

**PLANNING BOARD MEETING
TOWN OF CUMBERLAND
Cumberland Town Hall
290 Tuttle Road, Cumberland, Maine 04021
Tuesday, January 19, 2016
7:00 p.m.**

A. *Call to Order:* The meeting was called to order at 7:00 p.m.

B. *Roll Call:*

Present: Gerry Boivin, Vice Chair, Jeff Davis, Steve Moriarty, Joshua Saunders, Peter Sherr, John Berrett

Absent: Teri Maloney-Kelly

Staff: Carla Nixon, Town Planner

C. *Election of Officers: Chair and Vice Chair*

Mr. Boivin asked if anyone wished to make a nomination for the position of chair.

Mr. Saunders nominated Steve Moriarty to serve as Chair of the Planning Board.

Mr. Davis seconded; VOTE: Unanimous

Mr. Boivin asked if anyone wished to make a nomination for the position of vice chair.

Mr. Moriarty nominated Mr. Boivin to serve as Vice Chair of the Planning Board.

Mr. Davis seconded. VOTE: Unanimous 6-0

D. *Approval of Minutes of the December 15, 2016 meeting.*

Mr. Moriarty proposed one change to the minutes of December 15, 2015 meeting which was a typo on page 1; the word “grand” should be changed to “grant”.

Mr. Boivin moved to adopt the minutes of December 15, 2016 as amended.

Mr. Saunders seconded. VOTE: 5 in favor, 2 Abstained (Berrett, Boivin).

E. *Staff Site Plan Approvals: None*

F. *Minor Change Approvals: None*

G. *Public Hearings:*

Hearings and Presentations:

1. Public Hearing: Site Plan Review for site improvements; renovations and an addition of a 2,500 sq. ft. building for salt and sand and a 1,200 sq. ft. building for storage of vehicles, small equipment and tools. At 199 Middle Road, Tax Assessor Map R02, Lot 27 in the Rural Industrial (RI) district. Owner, Applicant: 199 Middle Road, LLC. Representative, Tom Greer, Pinkham and Greer Consulting Engineers

Ms. Nixon presented background as follows: The applicant is Craig Wright, of Coastal Landscaping and Coastal Road Repair. The applicant has purchased a property located at 199 Middle Road. This is

the former Hazelton machine sales building. There are some outstanding issues which Tom Greer, P.E. the Applicant's Engineer will address.

REQUEST:

The applicant is Craig Wright, owner of Coastal Landscaping and Coastal Road Repair. The applicant has purchased a property located in the Rural Industrial district at 199 Middle Road. The parcel is 13.02 acres in size and is shown on Tax Assessor's Map R02, Lot 27. The owner intends to split the lot into two parcels. On Lot A (see site plan) an existing building will be upgraded with new roofing and siding. Landscaping of the site will also be provided. The following businesses will be in this existing building: Coastal Landscaping, Coastal Road Repair and New England Stone Works. An independent company, Dews Doors, will lease space within this building for its overhead door operation. The Code Enforcement Officer has determined that since the existing and future uses (Light Industrial) of the building are permitted and conforming, no site plan review is required for the businesses operating within that building. However, the applicant intends to construct two new structures on Lot A, and because their combined square footage exceeds 3,000 square feet, site plan review and approval is required for their construction. Building #1 will be a 2,500 sf structure that will store de-icing products and a mixture of salt and sand. Building #2 will be a 1,200 sf structure for the cold storage of vehicles, small equipment and tools. Both of these structures will be utilized by Coastal.

The other lot, Lot B, will be developed at a later time and will require Planning Board site plan review if the proposed building will exceed 3,000 square feet. A conceptual plan will be provided at this meeting that shows a proposed 12,000 sf storage and maintenance building. It is intended to be used for boat storage.

The applicant is represented by Thomas Greer, P.E., Pinkham and Greer Engineers.

PROJECT OVERVIEW

Zoning: Rural Industrial (RI)

Classification of Proposed Use: Light Industrial

Lot Size: 13.02 acres (minimum lot size is 60,000 sf)

Days & Hours of Operation: Several different businesses will be in operation on the site. Most will be open from 7 a.m. to 7:00 p.m. except that of Coastal Landscaping and Road Repair which may be open 24 hours per day.

Site Access: There is currently open access from Middle Road; the plan reduces this to three defined access points which range in width from 24' to 30'. These access drives will be paved; the remainder of the site will remain gravel.

