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**Planning Board Meeting - Minutes  
Tuesday, December 15, 2009  
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, Bill Richards, Vice-Chair, Bob Couillard, Chris Neagle, John Ferland, Pam Russell

Absent: Bob Vail

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

**C. Approval of Minutes: November 17, 2009**

Mr. Neagle moved to approve the minutes of November 17, 2009.

Mr. Richards seconded.

VOTE: 5 in favor (Neagle, Russell,  
Richards, Ward, Couillard)  
1 abstain (Ferland)

**D. Consent Calendar / Deminimus Change Approvals: None**

**E. Hearings and Presentations:**

**1. Public Hearing: To recommend draft changes to the Cumberland Zoning Ordinance as follows;**

- To repeal and replace Section 204.14 of the Zoning Ordinance (Industrial-I);
- To add associated definitions to Section 104 (Definitions) of the Zoning Ordinance;
- To remove Excavation of Lands use from the Low Density Residential District (Section 204.2);
- To remove the Excavation of Lands use and a portion of Section 204.5.3 referencing Chebeague Island from Section 204.2 (Island Residential- IR).
- To add Private Kennels, Boarding Kennels and Veterinary Office to Section 204.15 (Rural Industrial - RI) -**Tabled**

Mr. Ward stated that item # five (Rural Industrial) has been tabled.

**1. To repeal and replace Section 204.14 of the Zoning Ordinance (Industrial - I district)**

Ms. Nixon presented background information as follows: The current Industrial Zone, located in West Cumberland, does not permit a variety of uses that would normally be allowed in an

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industrial district. The draft provided includes additional uses, additional definitions, and the deletions and the deletion of three uses: Daycares/Nursery Schools, Agriculture and Animal Husbandry and Gasoline Stations. The new definitions are included in the material.

Mr. Neagle asked for clarification on the location of the Industrial zone.

Mr. Couillard asked about Section 204.14.1 - Retail Store, would this be like R. C. Hazelton's or lumber manufacturer who sells lumber or a regular retail store; and voiced concern regarding the use motor vehicles service repair because of the close proximity to the aquifer.

Ms. Nixon stated it could be either.

Mr. Richards stated he does not have any problems with motor vehicle service repair.

Mr. Neagle stated that Motor Vehicle Service Stations are highly regulated and he wasn't concerned.

Ms. Russell asked why light manufacturing was deleted.

Ms. Nixon stated it was deleted because the use Low Impact Industrial covers these uses.

Ms. Russell asked why road and rail facilities were removed.

Ms. Nixon stated because it doesn't seem like a viable use.

Ms. Russell also asked if the removal of Daycare Centers and Nursery schools would prevent a residence in the zone from operating a day care.

Ms. Nixon stated no, a home daycare for up to 13 children is allowed in all districts as a home occupation.

Mr. Neagle asked if the definition for light manufacturing was to be deleted.

Ms. Nixon stated no, it is still an allowed use in the Rural Industrial zone.

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

Mr. Ferland moved to recommend to the Town Council the draft zoning language to repeal and replace Section 204.14 (Industrial zone) and to add associated definitions in Section 104 (definitions) as presented in the information at this evening's meeting.

Mr. Couillard seconded.

VOTE: Unanimous

Aggregate Processing: Operations and processes including the loading, unloading, conveying, crushing, screening, and loadout of materials.

Extraction of Earth Materials: The excavation and storage of soil, topsoil, peat, loam, sand, gravel, rock or other mineral deposits.

**Contractor's Space.** A facility consisting of one or more individual units for contractors to utilize for the storage, inventory and prefabrication of materials associated with construction.

**Low impact industrial:** Industrial activity involving the manufacturing, packaging, assembly, or distribution of finished products from previously prepared material, including but not limited to the following: bakeries, breweries, bottling, printing and publishing, pharmaceuticals, machine shops, precision instruments, tool and die shops and the packaging of foods.

