

**PLANNING BOARD MEETING
TOWN OF CUMBERLAND
Cumberland Town Hall
290 Tuttle Road, Cumberland, Maine 04021
Tuesday, June 17 2014
7:00 p.m.**

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

B. *Roll Call:*

Present: John Ferland, Vice-Chair, Jeff Davis, Peter Sherr, Teri Maloney-Kelly

Absent: Chris Neagle, Chair, Gerry Boivin, Josh Saunders

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

C. *Approval of Minutes of the May 20, 2014 meeting.*

Mr. Sherr moved to approve as amended.

Mr. Davis seconded.

VOTE: Unanimous 4-0

D. *Staff Site Plan Approvals:*

1. Ledgeview Assisted Living, 220 sq. ft. addition.

Ms. Nixon gave a brief overview of the Staff Site Plan Project for Ledgeview Assisted Living, stating the applicant is proposing to construct a 220 sq. ft. addition over an existing boiler room to house a new bathing facility as required by HUD.

E. *Hearings and Presentations:*

1. Sketch Plan Review: Major Site Plan for a 10,000 sq. ft. commercial building at U S Route One, Lot # 6 of Cumberland Foreside Village; Applicant Pack Edge Inc., Company; Owner, Cumberland Foreside Village, LLC; Representative, Tom Greer, P.E., Pinkham & Greer Civil Engineers.

Ms. Nixon asked that the applicant speak to the nature of the Pack Edge's business. The Code Officer has determined this is a manufacturing facility.

Mr. Greer stated he was present with Mr. Dennis Waters from PATCO construction, who will be the builder, and is coordinating some of architecture and building design. Mr. Greer reviewed the proposal as follows:

A couple of months ago Lot # 6 was modified to allow this project to come forward. That project went to DEP and received approval and the Planning Board modified the subdivision plan. Mr. Greer reviewed the existing conditions plan showing Route One and Sea Fax; and existing buffering which will remain the same with the exception of a thirty foot wide driveway. The driveway will come into a truck maneuvering area in the back of the 10,000 sq. ft. building. The front alignment of this building and SeaFax will be very similar. Sewer will be extended from SeaFax; currently there is overhead power, a new pole will be installed with 3-phase power which will run underground on the site. This will also allow 3-phase power to go to any development on the back of the site. The site plan and drainage

application has been submitted to DEP and Army Corps. In order to get the 110 feet needed from the loading docks to the edge of the pavement; it has required a little more wetland fill for this project. This is part of the subdivision and under the DEP rules the fill for the entire subdivision is cumulative. The original application had approximately 8,000 square feet of fill; this application will increase the impact to around 11,000 square feet of fill. This is still under a Tier 1 Permit with DEP; we don't expect any issues with this approval. The site grading is fairly simple there are no catch basins; it is all surface water flow. The application also falls under DEP for Stormwater Treatment and Peak Flow Control; we are installing two underground soil filters. The drainage calculations have been done and there is no drainage increase in peak flows, and the treatment meets DEP standards. The original application had a building with approximately 15,000 sq. ft. –three floors with parking and roughly 34,000 sq. ft. of impact; we are about 39,000 sq. ft. of impact. The extra 5,000 sq. ft. of impact required an amended permit from DEP as well as the wetland impacts. Mr. Greer reviewed the landscaping which will have a couple of large crimson maples and some spruce trees to create a gateway effect. There will be parking for twelve spaces; the building will have about six employees; and in anticipation of another user there is space for additional parking; this was done to meet all drainage and DEP calculations.

All of the lighting for the site will be off the building; there will be some wall packs on the back, side and front of the building. The preliminary floor plan is being designed; it doesn't yet match up with the elevation plans, it will have a small office and employee area; the remaining area is open for packaging the gel packs and a future freezer area. The design is a one-story open building. The elevation views were reviewed; the back is metal siding with four loading docks, the side and front will have some upper story windows to give the appearance of a two-story building to break up the scale of the building. One of the standards of the Route One Design Guidelines is to break up the scale of large buildings. This building meets the requirements with siding and mixed texture; which gives the appearance of a multi-use building; the siding will be hardy-plank.

Mr. Ferland stated this is a sketch plan; the intent is to give the Board an overview and raise any issues to be addressed at the public hearing next month.

Mr. Sherr stated this is a great project; this will be a great addition to Cumberland. He asked if a DOT entrance permit was required.

Mr. Greer stated yes, the original expired permit was sitting on Jodi's desk to be mailed tomorrow; we don't anticipate any problems with the original permit.

