

**PLANNING BOARD MEETING
TOWN OF CUMBERLAND
Cumberland Town Hall
290 Tuttle Road, Cumberland, Maine 04021
Tuesday, April 15, 2014
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, Jeff Davis, Josh Saunders, Peter Sherr, Teri Maloney-Kelly
Absent: John Ferland, Vice-Chair
Staff: Carla Nixon, Town Planner, Pam Bosarge, Administrative Assistant

C. **Approval of Minutes of the March 18, 2014 meeting.**

Mr. Saunders moved to approve the minutes of March 18, 2014 as amended.

Mr. Sherr seconded.

VOTE: 6-0 Unanimous

D. **Staff Site Plan Approvals: None**

F. **Hearings and Presentations:**

1. **Public Hearing: Minor Site Plan Re-Approval for construction of a 2,560 sq. ft. Contractor's Space at 78 U S Route One,** Tax Assessor Map R01, Lot 12A in the Office Commercial South (OCS) district; Florence Nightingale Corp., Owner, Tom Greer, P.E., Pinkham & Greer Consulting Engineers, Representative.

Ms. Nixon presented background information as follows: This project was approved a year ago, but the developer has not made a substantial start, as determined by the Code Enforcement Officer, therefore he is required to return to the Board to request a re-approval. Mr. Tom Greer of Pinkham and Greer Consulting Engineers is present.

Mr. Neagle asked if the applicant was seeking a one year approval.

Mr. Greer stated yes, the site has been divided into two lots with plans for future development on lot two. The application this evening is for an 80' x 23' building, the main entrance is in the back, the building will be used as contractor's space – office and storage. The berm has been constructed and the septic system has been approved. The septic has not been built; a project to the south of the property may extend sewer, allowing his client to tie into the sewer and not build the septic system. The building will have clapboard siding, a gravel drive, public water and underground utilities. The Route One buffer will be supplemented with plantings to meet the Route One Design Guidelines. The drainage concern from the abutter has been taken care of with the construction of the berm.

Mr. Neagle asked if building elevations were in the packet.

Mr. Greer stated yes they are in the packet.

Mr. Neagle asked about the trees between the building and Route One.

Mr. Greer stated along this section of Route One there is a 70' right of way with an additional 25' Route One buffer.

Mr. Neagle reviewed for the television audience that the Planning Board was reviewing the re-approval application for Contractor's space at 78 U. S. Route One. The camera went on-air at 7:15 p.m.

The public portion of the meeting was opened.

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

There Board reviewed the Findings of Fact as follows:

APPROVAL STANDARDS AND CRITERIA

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

.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 had previously been zoned residential. During this time a substantial amount of fill was brought on site and graded to provide a base for future development. The MDEP has reviewed this action and determined that no environmental laws were broken. Wetlands on the site have been delineated and will not be impacted by future development.

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

.2 Traffic Access and Parking

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

- .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.

- .2 Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.
- .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.
- .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.
- .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.
- .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.
- .7 Accessways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.
- .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 accessways must not exceed sixty (60) feet.

Access to the site is via a 24' wide access drive from Route 1. There is no pavement proposed other than for a 25' paved apron at the entrance. An entrance permit from MDOT has been obtained.

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

.3 Accessway Location and Spacing

Accessways must meet the following standards:

- .1 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.

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

**The plan shows that the entrance area to the parcel meets these standards.
The Board finds the standards of this section have been met.**

.4 Internal Vehicular Circulation

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

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

The above requirements have been addressed in the plans.

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

.5 Parking Layout and Design

Off street parking must conform to the following standards:

- .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.
- .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.
- .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

- .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.
- .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.
- .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.

The parking area will not be paved. A sign will show the location of the one handicapped parking space. All of the above requirements have been addressed in the plans.

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

.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 pedestrian traffic on the site.

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

.7 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.

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

- .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.
- .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.
- .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

The Town Engineer notes that the Applicant has relocated the subsurface wastewater disposal system to the northwesterly corner of the subject parcel. This will serve as a berm reducing the drainage area to the north, which should reduce the tributary flows to the abutter's driveway culvert. While the Drainage Analysis Map (DA-1) shows the reduced area tributary to the northerly culvert, the time of concentration flow path has not been revised in the Developed Conditions. This flow path should be updated, along with the Drainage Calculations and submitted to the Town for the record. The Town Engineer does not anticipate that the conclusion (reduction in flows to the northerly culvert) of the Stormwater Analysis will be changed by updating this information. This is a proposed condition of approval.

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

.8 Erosion Control

- .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.
- .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 are notes on the plan that describe how erosion and sedimentation shall be controlled. This plan has been reviewed and approved by the Town Engineer.

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

.9 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 connect to the public water supply located in the Route 1 ROW. A capacity to serve letter from the Portland Water District has not been submitted. This is a proposed condition of approval.

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

.10 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 plan shows the location of a proposed 1000 gallon septic system on the site. An HHE-200 has been submitted.

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

.11 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.

All utilities are available from Route 1 and will be placed underground to the building.

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

.12 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.

This site is not located within an aquifer protection area. There will be a new 1000 gallon septic system on site.

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

.13 Water Quality Protection

All aspects of the project must be designed so that:

- .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.

- .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.

The applicant states that there will be no indoor or outdoor storage of any of the above materials.

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

.14 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.

Re: technical capacity, the applicant has utilized the services of a professional engineer and soils scientist.

Re: financial capacity, there is a letter on file dated 8/27/12 from the Law Office of Gary W. Libby, LLC stating that the applicant has deposited sufficient funds dedicated to completing the \$200,000 building. It is unclear whether this amount will also cover utility connection and site work. A performance guarantee in a form and amount acceptable to the Town Manager is a condition of approval.

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

.15 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 notice dated 3/26/13 from the Maine Department of Historic Preservation is required as a condition of approval.

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

.16 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.

According to Flood Insurance Rate map # 2301620018 C as issued by FEMA, the entire site is located in Zone C (area of minimal flooding),

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

.17 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 above requirements have been met.

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

.18 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.

There are trees around the four sides of the site. The applicant is proposing to supplement this with the planting of 8 white pine trees between 5' – 7' tall along the easterly property line bordering Route 1.

The plan also shows a lawn will be placed to the north and east sides of the building. 25 daylilies will be planted along the southerly and westerly sides of the building.

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

.19 Noise

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

The proposed use is not expected to generate noise that would be a nuisance for neighboring properties.

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

.20 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 stated that there will be no indoor or outdoor storage of materials. A dumpster location and fencing has been shown on the plan.

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

.21 Landscaping

Landscaping must be provided as part of site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a pleasing site character. The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties.

There are trees around the four sides of the site. The applicant is proposing to supplement this with the planting of 8 white pine trees between 5' – 7' tall along the easterly property line bordering Route 1.

The plan also shows a lawn will be placed to the north and east sides of the building. 25 daylilies will be planted along the southerly and westerly sides of the building.

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

.22 Building and Parking Placement

- .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.
- .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.

Parking is located to the side and rear of the building. 8 white pine trees will be planted near the entrance drive. There will be a 10' wide area around the front and north sides of the building that will be loomed and seeded. Day lilies are shown on the south and west side of the building.

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

.23 Fire Protection

The site design must comply with the Fire Protection Ordinance. The Fire Chief shall issue the applicant a "Certificate of Compliance" once the applicant has met the design requirements of the Town's Fire Protection Ordinance.

The Fire Chief has reviewed and approved the plan with conditions as included in the proposed conditions of approval.

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

.24 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 site is not located within the aquifer protection area.
The Board finds the standards of this section have been met.**

.25 Route 100 Design Standards (if applicable)

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

N/A (Parcel does not front on Route 100)

.26 Route 1 Design Guidelines (if applicable)

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

These are applicable. See findings below.

1.1 Master Planning

Objective: On properties that are large enough to accommodate more than a single structure, developers are encouraged to develop a conceptual master plan to show the Planning Board the general location of future buildings, parking lots, circulation patterns, open space, utilities, provisions for stormwater management, and other components of site development.

