

**PLANNING BOARD MEETING  
TOWN OF CUMBERLAND  
Cumberland Town Hall  
290 Tuttle Road, Cumberland, Maine 04021  
Tuesday, December 17, 2013  
6:00 p.m.**

**A.     *Call to Order:*** The meeting was called to order at 6:10 p.m.

Mr. Neagle noted for the public record that the Planning Board had attended a site walk on December 7<sup>th</sup> in reference to Items # 2 (Friend's School) and Item # 4 (Integrative Health Center of Maine).

**B.     *Roll Call:***

***Present:*** Chris Neagle, Chair, Teri Maloney-Kelly, Gerry Boivin, Josh Saunders, Peter Sherr,  
(arrived at 6:20 p.m.)

***Absent:*** John Ferland, Vice-Chair, Jeff Davis

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

**C.     *Approval of Minutes of the November 19, 2013 meeting***

Mr. Boivin moved to approve the minutes of November 19, 2013.

Ms. Maloney-Kelly seconded.

VOTE: Unanimous 4-0

**D.     *Staff Site Plan Approvals:***

***1.     Maine Standards Minor Staff Review to add storage shed.***

Ms. Nixon stated the shed would be used for overflow paper goods, and snow shovels etc.

**F.     *Hearings and Presentations: Public Hearing:***

***1.   Public Hearing: To recommend to the Town Council draft amendments to the 2009 Comprehensive Plan as recommended by the Comprehensive Plan Update Committee.***

Ms. Nixon stated that April Caron, Chair of the Comprehensive Plan Update Committee was present this evening to give an overview of the Committee's recommendations.

Ms. Caron reviewed the proposed changes as follows:

**TOWN Council Charge**

"The Cumberland Comprehensive Plan Update Committee shall review key elements of the 2009 Comprehensive Plan and recommend to the Town Council changes to the plan that reflect the current 10 year vision for the town."

Defined Scope of Work  
Update demographics w/ 2010 Census Data  
Review Housing Chapter  
Review Land Use Chapter

Review Public Facilities Chapter  
Review Vision Statement  
Defined Time Frame  
To begin no later than May 15, 2013;  
To meet on a monthly basis;  
To provide recommended changes to Council by November 15, 2013.

**Small, Experienced Committee**

2013 Comp Plan Update Committee Members:

April Caron, Chair (Resident)  
Peter Sherr, Vice Chair (Plng. Bd.)  
Teri Maloney-Kelly (Resident, then Plng. Bd.)  
Jim Guidi (Resident)  
Peter Bingham (Plng. Bd., then Council)  
Shirley Storey-King (Council)  
George Turner (Council)

**Why Update the 2009 Plan?**

1. There have been many changes relating to land use, infrastructure and affordable housing over the last 4 years;
2. Consider 2010 Census Data and begin 10 year plan update periods to reflect most recent decennial Census information;
3. Ensure current zoning reflects current needs;
4. Consider whether “**The Vision**” as stated in the 2009 plan is reflective of all the above.

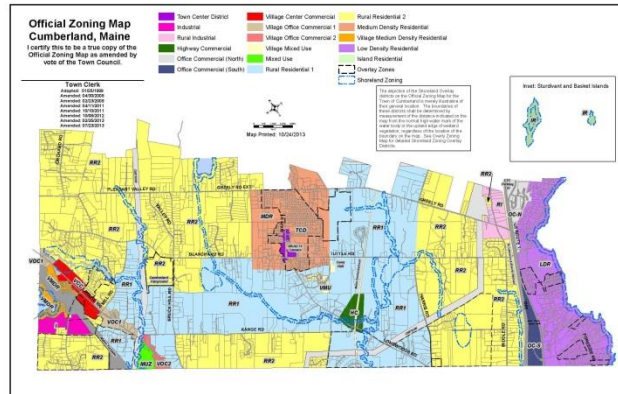
**2009 “Vision” Accomplished?**

- Preserve the community’s rich agricultural heritage;
- Implement programs and practices to assure environmental sustainability;
- To make available quality affordable housing for people of all ages and income levels;
- To expand its non-residential tax base
- To facilitate moderate growth through prudent planning.

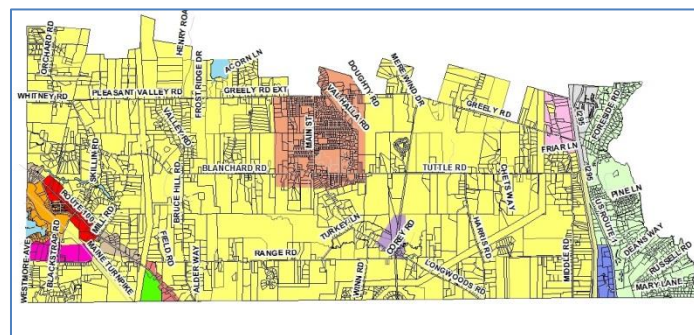
**Vision statements should reflect broad objectives for the next 10 year planning period.**

**Possible Modifications.....**

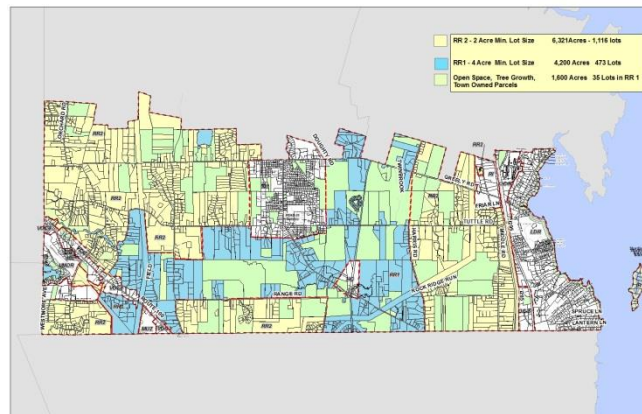
- Consider if differentiating between RR 1 and RR 2 is necessary and equitable.
- Recognize the importance of infrastructure investments to provide for better public health and safety, as well as facilitate economic development.
- Emphasize importance of enabling affordable housing developments, and also for a continuum of care (e.g., assisted living, memory care, etc.)
- Continue to emphasize the importance of enabling new non-residential development to provide a balanced tax base and to allow residents to obtain basic goods and services locally.



