

**PLANNING BOARD MEETING
TOWN OF CUMBERLAND
Cumberland Town Hall
290 Tuttle Road, Cumberland, Maine 04021
Tuesday, April 21, 2015
7:00 p.m.**

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

C. *Roll Call:*

Present: Chris Neagle, Chair, Gerry Boivin, Vice-Chair, Jeff Davis, Teri Maloney-Kelley, Joshua Saunders, Peter Sherr

Absent: Steve Moriarty

Staff: Carla Nixon, Town Planner, Pam Bosarge, Administrative Assistant

D. *Approval of Minutes of the March 17, 2014 meeting.*

Mr. Sherr moved to approve the minutes of March 17, 2015.

Mr. Boivin seconded.

VOTE: Unanimous 5-0

1- Abstain (Maloney-Kelley)

E. *Minor Change Approvals: None*

F. *Public Hearings:*

1. *Public Hearing: Major Site Plan Amendment:* Liberty Farms, LLC Commercial Growers to reposition the (4) 150' x 30' greenhouses at 93 Lower Methodist Road, Tax Assessor Map U18, Lot 6C in the Rural Residential 2 (RR2) district. Applicant, Owner: Megan Williams Vietor, Liberty Farms, LLC.

Ms. Nixon presented background information as follows: This application for a revision to the approved site plan is to show the two greenhouses placed horizontally along Lower Methodist Road, rather than perpendicular. The revised plan also shows that the washing station, which was approved as a stand-alone structure, will now be incorporated into the first greenhouse. The plan also shows the slight shift of the gravel parking area to better line up with the greenhouse where produce will be stored prior to shipping. All of these changes are required to meet the 50' front setback requirement.

Mr. Eric Selbert, Applicant agreed with Ms. Nixon's overview; the wash station will be in the greenhouse, the overhead electric has been moved to underground service and the request is for two greenhouses at this time, they will come back with a request for additional greenhouses as Phase II. This request is for the 96' GH # 1 and 144' GH#2 as shown on the site plan. These greenhouses will meet the front setback requirement.

The public portion of the meeting was opened.

There were no public comments.

The public portion of the meeting was closed.

The Board reviewed the findings of fact and based on discussion the following motion was made:

Mr. Saunders moved to approve the findings of fact as amended.

Mr. Boivin seconded.

VOTE: Unanimous

10.4.3 Utilities – *Electrical lines will run ~~overhead~~ underground from an existing CMP pole approximately 20' to the greenhouses.*

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

Mr. Boivin moved to approve the Major Site Plan Amendment for Liberty Farms, LLC, to re-position the (2) GH-1 30' x 96' and GH-2 30' x 144' as shown on the amended Site Plan for 93 Lower Methodist Road, Tax Assessor Map U18, Lot 6C in the Rural Residential (RR2) district. This approval is based on the Amended Findings of Fact, Limitation of Approval and Standard Condition of Approval.

Mr. Davis seconded.

VOTE: Unanimous

LIMITATION OF APPROVAL

Construction of the improvements covered by any site plan approval must be substantially commenced within 12 months of the date upon which the approval was granted. If construction has not been substantially commenced within 12 months of the date upon which approval was granted, the approval shall be null and void. If construction has not been substantially completed within 24 months of the date upon which approval was granted or within a time period as specified by the Planning Board, the approval shall be null and void. The applicant may request an extension of the deadline to commence or complete construction 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 one-year extensions to the period 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 (if Staff Review, the Town Planner or Staff Review Committee) prior to implementation. This condition shall be included on all site plans.

SECTION 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.

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 currently improved with a single family home, a shed and a chicken coop. 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 gravel parking area will be constructed near the proposed greenhouse. There will be a maximum of 5 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. There will be a short gravel drive connecting the small parking area to the greenhouse for the transport of plants from the greenhouse to the washing station.

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 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

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 6 vehicles. There will be five employees. Additional parking is available at the house. 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 5 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; there will be no gutters channeling the water. There will be a drainage pipe that collects the water and directs it downhill to a stream.

