

**PLANNING BOARD MEETING
TOWN OF CUMBERLAND
Cumberland Town Hall
290 Tuttle Road, Cumberland, Maine 04021
Tuesday, March 18, 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 February 11, 2014 meeting.*

Mr. Boivin moved to approve the minutes of February 11, 2014.

Mr. Sherr seconded.

VOTE: 5- in favor

1 – Abstain (Maloney-Kelly)

D. *Staff Site Plan Approvals: None*

F. *Hearings and Presentations:*

- 1. *Tabled by Applicant - Public Hearing: Major Site Plan for Integrative Health, a medical office building at Sky View Drive, Cumberland Foreside Village, Tax Assessor Map R01, Lot 11 -2; Dr. McCloy, Applicant, Tom Greer of Pinkham and Greer, Representative; Cumberland Foreside Village, LLC, Owner.***
- 2. *Public Hearing: To recommend to the Town Council draft amendments to §315-6A. (1)(x) and §315-6B. (1)(w) Rural Residential One and Two(RR1 & RR2) districts - Outdoor recreational facilities subject to site plan review if required, and §315-15 B. (4) and §315-16 B. (4) Village Office Commercial I and II (VOCI & VOCII) - Outdoor recreation facilities subject to site plan review if required.***

Ms. Nixon presented background information as follows: This is a house-keeping item. In meeting with someone who was inquiring about setting up a disc golf course on vacant land, I noticed that the proposal would not meet any of the criteria for which site plan review is required. Since most non-residential uses trigger site plan, it was unusual to see that one would not; there will be no clearing, parking, lighting, signage, buffering, etc. All that is proposed is the placement of baskets on the land.

In order to have something on file for this, Bill Longley suggested the applicant fill out a Change of Use Permit.

Mr. Neagle stated this is a clarification of the Ordinances.

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

Mr. Saunders moved to recommend to the Town Council draft amendments to §315-6A. (1)(x) and §315-6B. (1)(w) Rural Residential One and Two (RR1 & RR2) districts - Outdoor recreational facilities subject to site plan review if required, and §315-15 B. (4) and §315-16 B. (4) Village Office Commercial I and II (VOCI & VOCII) - Outdoor recreation facilities subject to site plan review if required.

Mr. Boivin seconded.

VOTE: Unanimous

3. Public Hearing: To recommend to the Town Council draft amendments to the 2009 Comprehensive Plan as recommended by the Comprehensive Plan Update Committee and as tabled by the Planning Board on December 17, 2013. The recommendation includes moving forward with updates related to:

- A. Demographics information to match 2010 census***
- B. Housing Chapter – West Cumberland Housing Overlay Zone***
- C. Public Facilities Chapter related to the sewer, water, natural gas and paving initiatives.***
- D. Update relevant maps in the 2009 Comprehensive Plan***
- E. Changes in the RR1 north of 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 presented a brief history as follows: The Town Council appointed a committee to recommend updates to the 2009 Comprehensive Plan. The Committee completed its work this fall and presented its findings to the public and to the Planning Board on December 17, 2013. There was opposition to the recommendation to consider combining the RR1 (4 acre minimum lot size requirement) and RR2 (2 acre minimum lot size) districts into one (RR) district with a minimum lot size of 2 acres. The Planning Board tabled the request on December 17, 2013. The request is again before the Planning Board without the recommendation to combine the RR1 and RR2 districts into one district.

Mr. Bill Shane, Town Manager reviewed the Comprehensive Plan Update process as follows:



Comprehensive Plan Update Planning Board Recommendation March 18, 2014

by William R. Shane,
Town Manager

Comp Plan Update March 2014

At the Workshop held on February 3, 2014, I believe the following was the direction given by the Town Council to staff regarding the Update:

- **Withhold any updates to the Land Use Chapter** as it specifically relates to the RR1 And RR2.
- A new, larger Committee would be appointed and charged with the task of reviewing the chapter, studying the RR 1 and RR2 zones and recommending changes (if any) to the Town Council by November 10, 2014.

Comp Plan Update March 2014

Move forward the updates related to:

- Demographics information to match 2010 census
- Housing Chapter – with West Cumberland Housing Overlay Zone
- Public Facilities Chapter related to the Sewer, Water, Natural Gas and paving initiatives.
- Update relevant maps in the 2009 Comprehensive Plan
- Consideration of Restaurants and Retail on Route One

Comp Plan Update March 2014

Move forward the updates related to (continued):

Changes in the RR 1 to RR 2 north of the power lines at Wilson Road to Route 100 along Mill Road



Comp Plan Update March 2014

Town Council Next Steps:

- To hear your recommendation on March 24, 2014
- Consider Appointment of a Committee to study RR1 and RR2 zoning as it relates to the Land Chapter and related Chapters.

