

**PLANNING BOARD MEETING
TOWN OF CUMBERLAND
Cumberland Town Hall
290 Tuttle Road, Cumberland, Maine 04021
Tuesday, August 18, 2015
7:00 p.m.**

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

B. Roll Call:

Present: Chris Neagle, Chair, Gerry Boivin, Vice-Chair, Jeff Davis, Teri Maloney-Kelly, Steve Moriarty, Joshua Saunders

Absent: Peter Sherr

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

C. Approval of Minutes of the July 30, 2015 meeting.

Mr. Moriarty moved to adopt the minutes of July 21, 2015 as amended.

Mr. Saunders seconded.

VOTE: 4 in favor
2- Abstain (Boivin, Maloney-Kelly)

D. Staff Site Plan Approvals: None

E. Minor Change Approvals: None

F. Public Hearings:

- 1. Public Hearing: Site Plan Review** for a one story commercial building with full basement with 5,350 sq. ft. per floor located on Lot 2 of Cumberland Foreside Village, Tax Assessor Map R01, Lot 11-2 in the Office Commercial South (OCS) district. Owner, Applicant Integrative Health Center of Maine, LLC. Representative: Tom Greer, P.E., Pinkham & Greer Consulting Engineers.

Ms. Nixon presented background information as follows: The applicant and owner is Dr. Sean McCloy, owner of Integrative Health Services. Dr. McCloy currently practices in Portland but is planning to move his practice to Lot 2 of Cumberland Foreside Village, which is located on Route 1 in the Office Commercial-South district. This parcel is part of an approved subdivision that is governed by a contract zoning agreement. The proposed use is classified as a Business or Professional Office and is a permitted use in the zone.

The applicant is proposing to construct a 1 story, 5,350 sq. ft. building on a 2.39 acre parcel as shown on Tax Assessor's Map R01, Lot 11-2. The building will have a daylight basement. The plan includes access across Lot 2 to Lot 3 and 49 parking spaces. There will be 6 employees.

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

The project requires Major Site Plan review because it involves the construction of a new structure greater than 3,000 s.f.

PROJECT OVERVIEW

Zoning: Office Commercial-South and Contract Zone;

Minimum Lot Size: 10,000 sf.

Minimum Frontage: 75'

Minimum Setbacks: Front: 25'; Side: 10'; Rear: 20' (and a 35' undisturbed buffer between Rt. 1 and the building envelope).

Sidewalk: 5' wide bituminous walk for 380 L.F. to align with end of existing walk and placed parallel to Route 1 centerline.

Days & Hours of Operation: 7:00 a.m. to 7:00 p.m., 6 days/wk.

Employees: 6

Entrance: A 24' wide by 250' long paved driveway entrance from Sky View Drive is proposed.

Flood Map: # 2; Designation: Zone C (area of minimal flooding)

Financing: Bank Financing

Rt. 1 Modifications Required: None at this time. Town is preparing plans for adding a left hand turn lane on Route 1 when required by MDOT.

Utilities: Public water and sewer; Underground electric (3 phase), telephone and cable from Route 1.

Signage: There will be one sign at the entrance to the access road and another in front of the building along Route 1.

Natural Features: Wetlands are shown on site plan.

Historical Features: None

Parking: 49

Solid Waste: A dumpster will be located on the site. It will be fenced.

Aquifer Protection Area: No.

Fire Protection: The building will be sprinkled. There will be a fire alarm system installed. State Fire Marshall's approval required.

Review Standards: Major Site Plan Review and Route 1 Design Guidelines

Outside Agency Permits: MDEP NRPA Tier 1; Army Corp of Engineers, Maine General Construction Permit dated 1/14/14.

Traffic Study: Submitted as part of subdivision approval.

I. Waivers: No waivers are requested.

II. Department Head Reviews

Bill Longley, CEO: Fire Marshal's Construction Permit Required.

