

**PLANNING BOARD MEETING
TOWN OF CUMBERLAND
Cumberland Town Hall
290 Tuttle Road, Cumberland, Maine 04021
Tuesday, May 17, 2016
7:00 p.m.**

- A. *Call to Order:*** The meeting was called to order at 7:00 p.m. Chair Moriarty stated the Planning Board attended a training seminar with Natalie Burns, Esq., Town Attorney prior to the meeting.
- B. *Roll Call:***
Present: Steve Moriarty, Chair, John Berrett, Jeff Davis, Teri Maloney-Kelly, Joshua Saunders, Peter Sherr
Absent: Gerry Boivin, Vice-Chair
Staff: Carla Nixon, Town Planner, Pam Bosarge, Administrative Assistant
- C. *Approval of Minutes:*** *The minutes from the January 19, 2016, February 15, 2016 and March 29, 2016 and April 26, 2016 meetings were not available.*
- D. *Staff Site Plan Approvals: Redpath Orchard Farm*** –Ms. Nixon explained this new small business is located at 9 Orchard Road. There will be a 60 sq. ft. farm stand to sell vegetables and apples. The farm stand will be open seven days a week from 8:00 am to 8:00 p.m. from August 1st to October 31st.
- E. *Minor Change Approvals: None***
- F. *Public Hearings:***
- 1. Public Hearing: Site Plan Review for construction of a 20 vehicle parking lot at Knight's Pond Reserve located on Greely Road Extension as shown on Tax Assessor Map R06, Lot 32. Town of Cumberland, Owner and Applicant: Dan Diffin, P.E., Sevee & Maher Engineers, Representative.***

Ms. Nixon presented background information as follows: The applicant and owner is the Town of Cumberland. The applicant is requesting site plan approval for a 20 space parking area that will be used by the public to access the Knight's Pond Preserve. The 215 acre preserve consists of a 46 acre pond, 169 acres of forest land, and a network of trails and critical wildlife habitat. The site plan shows an area where the parking lot can be expanded to 40 spaces in the future, if needed. The access to the parking lot will be a 25' wide paved apron into a reclaimed asphalt parking area. The entrance location will be located 80' west of the existing Knight's Pond trail entrance.

The parcel is located at 477 Greely Road Extension and is shown on Tax Assessor Map R07, Lot 48.

The parcel is located in the Rural Residential 2 zoning district. Municipal uses and buildings; subject to site plan review, are permitted in this zone.

Dan Diffin, P.E., of Sevee and Maher Engineers, prepared the application and is the representative for the project.

This is the second site plan review for the project.

PROJECT DESCRIPTION:

- Zoning: RR 2 (Rural Residential 2)

- Min. Lot Size: 2 acres
- Utilities: There are no proposed utilities. There will be no lighting on site. No trash storage on site.
- Outside Agency Reviews/Approvals: Maine Department of Inland Fisheries and Wildlife: On file.

REQUESTED WAIVERS: *Waivers granted on 4-26-16*

1. Hydrogeologic Evaluation: Requested waiver due to the fact that there will be no subsurface wastewater disposal or other groundwater impacts as a result of this project.
2. Market Study: N/A

PROJECT HISTORY:

April 26, 2016: Tabled pending site walk and resolution of outstanding issues.

May 5, 2016: Planning Board Site Walk.

DEPARTMENT HEAD REVIEWS:

Fire Chief Small:

- 1) If the entrance to the parking lot will be secured by a chain or gate a key to the lock should be provided for medical or fire responses.
- 2) The parking area design should accommodate an ambulance being able to turn around.

CHEBEAGUE AND CUMBERLAND LAND TRUST COMMENTS:

See letter that was in the April meeting packet dated 4/14/16 from Penny Asherman, President of the Board.

TOWN PLANNER'S COMMENTS: *All comments have been addressed by the applicant with the submission of materials for the May 17 Planning Board meeting.*

On behalf of the Town of Cumberland, Sevee & Maher Engineers, Inc. (SME) is pleased to submit this comment response letter for the Knight's Pond Parking Plan. This letter has been prepared in response to the comments received via email on April 20, 2016. The comments and associated responses are detailed in the following paragraphs.

TOWN PLANNER COMMENTS:

The comments from the Town Planner were received in an email dated April 20, 2016 which included a draft of the letter to the Planning Board. The plans and application materials were revised in response as indicated below:

1. Is the owner solely the Town of Cumberland? What about N. Yarmouth? Land Trust?

SME Response: The Town of Cumberland is the sole owner of the portion of Knight's Pond Preserve that falls within Town limits. Therefore, the proposed parking area is owned solely by the Town of Cumberland. The Town has granted a conservation easement to the Chebeague and Cumberland Land Trust (CCLT) for the entire property as discussed in the Conservation Easement in Attachment A of the Site Plan Application package provided.

2. Traffic generation report?

SME Response: The traffic at the proposed parking area will be controlled by the restrictions of the conservation easement. The easement only permits the construction of up to 40 parking spaces and this initial phase only includes construction of 20 spaces. Based on the limited parking available, traffic volume will be limited well below 100 trips in a peak hour and a traffic movement permit will not be required for the project.

3. What does the first sentence at the top of P. 3 mean?

SME Response: The Town will install signage along Greely Road to direct vehicles to the parking lot. The final size and location of these signs has not yet been determined, but a representative location has been added to Drawing C-102.

4. Snow storage location?

SME Response: The snow storage has been identified on the plans with a heavy dashed line. A note has been added to Drawing C-102 to clarify where snow storage is planned.

5. Site distances?

SME Response: Sight distances from the proposed intersection with Greely Road have been added to Drawing C-102.

6. Turn-a-round in parking lot?

SME Response: A 25-foot by 25-foot area has been provided at the northeast corner of the parking area to provide for maneuvering of vehicles which are unable to find parking. In addition, one area has been identified as the HANDICAP PARKING UNLOADING ZONE and will be available for vehicle turnaround. Both of these areas will be signed as "NO PARKING" as indicated on Drawing C 102.

7. Will the spaces be striped?

SME Response: The spaces will not be striped but will be delineated with curb stops.

8. Where are the handicapped spaces?

SME Response: A handicap parking space has been added to the eastern corner of the lot with an adjacent 8-foot-wide loading area.

9. Will the entrance be striped?

SME Response: Striping has not been proposed at the entrance.

10. Directional signage (into and out of lot) Turn-a-round plan if lot is full?

SME Response: The Town is still finalizing the layout of the signage for the parking area and the Knight's Pond Preserve. A preliminary sign layout has been added to Drawing C-102. The layout includes a directional sign on Greely Road Extension to direct vehicles to the parking area and a small information kiosk to the east of the parking area. The turn-around plan is addressed in the response to Comment #6.

11. Should concrete curb stops be changed to wood to be a more natural feature?

SME Response: Concrete curb stops were selected for long-term durability and the added weight that will keep them in place if bumped by a vehicle. Wooden stops are less durable and would require installation with rebar reinforcement and have been a maintenance problem at other Town parking areas.

12. Should there be some additional plantings to buffer the view of the parking lot from Greely Road Ext.?

SME Response: The intent is to maintain as much of the existing vegetated buffer as possible to screen the parking lot from Greely Road Extension.

13. Letter from MDIFW needed.

SME Response: SME has received a letter from MDIFW a copy of which is attached. Based on the letter, there are bat species of interest in the project area. A follow up call to John MacLain of MDIFW concluded that the project site was not within 0.25 miles of known hibernacula nor is it the location of a known roost tree. Therefore, there are no formal protection measures required for this project.

14. Minimum lots size requirement listed on page 3 states 1.5 acres, but RR 2 is 2 acre minimum.

SME Response: Page 3 of the Site Plan Review Application was revised to indicate a minimum lot size of 2.0 acres. A copy of the revised application page is attached.

15. Are park hours to be limited to dusk to dawn?

SME Response: The Preserve will be open to the public during daylight hours only. A gate will be placed on the parking lot entrance to control use of the parking lot during the overnight hours.

TOWN PEER REVIEW ENGINEER COMMENTS:

Site Plan Application

Project Description Narrative – Chapter 229 Site Plan Review

- 1. 229-10.B – Traffic, Circulation and Parking – We recommend that the narrative and plans note the posted speed limit on Greely Road Extension at the proposed site driveway; the**

required stopping sight distance; and the measured stopping sight distance in both directions at the proposed driveway.

SME Response: The speed limit for Greely Road Extension is 30 miles per hour through this section and the required sight distances are a minimum of 200 feet. Sight distance in each direction exceeds 250 feet and has been added to Drawing C-102.

Attachment C – Stormwater Management Report

- 2. Section 2.0, Project Narrative – In addition to meeting Town Ordinance requirements, the project as described (15,700 SF parking area and 23,000 SF disturbed area at full build) requires a MEDEP Stormwater Permit by Rule (per MEDEP Chapter 500, part 6 – less than 1 acre of impervious area).**

SME Response: This project does not require a MEDEP Stormwater Permit by Rule. For Chapter 500, part 6 to apply, the project must first exceed the Applicability requirements of Chapter 500, part 2, which states:

“This Chapter applies to a project that disturbs one acre or more of land area and requires a stormwater permit pursuant to the Stormwater Management Law...”

