

**Planning Board Meeting - Minutes
Tuesday, February 17, 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 Vail, Bob Couillard, Chris Neagle, Pam Russell, John Ferland

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

C. *Approval of Minutes of January 20, 2009*

Ms. Russell noted on page seven of the minutes she was listed as Co-Chair of the Doane Committee and should be Chair.

Mr. Neagle moved to approve the minutes of January 20, 2009 as amended.

Mr. Couillard seconded.

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

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

There were no Consent Calendar Items.

E. *Hearings and Presentations:*

1. *Public Hearing: To abandon Cumberland Foreside Village a 12-lot major subdivision located on Route One as described on Tax Assessor Map R01, Lot 11, units 1-12, as shown on map below; Cumberland Foreside Village, LLC, Owner, David Chase, Representative.*



Ms. Nixon presented background information as follows: The subdivision was approved March 20, 2007 and with the weakening economy the developer, David Chase, was thinking of rescinding the subdivision approval in order to reduce the carrying costs. After several discussions with the Town, he would like to submit a revised plan that would split the subdivision into two phases. This will only preserve the subdivision's approval status; it will not allow him

to continue to do any site preparation work on the upper lots as he has been doing for the past two years. The revised subdivision plan that was in Board members' packets shows Phase One as being all the lots that front on Route One. Phase Two will be the rest of the land. Next month, the Board will be asked to review and approve the revised subdivision plan. If this is done, it will provide another two year period for the subdivision to comply with the provisions of Section 4.7 of the Subdivision Ordinance.

Mr. Ward asked for clarification on the Board's action this evening.

Ms. Nixon stated the applicant is not requesting a decision tonight, but will request to be tabled to allow review of a phased project at the next meeting.

Mr. Tom Greer, Pinkham and Greer, Representative stated they will be requesting a tabling action tonight. The lots have been marketed extensively and not sold. They will be asking the Board to consider reducing lots 7 - 12 to a single-lot and leaving lots 1 - 6 the same, these lots are served with water and sewer from Route One. The DEP approval will need to be amended for Site Plan Review.

Mr. Neagle asked if there would be any changes to lots 1 - 6.

Mr. Greer stated no, they will need to draft language for an easement for lots 1 and 2.

Mr. Richards asked about a time period for the reclamation.

Mr. Greer stated the reclamation plan will be completed by September 2009, and there will be no blasting after March 2009, and any materials on the site will be moved over the summer.

Ms. Russell asked if the lots only had access from Route One.

Mr. Greer stated lots 1 and 2 access from an interior lot which will remain the same; they will submit conceptual site plans.

Mr. Ferland asked if this is approved will it preserve the assessed value of the property.

Ms. Nixon stated once a subdivision is approved, the land is divided into individual lots and assessed separately. This will allow assessment of 6 commercial lots on Route One, and one back lot Phase II which would reduce the assessed value considerably.

Mr. Ferland also asked if this would open up additional options for the use for Phase II.

Mr. Greer stated yes.

The public portion of the meeting was opened.

Mr. Tom Foley, of 29 Granite Ridge Road, representing the Homeowners' Associations of True Spring and Granite Ridge Condos thanked the Board and Town Planner for their excellent job of working with the Association and keeping them informed. The proposed option is a good compromise to continue to sell lots on Route One. Phase II development would be regulated by the existing zoning on the property, which could contain housing. The Condo Association wished Mr. Chase well, and has no objections to their plan.

The public portion of the meeting was closed.

Mr. Greer requested the Board table the application to abandon the Cumberland Foreside Village subdivision, to allow the applicant time to submit an amended phased plan.

Mr. Neagle moved to table the request to abandon Cumberland Foreside Village, a 12-lot major subdivision located on Route One, Tax Assessor Map R01, Lot 11, sub-lots 1 - 12; to allow the applicant time to present a modified plan at next month's meeting.

Mr. Richards seconded.

VOTE: Unanimous

2. Public Hearing: To give an advisory recommendation to the Town Council for a Contract Zoning Agreement for a bank to be located on the former Chase Flower Shop site at 327 Main Street on the corner of Main Street and Farwell Avenue; Tax Assessor Map U13, Lot 66; Applicant, the Long Group; Owner Chase's Flower Shop.