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 an existing well that will be utilized, in addition to water collected in 6 rain barrels that will be used for irrigation. There is a sizeable aquifer in this area and water quantity is expected to be more than sufficient.

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.

The existing septic system is sized for a 4 bedroom home. There are only 2 occupants in the house. There is adequate capacity for the proposed use. An HHE-200 is on file.

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.

Electrical lines will run underground from an existing CMP pole approximately 20' to the greenhouses.

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 will not be lived in. There is public water at the Morrison's Hill Subdivision next door.

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.

The proposed use will not require 2,000 + gallons of water per day. The site is located over a sizeable aquifer, so water supply is not a concern.

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 located in an aquifer protection area. The proposed use will not adversely affect the aquifer as it is a certified organic produce operation.

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 #230162-0015 B.

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.

The site plan shows wall pack lights over each door of the two greenhouses and 1 light on the side of the second greenhouse that will illuminate the area

between the two greenhouses. They will be motion activated. A condition of approval is for the fixtures to be full cut-off style so that light is directed downward.

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.

The site is already developed with a single family house and there is landscaping in that area. There is an extensive buffer of mature pine and birch trees around the perimeter of the site. The greenhouses will not be visible to abutting property owners.

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 as a wholesale location for growing and distribution. As such, 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 applicant does propose to place 6 rain barrels on the southerly side of the site to be used for crop watering. 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 conducted extensive research in the organic gardening business. Her farm has been certified as organic by the Maine Organic Farmers and Gardeners Association.

The applicant is using private funds and is applying for small business loans 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.

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. Full cut-off style light fixtures are required.
3. Any previously imposed conditions from the original approval of November 19, 2014.

2. Public Hearing: To recommend to the Town Council draft zoning amendments to §315-4 Definitions and uses to add: Catering Service, Commercial Kitchen, Outdoor Seating Area, Café, Health and Fitness Studio. To recommend adding the following permitted uses Commercial Kitchens, Catering, Outdoor Seating Area, Café and Health and Fitness Studio in §315-14 Village Center Commercial (VCC), §315-11 Highway Commercial (HC), districts. To add as permitted uses: Commercial Kitchens, Catering and Health and Fitness Studio in §315-15 Village Office Commercial 1 (VOC1). To add as permitted uses Commercial Kitchens, Catering in the §315-20 Rural Industrial (RI), and §315-19 Industrial (I) districts of the Cumberland Code.

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

The Board reviewed the proposed amendments and based on discussion the following motion was made:

Mr. Saunders moved to recommend to the Town Council draft zoning amendments §315-4 Definitions and uses to add: Catering Service, Commercial Kitchen, Outdoor Seating Area, Café, Health and Fitness Studio. To recommend adding the following permitted uses Commercial Kitchens, Catering, Outdoor Seating Area, Café and Health and Fitness Studio in §315-14 Village Center Commercial (VCC), §315-11 Highway Commercial (HC), districts. To add as permitted uses: Commercial Kitchens, Catering and Health and Fitness Studio in §315-15 Village Office Commercial 1 (VOC1). To add as permitted uses Commercial Kitchens, Catering in the §315-20 Rural Industrial (RI), and §315-19 Industrial (I) districts of the Cumberland Code. As stated in the proposed amendments listed.

Mr. Boivin seconded.

VOTE: Unanimous

CATERING SERVICE: An establishment in which the principal use is the preparation of food and meals on the premises and where such food and meals are delivered to another location for consumption. (Amended: _____)

COMMERCIAL KITCHEN: A licensed kitchen facility providing food entrepreneurs the space and equipment to prepare and process for sale on or off premises. (Amended: _____)

OUTDOOR SEATING AREA: An outdoor dining area of a café or restaurant for seasonal use by the patrons of the restaurant. Amended: _____

*******Additional definitions of uses not currently defined in Section 315-4:**

CAFÉ: A restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold for consumption on or off the premises.

Cafes shall be no larger than 2,500 sf, with no drive-through and in accordance with Section 315-18F (3).

HEALTH AND FITNESS STUDIO: A facility where exercise classes and/or equipment are available for use by members or non-members. Such facilities may include locker rooms, showers, saunas and other related accessory uses. The Health and Fitness Studio shall be no larger than 2,500 square feet.