On sites with multiple buildings, the outdoor space defined by the structures should be designed as a focal point for the development, with provisions for seating and other outdoor use. Landscaping, bollards and other site features should maintain a safe separation between vehicles and pedestrians.

FINDING: The site consists of two building lots. The plan shows a building will be built on one lot and access to the other lot is provided via a ROW.

1.2 Designers

Objective: Developers are encouraged to have their site plans designed by licensed professionals (civil engineers, architects or landscape architects) to address the health, safety, welfare and visual pleasure of the general public, during all hours of operation and all seasons of the year.

FINDING: Pinkham and Greer is a recognized firm of licensed Civil Engineers. The plans have been stamped by the appropriate professionals.

1.3 Route One Buffer Strip

Objective: Developments should be designed to preserve the naturally forested character of much of Cumberland's Route One Corridor, and to ensure that it does not become developed in the treeless "strip" style seen elsewhere along this corridor.

In order to preserve the effect of a forested corridor for people driving through it, a 75' front setback for all buildings is strongly recommended. The setback area can either remain in its natural wooded state, or the buffer area/entrance could appear as a more manicured, park-like setting. If a developer chooses the latter option, larger trees as well as attractive smaller trees or other vegetation would be kept, but the area would be more open. Additional, decorative plantings could also be added.

The Town of Cumberland appreciates that the visibility of a business from Route One is desirable. The clearing associated with driveway access points will provide views into the site and of the structure. The option of a park-like wooded area can increase visibility as well. This, in conjunction with site design and signage, will afford adequate exposure of the business from Route One, while achieving the primary objective: preserving some of the natural appearance of the corridor.

For areas of Route One that are not forested, the 75' buffer is still recommended. Again, the existing vegetation could remain, or the area could be landscaped.

FINDING: As illustrated within the plan set, the site offers a wooded corridor along Route One. There is a 25' landscape buffer between the building and the property line. This is an area of Route 1 where the ROW is located heavily on the westerly side of the road. A 75' buffer as recommended in the Design Guidelines would make the building impossible due to adjacent wetlands.

1.4 Vehicular Access

Objective: Development along Cumberland's Route One corridor should promote safe, user-friendly and efficient vehicular movement while reducing both the number of trips on the roadway and the number of curb cuts wherever possible. The vehicular movements discussed in this chapter, both on-site and off-site, should be designed by a professional engineer.

FINDING: Vehicular travel ways have been designed by a professional engineer.

There is only one curb cut in a location approved by the Maine Department of Transportation. Sight distance in both directions exceeds all standards.

1.4.1 Route One Curb Cuts

To promote vehicular, bicycle and pedestrian safety, the number of curb cuts on Route One needs to be kept to a minimum. Adjacent uses are encouraged to use shared driveways wherever possible, thereby reducing the number of turning motions onto and off of Route One. This practice will increase motorist, bicycle and pedestrian safety, and has the added environmental benefit of helping to reduce impervious (paved) area.

Driveways and their associated turning movements should be carefully designed and spaced to reduce interruptions in Route One's level of service and to promote safe and easily understandable vehicular movements. Where curb cuts will interrupt sidewalks, ADA requires that the cross slope not exceed 2% in order to maintain accessibility.

New driveways and existing driveways for which the use has changed or expanded require a Maine Department of Transportation "Driveway Entrance Permit." The Planning Board will grant no project approval until the Town has been provided a copy of the permit, or alternately, until the applicant provides the Town a letter from the DOT stating that such a permit is not required.

FINDING: The project has been granted a Highway Entrance Permit Waiver by the Maine Department of Transportation. No existing sidewalks are interrupted and access is limited to one driveway.

1.4.2 Site Circulation

Internal vehicular movement on each site should be designed to achieve the following goals: to ensure the safety of motorists, delivery vehicles, pedestrians and cyclists by providing clear cues to

the motorist as to where to drive or park, etc., once they enter the site. Landscaping, to reduce impervious areas are encouraged as much possible.

Every effort should be made to restrict paved surfaces to a maximum of two sides of the building. The site should not feature a building surrounded by drive lanes and parking.

To ensure safe and easily understandable circulation, parking spaces, directional arrows, crosswalks and other markings on the ground should be painted on the pavement paint or shown by other suitable methods.

FINDING: There are no paved areas on site. Parking is clearly depicted on the plan as being to the side and rear of the new building.

1.4.3 Driveways between parcels

Driveways between adjacent parcels should be used where feasible in order to make deliveries easier and reduce unnecessary trips and turning movements on Route One.

These driveways should provide safe, direct access between adjacent lots, but only where the paved areas of the two adjacent lots are reasonably close together. However, they are inappropriate where they would require excessive impervious (paved) area or impose undue financial burden on the owner.

All such driveways between parcels should have pedestrian walkways.

FINDING: Not applicable

1.5 Building Placement

1.6 ***Objective:*** Buildings should be placed on their sites in a way that is sensitive to existing site conditions and respectful of adjacent uses. Generous setbacks and landscaping are desirable to maintain the wooded character of the Route One corridor.

1.5.1 Location of Building on the Site

In placing the building on the site, the designer should carefully consider the building's relationship to existing site features such as the size of the site, existing vegetation and topography, drainage, etc., as well as the abutting land uses.

The site design should make every effort to avoid creating a building surrounded by parking lot. In addition, buildings should generally be square to Route One and should avoid unusual geometry in building placement unless the site requires it.

FINDING: The building has been placed on the site in a manner that is sensitive to existing site conditions and respectful of adjacent uses. Setbacks and landscaping have been provided. Parking is limited to two sides of the building only and the building is square to Route One.

1.5.2 Building Entrances

The building's main entrance should be a dominant architectural feature of the building, clearly demarcated by the site design and landscaping. Main entrances should front onto the most convenient parking area.

At building entrance areas and drop-off areas, site furnishings such as benches, sitting walls and, if appropriate, bicycle racks should be encouraged. Additional plantings may be desirable at these points to clearly identify the building entrance and to invite pedestrians into it.

Where building entrances do not face Route One, the Route One façade should still be made interesting and attractive to drivers on Route One.

FINDING: The building entrance is located on a gable end of the building in proximity to parking and is clearly demarcated with columns.

1.5.3 Building Setbacks

If adjacent building facades are parallel with Route One and buildings have consistent setbacks from Route One, the visual effect from the road will be orderly and attractive. The pattern of the buildings will also be more “legible” to users.

Side and rear building setbacks must conform to the requirements of the underlying zone. A central theme of these guidelines is to encourage the front setback from Route One to be consistent with the 75’ buffer discussed in Section 1.3.

FINDING: All required setbacks have been met.

1.5.4 Hillside Development

When a proposed development is located on a hillside that is visible from Route One or from other public areas, its presence will be much more obvious than development on a level site. Because of this, it is even more important that the structure be designed to fit harmoniously into the visual environment.

Site clearing should also be minimized and vegetation should be retained or provided to minimize the visual impact of the development. Issues of drainage, run-off and erosion should also be closely examined.

FINDING: Site clearing will be minimized, drainage, run-off and erosion has been closely examined.

1.5.5 Universal Accessibility

Development of all properties, buildings, parking lots, crosswalks, walkways and other site features must comply with the applicable standards and guidelines of the Americans with Disabilities Act (ADA).

FINDING: Universal Accessibility. Site design for built features complies with applicable standards and guidelines of (ADA).

1.6 Parking

Objective: Development should provide safe, convenient and attractive parking. Parking lots should be designed to complement adjacent buildings, the site and the Route One corridor without becoming a dominant visual element. Every effort should be made to break up the scale of parking lots by reducing the amount of pavement visible from the road. Careful attention should be given to circulation, landscaping, lighting and walkways.

FINDING: Parking is limited to the side and rear of the building. There is no impervious surface between the building and Route One.

1.6.1 Location

Parking lots should be located to the side or rear of buildings. Parking should only be placed between the building and Route One if natural site constraints such as wetlands or topography, allow no other option. If parking must be built between the building and Route One, it should be limited, if at all possible, to only one row of parking spaces.

FINDING: Parking is limited to the side and rear of the building. There is no impervious surface between the building and Route One.