**Industrial:** The assembling, fabrication, finishing, manufacturing, packaging, or processing of goods, or the extraction of minerals.

**Motor Vehicle Service/Repair.** An establishment where automobiles or other motorized vehicles and equipment are repaired or serviced. Includes small engine repair.

**Warehouse and Storage.** A use in which materials, goods, or equipment are stored for compensation or in connection with a business operation. Not to include distribution.

**204.14 — Industrial (I)**

~~The purpose of the Industrial District is to allow a wide range of employment intensive and production facilities. Site Plan Review and approval by the Planning Board is required, with the exception of day care homes and bed & breakfast inns with three or fewer guest bedrooms. [Amended, effective 12/13/89]~~

~~204.14.1 — The following uses are permitted in the Industrial District:~~

- ~~.1 — Light manufacturing;~~
- ~~.2 — Warehousing and wholesale distribution;~~
- ~~.3 — Road and rail facilities;~~
- ~~.4 — Research facilities;~~
- ~~.5 — Municipal uses and buildings;~~
- ~~.6 — Private Heliport, Personal Use, subject to Site Plan Review and to the provisions of Section 419;~~
- ~~.7 — Sewer pumping stations, subject to the provisions of Sec. 419.4; [Amended, effective 12/13/89]~~
- ~~.8 — Timber harvesting; [Amended, effective 10/26/98]~~
- ~~.9 — Antennas as defined in Sec. 100, subject to Site Plan Review, and Section 433; [Adopted, effective 12/13/99]~~
- ~~.10 — Construction Operations; [Amended, effective 5/22/06]~~
- ~~.11 — Uses and buildings accessory to those above;~~

~~204.14.2 — The following uses are allowed as special exceptions in the Industrial District, requiring the approval of the Board of Adjustment and Appeals:~~

- ~~.1 Primary buildings of a public utility;~~
- ~~.2 Temporary sawmills, subject to Sec. 427;~~
- ~~.3 Junk yards, subject to Sec. 415;~~
- ~~.4 Gasoline stations;~~
- ~~.5 Above ground utility transmission lines not located within public ways;~~
- ~~.6 Other manufacturing;~~
- ~~.7 Agriculture and animal husbandry;~~
- ~~.8 Home occupations; [Amended, effective 12/13/89], Home Based Occupations; [Amended, effective 2/12/07]~~
- ~~.9 Day care centers and nursery schools, subject to the provisions of Sec. 408A and Site Plan Review; [Amended, effective 12/13/89]~~
- ~~.10 Uses and buildings accessory to those above;~~

204.14.3 The following lot standards shall apply in the Industrial district:

- ~~.1 80,000 square feet minimum lot size;~~
- ~~.2 200 feet minimum lot frontage on a public right of way;~~

204.14.4 The following setbacks are required for all structures in the I District:

- ~~.1 Front: 100 feet;~~
- ~~.2 Rear: 65 feet;~~
- ~~.3 Side: 20 feet; with a combined width of 50 feet, but neither side shall be less than 100 feet if it adjoins a residential district.~~

## 204.14 **Industrial (I)**

The purpose of the Industrial District is to provide controlled areas for manufacturing, production, processing, treatment, research, warehousing and distribution as well as other compatible but less intensive uses with the goal of creating employment opportunities within the Town of Cumberland. ~~and allow a wide range of employment intensive and production facilities. Site Plan Review and approval by the Planning Board is required, with the exception of day care homes and bed & breakfast inns with three or fewer guest bedrooms. [Amended, effective 12/13/89 \_\_\_\_\_]~~

204.14.1: The following uses are permitted in the Industrial District, subject to Site Plan Review:

- Industrial;
- Low Impact Industrial;
- Extraction of Earth Materials; subject to the provisions of Sec. 410;
- Aggregate Processing;
- Boarding Kennel
- Business and Professional Offices;
- Commercial Health and Recreation;

