in the deed.
2. Open Spaces, Views, and Natural or Historic Features.
    a) If any portion of the subdivision is located adjacent to a public park, open space, or trail, the applicant shall consult the Rockland Parks and Recreation Department so that new structures and infrastructure on the site, or any required open space on the site is situated to best complement, buffer, or supplement the public space.
    b) If any portion of the subdivision is located within an area designated by the Comprehensive Plan as a Scenic Resource, the Plan shall keep the view free of structures to the greatest extent possible so as to not obscure a view and or improvements on the site shall be placed to improve and maximize the view.
    c) If any portion of the subdivision is designated a Local Landmark in the Historic and Cultural Resources section of the Comprehensive Plan, or National Register of Historic Places, or the Maine Historic Preservation Commission, appropriate measures for the protection of the historic or prehistoric resources shall be included in the plan. When the historic features to be protected include buildings, the placement and the architectural design of new structures in the subdivision shall be similar to the historic structures.

The Board shall seek the advice of the Rockland Historic Preservation Commission in reviewing such plans.

3. Shoreland Areas
    a) Any existing public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way or should be included in open space with provisions made for continued public access.
    b) Within areas subject to the state mandated Shoreland Zone, the plan shall include a note stating that the area must be compliant with CH 19 Shoreland Zoning.
4. Clustered Subdivisions: All clustered subdivisions where the open space will be owned by an owners' association as dedscribed in Ch 19.401.D.1 shall include covenants for mandatory membership in the lot owners' association setting forth the owners' rights, interests, and privileges in the association and the common property and facilities, to be included in the deed for each lot or dwelling.

107.9 CONFORMANCE WITH ZONING ORDINANCE AND OTHER LAND USE ORDINANCES

A. STATE REVIEW CRITERIA: The proposed subdivision conforms with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any. In making the determination, the municipal reviewing authority may interpret these ordinances and plans.

B. PERFORMANCE STANDARD: The proposed subdivision shall meet all applicable performance standards or design criteria from the CH 19 Zoning Ordinance and other land use ordinances. The proposed subdivision shall meet the standards of local, state and federal regulations.

107.10 FINANCIAL AND TECHNICAL CAPACITY

A. STATE REVIEW CRITERIA: The subdivider has the adequate financial and technical capacity to meet the standards of this section.

B. PERFORMANCE STANDARD:
1. Financial Capacity: The applicant shall submit cost estimates for constructing the following types of infrastructure, if applicable, that will be included in the performance guarantee including: roads, utilities, stormwater management, erosion control, and off-site improvements required by the Planning Board. The ability to secure a performance guarantee shall be the evidence that they have adequate financial resources to construct the proposed improvements and meet the criteria of the statute and the standards of these regulations. In making the above determinations the Board shall consider the proposed time frame for construction and the effects of inflation.
2. Technical Ability: The applicant shall retain qualified contractors and consultants to supervise, construct and inspect the required improvements in the proposed subdivision. In determining the applicant's technical ability the Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations of previous approvals granted to the applicant

107.11 GROUND WATER

A. STATE REVIEW CRITERIA**:** The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

B. PERFORMANCE STANDARD:
1. Ground Water Quality.
    a) Subdivisions that will utilize subsurface wastewater systems and individual wells shall submit a map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 100 feet of the subdivision boundaries; the Planning Board may require the following:
        1) An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, or at the subdivision boundaries; or at a distance of 1,000 feet from potential contamination sources,

whichever is a shortest distance. All wells shall be able to meet the state standards for Primary Drinking Water.

b) Subdivisions within the drainage area of Rockland Harbor north of Maverick Street as shown on a map from 1978 Time and Tide Study entitled "Rockland Shore Erosion-Critical Area Measure-Final Report". The Board shall require that the applicant complete a site specific hydrogeologic study to evaluate the following; the character and depth of surficial materials, the bedrock topography, the horizontal and vertical ground water gradients, current ground water recharge and/or discharge areas and rates, changes in ground water recharge, flux, gradients, and discharge under proposed development conditions, and the impact of these changes on the stability of slopes down gradient from the site, from changes in site loading, ground water flux, and surface water discharge. The Planning Board may waive the study if it makes a finding that the proposed project will have a minimal impact on groundwater or drainage.

2. Ground Water Quantity.
   a) Ground water withdrawals by a proposed subdivision shall not lower the water table beyond the boundaries of the subdivision.

107.12 FLOOD AREAS

A. STATE REVIEW CRITERIA: 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-hazard 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 approval requiring that the 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.

B. PERFORMANCE STANDARD:
   1. When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency:
      a) All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damage.
      b) The plan shall include a statement that structures in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. Such a restriction shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The statement shall clearly authorize the municipality to enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on the plan.

107.13 FRESHWATER WETLANDS AND FARMLAND

A. STATE REVIEW CRITERIA: 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. All farmland within the proposed subdivision has been identified on maps submitted as part of the application.

B. PERFORMANCE STANDARD:
   1. Freshwater Wetlands: Freshwater wetlands shall be mapped in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, published by the United States Army Corps of Engineers.
   2. **Farmland:** Prime farmland and Farmland of State significance as shown in the Comprehensive Plan shall be identified on the Plan. To the greatest extent possible, building and infrastructure construction shall be avoided on these soils.

107.14 SURFACE WATERS

A. STATE REVIEW CRITERIA: Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

B. PERFORMANCE STANDARD: To the maximum extent feasible, stormwater shall infiltrate rather than be piped to surface waters, and no drainage structure should be installed within one hundred (100) feet of any natural surface water body or wetland.

107.15 RIVER, STREAM OR BROOK

A. STATE REVIEW CRITERIA: Any rivers, streams, or brooks within or abutting the proposed subdivision shall be identified on any maps submitted as part of the application.

B. PERFORMANCE STANDARD: All rivers, streams or brooks meeting the definition of Title 38, section 480-B, subsection 9 shall be shown on the plan.

107.16 STORM WATER

A. STATE REVIEW CRITERIA: The proposed subdivision will provide for adequate stormwater management.

B. PERFORMANCE STANDARD: Adequate provisions shall be made for surface drainage so that discharge of stormwater, erosion and/or sedimentation will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. All development shall comply with the following standards:
   1. There shall be no increase in rate or volume of runoff in the post-development condition from the pre-development condition unless an engineering study has been performed that demonstrates that no off-site property, wetland, or waterbody will be adversely impacted by the increased rate or volume of stormwater.
   2. The applicant shall provide sufficient information in the form of a drainage report prepared by a Maine licensed engineer to demonstrate compliance with this requirement.
   3. All drainage calculations shall be based on a two-year, ten year and twenty-five-year storm frequency. In the Lindsey Brook watershed, the storm frequency shall be based on the two-year, ten-year, twenty-five-year, and 100 year storm frequency. (see the Rockland Stormwater Master Plan, October 2021, Appendix A, Figure 2 prepared by Wright-Pierce for Lindsey Brook watershed boundary)
   4. Low Impact Development: On-site infiltration/absorption shall be utilized to minimize discharges. Site design and drainage systems constructed to comply with this Section shall incorporate Low Impact Development (LID) Practices and Techniques of the Maine Department of Environmental Protection, Stormwater Best Management Practices, Vol III, Chapter 10. Examples include, but are not limited to, the following.
      a) Bio-retention.
      b) Porous pavement.
      c) Vegetated swales.
      d) Infiltration trenches.
      e) Rooftop drain disconnection.
      f) Cisterns.
      g) Green roofs.
      h) Vegetated filter strips.
      i) Reduced impervious surfaces.
      j) Stormwater disconnection.
      k) Preservation and enhancement of native vegetation.
   5. Where site conditions exist that make on-site infiltration impracticable, the Applicant shall demonstrate to the satisfaction of the Planning Board that the use of LID measures is not possible before proposing to use traditional, structural stormwater management measures including, but not limited to, stormwater retention and detention ponds and underground storage systems.
   6. In the Downtown (DT) zone where a city storm drainage system is in place, the applicant shall comply with the above LID standards to the extent practicable; however, where not practicable may discharge into that system with the review and approval of the Rockland Public Services Department.
   7. The owner of the property is responsible for maintaining all stormwater facilities on the site.

107.17 LAKE PHOSPHORUS CONCENTRATION

A. STATE REVIEW CRITERIA: The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and the life of the proposed subdivision.

B. PERFORMANCE STANDARD: Subdivisions and site plans within the watershed of Chickawaukie Pond are subject to the standards of CH 19.205.A.3.C – Chickawaukie Overlay Zone.

107.18 SPAGHETTI-LOTS

A. STATE REVIEW CRITERIA: Spaghetti lots are prohibited on any lot within the proposed subdivision that have frontage on a river, stream, brook, great pond or coastal wetland as defined by Title 38, section 480-B.

B. PERFORMANCE STANDARD: For the purposes of this Ordinance, spaghetti lots are considered lots that have a shore frontage that is no less than five times the depth of the lot, or a 5 to one ratio of lot depth to shore frontage. For example, a lot with 200 feet of shore frontage may not have a lot depth of more than 1,000 feet.

107.19 LANDS SUBJECT TO LIQUIDATION HARVESTING

A. STATE REVIEW CRITERIA: Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, M.R.S.A section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Planning Board must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel.

B. PERFORMANCE STANDARDS: The Planning Board may request technical assistance from the Department of Agriculture, Conservation, and Forestry, Bureau of Forestry to determine whether a rule violation has occurred, or the Board may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If the Planning Board requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the Bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The Bureau shall provide a written copy of its findings and determination to the Planning Board within 30 days of receipt of the Planning Board request. If the bureau notifies the Planning Board that the bureau will not provide assistance, the Board may require a subdivision applicant to provide a determination certified by a licensed forester. For the purposes of this standard, "liquidation harvesting" has the same meaning as in Title 12, M.R.S.A section 8868, subsection 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.

107.20 IMPACT ON ADJOINING MUNICIPALITY

A. STATE REVIEW CRITERIA: 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.

B. PERFORMANCE STANDARDS: If a proposed subdivision is in two or more communities, the applicant shall demonstrate that the standards of and the majority of the land is in the City of Rockland, notice of all meetings pertaining to section 11.5 Traffic of this Ordinance for all roads impacted by the subdivision regardless of which community the impacted roads are located.

Sec. 16-108 – POST APPROVAL - PERFORMANCE GUARANTEES, INSPECTIONS, VIOLATIONS, AND ENFORCEMENT

A. PERFORMANCE GUARANTEES: Prior to the commencement of construction, if a performance guarantee has been required by the Planning Board, it shall be posted by the applicant or contractor prior to issuing a building permit or commencement of site work whichever is first.:

1. Form: The performance guarantee shall be in one of the following forms
    a) Escrow account: A contribution to an escrow account shall be made by either a certified check made out to the City of Rockland, a direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the applicant, the municipality shall be named as owner or co- owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the municipality has found it necessary to draw on the

account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements.

b) Letter of credit: An irrevocable letter of credit from a bank or other lending institution with offices in the region, shall indicate that funds have been set aside for the construction of the subdivision for the duration of the project and may not be used for any other project or loan.

2. Release of guarantee: Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of the engineer inspecting the project and any other agencies and departments who may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the subdivision for which the release is requested.
3. Default: If upon inspection, the engineer inspecting the project or other qualified municipal staff finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, they shall so report in writing to the City Planner or their designee, and the applicant or builder. The City's officers shall take any steps necessary to preserve the City's rights.

B. INSPECTION OF REQUIRED IMPROVEMENTS

1. Pre-construction meeting: If required by the Planning Board**,** prior to the commencement of construction a pre-construction meeting shall be held with the applicant, the contractor for the project, the Code Enforcement Officer, and (if any) the Inspecting Engineer. The purpose of the meeting is to ensure that all municipal specifications, requirements, and conditions of approval are met during the construction of required improvements, to establish at what points in construction inspection will be required, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.
2. Inspection costs: If the Planning Board requires and Inspecting Engineer outside to review of any aspect of the construction, the applicant or contractor shall bear all of the costs for inspecting the project. A Certificate of Occupancy shall not be issued until all of the outstanding inspection fees are paid by the applicant.
3. Construction not according to approved plan: If the inspector finds that any of the required improvements have not been constructed in accordance with the plans and specifications approved by the Planning Board, the inspector shall so report in writing to the City Planner or their designee, the applicant and the contractor. The City Planner of their designee shall take any steps necessary to assure compliance with the approved plans.
4. Minor field modifications: During construction if modifications to the approved plan are necessary, the inspector is authorized to approve minor field modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspector shall issue any approval under this section in writing and shall transmit a copy of the approval to the City Planner or their designee. Revised plans shall be filed with the Board.
5. Major modifications: Modifications such as relocation of rights-of- way, property boundaries, changes of grade by more than 1%, etc., shall require approval from the Planning Board.
6. Property monumentation: Prior to the sale of any lot, the applicant shall provide the City Planner or their designee with a letter from a professional land surveyor, stating that all monumentation shown on the plan has been installed.
7. Public street construction: Prior to the vote by the City Council to accept a street, a written certification signed by a professional engineer shall be submitted to the City at the expense of the applicant, certifying that the proposed street meets or exceeds the design and construction requirements of these regulations. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility.
8. Maintenance of private roads: The applicant or its successor or assign shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the City or control is placed with a lot owners' association.

C. VIOLATIONS AND ENFORCEMENT:

1. No Conveyances until Plan is Recorded: A person shall not convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Knox County Registry of Deeds.
2. Lots Must be Shown on the Approved Plan: A person shall not sell, lease or otherwise convey any land in an approved subdivision which is not shown on the plan as a separate lot.
3. No Utility Installation until Plan is Approved: No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by

the Board.

4. No Construction until Plan is Approved: Any construction of a subdivision that has not been approved by the Planning Board shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a plan approved as provided in these regulations and recorded in the Registry of Deeds.
5. Street Complete before Lot Sold: No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with these regulations up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the street upon which the unit is accessed is completed in accordance with these regulations. For the purpose of this section, complete shall mean the base coat of pavement is installed provided there is a performance guarantee for the final coat of pavement.
6. Violations: failure to comply with the standards of this section shall be punished in accordance with the provisions of Title 30- A M.R.S.A., §4452.

Sec. 16-109 – WAIVERS

A. Authority and Waiver Criteria WAIVERS: Unless otherwise set forth in this Chapter The Planning Board may grant a waiver(s) from strict compliance with provisions of the CH 16 Article I Submission Requirements and/or Performance Standards in Ch 16-107, on a case-by-case basis, so long as the Board finds, by majority vote, that:

1. Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or,
2. Specific circumstances related to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

In granting a waiver, the Planning Board may require any mitigation and or condition that is reasonable and necessary to ensure that the spirit and intent of the standard being waived will be preserved, and to ensure that no increase in adverse impacts associated with granting the waiver will occur. The Board shall explain the specific circumstances of any waivers granted in the written findings of fact.

