



## **Portland, Maine: A Citizen's Guide to Commercial Development *How Can I Be Involved?***

*This information is provided by GrowSmart Maine as a result of feedback from the public at our June 2016 Forum: **Growth in Portland: Can Public Process Help Bridge the Divide?***

This is a simplified version of the City of Portland's development process. Our goal is to help residents more easily learn how things work – and to understand how and when to voice their thoughts and opinions. To get more detailed information, please go to the City of Portland's Land Use Plan on their website: [www.portlandmaine.gov](http://www.portlandmaine.gov).

### **How Do the Public and the Neighborhood Find Out About New Developments?**

The City sends notices to the public about applications for most developments. Small projects need only City Staff review (called administrative review); larger developments require Planning Board review. Examples of large developments are big subdivisions, major residential housing projects and shopping centers.

The steps the City takes to alert the public that a developer has applied to build a project are listed below. In this document, we are focusing primarily on the process for large developments that need Planning Board review.

1. Once Planning Staff has determined that a building application is complete, they create a postcard stating that the application has been received, which includes a brief description of the proposal.
2. This notice is mailed to property owners within 500 feet of the site (except for Industrial subdivisions, which require 1,000 feet). It is also e-mailed to anyone who has signed up to receive Planning Board notices at *Notify Me* on the City's website. You may add your name to that list by signing up at <http://www.portlandmaine.gov/list.aspx>
3. Postcards are also required for single family and two-family proposals, as well as for proposals to add another unit. These smaller developments are handled by the Permitting and Inspections Department. Notices are sent only to the immediate abutters.
4. Postcards for larger developments note that residents will be receiving ongoing information on future pertinent Planning Board meetings. Notices for smaller

- developments provide the contact information for the planner, allowing residents to seek information and submit comments directly.
5. Developers proposing larger projects are required to hold a neighborhood meeting. The developers mail a postcard letting residents know of an upcoming neighborhood meeting. The postcard will include a brief project description and the location and time of the neighborhood meeting. This notice goes to property owners within 500 feet of the proposed development (1,000 feet for industrial subdivisions). This meeting information is also provided to Planning Staff for distribution to the *Notify Me* mentioned above. The neighborhood meeting must take place in the neighborhood where the project is proposed.
  6. Once the project gets to the Planning Board stage, notices of Planning Board workshops and public hearings are mailed to property owners within 500 feet (except for industrial subdivisions), posted on the city's website, and sent to interested residents through *Notify Me*. A legal ad for the meetings appears in the *Portland Press Herald*. These notices take place ten days in advance of the meetings.
  7. The City is in the process of upgrading and streamlining their online process, which will make it much easier for citizens to be aware of and follow the process of a proposed development.

## **How Does The City of Portland Approve New Building Projects?**

The City's process for reviewing and approving new building projects varies depending on the size, location and purpose of the project. Larger developments often require review and approval under one or more ordinances, including site plan review, subdivision, or historic preservation.

Smaller projects are generally approved just by Planning Staff.

Large developments typically start with review by the Planning Staff and are then forwarded to the Planning Board for review and approval.

A developer is encouraged to prepare a preliminary site plan. This will provide the City with information on the existing site, along with the proposed design for the new development. If a developer chooses to submit a preliminary site plan for a large development, a neighborhood meeting must be held within 30 calendar days of submitting the preliminary site plan to the City.

### ***Initial Site Plan Review: Planning Board Workshops***

City Planning Staff will review the site plan and submit comments to the developer. The Planning Board and planning staff will incorporate neighborhood input into their review comments. The Planning Staff then provides a recommendation to the developer as to whether to resubmit the plan with revisions or proceed directly to the final plan stage. The developer chooses how to proceed with the review. At this point, he or she can request a workshop with the Planning Board to get more input on the proposed plan.

At a workshop, the developer presents the project to the Planning Board and the Planning Staff identifies questions for the Board's consideration. The benefit of a workshop is to allow discussion between the Planning Board and the developer to make sure any questions from the Board, the staff, the public and the developer can be discussed and answered.

The public is encouraged to attend workshops. Each attendee who wishes to speak has three minutes to present questions or issues that they would like to see addressed in the final application. A person may request additional time from the chair; however, everyone is encouraged to stay within the three-minute framework. After receiving all the public comment, the Board strives to answer questions at the workshop, if possible. If questions cannot be answered at the workshop, the applicant is asked to address the questions as part of the final application. **No decisions are made by the Planning Board at a workshop.** It is important to note that because of this, a workshop is not the place to advocate for or against a development, but to provide specific information to the Planning Board and the developer that can be used to improve the final site plan.

#### ***Final Site Plan Review: Public Hearings***

The final site plan will be reviewed by Planning Staff, city staff from other departments and third-party consultants to make sure it conforms with the City's site plan standards.

If the developer did not choose to submit a preliminary plan and have a neighborhood meeting at that time, a meeting must now take place in the neighborhood - within 21 calendar days of submitting the final site plan.

At this point, the Planning Staff will provide a recommendation to the developer as to whether revisions should be made to the site plan or if the developer can proceed to a public hearing with the existing plan. If the plan must be revised, it will then be reviewed using the same review steps as the initial site plan. Once the site plan is complete and generally conforms with City standards, they will schedule a public hearing with the Planning Board. The developer has the right to request a hearing on a project at any point during the process.

At the public hearing, the Planning Board takes final action on the application. The developer's final application should address the public comments and concerns raised earlier in the review. It is a more formal meeting than a workshop. First the Staff introduces the project, after which the applicant presents the development proposal. The Staff and the Planning Board then identify issues and ask questions. After this, the public may comment. As in a workshop, each member of the public has three minutes, although additional time may be requested through the Planning Board chair. To make sure there is time for everyone to speak, each person may only speak once and members of the public are strongly encouraged to stay within the three-minute time frame. All those who want to do so will have the opportunity to comment or ask questions. All meetings are recorded, so if you decide to speak, please first identify

yourself and where you live. The public is asked to be respectful and listen closely to the information presented. This is not the place for “cheering or jeering.” Once everyone has spoken, the public comment period is closed and members of the public cannot speak unless asked a question by the Planning Board. At this point, the developer, staff and/or Planning Board will go ahead and respond to *all* the public’s questions and comments.

Written questions and comments are also encouraged. Send them by email to [bab@portlandmaine.gov](mailto:bab@portlandmaine.gov) or by regular mail to: Planning and Urban Development Department, Planning Division, 389 Congress Street, 4th Floor, Portland, ME 04101

Written comments that are received by the Thursday before a Public Meeting will be included in the Planning Board packet and posted on the City’s web page on Friday. Public comments received after that time are provided to the Board at the meeting.

### **What Additional Steps Are Needed for Projects in Historic Districts?**

The Historic Preservation ordinance protects significant historic resources in eight historic districts throughout the City, as well as other individual historic properties outside of the districts. Any construction activities that affect these properties must be reviewed and approved. This includes demolition, exterior alterations, signs, building additions, new construction and site improvements.

City Historic Preservation staff provides day-to-day administration of the ordinance. Larger, more complex projects are reviewed by the Historic Preservation Board. Many larger projects are considered at one or more Historic Preservation Board workshops to give feedback to applicants before they submit a final proposal. The public is encouraged to attend these workshops. The same public notice process required for larger developments is in place for Historic Preservation Board-approved projects.

### **More Information?**

Those who want more detailed information on the city process and how different projects are classified should go to the City’s Land Use Code at the city website at [www.portlandmaine.gov](http://www.portlandmaine.gov) or call the Planning Division at 874-8719.