

**PLANNING BOARD MEETING
TOWN OF CUMBERLAND
Cumberland Town Hall
290 Tuttle Road, Cumberland, Maine 04021
Tuesday, February 16, 2016
7:00 p.m.**

A. *Call to Order:* The meeting was called to order at 7:00 p.m. *(There was a 6:00 p.m. workshop with the Town Council on draft amended road design standards)*

B. *Roll Call:*

Present: Steve Moriarty, Chair; Gerry Boivin, Vice Chair; Joshua Saunders, Peter Sherr, John Berrett, Terry Maloney Kelly

Absent: Jeff Davis

Staff: Carla Nixon, Town Planner; Shannon Smith, Administrative Assistant

C. *Approval of Minutes of the January 19, 2016 meeting.*

Mr. Moriarty explained that the minutes from the January 19, 2016 meeting were not available. They will be voted on at the March 15, 2016 meeting.

D. *Staff Site Plan Approvals: None*

E. *Minor Change Approvals: None*

F. *Hearings and Presentations:*

1. *Public Hearing:*

Major Subdivision Review: *To divide the land area into 2 lots and to divide an existing building into three leased areas.*

Site Plan Review: *for three storage buildings to be constructed on the site.*

***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.***

Mr. Moriarty stated the Planning Board began Site Plan Review at its last meeting, and it then became apparent there were more issues than Site Plan Review and tabled the application. To conduct review the entire project at one meeting.

Ms. Nixon presented background information as follows: The applicant is Craig Wright, owner of Coastal Landscaping, Road Repair and New England Stone Works. 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. An existing building on Lot A will be split into three separate leased areas; this, along with the split of the land parcel into two lots constitutes a 5 lot/unit subdivision under State subdivision law. As such, this project is being reviewed for conformance with the Town's Subdivision Ordinance and also for conformance with the Town's Site Plan Ordinance for the construction of three new structures on the site. 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. A third building will be constructed on Lot B. This will be a 14,000 sf boat storage building.

The Code Enforcement Officer has determined that Site Plan review of the proposed uses to be located in the existing building is not required since they are pre-existing, conforming uses with the Rural Industrial zoning district.

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

PROJECT HISTORY

- January 19, 2016: Planning Board Site Plan Review: Tabled - at the January meeting we discussed drainage and lighting issues.

Mr. Tom Greer, P.E., Pinkham and Greer Civil Engineers, Representative stated he was present with Craig Wright, Owner.

Mr. Greer reviewed the proposed subdivision plan as follows:

- The two lots will have a shared right of way to allow only one curb cut onto Middle Road.
- The existing building shows the division into three separate commercial spaces. The building is not being expanded. Mr. Wright's business is in one space. An engine repair business will be in the middle. Dew's Door will be on the other side of the building.
- The back of the plan shows wetlands
- The front of the site is the upland area and was used for the previous business and is gravel.

Mr. Greer reviewed the Site Plan as follows:

- The location of the boat storage building which will be on Lot B.
- The yellow line shows accuracy to the two monuments stated in the deed.
- The required twenty-five (25) foot buffer will be increased to forty-five (45). Some existing pine trees will remain.
- The Boat Storage building will have a gravel area out front. There should be between 30 to 40 boats stored on trailers. During the summer months trailers may be stored at the back of the lot, and during the winter there may be some boats outside. The applicant wants to disclose they will be using the inside and outside area for storage.
- The boats are delivered in the fall and in the spring they are put back in the water.
- There will be motion sensor lighting on the sides of the building.
- The existing building will have three businesses.
- Dew's Doors on one side, there will be a fence and screen for the dumpster and small equipment to block the view of the new overhead door.
- A 1,200 square foot building will be constructed for small equipment.
- A 2,500 square foot building will be built to store de-icing products and a mixture of salt, equipment and tools.
- There will be bins for storage of materials for stone, etc. There will be a fenced area for product which can be left outside.
- The traffic pattern will be changed there will be a landscaped buffer and fence along the front; this will be constructed within two years.
- Parking will be in the front for retail, which will have limited vehicle traffic.
- There will be a new sign with downward lighting.
- There will be three signs across the front of the building with the names of the business.
- The town will have an easement to repair and maintain the drainage.
- Based on discussions with an abutter we have agreed to re-align the driveway.

The applicant is requesting Subdivision and Site Plan Approval. The applicant has requested six waivers.

Board Comments:

- Will there be boat maintenance as well as storage?

Mr. Greer stated limited boat maintenance (a part may be removed and replaced).

- What are the plans for the existing well?

Mr. Greer stated there will be a new drilled well. The boat storage building may also drill a well. The building has no plumbing, but will have a sprinkler system. The boat building has two options: a new well or provide a connection from our new well based on limited use.

- Will the lights on the boat storage building be downward facing?

Mr. Greer stated yes.

- Does the proposed signage meet the ordinance requirements?

Ms. Nixon stated after the Planning Board approves the Site Plan the applicant will provide a sign application which will be issued in accordance with the sign ordinance.

- Boat storage facility clarification of outside storage.