B. Waiver Requests

All waiver requests shall be in writing and shall cite the specific regulation or standard a waiver is requested from and the reason(s) it cannot be met and shall be submitted following the same process and timeframe as is required for Site Plan applications to the Planning Board.

C. Waivers Shown on Final Plans: When the Board grants a waiver, the final plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted. Waivers must be listed in a separate location from the plan's general notes or any conditions of approval and shall be added to the Final Plan by the applicant. Waivers of the required application submissions do not need to be listed.

Sec. 16-110 – APPEALS

An aggrieved party may appeal any decision of the Board under these regulations to Knox County Superior Court, in accordance with Rule 808 of the Maine Rules of Civil Procedure.

APPENDIX A: SUBMISSION REQUIREMENTS FOR PRELIMINARY PLAN APPLICATION

The following items shall be submitted as part of the Preliminary Plan Application. All materials shall be delivered to the Planning and Code Enforcement Office in the Rockland City Hall. The Board may require additional information to be submitted, as necessary, to determine whether the criteria of Title 30-A M.R.S.A., §4404 are met.

A. Application Form: A completed application on the form provided by the Planning and Code Enforcement Office and any accompanying information required as per that application form.

B. Application Fee. Application fee as set forth in the Land Use Permit and Inspection Fee Schedule authorized by order of the City Council.

C. Written Narrative describing the type, scope and scale of the proposal including the following information:

1. The sizes of the existing and proposed lot.
2. Existing and proposed uses.
3. The location of access points for the existing and proposed lots.
4. An explanation of how the proposal complies with all applicable standards in this Article.

D. Verification of right, title or interest in the property by deed, purchase and sales agreement, option to purchase, or some other proof of interest. A copy of the most recently recorded deed for the parcel and all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

E. A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map number for: all abutters; and, any holders of conservation, preservation or agricultural preservation restrictions. The list shall also include the name and mailing address of the applicant.

F. Number of copies to submit:

1. Plans – (8) paper plan sets on 22-in x 34-in or larger
   (1) paper plan set reduced to 11-in x 17-in
   (1) electronic .pdf file
2. Application and Supporting documents
   (1) completed application form
   (2) full documents held together with a binder clip or in a three-ring binder
   (8) copies of the summary, conclusions, and recommendations
   (1) electronic .pdf file

G. A complete plan set signed and stamped by a Maine licensed surveyor or Maine licensed Professional Engineer. All plans shall include the following materials:

1. An existing conditions plan (at a scale of 1-in = 100-ft or a larger scale) showing all parcels affected by the proposal and depicting the following information.
   a) A location map of the proposed subdivision.
   b) The names and addresses and of the record owner, applicant, and individual or company who prepared the plan.
   c) Owner names and tax map parcel numbers for all abutters.
   d) The date the plan was prepared, north arrow, and graphic map scale.
   e) Boundaries and acreage of the existing lot(s) subject to review. The entire parcel or tract shall be shown, including all contiguous land in common ownership within the last five years, as required by Title 30-A M.R.S.A. section 4401.
   f) Contours of not more than 5-ft intervals.
   g) Surface waters, including wetland areas delineated by a certified Professional Wetland Scientist, and any manmade waterways, ponds, ditches, etc.
   h) Vernal pools delineated by a certified Professional Wetland Scientist. Vernal pools considered significant by 38 MRSA §480-B, Ch 335 shall be labeled on the plan along with the required buffers.

i) The location of all rivers, streams and brooks within or adjacent to the proposed subdivision if any portion of the proposed subdivision is located in the direct watershed of a great pond.
j) Slopes greater than 20%.
k) The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.
l) Delineation of 100-year floodplain as shown on current FIRM maps.
m) Location of any public streets, rights-of-way, and easements.
n) The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
o) The direction of existing surface water drainage across the site
p) The width and location of any streets, public improvements or public open spaces or parks within or directly adjacent to the subdivision.
q) Location of existing structures, wooded and vegetated areas, site features (e.g. fences, walls, ground-mounted equipment, utilities, stormwater facilities, wells, septic systems, stonewalls, etc.), driveways, and parking areas on the subject property, and to the extent practicable on directly abutting properties.
r) Any portion of the subdivision that is located within an area designated as a unique natural area in the Wildlife Habitat and Unique Natural Areas chapter of the Comprehensive Plan including the Maine Natural Areas Program or Maine Department of Inland Fisheries & Wildlife Beginning with Habitat Project.
s) All areas within or adjacent to the proposed subdivision which are either listed on or eligible to be listed on the National Register of Historic Places or have been identified in the Comprehensive Plan or by the Maine Historic Preservation Commission as likely to contain such sites.

2. A proposed conditions plan (at a scale of 1-in = 100-ft or at a larger scale) showing all parcels affected by the proposal and depicting the following information.
   a) Owner names and tax map parcel numbers for all abutters.
   b) Location of any existing structures or site features, driveways, parking areas, public streets, rights-of-way, easements, surface waters (including wetland areas delineated by a certified Professional Wetland Scientist, slopes greater than 20%, 100-year floodplain delineation, and wooded and vegetated areas that are displayed on the existing conditions plan, and are proposed to remain.
   c) Location of proposed lots, property boundaries with dimensions, and acreage of the proposed lots.
   d) The location of proposed structures and site features, public streets, rights-of-way, easements, driveways and parking areas, and landscaping.
   e) The location and dimensions of all proposed systems to demonstrate compliance with stormwater management and erosion/sedimentation review criteria.
   f) The location of any open space to be preserved or common areas to be created, and a general description of proposed ownership, improvement and management.
   g) A copy of any deed restrictions intended to cover all or part of the lots or structures in the subdivision.
   h) An indication of the type of sewage disposal to be used in the subdivision.
      1) When sewage disposal is to be accomplished by connection to the public sewer, a letter from the sewer department stating the facility has the capacity to collect and treat the waste water shall be provided.
      2) When sewage disposal is to be accomplished by subsurface waste water disposal systems, test pit analyses, prepared by a Licensed Site Evaluator or Certified Soil Scientist shall be provided. A map showing the location of all passing test pits dug on the site shall be submitted. The sites that would most likely allow for a gravity fed system shall be labeled on the Plan. For lots that are less than 40,000 square feet, each lot shall nave at least two passing test pits.
   i) An indication of the type of water supply system(s) to be used in the subdivision. When water is to be supplied by public water supply, a written statement from the servicing water district shall be submitted indicating there is adequate supply and pressure for the subdivision.
   j) In the Lindsey Brook and the Chickawaukie Lake watersheds, the area on each lot where existing forest cover proposed to be removed and converted to lawn, structures or other cover and any proposed restrictions to be placed on clearing existing vegetation.
   k) All proposed measures for the preservation of the values for areas designated as a unique natural area in the Wildlife Habitat and Unique Natural Areas chapter of the Comprehensive Plan including the Maine

Natural Areas Program or Maine Department of Inland Fisheries & Wildlife Beginning with Habitat Project

D. Additional Information that May be Required: The Board may require additional information to be submitted, as necessary, in order to determine whether the criteria of Title 30-A M.R.S.A., §4404 are met.

1. A hydrogeologic assessment prepared by a certified geologist or registered professional engineer, experienced in hydrogeology, when the subdivision is not served by public sewer and:
   a) Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers," by the Maine Geological Survey, 1998, File No. 98-138, 144 and 147; or
   b) The subdivision has an average density of more than one dwelling unit per 50,000 square feet and has five or more lots. The Board may require a hydrogeologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on groundwater quality. These cases include extensive areas of shallow to bedrock soils; or cluster developments in which the average density is less than one dwelling unit per 25,000 square feet; or a shared or common subsurface wastewater disposal systems is proposed.

2. An erosion and sedimentation control plan prepared in accordance with the Maine Erosion and Sediment Control Best Management Practices (BMPs), Manual for Designers and Engineers, October 2016 as amended from time to time.

3. Stormwater/drainage plan and report prepared by a Maine Licensed Professional Engineer:
   a) the existing and proposed method of managing stormwater run-off;
   b) the direction of flow of the surface run-off through the use of arrows;
   c) the location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins, pipes, and storm drains;
   d) engineering calculations used to determine the increased rate of drainage based upon the pre and post development conditions of a two (2) year, ten (10) year and twenty-five (25) year storm frequency. Development in the Lindsey Brook watershed (see the Rockland Stormwater Master Plan, October 2021, Appendix A, Figure 2 prepared by Wright-Pierce for watershed boundaries) shall also calculate for the one hundred (100) year storm frequency.
   e) Plan for maintaining and/or improving stormwater quality.

4. Traffic Studies:
   a) Trip generation study: An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from the most recent available edition of the Trip Generation Manual, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.
   b) Traffic count: The City Planner or their designee or the Planning Board may require a traffic count study if no other traffic counts are available that were done within the last two years or if Public Safety or Public Facilities department heads know that an intersection within 500 ft on an entrance or exit to the development is known to be congested in such a way that creates a hazard to the traveling public.
   c) Traffic impact analysis: A traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.
   d) Developments that require a Traffic Movement Permit (TMP) from the Maien Dept of Transportation, shall meet the requirements of TMP regulations of State Law, in addition to all applicable transportation site plan standards of the City Code. The calculation of the PCE trip level for determination of TMP thresholds shall be made prior to trip reductions for other modes or shared trips.

5. Additional Information May be Required: The Planning Board may require any additional information not listed above, when it is determined necessary by the Board to determine whether the statutory review criteria of Title 30-A M.R.S.A.§4404 have been met.

6. If the area of the proposed subdivision contains or is adjacent to any sites listed or eligible to be listed on the National Register of Historic Places, the applicant shall provide a letter from the Rockland Historic Preservation Commission indicating that the Commission has reviewed the subdivision plan and listing any recommended measures to protect the historic, prehistoric or archeological resources.

APPENDIX B SUBMISSION REQUIREMENTS FOR FINAL PLAN APPLICATION

The following items shall be submitted as part of the Final Plan Application. All materials shall be delivered to the Planning and Code Enforcement Office in the Rockland City Hall. The Board may require additional information to be submitted, as necessary, to determine whether the criteria of Title 30-A M.R.S.A., §4404 are met.

A. Application Form: A completed application on the form provided by the Planning and Code Enforcement Office and any accompanying information required as per that application form.

B. Application Fee. Application fee as set forth in the Land Use Permit and Inspection Fee Schedule authorized by order of the City Council.

C. Written Narrative describing the type, scope and scale of the proposal including the following information:

1. The sizes of the existing and proposed lot.
2. Existing and proposed uses.
3. The location of access points for the existing and proposed lots.
4. An explanation of how the proposal complies with all applicable standards in this Article.

D. A list of abutters and others requiring notification. This list shall include the name, mailing address, street address, and tax map number for: abutters; and, any holders of conservation, preservation or agricultural preservation restrictions. The list shall also include the name and mailing address of the applicant.

E. Number of Copies to be submitted:

1. Plans –(8) sets of paper plans no greater than 24-in x 36-in
   (3) sets of paper plan reduced to 11-in x 17-in
   (1) electronic .pdf plan set
2. Supporting documents
   (1) completed application form
   (2) all paper documents held together with a binder clip or in a three-ring binder
   (8) copies of the summary, conclusions, and recommendations
   (1) electronic .pdf copies of all supporting documents

F. A complete plan set signed and stamped by a Maine licensed surveyor which shall include the following materials.

1. RECORDING PLAN: The Recording Plan shall show only the information relevant to the transfer of an interest in the property including:

a) The proposed name of the subdivision or identifying title, the name of the municipality, and the assessor's map and lot number.
b) The names and addresses of the record owner, applicant, and individual or company who prepared the plan, and adjoining property owners.
c) A north arrow and a graphic or written scale.
d) The date the plan was prepared, north point, and graphic map scale.
e) The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.
f) A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel shall be located on the ground and marked by monuments. The plan shall indicate the type of monument found or to be set at each lot corner according to the following:
g) On proposed public streets, stone or precast concrete monuments shall be set on one side of the street, at all street intersections, points of curvature, and where the angle of the right-of-way changes, but no further than 750 feet apart along street lines without curves or intersections. The opposite side of the street may be marked with iron pins or other suitable monumentation as required by the Maine Board of Registration of Land Surveyors. Stone or concrete monuments shall be a minimum of four inches square

at the top and three feet in length and set in the ground at final grade level, a drill hole 1/2 inch deep shall locate the point or points described above.

h) On proposed private streets, iron metal pins shall be set on both sides of the street, at all intersections and points of curvature.

i) On proposed lots and open spaces. iron metal pins shall be set at lot boundary corners, angle points and open spaces as required by the Maine Board of Registration of Land Surveyors.

j) The layout of lots, existing and proposed easements, streets including the location, names, and present widths of existing streets, and required open spaces. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established.

k) The location of wetlands and vernal pools.

l) The location of all soil test pits including an indication of which pits are suitable for the installation of a subsurface wastewater disposal system.

m) A record of any waivers granted from the submission requirements, any conditions of approval imposed by the Board, the net residential acreage calculation, and any other pertinent notes or information. The recording plan shall not include information on topography, grading, site improvements, water and sewer facilities, drainage improvements, and the like. This information should be contained in the Subdivision Plan and related documentation.

n) Signature block.

2. FINAL SUBDIVISION PLAN: The Final Plan shall be signed and stamped by a Maine licensed surveyor and shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size,

a) Proposed name of the subdivision and the name of the municipality in which it is located, plus the assessor's map and lot numbers.

b) A north arrow and a graphic or written scale.

c) The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.

d) A note indicating the type of sewage disposal to be used in the subdivision.

e) A note indicating the type of water supply system(s) to be used in the subdivision.

f) The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.

g) The location, names, and present widths of existing and proposed streets, highways, easements, buildings, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The location, bearing and length of street lines, lot lines and parcel boundary lines shall be certified by a professional land surveyor. The original reproducible plan shall be embossed with the seal of the professional land surveyor and be signed by that individual.

h) Street plans, meeting the requirements of Section 16-405

i) All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all public ways and open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be managed and maintained shall be submitted. These may include homeowners' association by laws and condominium declarations. If proposed streets and/or open spaces or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer to convey title shall be included.

j) The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.

k) The location and method of disposal for land clearing and construction debris.

l) Signature block

G. SUPPLEMENTAL INFORMATION: The Final Plan shall include the following information unless a waiver is granted by the Board. For Plans that were granted preliminary approval, the applicant may request a waiver of the following submission requirements.