Joe Charron, Police Chief: Would prefer that the exterior lighting be timed to be on from dawn to dusk to discourage trespassers and enhance officer safety. Medical offices are targets for break-ins, so a security alarm system is encouraged as well as

perimeter lighting. Alarm system control box should be located in a secure enclosure so that the alarm system cannot be disconnected.

Chris Bolduc, Public Services Director: No comments.

Dan Small, Fire Chief: After reviewing this proposal I have the following comments:

- 1) The building shall be equipped with a fire alarm system that is monitored by an approved fire alarm company. The system shall 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. The key box shall be electronically connected to the fire alarm system to show a trouble signal whenever the box is in the open position.
- 3) Fire protection sprinkler systems must meet the requirements of the National Fire Protection Association. The fire department connection shall be equipped with a 4" locking coupling that is located in an area that is approved by the fire department. The sprinkler system shall send a water flow signal to the fire alarm panel whenever water is moving throughout the system. The fire department shall receive a copy of the sprinkler system drawings that have been approved and permitted by the State Fire Marshal's Office.
- 4) 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.
- 5) 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.
- 6) Access to the building shall be adequate enough to accommodate fire department vehicles.

III. Town Planner's Review:

1. **Why the need for 49 parking spaces with only 6 employees?**
2. **Letter from Bill Shane, Town Manager for sewer user permits needed.**
3. **Letter from Portland Water District for water service needed.**
4. **Applicant needs to explain why this project is not subject to the Route 1 Design Guidelines.**
5. **There are no foundation plantings around the southeasterly side of the building which faces Route 1.**
6. **Will an irrigation system be installed?**
7. **What color will the painted siding and trim be? What is the material for the siding?**
8. **Where is the hydrant located?**
9. **Site distances are not provided.**
10. **What are the sizes of the delivery trucks?**
11. **The photometric plan does not show light levels at the property line, but rather at the edge of the developed area; given the low levels shown at these points, it is**

unlikely the levels will exceed 0.0 at the property lines; however this information should be provided.

12. See Town Engineer's Comments

Town Engineer's Review:

As requested, Sevee & Maher Engineers, Inc. (SME) has conducted a peer review of the Site Plan Application for the proposed Integrative Health Center of Maine at 15 Sky View Drive on Lot 2 of the Cumberland Foreside Village (CFV) subdivision in Cumberland, Maine. The application materials were prepared by Pinkham & Greer Civil Engineers (P&G) and consist of a Major Site Plan Application package dated June 30, 2015 and drawing set dated June 30, 2015.

The applicant proposes to construct a two-level 5,350 square foot (10,700 square feet total) building to house the professional offices of Integrative Health Center of Maine. The bottom level will be a daylight basement accessed on the Route One side of the building. Two levels of parking will be constructed for access to the lower and upper levels. The project includes water, sewer and utility connections to the public services along U.S. Route One and Sky View Drive.

Stormwater management will be provided in an under drained soil filter which was originally designed and permitted with the CFV subdivision. The building, parking and other site improvements proposed will result in an increase in the impervious area on the site. To address this P&G has revised the design of underdrained soil filter #1. The Applicant is in the process of amending the CFV Maine DEP Site Location of Development permit to address this increase. The project will also require a Maine DEP NRPA Wetlands Alteration Permit for an increase in wetland impacts.

In general, the applicant has supplied a set of drawings and supporting documents that are appropriate for this type of project.

Mr. Tom Greer, P.E., representative stated he is present with Joe Delaney, Architect and Dr. McCloy. A brief history of the project includes the Planning Board conducting a site walk early in 2014, and a Sketch Plan Review. The previous design wasn't practical for the building on the site. The building orientation has changed.