Flood Map: FEMA Maps # 230162 0016 C and 0018 C (areas of minimal flooding)

Utilities: Public sewer, well, existing overhead electrical lines.

Signage: An existing sign will be relocated on the site. The proposed location is shown on the site plan.

Natural Features: Wetlands are shown on site plan.

Historical Features: None

Solid Waste: 2 dumpsters

Aquifer Protection Area: No.

Fire Protection: State Fire Marshall's approval is required. Cumberland Fire Chief has made recommendations.

Review Standards: Major Site Plan Review

Outside Agency Permits: Portland Water District for sewer?

Waivers: No waivers have been requested.

Department Head Reviews

Dan Small, Fire Chief:

After reviewing this site plan activation I have the following comments:

- 1) Buildings should be equipped with a fire alarm system that is monitored by an approved fire alarm company. The system should have a remote annunciator panel located at the main entrance that can be silenced with the push of one button from this location. The strobe or other visual alarm signaling devices shall remain active when the system is silenced. The alarm system shall identify the exact location of each individual initiation device with plain text at the fire alarm panel.
- 2) The building shall be equipped with a hinged key box approved by the fire department.
- 3) The building shall meet the requirements of the National Fire Protection Association Life Safety Code. These requirements cannot be determined until a complete set of building drawings are reviewed.
- 4) Any fuel storage shall meet the appropriate standard of the National Fire Protection Association. Attention to building and property line set back requirements should be included as part of the site plan review.
- 5) Access to the building shall be adequate enough to accommodate fire department vehicles.

Town Planner's Review:

1. **Lighting:** Will there be lighting on the proposed storage buildings?
2. **Subdivision review?**
3. **Master development plan?**
4. **Hours of operation**
5. **Outdoor storage?** What type, location, screening?
6. **Dumpster?**
7. **Traffic generation?**
8. **Sewer?**
9. **Landscaping Plan for Built-Out Site?**
10. **Number and size of trucks and other equipment. Noise impacts.**

Town Engineer's Review:

As requested, Sevee & Maher Engineers, Inc. (SME) has conducted a peer review of the Site Plan Application for the relocation of Coastal Landscaping and Coastal Road Repair to the old Anderson Equipment property at 199 Middle Road. The application materials were prepared by Pinkham & Greer Civil Engineers and consist of a Site Plan Application package dated December 29, 2015, and drawing set dated December 28, 2015.

The applicant proposes to remodel the existing Anderson Equipment building and section it off to provide two retail spaces in the front and an equipment storage and maintenance area to the rear. To the front of the building the existing pavement will be expanded to provide twenty (20) parking spaces, including one handicap space. The property frontage will be reconfigured with landscaping and wooden fence to limit access into the property to three separate paved entrances.

The rear of the property will continue to serve as a gravel yard area and be used for outdoor storage of materials, equipment and employee parking. A cold storage building and a salt storage building will be added within the existing gravel yard area. The yard will otherwise be left undisturbed to the rear of the building. In addition, the fenced area for equipment and materials will be enlarged from the existing configuration.

BASIS OF REVIEW

This project is being reviewed as a Site Plan Application as outlined in Chapter 229, Site Plan Review adopted on January 9, 2012 and most recently amended on March 26, 2012. The comments below relate to the appropriate Ordinance sections.

Chapter 229: Site Plan Review

Section 10.A – Utilization of Site

1. It appears from Drawing C1.1 that the “FENCED AREA FOR EQUIPMENT & MATERIALS” on the north portion of the site is being enlarged into the wetland area. SME recommends the applicant shift the fence area to avoid impacting the wetland area shown on the plans.

Section 10.B – Traffic, circulation and parking.

1. SME recommends that the Applicant provide additional information on the anticipated traffic of both the retail space in the front of the building and the materials storage area to the rear.
2. What is the purpose of the paved entrance to the north?
3. It appears that there will be one-way traffic provided at the front of the building. Please clarify interior traffic patterns and proposed directional signage.
4. The application does not contain information on the number of parking spaces required to meet the Ordinance. Parking should be provided in accordance with Chapter 315-57 Parking and Loading or a waiver should be requested from the Planning Board.
5. The plans do not appear to indicate a dedicated unloading area or accessible path for the ADA parking space north of the building. This space is required to be van accessible.

Section 10.C – Stormwater management and erosion control.

