

**Planning Board Meeting - Minutes
Tuesday, August 19, 2008
Cumberland Town Hall
290 Tuttle Road, Cumberland, Maine
7:00 PM**

A. Call to Order

The meeting was called to order at 7:02 p.m.

B. Roll Call

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

Absent: Bill Richards, Vice-Chair, Chris Neagle

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

C. Approval of Minutes of July 15, 2008.

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

Mr. Vail seconded.

Vote: Unanimous

D. Consent Calendar / Deminimus Change Approvals: There were no Consent Calendar Items.

E. Public Hearings:

TABLED BY REQUEST OF APPLICANT

- 1. Public Hearing: Minor Site Plan Review: Cumberland Congregational Church for a parking lot expansions to the existing church located at 282 Main Street, Tax Assessor Map U11, Lots 47 & 48; in the Medium Density Residential (MDR) district; Mark Bergeron, P.E., of Sevee & Maher Engineers, Representative; Congregational Church in Cumberland, Owner.**
- 2. Public Hearing: Extension of Major Site Plan Approval for Phase A, Greely High School Renovations with internal campus drive and parking expansion at 301 Main Street; Tax Assessor Maps U11, Lots 1 & 9; MSAD # 51, Owner, Stephen Blatt Associates; and Delucca Hoffman Associates, Applicants.**

Ms. Nixon presented background information as follows: MSAD 51 has requested an extension of their site plan approval. The Ordinance requires that work be completed within 12 months of the issuance of Site Plan Approval but includes a provision to apply for two six month extensions. The project is actually ahead of the construction schedule, but as anticipated at the time of approval, the project requires extensions due to the large scope of work. Included in packets was a status report. The arsenic remediation work has been completed.

Mr. Vail disclosed he is a member of the School Board, and asked the Board's pleasure.

Ms. Russell stated she works for the Middle School and didn't feel it would affect her ability to vote for the project, but would refrain from voting at the Board's pleasure.

The Board concluded this item is a housekeeping issue, and there was no reason for Mr. Vail or Ms. Russell to be recused, there is no reason why he could not be impartial.

Mr. Hoffman of DeLuca-Hoffman Associates reviewed the status of the project.

The public portion of the meeting was opened.

Mr. Shawn McBreairty of 1 Willow Lane asked for an update on the sequence of events. He also stated construction has been starting at 5:30 a.m.

Mr. Robinson provided Mr. McBreairty a copy of the status sheet.

Mr. Ward encouraged Mr. McBreairty to contact the Code Enforcement Officer with concerns of starting times.

The public portion of the meeting was closed.

Ms. Russell asked for a brief overview on the status of the project.

Mr. Dwight Anderson of DeLuca Hoffman Associates briefly reviewed the status of the project.

- Site work - Osgood Drive closed
- 50's wing removed at the end of November or December
- New building is in place
- Connector road is completed
- Detention pond will be updated in the Fall
- Arsenic remediation completed
- Spring - Plantings

The entire project is ahead of schedule.

Mr. Vail stated every aspect of the project is ahead of schedule.

Mr. Robinson moved to grant two six (6) month extensions for a total of twelve (12) months to the Major Site Plan Approval for Phase A, Greely High School Renovations with internal campus drive and parking expansion at 301 Main Street; Tax Assessor Maps U11, Lots 1 & 9; MSAD # 51, Owner.

Mr. Couillard seconded.

VOTE: Unanimous

3. Public Hearing: Major Site Plan Review: Skillins Greenhouse to construct greenhouse structures at 201 Gray Road, Tax Assessor Map U20, lot 70D, in the Village Center Commercial (VCC) District; Ryan Russell, RLA of Sebago Technics, Representative, Terry Skillin, Owner.

Ms. Nixon presented background information as follows: This application is for approval of two greenhouses that were constructed last spring. The CEO issued a temporary (6 month) building permit with the provision that the applicant come before the Board for formal site plan review. The applicant is requesting numerous waivers because 1) the scope of the project did not affect many of the site plan review areas (i.e., parking, circulation, and lighting) and, 2) the applicant plans to come before the Board next spring

for a full review of a master plan for the entire site. The two areas of concern, in my opinion, are the lack of stormwater calculations and that no additional buffering was provided.

PROJECT HISTORY: None

DEPARTMENT HEAD REVIEWS:

- **Joe Charron, Police Chief:** Good design, no concerns.
- **Bill Longley, Code Enforcement Officer:** No comments at this time.

PLANNER’S REVIEW:

1. Does the Board wish to require the installation of landscaping as a buffer at this time?
2. Is the proposed condition of approval re: stormwater acceptable?

REQUESTED WAIVERS:

- The following checklists indicate which submission requirements are missing. They are less than the number of waivers requested in Exhibit B of the application packet.

