

**PLANNING BOARD MEETING
MINUTES
TOWN OF CUMBERLAND
Cumberland Town Hall - 290 Tuttle Road
Cumberland, Maine 04021
Tuesday, May, 15 2012
7:00 p.m.**

A. *Call to Order*

Chairman Neagle called the meeting to order at 7:00 p.m.

B. *Roll Call*

Members Present: Chris Neagle, Chair, John Ferland, Vice-Chair, Peter Bingham, Gerry Boivin, Ronald Dillon, April Caron, Peter Sherr

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

C. *Approval of Minutes of April 17, 2012*

Mr. Dillon had a question on page 8 regarding a definition and who other than the Planning Board would have the authority to clarify the issue.

Ms. Nixon stated it would be the Code Enforcement Officer who interprets the conditions of the Ordinance, and people can appeal to the Board of Adjustment and Appeals.

Mr. Neagle stated the Board is here to approve minutes and not interpret policy, are the minutes accurate.

Mr. Dillon stated yes.

Ms. Caron moved to approve the minutes of April 17, 2012 as presented.

Mr. Sherr seconded.

VOTE: 5-0 (Caron, Boivin, Dillon,
Neagle, Sherr)
2- Abstain (Bingham, Ferland)

D. *Staff Site Plan Approvals: - None*

E. *Hearings and Presentations:*

1. ***Public Hearing: Major Site Plan Review for Maine Standards for a commercial office building at U. S. Route One***, Tax Assessor Map R02, Lot 10A, in the Office Commercial North (OCN) district; Maine Standards Company, LLC, Owner; Sean Frank, P.E., Sebago Technics, Representative.

Ms. Nixon presented background information as follows: The applicant, Maine Standards, LLC, is requesting Major Site Plan approval for construction of a new office and laboratory facility to be located on Route One between Powell Road and Tuttle Road. The proposed two story building will have a footprint of 15,137 square feet, for a total square footage of 29,856 square feet. A concept master plan shows the location for two possible future additions. There have been two neighborhood meetings held by the Town in February and March and a sketch plan review at the Planning Board on March 20th; this is the first Public Hearing. There has been a lot of communication with abutters to address concerns.

DESCRIPTION:

Right, Title, or Interest: Purchase and Sales agreement dated 1/5/12.

Zoning: Office Commercial North (OC-N)

Min. Lot Size: 1 Acre

Parcel size: 7.7 acres (minimum lot size: 1 acre)

Proposed Uses: Office building with laboratory facilities and light manufacturing

Frontage: 150' required; 1118' provided on Route 1; 367' on Powell Road

Setbacks: Front: 25' required by ordinance; 75' recommended by Route 1 Design Guidelines; 35' provided.
Side: 20' required; 20' provided on Tuttle Side; more on Powell side.
Rear: 65' required; 130' provided.

Access: 24' wide paved entrance located 400' northerly of Tuttle Rd. ramp.

Employees: 52 (plans to increase to 75)

Parking: 92
Parking setback: 15' from any rear, side, or front lot line.

Water: Portland Water District. Capacity to serve letter dated 4/13/12 on file.

Sewer: Letter from Town Manager on file. Letter from PWD dated 4/10/12 on file.

Electrical: Overhead along Route 1 from Powell Road to site. Then underground from Route 1 onto the site to the building and parking areas.

Traffic: MDOT Traffic Movement Permit not required.
MDOT Entrance Permit dated 4/5/12 on file.

Wetland Impact: 147 sq. ft.; building moved forward towards Rt. 1 to minimize impact.

Floodplain: Zones B and C - Map # 23016200-18C

Natural Features: Stream. 75' setback - shown on plan.

Stormwater: Combination of on-site storage and infiltration.
MDEP General Construction & Stormwater Permit: **Outstanding**
(Proposed Condition of Approval)
NRPA Permit by Rule for activity adjacent to a natural resource.

Fire Protection: Public water; sprinklers and alarm system

Solid Waste Disposal: Troiano Waste services. 2 dumpsters and inside storage.

Days/Hours of Operation: Monday-Friday 8:30 a.m. to 5:00 p.m. (personnel access 24-7)

Signs: 2 signs, to be lighted. Sign detail and lighting information provided.

WAIVER REQUESTS: Major Site Plan Requirement Waivers: None

TOWN PLANNER'S COMMENTS/DISCUSSION ITEMS: All items addressed by Applicant.