Mr. Sherr again stated the applicant has done a great job on the facade, and layout of the building, it is a great project.

Ms. Teri Maloney-Kelly agreed she loves the look of the building, and asked for clarification on the number of parking spaces; the Board's information states 10 parking spaces.

Mr. Greer stated there are 10 parking spaces with 12 future spaces.

Mr. Davis agreed it is a great project, he drives by the area every day and it will be a nice building. He asked about snow storage and run-off from the site.

Mr. Greer showed the location of the snow storage on the plan; stating I don't understand the DEP restriction on plowing snow into the underground soil filters it is the most contaminated water on site and can't be plowed into the treatment areas.

Mr. Ferland stated we are a short crew today, and he had nothing to add to his colleagues comments other than at the public hearing stage the project will be reviewed as to how it meets the Ordinance standards.

Mr. Greer stated they will put together some text as to how the building meets the architectural standards.

Mr. Ferland asked about Ms. Nixon's question on what is the manufacturing use.

Mr. Greer stated he is not sure he is the best one to address that; he asked Mr. Waters if would like to answer this.

Mr. Waters stated his understanding is that Pack Edge packages the gel packs for the seafood and lobster business. The gel packs need to be frozen and are kept in the freezer area, packed into boxes and sent to the seafood distributors. It is packaging and re-packaging of the packing material. The business will not be packaging seafood products.

2. Sketch Plan Review: Major Subdivision Orchard Road, Tax Assessor Map R08, Lot 63, in the Rural Residential 2 (RR2) district; Applicant, Cider Mill, LLC: Owner, Thomas Terison; Representative Wayne Wood, PLS.

Mr. Wayne Wood, Representative stated the applicant is proposing a seven lot subdivision off from Orchard Road from the private road Intimidator Lane. This will be an extension of the private way; we are here to briefly introduce you to the project and ask for any comments from the Board.

Mr. Sherr stated there are seven proposed lots with a common area of 415,000 sq. ft. of open space. in the back, is the slope downhill towards the common space or uphill.

Mr. Wood stated he believed it is uphill, the reasoning for the cluster concept and the open space is as you bring the road in on the ridge there isn't enough land area for any full size lots.

Mr. Sherr stated it appears to be a good layout, the 60,000 sq. ft. minimum lot sizes appear to meet the requirements and the square footage and acreage meets the RR2 zoning requirements. I look forward to the subdivision review.

Mr. Davis asked what the utility easement was on the plan.

Mr. Wood stated it is the underground pipeline.

Mr. Ferland stated this is a true sketch plan and he looks forward to more review, it is not a large development in terms of number of lots. Our next review will be in assuring the application meets the standards and reviewing, setbacks, drainage, and buffering etc. It is a nice area of the community.

Mr. Sherr asked if there had been any trails identified that could be connected to other existing trails.

Mr. Wood stated it is pretty rural and undeveloped, other than the pipeline he was not aware of any trails.

Mr. Sherr stated it would be good to know if there were any options for connectivity of trails.

Mr. Wood stated Terradyn Consultants will be doing the engineering work for the project.

Ms. Nixon asked if this area had been used as an apple orchard and therefore might have arsenic in the soils.

Mr. Wood stated he had not looked at that, he believes the lot is behind the actual orchard, he will do some inquiring.

Ms. Nixon stated a couple of people have made the comment, as you recall from the other subdivision in the vicinity there was arsenic in the soil and the developer was required to have a remediation plan. The other question is do you know what the pipeline development requirements would be.

Mr. Wood stated that is in the works, there have been no lengthy discussions.

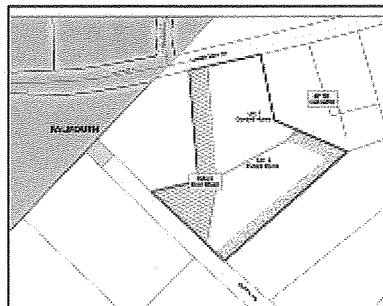
Ms. Nixon asked if he was concerned with the layout of the lots and pipeline going through the lots.

Mr. Wood stated there isn't usually a concern in regards to lawns, and they are proposing the building envelopes away from the pipeline.

Mr. Ferland stated the best advice was to continue with engineering and keep in contact with staff.

Mr. Davis stated his concern is the pipeline and location of lots.