1.6.2 Landscaping

The 75' buffer between Route One and buildings in each development, as well as the location of the parking to the side or rear of the buildings are both intended to insure that views from Route One are not of expanses of asphalt. It is not necessary for parked cars be hidden from Route One, but it is the intent of these guidelines that the impact of their presence be lessened.

The buffer strip along the Route One right of way will also serve to create defined points of access and egress. Where a buffer of trees cannot be provided, a low wall, fence, hedge or berm shall be used to create the buffer and define the entrance and exit points.

Parking should be separated from the building by a landscaped strip a minimum of five to ten feet wide.

Landscaping around and within parking lots will shade hot surfaces and visually soften the appearance of the hard surfaces. Parking lots should be designed and landscaped to create a pedestrian-friendly environment. A landscaped border around parking lots is encouraged, and landscaping should screen the parking area from adjacent residential uses. Developers are encouraged to separate every ten parking spaces by a landscaped plot to break up long runs of parking. Tree plantings between rows of parking are very desirable. Granite curbs, while more expensive, are more attractive and require less maintenance than asphalt ones.

FINDING: The landscaping of the site is designed to supplement the existing vegetation. Flower beds and lawn areas will enhance the site.

1.6.3 Snow Storage

Provision should be made for snow storage in the design of all parking areas, and these areas should be indicated on the site plan. The area used for snow storage should not conflict with proposed landscaping or circulation patterns. These areas should be sited to avoid problems with visibility, drainage or icing during winter months.

FINDING: Snow storage is depicted on the plan set and has taken all recommended elements into consideration.

1.6.4 Impervious Surfaces

The amount of paved surface required for parking, driveways and service areas should be limited as much as possible in order to provide green space reduce run-off and preserve site character. This will have the added benefit of reducing construction and maintenance costs.

FINDING: Impervious surfaces have been limited as appropriate.

1.7 Service Areas

Objective: Service areas include exterior dumpsters, recycling facilities, mechanical units, loading docks and other similar uses. Service areas associated with uses along Route One should be designed to meet the needs of the facility with a minimum of visual, odor or noise problems. They should be the smallest size needed to fit the specific requirements of the building and its intended operation, and should be fully screened from view by either plantings or architectural elements such as attractive fences.

FINDING: A dumpster location with fencing detail will be shown on the rear side of the building.

1.7.1 Location

Service areas should, if possible, be located so that they are not visible from Route One or from the building entrance. Locations that face abutting residential properties should also be avoided wherever possible.

Dumpster, recycling facilities and other outdoor service facilities should be consolidated into a single site location, in accordance with appropriate life safety requirements

FINDING: The location of the proposed dumpster will be on the rear side of the building and not visible to Route 1.

1.7.2 Design

Service areas should be designed to accommodate the turning movements of anticipated vehicles, and should be separated from other vehicle movements, parking areas and pedestrian routes.

Wherever possible, service drives should be separated from areas where people will be walking by landscaped islands, grade changes, berms, or other devices to minimize conflicts.

Gates on enclosures should be designed to prevent sagging or binding. Wooden fencing is always preferred, but where chain link is necessary for safety considerations, it should be screened by landscaping and painted a dark color, or coated with dark vinyl. Please don't use plastic slats inserted into chain link.

FINDING: A fencing detail will be provided.

1.7.3 Buffering/Screening

Service areas should be screened to minimize visibility from sensitive viewpoints such as Route One, nearby residential dwellings, public open space, pedestrian pathways, and building entrances. Landscape screening may consist of evergreen trees, shrubs, and/or planted earth berms. Architectural screening may consist of walls, fences or shed structures, and should complement the design of the main structure through repetition of materials, detailing, scale and color.

Where plantings do not survive, or where they grow to a point where they no longer serve as effective screens, they shall be replaced or supplemented to meet the intent of the plan as approved by the Planning Board.

FINDING: The proposed dumpster location and screening meets these guidelines.

1.8 Open Space

Objective: In order to provide an attractive, hospitable and usable environment, future development along Route One should have generous amounts of open space and attractive site details for such elements as pavement, curbing, sitting and other public areas, landscaping, planters, walls, signage, lighting, bollards, waste receptacles and other elements in the landscape.

FINDING: *This is a simple structure with large amount of undeveloped land remaining.*

1.8.1 Internal Walkways

Internal walkways should invite pedestrians onto the property and make them feel welcome.

Walkways extending the full length of a commercial building are encouraged along any façade that features a customer entrance and an abutting parking area. Such walkways should be located five to ten feet from the face of the building to allow for planting beds. Such walkways should be shown on the project's landscaping plan.

Wherever feasible, interconnections between adjacent properties should be developed to encourage pedestrian movement and reduce vehicle trips.

At a minimum bituminous concrete should be used as the primary material for internal walkways, except that for entrance areas and other special features the use of brick or special paving shall be encouraged. Walkways should be separated from parking areas and travel lanes by raised curbing. Granite is strongly preferred for its durability, appearance and low maintenance requirements.

Driveway crosswalks should be marked by a change in pavement texture, pattern or color to maximize pedestrian safety in parking and other potentially hazardous areas.

FINDING: *There will be very little pedestrian traffic on site. The above are N/A.*

1.8.2 Landscaping

Where there are trees in the 75' buffer between Route One and the building, existing healthy trees should be maintained in their natural state. Where there are few or no trees in the 75' buffer, the buffer area should be landscaped either with trees, or with flowering shrubs, fencing, or such architectural elements as stone walls.

Where plantings do not survive, or grow to a point where they no longer serve as effective buffers, they shall be replaced or enhanced to meet the intent of the approved plan.

FINDING: *Landscape plantings within the 25' landscaped buffer between Route One and the building will be maintained as outlined in the Design Guidelines provided by the Town.*

1.8.3 Usable Open Space

Site plans should provide inviting open spaces where people can sit, relax and socialize. Open spaces should be thought of as outdoor rooms, with consideration to ground surfaces, landscaping, lighting and other physical elements. Examples of such spaces include a forecourt outside a building entrance, or a peaceful place outdoors where employees can sit down and eat lunch or have breaks.

FINDING: *There is no defined open space associated with this project.*

1.9 Buffering of Adjacent Uses

Objective: Buffering or screening may be necessary to effectively separate quite different land uses such as housing and office or commercial buildings. Plantings, earth berms, stone walls, grade changes, fences, distance and other means can be used to create the necessary visual and psychological separation.

FINDING: *As noted above, significant screening has been provided for abutters, Route One buffer area, service areas, parking lots and pedestrian plaza areas. The site has a very detailed landscape planting plan, stamped by a registered Landscape Architect.*

Objective: The selection of the proper type of buffer should result from considering existing site conditions, distances to property lines, the intensity (size and number of users) of the proposed land use, and the degree of concern expressed by the Planning Department, Planning Board, and abutting landowners. Discussions regarding the need for buffers, and appropriate sizes and types, should begin at the sketch plan stage of review.

FINDING: *Buffering is provided by maintaining existing vegetation around the perimeter and supplementing it with additional plantings.*

1.9.2 Design

Buffers and screens should be considered an integral part of the site and landscaping plans. Stone walls, plantings, fencing, landforms, berms, and other materials used for buffers should be similar in form, texture, scale and appearance to other landscape elements. Structural measures, such as screening walls, should likewise be related to the architecture in terms of scale, materials, forms and surface treatment.

FINDING: *There are none of the above features proposed as part of this plan.*

1.9.3 Maintenance

Where plantings do not survive, or where they grow to a point where they no longer serve as effective buffers, they shall be replaced or supplemented to meet the intent of the plan as approved by the Planning Board.

FINDING: *Landscape plantings will be maintained as outlined on the plan set in accordance with Design Guidelines provided by the Town. **Planner's note:** The performance guarantee will include an amount for landscaping, and a portion of that amount will be retained for one year to ensure plants that do not survive are replanted.*

1.10 Erosion, Sedimentation and Stormwater Management

Objective: Protecting the natural environment in Cumberland is as much a priority in these design guidelines as protecting the visual environment. A developer should take every measure possible in the construction and operation of a project to ensure that little or no adverse impact to the natural environment occurs. These measures should be as visually attractive as possible.