DEPARTMENT HEAD REVIEWS:

William Longley, Code Enforcement Officer: No comments

Joe Charron, Police Chief: No comments

Chris Bolduc, Public Services Director: No comments

Dan Small, Fire Chief: (Planner's Note: These have been added as proposed conditions of approval)
After reviewing this proposal I have the following comments:

- 1) The building shall be equipped with a fire alarm system that is monitored by an approved fire alarm company. The system shall have a remote annunciator panel located at the main entrance that can be silenced with the push of one button from this location. The strobe or other visual alarm signaling devices shall remain active when the system is silenced. The alarm system shall identify the exact location of each individual initiation device with plain text at the fire alarm panel.
- 2) The building shall be equipped with a hinged key box approved by the fire department. The key box shall be electronically connected to the fire alarm system to show a trouble signal whenever the box is in the open position.
- 3) The building shall meet the requirements of the National Fire Protection Association Life Safety Code. These requirements cannot be determined until a complete set of building drawings are reviewed.
- 4) Any fuel storage shall meet the appropriate standard of the National Fire Protection Association. Attention to building and property line set back requirements should be included as part of the site plan review
- 5) An automatic fire protection sprinkler system shall be installed and shall meet the requirements of the National Fire Protection Association. The fire department connection shall be equipped with a 4" locking coupling that is located in an area that is approved by the fire department. The sprinkler system shall send a water flow signal to the fire alarm panel whenever water is moving throughout the system. The fire department shall receive a copy of the sprinkler system drawings that have been approved and permitted by the State Fire Marshal's Office.
- 6) A fire hydrant shall be installed on Route 1 that is located near the main entrance of the facility.
- 7) Access to the building shall be adequate enough to accommodate fire department vehicles.

TOWN MANAGER'S LETTER Re: SEWER PERMITS

The Town of Cumberland has agreed to accept the sewer design flow, from the Maine Standards new headquarters located on Route One.

The estimated average daily flow from the 75 present and future employees is estimated to be 900 gallons per day. The Town has the ability to handle the requested flow amounts and will reserve this capacity. Six sewer user permits must be purchased at a cost of \$4,000 per unit prior to the issuance of any building permit.

As you know, Cumberland is a relatively new sewer system (less than 30 years in age) and we have been fortunate to have limited inflow and infiltration in our system. We presently own 30% of the Falmouth Treatment Plant. This new flow would be pumped via our recently upgraded Powell Road pump station to the RT 88 distribution system.

CUMBERLAND CONSERVATION COMMISSION: No Comments.

TOWN ENGINEER'S REVIEW: Al Palmer, Gorrill-Palmer Consulting Engineers

NOTE: All issues have been addressed; the following is information provided to the Board as background.

Gorrill-Palmer Consulting Engineers, Inc. has completed a peer review of the Site Plan application for the referenced project. The current information from the applicant is presented in a package dated May 2, 2012 as prepared by Sebago Technics. We have maintained our numbering system from our prior comments for those comments that are still applicable, and have continued that list for new comments. Additional information regarding prior comments has been italicized. We have the following comments based on our review of the material:

Site Plan – Sheet 3 of 7

Two future building expansions are shown on the Plan. It is our understanding that these expansions are being shown for Master Planning Purpose, but will not be approved as part of the current Site Plan Application.

A photometric plan has been provided which appears to meet the Town standards. The Applicant should provide a narrative of a description of any night time circuiting for the parking lot lights. It would appear that the lighting level could be reduced after hours. (PLANNER'S NOTE: See email exchange included after this review. Issue has been addressed.)

Traffic Analysis

We concur with the trip generation estimate assuming the project is not permitted for the proposed expansions.

Stormwater Analysis

We concur that the revised stormwater analysis, which provides for both quantity and quality control meets or exceeds the standards of both the Town of Cumberland as well as the Maine Department of Environmental Protection Chapter 500 requirements. As noted in the Sebago Technics May 2nd submittal, the peak flows exiting the site upon completion of the improvements will be reduced below pre-development levels by 33%, 23% and 16% for the two, ten and twenty-five year storms. Therefore, the Applicant exceeds the standard of post-development peak flow rates not exceeding pre-development levels. We also have had the opportunity to review the comments of Mr. Daigle relative to the culvert under Powell Road, which raise a valid concern with regards to the operation of that culvert. Our office conducted a site visit on April 23, 2012 after 4.5" of rainfall over the preceding 24 hour period. Consistent with the information provided by Mr. Daigle to the Town, the operation of the culvert under Powell Road resulted in a rather significant area of ponded water upstream of the culvert.