Mr. Ward stated the Board is not asked to conduct site plan review; the task for this evening is to solicit input from the public and Board members to make a recommendation to the Town Council on the Contract Zone Agreement.

Mr. Tom Long, Representative of the Long Group, stated this process began many months ago with neighborhood meetings and continued to the Town Council. The Atlantic Regional Credit Union has a good neighbor philosophy, and has drafted a plan to address pedestrian and vehicular traffic concerns. The plan will improve the circulation of traffic on Farwell Avenue.

Mr. Long reviewed the power point presentation; which highlighted the following:

- Community Banking Need:
Cumberland is the most populated community in Maine (7,653 residents) presently not serviced by a financial institution.
Cumberland Demographics: Cumberland residents are older, more affluent, and full-nested homeowners.
- Commuter Needs:
Greater than 80% of the residential population of Cumberland exits the community for employment. The Town of Cumberland's comprehensive planning survey indicates that greater than seven in ten (72%) of its residents support a bank or credit union within the community.
- Proposed Location - 327 Main Street the Former Chase Flower Shop and Greenhouse
The proposed reuse will positively impact the streetscape on Main Street within the Village Center, replacing the current structure with a structure more appropriately fitted in this environment.

- Branch Rendering - Mr. Long reviewed the photo renderings of the proposed building. The Architect selected for the project is Joseph DiDonato who recently designed the Town of Cumberland's Shelter Building.

- Public Improvement - Municipal Improvements:

Municipal Improvements

- Re-construct the Main Street sidewalk and construct a sidewalk on both sides of Farwell Avenue.
- Improve the turning radius onto Farwell Avenue from Main Street
- Construct six parking spaces on Farwell Avenue (five in front of the Post Office)
- Relocate the Main Street crosswalk nearest 327 Main Street to the north corner of Cottage Farms Road, benefiting from the existing street light, providing improved pedestrian safety.
- Create two green space park seating areas on premise
- Improve streetscape with architectural design
- Mr. Long reviewed the current traffic and proposed traffic situations on Farwell Avenue.
- No discernable impact on operations or safety on Main Street
- No discernable impact on operations or safety at the site exit
- No discernable impact on operations or safety at the Farwell Avenue/Main Street intersection
- The traffic study was conducted by Wilbur Smith Associates, reviewed by Gorrill-Palmer the Town's peer review engineer and reviewed by the Maine Department of Transportation

- Site Design

- The site design plan will include two green space park settings
- A landscape buffer has been incorporated along the property line adjacent to the drive-up.
- The site design features curb parking and intentionally sacrifices site parking to align the branch entrance and exit with that of the post office.
- While branch banking will serve the residential population on the first floor, a second story was added to the premise design to incorporate the building into its surroundings.
- The branch will be approximately 3,300 square feet with a first floor banking center comprising approximately 2,200 s.f.
- Building specifications include a height of approximately 30'
- The interior of the branch location recognizes the presence of children within Cumberland's household population and incorporates a child's play area into the branch design.
- Contract Zone - Mr. Long reviewed the proposed setback showing the difference between reduced contract zone setbacks and MDR / Overlay District 2 setbacks.

Public Benefit - This community-based financial institution will have deep roots in the community.

Employment Opportunities:

- Create seven jobs in the first year.

- Estimate first year payroll to total \$350,000.
- Anticipate hiring of summer teller(s) from local student body.
- Free Financial Education
- Conduct financial education workshops that educate students about financial well-being after high school or college
- Provide teachers with outside experts on checking accounts, debit/credit cards, student loans, etc.
- Host student field trips to branches as requested