FINDING: *The proposed landscaping will provide permanent stabilization for the disturbed areas of the site and enhance the visual attractiveness of the development.*

1.10.1 Erosion and Sedimentation

Before any site work, construction or the disturbance of any soil occurs on a property, methods, techniques, designs, practices and other means to control erosion and sedimentation, as approved or required by the Maine Department of Environmental Protection, shall be in place. For guidance developers should refer to “Maine Erosion and Sedimentation Control Handbook for Construction – Best Management Practices,” produced by the Cumberland County Soil and Water Conservation District and the Maine DEP.

FINDING: An Erosion and Sedimentation Control Plan has been prepared to mitigate and manage the potential for soil erosion during construction.

1.10.2 Stormwater Management

All stormwater management systems should be designed to create the least visual impact on the site. Open ditches should be avoided. Drainage should be confined to a closed system of pipes. All such measures should fit unobtrusively into the landscape.

FINDING: The stormwater management system has been designed to create the least visual impact on the site.

1.11 Utilities

Objective: It is important to make efficient use of the utility infrastructure that exists along the Route One corridor, and to ensure that utility connections to individual development lots are as inconspicuous as possible. Underground utilities are encouraged whenever possible.

FINDING: All on-site utilities will be installed underground and are shown as such on the plans.

1.11.1 Water and Sewer

All proposed development along the Route One Corridor must connect to the municipal water supply and the municipal sewer, wherever such connections are available. Proposed connections are subject to review by the Town and/or its peer reviewers.

FINDING: Public water is available from Route 1.

Electric, Telephone and Cable

Electric, telephone, cable and other wired connections from existing utilities on Route One should be made to individual development lots via underground conduit wherever possible. This prevents the accumulation of unsightly overhead wires, and preserves the natural character of the corridor.

FINDING Near the proposed driveway entrance, electrical power will be extended via underground conduit to a service transformer located to the rear of the building. Telephone, cable and any other wired connections will follow the same route as electrical power.

2.1 General Architectural Form

Traditional New England buildings look like they do because of the climate, the materials and technologies available for building and the styles and fads of the 19th century. This is what is meant when people talk about “vernacular architecture”. It is the architecture that develops in a particular geographic area. Typically, while there may be architects who work in a particular

“vernacular”, vernacular architecture evolves over time and is not the product of a particular person’s powerful vision.

These guidelines encourage the use of materials and forms that are characteristic of the construction of ordinary houses and commercial buildings of 19th century in northern New England, and particularly in Maine. Modern interpretations and versions of these materials and forms are entirely appropriate and encouraged.

FINDING: The building architecture uses the New England vernacular with a pitched roof, asphalt shingles, and clapboard and shingle siding.

2.1.1 Roofs

Because of the need to shed snow, New England roofs have generally been pitched rather than flat. Federal roofs are sometimes gambrel-shaped. In the Greek revival style they are often gabled or have dormers, and have decorative “returns” at the bottom edge of the gable or dormers, suggesting the pediment of a Greek temple. Victorian houses typically have more steeply sloped roofs. Flat roofs are discouraged.

FINDING: The building incorporates pitched roof lines consistent with New England architecture style.

2.1.2 Windows

Windows are typically vertical rectangles, often with two or more panes of glass. They may have shutters. If shutters are used, each should be wide enough to actually cover half of the window. Horizontal and vertical “lights”, rows of small panes of New England buildings such as parapets. Where parapets are used to break up a flat roofline, the height of glass, are common over and next to doors. Window frames often have a decorative wood or stone pediment over them.

FINDING: Windows are traditional double hung windows with detailing consistent with the New England style.

2.1.3 Detailing

Each historical period also has its characteristic embellishments. Federal buildings may have a decorative fanlight over the entrance door. Greek revival buildings have corner-boards in the form of pilasters or even rows of actual columns across one façade, below a pediment. Victorian buildings use a wealth of turned columns and decorative scroll-work and shingle-work. Too many embellishments can look “busy”, and mixing the details of several periods or styles can also spoil the desired effect. Modern interpretations of older styles often used simplified forms to suggest the details that were more elaborately defined in earlier periods.

FINDING: Detailing is simplified with corner board trim, fascia and frieze boards and minimal window trim.

2.1.4 Building Materials

Traditional siding materials common to Northern New England are brick, painted clapboard and either painted or unpainted shingles. Contemporary materials that have the same visual characteristics as traditional materials (e.g., cementitious clapboards or vinyl siding) are acceptable if attention is paid to detailing (e.g., corners, trim at openings, changes in material). Metal cladding is discouraged.

Common traditional roofing materials are shingles – cedar originally or asphalt now, as well as standing seam metal. Where visible, the roofing color should be selected to complement the color and texture of the building’s façade. Roofing colors are usually darker than the color of the façade.

Colors commonly found in historic New England houses vary by period. In the Federal and Greek revival periods, white was the most common color, often with green or black shutters. But houses were not infrequently painted “sober” colors such as dull mustard or gray. In the Victorian period much brighter colors were often used, with trim in complementary colors. The characteristic colors for barns are white, barn red or weathered shingle

FINDING: Building materials consist of sage green vinyl clapboards, with vinyl trim and either a black single roof or standing seam metal roof in a dark green color. There are shingled peaks and entrance overhang along with craftsman style columns.

2.2 Large Scale Buildings

Objective: Due to their visibility and mass, the design of new large structures (10,000 square feet or greater) have the ability to greatly enhance or detract from Route One’s visual character. These structures should be designed as attractive pieces of commercial architecture that are responsive to their site and compatible with adjacent development.

FINDING: N/A

2.2.1 Design and Massing

Large structures should be designed so that their large mass is broken up into smaller visual components through the use of clustered volumes, projections, recesses and varied façade treatment. The design should provide variation to add shadow and depth and a feeling of reduced scale.

FINDING: The Rt. 1 view shows an 80’ expanse of the side of the structure with 7 windows.

2.2.2 Site Design

Wherever possible, large buildings should fit into the existing topography and vegetation, and should not require dramatic grade changes around their perimeter. Landscaping, site walls, pedestrian amenities and existing trees can be effective in reducing the apparent scale of large buildings.

FINDING: The building design works with existing flat surface.

2.2.3 Architectural Details

Large structures should have the same degree of detailing found in well-designed smaller and medium sized buildings along the Route One corridor. Architectural details can be used to reduce the scale and uniformity of large buildings. Elements such as colonnades, pilasters, gable ends, awnings, display windows and appropriately positioned light fixtures can be effective means of achieving a human scale.

FINDING: The entrance area shows some architectural elements, however the Rt. 1 side of the building would benefit from additional wall to roof trim such as a frieze board, soffit trim and facial, appropriately detailed.

2.2.4 Facades and Exterior Walls

Unbroken facades in excess of 80 feet are overwhelming whether they are visible from Route One, other roadways or pedestrian areas, or when they abut residential areas. Breaking up the plane of the wall can reduce this sense of overwhelming scale. Where the plane of the wall is broken, the offset should be proportionate to the building's height and length. A general rule of thumb for such projections or recesses is that their depth shall be at least 3% of the façade's length, and they shall extend for at least 20% of the façade's length.

Other devices to add interest to long walls include strong shadow lines, changes in rooflines, pilasters and similar architectural details, as well as patterns in the surface material and wall openings. All façade elements should be coordinated with the landscape plan.

Facades of commercial buildings that face Route One or other roadways should have transparent openings (e.g. display windows or entry areas) along 30% or more of the length of the ground floor. Blank or unadorned walls facing public roads, residential neighborhoods, or abutting properties are boring and unattractive.

FINDING: See above findings.

2.2.5 Building Entrances

Large structures should have clearly defined and highly visible entrances emphasized through such devices as significant variations in rooflines or cornice lines, changes in materials, porticos, landscape treatments, distinctive lighting or other architectural treatments.

FINDING: The main building entrance is highlighted with a covered entrance way featuring craftsman style design.