This project proposes to disturb less than an acre; therefore, Chapter 500 does not apply.

- 3. Section 3.0, 3rd paragraph – The narrative makes the following statements:**
- **Stormwater runoff from the proposed parking area will flow southwesterly off the pavement into a shallow vegetated swale along the westerly edge of the proposed parking area.**
 - **The swale will collect sediment from the parking area prior to reaching the undeveloped wooded area.**
 - **The swale will be cleaned routinely by the Town to minimize the impacts of long-term erosion and winter sand.**

This grading concept directs runoff from the full-build +/- 23,000 SF disturbed area and 15,700 SF parking area into a swale that discharges directly to Mill Brook, less than 200 feet northwest of the proposed driveway. This design increases the potential for sediment transport to Mill Brook from long term erosion and winter sand. This approach is not consistent with various standards, including Ordinance (Section 229.10.C.1.a):

“To the extent possible, the plan must retain stormwater on the site using the natural features of the site” and

MEDEP Stormwater Permit by Rule (Chapter 500, Appendix A.8.b):

“When the watershed draining to a ditch or swale is less than 1 acre of total drainage and less than ¼ acre of impervious area, diversion of runoff to adjacent wooded or otherwise vegetated buffer areas is encouraged where the opportunity exists.”

This approach is also not consistent with the Purpose of the Conservation Easement (page 2, 3rd recital):

“WHEREAS Knights Pond serves as the headwaters to Mill Brook with a wild brook trout population and is part of an identified focus area for water quality and habitat protection by the Presumpscot River Watershed Coalition...”

To reduce potential for sediment transport off site both during construction and permanently, we recommend that the designer consider modifying the parking area grading plan to discharge stormwater runoff as sheet flow into the adjacent wooded area.

SME Response: The project will not discharge stormwater runoff or sediment directly to Mill Brook. Currently, the proposed grading is such that runoff will sheet flow from the northeast portion of the parking area to the southwest toward Greely Road Extension. The runoff will then flow over approximately 30+ feet of grassy area before entering the existing roadside drainage along Greely Road Extension. The grassy area will provide pretreatment to remove sediments borne in the runoff before entering the roadside drainage. This area will be monitored by the Town for sediment build-up and cleaned as necessary.

The shallow swale along the northwest side of the parking will serve to capture any incidental runoff from the parking area or surrounding grassy area. It will not serve as the primary drainage outlet for runoff from the parking area. The swale was designed to minimize the likelihood of runoff draining along the edge of the parking area and eroding over time.

While we agree that it is wise to provide sheet flow into existing wooded areas when possible, it is our opinion that to do so on this project would result in a negative impact on the safety of the parking area and go against the intent of the Conservation Easement on the property. To grade the proposed parking area to sheet flow into the wooded area will require elevating the parking area by several feet near the intersection of Greely Road Extension or cutting the northeastern corner into the site by several feet. This would result in an increased disturbance footprint and slopes in and around the parking area in excess of the 3 to 4 percent currently designed.

In addition, the existing grades in the area proposed for development and along the existing tree line generally direct runoff toward Greely Road Extension, not toward the wooded areas. Therefore, to create sheet flow into the woods would require reshaping of the grades into the woods, or construction of a level spreader at the southwest corner of the parking area. Both of these would result in an increased disturbance footprint, tree cutting and significant reshaping of grades in the parking area.

- 4. Section 4.0, Stormwater Runoff Quantity – The HydroCAD calculations used 24-hour rainfalls of 3.0 inches and 5.5 inches, respectively, for the 10- and 25-year storm events. These values should be revised to 3.1 inches and 5.8 inches, respectively, as required in the MEDEP Chapter 500 Stormwater Law, Appendix H.**

SME Response: The HydroCAD calculations were revised with the latest rainfall intensities adopted by the MEDEP. Copies of the revised HydroCAD are attached. The new peak flows as a result of this change are shown in the Table below:

**TABLE 1
STORMWATER PEAK FLOW SUMMARY**

Analysis Points (AP)	Pre-Development Flow Rate (cfs)	Post-Development Flow Rate (cfs)	Change in Peak Flows (cfs)
AP 1 – Catch Basin in Route 88	2 Year = 2.29 25 Year = 11.85	2 Year = 2.42 25 Year = 12.47	0.13 0.62

5. **Section 4.0, 2nd paragraph – The report indicates that peak flow rates to Mill Brook will increase as a result of full build-out of the parking area, but that the increases in peak flows are minimal compared to the flows in Mill Brook from Knight’s Pond and areas to the north. No calculations were provided to support this conclusion; however we would generally concur with this assessment if the parking area is modified to promote sheet flow of runoff into the existing wooded area as noted in Comment #3.**

SME Response: The HydroCAD analysis was performed with an analysis point at Mill Brook where the runoff from this area would drain. This analysis point included the parking area and areas to the south and east which also drain in the roadside drainage on Greely Road Extension to this point. The total drainage area for the analyzed area is approximately 14 acres. The full watershed for this stretch of Mill Brook is approximately 90 acres. This area does not include the base flow from Knight’s Pond, or the extents of the watershed that drains to Mill Brook. Therefore, we are confident that the 0.62 cfs increase in peak flows during the 25-year rainfall event at this section of Mill Brook is insignificant to the overall flows in the Brook and to the infrastructure under Greely Road Extension or downstream.

6. **Section 4.0, 2nd paragraph – The narrative states that “minor increases in flows resulting from the parking area will not adversely affect the Mill Brook drainage channels or drainage infrastructure.” The HydroCAD calculations for the existing roadside ditch along Greely Road Extension from the proposed parking area to Mill Brook indicate a +/- 25% velocity increase from pre- to post-development (from 4.4 to 5.6 ft/sec. for 25-year storm). The increased velocity would increase potential erosion of the existing roadside ditch. As noted in Comment #3 above, we recommend design revisions to direct parking area runoff to the adjacent wooded buffer area, which would reduce discharge and potential erosion in the existing roadside ditch.**

SME Response: The discussion of directing flows to the wooded area is included in the response to Comment #3 of peer review comments. To review the potential for increased erosion in the existing roadside swale, the model for the roadside swale (Reach R-2) was evaluated for consistency with actual field conditions. The reach was adjusted in the post development HydroCAD model to more closely represent the slopes and types of cover on the existing drainage at the site. The revised HydroCAD calculations are attached.

As the calculations demonstrate the velocities in the existing, vegetated roadside swale during the 25-year storm are modeled as 5.2 ft/sec in existing conditions and 5.50 ft/sec in proposed conditions. This demonstrates a 6 percent increase in the velocity within the roadside ditch and is not anticipated to result in additional erosion prior to draining to Mill Brook.

7. **Section 5.0, Conclusions – This paragraph states that there will be no adverse impact on downstream drainage infrastructure as a result of this project. In our professional opinion, the project as currently designed does not achieve this result due to channelization of runoff from the parking area.**

SME Response: Based on the responses provided in this comment letter, SME maintains that there will be no adverse impact on downstream drainage infrastructure.

8. **Drainage Diagrams – The graphic scale on the pre- and post-development maps (Figures D-100 and D-101) appears to be incorrect compared to the sheet flow lengths noted on the maps, and compared to spot-check measurements of the watershed areas. The drawing scale should be checked and revised as necessary.**

SME Response: The scale on Drawings D-100 and D-101 was revised and revised copies of the figures are attached.

Plans

9. **C-101, Existing Conditions Plan – As a survey plan, this sheet should be stamped by a Maine Licensed Land Surveyor.**

SME Response: The existing conditions plan was not prepared by a Licensed Land Surveyor. As stated in the NOTES on the plan, it was compiled using a boundary survey from Belding Survey, LLC and supplemented with GPS survey and LIDAR information. It is not standard practice for a licensed land surveyor to stamp these types of drawings.

10. **C-102, Site Plan – As scaled from the plan, the west (exit) side of the driveway appears to exceed the Ordinance requirement of maximum 3% within 40 feet of the intersection (Section 229.10.B.1).**

SME Response: The 271 foot contour on the west side of the driveway was revised to provide an entrance with a maximum 3 percent slope within 40 feet of the intersection.

11. **C-102 – The edge of the proposed parking area scales from the plan at +/-10 feet from the front property line. No parking space shall be located within 15 feet of the front property line (Section 229.10.B.4).**

SME Response: The parking was shifted to the northeast to maintain a 15-foot setback from the Greely Road Extension Right of Way.

12. **C-102 - What do the heavy dashed lines north of the future parking expansion depict?**

SME Response: These heavy dashed lines indicate snow storage areas. A note has been added to the plans to clarify.

13. **C-102 – The proposed contour lines on the parking area as shown would direct nearly all surface runoff to the entrance end of the parking area, not to the westerly side of the**

parking area as described in the stormwater narrative. We recommend that the designer revise the grading plan to direct runoff as sheet flow off the westerly edge of the parking area.

SME Response: Please see response to Comment #3.

14. Update to a Standard Boundary Survey, Belden Survey, LLC – This sheet should be stamped by a Maine Licensed Land Surveyor.