- 3. Public Hearing: To recommend to the Town Council a Contract Zone Agreement with Justin M. Fletcher, Inc., for a property at 3 Longwoods Road, to create two lots and convey to the Town of Cumberland a right of way from Longwoods Road to Harris Road; Tax Assessor Map R03, Lot 20A in the Rural Residential 1 (RR1) district.**



Mr. Ferland stated this item is the second Public Hearing, the item was before the Board last month; the Planning Board conducted a site walk which was well attended and very helpful. Mr. Ferland stated Mr. Shane will summarize the project and then the public hearing will take testimony; we try not to duplicate testimony but want to give everyone the opportunity to speak

Mr. Bill Shane, Town Manager reviewed the aerial photo of the existing lot, when Mr. Fletcher purchased this he approached the Town and asked if he could subdivide the lot. The result of our conversation was the lot could only be split by contract zone and the public benefit as required by the current Comprehensive Plan would be the connection of Longwoods Road to Harris Road. That would require him to deed the town about an acre of land, upon which the Town would construct the connector road as shown on the map. It is a 24 foot wide road with three foot paved shoulders; the sight distance exceeds MDOT and Town standards at both Longwoods Road and Harris Road. The driveways presently accessing Route 9 would access the new connector road. Mr. Shane reviewed the conceptual locations for the driveways. The road would be built to the current subdivision standards. In exchange for this Mr. Fletcher would be able to build a house or a duplex on each lot. Tonight the town is seeking a recommendation from the Planning Board so that we can schedule a Council public hearing. At that time the Town Council will hold another Public Hearing and take testimony and decide whether or not to grant the contract zone and deliberate on the Planning Board's decision. The site walk allowed people to see the conceptual layout relative to the distance to neighbors, tree cover and buffers. We did agree to conditions along the way; an e-mail from an abutter asked for considerations for stop signs on both ends of the street;

no street light at Harris Road, but there would be a street light at Longwoods Road; and there would also be some consideration in the future for some traffic calming measures along Harris Road, improved shoulders and to address the hill issue near 125 Harris Road which has inadequate sight distance to date. My recommendation to the Council at the public hearing is that we have not budgeted for the connector road; this would be done in the next fiscal year; in the summer of 2015. In the interim we would post the road, *Road Closed pass at your own risk*. These signs have previously been posted on Range Road prior to the improvements. The road would remain a local road for about a year, and the connector would be built next summer through funding in the budget process.

Mr. Ferland opened the public portion of the meeting.

Ms. Alberta Haynes of 96 Harris Road stated she has been a resident for forty years, and during this time there have been many stories but never before as bad as this in regards to how people feel. At the first public meeting we had fifty families who did not support the through road. I worry about the traffic. When we moved here forty years ago we bought land as did Marian Day and Peter Bingham we all moved in about the same time. At that time Norm Christianson, former Road Commissioner stated to the Town Council that he had not plowed beyond the power lines for many years and the road should be closed. The Town Council has changed and Harland Storey was the only Councilor who remembered Mr. Christianson's recommendation. More houses have been built and many of the residents want the road to remain a dead-end road. Several years ago, the zoning was changed to 4-acre and 2-acre lots on the road. The Council probably wanted the road to remain rural. Many residents on Harris Road think this is a done deal so they didn't attend the meeting.

Ms. Sara Staples of 232 Harris Road echoed Mrs. Haynes comments; she was pretty much checked out of this process, thinking we don't stand a chance of having our voices truly heard. Ms. Staples stated she wasn't at the first meeting.

Mr. Ferland stated the Board has copies of her email.

Ms. Staples stated when she and her husband were looking for property in Cumberland they struggled to find a house on a quiet road. They do not want Harris Road to become a main road. We were very lucky to find a home in town not on a main road. Our children are just beginning to bike and leave the house independently, it is scary to have them bike on Tuttle or Greely Road to visit with friends. Up until this point I have felt comfortable allowing our children to bike on Harris Road, I am not sure that will be the case if this goes through. This issue is talking about changing quality of lives for efficient transportation. Yes, it would be efficient to drive down Harris Road and get to Twin Brook, but we need to think beyond efficiency and think for the betterment of the whole community. Harris Road is a famous road, people come from Yarmouth, Freeport and school teams train on the road, there are people roller blading, biking and running. People seek out this road as a place to recreate. I struggle with safety concerns and times of flooding. Currently there is access for emergencies or flooding. She questioned why that hadn't been looked at as an option; could the current access road be opened when necessary and closed when not; she would like to hear more about that. Ms. Staples also voiced concern on the expenditure of public dollars for improvements to Harris Road. She would like to see how many people would vote to spend their public dollars on this project.