1. A written statement by the fire chief that approves all hydrant locations or other fire protection measures.
2. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.
3. When water is to be supplied by an existing public water supply, a written statement from the servicing water district shall be submitted indicating the district has reviewed and approved the water system design.
4. An erosion and sedimentation control plan prepared in accordance with the Maine Erosion and Sediment Control Best Management Practices (BMPs), Manual for Designers and Engineers, October 2016 as amended from time to time.
5. Stormwater/drainage plan and report prepared by a Maine Licensed Professional Engineer:
    a) the existing and proposed method of managing stormwater run-off;
    b) the direction of flow of the surface run-off through the use of arrows;
    c) the location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins, pipes, and storm drains;
    d) engineering calculations used to determine the increased rate of drainage based upon the pre and post development conditions of a two (2) year, ten (10) year and twenty-five (25) year storm frequency. Developments in the Lindsey Brook watershed (see the Rockland Stormwater Master Plan, October 2021, Appendix A, Figure 2 prepared by Wright-Pierce for the Lindsey Brook watershed boundary) shall also calculate for the one hundred (100) year storm frequency.
    e) Plan for maintaining and/or improving stormwater quality
6. If the area of the proposed subdivision contains or is adjacent to any sites listed or eligible to be listed on the National Register of Historic Places, the applicant shall provide a letter from the Rockland Historic Preservation Commission indicating that the Commission has reviewed the subdivision plan and listing any recommended measures to protect the historic, prehistoric or archeological resources.

CHAPTER 16 ARTICLE II -- SITE PLAN REVIEW ORDINANCE

Sec. 16-200 PURPOSE AND DESCRIPTION

This chapter advances the vision for the city with shared goals for the environment, community, and economy. Site plan review establishes a process for reviewing certain proposed improvements to properties to assure that such development, redevelopment, or use of land in the City occurs in a manner that is harmonious with surrounding properties and is consistent with the City's Comprehensive Master Plan and adopted land use policies.

The purpose of Site Plan Review is to:

1. Promote the safe and orderly development of the City;
2. Promote sustainable design and development that supports long-term economic vitality and ecologic integrity;
3. Encourage site design techniques that protect water quality and prevent increases in the quantity of stormwater runoff;
4. Achieve a high-quality site and building design that enhances the attractiveness of the City;
5. Protect abutters against hazards, unsightliness, and nuisances detrimental to property values;
6. Ensure that development of land is appropriate for the public and private services and facilities available;
7. Ensure that pedestrian, bicycle, and vehicular circulation can be accommodated in a safe manner;
8. Preserve and enhance the historic and cultural character of the community; and,
9. Ensure that development serves to maintain and enhance quality of life, while not imposing unreasonable costs upon the City.

Sec. 16-201 APPLICABILITY

A. Conformance With Standards

All development, redevelopment, or change of use of lots and land in the City, for uses other than single-family dwellings, two-family dwellings, and multi-family structures with four (4) or fewer dwelling units, shall conform with the site development standards in this Article.

B. Approval Required Before Work Commences

Other than for site investigation, site work associated with a proposed development shall not commence until the proposal has been approved by the Planning Board or its designee in accordance with this section.

C. Development Defined

For the purposes of this Article, "development" shall mean any form of land improvement or construction involving land, structures, or infrastructure including, but not limited to, the following.

1. The introduction of new principal or accessory uses, where no such use previously existed.
2. The expansion or modification of existing principal or accessory uses.
3. The introduction, construction, expansion, modification, or relocation of structures, impervious surfaces, utilities, exterior lighting, and other site improvements or amenities.
4. Site work associated with proposed development including but not limited to grading, filling and excavation, stockpiling of materials, surcharging of soils.

D. Site Plan Review Thresholds

Site Plan Review is required for the following types of development, redevelopment, or change of use. It shall not be required for single-family dwelling, two-family dwellings, or multi-family structures with four (4) or fewer dwelling units, or their associated accessory uses, provided such dwellings are not part of a mixed-use development that otherwise triggers Site Plan Review.

1. Major Site Plan Review. Major Site Plan Review is required for any proposal that meets or exceeds the below thresholds.
    a) New principal buildings or structures greater than 3,000 square feet (hereinafter “sf”) in gross floor area (hereinafter “gfa”).
    b) Additions to existing buildings or structures that are 20,000 sf or greater in gfa.

c) Change or increase of vehicle trips per day of 100 per day, or peak hour of 50.
d) Installation of impervious surfaces (e.g. pavement or gravel) that exceeds 10,000 sf in contiguous area.
e) Land disturbance that impacts 1-acre or greater of land area.
f) Change of use, which at the discretion of the City Planner, or their designee, warrants major site plan review. Such a determination shall be based on an evaluation of the impacts of the proposed use on both the subject parcel and the surrounding roads and neighborhood.
g) Other modifications to the site or building not listed above (e.g. lighting, landscaping, façade alteration, etc.), which, at the discretion of the City Planner, or their designee, warrants major site plan review.

2. Minor Site Plan Review. Minor Site Plan Review is required for any proposal that meets the below thresholds.
   a) New principal buildings or structures that are between 1,000 and 2,999 sf in gfa
   b) Additions to existing buildings or structures that are greater than 3,000 sf and less than 20,000 sf in gfa.
   c) Installation of impervious surfaces (e.g. pavement or gravel) that is 2,000 to 9,999 sf in contiguous area.
   d) Land disturbance that impacts 10,000 sf to 1-acre of land area.
   e) Change of use, which at the discretion of the City Planner, or their designee, warrants Minor Site Plan review. Such determination shall be based on an evaluation of the impacts of the proposed use on both the subject parcel and the surrounding neighborhood.
   f) Other Modifications to the site or building not listed above (e.g. lighting, landscaping, façade alteration, etc.), which, at the discretion of the City Planner, or their designee, warrants minor site plan review.
3. Administrative Planning Review. Proposed development or redevelopment, including change of use, associated with uses other than single-family, two-family dwellings, or multi-family structures with four (4) or fewer dwelling units that do not meet the thresholds for Major or Minor Site Plan Review, and including minor modifications to site plans previously approved by the Planning Board or, Minor Site Plan Review Committee shall be reviewed by the City Planner, or their designee, to verify compliance with the Site Development Standards prior to the issuance of a building permit.

E. Project Classification

Unless otherwise noted in this Section, the City Planner, or their designee, may elevate Administrative or Minor Site Plan applications to a higher level of review.

Sec. 16-202 REVIEW AUTHORITY

A. Major Site Plan Review

The Planning Board shall have the authority to hear and decide on applications for: Major Site Plan applications, requests for waivers from CH 16 and minor site plan applications at the request of the applicant.

B. Minor Site Plan Review

1. The Minor Site Plan Review Committee shall have the authority to hear and decide on applications for minor site plans including requests for waivers of submission requirements for same.
2. The Minor Site Plan Review Committee shall consist of the Code Enforcement Officer, Fire Chief and Public Services Director or their designees. If a vacancy exists in any of the positions serving on the Committee, the City Manager shall appoint an interim committee member with appropriate expertise in the respective department, until such vacancy is filled.
3. The Minor Site Plan Review Committee is authorized to review all Minor Site Plan applications and may approve, disapprove, or approve the application with such conditions. Actions of the Site Plan Review Committee to approve an application or approve an application with conditions shall require the affirmative vote of all members of the Committee or their designees. The disapproval of one (1) or more members shall constitute denial of the application.
43. The City Planner has the authority to schedule a Minor Site Plan application to be heard by the Minor Site

Plan Review Committee. An applicant can request to have a Minor Site Plan application reviewed and acted on by the Planning Board.

C. Administrative Review

The City Planner, or their designee, shall have the authority to review and decide on applications for Administrative Review.

Sec. 16-203 SUBMITTAL REQUIREMENTS

A. Submittal Requirements Applying to All Applications

An applicant for site plan review shall submit a completed application to the Planning and Code Enforcement Department and shall provide sufficient information to enable the respective decision-making authority to evaluate the proposal for compliance with CH 16-the review standards. Submittal requirements specific to Major and Minor Site Plan Review are provided in sections 16-203.B and 16-203.C.

All projects shall include the following:

1. An Application Form completed by the applicant.
2. Owner Contact Information. Name and address of the property owner, the applicant and name of the proposed development.
3. The location and property address of the development with references to the Plan/Deed Book and Page if available.
4. A written narrative describing the type, scope and scale of the proposal including the following information:
   a) Existing and proposed uses,
   b) All proposed construction, alteration, redevelopment, and site work,
   c) An explanation of how the proposal complies with the Site Development Standards in section CH16-205 and CH 16-401 through 405. If a standard is not relevant to the project, include and explanation as to why it isn't relevant.
5. Authorization to apply: The applicant for site plan review shall demonstrate that they either own the fee simple interest in the property(s) that is the subject of the review or have written permission of the fee simple owner.
6. Application Fees. Application fees as set forth in the Land Use Permit and Inspection Fee Schedule authorized by order of the City Council.
7. A Site Plan including all information required to review the project under the Standards of Chapter 16, Chapter 19 and other Chapters of the Rockland Code as applicable.
8. Number of copies to submit:
   a) (1) completed application form;
   b) (2) copies of the Narrative and Supporting documents;
   c) site plan sheets on paper, copies as required in 16-203.B and 16-203.C below;
   d) all plan sheets and supporting documents must also be submitted electronically in .pdf format.

B. Administrative Site Plan Review and Minor Site Plan Review

The Site Plan may be based on a scaled plot plan, displaying locations and dimensions of all structures and open spaces on the lot subject to review, a previously approved plan, on a mortgage inspection level property survey, or a more detailed boundary survey. Projects that that do not include new a structure or structures or new impervious surface may be based on plans that are hand drawn to scale, or that are based on the most current aerial photography. If a boundary survey is not included and a new structure is proposed that is at or near the minimum setback requirement, the applicant may be required to submit a surveyed plan showing the sides of structures closest to the property line or setback line prior to issuance of a building permit.

A complete application and plan shall include the following information:

1. All information listed in CH 16-203.B above.
2. A site plan at a scale of 1-in = 50-ft or at a larger scale (5 copies on 22-in by 34-in paper; 4 copies reduced to 11-in by 17-in paper; and an electronic .pdf file) which shall include the following materials:

a) The name and address and contact information of the person preparing the plans and application;
b) Parcels that directly abut the subject property and those lots that are directly across the street from the subject parcel including name of all property owners;
c) Property boundaries**,** acreage and frontage of the existing lot(s) subject to review;
c) Zoning district designation of the property and the location of Zoning District boundaries if the property is located in two or more Zoning Districts;
e) A title block including the name of the individual or company that prepared the plan, the date the plan was prepared, north arrow and a graphic or written scale;
f) Location of any abutting public or private streets;
g) The location, size, and type of all existing and proposed buildings and structures, and the setbacks from property lines, and all proposed improvements including but not limited to driveways, traffic circulation aisles, sidewalks and walkways, parking, utilities, loading areas, open spaces, large trees, water and wastewater systems, open and closed drainage systems, signs, exterior lighting, service areas, easements and landscaping.

3. A list of all abutters. For applications affecting land within the Chickawaukie Overlay Zone (Ch 19-205.3.c) the list of abutters shall include the Maine Water Company. This list shall include the owner's name(s), mailing address, street address, tax map and lot number.
4. Any additional information required from the Minor Site Plan Review Committee or City Planner or their designee for an Administrative Review may reasonably deem necessary to determine compliance with the applicable regulations of City Code.
5. Submittal of items listed above may not be required depending on the nature and scope of the projects and may be omitted from an application for administrative planning review with the approval of the City Planner, or their designee.

C. Major Site Plan

A complete Site Plan shall include the following information:

1. All information required for Minor Site Plan listed in CH 16-203.B.
2. A Site Plan based on a boundary survey prepared by a Maine licensed Land Surveyor. The Planning Board may waive the requirement of a boundary survey when sufficient information is available to establish, on the ground, all property boundaries.
3. A complete site plan or site plan set prepared and certified by a Maine Licensed Engineer or Architect (8 copies on 22-in by 34-in paper; 4 copies reduced to 11-in by 17-in paper; and an electronic .pdf file) which shall include the following materials:
   a) A location map of the parcel or parcels affected by the proposal.
   b) Existing conditions showing all parcels affected by the proposal, with the following information.
      1) Contours of at most 5-ft intervals;
      2) Owner names and tax map parcel numbers for all abutters;
      3) The location of all buildings within 150 feet of the parcel to be developed;
      4) Boundaries and acreage of the existing lot(s) subject to review;
      5) Surface waters, including wetland areas, brooks, streams, significant vernal pools delineated by a Professional Wetland Scientist, and all manmade waterways, ponds, ditches, etc;
      6) Slopes greater than 25%;
      7) Delineation of 100-year floodplain as shown on current FIRM maps;
      8) The direction of existing surface water drainage across the site;
      9) Location of any public streets, rights-of-way, and easements;
      10) Location of existing structures, wooded and vegetated areas, site features (e.g. fences, walls, ground-mounted equipment, utilities, stormwater facilities, wells, septic systems, stonewalls, etc.), driveways, and parking areas on the subject property, and to the extent practicable on directly abutting properties.
   c) Proposed Conditions (drawn at a scale of 1-in = 50-ft or at a larger scale) showing all parcels affected by the proposal with the following information:
      1) Contours at 2-foot intervals;
      2) Owner names and tax map parcel numbers for all abutters;
      3) Boundaries and acreage of the lot(s) subject to review;
      4) Location of any existing structures or site features, public streets, rights-of-way, easements, driveways, parking areas, surface waters (including wetland areas, brooks, streams, significant

vernal pools delineated by a Professional Wetland Scientist), steep slopes, 100-year floodplain delineation, and wooded and vegetated areas which will not be altered;
5) Location of proposed structures and site features, public streets, rights-of-way, and easements;
6) Location of dumpsters and screening or other solid waste disposal facilities;
7) Locations and design details for proposed provisions for vehicular and pedestrian traffic (e.g. parking areas, access driveways, and sidewalks, etc.);
8) Provisions for snow storage or removal;
9) Signature block.

d) Proposed Site Grading (drawn at a scale of 1-in = 50-ft or at a larger scale) showing proposed erosion and sedimentation control and stormwater management facilities that will be constructed or utilized to control stormwater volume, velocity and water quality. This plan shall include the following:
1) Contours of at most 2-ft;
2) All finish slopes that will exceed 25%;
3) Surface waters (including wetland areas, brooks, streams, significant vernal pools delineated by a Professional Wetland Scientist), 100-year floodplain delineation, and wooded and vegetated areas;
4) Location of existing and proposed structures, roads, rights-of-way, driveways, impervious surfaces, and easements (including utility or drainage);
5) The location and dimensional information, as appropriate, of existing and proposed utilities (e.g. water lines, sewer lines, storm drain lines and catch basins, gas lines, gas storage tanks, fire hydrants, irrigation lines, grease traps, pump stations, ground water monitoring wells, ground water source wells, septic systems, electric lines, transformers, etc.);
6) The direction of flow of the surface run-off through the use of arrows;
7) Location and design details for all proposed erosion and sedimentation control, and stormwater management structures, devices, and processes (e.g. catch basins and storm water lines, stormwater detention or retention ponds or devices, sediment settlement area, silt fences and other erosion control devices, flow dissipation measures, soil stabilization measures, etc.) and any other measures proposed to minimize erosion and sedimentation, and promote soil stabilization.

e) Proposed Landscaping (drawn at a scale of 1-in = 50-ft or at a larger scale) with the following information:
1) The location, species and size of all landscaping materials proposed to be installed;
2) A table listing all plant species to be installed, indicating the size (average height and width) and the number of each species to be installed, and indicating the number of trees and shrubs required meet landscaping or screening requirements of CH 16-402.

f) Proposed Lighting including the following information:
1) The location of existing and proposed structures, roads, rights-of-way, driveways, easements, lot lines, walkways, and sidewalks on the subject property and, to the extent practicable, on abutting properties;
2) Location and outline of wooded and vegetated areas;
3) Location of all existing and proposed exterior lighting fixtures with a notation differentiating the types of fixtures;
4) Manufacturer's specifications (i.e. cut-sheets) for all proposed light fixtures, indicating the type of fixture and bulb, wattage of bulb, and height of fixture head;
5) Photometric plan showing light intensity in foot candles across the site and immediately (minimum of 20-ft) beyond the perimeter of the site;
6) An analysis of the minimum, maximum and average light intensity in foot candles for the site.

g) Building Elevations showing the visual appearance and architectural details of all proposed structures, with proposed façade height and length dimensions, construction materials, finishes, and colors clearly labeled. Landscaping should not be included on elevations. Additional color representations, simulations, or renderings of a proposed development may be required by the respective decision-making authority, during the review process.