**Town of Cumberland
Section 206 – Site Plan Checklist**

Major Site Plan _____ X _____ Minor Site Plan _____

**SECTION 206.7.1 Site Inventory and Analysis Submission Requirements
REQUIRED FOR MAJOR SITE PLANS ONLY**

1. names, address and phone of record owner and applicant	Yes
2. names and address of all consultants	Yes
3. evidence of right, title or interest	Yes
4. evidence of payment of the site inventory and analysis fee	Waiver Request
5. 15 copies of a plan showing:	
a. name of development, north arrow, date and scale	Yes
b. boundaries of the parcel	Yes
c. relationship of site to surrounding areas	Yes
d. topography	Yes
e. major natural features within 200 feet	Waiver Request
f. existing buildings, structures or other improvements	Yes
g. existing restrictions or easements	Yes
h. location and size of existing utilities or improvements	Yes
i. class D medium intensity soil survey	Yes
j. if private sewage disposal system, a suitable location	Yes

6. 15 copies of narrative describing existing conditions, proposed use, etc.	Yes
a. traffic study	Waiver Request
b. utility study	Waiver Request
c. market studies	Waiver Request
d. other	N/A
7. 15 copies of any request for waivers	Yes

SECTION 206.7.2 Site Plan Review Application Submission Requirements
REQUIRED FOR MAJOR AND MINOR SITE PLANS

1.	Site Plan Application Form Completed	Yes
	1. Signed Application	Yes
	2. location of all setbacks, yards and buffers	Yes
	3. name and address of all property owners w/I 200 feet	Waiver Request
	4. location map showing location of project	Yes
	5. boundaries of all contiguous property under control of owner	Yes
	6. tax map and lot numbers	Yes
	7. deed, option to purchase or documentation of right, title or interest	Yes
	8. name, registration number and seal of person who prepared plan	Yes
	9. evidence of technical and financial capability to carry out project	Yes

SECTION 206.7.3 Existing Conditions
REQUIRED FOR MAJOR AND MINOR SITE PLANS

1.	zoning	Yes
2.	Boundary survey	Yes
3.	utilities, including sewer & water, culverts & drains, on-site sewage	Yes
4.	location, names, widths of existing public or private streets/ROW's	Waiver Request
5.	location, dimension of ground floor elevation of all existing buildings	Partial Waiver: no elevations provided
6.	location, dimension of existing driveways, parking, loading, walkways	Waiver Request
7.	location of intersecting roads & driveways within 200 feet of the site	Waiver Request
8.	location of drainage courses, wetlands, stonewalls, graveyards, fences, stands of trees, important or unique features, etc	Waiver Request
9.	direction of existing surface water drainage across the site & off site	Waiver Request
10.	location, front view, dimensions and lighting of existing signs	Waiver Request
11.	location and dimensions of existing easements & copies of documents	N/A
12.	location of nearest fire hydrant or water supply for fire protection	Waiver Request

SECTION 206.7.4 Proposed Development Activity
REQUIRED FOR MAJOR AND MINOR SITE PLANS

.1	Narrative/how plan related to inventory & analysis	N/A
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.2	Grading at 2' contours	Yes
.3	Utility plan	Waiver Request
.4	estimated demand for water & sewage disposal/location/dimensions, etc	Waiver Request
.5	surface water drainage and impact assessment on downstream properties	Waiver Request
.6	Groundwater impact analysis/impact on downstream properties	Waiver Request
.7	handling solid waste, haz & special waste/including screening on-site	Waiver Request
.8	driveway, parking & loading areas, location/dimension & materials along with changes in traffic flow onto or off site	Waiver Request
.9	landscape plan	Waiver Request
.10	location, dimension and ground floor elevation of buildings	Partial waiver: no elevations provided
.11	signs/location and method of securing	N/A
.12	location and type of exterior lighting	Waiver Request
.13	location of all utilities including fire protection systems	Waiver Request
.14	general description of proposed use or activity	Yes
.15	traffic/peak hour and daily traffic generated by project	Waiver request
.16	stormwater calculations/erosion & sedimentation control plan, etc.	Waiver request
.17	Conformance with Route 100 Design Standards	Waiver Request

Note: Section 206.7.6 states that the Planning Board may waive any of the submission requirements based upon a written request by the applicant. Such request must be made at the time of the pre-application conference or at the initial review of the application if no pre-application conference is held. A waiver of any submission requirement may be granted only if the Board finds that the information is not required to determine compliance with the standards and criteria. The application must contain twelve (12) copies of all waiver requests as part of the application. [Amended 2/25/02 effective 3/19/02]

Mr. Ward asked if the building permits were issued for the greenhouses.

Ms. Nixon stated yes.

Mr. Ward asked for clarification of why they were allowed to be built prior to Planning Board approval.