1. The Applicant did not provide drainage calculations as part of the project. However, the drainage patterns will not be altered as part of this project and with the minimal adjustments to land cover, there will be no increase in peak flows.
2. Please confirm that the landscape island constructed along Middle Road will be lower than the edge of pavement. This will avoid damming of the roadway runoff along the pavement edge.
3. There appears to be a history of drainage issues at the 30-inch culvert crossing on Middle Road adjacent to the north corner of the property. The crossing drains into a series of 28-inch culverts that bisect the rear of the property. SME reviewed with Town staff and it

appears that the 28-inch culverts may be damaged or blocked and cause runoff to back up to the west side of Middle Road. The Town intends to replace the 28-inch culverts in the summer of 2016 to address the drainage issues in the area. The Applicant has provided the Town with a drainage easement to complete the work.

Section 10.D – Water, sewer, and fire protection

1. Will the well be used for potable water within the facility?
2. If used for potable water, please confirm that the well will not serve more than 25 people per day. If it exceeds 25 people per day, the well may require permitting as a public water supply through the Maine Department of Health and Human Services.

Section 10.E – Water protection

1. Please provide information on the chemical, petroleum, and salt storage on the site, any anticipated refueling operations and maintenance activities.
2. Will operations and bulk oil storage at the site require a Spill Prevention Control and Countermeasures (SPCC) Plan?
3. SME recommends the Applicant relocate the fenced area for equipment and materials storage away from the existing water supply well. This will minimize the likelihood of incidental spills, drips or leaks in the immediate vicinity of the well.
4. Does the existing building have a floor drain?

Section 10.H – Exterior lighting

1. Will the wall mounted lights along the front of the building be full cutoff?

Section 10.I – Buffering and Landscaping

- Please provide details on the types and size of plantings shown on the LANDSCAPE & PLANTING PLAN” sheet 1 of 1.

Chapter 242: Stormwater Management

This project site is within the Town’s regulated Urbanized Area and is subject to the Town’s Stormwater Management Ordinance, Chapter 242. Please provide a Post-Construction Stormwater Management Plan in accordance with the requirements of Chapter 242.

Mr. Tom Greer, P.E., Representative stated he is present this evening with Craig Wright, the owner of the property. Mr. Greer stated this is an exciting opportunity for the Town of Cumberland. This site is in desperate need of updating and some work. Mr. Wright runs several business, one of which Coastal Road Repair which does work for the turnpike and Coastal Landscape and he will be opening a new business New England Stone Works who will sell landscape stones and paving materials. According to the Code Enforcement Officer Bill Longley, our plan to divide up the building into several offices will trigger subdivision review. Tonight we are asking for Site Plan approval for two small buildings. We will come back to the Board for subdivision approval. Tonight we will review the two orange buildings shown on the plan at the back of the site. Many of the things we are doing can be done under current operations and use of the building. We are in the process of getting a building permit. An architect has been hired to help with renovations to the exterior and interior of the building. The interior renovations require Fire Marshall Approval, which has been received. We will be back to the Board shortly for subdivision review. The building will be re-roofed and weather tight. The front of the site is wide open with one curb cut of 350 feet long. We will narrow that up and add three curb cuts to help control traffic on site. One curb cut is on the far side of the building and one on the other side of the building to allow diagonal parking along the site. Currently you can back out on Middle Road which is not safe. There will be a

walkway across the front and landscape to create the separation between this building and Middle Road. We will continue the landscape along with a fence along Middle Road. Currently the site is all gravel; it will continue to be gravel for storage of equipment and material.

The larger building to be added is 2,500 square feet which will be used for salt storage; part of his business is winter maintenance. To stockpile salt environmentally safe we need to have a building, this will have concrete walls and a roof it is located back on the site buffered from Middle Road.

The other building is 1,500 square feet and will be used for small vehicle and small equipment storage, to keep these items out of the main building for ease of access. This too is behind the large building to be screened from Middle Road.

The additional part of the site plan application is the proposal to create a separate 4 acre lot. (This will come back to the Planning Board) The proposal for this lot is for a boat storage building. We have shown a proposed building on the site. This is a very low intensity use, no employees.

Town Engineer Comments:

- To eliminate the portion of the fenced in yard out of the wetland: This has been done.
- Consolidate the traffic to move the entrance which lines up opposite the abutter across the street. The entrance will be moved to not impact the abutter.
- Parking: employees will park in the back; there are approximately 17 employees some of which go directly to work sites.

Mr. Greer reviewed elevation drawings of the building.

The landscaping across the front will likely be completed within two years. He will be doing the landscaping with his materials and staff.