**CURRENT ZONING MAP**



**Proposed Zoning Map**



**Parcels in Town**

## Land Use Chapter RR 1 & RR 2

- RR 1 requires 4 acres per house lot; RR 2 requires 2 acres
- Rationale when implemented was that the soils in the RR 1 areas were less suitable for septic waste disposal.
- Committee proposes to create one RURAL RESIDENTIAL Zone:
- With 2 acres lot size minimum and all the same uses and requirements as currently allowed in the 2 zones.

## **Land Use Chapter**

### **Route 1 Additional Uses**

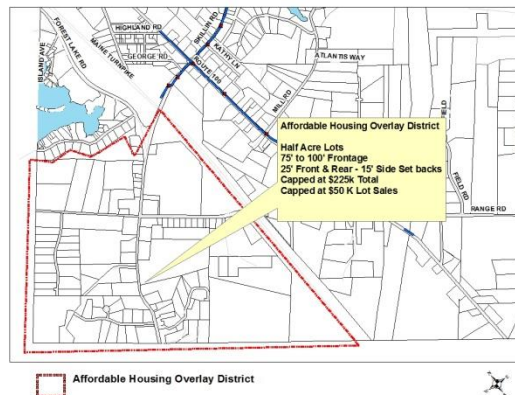
- Add two new commercial uses to support residents and office workers in the area while increasing the tax base.
  1. Restaurants: Limit size, hours, design.
  2. Retail: Limit size, hours, design

## **Public Facilities (Infrastructure) Chapter**

- Continue fund the 2012 Pavement Plan.
- Continue to pursue alternative road funding sources.
- Continue to support expansion of the natural gas pipeline throughout town.
- Continue the Enterprise Fund model for maintaining sewer system.

## **Housing Chapter**

- Create an Affordable Housing Overlay District west of Rt. 100. This area includes gravel pits (Industrial District) as well as two new residential subdivisions (Foxes Gore & Old Colony).
- More residents are needed in this area to support new and existing businesses.
- Residential uses are more protective of the aquifer than industrial.
- Proposed Affordable Housing Overlay District: This district would give a density bonus for
  - 22,200 sq. ft. lot sizes
  - 100' +/- Road Frontage
  - Maine Public or Private Road Standards
  - Public Water



## **Update Plan w/ 2010 Census Data**

### **Reflect changes in the following chapters:**

- **Population and Demographics;**
- Housing;
- Public Facilities;
- Land Use
- Also update/revise relevant maps in the plan.

## **Questions/Comments?**

Mr. Neagle reviewed the process stating tonight the Planning Board is asked to make a recommendation to the Town Council for the recommended updates to the Comprehensive Plan. Any zoning changes would be at a separate public hearing, which would go before the Planning Board and then be forwarded to the Town Council.

**Mr. Neagle opened the public portion of the meeting.**

Ms. Sarah Russell of 198 Tuttle Road stated she felt the changes to the RR1 / RR2 zones would be a noticeable impact to the rural area it is 1/3 of the land mass for Town and would have a drastic impact on the character of Town. Ms. Russell stated she is not anti-development; she would like to see a thoughtful process for development maybe in one area but not the entire town. Cumberland has spent money on infrastructure such as gas, water, sewer which will encourage development. I live on a beautiful rolling hill with sheep; a property that would allow for development. She continued stating there should be a larger conversation, and what about conservation subdivisions, she is frustrated with the process there should be more involvement from the beginning, with more outreach with a letter to residents. She is on the focus group for the Superintendent Search and one of the questions asked was; all three surrounding towns are looking for a superintendent, what sets Cumberland apart. The consultant stated have you driven through Cumberland it is beautiful.

Ms. Nixon stated the Conservation Subdivision does not exist; the Planning Board and Town Council held a workshop as a recommendation of the 2009 Comprehensive Plan and determined that the current cluster subdivision provisions covered the same aspects as the conservation subdivision.

Mr. Neagle stated the cluster provision is not changing; this recommendation is specific to the areas of RR1 and RR2.

Ms. Russell again stated she is proposing a greater dialogue to balance development with rural character and economic consideration due to increased value of lots.

Ms. Jennifer West, of 193 Range Road stated she had read the proposed amendments and was concerned about two of the proposed changes in the Land Use Chapter. She presented the Board a letter of written concerns which will be added to the record.

1. "To consider revising the two rural residential zones...to one zone "Rural Residential" that requires a two acre minimum lot size.
2. Reduce the cost for connecting into public water and sewer where available.

Ms. West suggested the following suggestions for action items.

- Develop a Master Plan to direct growth and minimize sprawl within RR1 and RR2 zones. This would be particularly important if the two zones are merged into one with two acre minimum lot size.
- Identify mechanisms to be incorporated within the Town Ordinance to encourage affordable housing.

- In conjunction with a Master Plan, review and update the Subdivision Ordinance to encourage clustered development, for either Minor or Major Subdivisions that maintain open space, sidewalks, and mixed uses.
- Provide developers with incentives to work in growth areas.
- Discourage traditional development on minimum lot sizes, which disturb more land area and increase infrastructure costs (roads, water, sewer).
- Encourage site design that limits land disturbance (tree clearing, land grading) and enhances landscaping, reduce impervious surfaces, etc.

Ms. Carin Wilson of 15 Stowell Brook Road, North Yarmouth stated both of their properties on Wilson Road are zoned Rural Residential One, which require 4 acre minimum lot sizes. She and Gary her husband were the original residents to present this issue to the Town Council a year ago; and then to the Planning Board when the Castlerock housing was approved with less than half acre lots. She supports the zoning proposal to give fairness and equality to landowners, and to bring young families to Town. She stated many landowners who might have the option of splitting their land, probably wouldn't split the land.

Mr. Neagle thanked Ms. Wilson for her comments.

Mr. Brad Hilton of 51 Blanchard Road thanked the Comprehensive Plan Update Committee for their time and service. Mr. Hilton stated he felt the cons outweigh the advantages of this type of zoning change.

1. If this were allowed it would create damage to the rural nature.
2. The current four acre lots would increase the value and taxes if they were able to become two lots.
3. Decreasing lot size requirements might increase population enough to require adding teachers and enlarging facilities. He doesn't want to see any additional fiscal impacts on taxpayers.

Mr. Neagle thanked Mr. Hilton for his comments, stating the Board has been told with the current school funding formulas growth would not increase taxes.