Mr. Greer reviewed the proposed location in the upland area; it will not be in the wetland area. The outside storage will not be visible from the street.

- Has the issue of the CMP lights been resolved?

Mr. Wright stated they have been dealing with CMP and thought there were six lights; there were six contracts with four lights. These lights will be removed. Two are on the street, and one will be relocated at the back of the building. And the one existing light close to the boat storage will be removed. Two of the lights are on Middle Road. We have been able to determine which lights were being leased from CMP. There will be a new transformer; the three phase service will be removed.

- Clarification of landscape plans dated 1/26/16 the Site Plans review of the plans updated February 9, 2016 which shows the boat storage building. Sheet C.1.1 shows the outside location
- The plan dated February 9, 2016 shows the outside boat storage on Sheet C.1.1.

Mr. Greer stated the January 26, 2016 Landscape Plan is still current.

Town Planner's Comments:

- PWD Letter Required: Is that letter in the works?

Mr. Greer stated the PWD doesn't provide water. There is existing sewer to the building. A letter is not required.

- Waivers require action by Board. – The pole lights have been discussed, Mr. Chandler, abutter may want to discuss the lights. Waiver of photometric plan should be discussed at the meeting as an abutting property owner has expressed displeasure with existing CMP Pole lights across the road from the site being reviewed.
- What is the total number of employees for the proposed businesses?

Mr. Greer stated in the building there will be three employees at Dew's Doors, three employees at the small engine business and five employees at Mr. Wright's business. He has seventeen employees; most report directly to the job site. They may show up in the morning and go to the job site. The Boat Storage has no full time employees.

- Is the planting strip within the Middle Road ROW?

Mr. Greer stated that is correct, it is currently gravel, there will be a green buffer strip along the right of way. The intent is to loam and seed the shoulder. We are moving the pavement and landscaping which is within the right of way, but parking is on the property.

- There are no tree plantings to break up the scale of the site and there are no plantings proposed along the building edges. Is this acceptable to the Board?

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 Engineer's Review: Dan Diffin, P.E., Sevee and Maher Engineers:

The Applicant's Engineer has addressed each of the following issues to the Town Engineer's satisfaction.

Chapter 229: Site Plan Review

Section 10.B – Traffic, circulation and parking. - Satisfied

1. *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.*
2. *The chart of parking requirements on C1.1 does not appear to match up with the parking required in Chapter 315-57 Parking and Loading within the Zoning Ordinance. As listed in the Ordinance, retail parking requires a space for every 250 square feet and industrial use requires a space for every 1.2 employees.*
3. *Under ADA requirements for parking lots with more than 25 parking spaces, two accessible parking spaces are required. Currently, it appears that there is only one space proposed on the plans.*
4. *The plans should be revised to indicate a dedicated unloading area or accessible path for the ADA parking spaces.*

Section 10.C – Stormwater management and erosion control. - Satisfied

1. *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.*
2. *Please provide an erosion control plan for the new construction proposed on Lot A and for the new boat storage building in Lot B.*

3. *Please clarify how the drainage from Lot A will be directed around and away from the new Boat Storage Building on Lot B.*

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

1. *Has a pump test been performed on the well to demonstrate adequate supply for the building sprinkler system?*
2. *Will the existing or proposed well be used for potable water within the facility?*

Section 10.E – Water protection - Satisfied

1. *Please provide information on the chemical, petroleum, and salt storage on the site, any anticipated refueling operations and maintenance activities.*
2. *Does the existing building have a floor drain(s)?*

Chapter 242: Stormwater Management - Satisfied

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.

Ms. Nixon reviewed the six Waiver Requests:

1. Waiver for a High Intensity Soils Map. The site is currently developed and the project stays within the developed area. All soils are considered “manmade” as they are fills from the previous development.
2. Waiver of a Formal Traffic Study. The project includes repurposing the existing building to a similar use as the previous use and adding a Boat Storage Building. The number of trips will be very similar to the previous use and by consolidating the entrances; a safer traffic pattern is planned.
3. Waiver of Financial Capacity. This project will finance out the current building loan for the building improvements and the sale of the Boat Storage lot.
4. Waiver of Underground Electric. The Boat Storage Building will be serviced by the existing overhead electric lines. The pole functions as a light pole currently. It is the intent to maintain it.
5. Waiver of Photometric Plan. The only new lights on this project are the ones on the front of the existing building. Those will be downward shielded lights that light the sidewalk and parking in front.
6. Letters from State Agencies. To the best of our knowledge no state agency permits are required for this project.

The public portion of the meeting was opened.

Mr. John Chandler, of Tuttle Road who also owns the property across the street. The Town will handle the drainage with a 48” pipe and the two light poles I previously mentioned will be removed. The driveway location will be relocated. The lights on the sign will be downward as required. My concerns have been addressed satisfactorily.

Mr. Bill Shane, Town Manager voiced support of the application, to keep Craig Wright as a Cumberland business owner. He has been helpful with town projects, and worked closely with the Town in crack filling, trench repairs and landscaping needs with the gas lines. We had no previous easement for the drainage across the property. His willingness to allow the drainage to maintain and go across the property has saved the town money. We are excited to keep his business in town.