§ 315-14. Village Center Commercial District (VCC).

B. The following uses are permitted within the VCC District:

- (1) Auto repair service garage.
- (2) Business and professional offices, to include those with drive-through facilities.
- (3) Café
- (4) Catering
- (5) Commercial Kitchens
- (6) Health and Fitness Studio
- (7) Gasoline stations.
- (4) Restaurants.
- (5) Retail store (maximum footprint of 25,000 square feet).
- (10) Outdoor Seating Area

§ 315-11. Highway Commercial District (HC).

The following uses are permitted in the HC District:

[Amended 7-23-2012]

- (1) Single-family detached dwellings.
- (2) Duplex dwellings.
- (3) Multiplex dwellings.
- (4) An accessory dwelling unit as permitted in § 315-45A.

[Added 11-26-2012^[1]]

[1]:

Editor's Note: With the addition of this ordinance, former Subsection A (4) through (35) was redesignated as Subsection A (5) through (36), respectively.

- (5) Business and professional offices.

(6) Café

(7) Catering

(8) Commercial Kitchens

(9) Health & Fitness Studio

(10) Outdoor Seating Area

§ 315-15. Village Office Commercial I District (VOC I).

The following uses are permitted within the VOC I District:

- (1) Business and professional offices with drive-through facilities.

(2) Catering

(3) Commercial Kitchens

(4) Commercial schools.

(5) Commercial health and recreation facilities.

(6) Health and Fitness Studio

§ 315-20. Rural Industrial District (RI).

A. The following uses are permitted in the Rural Industrial District:

[Amended 9-10-2012]

- (1) Single-family detached dwellings.
- (2) Duplex dwellings.
- (3) An accessory dwelling unit as permitted in § **315-45A**.

[Added 11-26-2012^[1]]

[1]:

Editor's Note: This ordinance also redesignated former Subsection A (3) through (22) as Subsection A (4) through (23), respectively.

- (4) Agriculture and animal husbandry.

(5) Catering

(6) Commercial Kitchens

- (5) Light manufacturing and associated retail.

§ 315-19. Industrial District (I).

The following uses are permitted in the Industrial District, subject to site plan review:

- (1) Industrial.
- (2) Low impact industrial.
- (3) Extraction of earth materials, subject to the provisions of § **315-49**.
- (4) Aggregate processing.
- (5) Boarding kennels.
- (6) Business and professional offices.
- (7) Catering
- (8) Commercial Kitchens
- (7) Commercial health and recreation.

3. Public Hearing: Major Subdivision Review: Cumberland Foreside Village Housing a three phase development: Phase I will accommodate 22 homes: Phase II - 23 homes and Phase III is the 32 unit apartments. Tax Assessor Map R01, Lots 11-7, 11A and lot 12 in the Office Commercial South (OCS) district with contract zone agreement. David Chase, Cumberland Foreside Village, LLC, Owner, Applicant. Tom Greer, P.E. Pinkham & Greer Civil Engineers, Representative.

Mr. Neagle stated the Planning office has received an e-mail from an abutter who wished to be anonymous; the e-mail would be shared during the public comment portion of the hearing.

Ms. Nixon presented background information as follows:

The applicant is Cumberland Foreside Village, LLC. The application is for 46 lot major subdivision to be developed in three phases. Phase 1 will be the construction of the access road into the project from Route 1 and one of the subdivision streets on which 22 detached single family homes will be placed. Phase 2 will complete the single family home road loop and allow for 23 additional homes. Phase 3 will be the construction of 32 apartment units to be contained within 2-4 buildings.

The parcel is 27.34 acres in size. It consists of two lots as shown on Tax Assessor Map R01, lots 11-7, 11A and 12. One of the lots (R 01-11A) is currently owned by the Town of Cumberland; there is a Purchase and Sale Agreement dated 2/27/15 on file. The remainder of the land is owned by the applicant. The underlying zone is Office Commercial South (OC-S) however there is a contract zoning agreement in place which allows for the development to occur as proposed.

The project has been before the Planning Board for Sketch Plan Review; this will be the first public hearing for the project.