Ms. Sally Stockwell of 163 Range Road stated she has been a Cumberland resident for twenty-five years, and has been very involved in issues to balance rural character, conservation and development. I have served on the Conservation Committee and the Rines Forest Committee and was involved with the citing location of the Middle School. Ms. Stockwell stated she has worked with Towns across the State updating their Comprehensive Plans regarding preserving Open Space and the use of Conservation Subdivisions. She suggested the town take a step back and look at targeted areas for growth. She worked with Standish to develop village centers with dense building, businesses etc. This process was a community process; which involved what would a walkable town center look like, how to keep farmland and forest land for sustainable living, and look at growth with concerns of sprawl. This issue needs a bigger community discussion. The Land Trust is working for connectivity of trails and this might undermine that work. There are ways to have diverse development and not undermine resources. The difference between the Conservation Subdivision and Cluster subdivision are:



Cluster subdivision: The houses are clustered together and after steep slopes, wetlands, poor soils and house locations the unbuildable land is left as the open space. This open space is usually not connected to any existing trails.

Conservation subdivision: This process reviews the parcel for highest value in relation to resources, wildlife habitats and trail connectivity; the open space is designed to interconnect to the network of existing trails.

Mr. Tom Foley of 29 Granite Ridge Road stated his concern is in reference to the Route One corridor; he supports commercial development on Route One; under the current contract zone only one lot allowed retail and restaurant uses; he would like to see development emphasis on commercial, to retain the rural character of Route One. He questioned opening the door to this type of development; and asked if specific lots were discussed for retail and restaurant use.

Ms. Caron stated the committee did not discuss specific lots; a goal and emphasis of this committee was to not use contract zones. These uses were discussed to provide amenities for the current businesses and residents along the Route One corridor.

Mr. Neagle asked if the committee considered guidelines and restrictions on size of retail and restaurants to discourage big box retail and chain type restaurants; similar to the Route 100 Guidelines and the Town Center District standards. He also stated the Committee would be prohibited from picking out lots as this would be spot zoning.

Ms. Caron stated absolutely we discussed this and did not make any specific recommendation, but the proposal was to be similar to the Route 100 Guidelines or the Town Center District guidelines.

Mr. Foley asked is retail would have size limitations such as 3,500 sq. ft. – footprint.

Mr. Neagle stated the Comprehensive Plan is not that detailed; if this change gets adopted then a more specific zone change would be presented to the Town. Cumberland Foreside Village development is the only property with a contract zone.

Mr. Chris Franklin of 130 Range Road stated he felt there was plenty of room for growth in Town without reducing the lot sizes of RR1. He agreed with having the census data align with the comprehensive plan cycle. In tonight's presentation the Committee stated they didn't see a need to prohibit growth. He stated the role of a Comprehensive Plan is to target growth to certain areas and to preserve areas you want to maintain rural. Mr. Franklin stated the Town's Ordinance definition of RR1 states to protect the Rural Character of Town; he asked if the Conservation subdivision had been presented before the Board.

Mr. Neagle stated it was presented at a workshop; as stated previously it was not that much different from the current clustered provision that the Planning Board currently uses.

Mr. Franklin continued stating he is opposed to the changes, and stated the 2009 Comprehensive Plan supports open space; this zoning change would have potential for 2,000 lots. Mr. Franklin stated there were 239 action items in the 2009 Comprehensive Plan and there is still more to do.

Mr. Neagle stated as the Board heard earlier Range Road is split on either side of the road, and a resident voiced concern of equity.

Ms. Nixon stated not all goals have been completed, but many have been met, and many goals are continuing to be met in an on-going process. There are not enough differences in the cluster and conservation subdivision to abandon the cluster provisions. The cluster subdivision requirements identify sensitive areas, existing trail connectivity and open space.

Mr. Neagle stated maybe we should mandate cluster and not traditional subdivisions.

Mr. Denny Gallaudet of 67 Range Road stated the development of RR1 and RR2 initially relied on soils and water; and on Range Road had both of those restraints have been eliminated; septic technology has improved so there are no soil issues. Has there been any thought given to how the Town would handle the challenge of exclusionary zoning back when it was enacted.

Mr. Neagle stated that was a good question; however he did not have an answer.

Mr. Ron Cedrone of 27 Falcon Drive stated he has been a resident for three years. He stated Falmouth went too far in development and the rural character is what attracted him to Cumberland. He supports Route One development but wouldn't want to have a McDonalds, or chain type restaurant. He was involved with the Frye Island Comprehensive Plan revisions and encouraged the Town to listen to input from the residents.

Ms. Karen Harold of 67 Wild Apple Lane stated she was impressed with the 2009 Comprehensive Plan process, it was comprehensive and she was proud to be part of her town. Having been on the school board she is acutely aware of the accusation we didn't know anything about this; it may have been noticed on the website etc. I can't claim I wasn't informed I could have been informed. This is a really big change and she would recommend a bigger process, such as enlarge the committee, surveys etc. in relation to the RR1 and RR2 districts.

Mr. Bill Shane, Town Manager stated he has been the town manager for eleven years and lived in town for over twenty years. I do want to address the plan that is before the Board. Mr. Shane referred to the Comprehensive Plan slides stating when you look at the yellow and the blue areas the yellow is approximately a 40% larger land area than the RR1 zone. The RR2 is bigger than the RR1 zone, in the blue zone there are 1600 acres or nearly 40% of the blue zone is either owned by the Town or in designated open space. There would be a significant penalty to remove that land from those designations; those of you have your land in open space know it is somewhere between thirty and forty cents on the dollar from a taxing standpoint. The landowners get a credit for allowing all of us to enjoy the open space and not have to pay for it. There is an incentive that the State gives to landowners; in the town of Cumberland we receive about a \$34,000 check annually for the open space deduction town wide. These open space areas are also in the RR2 zone. In the heart of RR zone is the Rines Forest, just recently we acquired