Mr. Dale Spugnardi of 189 Middle Road adjacent to the property, stated my biggest concern was not the improvements but the location of the boat building. I met with the applicant and they have approved a 45' buffer and I have agreed to the property line as a result. Mr. Spugnardi stated he didn't know anything about boat trailers, this is new information this evening.

Mr. Greer reviewed the proposed location of the boat trailer storage; the area will remain a meadow.

M. Spugnardi asked as a condition of approval that the 45' no cut buffer would exist. He thought that the setback in the Rural Industrial zone required a 50' setback abutting a residential use.

Mr. Greer stated the plan shows a 50' setback with a 45' no cut buffer.

The public portion of the meeting was closed.

The Board reviewed the waiver requests with the following

1. Waiver for a High Intensity Soils Map. The site is currently developed and the project stays within the developed area. All soils are considered "manmade" as they are fills from the previous development.

Mr. Saunders moved to approve the waiver for a high intensity soils map to prevent undue hardship to this project.

Mr. Bovine seconded.

VOTE: Unanimous 6-0

2. Waiver of a Formal Traffic Study. The project includes repurposing the existing building to a similar use as the previous use and adding a Boat Storage Building. The number of trips will be very similar to the previous use and by consolidating the entrances; a safer traffic pattern is planned.

Mr. Saunders moved to approve a waiver for a formal traffic study to prevent undue hardship to this project.

Mr. Berrett seconded.

VOTE: Unanimous 6-0

3. Waiver of Financial Capacity. This project will finance out the current building loan for the building improvements and the sale of the Boat Storage lot.

Mr. Saunders moved to approve a waiver of financial capacity to prevent undue hardship to this project.

Mr. Berrett seconded

VOTE: Unanimous 6-0

4. Waiver of Underground Electric. The Boat Storage Building will be serviced by the existing overhead electric lines. The pole functions as a light pole currently. It is the intent to maintain it.

Mr. Saunders moved to approve a waiver of underground electric to prevent undue hardship to this project.

Mr. Berrett seconded

Discussion: Mr. Boivin voiced he would rather the electrical be underground, but because there is existing overhead service he agrees with the waiver request.

VOTE: Unanimous 6-0

7. Waiver of Photometric Plan. The only new lights on this project are the ones on the front of the existing building. Those will be downward shielded lights that light the sidewalk and parking in front.

Mr. Saunders moved approve the waiver of a photometric plan to prevent undue hardship to the project.

Mr. Berrett seconded.

Discussion: The Board discussed the existing CMP pole light, the applicant agreed to change out that fixture to an LED downward facing fixture.

VOTE: Unanimous 6-0

5. Letters from State Agencies. To the best of our knowledge no state agency permits are required for this project.

Mr. Saunders moved to approve the waiver request for letters from State Agencies to prevent any undue hardship to the project.

Mr. Berrett seconded.

VOTE: Unanimous 6-0

The Board reviewed the proposed findings of fact for Subdivision of Land Chapter 250 of the Cumberland Code.

PROPOSED FINDINGS OF FACT - Chapter 250 - Subdivision of Land

The purpose of these standards shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Cumberland, Maine, the Board shall consider the following criteria and before granting approval shall determine that the proposed subdivision:

1. Pollution. The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:
 - A. The elevation of the land above sea level and its relation to the flood plains;
 - B. The nature of soils and subsoil and their ability to adequately support waste disposal;
 - C. The slope of the land and its effect on effluents;
 - D. The availability of streams for disposal of effluents; and
 - E. The applicable state and local health and water resource rules and regulations;

The plans have been reviewed and approved by the Town Engineer and found that the proposed subdivision will not result in undue water or air pollution.

Based on the information provided, the Board finds the standards of this section have been met.

2. Sufficient Water. The proposed subdivision has sufficient water available for the reasonable foreseeable needs of the subdivision;

The proposed subdivision will utilize an existing well and a new well location is shown on the plan for a new well to be drilled.

Based on the information provided, the Board finds the standards of this section have been met.

3. Municipal Water Supply. The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used;

A private water supply will be used.

Based on the information provided, the Board finds the standards of this section have been met.

4. Erosion. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;
The applicant has submitted an erosion and sedimentation control plan that has been reviewed and approved by the Town Engineer.

Based on the information provided, the Board finds the standards of this section have been met.

5. Traffic. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed;
A waiver was requested by the applicant based on the view that the project includes the repurposing of the existing building to a similar use as the previous use and adding a boat storage building. The number of trips will be very similar to the previous use and by consolidating the entrances; a safer traffic pattern is planned.

Based on the information provided, and the approved waiver, the Board finds the standards of this section have been met.

6. Sewage disposal. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services, if they are utilized;
The project will utilize public sewer.
The Board finds that the standards of this section have been met.
7. Municipal solid waste disposal. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized;
This is a commercial subdivision. The businesses will contract with a private waste hauler.