- Landscaping Services;
- Retail Store;
- Personal Services;
- Private Kennel
- Veterinary Office;
- Self Storage Facilities;
- Contractor's Space;
- Motor Vehicle Service Repair;
- Wholesale Distribution Facilities;
- Warehousing and Storage;
- Construction Operations;
- Research Facilities;
- Municipal Uses and Buildings;
  - Antennas as defined in Sec. 100, subject to Site Plan Review, and Section 433; [Adopted, effective 12/13/99]
- Timber harvesting; [Amended, effective 10/26/98]
  - Sewer pumping stations, subject to the provisions of Sec. 419.4; [Amended, effective 12/13/89]
  - Uses and building accessory to those above.
- ~~Light manufacturing;~~
- ~~Road and rail facilities;~~

204.14.2 The following uses are allowed as special exceptions in the Industrial District, requiring the approval of the Board of Adjustment and Appeals:

- Primary buildings of a public utility;
- Temporary sawmills, subject to Sec. 427;
- Junk yards, subject to Sec. 415;
- Agriculture;
- Animal Husbandry;
- ~~Agriculture and Animal Husbandry~~
- ~~Gasoline stations;~~
- ~~Day care centers and nursery schools, subject to the provisions of Sec. 408A and Site Plan Review; [Amended, effective 12/13/89]~~
- Home occupations; [Amended, effective 12/13/89],
- Home Based Occupations; [Amended, effective 2/12/07]
- Private Heliport, Personal Use, subject to Site Plan Review and to the provisions of Section 419;
- Sewer pumping stations, subject to the provisions of Sec. 419.4; [Amended, effective 12/13/89];
- Antennas as defined in Sec. 100, subject to Site Plan Review, and Section 433; [Adopted, effective 12/13/99]

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- Above ground utility transmission lines not located within public ways;
- Uses and buildings accessory to those above;

204.14.3: The following lot standards shall apply in the Industrial district:

- .1 ~~80,000~~ 40,000 square feet minimum lot size;
- .2 ~~200~~ 100 feet minimum lot frontage on a public right-of-way;

204.14.4: The following setbacks are required for all structures in the Industrial District:

- .1 Front: ~~100~~ 45 feet;
- .2 Rear: ~~65~~ 50 feet;
- .3 Side: ~~20~~ 15 feet; ~~with a combined width of 50 feet, but neither side shall be less than 100 feet if it adjoins a residential district.~~ Note: where a proposed non-residential use will abut an existing residential zone, the side setback shall be 75' of which 25' will be a landscaped buffer consisting of vegetation, fencing or a landscaped beam or a combination of the three.

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**2. To remove the Excavation of Lands use from the Low Density Residential District (LDR), Section 204.2.1.3; and to remove the use and replace it with Extraction of Earth Materials, subject to the provisions of Sec. 410 in Section 204.1.2.2.5 Rural Residential District 2 (RR2); and to remove the use from Section 204.5.5 Island Residential district (IR) and to remove a portion of Section 204.5.3 (IR) referring to Great Chebeague Island.**

Mr. Richards asked for an explanation of why the use was going to be removed from the LDR district.

Ms. Nixon stated it is a very intense use which causes vibration, dust, noise, etc., and the LDR is the Foreside area of town, which is densely developed with residential properties. This doesn't seem like an appropriate use for neighborhoods.

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

Ms. Russell moved to remove the Excavation of Lands use from the Low Density Residential District (LDR), Section 204.2.1.3; and in Section 204.1.2.4 Rural Residential 2 (RR2) to remove the use and replace it with Extraction of Earth Materials, subject to the provisions of Sec. 410; and to remove the use from Section 204.5.5 Island Residential district (IR) and to remove a portion of Section 204.5.3 (IR) referring to Great Chebeague Island.

Mr. Richards seconded.