another twenty-nine acres to add to that piece, which is currently in the yellow triangle. The town has been working aggressively with the Lands Commission to preserve land; we are aggressively looking to protect all of the area around Knights Pond, which consists of over 200 acres in Cumberland and North Yarmouth which could be preserved in perpetuity in conservation. This town during some of the most difficult financial times was able to put aside nearly \$300,000 dollars over the last ten years to make sure the town has money available in the event an open space parcel that is significant becomes available. The Council feels the Knights pond piece is worth protecting for the future. The trek from the Rines Forest to the Knight's pond connects through public and private easements through the land trust which will be some of the best habitat protection in the town. The Town owns over a thousand acres of open space; we are not blind to looking at open space and the value it brings to our community. The Comp Plan has to be looked at; to put it on a shelf and do nothing because we need to abide by an artificial clock is silly and not responsible. As times change, we need to change; at the 2009 Comprehensive Plan about 43% of residents surveyed said they didn't want to pay for any more open space. We have been creative and looking at ways to work with the Land Trust to obtain easements. The twenty-nine acres added to the Rines Forest was given as a gift. This is just a first step in a very long process; this isn't about zoning this is about the Comprehensive Plan. The next step is to go back to the zoning ordinances and come back to the Planning Board with a recommendation to the Council for zoning amendments; the Council will decide what should and shouldn't be implemented. Primarily the blue is not as blue as it looks because about 38% of the blue is an area where nothing will change. Also, look at Mill Road the Wilson's talked about her property overlooking Castle Rock contract zone; but Mill, Range, Greely and Harris Roads have different zones on opposite sides of the road. It is difficult to differentiate from an equity standpoint why that was done; the real reason as spoken by Peter Bingham many times was growth. The RR1 and RR2 zones were created to control growth and they were very successful during a time of rapid growth; we were the fastest growing community in Cumberland County and one of the fastest growing communities in the State of Maine. Currently we are the oldest community in Cumberland County, with our average age approximately four years older than the average in the County. Our student population in homes has gone from 2.2 in the 2009 Comp Plan to 1.75 in the last census update. We are aging in place, we all love this community and we want to maintain the rural character. This Planning Board has done a phenomenal job in preserving those characters, and trails. I am proud of the work of the Planning Board and the Town Council. The speed at which this has happened yes it was fast, but I sat through the three years of the 2009 Comprehensive Plan, and had maybe six people attend the meetings. The Route 100 corridor and Main Street Center districts have been very successful. This process will not end tonight; on Monday the Town Council will hear comments and hold a final public hearing on the second Monday of January to decide to continue the process or vote on the recommendations of the Committee. Once, the recommendations have been passed Council will direct staff to continue drafting ordinances for Planning Board review. The town has done a great job of protecting open space and conservation in this community and will continue to do so as long as I am Manager.

Mr. Neagle stated speaking for himself only it is hard for him to figure out what he would recommend at this moment; other than goals of people on the Council and Town Hall is there any need to rush this through.

Mr. Shane stated absolutely not, if the Board wants another public hearing process, or needs additional information from staff, any specific things we can provide related to questions or comments this evening. There is no race to the finish line.

Mr. David Fitz of 232 Tuttle Road asked the reason for the blanket change of RR1 to RR2 versus selective areas. He is not in favor of a blanket change for the entire town. I am trying to understand in the process is that the recommendation.

Mr. Neagle stated the Planning Board has seen some places that seem to be inequitable especially around Mill Road and Castle Rock Subdivision.

Mr. Fitz stated it appears where it is inequitable is at the edges of one zone to another. If we react to this without a line we may develop sprawl. If you have an eight acre parcel purchased with only certain development potential and that is changed, people decide where they are going to live based on existing zoning. A higher density of development results in sprawl. Is it possible to designate or select how the changes take place?

Mr. Neagle stated it is possible to consider some and not all of the RR1 zone; and as to why the Committee chose to blanket change the zones, I will defer to April Caron, Chair of the committee.

Ms. Caron deferred this question to Town Manager Bill Shane.

Mr. Shane stated the Town Council wrestled with that as well, they looked at break lines, do we do this as we do between the center and west of town, Bruce Hill Road is arbitrary line between the Town Center and West Cumberland, the Council basically said to go with the process and look at it all and see what we receive for recommendations. In the RR1 district if Town sewer is available the lot can be two acres instead of the four acres. There are properties in RR1 that could potentially connect to the sewer and the lots can be two acres.

Mr. Fitz stated he was not aware you could have a two acre house lot in RR1 with sewer.

Ms. Judith Wohl of 120 Range Road stated looking at the big picture it seems the agenda is to have more development. I don't know whose agenda it is, it is not her agenda; she doesn't think it is the agenda of those who answered the survey for the Comprehensive Plan. It seems to be the agenda of a very few people. I would request the Planning Board not recommend this change it is poorly conceived and incredibly incomplete. There needs to be input from the taxpayers, and this shouldn't be about what is in the best interest of developers. This should be about the wants of the taxpayers of this town; I would submit the taxpayers of this town have spoken after a great deal of work on the 2009 Comprehensive Plan and not much has changed since then. My understanding is the number of building permits has doubled; that is huge for a town this size. There is a lot of expertise from people from this town and others who may not have attended due to the weather. I think the Planning Board and Town Council need to hear from the citizens from this town, and that hasn't happened. I respectfully request the Planning Board not make this recommendation.

Ms. Sally Stockwell of 163 Range Road stated zoning by definition is inequitable. I think we need to remember that; there are other reasons for having zoning in place besides soils. Even though we can have more building in the RR1 blue area; doesn't necessarily mean that is what we want to encourage. We need to step back and think, some of the reason of RR1 zoning was about limiting growth; and I think that is still a legitimate reason to keep the zoning.

**Mr. Neagle closed the public portion of the meeting.** He thanked all who came out on a snowy night; I think all of you spoke very well to the point and it was an interesting public hearing.

Mr. Boivin stated he lives in the RR2 district my neighborhood has five to ten acre lots; that is what attracted me to Cumberland. I like the rural character, space and privacy. It works for me; it doesn't work for everyone. I am not ready to say changing RR1 to RR2 is the right thing to do at this point in time.