Board Comments:

- The Code Enforcement Officer has determined subdivision review is necessary for all proposed improvements.

Mr. Greer stated what triggers subdivision is the division of three or more in a five year period either by sale or lease. Craig's business (Coastal Landscaping and Road Repair as one business) and Dews Doors is considered one division. The third triggers subdivision. The applicant will be coming back for the center lease area and dividing off the 4 acre lot. Tonight's approval will give the go ahead for these two businesses.

- Will the new lot be created by deed to a new owner?

Mr. Greer stated yes, we will share an entrance via a shared entrance. The minimum road frontage is 150' which we have, this sale has not happened, it is pending subdivision review.

- Define type of vehicles in the small building.

Mr. Greer stated a boat, and a machine such as a bobcat.

- Parking along the front of the property, was there any consideration given to move all parking to the back and side of the building?

Mr. Greer stated the owner wants to keep his customers for the stone business on the paved parking out front not to mix with the construction operations in the back of the building. The landscaping will break up the front of the building and a stone veneer will be added to the bottom of the building.

- Status of Engineer's comments:

Parking demand is very low for the proposed uses.

Stormwater: This is all gravel approximately 20,000 square feet will be grassed over; which will improve stormwater runoff. This is adjacent to Middle Road so there will be sheet flow from Middle Road. We provided an email response to the Peer Review Engineer's comments.

- There was a recommendation to move the storage of materials away from the existing well. A new well will be drilled closer to the building. The existing well is dug with and has a very high iron content, the new well will be used, and the old well will be abandoned within a two year period.

- Provide a list of all petroleum materials on the property.

Mr. Greer stated there was a spill containment plan and MSDS Sheets will be given to the plan. We will modify and operate the current SPPC plan. The other site was a sand and gravel aquifer with a higher level of concern.

- The construction of the Salt Shed, what will the floor be made of.

Mr. Greer stated it will have a hard surface; both buildings will have a hard surface floor (concrete).

- Will the current location at 77 Blackstrap Road still be operating?

Mr. Wright stated yes, they will store materials at 77 Blackstrap Road.

Ms. Nixon asked about the screening and dumpster location.

Mr. Greer showed the one by Dew's Door which is fenced and one behind the building.

The Board discussed clarification of what is being approved this evening.

Ms. Nixon stated this application is for the two new buildings and the dumpsters are part of the site plan; subdivision standards don't usually apply to dumpster locations. The renovations will not be covered under this site plan review. Those will be covered under the building permit.

Mr. Moriarty stated from his understanding as to how this was advertised and final analysis the review is for the two new storage buildings and what has been presented is conceptual in nature.

Mr. Sherr stated we will not be approving landscaping at this time.

Mr. Moriarty stated that is correct the landscaping and parking will not be covered tonight.

Ms. Nixon stated her understanding at this point is that Mr. Wright's business and Dew's Doors can move into the existing building. What is the impact to let the Board look at the two buildings at subdivision review?

Mr. Greer stated it is their understanding landscaping can currently be done.

Mr. Sherr stated when subdivision review is triggered it will give the Board the ability to look at landscaping.

Mr. Moriarty asked if you come back next month, would Mr. Wright be able to move into the building without the construction of those two storage buildings.

Mr. Greer stated yes, we know the roof needs immediate attention and interior renovations and the other improvements will be done over the next two years.

Ms. Nixon stated the entrance is an issue for abutters.

The public portion of the meeting was opened.

Mr. John Chandler – Tuttle Road and owner of the property across the street where his son lives. This will be a visual improvement. My concerns are lighting, noise and traffic issues. It appears the lighting will be downward facing on the front.

Mr. Greer stated there will be five downward facing lights across the front of the building which will illuminate the building and parking. Currently this building rents six street lights from CMP. Two of those street lights are across the street, which we will be removing. As soon as CMP can determine which of the street lights are rented they will be removed. The applicant will come back with a comprehensive lighting plan.

Mr. Chandler stated his only concern is the two lights on Middle Road. He also voiced concern regarding the third entrance across from his house. He thought you could only have two entrances on a road. He understands the need for the third entrance. The third entrance can be moved.

Mr. Greer clarified the location of the entrances; stating the third entrance can be moved for less impact to the abutters.

Mr. Chandler continued voicing concern about evening hours and truck noise. It will be helpful to have the entrance closer to the sign.