Charitable Giving

- Offer students and residents the ability to apply for college/technical school scholarship - \$10,000 annually (\$500 per 20 recipients)
 - Sponsor local recreation sports leagues
 - Support the school youth bands, swimming groups, etc.
 - Donate to local nonprofit organizations and charities
 - Provide donations to Project Graduation
- Community Involvement
- Welcome the opportunity for the Branch Manager to serve on a town committee or advisory group
 - Volunteer with Junior Achievement
- Financial Institution - member owned and operated local decision making
 - Chartered in 1941 - 68 years of service to members
 - Field of membership is Cumberland and Sagadahoc counties
 - 17,000 members
 - 12% capital position (federal requirements is 7%)
 - 65 full-time employees with an average tenure exceeding 10 years
 - Full-service lending (vehicles, home mortgages, home equity, business lending)
 - Full-service deposits (savings, checking, small business accounts)
 - Partnered with Abenaki Retirement & Investment Services and Abenaki Insurance Services
 - Access to a network of over 3,400 credit union locations nationwide through Shared Branching
 - Local, volunteer Board of Directors
 - Summary
 - Branch banking convenience will be central to the trip generated activity within the community - school system, post office, town hall.
 - The branch bank will replace the current structure with a building design more appropriately fitted to its environment
 - The site design creates two green space park settings for community gathering
 - The site design also features municipal improvements including Farwell Avenue turning radius, curb parking on Farwell Avenue and sidewalk relocation.
 - Atlantic Regional Federal Credit Union is committed to establishing deep roots in the community

Mr. Ward asked if the contract zone agreement should be between the Town, Long Group and the credit union, and was the Lease / Option agreement assignable.

Mr. Neagle stated it is assignable.

Mr. Ferland asked for clarification on the process.

Mr. Ward stated the public hearing is to make a recommendation on the contract zone, if there are questions specific to site plan review they will be addressed at that public hearing.

Mr. Neagle stated whether the Town Council adopts a contract zone or not, tonight's review is with a broad brush, the Board is to recommend a yes or no and if the contract is agreed by the Council the Planning Board will at site plan review address items such as turning radii etc.

Ms. Russell stated her understanding is the contract zoning proposal must conform to the zoning ordinance and the Comprehensive Plan.

The public portion of the meeting was opened.

Ms. Melissa Gattine, of 325 Main Street, the house on the corner of Farwell and Main Street, she asked at what point it would be possible for a public referendum.

Mr. Shane, Town Manager stated the Town Council will hold a public hearing on March 9th, a vote in the affirmative would allow a thirty day window for residents to present petitions with 600+ signatures to overturn a Council decision. In that event a vote would be held at the next June election.

Ms. Gattine voiced the following concerns:

- Timing of public hearing, and full representation of citizens with school vacation week.
- Public benefits – This is a business decision, to locate in this town. Having green space, public areas, and child activity areas doesn't mean this is not a business decision and if the Credit Union fails it will be a business decision to close the building.
- Type of business and concern of inviting increased traffic to the Center, this is a congested area, 95% of people bank on line and don not go to a facility.
- Snow removal - There is 20' between her house and Farwell Avenue of which 10' is the right-of-way; if the road and sidewalk extend 10 feet she voiced concern of snow removal, and clearing the side walk

Mr. Bill Follett of 371 Main Street asked when the traffic study was conducted.

Mr. Tom Erico of Wilbur Smith Associates stated the first two weeks of December 2008.

Mr. Follett voiced the following concerns:

- Public Benefit - he didn't feel the improvement to the sidewalk and road were adequate public benefit for the impact.
- Long Range Planning - the credit union proposal is spot zoning. He sits on the current Comprehensive Plan Committee who has discussed developing a plan for Main Street zoning.
- Traffic Study - the study didn't include the busy seasons for pedestrian traffic from March through November.

Mr. Eric Weagle of 46 Friar Lane stated:

- The increase to the tax revenue would be positive; he has been a credit union member for many years, and having them in Town would be positive.

Ms. Mary Weir of 16 Country Charm Road stated she is also a credit union member and would appreciate having local services without driving to another community.

Mr. Daniel Nuzzi of 271 Main Street asked about the non-profit status and property taxes.

Mr. Long stated yes, the credit union would pay property taxes.

Mr. Neagle stated not all non-profit are tax exempt, the organization would have to be charitable and benevolent for that status.

Mr. Nuzzi stated the current zoning ordinance requires that a contract zone is:

1. consistent with the Comprehensive Plan;
2. has a public purpose or benefit, and is;
3. consistent with existing uses in the zone.

