

**Planning Board Meeting - Minutes  
Tuesday, March 18, 2008  
Cumberland Town Hall  
290 Tuttle Road, Cumberland, Maine  
7:00 PM**

**A. Call to Order**

The meeting was called to order at 7:00 p.m.

**B. Roll Call**

Present: Bill Ward, Board Chair, Bob Couillard, Mark Robinson, Chris Neagle, Pam Russell, Bob Vail

Absent: Bill Richards, Vice-Chair

Staff: Carla Nixon, Town Planner, Pam Bosarge, Board Clerk

**C. Approval of Minutes of January 15, 2008**

Mr. Robinson moved to approve the minutes of January 15, 2008 as presented.

Mr. Couillard seconded.

VOTE: Unanimous

**D. 1. Consent Calendar / De minimus Change Approvals:**

- **Advisory recommendation** – required by Section 410 of the Zoning Ordinance “Extraction of Earth Materials; for an annually renewable special permit from the Zoning Board of Appeals, Tax Assessor Map R07, Lot 48, Town of Cumberland, Applicant, Owner.

Ms. Nixon presented background information as follows: In accordance with Section 410: Extraction of Earth Materials, the Board is asked to provide an advisory recommendation to the Board of Appeals. The Board received a memorandum from Bill Longley, CEO, which outlined the history of this gravel pit and its current status.

For those of you who are new to the Board, this is an annual permit that must be approved by the Board of Adjustment and Appeals once the Planning Board has made a positive advisory recommendation.

Mr. Ward stated there is a typo in the application it should read: *A one-year, annually renewable special permit for extraction of earth materials operations as may be issued by the Board of Adjustment and Appeals as allowed in Section 410 of the Cumberland Zoning Ordinance.*

Mr. Robinson stated the Town’s gravel pit has been reviewed and dealt with in the past. Changes have been made to address concerns by the abutters in past years. There are no new complaints and he felt comfortable forwarding a favorable recommendation.

Mr. Robinson moved to send a favorable recommendation for an annual renewable permit for extraction of earth materials to the Board of Adjustment and Appeals.

Mr. Couillard seconded.

VOTE: Unanimous

**2. Building envelope adjustment – Shady Run Lane, Subdivision Lot # 6 of Westridge Subdivision, Tax Assessor Map U14B, Lot 10, in the Medium Density Residential (MDR) district, James Schmidt, owner.**

Ms. Nixon presented background information as follows: This is a request for a change to a building envelope location for an existing home in Shady Run lane subdivision. The cover letter from the applicant engineer, Ross Cudlitz, P.E., outlines the situation fully, when the house was constructed a portion of the house and all of the deck are outside the building envelope. The developer abided by a recommendation from the Cumberland County Soils and Water Conservation District to avoid a portion of the site that was thought to have steeper grades than it actually does. There was no resource protection or DEP permits associated with the review of this lot; it was simply a recommendation of the CCSWCD which the developer agreed to abide to. Unfortunately, the house was constructed outside of the envelope depicted on the approved plan. The owner is asking that an additional building envelope area of 1,103 sq. ft. be permitted so that the structure (a portion of the house and the deck) is shown to be within an approved building envelope.

Mr. Neagle stated this seems like a reasonable request which he intended to support.

Ms. Russell asked once the building was determined to be outside the building envelope what would be the consequences.

Mr. Ward stated the owner would need to come back to the Planning Board and request a deminimus change.

Mr. Vail stated building envelopes may not be constrained by water, slopes etc, it could be that a developer didn't want to do extra engineering.

Mr. Couillard asked for clarification on the new building envelope.

Ms. Nixon reviewed the approved subdivision plan and showed the minor impact to the plan.

Mr. Neagle moved to approve as a deminimus change the request for a building envelope adjustment at 25 Shady Run Lane, subdivision lot # 6 of Westridge Subdivision, Tax Assessor Map U14B, Lot 10, in the Medium Residential (MDR) district.

Mr. Robinson seconded.

VOTE: Unanimous

**E. Hearings and Presentations:**

**1. Minor Site Plan Review: M.J. Storey Landscape Construction at 224 Middle Road, Tax Assessor Map R02, Lot 36A in the rural Industrial (RI) district; Michael Storey, applicant, owner.**

Mr. Ward stated Mr. Storey's approval has lapsed, and he is requesting an approval of two additional buildings. Mr. Ward asked Mr. Storey to date his letter.