Based on the information provided, the Board finds the standards of this section have been met.

8. Aesthetic, cultural and natural values. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;
The site has been previously developed and there are no apparent aesthetic, cultural or natural values on the site.

Based on the information provided, and the approved waiver, the Board finds the standards of this section have been met.

9. Conformity with local ordinances and plans. The proposed subdivision conforms to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;

The Plan has been reviewed by the Town Planner, the Town Engineer and Town Department Heads. The proposed project is in conformance with the above listed plans and ordinances.

Based on the information provided, the standards of this section have been met.

10. Financial and technical capacity. The subdivider has adequate financial and technical capacity to meet the standards of this section;

Technical capacity is evidenced by the use of the following experts: Professional Engineer (Thomas Greer, P.E.), Licensed Land Surveyor (David Titcomb) and a Licensed Soils Evaluator (Mark Hampton).

There are no public improvements to the site. A performance guarantee for the cost of the erosion control and landscaping work will be required as a condition of approval. The Board has granted a waiver from the requirement to provide evidence of financial capacity.

Based on the information provided and the approval of the financial capacity waiver request, the Board finds that the standards of this section have been met.

11. Surface waters; outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38 chapter 3, subchapter I, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of the body of water;

This section is not applicable.

12. Ground water. The proposed subdivision will not alone, or in conjunction with, existing activities, adversely affect the quality or quantity of ground water;

The proposed uses will not adversely affect the quality or quantity of groundwater. Salt will be stored inside a proposed building. All of the oils and grease used to maintain the equipment is stored inside and used inside the building. The trucks are equipped with a 100 gallon fuel tank that is used to fill small equipment and machinery on site and on job sites. Spill preventions supplies are on site. The building does not have a floor drain.

Based on the information provided, the Board finds the standards of this section have been met.

13. Flood areas. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and

flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;

The parcel is located in Zone C- Areas of Minimal Flooding as shown on FEMA Map # 2301620016C.

Based on the information provided, the standards of this section have been met.

14. Storm water. The proposed subdivision will provide for adequate storm water management;

A stormwater management plan was submitted as part of the application packet and has been reviewed and approved by the town Engineer. The project will convert just under 30,000 sf of gravel to landscaped area, reducing the peak runoff and treating runoff from Middle Road in the landscaped buffer. The Town of Cumberland has agreed to construct and maintain any future drainage work in this area. The Town will be responsible for all maintenance and inspections and this will be incorporated into the Town's municipal stormwater maintenance program as required by MDEP and the EPA.

Based on the information provided, the standards of this section have been met.

15. Freshwater wetlands. All potential freshwater wetlands, as defined in 30-A M.R.S.A. §4401 (2-A), within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

All freshwater wetlands areas are shown on the plan.

Based on the information provided, the standards of this section have been met.

16. River, stream or brook. Any river, stream, or brook within or abutting the proposed subdivision has been identified on any map submitted as a part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, Section 480-B, Subsection 9. [Amended; Effective. 11/27/89]

There are no rivers, streams or brooks within or abutting the proposed subdivision.

Based on the information provided, the standards of this section have been met.

SITE PLAN REVIEW: Findings of Fact

Sec. 229-10 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.

A. 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 13.02 acre site is partially developed with a large building and a gravel surface area previously used for parking of construction equipment. The site will be further developed with the creation of three (paved) defined entrance drives from Middle Road and the construction of 2 storage buildings on Lot A, and a boat storage building on Lot B. There will be no impact to environmentally sensitive areas. The proposed uses will not impact the groundwater and other natural resources. The applicant intends to provide an easement to the Town of Cumberland that will allow an existing drainage problem, originating from town roads, to be resolved.

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

B. Traffic, Circulation and Parking

(1) Traffic Access and Parking: Vehicular access to and from the development must be safe and convenient.

- (a) 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.
There is 350' of site distance in each direction when exiting the driveway onto Skyview Drive.
- (b) Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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.

- (g) Accessways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.
- (h) The following criteria must be used to limit the number of driveways serving a proposed project:
 - 1. 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. No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all accessways must not exceed sixty (60) feet.

ALL THE ABOVE CRITERIA HAVE BEEN MET.

(2) Accessway Location and Spacing

Accessways must meet the following standards:

- a. Private entrance/exits must be located at least fifty (50) feet from the closest unsignalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the accessway. This requirement may be reduced if the shape of the site does not allow conformance with this standard.
- b. Private accessways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

ALL THE ABOVE CRITERIA HAVE BEEN MET.

3. Internal Vehicular Circulation

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

- a. 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.
- b. 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).
- c. The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.
- d. 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.

ALL THE ABOVE CRITERIA HAVE BEEN MET.

(4) Parking Layout and Design

Off street parking must conform to the following standards:

- a. 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.
- b. 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.
- c. Parking stalls and aisle layout must conform to the following standards.

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

- d. 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.
- e. 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.
- f. 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.

ALL THE ABOVE CRITERIA HAVE BEEN MET.

