

**Planning Board Meeting - Minutes  
Tuesday, December 16, 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, Bill Richards, Vice-Chair, Bob Couillard, Bob Vail, Chris Neagle, Pam Russell, John Ferland

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

**C. *Approval of Minutes of November 18, 2008***

Mr. Richards moved to approve the minutes of November 18, 2008 as amended.

Mr. Couillard seconded.

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

Ms. Russell asked for clarification on whether the Congregational Church was approved as a daycare or nursery school.

Ms. Nixon explained it was approved as both a daycare / nursery school based on the description of the operation.

Mr. Couillard pointed out a typing error on page 5.

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

There were no Consent Calendar Items.

**E. *Hearings and Presentations:***

**1. Public Hearing: Minor Site Plan Review: Cumberland Congregational Church for an expansion to the parking lot of 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 and Maher Engineers, Representative; Congregational Church in Cumberland, Owner.**

Ms. Nixon presented background information as follows: The parking lot review was tabled at the July 15, 2008 Planning Board meeting pending Town Engineer's comments and evidence of financial capacity. The Church has received approval for the building additions and a daycare / nursery school; this is the last part of their request.

Ms. Nixon asked if a revised site plan showing the adjusted location of the playground area and the AT & T cabinets and surrounding plantings should be submitted prior to the release of a

building permit. The abutters Macgowan's have met with the Church's engineers and are in agreement with the 4' stockade fence, plantings and snow storage in the middle of the parking lot as conditions.

Ms. Russell stated she is a member of the church and if the Board felt she had a conflict she would recuse herself.

The Board felt Ms. Russell could be objective, and she did not need to be recused.

Mr. Bergeron, of Sevee and Maher reviewed the proposal as follows: the front addition has been built and the foundation has been poured for the side addition. The Daycare / Nursery school was approved last month by the Board of Adjustment and Appeals and the Planning Board. The Board has received evidence of financial capacity. Mr. Landis, Public Services Director stated "No Parking" signs should be placed between the entrance and exit. He has drafted revised plans showing the 4' stockade fence placed 2' beyond the new parking area and extending along the line as agreed to by the Macgowan's. The fence will serve a dual purpose it will block headlights and prevent snow stacking. The plan will have a note stating that snow will be plowed and stacked on the lawn in the center of the parking lot. The side property line has been surveyed and the parking is just short of 16' from the property line. The AT & T Cabinets and shrubbery can be shown on this site plan, but are part of a separate approval from the Town. The Town is working with the Code Enforcement Officer regarding moving the fence to be compliant with the 15' setback requirement. This will be done in the spring.

Mr. Couillard asked if the Board had settled on one parking plan; at the July meeting the Planning Board reviewed three plans. He didn't think the Board had settled on one plan.

Mr. Neagle agreed the applicant presented three conceptual plans, received input from the Board, and came back with a plan designed on comments and Ordinance standards.

Mr. Ward asked if there would be a total of 50 parking spaces.

Mr. Bergeron stated there will be 49 spaces.

Ms. Russell suggested parking be limited along Blanchard Road below Sevee & Maher's exit up to the end of the new entrance and exit. She also asked if there was a standard for the number of handicapped spaces.

Mr. Bergeron stated the handicapped spaces are based on ADA (American's with Disability Act) standards.

Mr. Ward asked the average number of people attending on Sundays.

Ms. Sally Bancroft and Ms. Russell estimated approximately 125 attendees.

Mr. Neagle asked the net increase in parking spaces.

Mr. Bergeron stated there will be an increase of twelve spaces.

Mr. Couillard asked if the parking lot would be sloped towards the center for drainage.

Mr. Bergeron stated yes, the water will drain to the grass area with an overflow towards Main Street.

Mr. Neagle stated it was a great plan; the circulation will enhance safety of pedestrians as they exit the sanctuary.

Mr. Ward asked if there would be signage indicating one-way traffic.

Mr. Bergeron stated yes.