Ms. Nixon presented background information as follows: The applicant and owner is Michael J. Storey. The applicant received minor site plan approval on May 16, 2006 for a landscaping business on a 2 acre parcel of land located at 224 Middle Road, Tax Assessor Map R02, Lot 36A in the Rural Industrial (RI) zone. The plan approval was for the construction of a 40' x 60'

building and the storage/parking of vehicles, equipment, and landscaping materials on the grounds.

The applicant received a six month extension to the Minor Site Plan Approval on May 16, 2007. This extension expired on November 15, 2007. The applicant is now requesting site plan approval for all items that were contained in the original application and also for an 18' x 28' shed-style storage shelter and an 18' x 30' storage pad that have been constructed on the site. The shed-shelter structure is comprised of a 4' cement block wall with a bituminous base pad. The remaining part of the structure is a stick built wood frame with plastic sheeting to protect the sand stored inside. The applicant is willing to finish off the structure by putting clapboard siding and a shingled roof to match the future building.

Construction operations are a permitted use in the zone. The site will be serviced by public sewer and a private drilled well. The sewer has been brought into the lot. The well is not yet installed.

The original site plan was prepared by SYTDesign Engineers. The revised plan was prepared by Titcomb Associates, Licensed Land Surveyors, who have revised the plan to show the location of the two new structures (shed and pad) on the site.

**PROJECT HISTORY:**

- Minor Site Plan Approval granted: May 16, 2006.
- 6 Month Extension granted May 15, 2007; expired November 15, 2007.

**DEPARTMENT HEAD REVIEWS:** None

**PLANNER'S COMMENTS:**

- Discuss proposed buffering of shelter-shed building and dumpster.
- Discuss installation of clapboard siding and roof on shelter-shed building.

**II. REQUESTED WAIVERS:** None

Mr. Neagle asked about the 40' x 60' building shown on the 2006 approval.

Mr. Storey stated that had not been built.

Mr. Robinson asked if building permits had been issued for the existing structures.

Ms. Nixon stated no, not until the site plan has been approved.

Ms. Nixon explained that the site plan had been approved for one year and had received two six (6) month extensions.

Mr. Storey stated he was back before the Planning Board two years to the month. He stated everything on the original Site Plan has been constructed with the exception of the electrical utilities, the well, and the 40' x 60' building; the sewer has been stubbed. A cement pad has been constructed on the north western side of the site. Mr. Storey reviewed the photos of the existing site. The shed is a temporary structure to keep materials dry during the winter. Mr. Storey stated he would like an extension to build the original proposed building within a year and to include the shed with a cement pad. The shed will be finished with steel roofing and siding.

Mr. Neagle asked about the location of the driveway.

Mr. Storey reviewed the location of the additional buildings, driveway, and proposed 40' x 60' building with office area.

Mr. Robinson stated he was disappointed that the shed and pad were built without a building permit, but thought this was a good project.

**The public portion of the meeting was opened. There were no public comments.**

Ms. Russell asked for clarification on the one-year approval.

Ms. Nixon stated Mr. Storey had approval to do everything on the 2006 plan, he could choose to do nothing or some of the improvements, but can't do more than was approved; such as the shed and cement pad.

**The Board reviewed the proposed findings of fact.  
Findings of Fact**

**Sec. 206.8 Approval Standards and Criteria**

The following criteria shall be used by the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

.1 Utilization of the Site

Utilization of the Site - The plan for the development, including buildings, lots, and support facilities, must reflect the natural capabilities of the site to support development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

**The original plan was reviewed and approved by the Town Engineer. Wetland areas were mapped and the building envelopes are located outside the setback areas. Erosion control measures were installed and are still in place.**

**The Board finds the standards of this section have been met.**

.2 Traffic Access and Parking

Vehicular access to and from the development must be safe and convenient.

- .1 Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.
- .2 Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.
- .3 The grade of any proposed drive or street must be not more than +3% for a minimum of two (2) car lengths, or forty (40) feet, from the intersection.
- .4 The intersection of any access/egress drive or proposed street must function: (a) at a Level of Service D, or better, following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or (b) at a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated.
- .5 Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if it is safe and does not promote short cutting through the site.
- .6 Where it is necessary to safeguard against hazards to traffic and pedestrians and/ or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.
- .7 Accessways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.
- .8 The following criteria must be used to limit the number of driveways serving a proposed project:
  - a. No use which generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.
  - b. No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all accessways must not exceed sixty (60) feet.

