

Regulation #11

Adopted: 04/28/2021

Effective: 04/28/2021

The City of South Portland Planning Board finds that:

1. The City's Zoning Ordinance establishes that all multi-family projects involving a division of a new or existing structure into 3 or more dwelling units—whether the division is accomplished by sale, lease, development or otherwise—is subject to Site Plan review pursuant to the provisions of the Code of Ordinances, Chapter 27, Section 27-1421 et. seq. when the project involves New Construction of 1,000 sq. ft. or larger. Projects of less than 1,000 sq. ft. that involve a division of a new or existing structure into 3 or more dwelling units may not be subject to Site Plan review and are therefore not subject to this Regulation.
2. As outlined in the table below, the City's Site Plan standards of Section 27-1426 of the Zoning Ordinance fully address:
 - a. All Subdivision review criteria and standards outlined in Code of Ordinances Chapter 24, Subdivisions, for projects involving a division of a new or existing structure into 3 or more dwelling units whether the division is accomplished by sale, lease, development or otherwise; and
 - b. The statutory requirements outlined in Title 30-A M.R.S.A. §4402.6.A regarding review criteria for stormwater management, sewage disposal, water supply and vehicular access.

Subdivision Standard (Section 24-4)	State Criteria (§4402.6.A)	Site Plan Standard
a) undue water or air pollution.		27-1426(b), (j)
b) sufficient water		27-1426(c)
c) burden on water supply	water supply	27-1426(c)
d) soil erosion		27-1426(f)
e) road congestion and safety	vehicular access	27-1426(g), (h), (l)
f) adequate sewage disposal	sewage disposal	27-1426(d)
g) solid waste disposal		27-1426(e)
h) scenic/natural beauty impacts		27-1426(m)
i) All ordinances and Comp Plan compliance	all criteria listed	27-1426(i), (q)
j) financial/technical capacity		27-1426(s), (t)
k) wetland/water body impacts		27-1426(u)
l) ground water quality/quantity	water supply	27-1426(f)
m) flood prone areas		27-1426(b), (i), (q)
n) wetland alteration/impacts		27-1426(u), (w)
o) river, brook, stream delineated		27-1426(u), (i), (q)
p) adequate stormwater management	stormwater management	27-1426(v)
q) lot depth ratio to shore frontage		27-1426(i), (q)
r) impacts on adjoining municipalities	vehicular access	27-1426(l)

Therefore the City of South Portland Planning Board, acting as the City's Municipal Reviewing Authority, determines that the Subdivision exception provided in Title 30-A M.R.S.A. §4402.6 may be applied to all eligible projects in the City of South Portland without limitation. In processing applications under this exception, the Planning Division shall:

1. Provide an analysis in the staff memoranda on projects utilizing the exception which clearly outlines eligibility under the provisions of Title 30-A M.R.S.A. §4402.6; and
2. Include the following declaration in the draft Findings of Fact for the project:

The South Portland Planning Board finds that (a) the South Portland Code of Ordinances, Chapter 27, Section 27-1421 et seq., governing Site plan review, is at least equivalent to the City's Subdivision standards in Chapter 24, and addresses all Statutory review criteria established in Title 30-A MRSA §4402.6; and (b) the Project meets the requirements of Title 30-A MRSA §4402.6. Therefore, pursuant to Planning Board Regulation #11, the Project is subject to municipal Site Plan review only and does not require Subdivision review.