2.3 Linear Commercial Buildings

Objective: Linear commercial structures, such as multi-tenant offices or commercial buildings, are appropriate along Route One provided that they are designed with façade and roofline elements that reduce their sense of large scale and add visual interest.

FINDING: N/A

2.3.1 Design

Buildings with multiple storefronts should be visually unified through the use of complementary architectural forms, similar materials and colors, consistent details, and a uniform signage size and mounting system.

FINDING: Not applicable

2.3.2 Façade Design

The use of covered walkways, arcades, or open colonnades is strongly encouraged along long facades to provide shelter, encourage people to walk from store to store, and to visually unite the structure. Pedestrian entrances to each business or tenant should be clearly defined and easily accessible.

FINDING: Not Applicable

2.3.3 *Focal Points*

Linear commercial buildings can include a focal point – such as a raised entranceway or clock tower, or other architectural element – to add visual interest and help reduce the scale of the building.

FINDING: Not Applicable

2.3.4 *Façade Offsets*

Variations in the plane of the front façade add visual interest. They also create opportunities for common entries, and social or landscaped spaces.

FINDING: Façade Offsets

We have provided a 4 part façade to break up the overall length of the structure on the Route One (West), South and East Elevations. The recesses have been created in three dimensions on both levels with the second floor stepped back further than the first. The Lobby area is stepped back approx. 7 feet from the main façade (hipped roof elements) and the middle section is set back 2'-6" from the main façade. The second floor is set back another 5 feet from that recess for a total of 7'-6". On the south face there are exterior shading devices, light shelves that allow the interior environment to be better lit and save energy.

2.3.5 *Rooflines*

Variations in rooflines, detailing, cornice lines and building heights should be incorporated into the design to break up the scale of linear commercial buildings.

FINDING: The building roof line design uses a pitched shingle roof for architectural interest.

2.4 Smaller Freestanding Commercial Buildings

Objective: Smaller freestanding commercial buildings can easily make use of traditional New England building forms and should be designed to be attractive pieces of architecture, expressive of their use and compatible with surrounding buildings.

2.1 Smaller Freestanding Commercial Buildings

We understand this section to be indicative of smaller structures and have answered items in Section 2.2. Items noted below are not applicable to this structure however; several design approaches are discussed in Section 2.2.

2.4.1 *Single Use Buildings*

Buildings that are constructed for use by a single business are generally smaller in scale than multi-tenant buildings. Single use buildings should be designed to be attractive and architecturally cohesive. To the greatest extent possible, the same materials, window types and roof types should be used throughout.

FINDING: Not Applicable.

2.4.2 *Franchise Design*

Franchise architecture with highly contrasting color schemes, non-traditional forms, reflective siding and roof materials are not related to any traditional New England style. They are buildings that are stylized to the point where the structure is a form of advertising. However, franchises have been willing to use existing “vernacular” buildings, and sometimes have designs that somewhat reflect local styles.

FINDING: Not Applicable.

2.4.3 *Mixed Use Buildings*

Buildings containing mixed uses (e.g., health club on the first floor with professional offices on the second floor) are encouraged. The architecture of a mixed-use building can reflect the different uses on the upper floors by a difference in façade treatment, as long as the building has a unified design theme.

FINDING: Not Applicable.

2.5 Residential Structures

Objective: Cumberland’s future housing stock in the Route One corridor should be well designed and constructed, and is encouraged to have some connection to the traditional styles of New England residential architecture. The large mass of duplex and, even more of multiplex dwellings, can be broken up by façade articulation and architectural detailing in order to reduce their apparent size.

Building form and massing can conform to traditional New England residences by using gable or gambrel roofs with generous overhangs. Traditional vertically hung windows are encouraged. Garages should not constitute a major element of the front of the house that faces the street, but should be located to the side or rear wherever possible.

Dwellings with ells and additions, and ones with multiple roof planes harken back to traditional New England farm and seaside homes. Box-like, ranch or split-level “contractor modern” type dwellings do not particularly reflect Maine styles.

Similarly, traditional New England building materials such as wooden shingles and clapboards are encouraged. Modern low-maintenance materials such as cementitious shingles and clapboards may be substituted.

FINDING: Not Applicable.

2.6 Residential Care Facilities

Objective: Ensure that the future needs of Cumberland’s aging population are met in healthy and well-designed facilities, and that the architecture and site design of such facilities fit into the Cumberland context.

The design of Residential Care Facilities can also draw on the local vernacular architecture of gable roofs, multiple building forms and traditional materials. Landscaping, site design and resident amenities will also be of concern to the Planning Board. The site should offer outdoor amenities such as decks, terraces, gardens, gazebos, lawns or similar features. Residential Care Facilities should be buffered from roadways and adjacent uses as much as possible.

FINDING: Not Applicable.

2.7 Hotels and Motels

Objective: To ensure that any future hotels or motels in the Town of Cumberland are in keeping with the character of the surrounding area, and that the scale and design respects the architectural context of the region. While it is understood that these uses need to be visible from adjacent roads, effort can be made to ensure that the structures and their signs are not overly dominant. Lots should be designed and landscaped in such a way that the visual impact of the structure is softened, while still affording recognition from automobiles. Using traditional building materials and colors is encouraged, and the use of large blocks of bright, primary colors is discouraged. The signage and lighting guidelines contained in this publication will help as well.

FINDING: Not Applicable.

2.7.1 All Building Types: Awnings and Canopies

Awnings and canopies can enhance the appearance and function of a building by providing shade, shelter, shadow patterns, and visual interest. Where awnings are used, they should complement the overall design and color of the building.

Whether fixed or retractable, awnings and canopies should be an integral element of the architecture. They should be located directly over windows and doors to provide protection from the elements. Awnings or canopies should not be used as light sources or advertising features. Graphics and wording located on canopies and awnings will be considered part of the total signage area. Any such graphics shall be designed as an integral part of the signage program for the property, and coordinated with other sign elements in terms of typeface, color and spacing.

FINDING: To complement the building design the main building entrance is highlighted with a covered entry featuring craftsman style design.

3 Signage

Signs play a central role in providing much-needed information and setting the tone for the Route One corridor. They inform motorists and pedestrians, and have a direct effect on the overall appearance of the roadway. Signage should not create visual clutter along the roadway, yet must provide basic, legible information about commercial goods and services. Signs should be compatible with the architecture and the context of the development.

3.1 Sign Design

Objective: Commercial uses along Route One in Cumberland should be identified by attractive, legible signs that serve the need of the individual business, while complementing the site and the architecture. All signage shall comply with the requirements of the Zoning Ordinance of the Town of Cumberland.

FINDING: A future sign location will be shown on the plan.

3.1.1 Signage Plan

For development proposals requiring multiple signs, the Planning Board may, at its discretion, ask that a detailed signage plan be submitted as part of Site Plan or Subdivision review. The signage plan should show the location of all signs on a site plan drawing and on building elevations, as well as sign construction details, dimensions, elevations, etc., and accurate graphic representations of the proposed wording. Where the future tenant of a proposed development is not known at the time of Planning Board review, the applicant should resubmit the signage plan when tenancy has been finalized.

For less complex development proposals where the Planning Board does not require a detailed signage plan, the applicant is still required to submit drawings depicting the design, size, content and location of proposed signs.

FINDING: N/A

3.1.2 Sign Location

Signs should be placed in locations that do not interfere with the safe and logical usage of the site. They should not block motorists' lines of sight or create hazards for pedestrians or bicyclists. Roof mounted signs are not encouraged.

FINDING: This will be done.

3.1.3 Sign Design

The shape and materials and finish of all proposed signage should complement the architectural features of the associated building. Simple geometric forms are preferable for all signs. All signage shall comply with the requirements of the Zoning Ordinance of the Town of Cumberland.

FINDING: This will be done.

3.1.4 Sign Colors

Signs should be limited to two or three contrasting colors that are clearly complimentary to the colors of the associated building.

FINDING: This will be done.

3.1.5 Sign Content

To ensure a clear and easily readable message, a single sign with a minimum of informational content should be used. As a general rule no more than about 30 letters should be used on any sign.