(5) Building and Parking Placement

- (a) 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 the road and parking lot is to be provided. Unused areas should be kept natural, as field, forest, wetland, etc.

Parking will be located along the front and sides of the existing building. The plan shows a 17' planting strip consisting of grass, ornamental trees and shrubs and a split rail fence that will extend along the entire frontage of the property.

- (b) Where two or more buildings are proposed, the buildings should be grouped and linked with sidewalks; tree plantings 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 to 10 feet. Plantings should be provided along the building edge, particularly where building facades consist of long or unbroken walls.

There will be a total of four buildings on the parcel: one existing and three to be constructed. The buildings are not “linked” but rather are free-standing, isolated structures.

(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 application shows three defined entrance areas which will improve the safety and functionality of the site for vehicles and pedestrians. There is no system of pedestrian ways among the buildings, but there is a 4.5’ wide concrete paver sidewalk to be installed along the front of the building.

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

C. Stormwater Management and Erosion Control

- (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.
 - (a) To the extent possible, the plan must retain stormwater on the site using the natural features of the site.
 - (b) 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.
 - (c) 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.
 - (d) 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.
 - (e) 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.

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

The Town of Cumberland has agreed to obtain an easement from the applicant to make improvements to the drainage of water from Greely and Middle Roads. This is listed as a condition of approval.

With the proposed condition of approval, the Planning Board finds the standards of this section have been met.

2. Erosion Control

- (a) 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.
- (b) 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 project has been reviewed and approved by the Town Engineer for erosion and sedimentation control.

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

D. Water, Sewer and Fire Protection

(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.

The project will utilize an existing well and an additional well location has been shown on the plan.

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

(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.

The project will utilize public sewer.

Based on the information provided, and the approved waiver, the Board finds the standards of this section have been met.

(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.

There is an overhead utility line from Greely Road to the existing building. While this overhead line is permitted as being part of a legally conforming use, all other utility lines must be underground. The applicant has received a waiver to permit an overhead electrical line to be extended from the pole next to the existing building to the proposed boat storage building.

Based on the information provided, and the approved waiver, the Board finds the standards of this section have been met.

4. Fire Protection

The final plans have been reviewed by the Fire Chief; there are recommended conditions of approval proposed.

The Planning Board finds this standard to be met.

E. Water Protection

- (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.

Public sewer will be utilized.

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

(2) Water Quality

All aspects of the project must be designed so that:

- a. 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 groundwater 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.
- b. All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.

The Town Engineer has reviewed and approved the materials that will be stored on site and has agreed with the plan to protect groundwater.

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

(3) Aquifer Protection (if applicable)

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 parcel is not located in the Aquifer Protection Area.

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

F. 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 depicted on FEMA Maps # 230162 0016 C as being located in Zone C: areas of minimal flooding.

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

G. 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.

No evidence has been provided on historical significance, however the site is developed and there are no apparent historic features on the site. The construction of the new storage buildings will take place on an existing gravel and or meadow surfaces.

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

H. Exterior Lighting

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

There are 4 existing overhead pole lights that are leased from CMP. Three (3) pole lights will be removed and the one (1) pole light that remains will be replaced with an LED fixture. The plan shows that there will be thirteen (13) wall mounted lights around the existing building. The boat storage building will have eleven (11) fixtures; the cold storage building will have four (4) fixtures and the salt storage building will have one fixture. They will be set for motion detection and will be shielded, downward facing fixtures. A waiver from the requirement of submitting a photometric plan was approved by the Planning Board.

Based on the information provided, and the approved waiver, the Board finds the standards of this section have been met.

I. Buffering and Landscaping

(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.

(2) Landscaping:

There are no proposed changes to the landscaping plan due to the minimal change in the amount of pavement.

There is no proposed landscaping for the three storage buildings in the rear of the site. Landscaping is proposed for the front and sides of the existing building. A forty-five (45') no disturb buffer is shown along the property line abutting the Spugnardi property at 189 Middle Road.

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

J. Noise

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

The site is located in the Rural Industrial zoning district. The uses are permitted uses. The site is 13.02 acres in size. Much of the storage of equipment and vehicles will be indoors. The utilization of three two new storage buildings and the existing building that will have three tenants will not create a nuisance for abutting

properties. The applicant has agreed to provide a forty-five foot (45') no disturb buffer along the property line abutting the Spugnardi property at 189 Middle Road.

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

K. 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 applicant has shown the location of two (2) dumpsters that will be screened with a six foot (6') high fence.

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

L. 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.

TECHNICAL: The applicant has retained the services of a professional engineer to design the site plan.

FINANCIAL: There are no public improvements required for this project. The cost for construction of the storage units will be paid for by the applicant from private funds. A waiver request was approved by the Planning Board.

Based on the information provided, and the approved waiver request, the Planning Board finds the standards of this section have been met.

(M) Design and Performance Standards

- (1) Route 100 Design Standards (if applicable)
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.
N/A

- (2) Route 1 Design Guidelines (if applicable)

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

N/A

Mr. Saunders moved to adopt the Subdivision Findings of Fact and the Site Plan Review Findings as amended.