Mr. Neagle stated this is an interesting subject; I live in West Cumberland in the RR2 district which feels very rural. I haven't noticed differences either side of the road on Range Road. Small's Brook addressed an affordable need in Town; those who like to see a rural town can't see those houses because of the style of development. In my opinion I would like to see some discussions on which areas need this and which don't. I am a little uncomfortable with the broad brush; I would like to see any changes coupled with a requirement that where possible the development be less visible from the road. People who like wide open spaces are probable not happy with the development at Morrison's Hill on Route 100. Having set on the Board for a long time we have often deferred to Committees on various issues. On the other hand the opposition to the proposed RR1 changes has been loud and clear; the public is telling us to not rush. I personally am not prepared to vote tonight on any of this. As Ms. Caron predicted the RR1 and RR2 changes dominated the discussion. I think there were some helpful comments related to Route One, but the Affordable Housing Overlay no one seems interested in, which tells me it is probably a good idea. I am not able to make a decision tonight.

Mr. Sherr stated I was a Planning Board member on the committee and he welcomed a lot of the comments from the public. A lot of these issues were raised and discussed during the committee process. During the process there were some discussion of going to one acre lots; there were several comments this evening stating there is sustainable growth and there is a happy medium; at the end of the process the committee looked at all facets of the entire process. I respect the input; I for one support our recommendations, but respect the opinions of the public and see no problem with taking more time if necessary. This is however the beginning of the process the recommendations need to go to Council. And at the Council direction, the Planning Board would hold more public hearings regarding zoning amendments. With respect to allowing restaurants and retail on Route One the committee discussed limitations on size, hours, drive-throughs, etc. This is just the beginning to move the process forward, but see no reason why we can't take more time if necessary. Thank you for your input.

Ms. Saunders stated he also is not prepared to vote this evening.

Ms. Maloney-Kelly stated she was on the committee and has had time to review the material, we heard great input from the public; but the recommendation is larger than the RR1 and RR2 land use. There are some other great proposals from this committee that have been put forward. I have to recommend at least what we have proposed to keep the process going and continue to receive public input.

Mr. Neagle stated there was a lot of work put into the recommendation; and there are a lot of other recommendations in the proposal that didn't generate any public interest as represented by this meeting tonight. With respect to the Rural Residential changes, the Committee Chair and members are present; he would echo the comments on process that maybe we don't have enough information on what all of us in town think. Would the Board be willing at our next meeting to consider forwarding along some but maybe not all of these proposals? For example the affordable housing and Route One recommendations and set aside the RR changes.

Ms. Caron stated the other recommendations involve the pavement schedule, infrastructure as well.

Mr. Neagle suggested the Board table the RR1 and RR2 until next meeting and move ahead with less controversial issues.

Mr. Boivin stated he didn't see much to gain until we get through the big issue.

Mr. Neagle thanked all the residents for their input this evening. The Board will table this evening until the next meeting in January.

Mr. Boivin moved to table the draft amendments to the 2009 Comprehensive Plan as recommended by the Comprehensive Plan Update Committee.

Mr. Saunders seconded.

VOTE: Unanimous

**2. Sketch Plan Review: Major Site Plan for a medical office at Sky View Drive, Cumberland Foreside Village, Tax Assessor Map R01, Lot 11-2; Cumberland Foreside Village, LLC, Owner.**

Mr. Saunders stated he was formerly employed by Keizer Homes; his family is no longer involved in the business and stopped working for Keizer Homes three years ago. I don't believe it will affect his decision.

The Board did not feel Mr. Saunders would need to be recused.

Mr. Neagle disclosed on Saturday December 7<sup>th</sup> the Board conducted a site walk at this site.

Dr. Sean McCloy, Applicant, stated he is the medical director for Integrative Health Center of Maine. His intention is to construct a new medical office building and move IHCM to the space. He took over the practice in 2011 and it has grown steadily.

I am currently under contract for Lot 2 at Sky View Drive; and am looking to build an environmentally-friendly “near net-zero” / energy-efficient, passive and active solar design professional office that will serve as a multifunction gathering area for community events. The landscaping and site placement will preserve as much natural existing foliage as possible, creating a “beauty strip” around the building and along Route One. To maximize solar gain, the longitudinal axis of the building faces true South. This will minimally encroach into previously designated wet areas, and the site engineers (Pinkham and Greer) are applying for a DEP variance. Landscaping plans involve the use of native species and “Ecograss” which requires no watering and once a year mowing. This will further decrease the environmental impact of the project. There will also be an outdoor patio and walking path around a wildflower / butterfly meadow for public use.

Exterior design will evoke the classic roof lines and architecture of a traditional Maine farmhouse or barn. Roof will be asphalt shingles; siding will be vinyl clapboard with wood grain appearance with a neutral color scheme, trim will likely be white PVC. Divided light windows are planned through most of the building, with sliding glass doors to the patio. The entrance will have a front porch appearance with a roof and possible cedar shingle or equivalent appearance. Overall, the structure will be similar to the Art of Dentistry building further north on Route One. Exterior lighting will comply with the town’s night sky perseverance plan while still maintaining adequate security features. The building will be universally accessible, with ADA bathrooms throughout.

Interior design will maintain a serene, healing, natural environment. Solar tubes will be used in the central hallway to bring in natural light and cut down on energy costs. The multipurpose / waiting room may be used as a yoga space, community meeting area, movie screening studio, group therapy area, etc. There will be movable partitions to create a teaching kitchen for healthy cooking classes. This space may be rented out by anyone in the general public, as long as the use is consistent with the mission statement of IHCM.

Many of the patients and staff at IHCM struggle with chemical sensitivities, so the careful selection of building materials throughout the building is important. Non-formaldehyde plywood, low-VOC paints and hardwood floor coatings, full spectrum LED lighting, etc. have been selected for the project.

We will employ solar PV panels and inverters to produce 22.95kW of energy which will be used for electrical, heating, and hot water production. The building will be tied to the electrical grid for additional power needs. There will be an electrical vehicle charging station in the parking lot.

The scope and nature of this project is fairly unique. In designing the building we wanted to step away from the blocky, prison-like brick box of other typical medical office buildings in the surrounding area. The environmentally-friendly aspects of the building incur a higher initial price tag but should save operating costs over the life of the building. Additionally, this standard of construction is in line with IHCM’s mission to promote all aspects of health, including public health. We are excited to move forward to the construction phase and help Cumberland, Maine be at the forefront of modern and efficient construction design.

Mr. Sherr asked about the dumpster location, could it be located off the parking lot or behind the building.

Dr. McCloy stated he was trying to be kind to the staff; the condensers for the air conditioners were also going to be located in the same area.

Mr. Boivin asked if the AC condensers would be enclosed in the fence for dumpster, do the underground utilities come up from Route One. Will there be outdoor pad mount transformer.