SME Response: We are working with the surveyor for the land trust to get a signed copy of the Boundary Survey and will submit it when received.

FIRE CHIEF:

1) If the entrance to the parking lot will be secured by a chain or gate a key to the lock should be provided for medical or fire responses.

SME Response: The entrance will be secured by a gate and a key will be provided to the Fire and Police Departments.

2) The parking area design should accommodate an ambulance being able to turn around.

SME Response: An ambulance will be able to enter and exit the parking lot at the entrance as needed. If the parking lot is full, the ambulance will likely have to turnaround using the paved entrance and portions of Greely Road Extension. In an effort to minimize disturbance to the property in compliance with the conservation easement, the footprint of the parking lot was kept to a minimum. However, ambulance maneuvering is possible using the 25-foot paved entrance and portions of Greely Road.

We trust this addresses the comments and look forward to meeting with the Board at the meeting on May 17th. Please don't hesitate to contact us if you need additional information to process the application.

Sincerely,

SEVEE & MAHER ENGINEERS, INC.

Daniel P. Diffin, P.E., LEED AP BD+C

Principal

TOWN ENGINEER REVIEW: Larry Bastion, P.E., Gorrill Palmer Consulting Engineers:

We reviewed the information as provided above and find that our previous questions and comments have been resolved, and where appropriate, incorporated into the plan set.

IX. Cumberland Lands and Conservation Commission: Sam York

The Cumberland Lands and Conservation Commission has reviewed the plan of Mar 23, 2016 for the proposed parking plan. We have limited our review to the conservation and environmental issues. The following are our comments:

There appear to be no significant impacts to erosion, visual contamination or any impact to Knights Pond or the lower pond area. However, the asphalt paving of the entry and the use of asphalt reclaim paving of the lot itself may have an impact on the pond outflow into Mill Stream, classified as a trout stream. While the surrounding lands are highly pervious, the entry area and the parking lot itself will provide runoff directly onto Greely Road Extension and downhill to the stream. There is a general class of phenols contained in asphaltic materials that is highly toxic in small quantities to fish. Many studies have been done that support this. Since almost all roadways are composed of asphalt, the impact to Mill Stream may or may not be significant; but should be mentioned.

The following abstract is from an attached impact study, while technical, and is understandable:

“Phenols and their derivatives commonly exist in the environment. These compounds are used as the components of dyes, polymers, drugs and other organic substances. The presence of phenols in the ecosystems is also related with production and degradation of numerous pesticides and the generation of industrial and municipal sewages. Some phenols are also formed during natural processes. These compounds may be substituted with chlorine atoms, may be nitrated, methylated or alkylated. Both phenols and catechols are harmful ecotoxins. Toxic action of these compounds stems from unspecified toxicity related to hydrophobicity and also to the generation of organic radicals and reactive oxygen species. Phenols and catechols reveal peroxidative capacity, they are hematotoxic and hepatotoxic, provoke mutagenesis and carcinogenesis toward humans and other living organisms.”

Mr. Dan Diffin, P.E., Sevee and Maher presented an overview of the site location, and the project which will consist of a twenty car parking lot, with potential for expansion to forty vehicles. The project will have:

- Directional Sign
- Information Kiosk
- Portable Toilet
- Handicap parking space and a loading and unloading turn around spot, (this will have a no parking sign)
- The site will have a gate which will be open as dawn and locked at dusk
- The parking area has been located to maintain a 15 foot buffer from the property line.
- This project will have limited environmental impact. - Inland Fish and Wildlife and US Fish and Wildlife had a concern regarding bats but there was no formal action.

Board Comments:

Mr. Moriarty asked about concerns regarding drainage.

Mr. Diffin stated the stormwater will sheet flow off parking lot into a 35 foot vegetated buffer to the swale at the road. The swale at the edge will prevent channelization of the parking lot.

Mr. Moriarty asked about the impact of re-claim asphalt.

Mr. Diffin stated this is aged pavement with no new chemicals and is better for erosion protection. There will be no striping of parking spots, only concrete curb stops.

The public portion of the meeting was opened.

Mr. Moriarty read into the record the e-mail dated May 16, 2016 from Paul Weiss stating concerns regarding paving another parking lot in town. (The entirety of this letter is located in the Planning Department files)

Mr. Moriarty read into the record the response from Bill Shane, Town Manager regarding the use of reclaim surface to avoid and minimize siltation the run-off will flow over a grassed area before reaching the ditch on Greely Road Extension. (The entirety of the e-mail is located in the Planning Department files).

Mr. Berrett asked about preventing parking in the turnaround area.

Mr. Diffin stated this would be an enforcement issue and there would be no parking signs.

Mr. Moriarty asked about access for emergency vehicles.

Mr. Diffin stated a loop would increase the disturbance and have a greater environmental impact. The entrance is twenty-five feet wide and the site distance is over 700 feet in both directions. An emergency vehicle could drive in and back out or back in.

The Board reviewed the proposed Findings of Fact:

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

Ms. Maloney-Kelly seconded.

VOTE: Unanimous 6-0

Findings of Fact – Site Plan Review

Sec. 229-10 Approval Standards and Criteria

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

A. Utilization of the Site

Utilization of the Site - The plan for the development, including buildings, lots, and support facilities, must reflect the natural capabilities of the site to support development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

The plan will minimize impacts to the natural features of the site by minimizing disturbance to undeveloped areas as much as possible. Land disturbance has been limited to the mostly open areas of the site with less mature tree growth. Clearing in the forested area has been avoided completely. A wetlands delineation was completed by Albert Frick Associates which identified the stream and forested wetlands associated with it to the west of the proposed parking area. The wetlands do not extend into the

project area and therefore wetland impacts have been avoided. A letter is on file from the Maine Department of Inland Fisheries and Wildlife that states there are no significant wildlife habitats that will be affected by the proposed development.

Based on the above facts, the Planning Board finds the standards of this section have been met.

B. Traffic, Circulation and Parking

- (1) **Traffic Access and Parking:** Vehicular access to and from the development must be safe and convenient.
 - (a) Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible. **The combined entrance and exit drive for the parking lot has a sight distance of 715' in one direction, and 1,225 when looking in the other direction. Based on the MDOT standards of 10' for every mile per hour of the posted speed limit of 35 mph, this standard has been met.**
 - (b) Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows. **This standard has been met.**
 - (c) The grade of any proposed drive or street must be not more than +3% for a minimum of two (2) car lengths, or forty (40) feet, from the intersection. **This standard has been met.**
 - (d) The intersection of any access/egress drive or proposed street must function:
 - (a) at a Level of Service D, or better, following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or
 - (b) at a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated. **This standard has been met.**
 - (e) Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if it is safe and does not promote short cutting through the site. **N/A**
 - (f) Where it is necessary to safeguard against hazards to traffic and pedestrians and/ or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets. **No turning lanes are necessary due to the low traffic volume expected.**
 - (g) Accessways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.
 - (h) The following criteria must be used to limit the number of driveways serving a proposed project:

No use which generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.

No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all accessways must not exceed sixty (60) feet. **Only 1 combined exit/entrance drive is proposed for the parking lot.**

(2) Accessway Location and Spacing

Accessways must meet the following standards:

- a. Private entrance / exits must be located at least fifty (50) feet from the closest unsignalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the accessway. This requirement may be reduced if the shape of the site does not allow conformance with this standard. **N/A**
- b. Private accessways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible. **N/A**

(3) Internal Vehicular Circulation

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

- a. Projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing. **N/A**
- b. Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking). **N/A**
- c. The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.
- d. All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

Parking Layout and Design

Off street parking must conform to the following standards:

- a. Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.
- b. All parking spaces, access drives, and impervious surfaces must be located at least fifteen (15) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within fifteen (15) feet of the front property line.

Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24) feet in width.

- c. Parking stalls and aisle layout must conform to the following standards.

Parking Angle	Stall Width	Skew Width	Stall Depth	Aisle Width
90°	9'-0"		18'-0"	24'-0" 2-way
60°	8'-6"	10'-6"	18'-0"	16'-0" 1-way
45°	8'-6"	12'-9"	17'-6"	12'-0" 1-way
30°	8'-6"	17'-0"	17'-0"	12'-0" 1 way

- d. In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.
- e. Parking areas must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.
- f. Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

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

(5) Building and Parking Placement

The driveway and parking areas were located and designed to provide safe circulation to the site while minimizing impacts to the surrounding land. Existing grades and vegetation will be maintained to the extent practicable. The above standard has 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 is a walking path that leads from the parking area to the trail system.

Based on the above facts, the Planning Board finds the standards of this section have been met

C. Stormwater Management and Erosion Control

- (1) Stormwater Management. Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.
 - (a) To the extent possible, the plan must retain stormwater on the site using the natural features of the site.
 - (b) Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.
 - (c) The applicant must demonstrate that on - and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding and erosion of Shoreland areas, or that he / she will be responsible for whatever improvements are needed to provide the required increase in capacity and / or mitigation.
 - (d) All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.
 - (e) The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.
 - (f) The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.
 - (g) The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

A stormwater management plan submitted by the applicant was reviewed and approved by the Town Engineer.

Based on the above facts, the Planning Board finds the standards of this section have been met.