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

Mr. Ward asked how the Board would handle the additional no parking signs.

Mr. Shane stated the request would have to go to the Town Council; the Council would hold a public hearing.

Mr. Neagle moved to recommend to the Town Council that parking be prohibited on the west side of Blanchard Road south of the exit for Sevee & Maher and the west side of Main Street through and including the new Church exit.

Mr. Richards seconded. VOTE: Unanimous

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

Mr. Couillard seconded. VOTE: Unanimous

Mr. Neagle moved to adopt the findings of fact as amended by Mr. Couillard.

Mr. Richards seconded. VOTE: Unanimous

### ***PROPOSED FINDINGS OF FACT***

#### **.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.

***This project involves the expansion of the parking area and the reconfiguration of the access/exit. There are no environmentally sensitive areas on the site.***

*Based on these facts 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. Driveways must be designed to provide the minimum site distance according to MDOT standards. Access and egress must be located to avoid hazardous conflicts.

*The project involves the expansion of the parking and access areas to improve safety. The Maine DOT has provided an entrance permit for the plan; and the Town Engineer has reviewed and approved the proposed plan.*

*Based on these facts the standards of this section have been met.*

### **.3 Access way Location and Spacing**

Access must meet the specific ordinance requirements.

*The proposed plan changes the access from one that serves as both an entrance and exit to a new plan which provides a one way entrance and new exit. Sight distance from the exiting driveway exceeds MDOT standards. An MDOT Driveway entrance permit has been issued for the new driveway.*

*Based on these facts 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.

*The existing two-way internal traffic circulation pattern will be replaced with one-way traffic flow and a new exit driveway.*

*Based on these facts the standards of this section have been met.*

### **.5 Parking Layout and Design**

Off street parking must conform to the specific standards.

*The proposed plan is designed to alleviate the current parking shortages by adding 12 new spaces; this will increase the total number of parking spaces to 49. This additional parking will provide more spaces closer to the church for elderly members and families with young children and lessen the need for on-street parking.*

*Based on these facts 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 new circulation pattern will improve pedestrian safety by channeling vehicles through the parking area in just one direction. The additional on-site parking spaces will decrease the need for pedestrians to walk from parked vehicles on satellite lots or along Main Street and Blanchard Road.*

*Based on these facts 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.

*There will be increased impervious surface created as a result of the additional parking and driveway areas, however, the stormwater analysis show no significant increase in*

*water flowing off site because the plan shows that revised grading will direct water to a new infiltration area in the center of the lawn. The Town Engineer has reviewed and approved the plan.*

*Based on these facts 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.

***Erosion control measures will be provided during construction as per the plans and will remain in place until permanent stabilization is obtained.***

*Based on these facts 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 revised parking plan does not affect water usage.***

*Based on these facts 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 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 revised parking plan does not affect sewage disposal.***

*Based on these facts 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.

***There is existing electrical service to the building. The revised parking plan does not affect electrical usage.***

*Based on these facts 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 church utilizes public water and a private septic system. The septic system has been inspected and is functioning as designed. There will be no adverse impact on groundwater as a result of this project.***

*Based on these facts 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.

***No toxic materials will be utilized, stored or created on this site. The proposed plan complies with all of the above requirements.***

*Based on these facts 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 Applicant has utilized the services of Sevee and Maher Engineers.***

***There is a letter on file dated 11/3/08 from Key Bank stating that the bank has approved a line of credit loan for up to \$268,000. There are no public improvements associated with this project.***

*Based on these facts 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.

***While the structure is historic, the area of the parcel that is affected by the proposed parking plan does not affect any historic or archaeological resources.***

*Based on these facts 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.

***The property is not located in a floodplain as depicted on FEMA maps.***

*Based on these facts 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.

***No changes to the exterior lighting are proposed.***

*Based on these facts 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.