Dr. McCloy stated he assumes so, yes.

Mr. Neagle stated he understands the comments on the dumpster but understands the ease of access for the hauler; the key will be how well it is screened.

Mr. Neagle stated the Board takes no action at a sketch plan review. We look forward to your site plan application.

**3. Public Hearing: Minor Site Plan Amendment to Adventure Dogs at 79 Orchard Road,** Tax Assessor Map R08, Lot 60A in the Rural Residential 2 (RR2); regarding hours of operation and location of fence; Brooke Nicholas, Applicant, Owner. The fence has been approved by Town Staff.

Mr. Neagle recused himself as he lives across the street from the property; and appointed Mr. Boivin as Acting Chair for this item.

Ms. Nixon stated the project is an amendment for Adventure Dogs, there is one specific request at this time to change their hours of operation. They were intending to open at 7:30 a.m. but have found that will result in a mass drop off so people could get to work. They are requesting to open at 7:00 a.m. for a stagger of drop off times. The owner Brooke Nicholas is available to answer any questions.

Mr. Boivin confirmed that the fence had been approved by Town Staff.

Ms. Nixon stated she would like the Board to look at the change in the fencing and concur that the change allowed was appropriate given it did not extend any further toward property lines and actually resulted in reduced fenced area.

Ms. Brooke Nicholas, owner and applicant agreed as Ms. Nixon stated they had originally planned on opening at 7:30 a.m. and closing at 5:30 p.m. and we are asking for a half hour extension on either end of that. Primarily as mentioned, I am assuming that most people will arrive at 7:30 a.m. If we open at 7:00 a.m. we can spread out the drop off vehicles and alleviate added congestion on Orchard Road. The second reason is I have had inquiries from people in the medical field who would like to come before 7:30 a.m. There was another issue that was discussed with Bill Longley, the Code Enforcement Officer; which was to place a former tree house on the ground to be used as a small shed.

**The public portion of the meeting was opened.**



Ms. Gloria Weiss of 91 Orchard Road stated she is the abutting neighbor to Adventure Dogs. She has spoken to Ms. Nixon who came out and walked the site with her. I have just moved to Cumberland, it will be a year in December and I did not receive notice about this use. So in February I missed the entire meeting; all of this is new; I wasn't able to express my opinions at the February meeting. Ms. Weiss asked the Board for recommendation on how she should proceed.

Mr. Boivin confirmed that with the purchase of her property she didn't receive notification.

Ms. Weiss stated the notice was sent to previous owners. Ms. Weiss asked for guidance on issues she wasn't able to participate in during the review.

Mr. Boivin asked Ms. Nixon if this had happened in the past.

Ms. Nixon stated the town sends notice to the owner of record as per our tax records. I have no knowledge of this happening before where the notice went to the previous owner and the new owner was unaware. This is unusual; I do feel badly Ms. Weiss has come into this late in the process. It was my suggestion she come tonight and speaks to the Board about some of her concerns. I have shared there is a very strong condition of approval that states barking dogs will not be allowed to continue to be at Adventure Dog. And given this is a business and has been reviewed under site plan approval in some ways that is better protection, than if she moved in next door to someone who has a dog that barks. The project can only be looked at with today's request. I don't know if Ms. Weiss wants to speak to about the hours.

Ms. Weiss asked for guidance on how to have her concerns expressed, if she is unable to do so now. One of my concerns is the chain link fence abutting my property; and visually hiding the fence and the driveway that is appearing on the side of the house. And as discussed previously, I am a nurse and sleep during the days and barking dogs are a big concern. I am wondering when I have a chance to address these concerns.

Mr. Boivin stated the item this evening is the hours of operation and the dog house. I appreciate your comment and it is unfortunate that you were not notified.

Ms. Nixon stated she encouraged Ms. Weiss to connect with Ms. Nicholas and discuss concerns.

Ms. Weiss asked if she needed to go through an appeal process.

Ms. Nixon stated the Ordinance states appeals must be within thirty days of the approval, and just as you didn't know about the approval, you didn't know the appeal process. Tonight the Board is re-considering the two issues, which Ms. Weiss can address; and if down the road there is a problem and the dogs are barking we will try very hard to enforce the condition of approval.

Mr. Neagle of 76 Orchard Road welcomed Ms. Weiss to the neighborhood, he stated in terms of her legal rights in his opinion he didn't think there was much she could do, she might want to contact an attorney. I spoke last time primarily regarding the issue of noise. I love dogs, but don't love barking dogs. At the approval in February the Applicant stated somewhat

convincingly that they would not allow barking dogs in their operation. The Board imposed a condition that there not be barking dogs and if there is a dog that they cannot control the dog will not be allowed to remain at Adventure Dogs. I share your concern regarding quiet in the neighborhood.

Ms. Weiss stated if she had been able to give input she would have suggested the fence be enclosed to avoid seeing wildlife and barking. It is items like that she wished she was able to discuss.

Ms. Brook Nicholas, applicant stated it was very unfortunate and she has discussed with Ms. Weiss that she was not present to participate in the discussion. The majority of the discussion at the February meeting was about her experience and training and expertise with dogs. I currently take dogs off leash and interact with others in the community. There will be someone outside with the dogs at all times. If there is a dog barking we will react, if dogs are a nuisance they will be taken inside and if it can't be taken care of they will be removed from the program. As we discussed the chain link fence is on the back part of the property. I don't think wildlife will be an issue.

Mr. Boivin asked for clarification the current drop off time is from 7:30 to 9:30 a.m. and pick up time is from 3:30 to 5:30 p.m. The request to extend is to start at 7:00 to 9:30 a.m. drop off and 3:30 to 6:00 p.m. pick up time for closure.

**The public portion of the hearing was closed.**

Mr. Sherr stated the proposed hours will not affect the conditions of approval as previously applied, extending the hours a half hour on either end will not have any effect on barking dogs. The conditions restrict the operations and the owners must abide by the conditions of approval. I have no issue with extending the hours, and the fencing did not increase encroachment to neighbors; it decreased the area.

Ms. Nixon reviewed the request to add the tree house as a shed.

Mr. Boivin asked the location of the tree house.

Ms. Nicholas stated the tree house is within the current fenced area.