Lettering on any sign intended to be read by passing motorists needs to be legible at the posted speed limit. In general a minimum letter height of 6 inches is appropriate. Smaller letters can require motorists to slow down thereby creating traffic and safety hazards. Upper and lower case lettering is preferred to all upper case, as it is easier to read.

Don't use variable message "reader boards", sponsor logos, slogans or other messages that promote products or services other than the tenants'.

Signage for any proposed development should prominently feature its assigned street address to facilitate general way-finding and e-911 emergency response.

FINDING: This will be done.

3.2 Sign Type

Objective: To ensure that any sign type complements the architecture of the associated building, and to ensure that they are attractively designed and functional while clearly delivering the intended information.

FINDING: This will be done.

3.2.1 *Building Mounted Signs*

Building or façade mounted signs should be designed as an integral element of the architecture, and should not obscure any of the architectural details of the building. Signage should be mounted on vertical surfaces and should not project past or interfere with any fascia trim. Signs should be located a minimum of 18” from the edge of a vertical wall, however the overall proportions of both the wall and sign should be taken into consideration in the placement of the sign.

Flush mounted (flat) signage should be mounted with concealed hardware. Perpendicularly mounted hanging signs should be mounted with hardware designed to complement the building’s architecture. All metal hardware should be corrosion and rust resistant to prevent staining or discoloration of the building.

FINDING: N/A

3.2.2 *Freestanding Signs*

An alternative to a façade-mounted sign is a freestanding “pylon” sign. These signs are typically located between the building and the roadway right-of-way, adjacent to the site’s vehicular entry point.

As with façade-mounted signage, design and content guidelines shall apply. Because freestanding signs amount to architecture themselves, it is important that they be carefully designed to complement the associated building. This will entail similar forms, materials, colors and finishes. Landscaping surrounding the base of such signs shall be consistent with the landscaping of the entire site.

Where a freestanding sign lists multiple tenants, there should be an apparent hierarchy: i.e., Address, name of the building or development, primary tenant, other tenants.

FINDING: This will be done.

3.2.3 *Wayfinding Signs*

To prevent visual clutter and motorist confusion, additional smaller signs indicating site circulation are generally discouraged. However they are sometimes needed to clarify complex circulation patterns. Wayfinding signage is also sometimes required to indicate different areas of site usage,

such as secondary building entries, loading, or service areas. The Planning Board shall exercise its discretion in the requirement or prohibition of such signs.

Where required, wayfinding signage should be unobtrusive, no taller than absolutely necessary, and shall complement the overall architecture and signage plan in terms of materials, color, form and finishes.

FINDING: Not applicable.

3.3 Sign Illumination

Only externally lit signs are recommended in the Route One corridor because, compared with internally lit signs, the direction and intensity of the light can be more easily controlled. Externally illuminated signs are made of an opaque material and have a dedicated light fixture or fixtures mounted in close proximity, aimed directly at the sign face. The illumination level on the vertical surface of the sign should create a noticeable contrast with the surrounding building or landscape without causing undue reflection or glare.

Lighting fixtures should be located, aimed and shielded such that light is only directed onto the surface of the sign. Wherever possible, fixtures should be mounted above the sign and be aimed downward to prevent illumination of the sky.

FINDING: N/A

4 Lighting

Outdoor lighting is used to identify businesses and illuminate roadways, parking lots, yards, sidewalks and buildings. When well designed and properly installed it can be very useful in providing us with better visibility, safety, and a sense of security, while at the same time minimizing energy use and operating costs. If outdoor lighting is not well designed or is improperly installed it can be a costly and inefficient nuisance. The main issues are glare (hampering the safety of motorists and pedestrians rather than enhancing it), light trespass (shining onto neighboring properties and into residential windows), energy waste (lighting too brightly or lighting areas other than intended or necessary), and sky glow (lighting shining outward and upward washing out views of the nighttime sky).

4.1 Good Lighting

Objective: Good lighting does only the job it is intended to do, and with minimum adverse impact on the environment. Common sense and respect for neighbors goes a long way toward attaining this goal.

Appropriate Levels of Illumination

The applicant should provide sufficient lighting for the job without over-illuminating.

Fixtures should be fully shielded, giving off no light above the horizontal plane. They should also direct the light onto the intended areas. Fully shielded produce very little glare, which can dazzle the eyes of motorists and pedestrians.

The height and positioning of fixtures is also important, since even well shielded fixtures placed on tall poles can create light trespass. Fixtures should be positioned to uniformly illuminate the subject area. Hot spots created by too-bright or too-low fixtures make the in between areas seem dark, which can create safety problems.

High efficiency lamps may be a little more expensive initially, but they quickly pay for themselves by saving energy and lasting longer. Shielded lights can be lower in wattage, and will actually light an area better than unshielded high-output lights because they don't waste light by casting it outward and upward.

FINDING: Three decorative wall mounted fixtures are shown on the rear side of the building. They are not full cut-off fixtures. The Board may wish to require full cut-off fixtures.

4.2 The Lighting Plan

Objective: As part of Site Plan or Subdivision review the Planning Board may, at its discretion, require that a lighting plan be provided. It should be prepared by a professional with expertise in lighting design. The intent of the lighting plan is to show how the least amount of light possible will be provided to achieve the lighting requirements.

FINDING: The lighting is sufficient for type of use proposed.

4.2.1 Elements of the Lighting Plan

In addition to meeting the requirements of the Zoning Ordinance, the Lighting Plan should contain a narrative that describes the hierarchy of site lighting that describes how lighting will be used to provide safety and security, and describes how it will achieve aesthetic goals. The Lighting Plan should include specifications and illustrations of all proposed fixtures, including mounting heights, photometric data, and other descriptive information. It should also include a maintenance and replacement schedule for the fixtures and bulbs.

If the Planning Board requires a photometric diagram, it should show illumination levels from all externally and internally visible light sources, including signage.

The location and design of lighting systems should complement adjacent buildings, pedestrian routes, and site plan features. Pole fixtures should be proportionate to the buildings and spaces they are designed to illuminate.

Buffers, screen walls, fencing and other landscape elements should be coordinated with the lighting plan to avoid dark spots and potential hiding places.

Where proposed lighting abuts residential areas, parking lot lighting and other use-related site lighting should be substantially reduced in intensity within one hour of the business closing.

FINDING: There is no proposed parking lot lighting.

4.3 Types of Lighting

4.3.1 *Façade and Landscaping Lighting*

Lighting on the front of a building can highlight architectural features or details of a building and add depth and interest to landscaping. This style of lighting should not be used to wash an entire façade in light or light the entire yard. Rather should be used to emphasize particular aspects of the project. All fixtures should be located, aimed and shielded so that they only illuminate the façade or particular plantings and do not illuminate nearby roadways, sidewalks or adjacent properties. For lighting a façade, the fixtures should be designed to illuminate the portion of the face of the building from above, aimed downward, to eliminate sky glow.

FINDING: None proposed

4.3.2 *Parking Lot and Driveway Lighting*

Parking lot and driveway lighting should be designed to provide the minimum lighting necessary for safety and visibility. Poles and fixtures should be in proportion to the roadways and areas they are intended to illuminate.

All fixtures should be fully shielded or “cut-off” style, such that no light is cast above the horizontal plane. Decorative fixtures are strongly encouraged as long as they meet the cut-off criteria, and their design and color complements the architecture and landscaping of the project.

FINDING: N/A

4.3.3 *Pedestrian Lighting*

Places where people walk, such as sidewalks, stairs, sitting areas, curbs and landscaping should be adequately but not excessively illuminated.

Mounting heights for pedestrian lighting should be appropriate in design and scale for the project and its setting. Bollard fixtures of 3’ to 4’ in height and ornamental fixtures of up to 12’ in height are encouraged. Fixtures should be a maximum of 100 watts and should not create glare or light trespass onto abutting properties.

FINDING: N/A

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

Mr. Saunders seconded.

VOTE: 6-0 Unanimous

Mr. Saunders moved to grant Minor Site Plan re-approval with the eight conditions of approval, the Limitation of Approval and the Standard Condition of Approval for construction of a 2,560 sq. ft. Contractor’s Space at 78 U S Route One, Tax Assessor R01, Lot 12A in the Office Commercial South (OCS) district; Florence Nightingale Corp., Owner, Tom Greer, P.E., Pinkham & Greer Consulting Engineers, Representative.