***A landscaping plan was submitted. Drawing C-101 shows that there will be two new maple trees planted near main Street and a row of burning bush one along the entrance driveway. A 4' high stockade fence will be installed on Church's side of the McGowan property line, 2' from parking lot pavement edge.***

*Based on these facts 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.

***There will be no increased noise as a result of this project.***

*Based on these facts 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.

***No equipment or material will be stored on site.***

*Based on these facts 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.

*A landscaping plan was submitted. Drawing C-101 shows that there will be two new maple trees planted near Main Street and a row of burning bushes along the entrance driveway.*

*Based on these facts 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 with 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 existing parking area is in the front of the structures and there is no alternative location due to the close property line on the rear side. A landscaping plan shows the trees that will remain and the additional plantings that will be installed. There is a landscaped buffer between the building and the parking area.*

*Based on these facts the standards of this section have been met.*

### **SECTION 300 – AQUIFER PROTECTION (if applicable)**

The site is located within the aquifer protection area, however there are no proposed uses that will adversely affect the aquifer.

### **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 minor site plan with the standard and four proposed conditions; for a parking expansion for the Cumberland Congregational Church located at 282 Main Street, Tax Assessor Map U11, Lots 47 & 48 in the Medium Density Residential (MDR) district.

1. That all fees are paid prior to the issuance of a building permit.
2. The applicant shall submit a revised site plan showing the adjusted location of the Church's playground area, playground equipment, and fence prior to the release of the building permit.
3. That all trees to be removed are clearly marked prior to the start of construction and that a setback area of 15' is staked out around all remaining trees in the vicinity of the work area to protect the root system.

4. That the location of the 4' stockade fence be shown on the revised plan as being 2' beyond the pavement of the new parking area and extending along the line as agreed to by the Macgowan's. That a note be added to the plan stating that the existing landscaping between the Macgowan's and the church be retained. That a note be added to the plan that states that snow shall be plowed away from the Macgowan property line toward the center of the parking area.

Mr. Richards stated he would like to add a fifth condition: In the event that water damage from the parking lot causes harm to the Macgowan property, the Church will be responsible for rectifying the problem. Stating the Magowan property has been a family homestead for five generations; and water damage can be costly to repair.

Mr. Bergeron stated it can be tricky to determine where water comes from, if there is 15" of rain and everything floods, it would be difficult to determine the flooding was caused by the parking lot expansion. The Church has met the Town standards for adequate drainage and the plan has been reviewed by peer review engineers.

Mr. Neagle stated in the event that the Macgowan's have water damage to their property, it will be the burden of the Macgowan's to prove the damage is a result of the parking lot expansion.

Mr. Ferland stated this has been a process that has gone on for many months, there is a lot of documentation on the record; there have been two separate engineering firms involved and multiple collaborative discussions between the parties. They have been neighbors for all these years and the fact they have worked out their issues towards resolution of what we are now faced with shows that the culture of problem solving is in place. I am leery of adding an extra condition that might not be necessary. I fully understand where this is coming from and laud the approach of protecting the homestead.

Mr. Vail asked if the island is elevation 187.2 and the backside of the parking lot is 188.8 is there a reference mark for the Macgowan's property.

Mr. Bergeron stated the Macgowan's property is roughly 187.5 along the property line and drops down to 187 along the house. The parking lot is elevated about a foot and pitched back to drain towards the center; whatever existing runoff from the lawn that goes towards the house will still drain in that direction.

The Board discussed procedure for the fifth condition.

Mr. Neagle's motion failed due to lack of a second.

Mr. Neagle moved to approve the minor site plan with the standard and four proposed conditions of approval for the parking lot expansion to the Cumberland Congregational Church located at 282 Main Street, Tax Assessor Map U11, Lots 47 & 48 in the Medium Density Residential (MDR) district.

Ms. Russell seconded.

Mr. Richards moved to amend the motion to include a fifth condition of approval: In the event that water damage from the parking lot causes harm to the Macgowan property, the Church will be responsible for rectifying the problem.