4. Trip generation report: the anticipated volume of traffic based on the use, number of employees, expected traffic for shipping and receiving, the size of the facility, the type of road adjacent to the project. Trip generation will be based upon the ITE Trip Generation Manual, Current Edition as may be amended from time to time, or alternate methodology as approved by City Planner or Planning Board.

5. Stormwater/drainage plan and report prepared by a Maine Licensed Professional Engineer:
   a) the existing and proposed method of managing stormwater run-off;
   b) the direction of flow of the surface run-off through the use of arrows;
   c) the location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins, pipes, and storm drains;
   d) engineering calculations used to determine the increased rate of drainage based upon the pre and post development conditions of a two (2) year, ten (10) year and twenty-five (25) year storm frequency. Developments in the Lindsey Brook watershed (see the Rockland Stormwater Master Plan, October 2021, Appendix A, Figure 2 prepared by Wright-Pierce for watershed boundaries) shall also calculate for the one hundred (100) year storm frequency.
   e) Plan for maintaining and/or improving stormwater quality.
6. Sight distances at all entrances and exits (existing and proposed) to the project. See CH 19.301.I.4 and 5. Intersection sight distance is the length of roadway visible to the driver. Sight distance is measured from the intersection (at a point 10 feet [3.0 meters] back from the edge of the travel way) to the centerline of the opposing lane(s), assuming a height of eye of 3.5 feet (1.1 meter) and a height of object of 4.25 feet (1.3 meters).
7. An escrow fee of $3000, to be deposited in a city of Rockland account designated for that Site Plan application, to be used by the Board for hiring independent consulting services to review engineering and other technical submissions associated with the application, and to ensure compliance with the Zoning Ordinance and Site Plan Review Regulations. If the balance in this special account is not sufficient to cover the cost of independent reviews, the applicant will be billed for any balances. Any balance in the escrow account remaining after a decision on the final plan application by the Board shall be returned to the applicant.
8. A Performance Guarantee consistent with Ch16-206.
9. Any additional information the Planning Board may reasonably deem necessary to determine compliance with the applicable regulations of the Rockland City Code.

D. Major Site Plan Additional Plans and Studies

Additional information may be required depending on the size and type of the project. The Planning Board may require additional information necessary to determine compliance with development standards in Chapter 16 and Chapter 19. The list below includes the types of other studies or plans the Planning Board may require during the course of the review if they are deemed to be necessary.

1. Utility Capacity to Serve: evidence of the capacity of the wastewater and public water system capacity to serve the project.
2. Large Vehicle Turning Plan: A turning template of how large vehicles such as delivery trucks and public safety vehicles will maneuver through the site.
3. Traffic Study:
   a) Traffic count: The Planning Board may require a traffic count study if no other traffic counts are available that were done within the last two years or if Public Safety or Public Facilities department heads know that an intersection within 500 ft on an entrance or exit to the development is known to be congested in such a way that creates a hazard for the traveling public.
   b) Developments that generate between 50 and 99 trips may also be required to submit a traffic study prepared by a Maine licensed engineer that includes the following: capacity analysis at study area intersections, including level of service (LOS), delay, volume-to-capacity ratios, and queue analysis. The Planning Board may require some or all of this information if any entrance or exit for the proposed development is with 500 feet of a high crash location, an intersection known to be at a Level of Service E based on traffic count information.
   c) Developments that generate 100 Passenger Trip Equivalent (PCE) or more during a peak hour period, thus requiring a Maine DOT Traffic Movement Permit (TMP), shall meet the requirements of TMP regulations of State Law, in addition to all applicable transportation site plan standards of the City Code. The calculation of the PCE trip level for determination of TMP thresholds shall be made prior to trip reductions for other modes or shared trips.
   d) On or after April 11, 2016, prior to permitting new land uses that are to utilize as fuel or for other purposes compressed natural gas (“CNG”), biomass (e.g., wood chips, wood pellets, sawdust, straw, or other bulk organic matter), or municipal or other solid waste transported to the site by ten or

more trucks each having a gross vehicle weight rating ("GVWR") of 60,000 lbs. or more per day, the review authority shall require the applicant to prepare and submit a traffic study acceptable to such review authority that provides for the mandatory routing of such delivery trucks via routes and at times of day that minimize their impact on neighborhoods and roads.

4. Natural features plan: A narrative describing any significant natural features such as, wildlife and fisheries habitats or archaeological sites, populations of trees and plants listed on the Official List of Endangered and Threatened Plants in Maine, published by the Maine Natural Areas Program; habitat for species appearing on the official state or federal list of endangered or threatened animal species; high and moderate value waterfowl and wading bird habitat including nesting and feeding areas, as defined by the Department of Inland Fisheries and Wildlife; aquifers as identified by the Maine Geological Survey that are located on or near the project site and a description of the methods that will be used to protect such areas or sites during and post construction.
5. Wetlands report: a report prepared by a Professional Wetland Scientist (PWS) including a description of the types of wetlands and vernal pools on the site and their significance and function as appropriate.
6. Noise report: A narrative of any permanent machinery, equipment or process that is likely to generate appreciable noise at the lot lines. The narrative shall include the typical duration of the noise, the noise levels that are likely to be generated and any measures to mitigate the noise.
7. Solid waste storage and removal plan: A narrative of the type of waste materials to be stored outside of roofed buildings, what they will be stored in, including any pest control measures that will be used.
8. Common areas: Provisions for maintenance agreements of all common areas, if applicable.
9. Condominium declarations: if applicable, including, but not limited to, organization of the homeowners' association and provisions for maintenance of common areas.

E. Submittal Requirement Waiver

An applicant may make a request to the Planning and Code Enforcement to waive certain submittal requirements. Waiver requests shall be in writing.

Waiver granted: Waivers may be granted by the Planning Board. Such waiver shall be evaluated and approved or denied during its review of application completeness. If the Planning Board determines the material listed in the waiver request is necessary to complete its review of the application, they may deny the waiver request. If the required material is not provided after the waiver is denied, the Planning Board may determine the application to be incomplete.

F. Withdrawals

An applicant may withdraw an application at any time prior to a final decision on the application. Half of the administrative fees will be returned if the project is withdrawn. Additionally, no advertising fees incurred will be returned.

Sec. 16-204 PROJECT REVIEW PROCESS

A. Pre-Submission Meeting

Applicants for site plan review of any classification are encouraged to schedule a pre- application meeting with staff. The purpose of this meeting is to familiarize the applicant with the City of Rockland, site plan submittal requirements, review procedures, and applicable review standards. No decisions relative to the plan shall be made at the pre-application meeting, nor shall any advice or information provided by the City be construed as a decision.

B. Pre Application Meeting with Planning Board Prior to submitting a formal application, an applicant or their representative may request a preapplication conference with the Planning Board. A preapplication conference is strongly advised. The preapplication shall be informal and informational in nature. No decision on the substance of the plan shall be made at the preapplication conference.

1. Application and Procedure:
   a) A Preapplication form provided by the Planning and Code Department and supporting documents shall be submitted to the Planning and Code Enforcement Department no later than 10 business days prior to the regularly scheduled Planning Board meeting date at which the applicant desires to be on the agenda.

b) Proposed plans or information may be submitted to the Planning Board for consideration, but specific design and engineering details shall not be discussed.
c) Applicants submitting plans for Planning Board consideration should submit 3-copies on 22-in by 34-in paper or larger size, 1-copy on 11-in by 17-in paper, and an electronic pdf file.
d) The Planning Board may determine that abutter notification for Preapplication meeting is warranted. Such notice shall be carried out according to Ch16-204.D.7.a)2).

C. Compliance with Zoning

1. Applications shall be compliant with the Zoning Regulations prior to the issuance of public notice for the public hearing.
2. Applications requiring approval from the Zoning Board of Adjustment shall not be noticed for public hearing until such approvals have been obtained.

D. Major Site Plan Review Procedures

The Planning Board shall be responsible for reviewing all applications that meet the threshold of a Major Site Plan Review.

1. Staff Review: Within 5 business days following an application submittal to the Planning and Code Enforcement Department, the City Planner, or their designee shall distribute the application, plans and supporting documentation to the Public Services Department, Fire Department and Police Department, for review.
2. Department Review: Within 30 days of distributing the application for review, the departments shall submit written comments regarding the application to the City Planner or their designee.
3. Completeness Review/Plan Revisions: The City Planner, or their designee, will provide an interim report to the applicant outlining additional information or clarifications that are needed. The applicant shall respond to all of the items outlined in the report and make necessary changes to the application. When the City Planner or their designee determines that the application meets all submittal requirements of this chapter, the application shall be scheduled for review by the Planning Board at the next available regularly scheduled meeting.
4. Staff report: Prior to consideration of an application by the Planning Board, City staff may submit a report that includes a summary of the project, draft findings of fact that explains if the project complies with established standards, and sample motions.
5. Planning Board Determination of Application Completeness: The Planning Board shall vote to determine whether the application is complete prior to opening the public hearing.
   a) The Planning Board shall consider recommendations from the City Planner, or their designee, in reaching a determination of application completeness.
   b) The Planning Board shall evaluate all requested waivers of the submission according to CH16-207 during its review of application completeness. If the Planning Board determines the material listed in a waiver request is necessary to complete its review of the application, they may deny the waiver.
   c) If the Planning Board determines that an application is incomplete, the Board will either issue a written decision of incompleteness or, with the applicant's consent, table the application until the next regular meeting of the Board and give the applicant opportunity to provide the required information.
6. Third Party Technical Review/Hiring of Consultants
   a) At any point prior to a decision on an application, the appropriate review or decision-making authority may determine that it needs additional information from the applicant to complete its review, including, but not limited to, special studies or technical analysis.
   b) The cost of any such information or consultants shall be at the applicant's expense, and failure to agree to pay for the cost of the information or consultant(s) shall be ground for denial of the application.
   c) The Planning Board shall make every effort to be reasonable in its requests for information or consulting services, recognizing that such studies can add both time and cost to a project.
7. Public Hearing: The Planning Board shall hold a public hearing.
   a) Public Hearing Notification: A public hearing notice including the location, date and time of the meeting and a brief description of the item and information on how the public can find more detailed information shall be distributed as follows:
      1) City Hall: A printed agenda shall be posted on the City of Rockland website at least 7 days

before the date that the scheduled meeting date.

2) Mailed notices: The City of Rockland shall mail a printed agenda shall be mailed via standard US mail to all abutters to the proposed project at least 7 days before the date that the scheduled meeting date.
3) A newspaper of general circulation least 7 days before the date that the scheduled meeting date.

8. Meeting Attendance Required: The Board shall not review any application unless the applicant or the applicant's representative attends the meeting in person. Should the applicant or applicant's representative fail to attend in person the Board shall reschedule review of the application to its next regular meeting. The applicant shall be responsible to pay all expenses associated with public hearing notification.
9. Site Visit: The Planning Board or the City Planner or their designee, may schedule a site visit of the subject property before making a final decision on the application. Site visits require notification according to Ch16-204.D.7.
10. Decision on application: Within 65 days of accepting a complete application, the Planning Board shall either approve, approve with conditions, or disapprove an application. All decisions shall be provided in writing to the applicant and shall include any conditions of approval or reasons for denial. If the Board feels that more time is needed, or if the applicant requests additional time, the timeframe for review can be extended by mutual agreement of the Board and the applicant, so long as the applicant requests the extension in writing.
11. State and Federal Permits: The applicant shall comply with all State and Federal requirements and receive all relevant approvals. If all applications for necessary State and Federal permits have been applied for, the Planning Board may decide on the application with a condition of approval that the permit be secured before a building permit is issued or site work commences. If the permits from State and Federal Departments or agencies result in substantive changes, then the Planning Board shall review the changes that were made and decide on the revisions only. The City Planner or their designee, shall decide if the changes to the project required for State or Federal permits are substantive. A substantive change is something that alters any condition of approval, increases an impact on a neighboring property, changes a property line, and/or increases the amount of impervious surface on a project.
12. Appeals: Any appeals from the decisions of the Planning Board shall be taken to Superior Court according to Rule 808 of the Maine Rules of Civil Procedure.

E. Minor Site Plan Review Procedures

The Minor Site Plan Review Committee shall be responsible for reviewing all applications that meet the threshold of a Minor Site Plan Review.

1. Confirmation of Project Classification: Upon receipt of a Minor Site Plan application, the City Planner, or their designee, shall verify whether the request qualifies for classification as a Minor Site Plan project in accordance with this Chapter.
2. Staff Determination of Application Completeness: Within 5 business days following the application submittal deadline, the City Planner, or their designee, shall complete an initial review of the application to evaluate whether the submittal requirements have been met.
3. Minor Site Plan Review Committee Review: Once the City Planner, or their designee, has made an initial determination that an application is complete, copies of the application and associated materials shall be sent to the Minor Site Plan Review Committee for initial review at least 5 business days prior to the next meeting.
4. Other Department Review: The City Planner, or their designee may request review from City departments not represented on the Minor Site Plan Review Committee. Any comments by these departments shall be submitted in writing.
5. Compliance with Zoning.
   a) Applications shall be compliant with the Zoning Ordinance.
   b) Applications requiring Conditional Use approval and/or approval from the Zoning Board of Adjustment shall not be placed on an agenda until such approvals have been obtained.
6. Staff Report: Prior to consideration of an application by the Minor Site Plan Review Committee, Staff may submit a report that includes a summary of the project, draft findings of fact that explain if the project complies with standards, and sample motions.
7. Public notification: An agenda of the meeting at which the project will be heard shall be posted in City Hall and shall be sent by US mail to all property owners that are directly contiguous to or directly across the street from the property. The notification shall be postmarked at least 7 days before the meeting.