May include- Looking at a new Conservation Subdivision Ordinance, better definition of Growth and Non- Growth Areas, and may culminate in a Advisory Referendum in November.

Comp Plan Update March 2014

Town Council Next Steps:

- Staff will work on updating Comp Plan language and prepare for a Council Public Hearing in April
- Staff will work with the Town Council to prepare for the next Committee
- Meetings scheduled to begin in May

• Staffing to include Judy Colby George of Spatial Alternatives and assistance from Market Decisions both consultants with our last Comp Plan.

Mr. Neagle asked whether the narrative summary lists the Overlay District which is on the agenda this evening.

Mr. Shane states yes, west of the turnpike to potentially re-develop the gravel pits into housing. The town's largest aquifer is located in the area with 5 billion gallons of water, John Sevee has told the Town that houses are the safest use for the area; with the addition of public water it will eliminate puncturing the aquifer which increases risks for contamination. The overlay district would allow for 1/2 acre zoning, with public water. The contract zones on Route 100 have been very successful. Morrison's Hill will have built seventeen houses in one year with a price point of \$225,000. I have met with the school district and the school has the capacity to grow.

Mr. Neagle suggested text language on page four of the summary, to add an action to refer to the changes to the RR1 district north of the power lines at Wilson Road to Route 100 along Mill Road.

Mr. Neagle opened the public portion of the meeting.

Mr. Tom Foley of 29 Granite Ridge Road asked if the purpose of tonight's meeting was to accept portions of the plan.

Mr. Neagle stated yes, and to recommend a committee be appointed to review the RR1 & RR2 districts.

Mr. Foley stated I am speaking tonight with regard to the value of the office commercial zoning currently in place along the Route 1 corridor in Cumberland which complies with the 2009 Comprehensive Plan and the Guidelines for Route 1 Development. Mr. Foley reviewed the values of the existing commercial properties on Route One stating they are a huge asset to taxpayers, and with the proposed Integrative Health make up 90% of the tax base. We should be using the lots in these prime acres along Route One to attract more of these kinds of businesses to a first class light industrial and office complex as currently zoned. Adding small 3,500 square foot restaurants to the approved use for these valuable lots dilutes the potential tax revenue by underutilizing this valuable parcel. Like tends to draw like, and it is far more advantageous to the town to draw additional high tax base projects to complement those who have begun to occupy the available space on the Route 1 corridor.

As for the need to serve the employees of the existing and future businesses locating along this portion of Route One, there are 25 existing restaurants on Route One within a five minute drive from the entrance to Sky View Drive serving lunch and dinner. A future business may be encouraged to include a cafeteria in their plans that could provide lunch within walking distance of the other businesses in the complex. This would be an adjunct to the larger primary use of the building as an office, light manufacturer or medical facility.

On the basis of this information I ask the Planning Board to recommend to the Town Council that 3,500 square foot restaurants on Route One not be included in the amendments to the 2009 Comprehensive Plan as recommended by the Comprehensive Plan Update Committee.

Mr. Bob Waterhouse of 42 Shaw Farm Road stated he was encouraged to learn the RR1 and RR2 issue will be a decision for a committee, stating he has no problem with the current proposal for changes in the RR1 to RR2 north of the power lines at Wilson Road to Route 100 along Mill Road, but asked why change now instead of after the committee conducts a thorough review.

Mr. Neagle stated this area was presented to the Planning Board as an area with inequities, due to the reduced lot sizes allowed in the affordable housing along Route 100. There are not a lot of undeveloped lots in the area.

Mr. Waterhouse stated this does answer an immediate issue and seems appropriate.

Mr. Neagle stated this is a very complicated topic and the Committee is looking for volunteers.

Mr. Ted Chadbourne of 26 Stockholm Drive complimented the Town on its Manager, Council, Staff and Planning Board, he suggested two modifications to the proposal to deal with inequities; stating he has served on the Bethel and Saco Planning Board and currently serves on the Lands & Conservation Committee. Mr. Chadbourne stated he felt it was a minority of residents who objected to the RR1 & RR2 process. He does not object to the committee, but would like to see it review the areas where there were objections. He and his wife live on seven acres; with a large house and would like to split the lot and downsize. Currently there is no provision for lot size

reductions, his lot requires eight times more than the lots on Drowne Road and Wyman Way with a house too big for their needs; they would like to divide the lot and downsize. Mr. Chadbourne asked if the provision for two areas or RR1 or lot size reductions could be considered in the proposal.