Mr. Saunders moved to grant the Minor Site Plan Amendment to Adventure Dogs at 79 Orchard Road, Tax Assessor Map R08, Lot 60 A in the Rural Residential 2 (RR2) district: regarding the expansion of the hours of operation; the location of the fence and the incorporation of the tree house into the dog play area.

- To expand drop off hours to 7:00 a.m. to 9:30 a.m. (previously 7:30 a.m. to 9:30 a.m.) and pick up hours from 3:30 to 6:00 p.m. (previously 3:30 p.m. to 5:30 p.m.)
- Approve the location of the fence;
- Approve the relocation of a tree house to the fenced area to be used as a shed.

Mr. Sherr seconded.

VOTE: Unanimous

Mr. Neagle resumed Chair as 8:40 p.m.

**4. Public Hearing: Major Site Plan Review for Friend's School for a 15,000 sq. ft. (foot print) school building at 11 US Route One,** Tax Assessor Map R10, Lot 10 in the Low Density Residential (LDR) district; Friends School of Portland, Owner; Steve G. Blais, P.E., Blais Civil Engineers, Representative.

Mr. Neagle stated on December 7, 2013 the Board conducted a site walk at this property. This is the third meeting with the applicant.

Ms. Nixon stated since she wrote the cover memo last Thursday, I indicated they were almost ready for final approval but were still waiting for outside agency approvals from MDOT and MDEP. The applicant has received all of their outside agency permits in hand with the exception of MDEP which is in draft form. The Board may want to consider a conditional approval; also this evening the key discussion is parking; they have requested a waiver from the requirements. Their engineer has written a letter explaining why they feel it is appropriate to grant the waiver.

Mr. Steve Blais, P.E. of Blais Civil Engineers reviewed the project as follows: As mentioned all of the permits have been received with the exception of the MDEP.

Some differences on the plan include:

- The addition of a shed.
- Snow storage has been added along the circle area.
- One of the stormwater buffers have been removed.
- A landscape plan and photometric plan has been submitted.
- Parking waiver request was submitted.

We enjoyed the site walk with the Planning Board and abutters and at this time would like to open it up for questions.

Mr. Sherr stated he would like to have some more discussion on the parking and need for the waiver.

Mr. Blais stated based on historical parking demands of the school, day-to-day school activity will demand less than thirty parking spaces at maximum building capacity. The school currently has approximately 90 students and 16 staff and anticipates growing to no more than 125 students and 25 staff at the new location. The site development will provide 61 permanent spaces (31 in Phase 1) with overflow parking available on an as-needed basis. The school hosts a few special events each year, the largest being an annual auction that takes place in the spring. This one-day event typically draws roughly 200 vehicles. For this event, the School will provide a bus as a shuttle between the site and designated off-site parking. The school does not plan to add any events of this size or greater, or hold the auction more than once per year.

For other special events, primarily 8<sup>th</sup> grade graduation and a fall picnic, on-site overflow parking would be available on Field # 1.

Due to the low day-to-day parking demand and infrequent special events, we feel that the 61 permanent parking spaces and potential overflow parking plan provides sufficient parking for the School's needs.

Mr. Neagle agreed if there is adequate parking for 362 days of the year it would be a shame to add a lot of parking for an additional three days. I am willing to consider the waiver; however, personally the parking seems adequate and would consider the waiver with a condition of approval such as under no circumstances no parking during large events will be allowed on the access road from Route One.

Mr. Blais stated there will be designated spaces, and no parking signs around the circle.

Mr. Sherr stated as a safety issue he would like to see signage at the entry drive.

Mr. Blais stated there would be volunteers to keep the event organized and direct people where to park.

Mr. Boivin asked for clarification of the designated overflow parking area on the plan.

Mr. Blais stated the overflow parking is on fields 2 & 3. He stated there will be a total of sixty-one (61) parking spaces, two trays on the paved surface and parking on the circle. And thirty-three (33) overflow spaces at play area # one (1).

Mr. Sherr asked about the D.O.T. permit and asked if the speed limit would be reduced on Route One or would there be a turning lane.

Mr. Blais stated it will remain as it is today, a school ahead sign will be installed a left turn lane is not warranted at this time.

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

The Board reviewed the proposed findings of fact as follows:

**Findings of Fact**

**Sec. 229-10 Approval Standards and Criteria**

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

**A. Utilization of the Site**

Utilization of the Site - The plan for the development, including buildings, lots, and support facilities, must reflect the natural capabilities of the site to support development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes,

floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

**The applicant states that this site was selected because of its natural features and the site development took these into careful consideration, locating the building close to the road and working with the slope of the land to keep impacts to a minimum. There is a letter on file from Department of Conservation stating there may be Variable Sedge on the northeasterly are of the site. There is no proposed disturbance of that area.**

**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. ***Bill Bray, PTE of Traffic Solutions, has reviewed the traffic plan and has found that access to and from the site is safe and meets all applicable design standards. Adequate sight distances are shown on the plans.***
  - (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 access point has sufficient site distance.***
  - (b) Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.  
***The access point has sufficient site distance. It was not possible to line up the entrance with the Sky View Drive entrance.***
  - (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.
  - (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.
  - (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. ***Based on anticipated traffic to and from the school and the***

***existing infrastructure on Rt. 1, no turn lanes, islands or traffic controls will be necessary as part of this project.***

- (g) Accessways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.

***The traffic study indicates that there should be no need for vehicles to queue.***

- (h) The following criteria must be used to limit the number of driveways serving a proposed project:

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

No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all accessways must not exceed sixty (60) feet.

***Only 1 driveway is proposed.***

## (2) Accessway Location and Spacing

Accessways must meet the following standards:

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

**Plan is consistent.**

## 3. Internal Vehicular Circulation

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

- a. Projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing.

**The applicant states that there will be no large delivery trucks. Box trucks will be the largest trucks visiting the site.**

- 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).

***No parking will be allowed along the internal circular driveway, except for in designated parking spaces adjacent to the entryways. Signage is provided along the interior of the circular driveway.***



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

***The paved width of the internal circular driveway is 18' adjacent to the 9' wide parallel parking spaces near the building entrance. This enables a vehicle will be able to get by a vehicle in the process of parking.***

- d. All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

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

#### (4) Parking Layout and Design

Off street parking must conform to the following standards:

- a. Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.
- b. All parking spaces, access drives, and impervious surfaces must be located at least fifteen (15) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within fifteen (15) feet of the front property line. Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24) feet in width.
- c. Parking stalls and aisle layout must conform to the following standards.