Mr. Neagle seconded.

VOTE: 4 in favor (Couillard, Ward, Richards,  
Neagle)  
3 Opposed (Russell, Ferland, Vail)

The amendment to the motion passed.

**VOTE ON THE MOTION:**

Mr. Neagle moved to approve the minor site plan with the standard and five proposed conditions of approval for the parking lot expansion to the Cumberland Congregational Church located at 282 Main Street, Tax Assessor Map U11, Lots 47 & 48 in the Medium Density Residential (MDR) district.

VOTE: 5 in favor (Ward, Neagle, Richards,  
Couillard, Ferland)  
2 opposed (Vail, Russell)

**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 deminimus 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 all fees are paid prior to the issuance of a building permit.
2. The applicant shall submit a revised site plan showing the adjusted location of the Church's playground area, playground equipment, and fence prior to the release of the building permit.
3. That all trees to be removed are clearly marked prior to the start of construction and that a setback area of 15' is staked out around all remaining trees in the vicinity of the work area to protect the root system.
4. That the location of the 4' stockade fence be shown on the revised plan as being 2' beyond the pavement of the new parking area and extending along the line as agreed to by the Macgowan's. That a note be added to the plan stating that the existing landscaping between the Macgowan's and the church be retained. That a note be added to the plan that states that snow shall be plowed away from the Macgowan property line toward the center of the parking area.
5. In the event that water damage from the parking lot causes harm to the Mcgowan's property, the Church will be responsible for rectifying the problem.

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**2. Public Hearing: Minor Site Plan Review: Town of Cumberland for an existing sand / salt shed at 23 Drowne Road, Tax Assessor Map R03, Lot 54, in the Rural Residential One, (RR1) district; Mark Bergeron, P.E., Sevee & Maher Engineers, Inc., Representative, Town of Cumberland, Owner, Applicant.**

Ms. Nixon presented background information as follows: The Town of Cumberland is requesting minor site plan approval for an existing salt and sand shed. The shed was approved as a temporary structure in 2004; now the Town would like approval for the structure to be permanent.

The Town Engineer has reviewed the plan with specific focus on the stormwater management, erosion control and groundwater protection areas. Based on our review, it appears this application is ready for approval. There are three waivers requested.

**REQUEST/PROJECT DESCRIPTION:**

The applicant and owner is the Town of Cumberland. The applicant is being represented by Mark Bergeron, P.E., of Sevee and Maher Engineers, Inc. The applicant is requesting minor site plan review for an existing salt shed located at 23 Drowne Road, Map R-03, Lot 54 in the Rural Residential One (RR1) district. The shed was approved by the Code officer in 2004 as a temporary structure. The Town would like to receive approval for the shed to be a permanent structure and use. The shed is located on a parcel that is approximately 8.9 acres in size and that parcel is surrounded by four other parcels of Town-owned land. The shed is 42' x 63' with a roof height of approximately 20'.

The Planning Board is asked to conduct a minor site plan review under Section 206.

**HISTORY:**

Board of Adjustment and Appeals granted special exception on 11/13/08.

**DEPARTMENT HEAD COMMENTS:**

- Police Chief Joe Charron: No comments.
- Public Services Director William Landis: No comments.
- Rescue Chief Chris Bolduc: No comments.
- Code Enforcement Officer William Longley: Board of Adjustment and Appeals approved Special Exception on 11/3/08. No comments at this time.

**PEER REVIEW ENGINEER'S COMMENTS:**

Oak Engineers, LLC (Oak) has reviewed the November 24, 2008 submittal, by Sevee & Maher Engineers, Inc. for the subject project. Oak has reviewed the project specifically for stormwater, erosion control, and groundwater impacts.

The following comments are based on our review of the Site Plan Application for a Minor Development and Drawing C-101.