Ms. Nixon stated the greenhouses were issued as a temporary structure permit by the Code Enforcement Officer, which is good for six months. These were issued to not hamper Skillins with the growing season.

Mr. Ward asked if there is a definite date for the next phase.

Ms. Nixon referred the question to Ryan Russell, of Sebago Technics the Applicant's representative.

Mr. Russell stated the master plan is in process, the greenhouse building permits would expire which is the reason for the two step phase. They do not have a specific return date; however, the proposed May date for stormwater review gives constraints to return to the Board.

Ms. Russell asked where the drainage from watering plants in the greenhouses went.

Mr. Skillin, Owner stated currently drainage goes into the ground.

Mr. Russell asked if there were any dangers associated with fertilizers.

Mr. Skillin stated there is no danger with current fertilizers; the future plan will be to capture the water for future use as irrigation.

Mr. Couillard asked if the conceptual plan included removing the current greenhouses.

Mr. Russell reviewed photos stating the greenhouses are intended to be permanent, but could be modified.

Mr. Couillard voiced concern granting waivers without knowing when the applicant will come back to the Board.

Mr. Russell stated the stormwater condition must be addressed by May, 2009. The circulation, parking, and lighting will not change with these greenhouses. He understands the concern; the waivers are requested due to the limited scope of the greenhouses.

Mr. Robinson asked if it were possible to grant waivers with time limits.

Ms. Nixon stated this can be addressed as a condition of approval.

Mr. Robinson asked the applicant if June 2009 was enough time to return to the Board with a master plan.

Mr. Russell stated the first phase would include the nursery and the northern part of the property, the plan is for a phased project.

Mr. Vail stated he was happy with the waivers subject to review of a master plan, how the plan is constructed is no problem he would like to see a full design even if the build out is phased.

Mr. Ward agreed he would like to have a certain time frame for the waiver requests.

Mr. Skillin stated the economy is a big factor, but he agrees with the requests.

Ms. Russell referenced the Route 100 Standards regarding landscaping and asked if it were appropriate to request adherence to these guidelines.

Ms. Nixon stated the concerns could be addressed with a condition stating the applicant is to return to the Board no later than the third Tuesday in June 2009, and at which time the applicant will show conformance with all Town Ordinances and the Route 100 Standards.

Mr. Robinson stated he was confident that the Route 100 Guidelines would be followed, and due to the nature of Mr. Skillin's business, the property will be very nicely landscaped.

The public portion of the meeting was opened.

Ms. Kathy Merrill of 201 Gray Road asked how the stormwater would affect the two acre pond in the back of the property.

Mr. Russell stated the master plan will review stormwater; the current greenhouses are not affecting stormwater because there is very good soil drainage around the buildings.

Ms. Merrill showed the location of her well and stated she didn't think the plan would affect her well.

Mr. Russell stated they did not look at off-site issues, but will identify wells for the master plan.

The public portion of the meeting was closed.

Mr. Robinson moved to waive the reading of the findings of fact.

Mr. Couillard seconded. VOTE: Unanimous

Mr. Couillard asked about location of right of ways.

Mr. Russell reviewed the 50' right of way on the plan.

Mr. Couillard asked if the greenhouses recycled water.

Mr. Ryan stated not to date, the future plan is not designed, but it is intended to use sustainable resources.

Mr. Robinson moved to grant the waivers as requested.

Mr. Vail seconded. VOTE: Unanimous

Waivers granted: 206.7.1.1 - 206.7.1.7 Site Inventory & Analysis, 206.7.2.2.3 - General Information: 206.7.2.2.9 - Technical capacity: 206.7.2.3.6- Existing Conditions: 206.7.2.3.7: Intersecting Roads w/ 200 feet: 206.7.2.3.9: Surface water drainage: 206.7.2.4.1: Proposed Development Activity: 206.7.2.4.2: 206.7.2.4.3: 206.7.2.4.4: 206.7.2.4.5: Landscaping: 206.7.2.4.7: 206.7.2.4.8: 206.7.2.4.9: 206.7.2.4.11: 206.7.2.4.12: 206.7.2.4.14: 206.7.2.5.1 - 206.7.2.5.10 - Additional Submission Requirements

Mr. Robinson moved to approve the findings of fact as presented.

Ms. Russell seconded. VOTE: Unanimous

Findings of Fact

Note: Section 206.7.6 states that the Planning Board may waive any of the submission requirements based upon a written request by the applicant. A waiver may be granted only if the Board finds that the information is not required to determine compliance with the standards and criteria.

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.

No environmentally sensitive areas have been found on the site. The site is already developed. This is a small addition to the existing development. 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 scope of the project does not involve any parking or access way changes.

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 scope of the project does not involve any access way changes.

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 scope of the project does not involve any internal vehicular circulation changes.