Mr. Boivin seconded.

VOTE: Unanimous

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.

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. Any variation from the plans, proposals and supporting documents, except minor 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.

CONDITIONS OF APPROVAL

1. Any outstanding fees shall be paid to the Town prior to the issuance of a building permit.
2. A permit from the State Fire Marshal is required prior to issuance of a building permit.
3. Information on the materials to be stored in the new buildings is required to be submitted to and approved by, the Town Planner and Town Engineer prior to the issuance of a building permit.
4. A sign permit is required prior to making any changes to the location or appearance of the existing sign, or for the construction of a new sign.
5. The applicant shall provide an easement to the Town of Cumberland to allow improvements for the drainage of water from Greely and Middle Roads. The location of the drainage easement will be shown on the final approved subdivision plan to be submitted for signature to the Planning Board in March. A drainage easement agreement will be executed between the Town of Cumberland and the applicant and will be reviewed by the Town Attorney.
6. Any improvements such as plantings and landscaping or fencing shall be installed and maintained by the applicant and shall be placed in the right of way at the applicant's own risk.
7. The applicant shall provide a performance guarantee in an amount acceptable to the Town Manager for the costs of the landscaping and erosion control work. This shall be provided to the Town Manager prior to the issuance of the next building permit.

Mr. Saunders moved to grant Site Plan and Subdivision approval for 199 Middle Road, Tax Assessor Map R02, Lot 27 in the Rural Industrial (RI) district, subject to the subdivision findings of fact and the Site Plan findings, The Standard Condition of Approval, The Limitation of Approval and the proposed seven (7) Conditions of Approval.

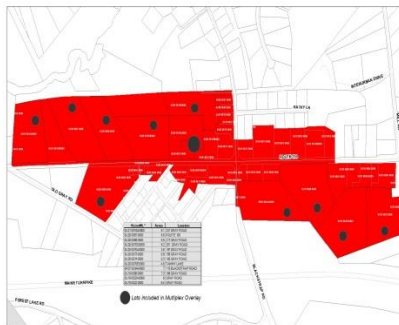
Mr. Boivin seconded.

VOTE: Unanimous 6-0

The Board took a 5 minute break at 8:30 p.m.

The Board resumed at 8:45 p.m.

2. Public Hearing: Recommendation to the Town Council to create a Village Center Commercial (VCC) Multiplex Overlay District for lots in the Village Center Commercial District that are larger than 5 acres in size, as shown on Tax Assessor Maps: U21 Lot 16A; U20 - Lots 67, 68, 70D, 70A, 73, 74, 70E; R07 Lot 34A; U19 – Lots 8, 22A, 22.



Ms. Nixon presented background information as follows: The Board has received a draft of a proposed overlay district that would permit multiplex developments in the Village Center Commercial (VCC) district located along Route 100 in West Cumberland. This use: “Multiplex” as “A building containing three or more dwelling units, including apartment buildings and condominiums”. As you may recall a master plan for the Allen’s Farm property included multiplex units. This overlay will permit the development of multiplex units, but only on lots larger than five (5) acres.

Mr. Shane, Town Manager stated this proposal came about with the shoe manufacturing facility in West Cumberland. As a part of that proposal was the idea of allowing multiplex dwellings in the back next to Tammy Lane. Mr. Shane reviewed the parcels along Route 100 that are five or more acres in the VCC district. There would be minimal impact. The town is proposing the following lot standards, the minimum lot requirements in the VCC is five acres but each unit within the development would be 8,000 square foot per bedroom. This number was determined based on the state plumbing code. These units will be approximately 600 to 800 square feet with one or two bedrooms. Minimum dwelling units will be no smaller than 600 square feet. Parking standards will require 1.5 spaces per dwelling unit, and 10% open space. The multiplex units will need to connect to the public water.

Ms. Maloney-Kelly asked for clarification on 800 square foot per bedroom minimum.

Mr. Shane stated the state plumbing code requires 800 square foot per bedroom for lot size minimum. These are the same standards as Emerald Commons.

Mr. Saunders asked about mixed use, does that count towards the 8,000 square foot lot minimum.

Mr. Shane stated any additional commercial use would be required to have the minimum square footage of 20,000 square feet to be subtracted out as required by the Ordinance.

Mr. Boivin asked the rationale for the minimum five acre lot.

Mr. Shane stated we wanted to avoid some of the smaller lots that front on Route 100, and five acres allows for additional buffering.

Ms. Nixon reviewed the long range planning aspect of this change: Route 100 has been a challenging area for development. The idea of supporting the multiplex development will increase the population in the area to drive village type use development based on needs of the population.

The public portion of the meeting was opened.

There were no public comments.

The public portion of the meeting was closed.

Mr. Moriarty stated tonight the Planning Board was making a recommendation to the Town Council to amend the zoning ordinance.

Mr. Saunders moved to recommend to the Town Council to create a Village Center Commercial Multiplex Overlay district for lots in the Village Center Commercial District for lots that are larger than five (5) acres in size, as shown on the attached map showing Tax Assessor Maps: U21- Lot 16A, U20 - Lots 67, 68, 70D, 70A, 73, 74, 70E; R07- Lot 34A, U19- Lots 8, 22A, and 22.