**The business has been in operation for over a year. Traffic is usually only on weekdays and averages approximately 3 trips per day.**

**The Board finds the standards of this section have been met.**

.3 Accessway Location and Spacing

Accessways must meet the following standards:

- .1 Private entrance / exits must be located at least fifty (50) feet from the closest unsignalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the accessway. This requirement may be reduced if the shape of the site does not allow conformance with this standard.

- .2 Private accessways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

**The plan shows that the entrance area meets these standards.**

**The Board finds the standards of this section have been met.**

.4 Internal Vehicular Circulation

The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

- .1 Projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing.
- .2 Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).
- .3 The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.
- .4 All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

**The parking area shows the required number of spaces and the handicapped space. There is a one-way traffic area for loading materials so as to minimize backup alarm noise. The applicant has been told that the pine trees in the Town right of way on Middle Road are to be left in place. If trimming is required now or in the future, the Public Works Department will be notified to do the work.**

**The Board finds the standards of this section have been met.**

.5 Parking Layout and Design

Off street parking must conform to the following standards:

- .1 Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.
- .2 All parking spaces, access drives, and impervious surfaces must be located at least fifteen (15) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within fifteen (15) feet of the front property line. Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24) feet in width.

.3 Parking stalls and aisle layout must conform to the following standards.

Parking Stall Angle	Skew Width	Stall Width	Aisle Depth	Aisle Width
90°	9'-0"		18'-0"	24'-0" 2-way
60°	8'-6"	10'-6"	18'-0"	16'-0" 1-way
45°	8'-6"	12'-9"	17'-6"	12'-0" 1-way
30°	8'-6"	17'-0"	17'-0"	12'-0" 1 way

- .4 In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.
- .5 Parking areas must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.
- .6 Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

**The parking area has been designed to suit the needs of this business and the plan has been reviewed and approved by the Town Engineer.**

**The Board finds the standards of this section have been met.**

.6 Pedestrian Circulation

The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/ exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect the amenities such as parks or open space on or adjacent to the site.

**The will be no sales from this site, so there will not be any visitors. The employees will have safe access to the building from the parking area.**

**The Board finds the standards of this section have been met.**

.7 Stormwater Management

Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

- .1 To the extent possible, the plan must retain stormwater on the site using the natural features of the site.
- .2 Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.
- .3 The applicant must demonstrate that on - and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding and erosion of shoreland areas, or that he / she will be responsible for whatever improvements are needed to provide the required increase in capacity and / or mitigation.
- .4 All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.
- .5 The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.
- .6 The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.
- .7 The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

**In the original approval, the peer review engineer concurred with the design engineer that detention is not warranted based on the size of the project. The plan was reviewed and approved by the Town Engineer.**

**The Board finds the standards of this section have been met.**

- .8 Erosion Control
  - .1 All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and / or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.
  - .2 Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 1991, and as amended from time to time.

**In the original approval, the applicant submitted an erosion and sedimentation control plan that was reviewed and approved by the Town Engineer. The plan has been implemented and erosion control measures are currently in place.**

**The Board finds the standards of this section have been met.**

.9 Water Supply Provisions

The development must be provided with a system of water supply that provides each use with an adequate supply of water. If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source of distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

**The applicant proposes to drill a well on site. There is no need for water until the main building is constructed.**

**The Board finds the standards of this section have been met.**

.10 Sewage Disposal Provisions

The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code. If provisions are proposed for on-site waste disposal, all such systems must conform to the Subsurface Wastewater Disposal Rules.

**The applicant has extended the public sewer to the site. It will be connected when the main building is built.**

**The Board finds the standards of this section have been met.**

.11 Utilities

The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

**Connection can be made to the utility lines that run along Middle Road.**

**The Board finds the standards of this section have been met.**

.12 Groundwater Protection

The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to the public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

**The applicant will be connecting to public sewer. There will be no adverse impact on the groundwater as a result of this project.**

**The Board finds the standards of this section have been met.**

.13 Water Quality Protection

All aspects of the project must be designed so that:

- .1 No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxious, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
- .2 All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.

**The only outdoor storage will consist of landscaping materials to include topsoil, rocks, granite, compost, and winter maintenance materials including salt and sand. Salt will be contained so as to not leach into the groundwater. There will be no adverse impact on the groundwater as a result of this project.**

**The Board finds the standards of this section have been met.**

.14 Capacity of the Applicant

The applicant must demonstrate that he / she has the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan.