8. Minor Site Plan Review Committee Procedure:
    a) Determination of Application Completeness. The Minor Site Plan Review Committee shall vote to determine whether the application is complete. If the Minor Site Plan Review Committee determines that an application is incomplete, the Committee will either issue a written decision of incompleteness or, with the applicant's consent, table the application until the next meeting of the Committee.
    b) Upon reaching a finding that an application is complete, the Minor Site Plan Review Committee may review the application. Before deciding any final action on a project, the Minor Site Plan Review Committee shall allow time to receive comments from the public.
    c) Re-classify to Major Site Plan: If during the course of the review, the Minor Site Plan Review Committee determines that a peer review of any supporting documents is necessary, or that the project warrants a public hearing, the Minor Site Plan Review Committee shall reclassify the project as a Major Site Plan with review by the Planning Board.
    d) The Minor Site Plan Review Committee shall finish its review of an application within 30 calendar days of the meeting at which the Committee accepted the application as being complete. If the Committee feels that more time is needed, or if the applicant requests additional time, the timeframe for review can be extended by mutual agreement of the Committee and the applicant.
9. Decision on application: When the Minor Site Plan Review Committee has completed its deliberation, it will either approve, approve with conditions, or disapprove an application. All decisions shall be delivered in writing to the applicant and shall include any conditions of approval or reasons for denial.
10. Appeals: Any appeals from the decisions of the Minor Site Plan Review Committee shall be taken directly to the Planning Board within 30 days of decision.
11. State and federal permits: The applicant shall comply with all State and Federal requirements and receive all relevant approvals. If all applications for necessary State and Federal permits have been applied for, the Minor Site Plan Review Committee may decide on the application with a condition of approval that the permit be secured before a building permit is issued or site work commences. The condition shall state that if the permits from State and Federal Departments or agencies result in substantive changes, then the Minor Site Plan Review Committee shall review the changes that were made and make a decide on the revisions only. The City Planner or their designee, shall decide if the changes to the project required for State or Federal permits are substantive. A substantive change is something that alters any condition of approval, increases an impact on a neighboring property, changes a property line, and/or increases the amount of impervious surface on a project.

F. Administrative Review Procedures

1. Confirmation of Project Classification: Upon receipt of a completed application for Administrative Planning Review, the City Planner, or their designee, shall verify whether the request qualifies for Administrative Review, or whether Site Plan Review is required by either the Planning Board or Minor Project Review Committee, or whether any review is necessary.
2. Approval Standards: The City Planner, or their designee, shall evaluate proposals for Administrative Review based on an analysis of whether the proposal is compliant with the Site Development Standards in CH 16-205 and CH 16-401 through 405, CH 19, and other applicable regulations of the Rockland City Code.
3. Re-classify to Major Site Plan: If during the course of the review, the City Planner determines that the project warrants a public hearing or warrants review by the Planning Board the City Planner shall reclassify the project as a Major Site Plan with review by the Planning Board.
4. Notice of Decision. Within 14 business days of receipt of a completed application for administrative review, the City Planner, or their designee, shall complete review of the application, in consultation with other City departments as appropriate, and will issue a written determination of whether the application is compliant with the Site Development Standards in CH 16-205 and CH 16-401 through 405 and applicable regulations.
    a) If the City Planner, or their designee, determines that the proposal does not conform with Site Development Standards in CH 16-205 and CH 16-401 through 405 and Chapter 19, they shall work with the applicant (if willing) to modify the proposal to become conforming.
    b) The applicant may seek a waiver from the Technical Standards of CH 16-205 and CH 16-401 through 405 from the Planning Board if they do not choose to modify the proposal to become

conforming. The City Planner or their designee does not have authority to approve applications that include requests for waivers.

4. A minimum of twice a year, the City Planner shall provide a report to the Planning Board regarding all administrative approvals granted in the prior period.

Sec. 16-205 SITE DEVELOPMENT STANDARDS:

To ensure that development, redevelopment, or use of land in the City occurs in a manner that is harmonious with surrounding properties and is consistent with the City's Comprehensive Master Plan and adopted land use policies, the reviewing authority shall not approve a site plan application unless the development proposal meets applicable standards listed below and the development standards of Chapter 19 and of the Chapters of the Rockland Code as applicable.

A. Traffic And Circulation

1. Traffic Volume: The provisions for vehicular loading and unloading, parking, and vehicular and pedestrian circulation on the site and onto adjacent public streets and ways and the incremental volume of traffic will not create or aggravate any significant hazard to safety, or unreasonably diminish the capacity of, the surrounding street network. If improvements to roadways, signals, or intersections are required for a proposed development to avoid diminishing the existing capacity or safety of those systems, those improvements shall be made at the developer's expense.
2. Access and circulation: All access and circulation areas shall be designed by a Maine Licensed Professional Engineer and shall be built in accordance with the design requirements of CH 19.301.H-I and CH 19.302.A When fire lanes are required, they shall be built according to City Code CH 17-901.
3. Loading and Unloading*:* All developments served by delivery or other service vehicles shall provide access that permits safe turning and backing for all vehicles that would service the development. Loading and servicing access shall not impede vehicle circulation, bicycle or pedestrian movements, or parking. All facilities shall be built in accordance with the design requirements of CH 19.301.K.
4. Pedestrian Improvements: Within the Growth Area designated in the Comprehensive Plan, sidewalks are required where no sidewalks currently exist. Sidewalks shall be brick, concrete or hot mix asphalt depending on the surface material of other sidewalks adjacent to or near to the new sidewalk. The Public Services Director shall make a recommendation to the Planning Board on the type, location, and construction details for sidewalks. If adherence to the sidewalk requirement would result in the loss of significant site features related to landscaping or topography that are deemed to be of a greater public value, the Planning Board may waive this requirement.
5. Drive Through Windows: A queuing lane at least 12 feet wide for at least ten vehicles shall be provided and shall include a bypass lane or other convenient exit to an existing street or travel lane in a parking lot so that vehicles not wanting to use the drive-through window can leave the premises without passing through the drive-through window lane.
6. Accessibility: Design of accessible ramps and associated facilities are governed by the 2010 Americans with Disabilities Act (ADA) standards for accessible design, which is detailed in DOJ section 28 CFR 35.151. Additional guidance and information can be found in the proposed public rights-of-way accessibility guidelines published by the U.S. Access Board. In any case where the design requirements are more stringent between ADA standards and city requirements, the ADA standards shall govern.

B. Parking All new motorized vehicle parking lots and parking spaces shall be located on the side or rear of the building. Motorized vehicle parking shall be provided according to CH 19.301.

1. Bicycle parking shall be provided in the form of racks or other similar facility. Bicycle parking shall not be located within parking areas for motorized vehicles.
2. Snow Storage: All developments shall include areas for snow storage or provide an acceptable snow removal plan. Snow storage areas may not encroach on areas designed to meet minimum parking requirements or on pedestrian walkways and shall not be located where they would adversely impact the functionality of stormwater management systems unless the applicant can demonstrate a lower level of traffic to the site in the winter months. Landscaping in designated snow storage areas shall be such that it can withstand the storage of snow.

C. Significant Natural Features Protection All development shall preserve and protect significant natural features by incorporating them into site design as undeveloped land except where complete preservation of significant natural features substantially compromises development of the site as otherwise permitted by zoning, the review authority may reduce the requirement to accommodate development provided that the applicant demonstrates compliance with applicable state and federal regulations and implements preservation measures to the extent practicable.

D. Landscaping and Buffering Landscaping shall be compliant with CH 16-402. Preservation of vegetation in its natural state by minimizing tree removal and grade changes is a priority. Landscaping shall be designed to soften, screen, and/or enhance the physical design of structures and parking areas to avoid the encroachment of the proposed use on abutting land uses. Landscaping elements and the areas in which they are established shall be maintained in a clean, healthy, and attractive condition; and is not placed in such a way as to pose a safety hazard and plantings are designed so as not to interfere with sight distance along a right-of-way and traffic safety.

E. Stormwater Management Adequate provisions shall be made for surface drainage so that discharge of stormwater, erosion and/or sedimentation will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. All development shall comply with the following standards:

1. There shall be no increase in rate or volume of runoff in the post-development condition from the pre-development condition unless an engineering study has been performed that demonstrates that no off-site property, wetland, or waterbody will be adversely impacted by the increased rate or volume of stormwater.
2. The applicant shall provide sufficient information in the form of a drainage report prepared by a Maine licensed engineer to demonstrate compliance with this requirement.
3. All drainage calculations shall be based on a two-year, ten year and twenty-five year storm frequency. In the Lindsey Brook water shed, the storm frequency shall be based on the two year, ten year, twenty-five year, and 100 year storm frequency.
4. Low Impact Development: On-site infiltration/absorption shall be utilized to minimize discharges. Site design and drainage systems constructed to comply with this Section shall incorporate Low Impact Development (LID) Practices and Techniques of the Maine Department of Environmental Protection, Stormwater Best Management Practices, Vol III, Chapter 10. Examples include, but are not limited to, the following:
   a) Bio-retention.
   b) Porous pavement.
   c) Vegetated swales.
   d) Infiltration trenches.
   e) Rooftop drain disconnection.
   f) Cisterns.
   g) Green roofs.
   h) Vegetated filter strips.
   i) Reduced impervious surfaces.
   j) Stormwater disconnection.
   k) Preservation and enhancement of native vegetation.
5. Where site conditions exist that make on-site infiltration impracticable, the Applicant shall demonstrate to the satisfaction of the Planning Board that the use of LID measures is not possible before proposing to use traditional, structural stormwater management measures including, but not limited to, stormwater retention and detention ponds and underground storage systems.
6. In the Downtown (DT) zone where a city storm drainage system is in place and has available capacity as determined by the Public Services Director, the applicant shall comply with the above LID standards to the extent practicable; however, where not practicable may discharge into that system with the review and approval of the Rockland Public Services Department.
7. Development shall not pose a risk of groundwater contamination either during or post-construction.
8. The owner of the property is responsible for maintaining all stormwater facilities on the site.

F. Sediment And Erosion Control All projects shall meet the following standards:

1. Design and placement of all erosion and sediment control measures shall be designed by a Maine Licensed Professional Engineer and shall comply with the standards and practices contained in the most recent version of the Maine Erosion and Sediment Control Best Management Practices Manual unless specifically approved by the Planning Board.
2. To ensure that erosion and sediment control measures work properly, and to assure that revegetation and slope stabilization takes place in a timely manner and is properly maintained, the Planning Board may require a security deposit for up to 12-months after the completion of construction.
3. For critical or large areas of disturbance on steep slopes or adjacent to surface waters, the Planning Board may require inspections by a qualified firm or individual.

G. Public Utility Infrastructure All new construction projects must demonstrate that public utilities have adequate capacity to serve the project and that the standards of City Code CH 18 - Utilities, CH 14 - Sewers, Drains and Solid Waste, and CH 16-404 are met.

H. Community Safety All buildings shall be designed to be safe with regard to access for fire, rescue, and police services as needed. All developments shall be designed to provide access of emergency vehicles to the site. Projects shall comply with the standards of CH 7 and CH 17.Art IX Establishment of Fire Lanes.

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 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. Exterior lighting is subject to CH16-401.

J. Noise and Vibration All heating, ventilation and air conditioning equipment (HVAC), air handling units (AHU), emergency generators, fixed industrial equipment, and similar equipment shall meet the standards of CH 19.402.D.

K. Architectural and Visual Appearance To protect, enhance, and perpetuate the City's historic, cultural, and architectural heritage; to enhance the City's attraction to residents and visitors; and to serve as a support and stimulus to business and industry by requiring that structures meet the basic design criteria. In areas of the City where structures have little or no historic value, new construction or renovations shall enhance the area rather than replicate existing structures. In areas that are rural in nature and have no clear pattern or style of construction, these standards shall be used as guidelines for future development to achieve visual compatibility. Compatibility is not meant to mean uniformity. New structures and façade improvements to existing buildings are subject to the Technical Standards of CH 16-403.

Sec. 16-206 PERFORMANCE GUARANTEE

A. Authority

The Planning Board and the Minor Site Plan Review Committee shall have the authority to require applicants to post security for the following:

1. Public improvements, including but not limited to roads, sidewalks, parks, and utilities, public pathways, and for performance of site improvements as specified by the respective decision-making authority at the time of approval.
2. All landscaping allowed by the city to be installed in a public right-of way to ensure its survival for 1 full growing season after installation (a minimum of 1-year).
3. Erosion and sedimentation control to ensure that erosion control provisions are working, and required technical inspections take place.
4. Other elements of the project to ensure that they function concurrently with and subsequent to construction.

B. Form and Amount

When a performance guarantee is required, the developer shall post with the City a performance guarantee in the form and amount as defined herein, specifying the completion of the site plan improvements within two years from the original date of such guarantee. In no case shall the term of such guarantee be for a period of less than one year, nor shall any performance guarantee expire between October 20 and April 15 of the following year.

1. Amount: The performance guarantee shall be equal in value to 110% of the estimated cost of the required site improvements as shown on the approved site plans, as a condition of the Site Plan approval. The performance guarantee amount shall be estimated by a qualified representative of the applicant and shall be submitted for review and approval to the City Planner or their designee.
2. Phased projects: If a project is reviewed and approved as a phased project, the corresponding performance guarantee may also be phased. A separate performance guarantee shall be posted for each phase.
3. Acceptable forms of performance guarantee: The performance guarantee, in the amount approved by the City Planner or their designee, shall be a letter of credit, an escrow account with a responsible financial institution, or a deposit to the City of Rockland Finance Department and shall be in conformance with the templates and forms made available by the City. If the performance guarantee is a deposit to the City, the City shall hold such funds in a noninterest bearing account until criteria for performance guarantee release have been satisfied. The performance guarantee shall be in the name of the City and shall be approved by the finance director as to financial sufficiency and the corporation counsel as to proper form and legal sufficiency.

C. Performance Guarantee Release

Upon request of the developer, a performance guarantee may be reduced by the value equal to the estimated cost of the completed improvements. Requests shall be submitted on the cost estimate spreadsheet for review and approval by the City Planner or their designee. No performance guarantee shall be released in whole or part until all City fees associated with the project are paid to the City, including but not limited to engineering, inspection, and administrative fees.

D. Extensions

If the City Planner or their designee and/or the Public Services Department has reasonable doubt concerning the stability or proper construction of the required site improvements, the developer shall be required to reconstruct or otherwise address the issues to the City's satisfaction. If the performance guarantee is scheduled to expire before the extent or necessity for such further work can be determined, the developer shall be required to extend the performance guarantee covering such improvements, or secure a new guarantee, for a period and amount deemed necessary by the City Planner or their designee and/or the Public Services Department.