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

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

***The parking spaces conform to these requirements.***

#### (5) Building and Parking Placement

***The site is constrained by topography, streams and wetlands. Building and parking placement, as well as location of play fields, are located in appropriate areas.***

(6) Pedestrian Circulation

The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/ exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect the amenities such as parks or open space on or adjacent to the site.

***All proposed parking areas are connected to the building by a network of sidewalks. Additional pedestrian access to the upper play field areas is provided by a 10' wide, reinforced grass path.***

***The 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.

**The Town Engineer has reviewed and approved the stormwater management plan.**

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

2. Erosion Control

- (a) All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and / or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.
- (b) Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 1991, and as amended from time to time.

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

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

D. Water, Sewer and Fire Protection

(1) Water Supply Provisions

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

**The project will utilize public water. There is a letter on file from the Portland Water District stating that there is sufficient capacity to provide water to this project.**

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

(2) Sewage Disposal Provisions

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

**The project will utilize public sewer. It will connect to the public sewer line in Route 1. There is a letter on file dated 11/26/13 from the Town Manager stating that the Town has the ability to handle the requested flow amounts and has reserved this capacity.**

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

(3) Utilities

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

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

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

4. Fire Protection

**The applicant met with the Fire Chief on May 30, 2013. His comments have been incorporated into the plan. The final plans have been reviewed and approved by the Fire Chief.**

**The Planning Board finds this standard to be met.**

E. Water Protection

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

**The project will connect to public water and sewer. The proposed use is an environmentally-conscious K – 8 School. This use should have no adverse impact on the quality or quantity of groundwater.**

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

(2) Water Quality

All aspects of the project must be designed so that:

- a. No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxious, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore

- deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
- b. All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.

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

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

(3) Aquifer Protection (if applicable)

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

**The parcel is not located in the Aquifer Protection Area.**

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

F. Floodplain Management

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

**The property is not located in a flood hazard area.**

**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 has provided a letter from the Maine Historic Preservation Commission stating that the site is not in a historically sensitive area.**

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

H. Exterior Lighting

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

**The application indicates there will be lighting on the entrance sign, the driveway, parking areas and a paved portion of the path. Cut sheets show that fixtures will be full cut-off style. The photometric plan shows there will be no light trespass beyond**

**the property lines. The Police Chief has requested that exterior building lights be on from dusk to dawn.**

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

**I. Buffering and Landscaping**

**(1) Buffering of Adjacent Uses**

The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade, and / or a combination of these or other techniques.

**(2) Landscaping:**

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

**The applicant has submitted a landscaping plan that utilizes the natural site vegetation and grading for buffering as well as additional plantings of arborvitae and serviceberry trees.**

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

**J. Noise**

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

**The school and parking areas are located away from residential abutters. There will be plantings to provide a visual and noise buffer. 2 of the 3 playing fields are located away from abutting properties. One of the fields, Field #3 is in proximity to an abutting property on Stony Ridge Lane. The applicant has met with the owner. The planting of 13 arborvitae is intended to reduce any visual or noise impact from the field which will be used on an infrequent basis.**

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

**K. Storage of Materials**

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



- .3 Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition.

**The applicant has shown the location of an 8' x 12' shed near Play Field #3. The trash and recycling area will be enclosed with a 6' high wooden stockade fence and gate.**

**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.

**The applicant has retained the services of a professional engineer, architect, landscape architect, surveyor and soils scientist.**

**The applicant plans to borrow \$2.8 million from a lending institution. Application has been made but final approval has not been granted. Additional funds are being raised through a capital campaign that will solicit donations. The only "public" improvements that the Town is concerned about are the proposed trees. The applicant will need to provide a performance guarantee prior to the preconstruction conference for this.**

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

(M) Design and Performance Standards

- (1) 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

- (2) 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.**

**Planner's Note: This project is located in the LDR district, but does have frontage on Route 1. The applicant has provided Findings of Fact for the Route 1 Design Guidelines as follows:**

**1.4.1 –Vehicular Access – Route One Curb Cuts**  
*An MDOT Driveway Entrance Permit has been obtained.*

**1.6.2 – Parking – Landscaping**  
**Developers are encouraged to separate every ten parking spaces by a landscaped plot to break up long runs of parking.**

*The applicant states that in an effort to limit impacts and keep the development in as small a footprint as possible, landscaping is not shown within the limits of the parking areas, however existing vegetation around parking areas will remain untouched wherever possible.*

**1.6.3 – Parking – Snow Storage**

**Provisions should be made for snow storage in the design of all parking areas and these areas should be indicated on the site plan.**

*Snow storage is shown on Sheet C-102*

**1.7.2 – Service Area Design**

**Service areas should be separated from other vehicle movements, parking areas and pedestrian routes. Wood fencing is always preferred as an enclosure.**

*Trash and recycling will be contained to a small area located behind the gymnasium.*

**1.8.1 – Open Space – Internal Walkways**

**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.**

*At a minimum, the walkways will be bituminous with the possibility of pavers or stamped concrete as fundraising allows.*

**1.8.2 – Open Space – Landscaping**

**Trees within the 75' buffer between Rt. 1 and the building should be maintained if possible.**

*Trees within this buffer area will be maintained, with the exception of clearing needed for the driveway.*

**1.11.2 – Utilities – Electric, Telephone, Cable**

**Wired connections to be made underground wherever possible.**

*Electric and telecommunications will be located underground as show on the plans.*

(2) Town Center District Performance Standards (if applicable)

N/A

(3) Village Mixed Use Performance Standards (if applicable)

N/A

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

Mr. Sherr seconded.

VOTE: UNANIMOUS

Mr. Sherr moved to grant Major Site Plan Approval for the Friend's School for a 15,000 sq. ft. (foot print) school building at 11 US Route One; subject Findings of Fact and the Limitation of Approval, Standard Condition of Approval and the eight (8) conditions of approval.

Mr. Saunders seconded.

VOTE: Unanimous

**G. Administrative Matters – None**

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

A TRUE COPY ATTEST:

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Christopher S. Neagle, Board Chair

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Pam Bosarge, Board Clerk