Mr. Nuzzi feels this request falls short of the requirements of the ordinance and does not recommend it to the Town Council. In referencing the current 1998 Comprehensive Plan, Mr. Nuzzi noted the following inconsistencies:

- The economy (page 1)

1. To diversify the tax base by encouraging economic development within existing commercial zones.

2. To develop commercial property so that it is compatible with adjacent and nearby residential neighborhoods.

- Land Use Patterns (page 3)

3. To develop a land use pattern that alleviates traffic congestion whenever possible.

- Transportation (page 5)

7. To manage and control through traffic so as to minimize adverse impacts and assure safety for residential neighborhoods.

- Land Use Patterns (page 20)

Land use that preserves the "rural character" of the community is paramount to the residents of Cumberland.

Mr. Nuzzi stated the current MDR district is residential not commercial; historically there were businesses on Main Street and there are some grandfathered uses. The decision to be residential and remain residential was made by the residents. There was a request for a bank on Main Street eight years ago. It is a slippery slope to have commercial use in residential neighborhoods. The use of the Flower Shop has reverted back to residential. Non-conforming uses have a sunset clause so if or when a use is not a viable it can revert back to a former viable use.

Mr. Nuzzi stated the public purpose is light; this is a businesses, less than 1% of the community are current residents who would benefit from the use. There have been other requests for commercial; we don't have to say yes.

Mr. Mike Tardiff of 331 Main Street, a direct abutter, voiced concerns of traffic, congestion, lights, and the same concern of impact on property values. If the Council in its infinite wisdom proceeds forward with the project he hopes to work out details regarding buffering and protection for abutters. He stated the ATM would be 12 feet from his property line. The Credit Union will become a destination and will increase traffic.

Mr. Jeff Begin, of Norton Insurance at 275 U. S. Route One stated he has been a member of Atlantic Regional Federal Credit Union for six to eight years. This will be a community operation, and good corporate neighbors. He lives behind the Waynflete gym and they are an example of good corporate neighbors. Main Street is Route 9 and traffic has increased over the years and will continue to increase.

Mr. Dan Tadoo, of Norton Insurance stated he has been a member of Atlantic Regional Federal Credit Union since he was a child. This is a local institution which will be a good neighbor; he is in favor of the application.

Ms. Linda Putnam of 341 Main Street stated the property has always been a commercial property. It was a flower shop when she purchased her property 20 years ago. It is only by unfortunate circumstances the use has reverted back to residential. The increase of the sidewalk will be a definite public benefit; if the property was developed into residential there would be no sidewalk; and no access for turning around at the Post Office. A Credit Union will compliment the Post Office; she does not think it is a slippery slope she has trust in the people who make decisions for the town. There have been eleven new residential houses added on Main Street and Main Street could use a business.

Mr. Casey Putnam, of 341 Main Street agreed that a business should be a good neighbor. He acknowledged residents are computer savvy and bank on-line, but there are times when people need access to an ATM or branch office. The traffic study done in December may have missed some bicycles affected by the snow conditions. He is someone who believes in the benefit of a mixed use area, he was in favor of the credit union when one was proposed across from his house.

Mr. Bill Follett of 371 Main Street stated this is not a personal issue, no one is questioning if the credit union would be a great corporate neighbor. He just feels this is not the proper location; Cumberland has the only residential Main Street in Southern Maine.

The public portion of the meeting was closed.

Mr. Couillard voiced concern of the closeness to neighbors, and traffic issues if the Credit Union's peak traffic time was between 4:00 and 5:00 p.m.

Mr. Long stated the traffic study used the existing peak time 4:00 to 5:00 for the study that is not the bank's peak time of operations.

Mr. Couillard agreed the location has always been a business during his 32 years of residency, and it is a good place for a credit union, his only concerns were with the neighbors.

Mr. Vail stated he is not a fan of contract zoning, and voiced concern that the Atlantic Regional Federal Credit Union was not part of the lease and contract zone. He would feel more comfortable if the credit union's name was added, to give some guarantees to the community.

Mr. Long stated he agreed and would welcome those changes.

Mr. Neagle stated it is a great plan, sounds like the credit union would be a model citizen, and he likes the idea of economic development. He had two points; the first being there is nothing in the contract to prevent selling to a big bank. The second point is he too has researched the Comprehensive Plan and can't find anything to encourage the commercial development; his role on the Planning Board is to follow ordinances, and process, he likes the plan but won't support it.