**Site Plan Application**

Oak Engineer's agrees with SME's assessment of the existing stormwater conditions. The site improvements are minor and do not create conditions that require environmental permitting or conditions that would create problems due to increases in stormwater runoff. The entrance road, sand storage area, and general sand/salt storage area have been in existence long before the shed was constructed in 2004. The area was gravel and was used for sand pile access and general storage use. In its pre 2004 condition it would have been considered impervious for stormwater calculations. With the introduction of the shed, the stormwater runoff conditions would not have changed. Therefore, the introduction of the shed does not adversely impact downstream properties.

Erosion has occurred on-site over the years. The proposed improvements are intended to correct minor erosion on-site and improve water quality leaving the site. With the proposed design, details, and specifications utilizing BMPs, the site and downstream properties will be adequately protected.

The Town’s current sand/salt mixing and sweeping practices are appropriate for their operations and reduce, minimize, or eliminate groundwater impacts due to the salt shed in this location. The monitoring wells that have been installed in the area downstream of the adjacent landfill have consistently shown chloride concentrations and have not been affected by the Town’s sand/salt mixing operation.

**Plan sheets**

**Sheet C-101—Site Plan**

1. This plan shows the proposed erosion control measures to control and eliminate any existing erosion occurring on-site. While the measures shown will control the current erosion, the plan should also show silt fence down slope of any excavation being conducted.

This concludes our review of this submission package. I trust these comments assist the Town in their review of the plans.

**WAIVER REQUESTS:**

**206.7.3.2: Boundary Survey (partial)** – The applicant is requesting a waiver of a full boundary survey since the existing salt shed is located over 600’ from the nearest parcel that is not Town owned so building setbacks are not an issue. The applicant did assemble a base plan with boundary and topographic survey data.

**206.7.2.9: Evidence of technical and financial capability** to carry out project. The applicant is requesting a waiver from the requirement for financial capability, however, it does not appear to be necessary in that the structure is already in place and there are no public improvements required.

**206.7.4.8: Landscaping Plan:** The applicant did not submit a landscaping plan or ask for a waiver; one or the other should be required.

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

The following is intended to provide a summary of the submission requirements for site plan review in the Town of Cumberland. For precise requirements, please refer to the Town of Cumberland Zoning Ordinance Section 206.7

Per Section 206.4 Classification of Project, Please note: The Town Planner will first determine if the project will be classified as a major or minor site plan. Classification will determine submission requirements. ***THIS IS A MINOR SITE PLAN.***

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

1.	Site Plan Application Form Completed	Submitted
	1. Signed Application	Submitted
	2. location of all setbacks, yards and buffers	Submitted
	3. name and address of all property owners w/I 200 feet	Submitted
	4. location map showing location of project	Submitted
	5. boundaries of all contiguous property under control of owner	Submitted

	6. tax map and lot numbers	Submitted
	7. deed, option to purchase or documentation of right, title or interest	Submitted
	8. name, registration number and seal of person who prepared plan	Submitted
	9. evidence of technical and <b>financial capability</b> to carry out project	<b>Partial waiver request</b>

**SECTION 206.7.3 Existing Conditions**  
**REQUIRED FOR MAJOR AND MINOR SITE PLANS**

1.	zoning	Submitted
<b>2.</b>	<b>Boundary survey</b>	<b>Partial waiver request</b>
3.	utilities, including sewer & water, culverts & drains, on-site sewage	Submitted
4.	location, names, widths of existing public or private streets/ROW's	Submitted
5.	location, dimension of ground floor elevation of all existing buildings	Submitted
6.	location, dimension of existing driveways, parking, loading, walkways	Submitted
7.	location of intersecting roads & driveways within 200 feet of the site	Submitted
8.	location of drainage courses, wetlands, stonewalls, graveyards, fences, stands of trees, important or unique features, etc	Submitted
9.	direction of existing surface water drainage across the site & off site	Submitted
10.	location, front view, dimensions and lighting of existing signs	N/A
11.	location and dimensions of existing easements & copies of documents	N/A
12.	location of nearest fire hydrant or water supply for fire protection	Submitted