Mr. Boivin seconded.

VOTE: Unanimous 6-0

315-28.2 – VILLAGE CENTER COMMERCIAL (VCC) MULTIPLEX OVERLAY DISTRICT
Added: _____/16

A.

Purpose. The purpose of the Village Center Commercial Multiplex Overlay is to allow high density residential development to occur when part of an overall master plan for a parcel that is a minimum of 5 acres in size.

B.

Review Standards. All projects within the Village Center Commercial Overlay District are subject to review under the Town's Subdivision Ordinance, Site Plan Ordinance and Route 100 Design Standards.

C.

District: The Village Center Commercial Overlay District, as delineated on the official Town of Cumberland Tax Assessor's Map, is hereby designated as an overlay district within the Village

Center Commercial district for the purposes designated herein. Properties in the Village Center Commercial Overlay District shall continue to be governed by the regulations applicable to the underlying zoning district except as specifically provided herein.

D.

Permitted Uses. In addition to the permitted uses allowed in the underlying zoning districts and notwithstanding anything to the contrary in the regulations for the underlying zoning districts, the following uses are permitted uses in the Village Center Commercial Multiplex Overlay District.

1. Multiplex Dwellings in the VCC Overlay shall be subject to the following standards and shall not to the provisions of 315-44,

E.

Lot Standards. The following lot standards shall apply in the Village Center Commercial Multiplex Overlay District:

- (1) Setbacks. Setbacks shall be the lesser of the distance from the existing building to the nearest property line or the stated limit below. The following minimum setbacks are required for all Multiplex Structures in the Village Center Commercial Multiplex Overlay District:

1. Front: 25 feet
2. Rear: 50 feet
3. Side: 25 feet

- (2) Minimum lot requirements.

- .1 The minimum lot size for the development shall be 5 acres.
- .2 The minimum lot area per dwelling unit shall be no less than 8,000 square feet per bedroom.

F.

Net Residential Acreage. Net residential acreage calculations are not required for projects within the Village Center Commercial Multiplex Overlay District.

G.

Minimum Dwelling Unit Size. No dwelling unit shall have less than 600 square feet of finished living area.

H.

Parking. There shall be no less than 1.5 parking spaces per dwelling unit.

I.

Open Space. At least 10% of the total area of the tract or parcel of land being developed must be maintained as open space. Such open space shall consist of land which has one or more of the following characteristics:

- (a) Land which is suitable for use as a group seating area for residents.
- (b) Land which preserves and provides a buffer around a sensitive wildlife habitat.
- (c) Land which is suitable for active recreation.
- (d) Land which abuts or adjoins an existing public open space.
- (e) Land which provides physical or visual access to a water body.
- (f) Land with an active trail system or which provides a link to an existing trail system.

J.

Public Water. All multiplex dwelling units built after the effective date of this regulation in accordance with the provisions established herein shall be connected to the public water system.

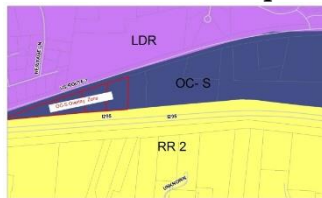
K.

Maintenance Agreements. When applicable, a road maintenance agreement and/or a stormwater maintenance agreement may be required by the Planning Board.

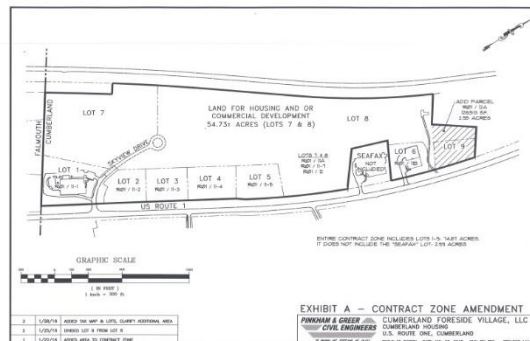
L.

Ownership. A tract or parcel developed under this section shall be held either in single or common ownership.

- 3. ***This item was tabled: Public Hearing: Recommendation to the Town Council to create an Office Commercial South Multiplex, Retail and Restaurant Overlay District for lots shown on Tax Assessor Map R1, Lots 14A, 14, 14B, 13B.***



4. ***Public Hearing: Recommendation to the Town Council on draft amendments to the Contract Zoning Agreement with Cumberland Foreside Village, LLC to include the rezoning of Tax Assessor Map R01, Lot 12A and revisions regarding the development of multiplex dwellings on Tax Assessor Map R01, Lots 11, 11A, 11B, and 12A.***



Mr. Moriarty asked if we are specifically adding lot 9 to the Contract Zone.

Mr. Shane stated that is correct, and additional permitted uses.

Mr. Shane, Town Manager presented background information as follows:

David Chase approached the town to add ninety-six (96) units of apartments. We are excited because currently there is very little transitional housing available in town.

