

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Land and Water Quality
State House Station 17
Augusta, Maine 04333
Tel: (207) 287-2111

FOR DEP USE

#L- _____
Date Received _____

**APPLICATION FOR
MUNICIPAL REVIEW OF DEVELOPMENT**
(38 M.R.S.A. Section 489-A)

This form is to be used to apply to the Department for authority to substitute permits issued by a municipality pursuant to Title 30-A, Chapter 187, subchapter IV, for permits required by Title 38 M.R.S.A., section 485-A..

Municipality: _____

Contact Person _____

Address and Phone: _____

Fax Number: _____

E-mail address: _____

I. Type of Development for which delegated review authority is sought:

_____ Subdivisions as described in Section 482, subsection 5 of more than 20 acres but less than 100 acres.

_____ Authority to enforce the Performance Standards for Quarries, 38 M.R.S.A. §490-DD.

_____ Authority to enforce the Performance Standards for Excavations for Borrow, Clay, Topsoil or Silt, 38 M.R.S.A.. §490-J.

_____ A project generating 100 to 200 passenger car equivalents at peak hour.

I. COMPREHENSIVE PLAN:

To qualify for delegated review authority the municipality must have adopted a comprehensive plan which is consistent with the Comprehensive Planning Act, Title 30-A, Chapter 187, and which has standards and objectives determined by the department to be at least as stringent as the requirements of the site Law. Please attach as **EXHIBIT 1** a copy of your comprehensive plan. The DEP will contact the State Planning Office (SPO) to verify that the comprehensive plan has undergone SPO's formal consistency review and has been found consistent.

The comprehensive plan must have standards and objectives at least as stringent as 38 M.R.S.A. Section 484. 38 M.R.S.A. Section 484 contains 9 specific standards relating to financial capacity, traffic movement, no adverse effect on the natural environment, soil types, stormwater management and erosion and sedimentation control, ground water, infrastructure, flooding and sand supply. In EXHIBIT 2, specifically indicate which portions of the comprehensive plan address each of these standards.

II. SUBDIVISION STANDARDS:

If applying for subdivision permit substitution, the municipality must have adopted subdivision regulations consistent with Title 30-A, Chapter 187. Please attach as **EXHIBIT 3** a copy of your current subdivision regulations.

The municipality's subdivision regulations must be at least as stringent as 38 M.R.S.A. Section 484. 38 M.R.S.A. Section 484 contains 9 specific standards relating to financial capacity, traffic movement, no adverse effect on the natural environment, soil types, stormwater management and erosion and sedimentation control, ground water, infrastructure, flooding and sand supply which have been interpreted by Department regulations, Chapter 371-379. In EXHIBIT 4, affirmatively demonstrate that each standard in our regulations has a corresponding standard in the municipality's ordinances which is at least as stringent as all applicable Department regulations.

II. TRAFFIC STANDARDS:

If applying for traffic permit substitution, the municipality must have adopted regulations consistent with 38 M.R.S.A. Section 484(2), the Traffic Movement Standard, and Chapter 374, Rules Regarding the Traffic Movement Standard of the Site Law. In **EXHIBIT 5**, affirmatively demonstrate that each standard in our regulations has a corresponding standard in the municipality's ordinance which is at least as stringent as all applicable Department regulations.

III. BORROW, TOPSOIL, CLAY OR SILT MINING STANDARDS:

If applying for authority to enforce the Performance Standards for Excavations, the municipality must have adopted an ordinance which regulates such activities and which meets or exceeds the provisions of 38 M.R.S.A. sections 490-W through 490-EE. The ordinance must also require that any request for a variance from the standards of sections 490-D must be approved by the Department before that variance is valid. Please attach as **EXHIBIT 6** a copy of your current relevant ordinance, and a narrative describing those sections which provide consistency with the standards of sections 490-W through 490-EE.

IV. ADMINISTRATION AND ENFORCEMENT PROCEDURES:

- A. To qualify for delegated review authority, the municipality must have adequate resources to administer and enforce the provisions of its ordinances. Please attach as **EXHIBIT 7** the job description and professional qualifications of those persons responsible for reviewing projects identified in section I above. Specifically identify the qualifications of those responsible for the review of stormwater and erosion controls, hydrology, and traffic. If, in addition to the municipal planning staff, outside agents or consultants will be relied upon for review of portions of the applications please describe how such reviews will be coordinated.
- B. The municipality must have a Code Enforcement Officer (CEO) responsible for the enforcement of the provisions of the ordinances described above. This CEO must be certified by the State Planning Office. Please attach as **EXHIBIT 8** the job description, professional qualifications, and a copy of the SPO certification of the CEO.

- C. To qualify for delegated review authority, the municipality must have procedures for public hearings and notification, and must provide notice to the Department upon acceptance of an application as complete and upon the approval or denial of an application. Please attach as **EXHIBIT 9** the municipal regulations or ordinances governing the local public hearing, notification, and appeals processes for subdivision, site and mining reviews.

By signing below, as the duly authorized representative of the municipality, you certify that the information contained in this application and attached exhibits is complete and accurate to the best of your knowledge.

By: _____ DATE: _____

Print Name : _____

and Title: _____