Sketch Plan Review:
Site Plan Approval for Site Preparation Activity:

- Zoning: OC-S with contract zoning overlay.
- Subdivision Style: Clustered
- Min. Lot Size: 5,000 sf.
- Lot frontage: 50'
- Setbacks: Front: 15 ' ; Side: 9' ; Rear: 15'
- Roadway Road names need to be approved by Town's E-911 Addressing Agents
- Total Parcel Area: 27.34 acres
- Wetland Impact: 107,840 sf
- Road Width: See Town Engineer's Comments Below
- Water: Portland Water District
- Sewer: Portland Water District
- Utilities: The applicant is proposing underground utilities (telephone & electric)
- Lighting: TBD
- Traffic Study: Dated 2/20/15. On file.

- | | | |
|---------------------------------|--|--------------------------|
| <i>Net Residential Acreage:</i> | <i>Gross site area:</i> | <i>1,191,238 sf</i> |
| | <i>Actual area for Roads & Pkg:</i> | <i>139,210 sf</i> |
| | <i>Sustained Slopes > 20%:</i> | <i>319,810 sf</i> |
| | <i>Wetlands:</i> | <i><u>107,840 sf</u></i> |
| | <i>Net Residential Acreage:</i> | <i>566,860 sf</i> |
| | <i>124.8 lots permitted based on minimum lot size of 5,000 sf.</i> | |

Mr. Saunders asked about the revised traffic study and the difference.

Mr. Greer stated the street classification in the ITE is less than 200 the Town Ordinance states 10 trips per home, the right of way will be 50' with 28' paved. Table 2 of the application reviews the trip generation summary for the proposed amended subdivision plan. The D.O.T. prohibits traffic counts to be conducted in the winter.

Ms. Nixon asked about the road waivers or would the applicant amend the contract zone. The current proposal is to amend the contract zone.

Mr. Neagle voiced concern regarding the common access drive for lots 2, 3, 4 and 5 and the dead end at the high ridge why not connect to Sky View Drive. He was troubled with the lack of connectivity with the roads.

Mr. Greer stated they would review the possibility for connectivity; there are wetland and stream issues.

Mr. Sherr asked if Look Out Lane could be connected to Sky View Drive through the open space.

The Public portion of the meeting was opened.

Mr. Neagle read the e-mail dated April 15, 2015 by Ms. Coker, summarizing her concerns as

- Density
- Noise Pollution
- Traffic Impact
- Safety
- Town Revenues (vs) Expenses.

The e-mail is part of the permanent file.

Mr. Tom Foley of 29 Granite Ridge Road stated True Spring does not oppose the development, and looks forward to neighbors. The concerns are road safety, traffic and the potential for traffic bottleneck. The traffic study states that 81 homes with two cars will generate 162 vehicles. Table 2 states there will be 53 peak trips in the am and 69 peak trips in the pm. Route One traffic is busy going south in the am and north in the afternoon. Is there a possibility of connecting to Sky View Drive?

Mr. Shane stated we are anticipating forty units of affordable senior housing units for the apartments and trying to separate residential and commercial development traffic. Next summer there will be a turning lane to Sea Fax.

Mr. Foley again voiced concern of peak hour numbers and asked how they were so low.

Mr. Greer stated the am peak time has a larger window from 6:00 to 9:00 a.m. and the afternoon home time is more consistent with a higher peak total.

The public portion of the meeting was closed.

Mr. Neagle stated there are two issues for the Board this evening; a site visit and road width waivers.

Mr. Greer stated at this time the point of view is to amend the contract zone regarding roads rather than ask the Planning Board for waivers.

Mr. Chase stated Exactitude has requested to not connect residential traffic to Sky View Drive. I do want to have commercial development if it becomes possible. I did come to sketch plan prior to engineering to

discuss the roads. The proposed apartment lot is for marketing; I have no interest in building that lot. Phase III is only a place holder for future development. This is a place holder for the DEP. Because of the grading there is 50 feet of elevation change and it is not feasible to connect these roads.

The next submittal will not show the apartment building on Phase III.

The Board discussed possibilities of alternative interconnectivity with the roads.