Mr. Wright, Owner addressed the hours of operation as follows: Presently Coastal Road Repairs is renting space in Westbrook, 90% of the time they are out at night for turnpike repair. Coastal Landscape plows and 90% of the employees do not come to the site. Most of our larger equipment is in Mass, N.H. and Biddeford. This equipment is serviced on site. Some of the plowing equipment may get serviced and stored in the summer months.

Mr. Shane, Town Manager stated we are very excited to have Coastal Landscape located in the Rural Industrial zone. One of the biggest challenges is the drainage, which is the Town of Cumberland's drainage which drains 100 acres north of Middle Road. We have a pipe installed by the former owners. As soon as the property was purchased we have been discussing an easement across the property for

drainage that needs to be re-sized for the amount of development that has happened up stream. I think this will be a huge improvement for the town and area. The stone center will be a huge improvement to the front of the building. Both of these businesses do work locally for the Town. Mr. Greer has been great to give directions regarding the improvement of the Town's drainage. In the future, we will look at these applications closer. It has become a popular site. The drainage plan will be part of the Town's Capital Improvement Plan (CIP).

Mr. Greer reviewed the location of the existing Town drainage pipe, which is not working properly.

Mr. Shane stated engineers are working on the design details. At the next meeting we can supply details of pipe size and whether the system will be a closed or combination drainage system.

Mr. Colby of 218 Middle Road stated his concerns are regarding traffic impact and the impact on his well with the location of the salt / shed storage building.

Mr. Greer stated the traffic will be similar to when the previous building use was fully operational. There are four or five office staff. In terms of the salt / sand building we think this is the best location; the drainage and groundwater will drain towards the back of the property. There should be no impact on wells in your location.

Mr. Moriarty read an email into the record from Pam and Dave Crowley which addressed the concern of traffic as Middle Road has become mostly residential. Can residents be assured the increase in traffic won't adversely impact their use of the road for walking, biking etc.? Will salt and sand be used exclusively by Coastal? The entire e-mail letter is in the Planning Department files.

Mr. Greer addressed traffic, stating there will not be a huge increase. There will not be daily customers to the stone center and the exterior improvements will enhance the development. Most of the salt / sand will mostly be used by Coastal.

The public portion of the meeting was closed.

The Board discussed the application and based on comments they agreed it was best to consider site plan and subdivision review at the same meeting.

Mr. Sherr moved to table the application for Site Plan Review for Coastal Landscape for site improvements and the addition of two storage buildings; located at 199 Middle Road, Tax Assessor Map R02, Lot 27 in the Rural Industrial (RI) district.

Mr. Boivin seconded.

VOTE: Unanimous 6-0

2. Public Hearing: Site Plan Review to construct three (3) high tunnel greenhouses for tomato growing at 41 Winn Road, Tax Assessor Map U08, Lot 17 in the Rural Residential One

(RR1) district. Applicant, Gary Goodrich, Replenoa Farm, LLC. Owner First Tracks Investments, LLC.

Ms. Nixon presented background information as follows: Gary Goodrich is the owner and applicant of Replenoa Farms, LLC, which is a year-round wholesale commercial grower of organic cherry tomatoes. The applicant is leasing a half acre of land from the Cianchette family at 53 Winn Road. The property is shown on Tax Assessor Map U-08, Lot 17 and is within the Rural Residential 1 (RR 1) zoning district. The proposed use, agriculture, is a permitted use in the district. The applicant has constructed three high tunnel greenhouses on the site; these were permitted as "Temporary Structures" which allows a structure for six (6) months by the Town Code Enforcement Officer. The applicant now intends to keep the greenhouses in place year-round. To do so will require Planning Board Site Plan Review and approval as it involves the construction of structures over 3,000 sf. Total proposed square footage is 6,048. This is a low impact project.

Mr. Moriarty asked if the final project will be different than what is existing at the site.

Mr. Goodrich, applicant stated he will add a sign and there will be small solar collectors on the sides. The operation will operate off the grid.

The Board asked the following:

- How long have the temporary structures been up?

Ms. Nixon stated approximately six weeks.

Mr. Goodrich reviewed the project as follows: The idea is to produce local fresh foods. This business will make some differences in agriculture. The intent is to have a few employees with high wages with benefits to produce a value product. This location has been a farm for over 100 years and makes sense with the lease agreement. The first year will involve development work on types of tomatoes to grow. There will be some field grown trials as well. The produce will be early and late into the season. There is no current plan for winter operation. The farm will two additional employees besides myself. Parking will be on the edge of the field. These tomatoes will be organic.

Mr. Moriarty asked how many growing seasons and harvests will there be.