Sec. 16-207 WAIVERS

A. Authority and Waiver Criteria

The Planning Board may grant a waiver(s) from strict compliance with provisions of this article, on a case-by-case basis, so long as the Board finds, by majority vote, that:

1. Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or,
2. Specific circumstances related to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

In granting a waiver, the Planning Board may require any mitigation and or condition that is reasonable and necessary to ensure that the spirit and intent of the standard being waived will be preserved, and to ensure that no increase in adverse impacts associated with granting the waiver will occur. The Board shall explain the specific circumstances of any waivers granted in the written findings of fact.

B. Waiver Requests

All waiver requests shall be in writing and shall cite the specific regulation or standard a waiver is requested from and the reason(s) it cannot be met and shall be submitted following the same process and timeframe as is required for Site Plan applications to the Planning Board.

C. Waivers Shown on Approved Site Plans

When the Board grants a waiver, the approved Site Plan shall indicate the waivers granted. Waivers must be listed in a separate location from the plan's general notes or any conditions of approval and shall be added to the approved Plan by the applicant. Waivers of the required application submissions do not need to be listed.

Sec. 16-208 POST APPROVAL PROCEDURES AND REQUIREMENTS

A. Commencement of Work No work shall begin on a site, nor building permit be issued, until the following items have been completed.

1. The performance guarantee has been posted.
2. Site Plan Review approval has been granted.
3. Final plans: The final Site Plan and all of the required Conditions of Approval have been added to the plan.

B. Certificates of Occupancy No certificate of occupancy shall be issued to any portion of development where, in the opinion of the Code Enforcement Officer or their designee, the site conditions or work required to complete the development will endanger the health or safety of persons visiting or inhabiting the completed portion. Certificates of occupancy may be granted as follows:

1. Temporary certificates of occupancy**:** Notwithstanding any other provision, a certificate of occupancy may be issued for a development or portion of a development which has otherwise been completed in accordance with final site plan approval and all applicable provisions of this Chapter. In no event shall any temporary or permanent certificate of occupancy be issued where:
   a) Conditions exist which would justify denial of a certificate of occupancy under City Code CH 6.
   b) Required improvements to the City right-of-way remain to be completed by the developer.
   c) All access roads and any other roads and driveways required for the building or building(s) for which the certificate(s) are requested have not been improved to a passable condition.
   d) A remaining balance for fees incurred by the City exists.
   e) The developer otherwise is in violation of the City Code of Ordinances.

2. Standards of a temporary certificate of occupancy**:** Where a temporary certificate of occupancy is sought for a portion of any development prior to the completion of the entire development, the following standards shall be met, in addition to all applicable requirements set forth above, prior to the issuance of any certificate of occupancy:
   a) Those parking areas required for the portion of the development for which a certificate of occupancy is sought shall be available for use. Alternative arrangements must be made on-site for parking for any periods during which such parking areas will not be available for use.
   b) All foundation plantings and other landscaping required for the portion of a development for which a certificate of occupancy is sought shall be installed prior to the issuance of a certificate of occupancy. This requirement may only be waived where, in the opinion of the Public Facilities Department, landscaping improvements cannot practically be completed due to seasonal weather conditions.
   c) A performance guarantee shall be in place and in an amount sufficient to cover all remaining required improvements and not less than 10% of the initial performance guarantee amount.

3. Final certificate of occupancy**:** All improvements which are not completed prior to the issuance of any temporary certificate of occupancy must be completed prior to the completion date specified in the performance guarantee or in the temporary certificate of occupancy, whichever occurs first, in order for a final certificate of occupancy to be issued by the City. Where any person accepts a temporary certificate of occupancy and does not complete the improvements as specified in the certificate, the City is authorized to enter upon such property itself or through its agents or contractors to complete such improvements with no liability therefore and may recover the costs thereof through the mechanic's lien procedure for the improvement of real property to the extent that the performance guarantee may be inadequate.

C. Expiration of Approvals

1. Duration of Approval: Site plans approved under this Ordinance shall expire 24 months from the date of approval, unless otherwise agreed to by the Planning Board, unless development has been undertaken in accordance with the approved site plan and site work or building construction is ongoing. Any lapse in construction for a period in excess of 12 months shall result in an expiration of the site plan.
2. Extension Of Approval: The Planning Bard or Minor Site Plan Review Committee may grant an extension of the expiration date. Extension requests must be made in writing by the applicant prior to the expiration of the approval. An extension may not be granted if changes to the City's Zoning Ordinance, Municipal Code, or Ch 16 --Site Plan Review ordinance, or Technical Standards would render the development nonconforming or significantly impact the approved site plan as determined by the City Planner or their designee.
3. In Case Of Appeal: Where the approval or any related land use approval granted to the same applicant by any department of the City with respect to the same development is appealed to any court, the applicant shall be granted extensions, beyond the expiration of said approval, where the applicant has exercised due diligence with respect to defending such appeal, which extensions shall not last beyond one year from entry of final judgment.

D. Field Changes to Approved Plans Changes associated with unforeseen difficulties that arise during the course of construction and involving such technical detail as utility location and substitution of equivalent plantings shall be approved by the Public Services Director and/or the City Planner or their designee after notification in writing by the applicant or their representative. Field changes shall not involve substantial alteration of the approved plan or conditions imposed by the review authority.

E. Consistency with Approved Site Plans

1. Sites shall be developed and maintained as depicted in the approved site plan and site plan application. Deviations from an approved site plan, including, but not limited to, changes in topography, vegetation and impervious surfaces as shown on the final site plan or alteration of a parcel which was the subject of site plan approval, shall require the prior approval of a revised site plan by the appropriate reviewing authority.
2. All construction or alterations to the site performed under authorization of building permits or certificates of occupancy issued for development within the scope of this Ordinance shall be in conformance with the approved final site plan or any subsequent approved amendments.
3. Where work is required as part of an approval granted under this article is not in compliance with the standards of the site plan approval, a stop work order may be issued. Work shall recommence only after such order has been lifted by the City Planner or their designee on the basis of an approved mitigation plan or action by the developer.
4. Where construction, alteration, or modification to a site is performed without a valid site plan approval, an after-the-fact review shall be performed by the Planning Board.

Sec. 16-209 VALIDITY AND SEVERABILITY

Should any section or provision of this Ordinance be declared by the Courts to be invalid, such decision shall not invalidate any other Section or provision of this Ordinance.

Sec. 16-210 CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings or structures, the provisions of this Ordinance shall control.

CHAPTER 16 ARTICLE III CONDITIONAL USE

Sec. 16 300 -- PURPOSE, APPLICABILITY, AUTHORITY, PROCEDURE, REVIEW STANDARDS

A. PURPOSE AND APPLICABILITY

Conditional Uses that require a conditional use permit are listed in Chapter19, Tables 19-206-1 through 206-5. A Conditional Use permit allows certain uses that have increased potential for incompatibility in a zoning district to be carefully reviewed against fixed standards.

B. AUTHORITY

The Planning Board shall have the authority to review and decide on applications for a conditional use permit. The Planning Board may deny, approve, or approve with conditions, a Conditional Use permit application.

C. SUBMITTAL REQUIREMENTS

1. An applicant for a conditional use permit shall submit a completed application on the appropriate form to the Planning and Code Enforcement Department and shall provide sufficient information to enable the Planning Board to evaluate the proposal for compliance with City Code.
2. A completed application for a Conditional Use permit shall include all the submittal requirements for Major Site Plan review applications as stated in Ch. 16 Article II. Waivers to submittal requirements may be granted for Conditional Use Applications following the procedure in Ch16-203.E.
3. It shall be the responsibility of the applicant for a Conditional Use Permit to demonstrate that their application satisfies all applicable standards of review.

D. PROCEDURE

1. Conditional Use permit applications shall be subject to the same procedure for review and decision by the Planning Board as Major Site Plan Review applications including all public notice requirements.
2. Where a Conditional Use permit is required in conjunction with a proposed Major or Minor Site Plan Review application, a completed conditional use permit application for each Conditional Use requested shall be made at the same time as the Site Plan application.
3. Where a Conditional Use permit is required, no site plan application may be considered complete without a complete Conditional Use permit application. Conditional Use permit applications will be considered concurrently with the Site Plan application.

E. REVIEW STANDARDS

In the review of a Conditional Use permit application, the Planning Board shall evaluate the application for compliance with Conditional Use permit review criteria below. The Planning Board may approve or approve with conditions, a conditional use application, only when the Board finds that all the following conditions apply:

1. The nature of the proposed application is consistent with the spirit and intent of the Zoning Regulations, and the Comprehensive Plan, and complies with all applicable standards.
2. The proposed use will be established, maintained and operated so as not to endanger the public health, safety, or welfare.
3. The proposed use will be established, maintained, and operated so as to be harmonious with the surrounding uses and will not impede the development, use, and enjoyment of adjacent property
4. The proposed use will be of a character that does not produce noise, odors, glare, and/or vibration that adversely affects the surrounding area.
5. The proposed use will not place an excessive burden on public improvements, facilities, services, or utilities.
6. The proposed use will not result in the destruction, loss, or damage of any feature determined to be of significant natural, scenic, or historic importance.
7. The proposed use will not create a traffic safety hazard or a substantial increase in the volume or type of vehicle traffic, or an increase in the level of traffic congestion in the vicinity of the use.
8. The hours of operation of the proposed use are not substantially different than what would normally occur in the surrounding area.

CHAPTER 16 ARTICLE IV --TECHNICAL STANDARDS

Sec. 16–401 EXTERIOR LIGHTING

A. Definitions related to exterior lighting: For the purposes of this Section, terms used shall be defined as follows:

1. Authority having jurisdiction: The Planning Board, City Planner, or Code Enforcement Officer.
2. Fixture: The assembly that houses the lamp(s), including, but not limited to housing, mounting bracket or pole socket, lamp holder, ballast, reflector, or mirror, and/or refractor or lens.
3. Luminaire height: The vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.
4. Lamp: The component of a luminaire that produces light.
5. Luminaire: A complete lighting system, including lamp(s) and/or fixture(s).
6. Outdoor lighting: Nighttime illumination of an outside area or object by any man- made device located outdoors that produces light by any means.
7. Temporary outdoor lighting: Outdoor lighting in place for less than 14 days, with at least 80 days passing before being used again.
8. Full–cut off fixture: a light fixture that does not emit light above the horizontal plane.

B. General Standards: Outdoor lighting that meets the safety, efficiency, environmental, and aesthetics standards of this section is required. Unless determined to be a safety hazard or in violation of any state or federal law, all outdoor lighting for projects subject to the Site Plan Review and Subdivision Ordinances shall comply with this section, except for the following: lighting installed and maintained for public safety by Municipal, State, or Federal government; approved signs; external illumination of flags; approved lighting for athletic fields; temporary outdoor lighting; and holiday lighting.

1. Full cut-off fixture: All new exterior lights shall be full cut-off fixtures.
2. Specialty Lighting: Lighting of features such as architectural details, monuments, outdoor sculpture or other public art, or special site features shall be designed to only illuminate that feature or detail.
3. Uplighting: Uplighting is prohibited except for public buildings, parks, steeples, landscape features, historic landmarks, state or federal flags, and public art.
4. Street lighting: If street lights are required as part of a project, they shall be installed and approved by the Rockland Public Facilities Director.
5. Site Lighting: Site lighting standards apply to all new developments and/or all new lighted areas:
   a) Uniformity: As measured in foot candles at grade, maximum to illumination levels shall not exceed a ratio of twenty (20) to one (1.)
   b) Light trespass: The maximum illumination level at a property line shall not exceed 0.1 footcandles, as measured at grade. Except when a commercial or industrial use abuts a public or private right-of-way. Or another commercial or industrial use, illumination at the property boundary shall not exceed 1.0 foot candles.
   c) Fixture height: Fixtures shall be mounted at the lowest height necessary to meet city standards and the height is measured from grade to bottom of the lighting fixture. Fixture height shall not exceed the limits listed in Table 16-301.1 below.

Table 16-401.1 Maximum Fixture Height

Type of Lighting	Maximum Fixture Height
Residential Uses	20 feet
Commercial/Office/Small Industrial Uses	20 feet
Large Commercial and Industrial Uses(>50,000 sf, gross floor area)	30 feet
Building Mounted Fixtures	Below the roof eave and not to exceed 20’ (whichever is lower)

C. Specific use standards: notwithstanding the minimum, maximum, and average illumination standards above, drive through canopies and vehicle fueling station canopies and parking lots with more than 20 spaces have special lighting needs and the following standards apply:

1. Photometrics Plan needed: the applicant must provide a professionally produced lighting plan which adheres to the current Illuminating Engineering Society of North America (IESNA) recommendations for the proposed use and shown in Table 16-301.2 below.

Table 16-401.2 Specific Use Illumination Standards

Uses	Average Foot candles	Uniform Ratio Average to minimum	Maximum footcandles
Drive thru and vehicle fueling station canopies	10.0	3:1	20.0
Parking lot 50 spaces			
Surface lot	0.5	3:1	4.0
Structured lot	0.8	3:1	2.0

D. Existing non-conforming luminaires:

1. The continued use of non-conforming luminaires legally existing as of the effective date of this section shall be permitted unless determined to be a safety hazard or in violation of any State or Federal laws.
2. Non-conforming luminaires replaced or moved after the effective date of this section shall comply with the provisions of this section.

Sec. 16–402 LANDSCAPING AND BUFFERING

A. LANDSCAPING: Adequate provisions shall be made to use landscaping to beautify sites, provide shade, and provide buffering from neighboring properties.

1. Invasive species: No plants listed on the "list of Regulated Invasive Terrestrial Plant Species, of the Maine Department of Agriculture, Conservation, and Forestry, Chapter 273" may be planted.

2. Plant types: The following types of plants are to be used in landscaping plans. The plants are to be used in the locations described in Table 16-403.1.

a) General planting requirements: Minor Site Plans shall incorporate two or more of the following types of plants. Landscape plans for Major Site Plans shall incorporate all of the following types of plants.

1) Canopy trees: Deciduous trees that reach at least 35 feet or more in height at maturity. Canopy trees are used to help create identity and establish the character of an area; help define large spaces, and provide shade in the hotter months of the year.
2) Evergreen trees: Trees that reach at least 35 feet or more in height at maturity. Evergreen trees are used to create year-round interest with their dominant forms and color, screen or direct views, function as windbreaks, and provide a backdrop for other elements of a site. Where evergreen trees are installed in buffers, the installed heights should vary at a minimum from 4 to 12 feet, to add greater variety and landscape interest.
3) Understory trees: Trees that reach 10 feet to 35 feet in height at maturity. Understory trees are used to provide eye-level landscaping features that help to scale down larger architectural and landscape elements, define minor spaces, and provide a variety of form, color, and accents to a site.
4) Shrubs: Plant materials that have mature heights of 2 to 10 feet. They are used to form physical and visual barriers, add seasonal interest and color, and help define the scale and location of buildings.
5) Miscellaneous plantings: Includes ground covers, vines, ornamental grasses, perennials, annuals, bulbs, and other herbaceous material. They are used to add seasonal color, form patterns on the ground plane, and add to the humanizing of the site.
6) Amenities and stone walls: Water features, sculptures, benches, and hardscapes such as patios and walkways may be used to complement plant materials. In cases where a traditional stone wall exists, it should be conserved or rebuilt in another location.