Mr. Charles Staples of 232 Harris Road stated he was limping because he was hit by a car yesterday biking, so he is not sure more traffic is a good idea. Mr. Staples stated this area is located in the RR1 district which is a four acre minimum lot size, and we are asking to develop two homes on a one acre lot, this would change the character of the neighborhood. Most of the adjoining lots are three or four acre lots.

Ms. Chris Lindsay of 286 Harris Road stated she moved to Harris Road eight years ago, they moved from Falmouth Road in West Falmouth, because the road was too busy. They moved to Harris road to enjoy a safe and quiet road to walk and bike. Ms. Lindsay asked the Board if this were their neighborhood how would they feel about the change. How many times have the roads been closed due to flooding over the past few years? Is that enough of a reason to open all dead end roads, is this the right thing to do for Harris Road. She suggested exploring the end of the road in Falmouth.

Mr. Stu Caron of 57 Rock Ridge Road stated it is his 19th Anniversary tonight and he is at the Planning Board, which is how important this issue is to them. I agree the comments regarding safety, and the recreational use on the road along with the unique wildlife in the area. I have questions regarding the flags, markings and steaks in the ground, if this process is still in the decision making stage.

Mr. Shane stated the Planning Board requested that the road be conceptually laid out to visualize the location of the road for the site walk.

Mr. Ferland stated the decision authority is the Town Council which is required to request a recommendation from Planning Board. I have been on the Board for six years and the Town Council doesn't always take our advice. Tonight is not the end of the process the Town Council will hold a public hearing; the Planning Board's role is an advisory recommendation.

Mr. Caron asked what measures had been taken to prevent flooding in the low laying areas of Route 9 and Tuttle Road.

Mr. Ferland stated the Planning Board's role is to focus on the contract zone.

Mr. Shane stated the Town has done a lot at the end of Harris Road a 10' box culvert was installed five to ten years ago which has alleviated the flooding at the end of Harris Road. There was a \$140,000 box culvert put in at the end of Corey Road downstream to help mitigate some of the flooding on Route 9. There is a \$250,000 project in the CIP for raising the elevation of Tuttle Road just below the railroad tracks to increase culvert capacity to help with the flooding on Tuttle Road. These projects are continuing and continue to go on. The biggest problem is Route 9 which is the choke point for all of the drainage going to Falmouth; unless the DOT fixes those problems we will do the best we can to minimize and mitigate the issues, but will still have flooding issues for the foreseeable future.

Mr. Caron reiterated historically to the best of his knowledge the gate has always gone up in terms of emergency, be it a snow storm, flooding or loss of power. We are asking for consideration of the road in our neighborhood.

Ms. Lindsay stated if the work was done off Tuttle Road; why not use Middle Road an existing through Road.

Mr. Haynes of 96 Harris Road stated two years ago he re-located his driveway due to sight distance, and he watched a mini-van come over the hill going too fast, and had to steer into the ditch to avoid hitting his vehicle. He is concerned about the road being used as a speedway; if you put a straight edge on the map Harris Road would directly connect through Twin Brook and line up with Hillside Road in Yarmouth. I am sorry I missed the site walk. This road is not suitable for a speedway; there are too many children and people who use the road. It would be a shame to alter the road for two house lots which are not even regulation lots. It would be too bad to see Harris Road become a speedway.

Ms. Lindsay stated that increasing traffic mobility speaks of convenience and she feels people will use Harris Road as a short cut for convenience.

Ms. Colleen Higgins of 59 Harris Road stated Norm Christianson was her stepfather and they have looked for the documentation that the road had not been used for many years. Ms. Higgins voiced concern of purchasing a parcel to subdivide knowing it was not allowed, changing the zone will not improve the Town, she felt there was not a lot of hope in the process and asked if a sign could be installed saying local traffic only.

Mr. Shane stated that was a question that was raised at the site walk. We can post it for the heavy truck traffic, no thru trucks; we have that on Mill Road. This question was asked during the site walk and concern of heavy trucks from Route 9 using the access road as a shortcut. This can be posted for trucks not passenger cars. Local traffic only signs are posted during construction, to allow residents to get their houses.

Ms. Staples stated Hedgerow has signs no thru traffic to Val Halla, children playing; there has been a precedent with existing signs.

The public portion of the meeting was closed.