- The rentals will be in the 1,200 to 1,500 dollar range
- Units will be 700 to 900 square foot range
- Eight buildings are proposed each building will have 12 units
- In each one of the buildings there will be one unit reserved for a 55+ tenant
- There will also be a community building – setbacks for this building are listed in the Contract Zone.
- Site Plan review should be before the Planning Board in March
- The project will have a separate entrance to Route One
- There will be an emergency fire gate between the two developments.

Contract Zone Agreement Amendments:

- Amend total number of dwelling units from 134 to up to 150 units
- 55+ year and older language for each building
- Multiplex unit language and exempted from current multiplex standards Section ----
- Six Commercial lots remain along Route One
- A center turn lane will be added on Route One this summer this will extend to Tuttle Road
- The 100' buffer strip along the back will be inspected to assure the buffer has not been impacted. This is the Lady Bird Johnson beautification buffer.
- This project will be exempt from the Growth Management Ordinance, however the \$100.00 fee will not be exempt. The town will collect \$9,600 in fees.
- The project will be on public water and sewer and the buildings will have sprinklers.

Board comments:

Mr. Saunders stated he is supportive of the project, but hesitant to make a recommendation to the Town Council for a Contract Zone that has only been presented on the screen. He would like to have paper copies to review.

Mr. Moriarty asked was timing critical if the item were to be tabled. The Board does not have a map showing the addition of lot # 9; what is the intended use for lot # 9.

Mr. Shane stated it would be to create another commercial lot to the zone. The back portion of lot # 9 will be used for stormwater drainage and some of the lot will have the community center.

Mr. Sherr asked for clarification on the property line on lot #9.

Mr. Chase clarified the lot lines for lot # 9.

Mr. Sherr stated based on Mr. Shane's presentation, he feels comfortable with the proposed amendments and has no problem with a recommendation.

Mr. Boivin stated exhibit A is incorrect, the presentation makes sense, but I would like to see the proposal.

Mr. Moriarty agreed, stating the Board needs to see the entire plan with accurate boundaries and language for the CZA.

Mr. Shane stated a table will push back the subdivision and site plan reviews. The Town Council is in support of the proposed plan.

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

The Board discussed the proposal and based on the discussion the following motion was made.

Mr. Sherr motioned to recommend to the Town Council draft amendments to the Contract Zone Agreement (CZA) with Cumberland Foreside Village, LLC to include the rezoning of Tax Assessor Map R01, Lot 12A and revisions regarding the development of multiplex dwellings on Tax Assessor Map R01, Lots 11, 11A, 11B, and 12A.

Mr. Saunders seconded.

Discussion on the motion:

Mr. Boivin asked if there was any merit in adding to the motion items such as Exhibit A be updated.

Mr. Sherr stated he could add language to his motion requesting Exhibit A be updated along with the proposed changes to the contract zone are updated as necessary based on the discussion.

Mr. Moriarty stated he could vote for the motion.

Mr. Sherr stated he has a clear understanding of amendments based on Mr. Shane's presentation.

Re-Stated amended motion: Mr. Sherr motioned to recommend to the Town Council draft amendments to the Contract Zone Agreement (CZA) with Cumberland Foreside Village, LLC to include the rezoning of Tax Assessor Map R01, Lot 12A and revisions regarding the development of multiplex dwellings on Tax Assessor Map R01, Lots 11, 11A, 11B, and 12A. This motion is subject to: the updating of Exhibit A and proposed changes to the contract zone are updated as necessary based on the Planning Board discussion.

Mr. Saunders seconded.

VOTE:5 in favor (Moriarty, Sherr, Berrett,
Boivin, Maloney-Kelly)
1 abstain (Saunders)

5. *Public Hearing: Recommendation to Town Council on amendments to the Route 1 Design Guidelines to make them Design Standards.*

Mr. Moriarty stated he read the proposed standards and had some comments which have been incorporated into the version passed out to the Board. The changes were grammatical in nature.

The public portion of the meeting was opened.

Mr. Tom Foley of True Spring Farm Condominium Association stated he has read this version; and he served on the Land Use Committee. He is in favor of the Design Standards that will allow the Planning Board to require the standards.

The public portion of the meeting was closed.

Board comments:

Section 200 the table of contents doesn't match. – Should be Master Planning and not Master Planner.

To strike Section 508 from table of contents – It no longer exists.

Mr. Sherr motioned to recommend to the Town Council to adopt the Route One Design Guidelines to Route One Design Standards as amended by the Planning Board.

Mr. Boivin seconded.

VOTE: Unanimous 6-0

G. *Administrative Matters/New Business:*

- Ms. Maloney-Kelly will not be at the March meeting.
- Introduction of Shannon Smith; Clerk to the Board

H. *Adjournment*

Mr. Saunders moved to adjourn.

Mr. Berrett seconded.

VOTE: Unanimous 6-0

The meeting was adjourned at 9:35 p.m.

A TRUE COPY ATTEST:

Stephen Moriarty, Board Chair

Pam Bosarge, Administrative Assistant