2. Erosion Control

- (a) All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling; excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and / or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.
- (b) Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best

Management Practices, dated March 1991, and as amended from time to time.

Slope and wetland impacts were limited. Erosion control will be in conformance with the Maine Erosion and Sediment Control manual will be applied during construction.

Based on the above facts, the Planning Board finds the standards of this section have been met.

D. Water, Sewer and Fire Protection

(1) Water Supply Provisions

The development must be provided with a system of water supply that provides each use with an adequate supply of water. If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source of distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

There will be no water supply or sewage disposal required for this project.

Based on the above facts, the Planning Board finds the standards of this section have been met.

(2) Sewage Disposal Provisions

The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code. If provisions are proposed for on-site waste disposal, all such systems must conform to the Subsurface Wastewater Disposal Rules.

There will be no need for sewage disposal in the parking area. A portable toilet will be placed in an area that provides natural screening.

Based on the above facts, the Planning Board finds the standards of this section have been met.

(3) Utilities

The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

No utilities are required for this passive recreation area therefore none will be installed as part of this project.

Based on the above facts, the Planning Board finds the standards of this section have been met.

1. Fire Protection

The plans have been reviewed by the Fire Chief who is satisfied with the plan as it is now designed.

Based on the above facts, the Planning Board finds the standards of this section have been met.

E. Water Protection

- (1) Groundwater Protection. The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to the public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

There will be no groundwater or hazardous materials discharged as a result of this project. The property is not located within an area designated as an aquifer protection area. There will be no on-site water supply or sewage disposal systems.

Based on the above facts, the Planning Board finds the standards of this section have been met.

(2) Water Quality

All aspects of the project must be designed so that:

- a. No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxious, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
- b. All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.

No substances described above will be stored or discharged in a way that could contaminate surface or groundwater.

Based on the above facts, the Planning Board finds the standards of this section have been met.

(3) Aquifer Protection (if applicable)

If the site is located within the Town Aquifer Protection Area a positive finding by the board that the proposed plan will not adversely affect the aquifer, is required.

The parcel is not located in the Aquifer Protection Area.

Based on the above facts, the Planning Board finds the standards of this section have been met.

F. Floodplain Management

If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Town's Floodplain management provisions.

The parcel is shown on Floodplain map number 230162 0015B. The location of the proposed parking area is within an area designated as Zone C-Area of Minimal Flooding.

Based on the above facts, the Planning Board finds the standards of this section have been met.

G. Historic and Archaeological Resources

If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

The applicant states that the site has not previously been identified to contain historic or archaeological resources. A review letter has not yet been provided from the Maine Historic Preservation Commission. This is a proposed condition of approval.

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

H. Exterior Lighting

The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated. All exterior lighting must be designed and shielded to avoid undue glare, adverse impact on neighboring properties and rights - of way, and the unnecessary lighting of the night sky.

No exterior lighting is proposed.

Based on the above facts, the Planning Board finds the standards of this section have been met.

I. Buffering and Landscaping

(1) Buffering of Adjacent Uses

The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of

mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade, and / or a combination of these or other techniques.

(2) Landscaping:

There are no proposed changes to the landscaping plan due to the minimal change in the amount of pavement.

Clearing of the property for the parking lot and other improvements will be kept to a minimum while still allowing adequate room to safely construct the components of the project. The existing forested and vegetated land will be undisturbed to allow natural buffering to effectively screen the parking lot.

Based on the above facts, the Planning Board finds the standards of this section have been met.

J. Noise

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

There will be no activities associated with the parking area that will result in noise. Park hours will be limited to dusk to dawn. A locked gate will be used to secure the area when the lot is closed.

Based on the above facts, the Planning Board finds the standards of this section have been met.

K. Storage of Materials

- .1 Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.
- .2 All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.
- .3 Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition.

There will be no external storage of material. There will be no dumpster or trash receptacles on site. Signs will be placed instructing visitors to remove any trash generated.

Based on the above facts, the Planning Board finds the standards of this section have been met.

L. Capacity of the Applicant

The applicant must demonstrate that he / she has the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan.

Technical Capacity: The applicant has retained the services of a professional engineer, wetlands analyst and land surveyor.

Financial Capacity: Project improvements will be funded by Towns of Cumberland and North Yarmouth using public works crews and town gravel and equipment.

Based on the above facts, the Planning Board finds the standards of this section have been met.

Mr. Saunders moved to grant Site Plan Approval for construction of a 20-vehicle parking lot at Knights Pond Reserve located at 477 Greely Road Extension, Tax Assessor Map R06, Lot 32 subject to the findings of fact, Limitation of Approval, Expiration of Approval, Standard Conditions of Approval and the five proposed conditions of approval.

Mr. Davis seconded.

VOTE: Unanimous 6-0

LIMITATION OF APPROVAL:

Construction of the improvements covered by any site plan approval must be substantially commenced within twelve (12) months of the date upon which the approval was granted. If construction has not been substantially commenced and substantially completed within the specified period, the approval shall be null and void. The applicant may request an extension of the approval deadline prior to expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to two (2), six (6) month extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current

EXPIRATION OF APPROVAL:

Construction of the improvements covered by any site plan approval must be substantially commenced within 12 months of the date upon which the approval was granted. If construction has not been substantially commenced within 12 months of the date upon which approval was granted, the approval shall be null and void. If construction has not been substantially completed within 24 months of the date upon which approval was granted or within a time period as specified by the Planning Board, the approval shall be null and void. The applicant may request an extension of the deadline to commence or complete construction prior to expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to two one-year extensions to the period of any and all federal and state approvals and permits are current.

STANDARD CONDITION OF APPROVAL:

This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted by the applicant. Any variation from the plans, proposals and supporting documents, except minor changes as so determined by the Town Planner which do not affect approval standards, is subject to review and approval of the Planning Board prior to implementation.

PROPOSED CONDITIONS OF APPROVAL

1. A preconstruction conference shall be held prior to the start of construction.
 2. All clearing limits shall be staked and inspected by the Town Engineer prior to the preconstruction conference.
 3. The Chebeague and Cumberland Land Trust shall be allowed to review the site prior to construction.
 4. A copy of a letter from the Maine Historic Preservation Commission shall be submitted for the file.
 5. A key to a lock on the entry gate shall be provided to the Fire and Police Departments.
-

2. *Public Hearing: Site Plan Amendment to add outdoor seating and a shed at Louie's Grille, 319 Main Street as shown on Tax Assessor Map U13, Lot 110. Flash Island, Inc., Owner and Applicant; Peter Biegel, Land Design Solutions, Representative.*

Ms. Nixon presented background information as follows: The applicant and owner of the parcel is Jim Guidi, dba/Flash Island, Inc. The parcel is shown on Tax Assessor Map U-113, Lot-110. The applicant is requesting approval for an amendment to an approved site plan to add outdoor seating, a tool shed, and a picnic table. The project is subject to the provisions of the Site Plan Ordinance as well as the Town Center District Performance Standards (Section 204.16.6) and the Town Center District Design Standards.

Peter Biegel of Land Design Solutions prepared the site plan application and will represent the applicant at the meeting.

HISTORY:

- Planning Board Site Walk: 3/20/12
- Public Hearing/Major Site Plan Review: Approval granted: 4/17/12
- Request for Amendment to add outdoor seating: 7/15/14: Denied.

DESCRIPTION:

Zoning:	Town Center District (TCD)
Parcel size:	.76 acres (33,105 sf)
Min. Lot Size:	For a Café: 10,000 sf
Frontage:	112.75' (80' required)
Setbacks Required:	Front: 15'; Rear: 15'; side: 10'
Access:	22' paved driveway. MDOT Entrance Permit (#11580) is on file.
Parking:	Amount required for number of proposed seats: 16. Amount provided: 36

Water & Sewer:	Portland Water District. Capacity to serve letter dated 12/21/11 on file.
Traffic:	MDOT Entrance Permit on file.
Floodplain:	Zone C - Area of Minimal Flooding
Stormwater:	Combination of on-site storage and infiltration and overland to street gutter and drainage system.
Fire Protection:	Public water; sprinklers
Days/Hours of Operation:	Town Center District standards: Business Hours: 6:00 a.m. to 9:00 p.m. Deliveries: 7:00 a.m. to 7:00 p.m.

WAIVER REQUESTS: None

TOWN PLANNER'S COMMENTS/DISCUSSION ITEMS:

Responses to Planner's questions from Applicant's representative included below:

**RE: 319 Main Street (Louie's Grille) – Site Plan Amendment
Response to Staff Comments**

Dear Carla,

We have responded below to the staff comments we received via email May 2nd. The staff comment is in *italics* with our response **bolded**.