Mr. Greer reviewed the stormwater management plan; there will be an underdrain soil filter around a wetland on the front, this will allow for less wetland impact. The Dr.'s office will park in the upper level and the lower level will be for a tenant (to be determined). There will be a sidewalk plaza for drop off parking. There will be outdoor seating for Dr. McCloy with apple trees and a garden friendly green atmosphere. The water and power will come from Sky View Drive and the sewer from Route One. The applicant was required to do a Northern Long-Eared Bat Survey: There were three types of bats present at the site; the hoary and silver-haired bats were the species that exhibited an MLE indicating likely presence within the Sky View Drive property Project area. Although the big brown bats were detected the call sequences did not meet the standard for testing MLE.

Mr. Greer continued reviewing the elevations and architectural details of the building.

Mr. Moriarty asked if there was tenant in mind for the lower level and if so what type of tenant.

Mr. Greer stated no, there is no potential tenant at this time; however they are planning on a compatible office building use.

Mr. Greer stated they had responded to the outstanding comments from the Planner.

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 findings of fact as follows:

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.

Letters from the Maine Historic Preservation Commission and the Maine Division of Inland Fisheries and Wildlife were submitted during the subdivision approval process. A small area of wetland (289 sf) will be impacted by the development. All necessary permits are on file.

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.
The site will utilize an existing access road from Route 1 (Skyview Drive). The driveway from Skyview Drive to the site will not create any hazardous conflicts with existing traffic 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.
Met
- (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.
Met
- (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.
Met.
- (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.
The Town of Cumberland has committed to adding a center left hand turn lane for Sky View Drive when required by MDOT.
- (g) Accessways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.
Met
- (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.

Only 1 driveway is proposed.

(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.

Met

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

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.

The applicant has provided information on the typical size of delivery vehicles. They will be FedEx and UPS box trucks.

- 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).

Met

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

MET

- 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.

The driveway, parking areas and sidewalks were located and designed to provide safe circulation to the site while minimizing impacts to the surrounding land. Existing grades and vegetation will be maintained to the extent practicable.

(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.

The parking spaces conform to these requirements.

(5) Building and Parking Placement

Building and parking placement are located in appropriate areas.

(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.

Met. There are bituminous walkways from the parking areas to the building.

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 stormwater management plan was reviewed and approved as part of the subdivision approval; the Town Engineer has reviewed the plan again to ensure it will function as needed for this specific development.

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.

Slope and wetland impacts were limited. Erosion control will be in conformance with the Maine Erosion and Sediment Control manual will be applied during construction. The Town Engineer has reviewed and approved the Erosion and Sedimentation Control Plan.

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 public water. An ability to serve letter is on file from the Portland Water District.

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. It will connect to the public sewer line in Route 1. There is a letter on file from the Town Manager stating that the

Town has the ability to handle the requested flow amounts and has reserved this capacity.

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.

Electric and telecommunication service will be underground from the street to the building.

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

4. Fire Protection

The final plans have been reviewed and approved by the Fire Chief who has placed recommended conditions on the project.

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.

The project will connect to public water and sewer. The proposed use is a medical office building. A plan for the disposal of medical and regular waste has been provided. This use should have no adverse impact on the quality or quantity of groundwater.

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.

No substances described above will be stored or discharged in a way that could contaminate surface or 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 located in Zone C – Area of Minimal Flooding on FIRM map 230162-0018C.

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.

There is a letter on file from the Maine Historic Preservation Commission stating that the site is not in a historically sensitive area.

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 application indicates there will be lighting on the entrance sign, the driveway and parking areas. Cut sheets show that fixtures will be full cut-off style. The photometric plan does not show light levels at the property line, but rather at the edge of the developed area; given the low levels shown at these points, it is unlikely the levels will exceed 0.0 at the property lines.

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 has submitted a landscaping plan that utilizes the natural site vegetation and grading for buffering as well as additional plantings of trees and flower beds.

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 building and parking area will be in a commercial office park. The closest residences are across Route 1. The proposed use, a professional office, will not create 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.

The applicant has shown the location of dumpster that will be enclosed by a wooden 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. Whipple-Callender Architects designed the building.

FINANCIAL: The applicant has provided a letter dated July 3, 2015 from Camden National Bank which, while not a commitment to loan, indicates the applicant has the ability to qualify for financing and/or has the current financial capacity to complete the project.