**For evidence of technical capacity, the applicant has utilized the services of SYTDesign Engineering, Sweet Associates for wetland delineation, and Titcomb Associates for surveying.**

**Financial capacity was provided for the initial approval for the public improvements, all of which have been installed.**

**The Board finds the standards of this section have been met.**

.15 Historic and Archaeological Resources

If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

**The site was a two acre vacant lot. At the time of the original approval, there were no evident historic or archaeological resources on site.**

**The Board finds the standards of this section have been met.**

.16 Floodplain Management

If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use, and development of that portion of the site must be consistent with the Town's Floodplain management provisions.

**According to Flood Insurance Rate map #230162-0016C as issued by FEMA, the subject property is located in Zone C (area of minimal flooding.)**

**The Board finds the standards of this section have been met.**

.17 Exterior Lighting

The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated. All exterior lighting must be designed and shielded to avoid undue glare, adverse impact on neighboring properties and rights - of way, and the unnecessary lighting of the night sky.

**The plans shows three 60 watt wall pack lights over each entrance area for the main building. The fixtures are to be shielded. They will be placed on a timer to shut off at 8:00 p.m. but with a motion sensor for security purposes.**

**The Board finds the standards of this section have been met.**

.18 Buffering of Adjacent Uses

The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade, and / or a combination of these or other techniques.

**21 balsam fir trees have been planted to buffer the sidelines of the site. The dumpster is not yet screened. This is a proposed condition of approval.**

**The Board finds the standards of this section have been met.**

.19 Noise

The development must control noise levels such that it will not create a nuisance for neighboring properties.

**The hours of operation are clearly stated in a note on the plan. The parking and loading area has been designed to minimize the need for vehicles to back up. The driveway has reclaim material on it to minimize the noise made by the entering and exiting of the trucks.**

**The Board finds the standards of this section have been met.**

.20 Storage of Materials

- .1 Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.
- .2 All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.
- .3 Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition.

**Trees have been planted in accordance with the original plan; however the dumpster has not yet been fenced in. To improve the appearance of the site, the shed-shelter building needs to have trees planted around it and the applicant will, as offered, finish the shed structure with a roof and clapboard siding. The one high mound of material currently on site, should be split into several smaller, less obvious piles and if possible, relocated to the rear of the site. A gate has been installed at the entrance.**

**The Board finds the standards of this section have been met.**

.21 Landscaping

Landscaping must be provided as part of site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a pleasing site

character. The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties.

**The original site plan showed 21 balsam fir trees that have been planted to buffer the sidelines of the site. There will be a flower bed in front of the larger building, once constructed. Two 2' x 10' stone walls will be constructed on either side of the entrance gate. Four (4) sunset maples will be planted along the driveway.**

**The Board finds the standards of this section have been met.**

.22 Building and Parking Placement

- .1 The site design should avoid creating a building surrounded by a parking lot. Parking should be to the side and preferably in the back. In rural, uncongested areas buildings should be set well back from the road so as to conform to the rural character of the area. If the parking is in front, a generous, landscaped buffer between road and parking lot is to be provided. Unused areas should be kept natural, as field, forest, wetland, etc.
- .2 Where two or more buildings are proposed, the buildings should be grouped and linked with sidewalks; tree planting should be used to provide shade and break up the scale of the site. Parking areas should be separated from the building by a minimum of five (5) to ten (10) feet. Plantings should be provided along the building edge, particularly where building facades consist of long or unbroken walls.

**The parking area is shown on the plan. It is located to the rear of the building. There is a flower bed shown for the front of the building.**

**The Board finds the standards of this section have been met.**

**206.9 Limitation of Approval**

Construction of the improvements covered by any site plan approval must be substantially commenced within twelve (12) months of the date upon which the approval was granted. If construction has not been substantially commenced and substantially completed within the specified period, the approval shall be null and void. The applicant may request an extension of the approval deadline prior to expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to two (2), six (6) month extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

Mr. Neagle moved to approve the findings of fact as amended during the review.

Mr. Robinson seconded.

VOTE: Unanimous

The Board discussed salt or sand storage on the site. Mr. Neagle moved to amend Finding # 13 as follows: **The only outdoor storage will consist of landscaping materials to include topsoil, rocks, granite, compost, and winter maintenance materials including salt and sand. Salt will be contained so as to not leach into the groundwater. There will be no adverse impact on the groundwater as a result of this project.**

Mr. Robinson seconded.

VOTE: Unanimous

Mr. Vail asked about the design of the proposed building.

Mr. Storey stated the building will be similar to Storey Brothers across the street.