1. *Amount of parking required for number of proposed seats:* **16 spaces are required for the restaurant and the existing site provides 19, plus 17 spaces which have been constructed for potential future uses.**
2. *Mix of gravel and paved parking. How are spaces delineated on gravel area?* **No changes to the gravel spaces are proposed. They are not currently delineated, but because they are only a drive aisle and single bay on either side the parking has remained fairly well organized.**
3. *Outdoor seating hours of operation?* **We would like the flexibility to be able to offer the outside seating whenever the restaurant is open and staffing it is not an issue.**
4. *Provide detail of the existing wall mounted fixture.* The porch lighting is comprised of three 5" diameter recessed can fixtures utilizing 60 watt bulbs. The lights are equally spaced along the porch ceiling. The lights are activated by a manual switch. **I have attached a photograph of the fixture below.**



Porch Ceiling Lights

The deck lighting consists of a decorative exterior residential fixtures 4.5"lx4.5"wx5.5"ht. This fixture also utilizes a 60 watt bulb and is activated by a manual light switch. See the photograph below.



Deck Light

5. *Cut off outdoor seating at 8:00 p.m.?* **Closing the outdoor seating areas at 8:00 pm is fine.**
6. *Remove steps from the deck to the deck. Restrict access/exit to the door to the restaurant. All outside seating patrons are expected to come through the main restaurant entrance. The steps from the deck down to grade are for emergency use only.*
7. *Will tree need to be trimmed to fit deck?* **The existing tree will not need to be trimmed.**
8. *Will above ground propane tank be removed soon?* **The restaurant is going to utilize the natural gas line that was recently installed and will remove the propane tank at that time.**
9. *Should the shed be located there?* **We felt a nice looking shed would add architectural interest to the back area which currently does not have much going on.**
10. *Will the tool shed be located in the area currently approved for snow storage? If so, where will new snow storage be located?* **The shed is small enough 6 x 8 that the area it takes up will not have noticeable impact the site's snow storage ability.**
11. *The amendment will have very minimal impact on the amount of impervious surface on the site. Peter to quantify and state minimal impact if that is the case. The shed adds 48 s.f. of impervious area to the site. The deck is 120 s.f.; however the deck will have crushed stone underneath so that the rain water that falls on the decking will run down between the boards into the crushed stone where it will infiltrate into the ground. The tool shed will also have a crushed stone base under it which will allow stormwater running along the ground to infiltrate when it runs into the stone. The tool shed will not present itself as a dam to the existing site's drainage which runs towards the rear of the property. We believe for the reasons stated above the deck and the tool shed will have a very minimal impact to the impervious area of the site.*

Please do not hesitate to contact me with any comments, questions or should you need additional information. Sincerely,



Peter B. Biegel, ASLA Maine Licensed Landscape Architect

DEPARTMENT HEAD REVIEWS:

William Longley, Code Enforcement Officer: No comments.

Dan Small, Fire Chief:

- 3) The building changes shall provide adequate exiting requirements on both the existing porch and the proposed deck as outlined in the National Fire Protection Association's Life Safety Code (NFPA 101).

TOWN ENGINEER'S REVIEW: *Note: Due to the fact that the proposed amendment does not affect the site circulation, parking or stormwater, the Town Engineer did not review the plan.*

Mr. Moriarty presented a brief history as follows: Last year at the May Planning Board meeting the Board reviewed the café standards which limits seating to 48 for a Café, the Planning Board forwarded the following language to the Town Council which was adopted on June 1, 2015.

Outdoor seating is permitted but must be buffered from adjacent uses by fencing and plantings unless located between the front of the structure and the public right-of-way. Outdoor seating shall not be counted toward the total seating referenced in § F(3)(a). Outdoor seating shall be permitted for up to 16 seats unless the Planning Board finds the unique characteristics of the site allows for additional outdoor seating. No additional parking shall be required for outdoor seating. [Amended, adopted 6/1/2015]

Mr. Peter Biegel presented an overview of the proposed additional outdoor seating as follows:

- Install a 6' x 8' tool shed for storage of maintenance items.
- Install a picnic table for employee
- Install two (2) Adirondack chairs for employees
- Add small tables with seats on the existing porch (six (6) seats total)
- Construct a 10' x 12' deck with bench seating and small tables (ten (10) total). The deck will have a six foot high shadow box railing to screen from the abutters opposite the condominiums.
- There will be no additional outside lighting
- A section of 6' high stockade fence is proposed to extend the existing 6' fence to the picket fence (As shown on the plan)
- The existing 48 seat restaurant requires 16 parking spaces; the parking lot was constructed with 36 spaces to accommodate a potential commercial building.
- The additional outdoor seating will be closed at 8:00 p.m.

Board members comments:

Mr. Moriarty asked about lighting.

Mr. Biegel stated there is existing recessed lighting in the ceiling of the porch and an existing lantern light at the location of the proposed deck.

Mr. Moriarty asked if there would be candles on the tables.

Mr. Biegel stated yes.

Mr. Sherr confirmed the outdoor seating would be seasonal.
Mr. Biegel stated yes only in nice weather.

Ms. Maloney-Kelley asked why the Adirondack chairs for employees were located next to the condos.

Mr. Biegel stated to utilize the large evergreen tree for shade.

Ms. Maloney-Kelley asked the purpose of the chairs.

Mr. Guidi stated he is closed between 3:00 and 4:30 in the afternoon to give the employees a place to relax.

Mr. Barrett asked about the lighting on the overall project.

Mr. Biegel stated there are residential posts with lamps on top, and aluminum back shields have been added to block light.

Mr. Saunders asked if the existing landscape plan had been completed.

Mr. Biegel stated yes.

The public portion of the meeting was opened.

Mr. Moriarty read into the record a letter dated May 12, 2016 from Gary and Patricia Heiselberg of 8 Village Way. The letter addressed concerns of:

- Unacceptable noise issues such as delivery arriving as early as 3:30 a.m.
- Noise from patrons in the parking lot is constant, it is only after the owner and or employees leave as late as 1)30 or 11:00 p.m. the noise stops.
- The dumpster is not being closed and trash and food debris are carried by the crows and squirrels into our yards.
- The cardboard on the lights has no prevented light from shining onto their property.
- They do not believe the current landscaping plan is in compliance, it does not provide sight and sound barrier as expected.
- The Heiselberg's strongly oppose any outdoor seating.
- (The entire letter is available in the Planning Department files)

Mr. Biegel addressed some of the concerns as follows:

- The cardboard has been replaced by aluminum shields to prevent back lighting against the fence.
- The owner will be more careful to keep the top of the dumpster closed.
- The existing trees will mature to approximately 15 feet in height and will be 4' to 5' in diameter.

Ms. Heiselberg of 8 Village Way stated the aluminum shields do not go to the top of the light and there is still light spillage. The dumpster is still a concern and as are deliveries as early as 3:30 a.m. and noise issues.

Ms. Carolyn Currie of 320 Main Street who abuts on the other side of the property stated Jim is a good neighbor, but her concern is the picnic table for employees. Our pool and patio are on the opposite side of the fence; we can't see them but can hear their conversations and smell smoke. The location of the picnic table would affect our quality of life and they have concerns of their conversations being heard. The

picnic table would be located 2' from our porch swing. Ms. Currie reminded Mr. Guidi to have all the lights go off.

Mr. Guidi stated they need to be re-set to 10:00 p.m. the time is off due to power outages, and all of his deliveries are after 7:00 a.m. with the exception of his baker who drops off two trays of bread around 6:30 a.m.

Mr. Doug Currie of 320 Main Street asked about the direction of the proposed deck. He agreed the picnic table would invade their privacy and would like confirmation the outdoor seating would not be used after 8:00 p.m. He asked if the lantern would be downward pointing, with a top.

Mr. Biegel stated 12' towards the front and 10' to the side. Mr. Biegel confirmed the lantern exists and has a top on it. Mr. Biegel stated the applicant did not need to have the picnic table.

The public portion of the meeting was closed.

The Board reviewed the proposed findings of fact:

MAJOR SITE PLAN 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 proposed amendment will not adversely affect any sensitive areas.

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.

The proposed amendment will not require modifications to the approved access and parking plan.

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 proposed amendment will not require modifications to the approved access and parking plan.

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 proposed amendment will not require modifications to the approved access, parking and circulation plan.

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 Stall	Skew	Stall	Aisle
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Angle	Width	Width	Depth	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 proposed amendment will not require modifications to the approved access and parking plan.

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.

The proposed amendment will not require modifications to the approved pedestrian circulation plan.

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 proposed amendment will not require modifications to the approved stormwater plan.

Based on the information provided, 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.

The proposed amendment will not require modifications to the approved erosion and sedimentation control plan.

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 proposed amendment will not require modifications to the approved plan for water provision.

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 proposed amendment will not require modifications to the approved plan for sewage disposal.

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.

The proposed amendment will not require modifications to the approved utilities plan.

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.

The proposed amendment will not adversely impact the quality or quantity of groundwater.

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 proposed shed will be used to store tools and other maintenance items. There will not be any storage of hazardous 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.

Technical capacity is evidenced by use of a professional landscape architect.

The cost of improvements proposed as part of this amendment is minimal and will be paid for from the applicant's cash on hand.

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 letter on file from the Maine Historic Preservation Commission (submitted as part of the original site plan approval) stating there are no historic or archaeological features on the site.

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.

The site is not located within the 100 year floodway of any river or stream.

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.

No additional lighting is proposed, however the existing wall-mounted light that will be used for the new deck area is unshielded. Installation of a shielded fixture is listed as a proposed condition of approval.

