

ARTICLE #27: SHALL AN ORDINANCE ENTITLED "Chapter 33, Planning and Development" of the Municipal Code of Ordinances of the Town of Eliot, Maine, be amended by deleting the language in strikeover type and adding the underscored language to Section 33-59 "Expiration of site plan approval.", Section 33-126 "Application for review.", and Section 33-128 "Application fees." As shown below:

Sec. 33-59. - Expiration of site plan approval.

The approval of a site plan review under chapter 33, article III shall expire if the work or change involved does not commence within two years of the date the planning board makes its determination of approval under section 33-131, or if the work or change is not substantially completed within three years after such date. See chapter 41 for subdivision regulations.

Sec. 33-126. - Application for review.

Following review of the sketch plan, the ~~developer~~ applicant shall submit to the planning ~~office assistant~~ an application for review of a site plan. The site plan shall conform to the layout shown on the sketch plan plus any recommendations made by the planning board. Any amendments in applicable town ordinances or in the sketch plan shall require submission of a new sketch plan. For subdivision applications, notice of receipt of the application shall be made, pursuant to sec. 41-141.

Sec. 33-128. - Application fees.

The ~~developer~~ applicant shall submit with the application a fee in the amount established by the master fee schedule. This shall be payable by check to the town, stating the specific purpose of the fee. Fees are not refundable. An application is not considered complete until all required fees are submitted.

During review of an application, the Planning Board may make the determination to hire technical consultant(s) if the scope is beyond the capability of town staff to verify or review any aspect of an applicant's application. Such technical consultant fees shall be paid by the applicant. When the Planning Board determines the need for technical review, the Planning Office will obtain an estimate for such review of an application. The applicant will be expected to pay the cost of the initial estimate plus ten percent (10%). Upon the applicant's submission of this deposit, the funds shall be retained as escrow, with the planning office tracking and reporting to the applicant all fees paid by the Town for said technical consultation. If the balance of the applicant's escrow deposit is drawn down by 75 percent (75%) and further technical consultation is required, the planning office shall notify the applicant. An estimate will be obtained for

the completion of the project and billed to the applicant at cost plus 10%. Any balance remaining in the applicant's escrow after a decision on the site plan review/revision application shall either be applied to fees associated with site inspections (if required) or be returned to the applicant within sixty days of the Board's decision date on the application.

~~In addition, the applicant may be required to shall pay a technical consultant fee of \$2,500.00 to be deposited in a special account designated for that subdivision application, to be used by the planning board office for selecting and hiring independent, third party consulting services to review the application and/or provide cost estimates for the proposed work. The applicant shall continue to replenish the account to fund any independent, third party engineering inspections required by this Code, to assure that any approved streets or improvements are installed according to the specifications of the application. The board shall continue to notify the applicant and require additional funds be deposited as necessary whenever the balance of the account is drawn down by 75 percent of the original deposit.~~

~~If the balance in this special account is drawn down by 75 percent, the board shall notify the applicant and require that an additional \$500.00 be deposited by the applicant. The board shall continue to notify the applicant and require an additional \$500.00 be deposited as necessary whenever the balance of the account is drawn down by 75 percent of the original deposit. Any balance in the account remaining after a decision on the final subdivision plan application by the board shall be returned to the applicant.~~

~~Subsequent to the approval of the application by the planning board, the applicant shall continue to replenish the technical consultant fee escrow to fund any independent, third party engineering inspections required by this Code, to assure that any approved streets or improvements are installed according to the specifications of the application.~~

~~An application is not considered complete until all required fees are submitted.~~

Municipal Officers' Certification of Official Text of a Proposed Ordinance

To the Town Clerk of the Town of Eliot, Maine:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an amendment to the ordinance entitled "**Chapter 33, Planning and Development**", **Section 33-59 "Expiration of site plan approval."**, **Section 33-126 "Application for review."**, and **Section 33-128 "Application fees."**, which is to be presented to the voters for their consideration on June 11, 2019.

Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

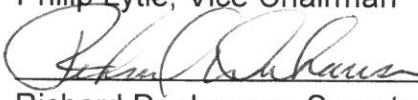
Signed this 11th day of April, 2019



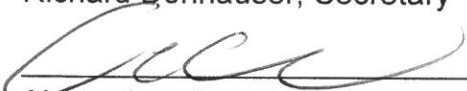
John Murphy, Chairman



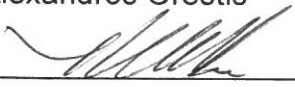
Philip Lytle, Vice Chairman



Richard Donhauser, Secretary



Alexandros Orestis



Robert McPherson

Select Board
Town of Eliot, Maine