The application was tabled, and the Board will set the date for the site walk during Administrative Matters.

-
- 4. Public Hearing: Major Site Plan Review for Storey Brothers, Inc.** to construct a one-story 4,350 square foot storage building in the gravel pit located off from Forest Lane, Tax Assessor Map U22, Lot 71 in the Industrial (I) district. Owner, Applicant Storey Brothers, Inc.

Ms. Nixon presented background information as follows: The owner and applicant is Storey Brothers, Inc. Rick Storey prepared the application and site plan.

The applicant is requesting major site plan approval for a new 4,350 sf. storage building to be constructed on a lot as shown on Tax Assessor Map U 22 Lot 71. The building will be used to store equipment. There will be a fuel storage area that has been designed with a spill containment system.

The zoning district is Industrial (I). The use is classified as Construction Operations. The project requires Planning Board Site Plan Review because it involves the construction of a new structure over 3,000 sf in size.

Mr. Rick Storey, Owner/Applicant stated he is one of four owners of Storey Brothers, along with brothers Jim and Tim and his father Don. The business was established in 1993 and in 2000 a shop/ office was constructed at 215 Middle Road. Storey Bros is a small company which employs 18 to 26 people depending on the time of the year. In 2005 we purchased the pit off from Blackstrap road to process and store material; there will be no added traffic to the pit. We are proposing to construct a building to keep our equipment under cover. The fuel storage is for the equipment that is used at the Blackstrap Pit operation only.

The building will be sitting on an 8' concrete wall, 4' in the ground and 4' above, and have a concrete floor. In the fuel storage area; the floor will be recessed down 14' for spill containment in addition to having a double lined 1,000 gallon storage tank. The building will be wooden framed with metal siding and roofing.

Mr. Sherr asked if the concrete floor would be epoxy lined with non-shrink grout and the walls and floor; and if the Town Engineer and Planning Staff had reviewed for code.

Mr. Neagle asked why the building will be in this location.

Mr. Storey stated it is the highest point of land and processing is done on the other side of the pit.

Mr. Davis confirmed there was no change of operation just the construction of a building.

Mr. Storey stated yes, nothing has changed.

The public portion of the meeting was opened.

Ms. Jannene Gorham of 25 Forest Lane stated she was not here to interfere with the business but stated the increased activity and noise level of shaking screening machines and tail gates slamming is possibly devaluing her property. She questioned the protection of the aquifer and Forest Lake. She presented aerial photos from 200, 2003, 2007 and 2014 stating the use had increased.

Mr. Neagle stated we have no control of the use of the property, noise, etc. This is in the Industrial zone and aggregate processing is permitted under the Ordinance. He is sympathetic but the Board is only reviewing the application for a storage building.

Mr. Dan Diffin, of Sevee & Maher Engineers, the Town's peer review stated if the filling of the fuel tank is not inside the building and is located outside there would need more detail for the Spill Control and Containment Procedures (SPCC) Plan.

Ms. Carol Lemieux of 26 Forest Lane asked how often diesel fuel would be delivered.

Mr. Storey stated approximately every ten to twenty days.

Mr. Abe Russell of 23 Forest Lane asked if all the equipment would be driven into the building for fueling.

Mr. Storey stated that the crusher will not be fueled in the building.

Mr. Russell voiced concern of still filling the crusher from pick-up truck and would prefer to have no storage of diesel with concern for the aquifer. He is concerned about fuel leaks the aquifer is important is there some way to convince him this is safe.

Ms. Nixon stated there are proposed conditions of approval relating to safety issues.

Mr. Dan Diffin, P.E., Sevee & Maher Engineers, stated there is a double line of defense, the tank is double lined, with an epoxy sealed floor, and a berm would control any spills. The Spill Control and Containment Procedures will be inspected, for compliance with Maine DEP standards.

Ms. Gorham asked for buffering around the building.

Mr. Storey stated the bottom of the pit is 30' only about 4' to 8' of the building will be seen above the wall of the pit.