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 Angle	Stall Width	Skew Width	Stall 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 scope of the project does not involve any parking layout changes.

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 scope of the project does not involve any pedestrian circulation changes.

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.

The application did not include any stormwater analysis. The applicant's representative, Mr. Russell, has explained that the reason no stormwater calculations were provided was because the additions are surrounded by very sandy soils which provide adequate drainage of the runoff. He also said that the applicant will be coming back with additional changes to the site in the spring and that a full stormwater analysis will be done at that time. The Town Engineer has spoken with Mr. Russell and has reviewed the plan. He suggested that it could be possible for the Board to grant a conditional approval that states the applicant will provide a full stormwater report by May 1, 2009 that covers either the entire site (if additional improvements are proposed) or that covers only the greenhouse additions. This has been listed as a proposed condition of approval.

With the proposed Condition of Approval, 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.

The two structures have been built. The CEO inspected the site during construction to ensure that Best Management Practices were used.

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 plan shows a private well on the site. The business also has rights to use a pond on the adjacent property for plant watering. Based on this, the finding is that adequate water supply exists for the use.

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.

There is an existing, functioning septic system on site. In addition, the plan shows a test pit location for a future system that may be installed when the additional changes are proposed at a later date.

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.

The utility locations are shown on the plan. Existing connections are above ground and will remain so.

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 greenhouses do not involve any use which would threaten the quality of groundwater. There will be no storage of hazardous materials on site.

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 use does not involve any harmful materials. There will be no storage of hazardous materials on site.

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.

The greenhouses have already been constructed. There are no public improvements involved in this plan. Technical capacity is evidenced by the use of a Licensed Landscape Architect. The boundary survey was prepared by a professional land surveyor. The soils report and septic design were done by a Licensed Soils Evaluator.

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 applicant provided requested information to the Maine Historic Preservation Commission regarding the existence of a building that has some structural components that may be older than 50 years. No response was received from the Historic Preservation Commission. The construction of the greenhouses did not involve the removal of any older portions of buildings, so there should be no concern about historic buildings or features being lost as a result of this project.

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 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.

There are no changes to the exterior lighting as a result of this plan.

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.

The applicant has not installed any additional buffering. The intention is to fully landscape the site when the next phase of work is done. There is an existing treed buffer in the rear of the parcel.

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 greenhouses have not increased the level of noise on the site.

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.

There were no changes to the storage of materials as a result of this project. Currently, all waste generated by the greenhouses will be stored within dumpsters existing on site. No hazardous or special wastes will be generated.

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 plan shows the required 25' landscape easement required for properties with frontage on Route 100. No additional landscaping was done when the greenhouses were constructed. The applicant intends to fully landscape the site when the future improvements are proposed.

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.

There were no changes to the building and parking placement when the greenhouses were constructed.

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. Vail moved to approve the request for Major Site Plan approval for Skillins Greenhouses of the two existing greenhouses previously permitted by a six (6) month temporary building permit issued by the Code Enforcement Officer, at Skillins Greenhouses, 201 Gray Road, Tax Assessor Map U20, Lot 70D, in the Village Center Commercial District (VCC). This approval is conditioned upon the applicant returning to the Planning Board no later than the third Tuesday of June 2009; at which time the applicant will provide evidence of conformance with all Town ordinances and the Route

100 Design Standards. The Waivers approved by the Board will expire upon the June 2009 date unless extended at that time. This approval is subject to the Standard and Proposed Conditions of Approval.

Mr. Robinson seconded.

VOTE: Unanimous

Standard Conditions 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.

Proposed Conditions of Approval

1. That the applicant will provide a full stormwater report by May 1, 2009 that covers either the entire site (if additional improvements are proposed) or that covers only the greenhouse additions.
2. That the applicant return to the Planning Board no later than the third Tuesday of June 2009; at which time the applicant will provide evidence of conformance with all Town ordinances and the Route 100 Design Standards. The Waivers approved by the Board will expire upon the June 2009 date unless extended at that time.
3. That all fees be paid prior to release of the Notice of Decision.

F. Administrative Matters:

Ms. Nixon stated the Council / Planning Board workshop scheduled for Wednesday, August 20th, is to review the "Informed Growth Ordinance". This is an Ordinance required by the State for large scale retail development. Natalie Burns, the Town Attorney will present a Power Point presentation; the workshop will be televised. This workshop is to prepare for review of the "Informed Growth Ordinance" at September's meeting. The Board will also review for recommendation the revisions to the Contract Zoning Agreement for Cumberland Foreside Village to allow large scale retail.

G. Adjournment:

Mr. Robinson moved to adjourn.

Mr. Robinson seconded.
The meeting was adjourned at 8:00 p.m.

A TRUE COPY ATTEST:

William P. Ward, Board Chair

Pam Bosarge, Board Clerk