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

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

Mr. Moriarty seconded.

VOTE: Unanimous 6-0

Mr. Moriarty asked if the Fire Chief requests for alarms, and sprinklers were incorporated into the plan.

Mr. Greer stated yes, the sprinkler, and Knox box hose connector to the sprinkler outside.

Mr. Saunders moved to approve the Site Plan request for a one-story commercial building with full basement with 5,350 sq. ft. per floor located on Lot # 2 of Cumberland Foreside Village, Tax Assessor Map R01, Lot 11-2 in the Office Commercial South (OCS) district. This approval is subject to the Findings of Fact; Standard Condition of Approval, Limitation of Approval; and the ten (10) conditions of approval.

Mr. Moriarty seconded.

VOTE: Unanimous 6-0

Standard Conditions 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.

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.

CONDITIONS OF APPROVAL

1. That all fees be paid prior to pre-construction conference.
2. That a performance guarantee in an amount acceptable to the Town Manager be provided prior to the preconstruction conference.
3. That a preconstruction conference be held prior to the start of construction.
4. That all clearing limits are staked and inspected by the Town Engineer prior to the preconstruction conference.
5. That a permit for blasting, if needed, be obtained from the Town.
6. The developer shall prepare and execute sewer easements prior to the sewer system extension being taken over by the Town.
7. The developer shall be responsible for maintaining subdivision roads, including plowing, until such time as the road is taken over by the lot owners association or accepted by the Town Council as a public street.
8. That exterior lights be on from dusk to dawn as recommended by the Police Chief.

9. That a Fire Marshal's Permit be obtained prior to submission of building permit application.
 10. Sign permit applications are required prior to construction and installation of signs.
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2. Public Hearing: To recommend to the Town Council draft amendments to the 2009 Comprehensive Plan as recommended by the Ad Hoc Land Use Advisory Committee's final report dated June 15, 2015.

Mr. Neagle presented an overview of the process: Approximately 4-5 years ago the issue of inequities between the RR1 and RR2 zones was discussed. A Comprehensive Plan Update Committee was appointed by the Council; both Ms. Maloney-Kelly and Mr. Sherr served on that committee. A year and a half ago the Council asked for further study with a broader representation by a larger committee. The Committee included three Planning Board members; Ms. Maloney-Kelley, Mr. Sherr and I were appointed. The Committee arrived with a consensus and it was forwarded to the Council in June, the Council has forwarded the report to the Planning Board for a recommendation. The Board's role is not final; it is a recommendation to the Council.

Mr. Moriarty, Chair of the Ad Hoc Land Use Committee stated he was appointed to the Ad Hoc Land Use Committee in May of last year. The Committee consisted of twenty residents and at the end of the meetings there were 14 members. I was not a Planning Board member when I was appointed Chair of the Committee. Mr. Bob Waterhouse served as Vice-Chair. The Committee was appointed on May 12, 2014, and held its first meeting on June 3, 2014. The Committee met a total of fifteen times as a group, and a sub-committee met on a number of occasions to prepare the survey to be distributed to the public. The minutes of those meetings are available which further describe the process.

The Committee Charge included four items.

- 1. The two rural residential zoning districts (RR 1 and RR 2) including but not limited to, their location, boundaries, lot standards, and allowed uses. The committee will also review the provisions of Section 315-6 (G) and 315-6B-(G) and consider if any changes should be made to the existing Rural and Growth areas as contained in the 2009 Comprehensive Plan.**
- 2. The Office Commercial (OC-S and OC-N) districts located on Route 1, including but not limited to, the location of the districts, the land uses allowed and lot standard requirements. The committee will also review the current Route 1 Design Guidelines.**
- 3. Consider if a Conservation Subdivision ordinance should be adopted and, if so, where and how the provisions would apply.**
- 4. Assist in the development and administration of a town-wide survey on issues relating to land use regulation.**

Mr. Moriarty reviewed the recommendations of the Committee as follows:

1. The boundaries of the existing RR1 and RR2 zones should be retained, with the exception of that portion of the RR1 zone connecting the MDR and HC in the Town Center Growth Area.