VOTE: Unanimous

204.2.2 The following uses are allowed as special exceptions in the LDR district requiring the approval of the Board of Adjustment and Appeals.

- .1 Home Occupations and Home Based Occupations; [Amended, effective 2/12/07]
- .2 Above ground utility lines not located within a public way;
- ~~.3 Excavation of lands, subject to the provisions of Sec. 410;~~
- .4 Temporary sawmills, subject to the provisions of Sec. 427;
- .5 Municipal uses and buildings, subject to Site Plan Review;
- .6 Accessory structures of public utilities, subject to Site Plan Review;
- .7 Cemeteries, subject to Site Plan Review;
- .8 Religious institutions, subject to Site Plan Review;
- .9 Riding stables and schools, subject to Site Plan Review;
- .10 Private schools, subject to Site Plan Review;
- .11 Extraction and/or bulk storage of ground or spring water, subject to the provisions of Section 430;
- .12 Residential Care Facilities (see Sec. 432); [Amended, effective 9/14/88]
- .13 Day care centers and nursery schools for no more than 20 children, subject to the provisions of Section 408A and Site Plan Review; [Amended, effective 12/13/89, Amended, effective 4/12/99]
- .14 Uses and buildings accessory to those above;

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204.1.2.2 The following uses are allowed as special exceptions in the RR2 district, requiring the approval of the Board of Adjustment and Appeals:

- .1 Home Occupations and Home Based Occupations; [Amended, effective 2/12/07]
- .2 Private kennels;
- .3 Animal husbandry on a site of three (3) acres or less;
- .4 Above ground utility lines not located within public ways;
- ~~.5 Excavation of land, subject to the provisions of Sec. 410;~~
- .5 Extraction of Earth Materials, subject to the provisions of Sec. 410.

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204.5.2 The following uses are allowed as special exceptions in the IR district, requiring the approval of the Board of Adjustment and Appeals:

- .1 Home Occupations and Home Based Occupations; [Amended, effective 2/12/07]
- .2 Above ground utility lines not located in a public way;
- .3 Private kennels;

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- .4 Temporary sawmill, subject to the provisions of Sec. 427;
- ~~.5 Excavation of lands, subject to the provisions of Sec. 410;~~
- .6 Animal husbandry;
- .7 Municipal buildings and uses, subject to Site Plan Review;
- .8 Accessory structures of public utilities, subject to Site Plan Review;
- .9 Cemeteries, subject to Site Plan Review;
- .10 Private clubs, subject to Site Plan Review;
- .11 Religious institutions, subject to Site Plan Review;
- .12 Funeral homes, subject to Site Plan Review;
- .13 Any use permitted in Island Business (IB), subject to Site Plan Review;
- .14 Boat building, storage, or marina, subject to Site Plan Review;
- .15 Private schools, subject to Site Plan Review;
- .16 Boarding kennels, subject to Site Plan Review;
- .17 Riding stable, subject to Site Plan Review;
- .18 Professional office building, subject to Site Plan Review;
- .19 Campgrounds;
- .20 Extraction and/or bulk storage of ground water subject to the provisions of Sec. 430;
- .21 Day care centers and nursery schools, subject to the provisions of Section 408A and Site Plan Review; [Amended, effective 12/13/89]
- .22 Uses and buildings accessory to those above;

204.5.3 The following lot standards shall apply to all lots: ~~within the IR district except that on Great Chebeague Island they shall only apply~~

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**F. Administrative Matters:**

Mr. Neagle moved to thank Ms. Russell for her service to the Planning Board for the last three years including her extensive service on associated committees.

Mr. Ferland seconded.

VOTE: Unanimous

**G. Adjournment:**

Mr. Richards moved to adjourn at 7:25 p.m.

Mr. Neagle seconded.

VOTE: Unanimous

The meeting was adjourned at 7:25 p.m.

A TRUE COPY ATTEST:

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William P. Ward, Board Chair

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Pam Bosarge, Board Clerk