Mr. Goodrich stated the high tunnels will extend the growing season by four to six weeks in the spring and fall. The tomatoes can be harvested throughout the season.

Mr. Davis asked if there would be a farm stand.

Mr. Goodrich stated no, they will direct market to stores such as Rosemount. There is a small stand at the farm where the Cianchette's plan to sell meat and I may put some tomatoes there.

Mr. Berrett asked about composting the plants, where would the composting be done and how what is the impact to the operation.

Mr. Goodrich stated he may use the Cianchette's existing manure pile, material will be moved off site. There will be some small tractor equipment on site.

The public portion of the meeting was opened.

Mr. Peter Bingham of 19 Brook Road stated the Town's Comprehensive Plan encourages local agriculture, and this use is within one of our goals. As an historical observation in the early 1900's Cumberland was the carnation capitol in the US, between the Chase's and Blanchard's greenhouse there were a couple dozen Greenhouses in the town. This is a good use encouraged by the Comprehensive Plan.

Ms. Andrea Peables of 10 Cross Road voiced concerns regarding parking and lighting? Is parking off from Winn Road?

Mr. Goodrich stated there will be no lighting only electricity for ventilation fans. The business will be sunrise to sunset. The parking will come in from Winn Road.

The public portion of the meeting was closed.

The Board reviewed the findings of fact as follows:

APPROVAL STANDARDS AND CRITERIA

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

10.1 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 site is an open field. The proposed agricultural use is appropriate for the site, as is the scale, location and type of construction of the new structures. There will be no excavation required as the greenhouses will not have foundations. The soil beneath the structures will be planted with produce. No environmentally sensitive areas will be affected by the development of this site as proposed.

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

10.2 Traffic, Circulation and Parking

10.2.1 Traffic Access and Parking

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

10.2.1.1 Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.

10.2.1.2 Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.

10.2.1.3 The grade of any proposed drive or street must be not more than +3% for a minimum of two (2) car lengths, or forty (40) feet, from the intersection.

10.2.1.4 The intersection of any access/egress drive or proposed street must function: (a) at a Level of Service D, or better, following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or (b) at a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated.

10.2.1.5 Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if it is safe and does not promote short cutting through the site.

10.2.1.6 Where it is necessary to safeguard against hazards to traffic and pedestrians and/ or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.

10.2.1.7 Access ways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.

10.2.1.8 The following criteria must be used to limit the number of driveways serving a proposed project:

a. No use which generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.

b. No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all access ways must not exceed sixty (60) feet.

The submitted site plan and application shows that the proposed project complies with all the above criteria. The business will not be open to the public. A small grassed parking area for parking 1-3 employees is shown on the site

plan. This area will is located near the proposed greenhouses. There will be a maximum of 3 employees.

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

10.2.2 Access way Location and Spacing

Access ways must meet the following standards:

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

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

The submitted site plan and application shows that the proposed project complies with all the above criteria.

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

10.2.3 Internal Vehicular Circulation

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

10.2.3.1 Projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing.

10.2.3.2 Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).

10.2.3.3 The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.

10.2.3.4 All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

There are no internal roadways for this project.

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

10.2.4 Parking Layout and Design

Off street parking must conform to the following standards:

10.2.4.1 Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.

10.2.4.2 All parking spaces, access drives, and impervious surfaces must be located at least fifteen (15) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within fifteen (15) feet of the front property line. Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24) feet in width.

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

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

10.2.4.4 In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.

10.2.4.5 Parking areas must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.

10.2.4.6 Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

There is parking for up to three (3) vehicles. There will be a maximum of three (3) employees. Additional parking is available at the main farmhouse located nearby. The submitted site plan and application shows that the proposed project complies with all the above criteria.

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

10.2.5 Building and Parking Placement

10.2.5.1 The site design should avoid creating a building surrounded by a parking lot. Parking should be to the side and preferably in the back. In rural, uncongested areas buildings should be set well back from the road so as to conform to the rural character of the area. If the parking is in front, a generous, landscaped buffer between road and parking lot is to be provided. Unused areas should be kept natural, as field, forest, wetland, etc.

10.2.5.2 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 submitted site plan and application shows that the proposed project complies with all the above criteria.

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

10.2.6 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 will be very little general pedestrian circulation as the business is not open to the public. The employees will be able to get around the site safely. There are no street sidewalks to connect to. The submitted site plan and application shows that the proposed project complies with all the above criteria.

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

10.3 Stormwater Management and Erosion Control

10.3.1 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.