3. **Plant sizes and purposes**: The plant materials defined above shall meet the minimum size standards at the time of installation included in Table 16-403.1 below, with calipers measured at 4 feet above ground.

Table 16-402.1: **Required Plant Sizes at Installation**

Plant Type	**Minimum Caliper, Plant Height, or Pot Size at Planting**	**Primary Purposes**
Canopy Tree	1½-inch caliper, 4 inches above the ground	Perimeter, street tree, parking lot perimeter, buffering
EvergreenTree	4 feet in height If used for buffering, heights should vary between 4 and 12 feet	Buffering, parking lot perimeter
Understory Tree	1½-inch caliper, 4 inches above the ground	Structure enhancement, parking lot perimeter
Shrubs	18 inches in height	Structure enhancement, front setback, buffering, parking lot perimeters and interior islands
Ground cover	1- to 4-inch pot per square foot of space covered	Structure enhancement, slope stabilization
Miscellaneous plants	4" pot size	Structure and sign enhancement, parking lot interior islands
Amenities		Structure enhancement

4. **New Structure Enhancement Specific Planting Requirements:** Landscaping around new structures and walkways: Landscaping shall incorporate some combination of some but not all of the following types of plantings: shrubs, understory trees, ground covers, ornamental grasses, annual and perennial flowers and planter boxes. Incorporating non-vegetated landscape features such as outdoor seating, patios, and water features into the landscaping is also encouraged. If the new structure is an addition to an existing structure, the new landscaping should be designed to blend with the existing landscaping. If the Planning Board decides that the landscaping around the existing structure is inadequate, the Board may require that the landscaping requirement be extended to include the front landscaped area of the existing building and the parking lot interior island and perimeter landscaping as applicable.

5. **Right-of-way perimeter landscaping:**
   a) Perimeters along a right of way: Landscaping within a public right-of-way is not prohibited; however, any planting must be approved by the owner of the right of way and no plantings within the right-of-way shall be used to satisfy buffer requirements.
      1) Abutting a public local road: minimum of 6 feet wide and should be planted with a combination of canopy or evergreen trees, shrubs and understory trees.
      2) Abutting Route One and other Arterial Streets: minimum 6' wide for parking lots with up to 20 parking spaces in the front setback, minimum of 10 feet wide for parking lots with to 20 or more parking spaces in the front setback should be planted with a combination of canopy or evergreen trees, shrubs and understory trees.

6. **Parking Lot Landscaping**:
   a) Side And Rear Perimeter: if no or inadequate natural landscaping exist, additional landscaping shall be provided as listed below:

1) If new parking lots or additions to parking lots are proposed, the landscape plan shall include at least two trees (or one tree and three shrubs) per 50 feet of perimeter around the parking lot, excluding the side of the parking that is adjacent to the entrance of the structure.
2) The perimeter plantings shall include a combination of canopy, understory, and evergreen trees and shrubs. The trees shall be positioned to provide summer shade, while not obstructing sunlight in the winter. No trees shall be planted in designated snow storage areas.

b) Parking Lot Interior Islands Landscaping: Parking lot islands shall be planted dense enough to provide color and interest to the island with annuals and low growing shrubs that are salt tolerant. The plants shall be mulched to conserve water moisture and to beautify the plantings.

B. BUFFERING and SCREENING:

1. Natural Features: Natural features shall be maintained whenever possible to meet buffer requirements. When natural features such as topography, gullies, stands of trees, shrubbery, or rock outcrops do not exist or are insufficient to provide an effective buffer, landscaped buffers shall be created. Indigenous plantings shall be used whenever possible.

2. Site Features to Screen: Trash and recycling areas shall have provisions to keep trash from blowing onto neighboring properties.

3. Buffering Residential Zones: Nonresidential development abutting a residential zone, an evergreen, densely landscaped buffer of not less than 10 feet wide and six feet tall is required along the side abutting the residential zone. Where site constraints prevent such a buffer from being established, the width of the landscaped buffer may be reduced but shall include architectural fencing of not less than six feet tall and a mix of evergreen and deciduous trees spaced no further than 20 feet apart abutting the residential zone.

4. All Residential Development: subject to Site Plan Review shall provide and/or preserve evergreen vegetated buffers where necessary to buffer the development from detrimental impacts of existing surrounding development.

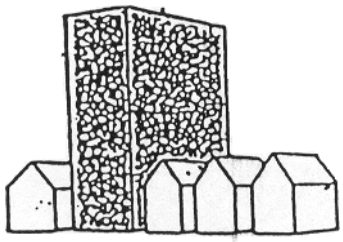
Sec. 16–403 ARCHITECTURAL AND VISUAL APPEARANCE STANDARDS

A. APPLICABILITY*:* Projects that are subject to Site Plan Review and that include the construction of a new buildings or structures or addition(s) to an existing structure(s) shall be of such design, form, proportion, mass, configuration, building materials, texture, color, and location as will be compatible with existing buildings or blocks of buildings in the area and with streets and open space to which it is visually related and in keeping with the area.

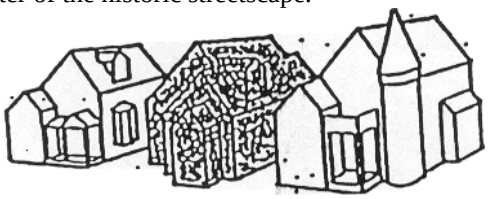
1. Exempt areas and uses**:** These standards shall not apply in the following circumstances:
   a) Within the Industrial Zone
   b) To single-family dwellings, two--family dwellings, not subject to Planning Board review
   c) In the Downtown Zone or Tillson Avenue Area Overlay Zone. The Downtown and Tillson Avenue Area Overlay Zones are subject to design standards set forth in Sec. 19-403.
2. Alternative proposals: The Planning Board may approve a proposal that does not meet all the design standards of this section upon a finding that the alternative proposal is of exceptional design merit and that the design meets the spirit and intent of these standards.

B. DESIGN STANDARDS: New construction or renovations shall be visually compatible or superior in terms of:

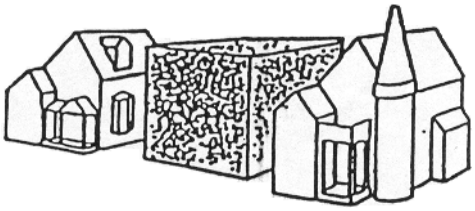
1. Height: The overall height of the proposed building or additions to existing buildings relates to that of neighboring structures. As a general rule, construct new buildings to a height comparable to the average height of existing buildings from the historic period on the same side of and across the street. Avoid new construction that greatly varies in height (too high or too low) from older buildings in the vicinity.



2. Proportion of buildings front facade and massing: The relationship of the width of the building to the height of the front elevation should be visually compatible with buildings, structures, and open spaces where it is visually related. In reviewing a proposed new building or structure, or additions to existing buildings, break up uninteresting box-like forms into smaller, varied masses comparable to the historic structures or blocks of buildings from the historic period. Variety of form and massing are often elements essential to the character of the historic streetscape.



Avoid single, monolithic forms that are not relieved by variations in massing. Box-like facades and forms are intrusive when placed in a streetscape of older buildings that have varied massing and facade articulation.

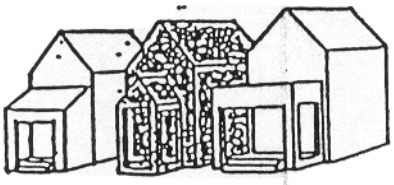


3. Relationship of solids to voids in front facades: The relationship of solids to voids in the front facade of a building should be visually compatible with that of buildings to which it is visually related. In reviewing a proposed new building or structure or addition to an existing building, respect the recurrent alternation of wall areas with door and window elements in the facade. Also consider the width-to-height ratio of bays in the facade. The placement of openings with respect to the facade's overall composition, symmetry, or balanced asymmetry should be studied.

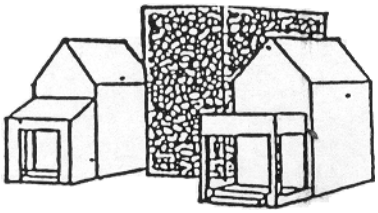


4. Spacing of buildings on streets: The relationship of the building to the open space between it and adjoining buildings should be visually compatible with that of buildings to which it is visually related when zoning regulations permit.

5. Entrance and/or porch projection (setback). The relationship of entrance and porch projections to sidewalks and streets should be visually compatible with those of buildings to which it is visually related. In reviewing a proposed new building or structure or an addition to an existing building, maintain the historic facade lines of streetscapes by locating front walls of new buildings in the same plane as the facades of neighboring buildings when zoning regulations permit. If exceptions are made, buildings should be set back into the lot rather than closer to the street. If existing setbacks vary, new buildings should conform to historic siting patterns.



Avoid violating the existing setback pattern by placing new buildings in front of or behind the historic facade. Avoid placing buildings at odd angles to the street, unless in an area where diverse siting exists, even if proper setback is maintained.



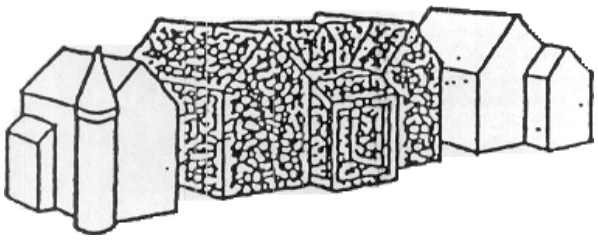
6. Materials, textures, and color: The relationship of materials, textures, and color of the facade of a building should be visually compatible either with that of the predominant materials used in the buildings to which it is visually related or compatible with materials traditionally used in the City.

7. Roof shapes: The roof shape of a building should be visually compatible with that of the buildings to which it is visually related. When no clear pattern exists, a roof pitch of 5/12 or steeper should be used, or the building should be designed so as to appear to have a pitched roof. In reviewing a proposed new building or structure, or an addition to an existing building, relate the roof forms of the new building to those found in the area. Although not entirely necessary, duplication of the existing or traditional roof shapes, pitches, and materials in new construction is one way of making new structures more visually compatible.

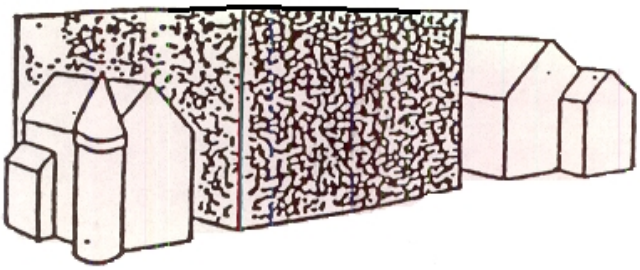
Avoid introducing roof shapes, pitches, or materials not traditionally used in the area.



8. Scale of buildings: The size of the building, the mass of the building in relation to open spaces, the window, door openings, porches, and balconies should be visually compatible with those characteristics of buildings and spaces to which it is visually related. In reviewing a proposed new building or structure, or addition to an existing building, relate the size and proportions of new structures to the scale of neighboring buildings. Although much larger than its neighbors in terms of square footage, the building shown maintains the same scale and rhythm as the existing buildings.

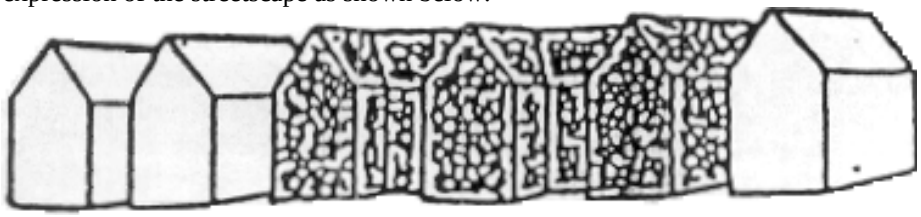


Avoid buildings that in height, width, or massing violate the existing scale of the area. The new building shown here disrupts the scale and rhythm of the streetscape, although it might be appropriate in a different location.



9. Directional expression of front elevation: A building should be visually compatible with the building, squares, and places to which it is visually related in its directional character, whether this is vertical character, horizontal character, or non-directional character. This provision is not intended to apply to residential subdivisions covered in Chapter 16 of this Code.

In reviewing a proposed new building or structure, or addition to an existing building, relate the vertical, horizontal, or non-directional facade character of new buildings to the predominant directional expression of nearby buildings. Horizontal buildings can be made to relate to the more vertical neighboring structures by breaking the facade into smaller masses that conform to the primary expression of the streetscape as shown below.



Sec. 16–404 PUBLIC UTILITY INFRASTRUCTURE

A. CONSISTENCY WITH CITY CODES

1. **Public Utility Infrastructure**: Water, sewer, stormwater, electric, trash
   - **a) Adequate utility infrastructure**: The development shall not overburden sanitary sewers and storm drains, water lines or supply, or other public infrastructure and utilities. Development shall provide adequate utility infrastructure on-site and in connection to surrounding locations and facilities. All Utility construction and connections shall be done in accordance with CH 14 of the Rockland Municipal Code and with the approval of the appropriate Rockland Departments and water company.
   - **b) Underground electric**: Electrical service shall be underground unless otherwise specified for industrial uses, or if it is determined to be unfeasible due to extreme cost, the need to retrofit properties not owned by the applicant or complexity of revising existing overhead facilities.
   - **c) Sewer, storm, and water lines**: All sanitary sewer lines, storm drains, water lines, and other utilities proposed as part of the development shall be designed to conform with the sanitary sewer and storm drain and water supply standards of CH 14 of the Rockland Municipal Code.
   - **d) Connection to public sewer system**: All development within 200 feet of a public sanitary collection and treatment system shall connect sanitary sewer lines into the nearest available public sewer. If a public sanitary collection and treatment system is not available, a private wastewater system may be used according to the requirements of the Maine State Plumbing Code. All public sewer and storm drain connections shall be constructed in accordance with CH 14 of the Rockland Municipal Code.
   - **e) Connection to public water:** All new water connections and hydrants must be constructed in accordance with Maine Water.
   - **f) Trash and recycling**: All developments; residential, commercial, and industrial shall provide for the temporary storage and timely removal of all trash and recyclable materials consistent with CH 14 of the Rockland Municipal Code. All exterior storage of trash and recyclables shall be screened from view from public sidewalks, streets, and adjacent properties.
   - **g) Easements needed**: The site plan shall include suitable easements, rights, and improvements to connect or continue off-premises public infrastructure as may be required by the review authority.