Mr. Ron Copp, Town Councilor and West Cumberland resident stated oil trucks come to all of our houses; this will have triple protection for spills. Mile #56 on the Turnpike has gasoline spilled when vehicles are filling. The pit has always been there, a building is a good thing for the neighborhood the fuel tank will be inside the building. Storey Brothers has been good neighbors and do top notch work.

Mr. Shane stated the number one concern of the staff is protection of the aquifer. We talked with John Sevee, who developed the Aquifer Protection Ordinance for the Town and have been assured this is a safe use for the pit.

The public portion of the meeting was closed.

The Board took a five minute recess from 9:50 to 10:00 p.m.

The meeting was reconvened at 10:00 p.m.

The Board reviewed the requested waiver requests.

Mr. Sherr moved to approve the waiver requests as amended based on the fact that the building of the storage building supports the waiver requests.

- Submission of a property survey
- Submission of a traffic study
- Submission of a market study
- Submission of a Stormwater Management and Erosion Control Plan
- Submission of a Hydrogeologic Evaluation
- Fire Protection Ordinance: Section 96-14 (as amended)
- Landscaping Plan: None proposed

Mr. Boivin seconded.

VOTE: Unanimous 6-0

The Board reviewed the proposed findings of Fact.

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 site is an open gravel pit. There are no wetlands, floodplains or significant habitat areas. There are also steep slopes on the sides of the pit, but they are stable and will not be affected by the construction of the storage building; only a small area of the site will be affected by the building construction. There is a gravel aquifer at this location. The applicant is proposing to install a 1000 gallon fuel storage tank. The Town has hired Sevee Maher Engineers to review the plan to ensure all appropriate safety measures are included in the Spill Prevention, Containment and Control Plan (SPCC). There are several conditions of approval relating to these measures.

With the proposed condition of approval, 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. *No changes are proposed.*
 - (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.
 - (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.

(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.

There are no proposed changes to the accessway from Blackstrap Road. There will be no changes to the traffic, circulation or parking. The site is a wide open gravel pit with an access road to the bottom of the pit.

(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.

As a working gravel pit, there is no defined internal vehicular circulation pattern.

(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.

There is no defined parking area on the site.

(5) Building and Parking Placement

The proposed building location is in a flat area of the site in proximity to the access road and future utility connection.

(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 site is an open gravel pit. Pedestrian ways are unwarranted and impractical to put in place.

The 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 location of the proposed building is at the bottom of an active gravel pit.

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 Town Engineer has reviewed and approved the erosion control plan with a recommended condition of approval that has been included.

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 not utilize public water. A private well will be installed.

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 not utilize public sewer. An HHE-200 Septic Design with passing test pits has been submitted. The design flow is based on 120 gallons per day for use by 10 employees. The site evaluator is Mark Hampton, LSE.***

The Planning 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.

Utilities will be installed underground from Blackstrap Road.

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

(4). Fire Protection

A waiver request has been submitted to the Planning Board.

With the approval of the waiver request, the Planning Board finds this standard of this section have been 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.

The septic design is for 120 gallons per day. An HHE 200 from a Maine licensed soils evaluator is on file.

The Planning 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 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.
- 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.

There will be fuel storage and dispensing on site. The Town hired a consulting hydrogeologist to review plan to ensure protection of the aquifer. Several recommendations were made which have been included as conditions of approval.

With the proposed conditions of approval, 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 located in an Aquifer Protection Area. The septic design is for 120 gallons per day and an HHE-200 is on file from a Maine licensed soils evaluator.

There will be fuel storage and dispensing on site. The Town hired a consulting hydrogeologist to review the plan and the make recommendations for the protection of the aquifer. These have been included as conditions of approval.

With the proposed conditions of approval, 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 parcel is depicted on Floodplain map number 230162 0015B, Zone C: Area 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.

The site has been an operating gravel pit for over 50 years. There are no evident historic or archaeological resources on the site.

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.

The applicant proposes to place two wall pack lights on either side of the entrance door. The lights are full shielded, downward facing and will be on timers.

The Planning 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.

The applicant is proposing to utilize the existing natural site vegetation and grading for buffering. No new landscaping or buffering is proposed. A waiver request has been made to the Planning Board.