With the proposed condition of approval, 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.

The amended plan shows a new section of stockade fencing (16' long by 6' high) to be located between the area where the new deck is proposed and the abutting property owned by the Currie's.

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 amended plan shows a new section of stockade fencing (16' long by 6' high) to be located between the area where the new deck is proposed and the abutting property owned by the Currie's. The applicant has agreed to close both outdoor seating areas at 8:00 p.m.

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 proposed amendment includes the placement of a 6' x 8' tool shed that will store maintenance items.

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 no changes to the approved landscaping plan proposed as part of this amendment.

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 with 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.

The proposed amendment includes the placement of a 6' x 8' tool shed that will store maintenance items. The shed will be located adjacent to the rear

parking area in a location that is approximately equidistance from the two side abutting properties.

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 the plans and made recommendations for the project. They will be listed as a condition of approval as are approvals from any State and Federal agencies relating to fire protection.

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 parcel is located in the Aquifer Protection Area. The proposed amendments will not adversely affect the aquifer.

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.

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

TOWN CENTER DISTRICT REGULATIONS (Section 204.16)

204.16.5 The following minimum setbacks are required for all structures in the TCD district, except that sheds and driveways are permitted to a minimum setback of eight (8) feet from the side and rear lot lines:

- .1 Front: 15 feet
- .2 Rear: 15 feet
- .3 Side: 10 feet

204.16.6 The following performance standards shall apply within the TCD, provided however that the Planning Board may determine, based on the specific elements of a proposed development, that the standards be modified. For additional requirements relating to building and site improvements, refer to the Town Center District Design Standards.

- .1 **Building Design:** New structures, excluding single family homes, within the district shall be of a New England architectural style and materials consistent with Section 2.1 of the Design Standards.
- .2 **Lighting:** The use of exterior lighting shall be only as required for safety and to identify, during business hours only, businesses, parking areas and sidewalks. **Fixtures shall be fully shielded, giving off no light above the horizontal plane. There shall be no internally illuminated signs. No greater than 1 foot-candle lighting permitted on the site; and there shall be 0 foot candles at the property line.**
- .3 **Cafe Standards:**
 - .1 Seating shall be limited to 48 seats.
 - .2 No more than 20 square feet of advertising shall be permitted on site. There shall be no advertising placed in windows or doorways of the building. Advertising shall not include internally illuminated signs.
 - .3 No kitchen ventilation hoods will be mounted on the front door street side of the building *and will be located to minimize impact on neighboring properties.*
 - .4 Outdoor seating is permitted but must be buffered from adjacent uses by fencing and plantings unless located between the front of the structure and the public right of way.
 - .5 All parking and loading facilities shall be located to the side or rear of the building, and shall be screened from abutting residences within 200 feet. Screening shall be comprised of a continuous landscaped area not less than eight feet in width, containing evergreen shrubs, trees, fences, walls, berms, or any combination, forming a visual barrier not less than six feet in height.
 - .6 Restroom facilities for the patrons shall be provided on the premises.
- .4: **Parking Standards:** Parking shall be located to the side or rear of multiplex residential and non-residential structures.
- .5: **Buffering and Landscaping:** All non-residential uses 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.
- .6: **Hours of Operation:** All non-residential uses in the TCD shall be open for business only within the time frame of 6:00 a.m. to 9:00 p.m.
- .7: **Commercial Deliveries:** Commercial deliveries shall be limited to the hours of 7:00 am – 7:00 pm for all non-residential uses added to the district after April 11, 2011.
- .8 **Noise**
 - .1 Intent

These Performance Standards governing noise are intended to insure that the rights of property owners, as well as the overall health and general welfare of the District, are not diminished by unreasonable noise levels generated by any permitted or special exception use within the District.

.2 Maximum Permissible Sound Level

The maximum permissible sound level produced by any continuous, regular, or frequent source of sound or noise, shall not exceed a measurable level of seventy-five (75 dB) beyond the property boundaries of the site upon which the sound or noise is generated or originates.

.3 Sound or Noise Abatement

In order to comply with these maximum sound level requirements, sound or noise level abatement techniques may be used to mitigate levels of site generated sound or noise. To this end, modern acoustical technology may be applied to achieve compliance with these regulations

.4 Measurements of Sound or Noise

In cases where sound measurements are required in order to insure compliance with these regulations, measurements shall be taken:

- .1 With a device meeting the standards of the American Standards Institute, American Standard Specifications for General Purpose Sound Level Meters;
- .2 At a height of four feet (4') above prevailing grade at the property boundary in question;
- .3 With the instrument set to the A-weighted response scale; and
- .4 Recorded by an individual familiar with sound measurement and the particular device being used.

.5 Exemptions

.1 Activities related to public and private construction or maintenance work, agriculture, emergency warning devices, and other similar short term or temporary uses may be administratively exempted from the requirements of this Section if, in the opinion of the Code Enforcement Officer or his/her agent, sufficient reason exists to do so.

.2 In these special circumstances, the Code Enforcement Officer may place reasonable conditions (such as time limitations and hours of operation) on such an exemption.

TOWN CENTER DESIGN STANDARDS

PURPOSE:

- To facilitate the accomplishment of a primary goal of the 2009 Comprehensive Plan to provide a well-defined town center area with a mix of compatible uses that will contribute to the vitality, livability and sustainability of the entire town.

Applicant's Response: We believe that Louie's Grille, by providing high quality food and beverages in an aesthetically pleasing and controlled environment is contributing to the vitality, livability and sustainability of the entire town of Cumberland.

- To foster an attractive, functional and safe environment that is conducive to both housing and commerce, while providing for a safe vehicular, pedestrian and bicycling area.

Applicant's Response: We believe that the Louie's Grille development is attractive, well organized, well maintained and a safe environment for patrons and the neighborhood. The operating hours are 11:00 a.m. to 9:00 p.m. Monday through Saturday which we believe are very reasonable for a neighborhood café.

- To protect abutting residential properties through sensitive site planning, buffering and building design.

Applicant's Response: We believe the buffering and screening through the use of plantings and fencings has minimized impacts to abutting residential properties. We do not believe the proposed seats on the porch, or the deck with its proposed fence screening will have an unreasonable impact on the abutting residential properties.

- To preserve the architectural resources within this area.

Applicant's Response: The proposed site improvements will be well crafted and constructed to fit in with the existing building and landscape.

- To encourage high quality, economically viable development and redevelopment that is architecturally appropriate, that reinforces Cumberland's sense of place, and that is responsive to the Town's unique character.

Applicant's Response: We believe that Louie's has added positive character architecturally and economically to the Town of Cumberland and that this establishment does help reinforce Cumberland's sense of place. We believe that the addition of these seasonal outdoor seats will add to the character and vitality of the Town Center District.

SITE PLANNING AND DESIGN

1.1 Master Planning

There are few parcels within the district that are large enough to have multiple structures on them, however for those that are, developers are required 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.

Amendment does not involve master planning.

1.2 Professional Design

Developers are required to have their site plans designed and sealed by licensed professionals, including, but not limited to, civil engineers, architects or landscape architects as required by state and local regulations to address the health, safety, welfare and visual pleasure of the general public, during all hours of operation and all seasons of the year.

The Applicant has utilized a licensed landscape architect in preparing the plans.

1.3 Vehicular Access

All development within the Town Center District 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, shall be designed by a professional engineer.

1.3.1 Curb Cuts

To promote vehicular, bicycle and pedestrian safety, the number of curb cuts 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 Main Street. 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 Main Street'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 not grant 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. The MDOT may also require a Traffic Movement Permit if the number of vehicle trips exceeds the threshold established by the MDOT.

The amendment does not change the existing access location.

1.3.2 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, is 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.

The amendment does not affect site circulation.

1.4 Building Placement

Objective: Buildings should be placed on their sites in a way that is sensitive to existing site conditions and respectful of adjacent uses.

1.4.1 Location of Building on the Site

In placing the building on the site, the developer of all commercial properties shall 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. Many of the lots within the Town Center District are narrow and deep. This should be taken into account when determining how to orient the building on the site.

The amendment includes the siting of a small tool shed. It is to be located to the rear of the building next to the parking area and away from abutting property lines.

1.4.2 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 Main Street, the Main Street façade should still be made interesting and attractive to pedestrians and drivers on Main Street.

The amendment does not change the location of the building entrance.

Universal Accessibility

Development of all commercial 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).

The building permit for the deck and shed will require compliance with the Americans with Disabilities Act (ADA).

1.4.3 Lot Standards

The following lot standards shall apply within the Town Center District to all non-residential and duplex and multiplex residential developments.

1. 10,000 sq. ft. minimum lot size, if sewered; 20,000 sq. ft if not sewered.
2. In the case of duplex or multiplex developments, the minimum lot area per dwelling unit shall be no less than 5,000 sq. ft.
3. There shall be no less than 80 feet of lot frontage. This provision shall not apply to Map U13 Lot 109.
4. The front setback shall be no less than 15 feet and no greater than 45 feet from the property line.

5. The rear setback shall be no less than 15 feet.
6. The side setbacks shall be no less than 10 feet.
7. The driveway and parking area setback shall be no less than 8 feet from side and rear property lines.