Mr. Ferland thanked the public for excellent comments during the two public hearings. There have been some conditions mentioned if this proposal moves forward to the Town Council.

Mr. Davis stated he understands he lived on a dead end road which became a thru way when Pineland was developed. I also understand that progress happens. Item (d) states imposes such conditions and restrictions that are necessary and appropriate for the protection of the public, health and general welfare of the Town of Cumberland. When I look at this request I look at the whole Town of Cumberland and not just Harris Road; I think signage will help; there are some existing speed issues and as discussed the vertical curves of the hills, will be flattened out for better visibility and sight distance. The road already has concerns about recreational uses and safety issues. I agree with this access road for emergency vehicles as well.

Mr. Sherr agreed with Mr. Davis stating he is in support of this request for several factors one was the flooding, and general safety for fire and emergency access. The 2009 Comprehensive Plan and survey support connectivity and eliminating dead end streets. I do also echo the sentiments of the public; I don't want to create another safety issue by eliminating safety mitigation measures. I would add the recommendation if we move forward to add something such as the Town, Town Manager and Town Engineer would look at some engineered speed mitigation measures for safety. He is also in favor of signs, fixing the vertical curves and truck postings.

Ms. Maloney-Kelly thanked everyone for their testimony, she missed the first public hearing; I can appreciate your passion because our neighborhood a few years ago was threatened by an industrial operation. I understand your upset but for me it is a long term vision for the Town. I am here on the Planning Board with my planning hat on. For many years Harris Road has always been on the radar for any opportunity to open it up to Route 9. This opportunity will probably never come again, for that reason I am going to support the recommendation. I know as a resident the Council will listen and incorporate as many of your concerns as possible to make this the best situation possible.

Mr. Ferland stated he too is going to support the recommendation. A lot of you have mentioned this was a done deal and you weren't going to come tonight. For me it wasn't a done deal, I didn't have a sense of that at the first public hearing; the site walk was very valuable. At the first meeting the Comprehensive Plan encouraged connecting dead end streets; but when Harris Road was specifically mentioned it was more of a split decision. The Planning Board is forwarding a recommendation and the Town Council which will give residents another opportunity for public input. We all love this Town and live in a

neighborhood that we cherish. We have all been a part of neighborhood related issues, with all of the same issues. In my role on the Planning Board I think this is the right recommendation it makes sense, the reason is Harris Road has come so close to being connected; making that connection is a way to unify the community with its road network. Currently I think the private access connecting to Route 9 is a safety issue. This connection does not need to be a speedway; the staff will help residents with those concerns. You will be meeting with elected officials and town staff regarding the street connection of Harris Road. I do agree you will have more traffic, but it doesn't have to be a speedway. Contract zones are a tried and true technique to allow or support a use that otherwise couldn't happen. There are several instances of this in Town. It is a totally open process with multiple public hearings and multiple opportunities to help shape the final product.

Mr. Sherr moved to send a positive recommendation to the Town Council for a contract zone agreement with Justin M. Fletcher, Inc., for property at 3 Longwoods Road, to create two lots and convey to the Town of Cumberland a right of way from Longwoods Road to Harris Road; Tax Assessor Map R03, Lot 20A in the Rural Residential 1 (RR1) district. The Planning Board voted to send the positive recommendation with the following recommended conditions:

- Well testing (pre and post road construction work)

To place the following signs on Harris Road

- "No Heavy trucks"
- "MSAD # 51 school buses only" (if legally possible)
- "Children at Play" (Posted at both ends of the road)
- "Not a through Route to Twin Brook Recreation Facility"

Mr. Davis seconded.

VOTE: 4-0 Unanimous

G. Administrative Matters: None

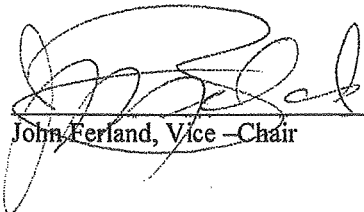
H. Adjournment

Ms. Maloney-Kelly moved to adjourn at 8:40 p.m.

Mr. Davis seconded.

VOTE: 4-0 Unanimous

A TRUE COPY ATTEST:


John Ferland, Vice-Chair

Pam Bosarge, Clerk to the Board

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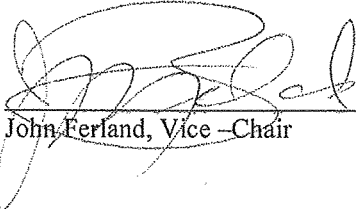
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