Mr. Neagle stated the Board can only act on the current proposal, stating a number of the people who came to the public hearings had concerns.

Mr. Chadbourne stated the Board can propose an amendment to a request that is forwarded to the Town Council.

Mr. Neagle agreed that a Board member can propose an amendment.

Mr. Neagle closed the public portion of the meeting.

Mr. Neagle complimented the residents on the quality of comments we received; we should be proud of our residents.

Mr. Sherr asked for clarification on the Land Use goals:

Mr. Neagle stated to leave the first goal:

Proposed New Goals and Actions:

GOAL: Work to create local land use regulations that do not unnecessarily increase the cost of new, affordable housing.

Actions:

- Consider recommending that the Council appoint a committee to review and consider revising the RR1 and RR2 districts.
- Reduce the cost for connecting into public water and sewer where available.
- Consider changes in the RR1 district north of power lines at Wilson Road to Mill Road and south of Route 100 from the power lines to the turnpike.

Mr. Boivin asked why consider changing the district north of the power lines prior to the Committee review of the RR1 and RR2 zone.

Mr. Sherr stated he served on the Update Committee; his understanding is the issue with this area of town is equity with existing zones. The opposition was to other areas of RR1 and preserving open space. He doesn't see an issue with recommending a change in this area of town and the committee looking at the rest of the Town.

Ms. Maloney-Kelly thanked Mr. Foley for his comments regarding Route One; she served on the Update committee and struggled with this issue. She does support the other portions of the plan. Ms. Maloney-Kelly also thanked Mr. Chadbourn for his attendance at the meeting and coming to the meeting tonight; she hopes the Committee will be able to address his concerns. She has no opposition to re-zoning the area north of the power lines along Route 100.

Mr. Boivin stated he does not agree with adding restaurants and retail to the Route One corridor.

Mr. Neagle stated he didn't think development in Cumberland will look like Falmouth and Yarmouth, a large part of our Route One property has already been developed. The cost of lots will prevent small chain restaurants such as an Amato's. He projects multi-use development with an office and a small restaurant. Mr. Neagle stated he supports all proposed updates.

Mr. Sherr added that restaurants on Route One would be subject to Design Guidelines, there are ways to restrict the structure to conform, the first step in the process is to recommend the updated language then draft zoning amendments with design standards for restaurants; similar to the restrictions in the Town Center District.

Mr. Saunders stated he is in support of including restaurants and retail with design standards that would prevent anything undesirable, this would give developers options.

The Board took a straw poll on the following items.

To recommend changes to the RR1 district north of the power lines at Wilson Road to Wilson Road and South of Route 2100 from power lines to the turnpike.

VOTE: 4 in favor (Saunders, Davis, Neagle, Sherr)
2 opposed – Boivin, Maloney-Kelly

To recommend adding Retail (limited to 3,500 sq. ft.) and Restaurants (limited to 3500 sq. ft.) to the Route One commercial districts.

VOTE: 4 in favor (Saunders, Davis, Neagle, Sherr)
2 opposed – Boivin, Maloney-Kelly

Mr. Saunders moved to recommend to the Town Council draft amendments to the 2009 Comprehensive Plan as recommend by the Comprehensive Plan Update Committee and as amended by the Planning Board. This recommendation includes updates related to:

- Demographics information to match 2010 Census data
- Housing Chapter – West Cumberland Housing Overlay
- Public Facilities Chapter – related to the sewer, water, natural gas and paving initiatives.
- Update relevant maps in the 2009 Comprehensive Plan
- Changes to the RR1 district north of power lines at Wilson Road to Mill Road and south of Route 100 from the power lines to the turnpike.

Mr. Sherr seconded.

VOTE: 4 in favor (Saunders, Davis, Neagle, Sherr)
2 opposed – Boivin, Maloney-Kelly

4. Public Hearing: To hear a presentation from Town Manager on the Proposed five-year Capital improvement Plan (CIP) and to make a recommendation to the Town Council.

Mr. Shane, Town Manager stated the Manager with the assistance of the Planning Board shall prepare and submit to the Council a five-year Capital program. The Town Charter requires a recommendation each year on the five year CIP.