2. No changes to the location, boundaries, lot standards and allowed uses of the RR1 and RR2 zones are recommended, except as noted above.
3. The Committee recommends that the boundaries of the Foreside Growth Area should be depicted as shown on the map attached under Attachment #3.
4. The Committee recommends that the boundaries of the Town Center Growth Area should be depicted as shown on the map included in Attachment # 3.
5. The Committee recommends that the boundaries of the West Cumberland Growth Area should be as depicted as shown on the map included in Attachment # 3.
6. Timber harvesting should be abolished as a permitted use in the OC-N and OC-S Zones.
7. Duplex and multiplex dwellings should not be added as permitted uses in the OC-S zone.
8. Restaurant and retail uses should be permitted in the OC-N and OC-S zones provided that the restaurant or retail space does not exceed 33% of the developed floor space and that no single restaurant or retail use may exceed 3,500 square feet.
9. An overlay district should be created to include the northernmost four lots in the OC-S zone for restaurant and retail uses provided that the uses not exceed 3,500 square feet in size, but with no limit on the percentage of developed floor space devoted to either use.
10. Drive-through restaurants should be prohibited in the OC-N and OC-S zones.
11. The Route One Design Standards shown in Attachment # 4 of this report should be adopted in place of the existing Route One Design Guidelines.
12. The Cumberland Conservation Subdivision Ordinance Goals and Issues should be adopted as a framework for the study and development of a proposed Conservation Subdivision Ordinance.
13. Another committee should be appointed and, with the assistance of a consultant, should be charged with the development of a proposed Conservation Subdivision Ordinance.

Mr. Neagle thanked Mr. Moriarty for his presentation and the outstanding job done in leading a large diverse group of people.

Mr. Neagle suggested we take the recommendations separately and began with #13 – regarding the development of a Conservation Subdivision Ordinance.

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

Mr. Neagle explained that the current cluster subdivision requires open space and often it is low value land. A conservation subdivision would require high value land such as field, vistas, etc. be preserved and group houses in a smaller area to preserve high value land.

Based on the Board's discussion the following motion was made.

Mr. Moriarty moved that the Planning Board recommend to the Town Council to appoint a committee of residents to study the development of a conservation subdivision ordinance with the assistance of a consultant and the goals and issues be used as a resource as developed by the Land Use Committee.

Mr. Boivin seconded.

VOTE: Unanimous 6-0

The Board reviewed the recommendations for the four recommended growth areas:

Mr. Neagle stated the Board has received four written letters which will become part of the official record.

Mr. Neagle stated zoning is a fluid process and often when zoning changes people in the affected area are unhappy.

The public portion of the meeting was opened.

Mr. Brian Cashin of 12 Wildflower Way presented information regarding their property as stated in his letter to the Board (letter is part of the permanent record). Mr. Cashin stated they purchased their property with 5.46 acres based on zoning and allowance of his wife's business Goldiva Golden, LLC. His wife breeds and shows Champion Golden Retrievers throughout the U.S. and Canada. Mr. Cashin referenced the Survey results as follows:

- 48% vs 24% (a 2 to 1) margin wants the RR1 and RR2 zones to be maintained.
- 78% want to protect the rural character of our Rural Residential Zones
- In spite of the survey results, the committee recommends that a certain portion of an existing RR1 zone be changed to RR2 and to consider other zoning changes to allow for more dense development in this area.

For those of us directly impacted this decision initiates the erosion of our privacy and property rights. We request this change not happen; if sewer is installed on Stockholm it would allow further zoning changes; this would put his wife's business in jeopardy.

Mr. Steven Winn of 29 Stockholm Drive stated he supported much of what Mr. Cashin stated; he thanked Mr. Moriarty for his presentation. He asked if there is no specific goal, why recommend this change.