10.3.1.1 To the extent possible, the plan must retain stormwater on the site using the natural features of the site.

10.3.1.2 Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.

10.3.1.3 The applicant must demonstrate that on - and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding and erosion of shoreland areas, or that he / she will be responsible for whatever improvements are needed to provide the required increase in capacity and / or mitigation.

10.3.1.4 All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.

10.3.1.5 The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.

10.3.1.6 The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.

10.3.1.7 The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

Stormwater runoff will sheet flow off the greenhouse roofs into the open field. The Planning Board finds the standards of this section have been met.

10.3.2 Erosion Control

10.3.2.1 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.

10.3.2.2 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.

There will be no excavation for the structures. No trees will be removed. All provisions of the Maine Erosion and Sediment Control Handbook will be complied with.

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

10.4 Water, Sewer, and Fire Protection

10.4.1 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 public water available on site.

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

10.4.2 Sewage Disposal Provisions

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

There is no sewer or septic on site. Employees will utilize a bathroom facility to be constructed in a nearby barn.

The Town Planner finds the standards of this section have been met.

10.4.3 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.

No electrical service is required.

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

10.4.4 Fire Protection

The Fire Chief or his/her designee shall review the site plan for conformance with the Fire Protection Ordinance and may provide the Town Planner a list of suggested conditions of approval.

The greenhouses are used for growing produce. There are no life safety concerns associated with this use.

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

10.5 Water Protection

10.5.1 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.

There is public water on site.

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

10.5.2 Water Quality

All aspects of the project must be designed so that:

10.5.2.1 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.

10.5.2.2 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.

There will be no storage of hazardous materials that would adversely affect the quality of groundwater. The only waste that the farm will create will be in the form of organic waste that will be recycled into a composting system and used to replenish the soil for replanting of crops.

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

10.5.3 Aquifer Protection

If the site is located within the Town Aquifer Protection Area, a positive finding by the Board that the proposed plan will not adversely affect the aquifer is required.

The site is not located in an aquifer protection area.

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

10.6 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 Ordinance.

The site is located in an area of minimal flooding (Class C) as shown on the FEMA floodplain map.

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

10.7 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 apparent historic or archaeological resources on the site. There will be no excavation. The submitted site plan and application shows that the proposed project complies with all the above criteria.

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

10.8 Exterior Lighting

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

There will be no exterior lighting.

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

10.9 Buffering and Landscaping

10.9.1 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.

10.9.2 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.

There is an existing tree line along Winn Road, however the size of the greenhouses makes total screening infeasible.

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

10.10 Noise

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

The applicant states that the proposed use will be clean and quiet and used for growing organic produce. As such, this use will not create a nuisance for neighboring properties.

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

10.11 Storage of Materials

10.11.1 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.

10.11.2 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.

10.11.3 Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition.

There will be no storage areas or trash receptacles located outside on the site. The submitted site plan and application shows that the proposed project complies with all the above criteria.

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

10.12 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 researched this type of farming.

The applicant is using private funds to finance the operation.

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

10.13 Design and Performance Standards

10.13.1 Route 100 Design Standards

All development in the Village Center Commercial, Village Office Commercial I and II, and the MUZ Districts shall be consistent with the Town of Cumberland Route 100 Design Standards; in making determination of consistency, the Planning Board may utilize peer review analysis provided by qualified design professionals

10.13.2 Route 1 Design Guidelines

All development in the Office Commercial North and Office Commercial South districts is encouraged to be consistent with the Route 1 Design Guidelines.

10.13.3 Town Center District Performance Standards

All development in the Town Center District is encouraged to be consistent with the Town Center Performance Standards.

10.13.4 Village Mixed Use Performance Standards

All development in the Village Mixed Use Zone is encouraged to be consistent with the VMUZ Performance Standards.

None of the above design or performance standards apply to this project

Mr. Saunders moved to adopt the findings of fact as written.

Mr. Davis seconded. VOTE: Unanimous 6-0

Mr. Berrett moved grant Site Plan Approval to Replenova Farm, LLC to construct three (3) high tunnel greenhouse for tomato growing at 41 Winn Road, Tax Assessor Map U08, Lot 17 in the Rural Residential One (RR1) district. This approval is subject to the Standard Condition of Approval, the Limitation of Approval and the two (2) Proposed Conditions of Approval.

Mr. Davis seconded. VOTE: Unanimous 6-0

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.

STANDARD CONDITION OF APPROVAL

This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted by the applicant.