Mr. Shan reviewed the FY 2015-FY2019 Capital Improvement plan as follows:

The CIP is broken into five different categories:

- Building Reserves
- Environmental Reserves
- Equipment Reserves
- Major Infrastructure
- Road Paving

Total Capital Improvements in the budget this year total just over 1.3 million dollars, our goal is closer to 1.5 million, just a few years ago we were funding just over \$300,000; we are doing a much better job at funding our capital improvements throughout the community.

- Building Reserves: Not a lot of money set aside this year it is about 50,000 with a goal of 125,000. Our goals this year is to focus on energy conversion, heating systems; fire stations, West Cumberland Hall, and Town Hall.
- Equipment Replacement: We are close to meeting our depreciation schedule, about 81%; typically we replace a cruiser every year, some plow equipment, miscellaneous fire and police equipment as well. These are all in the packet.

This year one of the goals was to privatize, we did contract one of the snow plow routes, and in town we plowed with a front end loader with a wing system. It was a great year to try a contract snow plow system, it worked very well. A. H. Grover was the successful bidder, it worked very well. One of the things not in the budget are fire trucks; due to the cost. The next truck scheduled to be replaced is in 2020 and that is the ladder truck; replacement cost for the truck is approximately 1 million dollars; the fire equipment is typically bonded. The Council has requested that I meet with other area managers and see if there is any potential for sharing, joint purchasing, etc. Our ladder truck is unique it can also serve as a pumper truck and is more versatile than neighboring towns.

- Major Infrastructure: in the past this has been culvert repairs and bridge projects. This year we are funding about \$125,000 in this category. Those consist of drainage repairs to Schooner Ridge (\$50,000) and begin funding (\$75,000) for Middle Road Water and Road repair project for FY 2017. Middle Road is scheduled in three years to go to bond for about 185 feet of re-construction; including a water main and paved shoulders wherever possible. Middle Road is a challenge it has a narrow right-of-way and some steep drop offs. The ball park estimate at this time is close to 3.2 million dollars for this project. And are beginning to look at funding the engineering in a reserve account and in FY 2016 look at beginning the engineering work and in FY 2017 bonding the work. The town's road funding has been very successful due to the committed funding by the Town Council. We were at an all-time of less than \$100,000 dollars back in 2011, and now we are at \$600,000 a year annual paving; our goal is to hit \$800,000; and to pave a road at least once every twelve to fifteen years. Many of our roads have been on a thirty to fifty year paving cycle; which has been basically nonexistent. The curve ball this year is the natural gas project. We are putting on hold the paving for the summer of 2014, and doing infrastructure repairs. Most of that paving will be occur in either the fall or spring of 2015; after the gas lines have been installed. We are still looking at an aggressive paving schedule, and most of that will occur in the subdivisions off from Main Street this year. Many of those streets do require some drainage work. This is a very quick overview of the CIP in the package there is a paving plan, and projects in the queue for future funding. Some of the huge successes have been at Twin Brook and the road paving plan and quite honestly making people aware of the Town's responsibility for capital stewardship.

Ms. Maloney-Kelly stated Blackstrap Road was not mentioned but there is a sizeable amount of money allocated.

Mr. Shane Blackstrap Road has \$175,000 dollars in the budget to begin the engineering; it is a cost sharing project with Maine DOT; we have just received a grant of half a million dollars for re-construction of Blackstrap Road; this will entail drainage improvements, straighten out and re-route some of the drainage and do safety enhancements. The balance will be funded in FY 2016, and begin construction in FY 2016. We have two years to complete the project or lose the grant funding; the Comprehensive Plan is very clear whenever there is a cost sharing opportunity with DOT to take advantage of it.

Ms. Maloney-Kelly asked if Falmouth was also participating because many of the problems in her area come from Falmouth drainage.

Mr. Shane stated Falmouth chose not to participate. Falmouth has a massive Route One project at 11 million dollars and is over budget so they decided to wait a few years.

Mr. Boivin asked the age of the ladder truck.

Mr. Shane stated it was purchased 2000; there is a twenty year life cycle on all trucks; the department keeps vehicles in excellent condition.

Mr. Boivin asked the scope of Middle Road improvements.

Mr. Shane stated Middle Road is the next major capital project; we hope to install paved areas where possible, installation of a water line that will work with Falmouth to begin at Tuttle Road where there is very low water pressure in the area. This will improve fire protection.

Mr. Saunders asked how the goals are established.

Mr. Shane stated through the Town Council; we go through the Capital program every year; with the equipment we look at the depreciation schedule and get to fully funding the depreciation. The equipment is replaced on a schedule.