Mr. Ferland asked if the numbers on the traffic study showed the impact of new trips or trips in the mix of current Route 9 traffic.

Mr. Erico, of Wilber Smith Associates stated the new trips were included in the trip mix of Route 9.

Mr. Ferland stated there has been a lot of compelling discussion with terrific points both pro and con and he respects the neighbors' input. He views the new Comprehensive Plan development to be a continuum from the current plan, with the new plan moving in a direction to recognize targeted business opportunity for Main Street; he has no problem referring it back to the Council.

Ms. Russell asked if it was the intention to share the twenty parking spaces with the Post Office. Mr. Long stated yes.

Ms. Russell asked about sharing the drive through.

Mr. Long stated yes, and there will be a drive through mail drop as well.

Ms. Russell asked about Options 1 and 2.

Mr. Long stated that several different versions were considered; the proposal presented is the preferred option.

Ms. Russell stated she too has reviewed the current Comprehensive Plan and has found as many reasons to support the project as Mr. Nuzzi found to not support it. For example, Page 1 of the plan also states to develop commercial property so that is compatible with adjacent and nearby residential neighborhoods; up through page 33 which states: that growth be directed towards areas which are currently served by the sewer and will not only protect the natural resources of the town, but will also enable the service to be provided more efficiently.

Ms. Russell was in support of passing this back to the Council.

Mr. Richards asked about language in the Contract Zone in the 5th paragraph which referred to ancillary uses and asked what that meant.

Mr. Long stated financial services, traditional loan and deposits and some insurance and annuities.

Mr. Richards asked if office space would be rented out.

Mr. Long stated no, there is no handicap access to the second floor, there is no intention for any rental space.

Mr. Richards asked the number of branches for Atlantic Regional Federal Credit Union, and were any of the existing branches closing. Mr. Richards also asked if there were any other locations for expansion besides Cumberland.

Mr. Long stated there are three branches one in Brunswick, Topsham, and Freeport; there are no plans to close any branches this is a well capitalized organization with extreme financial strength.

Mr. Roger Sirois, President, CEO stated they have no other specific locations picked out for expansion.

Mr. Richards asked if there was an estimated property tax benefit for the credit union.

Mr. Shane, Town Manager stated approximately \$20,000 to \$28,000.

Mr. Richards asked if there were any discussions on alternative uses of the property.

Mr. Shane stated we don't own the property.

Mr. Vail stated that Gorham Savings Bank has bought an insurance company that now has an office, would there be any chance of that.

Mr. Sirois stated the organization already has a mechanism for insurance within the office.

Mr. Ward stated the essence of this evening's meeting was to gather input from the neighbors and an excellent job was done. He has all the concerns shared by the neighbors and if this is returned back to the Board for Site Plan Review there will be many questions and input from the abutters. The Town needs this business and the support of depositors is very good.

Mr. Vail stated he thought it was important to table the request until the documents were amended to include the Atlantic Regional Federal Credit Union.

Mr. Vail moved to table the request to recommend to the Town Council a contract zone agreement for a credit union to be located at 327 Main Street.

There was no second. The motion failed.

Mr. Couillard moved to recommend to the Town Council that they move forward with the Contract Zone with the recommendation that the Contract Zoning Agreement not only state the developer's name but also the Atlantic Regional Credit Union.

Mr. Richards seconded.

Discussion on the motion:

Mr. Richards stated he thinks the conversation needs to continue and he is supportive.

Mr. Ferland and Ms. Russell agreed and would support the motion.

Mr. Vail stated his concern was the language.

VOTE ON THE MOTION:

VOTE: 6 in favor (Ward, Ferland,
Couillard, Vail, Russell,
Richards)
1 opposed (Neagle)

F. Administrative Matters:

Ms. Nixon stated there were no Administrative Matters other than discussing availability of the Board for the April meeting. She would communicate through e-mail.

Ms. Russell stated she will be away for the April meeting.

G. Adjournment:

Mr. Richards moved to adjourn at 9:00 p.m.

Ms. Russell seconded.

VOTE: Unanimous

A TRUE COPY ATTEST:

William P. Ward, Board Chair

Pam Bosarge, Board Clerk