With the granting of the waiver request, 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 new storage building, once constructed, will be used to store equipment. This is not expected to create noise that would be a nuisance for neighboring properties.

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.

No dumpsters are proposed. General trash will be kept indoors and removed in bags on a regular basis and brought to the dumpster at the Middle Road location where it will be handled through a contract with Troiano Waste Systems.

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.

***The applicant has retained the services of a licensed soils evaluator.
The applicant intends to use cash reserves to construct the building.***

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

Mr. Saunders moved to approve the Findings of Fact as presented.

Mr. Davis seconded.

VOTE: Unanimous 6-0

Mr. Saunders moved to grant Major Site Plan Approval for Storey Brothers, Inc. to construct a one-story 4,350 sq. ft. storage building in the gravel pit at Blackstrap Road, Tax Assessor map U22, Lot 71 in the Industrial (I) district. This approval is subject to the Limitation of Approval; Expiration of Approval; Standard Condition of Approval and the twelve Proposed Conditions of Approval.

Mr. Sherr 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. 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.

EXPIRATION OF APPROVAL:

Construction of the improvements covered by any site plan approval must be substantially commenced within 12 months of the date upon which the approval was granted. If construction has not been substantially commenced within 12 months of the date upon which approval was granted, the approval shall be null and void. If construction has not been substantially completed within 24 months of the date upon which approval was granted or within a time period as specified by the Planning Board, the approval shall be null and void. The applicant may request an extension of the deadline to commence or complete construction 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 one-year extensions to the period of 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.

PROPOSED CONDITIONS OF APPROVAL

1. All fees shall be paid prior to issuance of the building permit.
2. A preconstruction conference shall be held prior to issuance of a building permit.
3. The Applicant shall provide information on the erosion control measures to be used during construction of the building and leach field prior to the preconstruction conference.
4. There shall be no exterior storage is permitted of fuel or chemical containers, equipment parts or other materials associated with equipment maintenance, cleaning or refueling.
5. The concrete slab below the fuel storage room should be reinforced with a welded wire fabric or reinforcing bar to protect against future cracking of the concrete. Non-shrink grout to be used on all seams prior to all concrete joints within the containment area prior to epoxy being applied.
6. No floor drains shall be allowed in the building.
7. The following changes shall be made to the SPCC Plan prior to the preconstruction conference:

- The plan shall include a diagram of the building and surrounding site indicating where petroleum products will be stored and the prevention and clean-up equipment provided.
 - Any petroleum product stored in the garage shall be placed on a Secondary Containment Pallet.
 - The SPCC Plan should include written instructions for tank filling and refueling that indicate:
 1. The equipment operators shall stay at the vehicle during tank filling or refueling.
 2. After completed, drain all fuel lines prior to removing hose from equipment.
 - A review of the SPCC Plan should be done annually, not every 5 years as indicated.
 - The SPCC Plan should include language similar to “Regardless of size, in the event of a release beyond the contained areas, report spill to the Maine DEP and other entities listed in this Plan”.
 - The specifications of the fuel containment tank be included as part of the SPCC Plan
8. A secondary containment “speed bump” should be added around the interior refueling area to ensure leaks or spills do not immediately drain out of the garage.
 9. The tank filling hose and refueling equipment must have a back up to the on-off switch similar to those used at self-serve gas stations.
 10. Town staff shall be permitted access to the building to inspect the SPCC Plan, spill containment kit, refueling area, Fuel Storage Room, and other concerns associated with aquifer protection.
 11. All filling and re-filling of the fuel storage tank shall occur inside the building.
 12. The Applicant shall provide specifications on the location, installation, and design of the double wall storage tank to the Town Planner and Town Engineer for review and approval based on conformance with all applicable local, state and federal regulations.

G. Administrative Matters:

1. Site Walk Date: The Board set a date of Wednesday, May 6, 2015 at 5:00 p.m. for the Site Walk for Cumberland Foreside Village Housing.

H. Adjournment:

The meeting was adjourned by Chairman Neagle at 10:25 p.m.

A TRUE COPY ATTEST:

Christopher S. Neagle, Board Chair

Pam Bosarge, Clerk to the Board