Mr. Boivin seconded.

VOTE: 6-0 Unanimous

CONDITIONS OF APPROVAL

1. That all fees be paid prior the building permit being issued.

2. If more than 1 acre of area is going to be disturbed on the project site, the applicant shall provide the Planning Department with a copy of the MDEP General Construction permit prior to the issuance of a building permit.
3. That a capacity to serve letter from the Portland Water District be provided prior to the preconstruction conference.
4. That all clearing limits be clearly flagged by the applicant and inspected and approved by the town engineer prior to the preconstruction conference.
5. That a performance guarantee in an amount acceptable to the Town Manager be provided prior to the preconstruction conference.
6. The town engineer has requested that the storm water analysis be amended to show the time of concentration flow path and this path and the Drainage Calculations be submitted to the Town Engineer for review. This is to be done prior to the preconstruction conference.
7. There shall be no indoor or outdoor storage of any hazardous materials as listed in Approval Criteria #13 within.
8. That the requirements of the Fire/EMS Chief be met prior to the issuance of an occupancy permit.
 - a) 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.
 - b) 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.
 - c) 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.
 - d) 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.
 - e) An automatic fire protection sprinkler system shall be installed and shall 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.
 - f) A fire hydrant shall be installed on Route 1 that is located near the main entrance of the facility.
 - g) Access to the building shall be adequate enough to accommodate fire department vehicles.

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.

2. ***Public Hearing: Major Subdivision Amendment to Cumberland Foreside Village Subdivision; Tax Assessor Map R01, Lot 11B in the Office Commercial South (OCS) district.*** To add 9,377 sq. ft. to Lot # 6 along Route One and remove 106,099.58 sq. ft. from Lot 6 to be added to the adjacent property. Owner, Applicant Cumberland Foreside Village, LLC; Representative: Tom Greer P.E., Pinkham & Greer Consulting Engineers.

Ms. Nixon presented background information as follows: The applicant and owner is David Chase, dba/ Cumberland Foreside Village, LLC (CFV) of 50 Gray Road, Falmouth, ME 04105. The applicant is represented by Tom Greer, P.E., of Pinkham and Greer Engineering. The subdivision is located on Route One in the Office Commercial South district (with a contract zone overlay) as shown on Tax Assessor Map R01, Lots 1-11. The applicant is requesting approval to amend Lot # 6 of the approved subdivision so that Lot # 6 within the subdivision and adjacent lot to the west of Lot 6, are more suitable for construction.

Mr. Greer reviewed the proposal stating that Lot # 6 has an existing 90' wide access driveway, this will be changed to 60', and there will be a sewer easement across the front of the lot. This amendment will allow the front of Lot 6 some additional construction space, and will improve the building envelop in the back greatly. The back lot will have a road to it constructed within the right-of-way shown. The details of that construction will be part of that site plan once a tenant or buyer is ready for approvals. The Maine DEP Site Location Permit will be modified.

Mr. Neagle asked if the proposed changes were to make the lot wider on Route One, and not as deep.

Mr. Greer stated yes.

Mr. Saunders asked if this amendment needed to be conditional upon approval of the amendment to the Contract Zone.

Ms. Nixon stated approval of the amendment to the Contract Zone is a proposed condition of approval.

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

The Board reviewed the findings of fact as follows:

NOTE: ALL THE FINDINGS BELOW REFLECT THE FACT THAT THE PROPOSED AMENDMENT TO LOT 6 WILL NOT AFFECT ANY OF THE SUBDIVISION STANDARDS PREVIOUSLY FOUND TO BE MET.

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

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

**The lot will be on public sewer, therefore the soils do not need to support waste disposal
Based on the information provided, the standards of this section have been met.**

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

**The proposed subdivision will utilize public water. There is a letter on file from the Portland Water District dated 6/22/06 that states that there should be an adequate supply of clean and healthful water to serve the needs of the proposed subdivision.
Based on the information provided, the standards of this section have been met.**

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

The proposed subdivision will utilize public water.

There is a letter on file from the Portland Water District dated 6/22/06 that states that there should be an adequate supply of clean and healthful water to serve the needs of the proposed 12 subdivision.

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

4. **Erosion.** The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;

The amended plan has been reviewed and approved by Al Palmer, P.E.

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

5. **Traffic.** The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed;

There is no change to traffic associated with this amendment to adjust the location of the lot lines for Lot 1.

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

6. Sewage disposal. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services, if they are utilized;

The approved subdivision will utilize public sewer. This amendment does not change the previous finding of fact.

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

7. Municipal solid waste disposal. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized;

There is no solid waste disposal needed for this amendment.

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

1. Aesthetic, cultural and natural values. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

All of the findings below are applicable to this amendment.

A letter dated 8/20/02 from Department of Conservation states that there are no rare or botanical features documented specifically within the project area.

A letter dated 9/3/02 from the Department of Inland Fisheries and Wildlife states that there are no known significant wildlife habitat or threatened or endangered species in the vicinity of the project.

A letter dated 9/4/02 from the Maine Historic Preservation Commission states that this project will have no effect on historic resources.

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

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

The plans have been reviewed and approved by the Town's peer review engineer. A condition of approval is that all comments of the town engineer be complied with.

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

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

Technical capacity is evidenced by expert engineering, surveyors, soils evaluators, traffic engineers and landscape architects.

A performance guarantee in an amount acceptable to the Town Manager will be required.

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

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

This section is not applicable.

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

The project will be served by public sewer.

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

13. Flood areas. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;

The parcel is located in Zone C- Areas of Minimal Flooding.

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

14. Storm water. The proposed subdivision will provide for adequate storm water management;
A stormwater management plan prepared by Pinkham and Greer has been reviewed by the Town Engineer. A condition of approval is that all requirements of the Town Engineer be complied with.

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

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

There is no wetland impacts associated with this subdivision amendment.

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

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

There are no rivers, streams or brooks on the site.

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

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

Mr. Sherr seconded.

VOTE: 6-0 Unanimous

Mr. Saunders moved to approve the Major Subdivision Amendment to Cumberland Foreside Village Subdivision; Tax Assessor Map R01, Lot 11B in the Office Commercial South (OCS) district request and to amend lot # 6 as requested and to recommend to the Town Council the amendment of the Contract Zone to include the revised subdivision plan; subject to the Standard Conditions of Approval and the proposed six (6) conditions of approval.

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 field 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. That the stormwater comment from the Town Engineer be complied with.
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 work.
4. That a blasting permit be obtained from the Code Enforcement Officer prior to the start of work.
5. A copy of the MDEP Site Location amendment be provided to the Town Planner prior to the release of the plat for recording.
6. That the Town Council amend the Contract Zone agreement for Lot # 6 to be consistent with this amendment approval.

3. ***Tabled by Applicant Public Hearing: Minor 3-lot Subdivision at 460 Greely Road Ext. Tax Assessor Map R06, Lot 34.***

4. ***Public Hearing: To recommend to the Town Council draft zoning amendments to the Official Zoning Map to change the RR1 district north of the power lines at Wilson Road to Mill Road and south of Route 100 from the power lines to the turnpike as shown on the map below.***



Mr. Neagle summarized the reasons for this request as he understood it and the process. The Planning Board has been asked to make a recommendation to the Town Council who will make the decision on whether or not to amend the zoning. Mr. Neagle stated the Planning Board received two letters from residents.

Mr. Greeley voiced concern of notice to residents in the zone. Mr. Neagle stated the legal requirements were met; there is no legal requirement to send notice to each resident in the zone. The notice was published in the Press Herald, posted on the website and sent out in the Town Crier. Mr. Neagle stated it is common for purchasers to rely on current zoning and feel it is unfair to change, he doesn't agree. Zoning is a fluid process and changes from time to time. An example of zoning changes over time is the Town Center district on Main Street. Historically, commercial uses were allowed, then they were not and now limited commercial uses are again allowed.