Mr. Sherr stated he has two questions; one of which was answered in regards to paving and the gas line project. The second question is the proposed building at Twin Brook is that part of this year's budget.

Mr. Shane stated it is part of the building reserve and is being discussed this evening by the Twin Brook Advisory Committee. The majority of the building costs are being paid by the Bateman Partners. There was a red building near the Drowne Road School that housed a ton of summer and winter sports equipment. When that building was demolished the Bateman Partners donated a large sum of money towards a replacement building.

Mr. Neagle thanked Mr. Shane for his presentation.

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

Mr. Boivin moved to recommend to the Town Council the proposed five-year Capital Improvement Plan (CIP).

Mr. Saunders seconded.

VOTE: Unanimous 6-0

5. Public Hearing: To recommend to the Town Council draft Amendments to the Chapter 315, ARTICLE III Overlay Districts to add §315-29 -West Cumberland Housing Overlay Zone to the Cumberland Code and update the Official Overlay Zoning Map, as shown below.



Mr. Neagle asked about the process, we just talked about amending the Comprehensive Plan to allow this.

Mr. Shane stated yes, there may be a plan in front of the Planning Board in April or May for development of houses in the pit in West Cumberland. The zoning changes for this will be voted on by the Town Council in April.

Mr. Neagle stated we are considering this on the assumption that the Council will adopt the recommended changes to the Comprehensive Plan.

Mr. Saunders asked if the property could still be in the RR1 and RR2 zone with an overlay.

Mr. Shane stated this area is Industrial and Rural Residential 2 zones; there is no RR1 in this area.

Mr. Shane provided an overview of the request as follows: The exciting thing about this item is that it is creating a lot of buzz in West Cumberland. The implementation of the two overlay zones on Route 100 has had a positive effect on the businesses in the area. People are beginning to bring ideas for development in the area; the process is working, housing and rehabilitating the gravel pits into housing. The residential land will protect our aquifer. Mr. Shane reviewed the build out of the existing subdivisions in West Cumberland, Foxes Gore, Old Colony, Morrison's Hill (which just received its last three building permits), and Castle Rock with four houses. There is almost a conflict use when you have an Industrial use so close to neighboring residential uses. I think this will be positive, it serves two purposes it brings public water out to an area where wells are already compromised, back in the 1990s there was contamination to the wells in the area. Many of the homes especially on Upper Methodist Road are on special wells that require almost \$900.00 a year in annual testing to make sure chemicals are not present. This contaminant prompted the DEP to issue a Well Water Advisory Zone. By developing these gravel pits it will allow us to get public water to the area. This proposal is great for the town of Cumberland, and you should see a plan before the Board in the next two months. This plan will encourage growth in the Route 100 zone.

Mr. Saunders asked if the fourth use-- accessory dwelling unit-- would that trigger open space, buffering and net residential density requirements.

Mr. Shane stated remember you can't get the density bonus without public water; most proposals would be a subdivision not a single lot.

Ms. Nixon clarified that accessory dwelling units are already a permitted use.

Mr. Saunders stated for example, #5 states at least ten percent of the total area or tract of land developed must be maintained as open space.

Ms. Nixon stated the language states a tract or parcel of land, so it would require open space.

Mr. Neagle stated if they are not in the Industrial zone, they are in the Rural Residential 2 district which requires two acres. I don't have a problem that has the density quadrupled, and if someone needs to put ten percent of a lot in open space.

Ms. Nixon stated it would be difficult to get to ninety percent lot coverage with a single family dwelling.

Mr. Neagle stated this is a wonderful proposal, which will add to fill the need for lower cost housing. Mr. Neagle commended the town staff for being as innovative in its use of zoning as our town develops; this will lead to significantly lower cost housing. Is this a designated Growth Area in the Comp Plan?

Ms. Nixon stated it is just outside it, the entire Route 100 corridor is a growth area. The new Comp Plan committee will be looking at growth areas.

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

Ms. Maloney-Kelly moved to recommend to the Town Council draft zoning amendments to Chapter 315, ARTICLE III Overlay Districts to add §315-29 – West Cumberland Housing Overlay Zone to the Cumberland Code; and update the Official Overlay Zoning Map as shown.



Mr. Saunders seconded.

VOTE: UNANIMOUS 6-0

G. Administrative Matters: Mr. Neagle stated he would be away during the June 2014 meeting.

H. Adjournment: Mr. Neagle adjourned the meeting at 8:30 p.m.

A TRUE COPY ATTEST:

Christopher S. Neagle, Board Chair

Pam Bosarge, Assistant to the Board