Mr. Neagle stated Cumberland will continue to grow; the Council through the Comp Plan Process has identified three areas for growth based on infrastructure and proximity to other developed areas. Many subdivision covenants prohibit division of lots.

Mr. Winn stated the town had a 30% response rate to the survey and it seems somewhat arbitrary to add the area located west of Route 9 to the Growth Area. We looked for property for seven years, to have a hobby farm we have five ewes on five acres. With this proposal there is possibility for the property around changing; this would have a significant impact. The Village Green development changed zoning in the area. I understand Mr. Cianchette would like to be included in the growth area; why not change that area instead?

Mr. Neagle stated the Committee had many discussions regarding the areas.

Mr. Winn suggested the full Land Use Advisory Committee reconvene and he would encourage the Committee to re consider the inclusion of this area in the growth area.

Mr. Neagle stated he will support the recommendation as it is now as he was on the Committee for two years.

Mr. Winn asked the Board if they were not to modify the growth area then to table the request and do a site visit prior to making this arbitrary decision.

Ms. Maloney-Kelley asked about the discussions of the Committee.

Mr. Neagle stated the rational basis was not to have different zoning on both sides of the road.

Mr. Moriarty stated there was a lot of discussion regarding roads as boundaries for zoning; such as Range Road and Harris Road it did not make sense to perpetuate an anomaly.

Mr. Birthisel of 232 Main Street stated he felt it would be implausible to continue the Village Green zoning down Main Street without sewer; there is only one more place for a leach field which would have to be pumped across the stream.

Ms. Mary Cashin of 12 Wildflower Way stated she had moved her business to this location because it had enough land to fit her needs and a kennel was an allowed use. She didn't want to experience again what happened on Main Street.

Mr. Dale Hahn of 7 Turkey Lane stated there is nothing as consistent as change, when he purchased his house he did research; 12 acres would allow three houses, if the zoning changes six houses would be allowed. In his previous experiences dense zoning such as Village Green he agreed the use of the land doesn't change but the impact does.

Margie Thompson of 213 Main Street stated she can see the lights and traffic from Village Green; her mail box is across Route 9 and the traffic is terrible and greater density of development will increase the traffic.

Mr. Winn asked if their properties were included in the growth area would the zoning be changed to MDR or RR2.

Mr. Neagle stated there were no decisions made by the Committee other than to at least RR2 and possibly denser.

Mr. Richard Thompson of 213 Main Street thanked the Committee for their work and presentation he appreciates this is not an easy decision. The "Aging in Place Committee" sent a survey and are attempting to keep seniors in the community.

Mr. Neagle stated the Board had received letters from Marilyn Matthews of 215 Main Street with signatures from neighbors at 4 Turkey Lane, 29 Turkey Lane and 27 Turkey Lane requesting these properties not be included in the "Growth Area".

The Board also received a letter from Michael Cianchette of 33 Winn Road asking that his property be included in the Growth Area, as it was previously shown on the map (that was not adopted as part of the 2009 Comprehensive Plan).

Mr. Neagle referenced the survey and submitted a plan to the Board that would propose no development within 1,000 feet of either side of the road in RR1. He respects the process and will defend the Committee's Recommendation.



Mr. Winn stated there are many different opinions, stating the more densely populated the area the greater the impact on traffic on Route 9.

The public portion of the meeting was closed.

The Board discussed the item as follows:

Mr. Boivin stated he was not in support of changing RR1 to RR2; he didn't favor the Mill Road change and he supports those who do not want this area to be included in the growth area.

Mr. Saunders stated he would be loathed to think in one evening we could over-rule a larger group of people's plans. He stated he is empathetic with the public but a broad group of people view this proposal as best for the town. He would support the Committee's recommendations.

Mr. Davis echoed Mr. Saunders comments; stating he grew up in a rural area and currently lives on a dirt road; he agreed that growth brings additional traffic. He asked if First Tracks (Cianchette) was looked at to be included.