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

1.	Narrative/how plan relates to inventory and analysis	N/A
2.	Grading plan at 2 foot contours	N/A
3.	Utility Plan	N/A
4.	estimated demand for water & sewage disposal/location/dimensions, etc	N/A
5.	surface water drainage and impact assessment on downstream properties	N/A
6.	handling solid waste, haz & special waste/including screening on-site	N/A
7.	driveway, parking & loading areas, location/dimension & materials along with changes in traffic flow onto or off site	N/A
<b>8.</b>	<b>landscape plan</b>	<b>Waiver request</b>
9.	location, dimension and ground floor elevation of buildings	N/A
10.	signs/location and method of securing	N/A
11.	location and type of exterior lighting	N/A
12.	Location of all utilities including fire protection systems	Submitted
13.	general description of proposed use or activity	Submitted
14.	traffic/peak hour and daily traffic generated by project	Submitted
15.	stormwater calculations/erosion & sedimentation control plan, etc.	Submitted

Mr. Bergeron stated the Town built a temporary salt shed with the intent of it becoming permanent. The salt shed was approved by the Board of Adjustment and Appeals as a temporary structure in 2004 and on November 13, 2008. There will be some additional grading done on the site.

Ms. Russell asked if the shed had a plastic cover.

Mr. Bergeron stated it is a plastic canvas with metal framework.

Mr. Ferland asked the lifespan of the building.

Mr. Shane, Town Manager stated 25-years; four years ago when this was constructed the existing building had collapsed. At some point this building may be moved, but it holds approximately 300 tons of salt and is very adequate.

Mr. Couillard asked about the chloride in the water.

Mr. Bergeron stated the monitoring wells indicated elevated chloride levels since 1996; he doesn't know where the chloride comes from; however, the levels haven't changed since the salt shed was moved.

Mr. Couillard asked about the foundation.

Mr. Bergeron stated there is caulking in the cement blocks, and the asphalt pad is cleaned and sealed at the end of the season.

Ms. Russell stated based on the Doane Committee's work, at some point the salt shed could be an issue for the access road and pedestrian traffic; if the site is developed who addresses those issues.

Mr. Shane stated that is a great question, at development of the property the salt shed would be addressed with a master plan.

Mr. Neagle stated the Board can only consider the current application.

Mr. Richards moved to waive the reading and approve the findings of fact as written.

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

Mr. Vail seconded.

VOTE: Unanimous

### ***PROPOSED FINDINGS OF FACT***

#### **.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 Town Engineer has reviewed the plan and has found that appropriate measures for protecting the natural resources in the area are in place.***

***Based on these facts 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. Driveways must be designed to provide the minimum site distance according to MDOT standards. Access and egress must be located to avoid hazardous conflicts.

***There is a locked chain across the entrance that restricts access to Public Works personnel only. The access road is used only by Public Works personnel when hauling in sand and salt materials and by plow trucks during winter storms.***

*Based on these facts the standards of this section have been met.*

**.3 Access way Location and Spacing**

Access must meet the specific ordinance requirements.

***Access way location and spacing are in conformance with the ordinances. The access road is used only by Public Works personnel when hauling in sand and salt materials and by plow trucks during winter storms.***

*Based on these facts 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.

***The access road is used only by Public Works personnel when hauling in sand and salt materials and by plow trucks during winter storms.***

*Based on these facts the standards of this section have been met.*

**.5 Parking Layout and Design**

Off street parking must conform to the specific standards.

***There is no need for parking on this site. Trucks come and go, but do not park in the area.***

*Based on these facts 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.

***There is no need for pedestrian ways on this site. The road is a dead-end access road with restricted access.***

*Based on these facts 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.