Mr. Neagle stated Mr. Morse's concern was regarding Impact Fee Issues which are not on this evening's agenda.

Mr. Davis disclosed he lives off from Mill Road and is already in the RR2 district; stating he felt he would not have a conflict.

Ms. Nixon stated the purpose of this evening's agenda item is to recommend to the Town Council a change to the Official Zoning Map.

The public portion of the meeting was opened.

Ms. Karen Herold of 67 Wild Apple Lane stated she felt this swath of land is the most beautiful spot in Cumberland. Mill Road has a stream with the river which winds through the area. She and her children enjoy walks; along the river bank; it is so beautiful one of her children stated this is where the "Box Car Kids" would live. She felt it would be more difficult to protect this area for citizens if the lots were allowed to be reduced to two (2) acres. She is currently on the committee to preserve the Knights Pond area. West Cumberland has changed a lot between Route 100 and Blanchard Road a designated "growth area". She thought it didn't make sense to change an area of town from RR1 to RR2 prior to the new Land Use Committee's work; stating this area should also receive the same comprehensive review as the rest of the town. She is not asking not approve the request, but to let the Committee make a recommendation after further review.

Mr. Neagle stated the town had a committee which met for a year to review and make recommendations to the comprehensive plan which was to change all of RR1 and RR2 to one Rural Residential district with a two acre minimum lot size. Mr. Neagle stated the horrible concerns may or may not happen, very few lots in this area can be changed. He stated he had never been down to the "Box Car Kids" area, as he was not aware of public access; and this area has steep slopes with the river and is not developable.

Ms. Herold asked about the Wilson's request to develop their land, she is sympathetic to their request but felt it should be reviewed by the new committee.

Mr. Neagle stated this is not the Wilson amendment, the Wilson's raised the issue about lot equity when the affordable housing was developed allowing smaller lots.

Mr. Gary Wilson stated this request started because he has four acres and two children and he wanted to be able to divide his lot for his children. His land abuts Castlerock which has 10,000 +- lots and felt it was unequitable. He stated there are tents and trash along the river from people trespassing onto the land. He continued stating he didn't understand spot zoning, most of the area being discussed was originally owned by the Wilson family. He is in favor of the amendment stating it is not fair for land to be developed on smaller lots when he is required to have a 4 acre minimum lot size.

Mr. Mark Issacson of 67 Wild Apple Lane stated he agreed with his wife Karen Herold this is the nicest part of Cumberland. He would love to solve the Wilson's problem as well but asked that the Committee deal with this area in the comprehensive review of RR1 and RR2.

Mr. Neagle thanked the public for their quality comments and again stated the Planning Board is making a recommendation to the Town Council and encouraged residents to voice concerns at the Council.

The public portion of the meeting was closed.

Mr. Neagle agreed this is area of town is a rare gem. Mr. Neagle reviewed the Planning Board's options of recommending the zoning to the Town Council; not recommending the changes to the Town Council or amending the recommendation to the Town Council.

Mr. Boivin stated he felt the area should be included in the Committee's review.

Ms. Maloney-Kelly agreed with Mr. Boivin; stating she served on the Comprehensive Plan Update Committee and agreed with the recommendation for RR1 and RR2 to be one Rural Residential Zone, but she is not in favor of re-zoning a portion of RR1.

Mr. Saunders stated he voted to support this change as part of the recommendation of the Comprehensive Plan Update Committee; he supports the change in this section of town and the whole of RR1 to RR2; the underlying rationale for the different zoning no longer applies.

Mr. Davis stated based on changes already made to this area of town with the CZA's; these lots have been impacted and he is in favor of moving forward. The Box Car area is private property; it is not public land and if it should be public the town should look at purchasing the land for that use.

Mr. Sherr stated he is still in the same position as last month; I am in favor of the recommendation for all the reasons discussed this evening, the underlying theme between RR1 and RR2 and the fact we didn't have much opposition for this side of the power lines; in terms of equity and overall good for the town. I also believe this does not mean everyone will convert their four acre lots to two acre lots; there are several restrictions along the brook and river with wetland restrictions. The perception is that every lot will be carved up and developed into more houses. I am also in favor of the new committee being formed to look at the rest of the RR1 and RR2 zones.

Mr. Neagle stated the review this evening has changed his thinking and he is not going to support the recommendation; stating he thought it should be a part of the larger discussion by the Committee.

Mr. Saunders moved to recommend to the Town Council draft zoning amendments to the Official Zoning Map to change the RR1 district to the RR2 district north of the power lines at Wilson Road to Mill Road and south of Route 100 from the power lines to the turnpike as shown on the map.



Mr. Davis seconded.

VOTE: 3 in favor (Davis, Saunders, Sherr)
3 opposed (Neagle, Boivin, Maloney-Kelly)

The motion to recommend resulted in a tie vote: 3 in favor; 3 opposed.

5. Sketch Plan Review: Old Colony Estates Phase III, Tax Assessor Map R07, Lot 71; Normand Berube Builders, Inc., Owner, Applicant; Shawn Frank, P.E., Sebago Technics Representative.

Ms. Nixon presented background information as follows: The applicant is proposing to develop the final phase of a 3-phase subdivision located off Blackstrap Road near the Falmouth town line. Phase I was approved on 1/8/05; Phase II was approved on 1/17/12. This phase consists of construction of a 200'

extension of Old Colony Lane and a cul-de-sac; 4-single family house lots will be accessed from the road. There is no through-road proposed, but there is a provision for a connector to Poplar Ridge in Falmouth.

Mr. Shawn Frank, P.E., of Sebago Technics reviewed the proposal as follows: The third phase consists of extending Old Colony Lane approximately 200 feet in length and constructing a cul-de-sac which will allow for the removal of the existing hammerhead. Four single family residential lots will be accessed from the existing roadway. The lots will be served by underground electric, subsurface disposal systems and individual wells. The construction of the roadway will be identical to the existing road consisting of a wide paved shoulder for pedestrian use. A fifty foot wide public access easement is provided from the terminus of the cul-de-sac to the right of way of Poplar Ridge Road in Falmouth for pedestrian access. Stormwater runoff from the road extension and lots will be treated via stormwater buffers and an amendment to the stormwater permit will be submitted to the MDEP. We understand that there were issues previously with the detention basin constructed in Phase I. The majority of this phase is located within a separate watershed flowing northerly into the identified wetland that will act as a natural detention basin.

Mr. Neagle asked for clarification about the easement to Poplar Ridge? Is there an existing easement for someone in Falmouth to cross the land and get to the cul-de-sac, or is this something you are proposing.

Mr. Frank stated this is something we are proposing.

Mr. Neagle asked for clarity on the easement and language stating the association and owners of lot 17 & 18 are required to grant an easement. His concern is the house lots will be sold and at a point in time when this connection makes sense; and it may not be allowed to happen.

Mr. Frank stated they would provide easement language, and not just show the easement on a plan.

Mr. Neagle asked if the open space land was also open space on the Phase I and II plans.

Mr. Frank stated previously it was shown as land retained by the applicant.

Mr. Neagle asked if this 2.5 acre parcel would be added to the open space.

Mr. Frank stated 6.9 acres will be added to the open space.

Mr. Neagle asked if there is a Homeowners' Association, and whether the open space parcels have been conveyed to the Homeowners' Association.

Mr. Frank stated he did not know the answer.

Mr. Saunders asked if this was a cluster subdivision; and the area shown as open space; was that in the original 51.9 acres.

Mr. Frank stated the total parcel was 51.9 acres which encompasses the entire parcel with phase 3.

Mr. Saunders asked if the original 51.9 acres which calculated the open space is the current parcel at this time. And is the open space 12.9 acres as needed.

Mr. Frank stated yes, around 16 acres is open space.

Mr. Davis asked if area within the open space becomes a road is it still open space.

The Board took no action; it requested clarification on the open space and easement language.

G. *Administrative Matters:* The Board to sign the Mylar for Cumberland Foreside Village

H. *Adjournment:* Mr. Neagle adjourned the meeting at 8:45 p.m.

A TRUE COPY ATTEST:

Christopher S. Neagle, Board Chair

Pam Bosarge, Clerk to the Board