PROPOSED CONDITIONS OF APPROVAL

1. A building permit is required.
2. Any outstanding fees owed to the Town shall be paid prior to the issuance of a building permit.

3. *Sketch Plan Review: Concept plan for a 96 unit, market rate apartment complex; U.S. Route One, Tax Assessor Map R 01, Lot 12 in the Office Commercial South (OC-S) district, with a contract*

zone agreement to be amended; Cumberland Foreside Village, LLC, David Chase, Owner, Applicant. Tom Greer, P.E. Pinkham & Greer Civil Engineers, Representative.

Mr. Moriarty stated the Board has no materials in their packets; this is a sketch plan review.

Mr. Tom Greer, P.E., Pinkham and Greer Civil Engineers reviewed the project as follows:

This is the second phase of the approval of Cumberland Foreside Village Residential housing which was approved last year. As you remember there was a lot for proposed apartment buildings.

- The plan will have eight identical three story buildings; each floor will have four market rate rental units. There is parking for 1.5 vehicles per apartment
- There is a mix of one and two bedroom apartments.
- There will be a small community building for the residents.
- There will be a small playground area and half sized basketball court
- Stormwater management will utilize underground soil filters. This project needs to receive DEP approval. We are hoping for a mid to late summer start on construction.
- There will be a gate so all traffic will come into the new entrance. There will only be emergency vehicle access from the single family residences.
- The dumpsters will be located close to the roads.
- There will be a water line extended through the project.
- The sewer will be extended from Casco Bay Drive
- The project will have combined mail boxes
- Mohr & Seredin Landscape Architects will provide a landscape plan
- The beautification buffer will remain which abuts I-295
- The Contract Zone will be amended as required.
- The project will require some additional blasting.
- The buildings are split with a fire wall in the middle, which are essentially two six unit buildings. There will not be any elevators.

Board comments:

- What is the purpose of the gated entrance?

Mr. Greer stated to control access; the apartments will be a private way.

- There are 12 spots for parking in front of the community building, and asked for clarification on the bump out areas.

Mr. Greer stated those are dumpster locations.

- Snow removal?

Mr. Greer stated it will be tight; there will be snow banks on the sides of the roads.

Mr. Shane stated the Council will be sending this item back to the Board for the February meeting, if you have any thoughts you want to incorporate. The Town is in the MDOT pipe line for this summer for approval of a center turning lane in this area. There will also be turning lanes for Sky View Drive and the housing complex Casco Bay Drive. The Town is excited for this; transitional housing is something we

don't have in Cumberland. With the expansion of Tyler Technologies in Yarmouth this will give opportunity for needed housing.

Mr. Moriarty asked how this project affects the Growth Management Ordinance. Is it anticipated all 96 units will be built at the same time. Is there any anticipated school impact.

Mr. Shane stated the applicant is asking that his project be exempt from the Growth Ordinance. The town is working with the school board for a population projection. The developer is anticipating building out the project within eighteen (18) months.

There were no public comments.

The Board thanked the applicant for the information and took no action.

H. Administrative Matters:

1. Road Standards Workshop with the Town Council: February 16, 2016 at 6:00 p.m. this will be prior to the February meeting.

Mr. Davis will not be available. The Board will proceed with the workshop.

Ms. Nixon stated the Road Design Standards in the Ordinance are excessive. The Town has been looking at reducing the standards and working with Gorrill Palmer traffic engineers. This information will be presented prior to the workshop.

Mr. Boivin asked what started the issue of road standards.

Ms. Nixon stated with the Town Council due to the high cost of maintaining roads at the current width etc.

2. Retirement of Pam Bosarge, Administrative Assistant who retired after eighteen years of service. A search is underway for a replacement; the Board will be kept apprised.

Mr. Saunders asked about the Route One Design Standards.

Ms. Nixon stated this will be on the February agenda.

Mr. Moriarty asked about holding a workshop to discuss the Route One Design Standards. It looks like February's meeting will be a long agenda. A workshop would help expedite this item.

The Board will hold a workshop on the Route One Design Standards on February 2, 2016 at 6:00 p.m.

Mr. Moriarty asked to add "New Business" with "Administrative Matters" on future agendas, and asked that agendas be e-mailed to each Board member when posted to the website.

H. Adjournment:

Chairman Moriarty adjourned the meeting at 8:45 p.m.

A TRUE COPY ATTEST:

Steve Moriarty, Board Chair

Pam Bosarge, Clerk to the Board