*The existing pavement is shaped to divert runoff away from the shed. The culvert on the north side of the shed will remain. The ditch along the driveway also diverts water away from the shed area. The plan calls for minor grading improvements to stabilize an existing ditch and culvert ends. The existing ditch on the south side of the access driveway will be reconstructed with a riprap ditch to correct some erosion control problems. The Town Engineer has reviewed and approved the plan.*

*Based on these facts 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 building was located in a level area below the Public Works garage. Erosion control will be improved by the plan which calls for the existing ditch on the south side of the access driveway to be reconstructed with a riprap ditch to correct some erosion control problems. Pipe inlet and outlet protection will be added to two existing culvers near the shed for additional erosion control protection. AN existing riprap pad will be replaced with a similar riprap pad at the edge of pavement to reflect where runoff actually leaves the pavement. The Town Engineer has reviewed and approved, with minor modifications suggested, the erosion control plan.*

*Based on these facts 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.

*There is no need for a water supply.*

*Based on these facts 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 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 no need for sewage disposal system.*

*Based on these facts 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.

***There is existing electrical service to the area where there is an existing utility pole with a light fixture. There are no other utilities serving the shed.***

*Based on these facts 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.

***All abutting properties are served by public water. The shed is covered to ensure minimum runoff of the material into the surrounding area.***

*Based on these facts 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.

***Based on the Town Engineer's review, the proposed plan complies with all of the above requirements.***

*Based on these facts 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 Applicant has utilized the services of Sevee and Maher Engineers.***

***Financial capacity is evidenced by the fact that there are no public improvements associated with this project and that the structure is already built and in operation.***

*Based on these facts 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.

***There are no evident historic or archaeological resources on site.***  
*Based on these facts 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.

***The property is not located in a floodplain as depicted on FEMA maps.***  
*Based on these facts 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 shed is lit by two lights on existing utility poles at the top and bottom of the driveway.***

*Based on these facts 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 shed is not visible from any non-Town-owned properties. It is located at the base of a hill and behind a tall sand pile which conceals its visibility from the town garage area. There is a treed buffer area to the south and a pond area to the west.***

*Based on these facts 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.

***A small amount of noise will be generated from trucks loading salt during winter storms and when re-stocking the supply, but the location of the operation is far removed from any non-town owned abutters.***

*Based on these facts 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.

**The site has restricted access. There is no storage of machinery; however there is a sand pile near the shed. The shed and sand pile are not visible from any non-Town-owned properties. They are located at the base of a hill which conceals visibility from the town garage area. There is a treed buffer area to the south and a pond area to the west.**

*Based on these facts 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.

***A landscaping plan was not submitted. Based on the location, type, and size of the structure, landscaping would be unlikely to enhance the site. A waiver is requested.***

*Based on these facts 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 with 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 is no need for parking and therefore no need to buffer parking areas. The building's large scale prevents it from being effectively buffered by landscaping.***

*Based on these facts the standards of this section have been met.*

### **SECTION 300 – AQUIFER PROTECTION (if applicable)**

The site is not located within the aquifer protection area.

#### **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 three requested waivers.

- 206.7.3.2: Boundary Survey (partial)**
- 206.7.2.9: Evidence of technical and financial capability**
- 206.7.4.8: Landscaping Plan**

Mr. Ferland seconded.

VOTE: Unanimous

Mr. Vail motioned to approve the minor site plan request for the Town of Cumberland's existing sand / salt shed at 23 Drowne Road, Tax Assessor Map R03, Lot 54, in the Rural Residential One, (RR1) district; Mark Bergeron, P.E., Sevee & Maher Engineers, Inc., Representative, Town of Cumberland, Owner, Applicant.

Mr. Neagle seconded.

VOTE: Unanimous

**F. Administrative Matters:**

There were no Administrative Matters, Ms. Nixon wished the Board Happy Holidays!

**G. Adjournment:**

Mr. Richards moved to adjourn.

Ms. Russell seconded.

VOTE: Unanimous

The Meeting was adjourned at 8:07 p.m.

A TRUE COPY ATTEST:

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William P. Ward, Board Chair

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Pam Bosarge, Clerk to the Board