The amendment does not change the existing, conforming lot standard requirements.

1.5 Parking

Objective: The development shall provide safe, convenient and attractive parking. Parking lots will be designed to complement adjacent buildings and should not be the 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. Given that most lots in the district are narrow and deep, parking will be located to the side or rear of the buildings unless waived by the Planning Board due to site constraints. No multi-story parking facilities are permitted.

The amendment does not change the parking area.

1.5.1 Landscaping

The developer shall provide adequate landscaping to insure that views from Main Street and abutting properties are attractive, and to buffer the presence of the parking and buildings.

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

Existing mature trees should be retained whenever possible, but if they must be removed, trees of a similar size should replace them. The buffer area should be landscaped either with trees, or with flowering shrubs, fencing, or such architectural elements as stone walls.

Provision of street trees will define the street edge, provide shade and contribute to the village setting.

When 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.

There is no new landscaping proposed.

1.5.2 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.

A location for snow storage has been shown on the amended plan.

1.5.3 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.

Based on the information provided, the amendment will have very minimal impact on the amount of impervious surface on the site.

1.6 Service Areas

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

1.6.1 Service Area Location

Service areas should be located so that they are not visible from Main Street or from the building entrance. Locations that face abutting residential properties should also be avoided.

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

1.6.2 Service Area 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.

Gates on enclosures should be designed to prevent sagging or binding. The fence material shall be wood or a composite material resembling wood.

1.6.3 Service Area Buffering and Screening

Service areas must be screened to minimize visibility from sensitive viewpoints such as 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.

There are no changes being made to the service areas as part of this amendment.

1.7 Open Space

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

1.7.1 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.

No changes proposed.

1.7.2 Landscaping

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.

Existing plants appear to be healthy.

1.7.3 Usable Open Space

Developers should submit site plans that 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.

The proposed amendment includes the addition of a small deck and shed. This reduces the amount of open space by 168 sf.

1.8 Buffering of Adjacent Uses

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.

1.8.1 Appropriateness

The selection of the proper type of buffer should result from considering existing site conditions, distances to property lines, the intensity (size, 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.

1.8.2 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.

1.8.3 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.

There are no changes being made to the buffering plan as part of this proposed amendment.

1.9 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 shall 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.

1.9.1 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.

There are no changes being made to the erosion and sedimentation plan as part of this proposed amendment.

1.9.2 Stormwater Management

All stormwater management systems should be designed to create the least visual impact on the site. Open ditches are not permitted. Drainage should be confined to a closed system of pipes. All such measures should fit unobtrusively into the landscape.

There are no changes being made to the stormwater management plan as part of this proposed amendment.

1.10 Utilities

It is important to make efficient use of the utility infrastructure that exists along Main Street, and to ensure that utility connections to individual development lots are as inconspicuous as possible. Underground utilities are required.

1.10.1 Water and Sewer

All proposed development in the Main Street 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.

1.10.2 Electric, Telephone and Cable

Electric, telephone, cable and other wired connections from existing utilities within the Main Street District 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.

There are no changes being made to the utility plan as part of this proposed amendment.

ARCHITECTURAL DESIGN

2.1 Building Style

The purpose of these standards is to encourage architectural styles within the Main Street District that draw their inspiration from traditional New England examples. "Vernacular" refers to the architecture that develops in a particular geographic area. Traditional New England buildings look like they do because of the climate, the materials and technologies available for building and the styles of the 19th century. These standards 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 permitted when appropriate.

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 not permitted.

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” are rows of small panes that were commonly placed over and next to doors. Window frames often have a decorative wood or stone pediment over them.

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 100 façade, below a pediment. Victorian buildings use a wealth of turned columns and decorative scrollwork 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.

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 not permitted.

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.

2.2 Larger Structures

While it is not anticipated that larger structures will be built in the Town Center District, in general, larger structures (greater than 10, 000 square feet with a 5,000 sq. ft. footprint) have the ability to greatly enhance or detract from the character of the area. It is critical that larger structures, when permitted, are responsive to their site and compatible with adjacent development.

2.2.1 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.

2.2.2 Roofs

Variations in rooflines, detailing, cornice lines and building heights should be incorporated into the design to break up the scale of linear residential or commercial buildings. Roof colors should be muted earth tones or a color that is darker than the façade. Garish roof colors are prohibited. The roofing materials should be selected to complement the color and texture of the building's façade. Flat roof and A-frame roofs are not allowed.

2.3 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.

2.3.1 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.

2.3.2 Franchise Design

While the vision for businesses on Main Street does not include franchises, they cannot be prevented. Therefore, the elements contained in these standards are of particular importance. Traditional franchise architecture often features 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 (think Golden Arches). However, franchises have been willing to use existing "vernacular" buildings, and sometimes have designs that somewhat reflect local styles.

2.3.3. Mixed Use Buildings

Buildings containing mixed uses, e.g., offices on the first floor with residences located above, 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.

2.4 Residential Structures

Objective: New residential development on Main Street should be well designed and constructed, and is encouraged to adhere to the traditional styles of New England residential architecture. The large mass 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, brick and clapboards are required, though modern low-maintenance materials such as cementitious shingles and clapboards may be substituted.

Not applicable

2.5 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.

Not applicable

SIGNAGE

Signs play a central role in providing much-needed information and setting the tone for the Main Street corridor. They inform motorists and pedestrians, and have a direct effect on the overall appearance of the town center. 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

Commercial uses along Main Street 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.

3.1.1 Signage Plan

For development proposals requiring one or more signs, the applicant shall provide a detailed signage plan 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.

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.

3.1.3 Sign Colors

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

3.1.4 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.

The use of variable message "reader boards", sponsor logos, slogans or other messages that promote products or services other than the tenants' are not permitted.

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

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.

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.

3.2.2 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. Note how this concept is reflected below in the photos of a local business.

3.2.3 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 standards 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.

3.2.4 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.

3.3 Sign Illumination

Only externally lit signs are permitted in the Main Street District 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. Sign lighting should be shut off after business hours.

There are no changes being made to the signage plan.

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 do not waste light by casting it outward and upward.

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.

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, 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 shall be set at the minimum level necessary to provide for public safety within one hour of the business closing.

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 skyglow.

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.

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.

There are no proposed changes to the previously approved lighting plan.

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

Mr. Davis seconded.

VOTE: Unanimous 6-0

Mr. Saunders moved to approve the Site Plan Amendment to add outside seating to include 6 new seats on the existing porch; 10 seats on the new 10' x 12' deck, 2 Adirondack chairs and the construction of a 6' x 8' tool shed at Louie's Grille, 319 Main Street, Tax Assessor Map U13, Lot 110. This approval is granted subject to the findings of fact and The Limitation of Approval, Expiration of Approval, the Standard Condition of Approval and the five (5) proposed Conditions of Approval.

Mr. Davis seconded.

VOTE: Unanimous 6-0

LIMITATION OF APPROVAL:

Construction of the improvements covered by any site plan approval must be substantially commenced within twelve (12) months of the date upon which the approval was granted. If construction has not been substantially commenced and substantially completed within the specified period, the approval shall be null and void. The applicant may request an extension of the approval deadline prior to expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to two (2), six (6) month extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current

EXPIRATION OF APPROVAL:

Construction of the improvements covered by any site plan approval must be substantially commenced within 12 months of the date upon which the approval was granted. If construction has not been substantially commenced within 12 months of the date upon which approval was granted, the approval shall be null and void. If construction has not been substantially completed within 24 months of the date upon which approval was granted or within a time period as specified by the Planning Board, the approval shall be null and void. The applicant may request an extension of the deadline to commence or complete construction prior to expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to two one-year extensions to the period of any and all federal and state approvals and permits are current.

STANDARD CONDITION OF APPROVAL:

This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted by the applicant. Any variation from the plans, proposals and supporting documents, except minor changes as so determined by the Town Planner which do not affect approval standards, is subject to review and approval of the Planning Board prior to implementation

Proposed Conditions of Approval:

1. That all fees be paid prior to the issuance of a building permit.
2. There shall be no outdoor seating after 8:00 p.m.
3. That all exterior light fixtures have shielded sides; all lighting to conform to the approved lighting plan.
4. The picnic table is deleted on the plan.
5. All prior conditions of approval at initial approval apply to the amendment.

3. Sketch Plan Review: Concept plan for a 96 unit, market rate apartment complex; U.S. Route 1, Tax Assessor Map R01, Lot 12 in the Office Commercial South (OCS) district, with a

contract zone agreement; Cumberland Foreside Village, LLC, David Chase, Owner, Applicant. Tom Greer P.E., Pinkham & Greer Civil Engineers, Representative.

Mr. Moriarty stated this item is a sketch plan and the Board will not take any action this evening. The purpose of a sketch plan is for the developer to get feedback from the Board and neighbors regarding design. History of the project is:

- July 30, 2015 – Major subdivision approval for 45 single family homes with additional lot for a future 32 unit apartment complex.
- January 19, 2016 – Concept Plan to allow 96 apartment units.
- February 16, 2016 – Approval and recommendation to the Town Council to amend the contract zone to allow for 96 unit apartment complex.
- April 11, 2016 – Council adopted and approved the amendments to the Contract Zone Agreement.