Mr. Neagle stated it was discussed but not suggested as it is pristine land.

Mr. Davis agreed that the Board was not qualified in two hours to rebuild months of process from a Committee, but that he too was sympathetic to the residents.

Ms. Maloney-Kelly stated she has served on committees and knows that there are always opposite opinions from residents. She stated she was surprised at the size of the growth area and cannot support the proposal.

Mr. Neagle thanked the residents and Board for their comments. He didn't think it was fair to ask the Board to vote tonight, and suggested tabling until next month.

Mr. Moriarty stated there is no urgency or pressing need to move forward tonight and he concurred with the notion of tabling.

The Board agreed to hold a workshop session on September 10th at 6:00 p.m. in the downstairs conference room.

The Board continued to review the recommendations as follows:

1. Timber harvesting should be abolished as a permitted use in the OC-N and OC-S zones.
Mr. Moriarty moved that the Planning Board recommend to the Town Council the draft amendment that Timber harvesting should be abolished as a permitted use in the OC-N and OC-S zones.

Mr. Saunders seconded.

VOTE: Unanimous 6-0

2. Duplex and multiplex dwellings should not be added as permitted uses in the OC-S zone.

Mr. Moriarty moved to recommend to the Town Council the draft amendment that duplex and multiplex dwellings should not be added as permitted uses in the OC-S zone.

Mr. Saunders seconded.

VOTE: Unanimous 6-0

3. Restaurant and retail uses should be permitted in the OC-N and OC-S zones provided that the restaurant or retail space does not exceed 33% of the developed floor space and that no single restaurant or retail use may exceed 3,500 square feet.

Mr. Moriarty moved to recommend to the Town Council the draft amendment that restaurant and retail uses should be permitted in the OC-N and OC-S zones provided that the restaurant or retail space does not exceed 33% of the developed floor space and that no single restaurant or retail use may exceed 3,500 square feet.

Mr. Saunders seconded.

VOTE: Unanimous 6-0

4. An overlay district should be created to include the northernmost four lots in the OC-S zone for restaurant and retail uses provided that the uses not exceed 3,500 square feet in size, but with no limit on the percentage of developed floor space devoted to either use.

Mr. Moriarty moved to recommend to the Town Council the draft amendment that an overlay district should be created to include the northernmost four lots in the OC-S zone for restaurant and retail uses provided that the uses not exceed 3,500 square feet in size, but with no limit on the percentage of developed floor space devoted to either use.

Mr. Saunders seconded.

VOTE: Unanimous 6-0

5. Drive-through restaurants should be prohibited in the OC-N and OC-S zones.

Mr. Moriarty moved to recommend to the Town Council the draft amendment that Drive-through restaurants should be prohibited in the OC-N and OC-S zones.

Mr. Saunders seconded.

VOTE: Unanimous 6-0

6. The Route One Design Standards shown in Attachment # 4 of this report should be adopted in place of the existing Route One Design Guidelines.

The Board discussed the guidelines and requested to table this recommendation and include it in the workshop scheduled for September 10, 2015 at 6:00 p.m.

The Planning Board agreed to table the following recommendations (related to the Growth Area Maps and Route One Guidelines) and hold a workshop on September 10, 2015 at 6:00 p.m.

1. The boundaries of the existing RR1 and RR2 zones should be retained, with the exception of that portion of the RR1 zone connecting the MDR and HC in the Town Center Growth Area.
2. No changes to the location, boundaries, lot standards and allowed uses of the RR1 and RR2 zones are recommended, except as noted above.
3. The Committee recommends that the boundaries of the Foreside Growth Area should be depicted as shown on the map attached under Attachment #3.

G. Administrative Matters: - None

H. Adjournment: Chairman Neagle adjourned the meeting at 9:35 p.m.

A TRUE COPY ATTEST:

Christopher S. Neagle, Board Chair

Pam Bosarge, Board Clerk