Mr. Neagle moved to approve the Minor Site Plan for M.J. Storey Landscape at 224 Middle Road, Tax Assessor Map R02, and Lot 36A in the Rural Industrial (RI) zone, subject to the proposed and standard conditions of approval.

#### **STANDARD CONDITION OF APPROVAL:**

This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents, except de minimus changes as so determined by the Town Planner which do not affect approval standards, is subject to review and approval of the Planning Board prior to implementation.

#### **CONDITIONS OF APPROVAL**

1. That any outstanding fees be paid prior to the building permit being issued.
2. When the main building is constructed, the exterior light fixtures need to have a timer set to turn off at 8:00 p.m., with a motion detector for security.
3. The dumpster will be fenced in accordance with the original approval. This will be done no later than June 1, 2008.
4. Additional trees and shrubs shall be installed to buffer the appearance of the shelter-shed building. This will be done no later than June 1, 2008.
5. The shelter-shed building shall be improved by the installation of clapboard siding and a roof. This will be done no later than June 1, 2008.
6. The pile of material needs to be reduced by splitting into several smaller piles. This will be done no later than July 1, 2008.
7. There shall be no clearing in the Middle Road Right of Way. Public Works will trim or remove trees as needed.
8. The sign is to be built to the left of the driveway instead of to the right as shown on the Site Plan.
9. Any salt or sand will be stored in a manner that does not expose it to elements and on an impervious surface.

Mr. Robinson seconded.

VOTE: Unanimous

**2. Public Hearing: To recommend to the Town Council draft zoning amendments to allow "Veterinary Offices" as a permitted use to Sections 204.10 Village Office Commercial**

**I (VOCI), 204.11 Village Office Commercial II (VOCII), and 204.12 the Mixed Use Zone (MUZ) and to allow “Veterinary Offices” as special exception uses in Sections 204.1.1 Rural Residential 1(RR1), 204.1.2 Rural Residential 2(RR2), 204.2 Low Density Residential (LDR), 204.3 Medium Density Residential (MDR), 204.4 Village Medium Density Residential (VMDR), 204.5 Island Residential (IR), 204.6 Highway Commercial (HC), 204.7 Office Commercial North(OC-N), 204.8 Office Commercial South (OC-S), 204.13 Industrial (I), 204.14 Rural Industrial (RI), of the Zoning Ordinance.**

Ms. Nixon stated this was a request from the Town Council; Item 07-142 To request the Planning Board to consider adding “Veterinary Offices” as a permitted use in Route 100 zones, and by special exception in other zones.

Motion by Councilor Copp; seconded by Councilor Perfetti, to forward a request to the Planning Board to consider adding “Veterinary Offices” as a permitted use in the Route 100 zones, and by special exception in other zones. Vote: Unanimous 7-0

Mr. Ward opened the **public portion of the meeting. There were no public comments. The public portion of the meeting was closed.**

Mr. Robinson moved to send a favorable recommendation to the Town Council.

Mr. Neagle seconded.

The Board questioned where Veterinary Offices were currently allowed.

Mr. Neagle moved to allow veterinary offices as permitted uses in all Route 100 zones.

Mr. Couillard suggested that veterinary offices be allowed in the HC, OC-N, OC-S, I, RI of the Zoning Ordinance.

Mr. Neagle seconded.

Ms. Russell stated she was not opposed to Veterinary offices in other zones

Mr. Neagle seconded the amended motion.: To recommend to the Town Council to add “Veterinary Offices” as a permitted use to Sections 204.10 Village Office Commercial I (VOCI); 204.11 Village Office Commercial II, (VOCII) and 204.12 Mixed Use Zone (MUZ), 204.6 Highway Commercial (HC), 204.7 Office Commercial North (OC-N), 204.8 Office Commercial South (OC-S), 204.13 Industrial (I), 204.14 Rural Industrial (RI), of the Zoning Ordinance.

Vote: 5 in favor (Neagle, Robinson, Russell, Couillard, Ward)  
1 opposed (Vail)

## **F. Administrative Matters**

Ms. Nixon stated there is a conflict with the May Planning Board meeting date. The Board voted to move the May Planning Board meeting to May 13<sup>th</sup>, 2008. This is one week prior to the regularly scheduled 3<sup>rd</sup> Tuesday of the month.

## **G. Adjournment:**

Mr. Robinson moved to adjourn.

Ms. Russell seconded.

VOTE: Unanimous

The meeting was adjourned at 8:15 p.m.

A TRUE COPY ATTEST:

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William P. Ward, Board Chair

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Pam Bosarge, Board Clerk