Mr. Tom Greer, P.E. Pinkham & Greer Civil Engineers presented an overview of the project as follows:

- The site currently has a Site Location of Development Permit and a Natural Resources Protection Act Permit. This project will be an amendment to those permits as well as the Town's Subdivision and Site Plan Approval. This project is the modification of Lot 100 from 32 residential units to 96 residential units. The project will also include a small community building. The access will use an existing driveway, upgraded to a 24' wide road. The total lot area is 10.58 acres. The (8) 12 unit buildings have a foot print of 35,000 sq. ft. There will be parking for 196 cars. The parking will accommodate 2 spaces per unit. The additional parking for 2 cars per unit may change on the submitted plan. The community building will also have parking.
- The final landscape plan is being done by Mohr & Seredin and will be submitted at final application. There will be buffer trees between buildings and along the street: the 45-single family homes being built on Tax Assessor Map R01-11-7 will have a separate access Casco Bay Drive. There will not be access from the apartment units to the single family homes.
- There will be a total of three access roads to Cumberland Foreside Village, Sky View Drive where Exactitude is located, Casco Bay Drive, (single family homes) and the new access road to the apartment complex. The proposed new access road is to be a private road.
- The stormwater will be managed in six underdrained soil filters.

Board members comments:

Mr. Moriarty asked when they expected to be back to the Board for review.

Mr. Greer stated June or July they are working with DEP on amended permits for stormwater.

Mr. Sherr asked if the review would include the additional parking lot.

Mr. Greer stated it will include the impervious area.

Mr. Sherr asked why not build the parking.

Mr. Greer stated data shows that 1.5 to 1.75 spaces per unit is adequate, some units will be single units for only one person.

Mr. Sherr asked if the proposed road was to be private, and Sky View Drive and the residential houses were to have a public road.

Mr. Greer stated yes, the road is to be private. The contract zone specifies the road requirements.

Mr. Barrett asked about a 2nd egress to the 2nd and 3rd floor apartments.

Mr. Greer stated he is not an architect but he understands the plans will be code compliant they are built as two separate 6-unit buildings. The buildings will have fire sprinklers.

The public portion of the meeting was opened.

Mr. Ardito and his daughter Elaine Ardito of 8 Casco Bay Drive voiced concerns regarding the gate between the residential subdivision and the apartments, it is critical to the value of her house to have no public access.

Mr. Loni Graiver, potential builder for the project stated he lives at 40 Farm Gate Way in Falmouth and there is a cut off through their property. He is fully committed to the gate.

Ms. Shirley Storey-King, 28 Shirley Lane stated she had three concerns;

1. The contract zone requires berms be built as a condition of the approval. How many parking spaces would be lost with the construction of the berms?
2. Will the north boundary be surveyed? She has presented deeds showing a dispute.
3. DEP amendments will that be added to the packet.

Mr. Greer stated:

- The plan proposes a fence as an alternative to the berms to block headlights.
- The packet includes a stamped boundary survey.
- The Stormwater Plan is designed to meet Stormwater Management for Maine: Best Management Practices.

Mr. David Chase stated the property has been surveyed four times, all four surveys are consistent. Mrs. Randall's deed calls out a stone wall; it is there. He is having a fifth survey done by Owen Haskell who will research the deeds. There have not been any discrepancies in the surveys.

- 1998 by Dan LaPointe
- Updated in 1996 by Dan LaPointe
- 2006 – Surveyed by Survey Inc.
- 2013 – BH2M

Ms. Janet Hotham of 63 Middle Road asked about the trail in the undisturbed buffer.

Mr. Greer stated there are no proposed trails.

Ms. Nixon stated the Route One Design Standards require a pathway along the front of Route One. That is not what Ms. Hotham was referring to. (Ms. Nixon will research the Contract Zone regarding the trail with Mr. Shane and report back to the Board)

Ms. Hotham asked about outside lighting and location of doors and windows facing I-295. The doors are on the ends of the units and there will be no additional lighting except windows on the second and third floor of the buildings.

Mr. John Neutz of Casco Bay Drive asked about the buffering between the two roads.

Mr. Greer stated what you see today stays.

Ms. Storey-King asked about a site walk to see the location of the buildings and the density of the project, and parking lots.

Mr. David Chase, Applicant stated he will be doing some site work and blasting within the next few weeks, and asked direction from the Board regarding a 5' fence or a 3' berm. The contract zone calls for a berm but the fence would be more effective.

Ms. Nixon will consult with Mr. Shane regarding the language of the contract zone and a fence verses a berm.

Mr. Chase continued stating there are four big Oak Trees in Phase III which will be removed and a few more trees on the property. None of the trees he will remove are the ones referred to by Mr. Neutz.

The Board will conduct a Site Walk at the property on Wednesday, June 8, 2016 at 5:30 p.m.

The Board members and any public attendees will meet at the new drive.

The Board took no action on this Sketch Plan Item.

The Board took a 5 minute break at 9:15 p.m. The Board resumed at 9:25 p.m.

4. Public Hearing: Cumberland Foreside Village Residential Subdivision, Amendment to change location of stone wall at entrance area. Tax Assessor Map R01, Lots 11-7, 11A, 12. Cumberland Foreside Village, LLC, Owner and Applicant, Tom Greer, P.E., Pinkham and Greer Civil Engineers, Representative.

Mr. Greer stated the original plan requested the stones from a stone wall in the middle of the site be salvaged for an entrance feature. The original plan placed the stonewall parallel to Route One. The amendment will place the two stone walls perpendicular to Route One to create a gateway to the project.

Mr. Berrett asked why they didn't show both stone walls.

Mohr & Seredin took photos and didn't understand we wanted to show two stonewalls.

Ms. Nixon asked if both stonewalls would be the same length.

Mr. Greer stated yes.

Mr. Moriarty clarified the applicant is proposing two stone walls perpendicular to Route One.

The public portion of the meeting was opened.

Ms. Storey-King of 28 Shirley Lane stated she loves stone walls, and these have already been built.

The public portion of the meeting was closed

Ms. Nixon suggested as a condition of approval that a revised plan be provided to the Town Planner showing the two stone walls perpendicular to Route One.

Mr. Berrett moved to amend the Cumberland Foreside Village Residential subdivision plan to change the location of stone walls at the entrance area. Tax Assessor Map R01, Lots 11-7, 11,A, 12 including a condition that a revised plan be provided to the Town Planner showing the location of two new stone walls perpendicular to Route One.

Mr. Saunders seconded.

VOTE: UNANIMOUS – 6-0

5. Public Hearing: Amendment to Cumberland Memory Care Site Plan, Lot 5, Cumberland Business Park, U. S. Route One as shown on Tax Assessor Map R02 D, Lot 1, FMC Development, LLC, Owner and Applicant: Tom Greer, P.E., Pinkham and Greer Civil Engineers, Representative.

Mr. Greer presented the proposed changes to the site plan as follows:

- Remove footbridge across wetland
- Add 265 sq. ft. to the building footprint
- Revised dumpster location
- Revise propane tanks, re-located for future connection to natural gas.
- Changed the pavement section – reduced pavement from 4” to 3”
- At the request of Norton Insurance, reduce the shoulder on the right from 4 feet to three feet to leave additional buffering.
- Added two small basins in the courtyard to collect roof water
- Modified the walks to match the current layout

Mr. Moriarty asked if the deletion of the propane tanks would need to come back to the Board.

Ms. Nixon stated no, she could approve as a field change.

Mr. Barrett asked how difficult it would be for residents to get to the walking trail.

Mr. Sherr asked if the re-location of the dumpster would affect the existing trail.

Mr. Greer stated the residents would walk down the entrance and through the parking area to get to the trails. Residents will walk in front of the dumpsters.

Ms. Nixon asked if they wanted to leave the foot bridge on the plan in case they want to construct it in the future.

Mr. Greer stated due to the wetland impact it is cost prohibitive to construct a bridge.

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

Mr. Saunders moved to amend the Site Plan for Cumberland memory Care at Lot 5, Cumberland Business Park, US Route One, as shown on Tax Assessor Map R02D, Lot 1. The amendments include the eight specific requests by the applicant in the letter dated April 25, 2016 to Carla Nixon.

Mr. Davis seconded.

VOTE: Unanimous 6-0

1. Remove footbridge across wetland
2. Add 265 sq. ft. to the building footprint
3. Revised dumpster location
4. Revise propane tanks, re-located for future connection to natural gas.
5. Changed the pavement section – reduced pavement from 4” to 3”
6. At the request of Norton Insurance, reduce the shoulder on the right from 4 feet to three feet to leave additional buffering.
7. Added two small basins in the courtyard to collect roof water
8. Modified the walks to match the current layout

G. Administrative Matters: The Board will have minutes from the last five meetings to approve at the June 21st meeting.

H. Adjournment:

Mr. Saunders moved to adjourn.

Ms. Maloney-Kelly seconded.

VOTE: Unanimous 6-0

The meeting was adjourned at 9:45 p.m.

A TRUE COPY ATTEST:

Stephen Moriarty, Board Chair

Pam Bosarge, Clerk to the Board