Sec. 16–405 STREET CONSTRUCTION STANDARDS

A. MINIMUM CONSTRUCTION STANDARDS: All street construction shall conform to good engineering practices and be suitable for the intended usage of the street. A plan and construction details for public and private roads shall be prepared by a Maine Registered Professional Engineer and shall meet the following minimum construction standards:

1. **All roads - public and private:**
   - a) Professional Engineer: Construction details must bear the stamp and signature of a Professional Engineer registered in the State of Maine. The City of Rockland Fire Chief or his designee shall review all plans for roads and make recommendations regarding safe passage with emergency equipment. The plan and construction details of the new, extended, or improved private road as approved by the Planning Board shall be recorded in the Knox County Registry of Deeds as part of the subdivision plan.
   - b) Dead-End Streets: Dead-end streets shall have a maximum length of one thousand (1000) feet from the centerline of the intersecting street and shall terminate in a cul-de-sac with a minimum radius of fifty feet (50’). The use of a T-shape turnaround may be permitted as an alternative, if approved by the City Engineer and/or the Director of Public Facilities.
   - c) Inspection: Before an occupancy permit is issued, the road (or portion thereof) will be inspected by the City and the applicant’s engineer shall certify that it has been constructed as designed.
   - d) Road name: The applicant shall submit a name of the road for City review. The name of the street shall not be so similar to the name of other streets or locations in the City as to cause confusion. The City reserves the right to designate any name for the road and number it in accordance with E-911 standards.

e) Monumentation along streets: for proposed public streets, four-inch square stone or precast concrete monuments shall be set on one side of the street and at all street intersections and points of curvature, but no further than 750 feet apart along street lines without curves or intersections. The opposite side of the street may be marked with iron pins or other suitable monumentation as required by the Maine Board of Registration of Land Surveyors. For private streets. iron metal pins shall be set on both sides of a private street at all intersections and points of curvature, and all lot boundary corners and angle points and open spaces as required by the Maine Board of Registration of Land Surveyors.

1. Public Roads
   a) Road and sidewalk width

	Minimum standard	High Use Roads	
Right-of-way width	50 ft	66 ft	PB may require additional width If heavy usage is expected
Traveled surface width	(2) 11 ft travel lanes	Additional width may be required	Additional width may be required for on-street parking and/or bike lanes
Sidewalks	5 ft		

   b) Road Base: Eighteen inches (18") of road base shall be required as follows:
      1) At least twelve inches (12") of sub-base gravel (MDOT Type D).
      2) At least six inches (6") of base crushed gravel (MDOT Type A).
   c) Road Crown: Road crown shall be at least two percent (2%) excepting transition to horizontal curves.
   d) Paving Thickness: Bituminous paving three and one-half inches (3-1/2") thick (two inch (2") binder with one and one half inch (1-1/2") surface coat) shall be required for the full width of the traveled way.
   e) Shoulder: Paving (two inches (2") hot bituminous) of the eight (8') foot shoulder (parking lane) may be required by the Commission.
   f) Horizontal Curves: The minimum centerline radius shall be established by the following formula;

$$R = \frac{V^2}{15\left(e + 0.014 - \frac{50V}{n}\right)}$$

   R = minimum horizontal curve radius
   V = design speed (miles per hour)
   e = superelevation (ft/ft)
   n = 1000 for design speeds of 50 or less and 500 for design speeds greater than 50
   g) Vertical Curves: Changes in slope shall be accomplished with parabolic vertical curves designed in accordance with sound engineering practice.
   h) Intersection Angle: The angle of street intersections shall be as close to ninety (90) degrees as possible; but in no case less than sixty (60) degrees (unless a traffic signal is used).
   i) Street Grade: Street grades shall be a minimum of one-half percent (0.5%) and a maximum of seven percent (7%), and the grade at intersections shall be a maximum of three percent (3%) within fifty (50) feet of the intersection. These grades may be varied by the Planning Board with the review and recommendation of the Department of Public Facilities.
   j) Subdivisions on existing City Streets: Where existing conditions or the number of new lots being created make compliance with this section impractical, the Planning Board may permit necessary improvements to substandard existing City streets to meet the standards of a private road when approving subdivisions on such City streets provided the bituminous paving in accordance with thickness required in Section C.4 of this section above.

3. **Private Roads**: As an alternative to street design standards contained in this section, if approved by the Planning Board, a private road is permissible for residential subdivisions or development serving more than one single family dwelling in accordance with the following:
   a) Lot limitation: No more than six (6) new lots shall be created on any new or existing private road. Each lot shall have the minimum frontage required in the district regulations unless otherwise approved under Chapter 19-401 Clustered Housing. The Planning Board may permit a private road to serve more than six (6) dwellings on commonly owned land when homes are clustered.
   b) Connection to public street: All private roads shall connect to a street accepted by the City of Rockland, or a road built to the standards of Section 16-105.5. Multiple private roads may be established within a subdivision.
   c) Maintenance Agreement: When a private road is created or extended or a new lot is created on a private road and if the private road is to provide access to two or more lots or dwellings, a maintenance agreement specifying each lot owner's rights and responsibilities with respect to ownership, maintenance, repair, enforcement of the rules by those within the agreement, and plowing shall be established. Such agreement must be submitted to the City Planner or their designee for review that all of the required sections have been addressed and shall be recorded in the Knox County Registry of Deeds before a certificate of occupancy is issued. Such recording shall bear the note: "The City of Rockland will not be responsible for the maintenance, repair, plowing or similar services for the private road. The City of Rockland is not responsible for the enforcement of the agreement." Future lot divisions may be prohibited."
   d) Land in Right-of-Way: The land along the right-of-way of a private road shall be used to meet the frontage requirement, none of the land area within the right-of-way shall be used to meet the lot area requirements. The creation of a private road shall not reduce the frontage, lot area, or other dimensional requirements of an existing conforming lot below that required by the zone in which it is located nor reduce the frontage, lot area, or other dimensional requirements of an existing nonconforming lot.
   e) Existing private roads: Any private road existing on January 11, 2006, which provides frontage for one or more lots shall be allowed to provide frontage to a maximum of six lots with Planning Board approval if it meets the standards or is improved to the standards of this section. The standards for existing private roads are included in Section 6 above – Construction Standards.
   f) Accepting Private Roads: No private road shall be accepted as a City street by the City of Rockland unless its design and construction meet the standards set forth in inclusive. Such construction and design shall be certified by a Professional Engineer registered in the State of Maine
   g) Plan required: A plan and construction details for the private road shall be prepared by a Maine Registered Professional Engineer and shall meet the following construction standards:
      1) Right-of-way width shall be fifty feet (50'). A right-of-way may not be required in development on commonly owned land.
      2) Minimum travel width shall be eighteen feet (18').
      3) Minimum shoulder shall be 3 feet (3').
      4) Minimum aggregate sub-base (MDOT Type D) twelve inches (12").
      5) Crushed gravel (MDOT Type A) or reclaim surface course six inch (6").
      6) Minimum centerline grade: one percent (1%) or one-half of one percent (.5%) if paved.
      7) Maximum centerline grade: ten percent (10%)
      8) Minimum centerline radius: one hundred feet (100').
      9) Roadway crown: three percent (3%) (two percent (2%) if paved).
      10) Maximum grade at intersection: three percent (3%).
      11) Maximum length dead end: fifteen hundred feet (1500') (including a dead end public road, an existing private road or private road network).
      12) A turnaround suitable for public safety vehicles is required and can be designed as a "T" or cul-de-sac.
      13) Swales and culverts are generally acceptable. However, at the intersection with a City street, the drainage practice used on the intersecting street may be required for the portion within the City right-of-way.
      14) The applicant will provide and install a stop sign and street name sign meeting City specifications at the intersection with the public street or at the intersection with a road meeting the standards of a City street, designed to serve such private road.

15) Trees and brush shall be cleared from within three feet (3') of the traveled way and this clear zone shall be maintained permanently. The Rockland Fire Department may inspect the road periodically. If the road is not in good repair in the judgment of the fire department, the parties to the maintenance agreement may be notified that the road needs repair.
16) The Planning Board may require sidewalks on private roads.

4. Bicycle and Pedestrian safety improvements:
   a) Sidewalks: shall be installed in all residential and commercial subdivisions. Where the PB finds that sidewalks are not necessary due to lack of connecting facilities adjacent to or in proximity to the proposed subdivision, it may waive this requirement, except that subdivisions listed in the Existing sidewalks, ADA compliance
   b) Bicycle and pedestrian safety improvement includes but is not limited to improvements such as crosswalks, lighting, signage, traffic control devices, bike lanes and pavement markings may also be required. In determining the best ways to improve pedestrian safety, the Planning Board in conjunction with Public Services Department shall consider the recommendations of the Pedestrian Safety Action Plan April 2021 and any future pedestrian and bicycle safety plans. in the location of the subdivision and what types of improvement are appropriate for the subdivision.

CHAPTER 16 ARTICLE V –DEFINITIONS

Sec. 16-500- DEFINITIONS

In general, words and terms used in this section shall have their customary dictionary meanings. More specifically, any word or term defined in the Rockland Zoning Ordinance, Chapter 19, shall have the definition contained in that ordinance, unless defined differently below; other words and terms used in Chapter 16 are defined as follows:

Abutter: The owner of a property sharing a common boundary with or within 200 feet of the property on which the project will take place, whether or not these properties are separated by a public or private way.

Applicant: The person applying for subdivision approval under these regulations.

Average Daily Traffic (ADT): The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

Buffer Area: A part of a property or an entire property, which is not built upon and is specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources.

Capital Improvement Program (CIP): The municipality's proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

Capital Investment Plan: The portion of the comprehensive plan that identifies the projects for consideration for inclusion within the capital improvements program, together with an estimate of the order of magnitude for the cost of each project.

Clustered Housing Subdivision: A residential development design that contains attached or detached single-family dwelling units that are constructed in clusters so as to reduce the land consumed by the dwelling units in the subdivision and to increase land conserved within the subdivision as open space. Clustered housing subdivisions permit reduced lot sizes, road frontage, and setbacks.

Complete Application: An application shall be considered complete upon submission of the required fee and all information required by these regulations unless waived, after the applicant's written requests by a vote by the Planning Board . The City Planner shall issue a written statement to the applicant upon its determination that an application is complete.

Complete Substantial Construction: The completion of a portion of the improvements which represents no less than thirty percent of the costs of the proposed improvements within a subdivision. If the subdivision is to consist of individual lots to be sold or leased by the subdivider, the cost of construction of buildings on those lots shall not be included. If the subdivision is a multifamily development, or if the applicant proposes to construct the buildings within the subdivision, the cost of building construction shall be included in the total costs of proposed improvements.

Comprehensive Plan: The document adopted by the Rockland City Council dated November 2022, containing the elements established under Title 30-A M.R.S.A. §4326 sub-§§ 1 to 4, including the strategies for an implementation program which are consistent with the State goals and guidelines established under Title 30-A M.R.S.A. §§4311 through 4350.

Conservation Easement: A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

Density: The number of dwelling units per acre of land.

Direct Watershed of a Great Pond: That portion of the watershed which drains directly to the great pond without first passing through an upstream great pond. For the purposes of these regulations, the watershed boundaries shall be as delineated in the comprehensive plan. Due to the scale of the map there may be small inaccuracies in the delineation of the watershed boundary. Where there is a dispute as to exact location of a watershed boundary, the applicant shall conduct an on-site investigation to determine where the drainage divide lies. If the Board and the applicant can not agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the applicant to provide the Board with information from a professional land surveyor showing where the drainage divide lies.

Driveway: A vehicular accessway serving two lots or less.

Engineered Subsurface Wastewater Disposal System: A subsurface waste water disposal system designed, installed, and operated as a single unit to treat and dispose of 2,000 gallons of waste water per day or more; or any system designed to be capable of treating waste water with higher BOD5 and total suspended solids concentrations than domestic waste water.

Final Plan: The final drawings on which the applicant's plan of subdivision is presented to the Board for approval and which, if approved, may be recorded at the Registry of Deeds.

High Intensity Soil Survey: A map prepared by a Certified Soil Scientist, identifying the soil types down to 1/8 acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to a limiting factor such as seasonal high water table or bedrock at that location. Single soil test pits and their evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys.

100-Year Flood: The highest level of flood that, on the average, has a one percent chance of occurring in any given year.

High Water Mark, Coastal Waters: See DEP Chapter 1000 Minimum Guidelines for Municipal Shoreland Zoning Ordinances.

High Water Mark, Inland Waters: See DEP Chapter 1000 Minimum Guidelines for Municipal Shoreland Zoning Ordinances.

Level of Service: A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the Highway Capacity Manual, most recent edition, published by the National Academy of Sciences, Transportation Research Board. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

Municipal or Inspecting Engineer: Any registered professional engineer hired or retained by the municipality, either as staff or on a consulting basis.

Net Residential Acreage: The total acreage available for the subdivision, as shown on the proposed subdivision plan, minus the area for streets or access and the areas that are unsuitable for development as outlined in CH16B-202.B.1.

Net Residential Density: The number of dwelling units allowed per net residential acre.

New Structure or Structures: Includes any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure.

Planning Board or Board: The Planning Board of the City of Rockland.

Preliminary Plan: The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the **City Planner** for its consideration.

Professional Engineer: A professional engineer, registered in the State of Maine.

Public Water System: A water supply system that provides water to at least 15 service connections or services water to at least 25 individuals daily for at least 30 days a year.

Recording Plan: An original of the Final Plan, suitable for recording at the Knox County Registry of Deeds and which need show only information relevant to the transfer of an interest in the property including property lines with metes and bounds labeled, all street rights-of-way, any easements, labeled open spaces if applicable, wetland, passing test pits if applicable, notes, the title block for the project, and a signature block for the date of approval and signature by the Chairperson of the Planning Board and any other information the Board or City Planner determines is pertinent. The following types of information should not be included on the Recording Plan, sewer and water line locations and sizes, street details or culverts, street details, topography, and building lines.

Sight Distance: The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in these regulations as a reference for unobstructed road visibility as measured according to CH19-301.I.5.

Sketch Plan: Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision approval. A sketch Plan does not include engineered roads or utilities.

Street: For the purpose of this Ordinance, public and private ways such as alleys, avenues, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access other than driveways.

Street Classification:

Arterial Street: A major thoroughfare which serves as a major traffic way for travel between and through the municipality. The following roadways shall be considered arterial streets: List streets designated as arterials in the comprehensive plan or other planning document.

Collector Street: A street with average daily traffic of 200 vehicles per day or greater, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.

Cul-de-sac: A street with only one outlet and having the other end for the reversal of traffic movement.

Industrial or Commercial Street: Streets servicing industrial or commercial uses.

Minor Residential Street: A street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.
Private Right-of-Way: A minor residential street which is not intended to be dedicated as a public way.

Subdivision: The term shall be defined as in Title 30A M.R.S.A. §4401, sub-§4, as amended.

Tract or Parcel of Land: All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.