Based on our discussions with the Town relative to the comments received from Mr. Daigle, and the information received as part of this project, the Town has authorized our office to evaluate the replacement of the Powell Road culvert. The drainage area tributary to the culvert is approximately 287 acres, and includes land west of I-95. While the sizing of the Powell Road culvert (36") is

consistent with upstream culverts, i.e. the culverts under Route 1 and I-95, the relative elevation of the culvert to the road, and the upstream area available for ponding results in the substandard conditions at Powell Road. The culvert configuration is an existing deficiency that should be addressed independent of the Maine Standards project. The Maine Standards project will develop less than 1% of this watershed, and the project will result in a decrease in the peak flow rate exiting their site after the development is completed. In our opinion, the Maine Standards project exceeds the requirements of the Cumberland Zoning Ordinance as they are providing additional detention (resulting in the overall decrease in peak flow rates exiting their site). Therefore, the flooding condition noted by Mr. Daigle at Powell Road will not be adversely impacted by the Maine Standards project. As directed by the Town, our office will be preparing a design and permit applications to replace/upgrade the culvert under Powell Road to reduce the upstream flooding adjacent to the Daigle property.

Mr. Sherr clarified that the issue before the Planning Board is for Phase I of the development.

Ms. Nixon stated yes, the master plan shows a future building that could be added to the parking area.

Mr. Ferland asked Ms. Nixon for a history of the Office Commercial North zoning district.

Ms. Nixon stated not too many years ago, Cumberland's Route One Corridor was a wooded corridor with development in Yarmouth to the north and Falmouth to the south. Then there were several condominium projects, Rockwood to the north and Hawk's Ridge and True Spring Farms to the south. When the town realized there was potential for commercial development, the zoning districts (OC North and OC South) were created and the Route One Design Guidelines were developed for new commercial projects. One of the goals of the Design Guidelines was to preserve the natural wooded nature of Route One. To accomplish that, there is a recommended 75' building setback requirement and the setback is to be kept in its natural state, when possible. With this project there are no trees at the front of the lot. The applicant has asked for an exception to 75' setback recommendation in order to preserve some wetlands and buffering at the rear of the site. The Route One Design Guidelines have been addressed with this application and in addition to the Design Guidelines there are also Site Plan Review Standards. The Site Plan Review standards apply to any non residential development. The Site Plan Review standards relate to issues such as noise, landscaping, buffering, drainage, etc. There has been a very comprehensive review of this project. The Office Commercial District North is the area including Toddle Inn Daycare, SHP (office building), Rockwood Senior Condominiums; a vacant parcel, Norton Insurance, Royal River Dental, and Lucinda's Day Spa. Across Rt. 1 from Toddle Inn Day Care is the Chebeague Transportation Company parking lot and there is potential for commercial development to the north of that lot. On the other side of Powell Road is the vacant lot (site of this proposed development). The Office Commercial South includes Cumberland Foreside Village, owned by David Chase. This is where Exactitude is being developed.

Mr. Neagle stated he remembers telling people thirty years ago, that Cumberland had the only stretch of Route One with no development. Thanks to the vision of the staff and Town Council that is changing.

Mr. Tom Happe stated he is the founder of Maine Standards; he thanked Mr. Shane and Ms. Tibbetts who embraced their company and encouraged their re-location to Cumberland. Mr. Happe introduced Dean Miller their Chief Operating Officer who will give a brief overview of Maine Standards and then John Charrest of Port City Architecture will review the drawings and Shawn Frank of Sebago Technics is present to answer any technical questions.

Mr. Dean Miller, Chief Operating Officer of Maine Standards presented a brief background of Maine Standards as follows: I started working for Maine Standards in 2003, and it has been a wonderful

experience; the company's core methodology and key principles are to have customers forever. We manufacture a product to meet a customer's needs. Our goal is also to create an environment where employees want to spend their career. The company was started in 2000 and the first products were launched in 2001. The first product line launched in 2001 was called **Validate** and it was based on the premise to have a perfect fit for the customer. We are now a market leader and have grown to employ 52 employees, about seventy-five percent of these employees have four year degrees in a science, or science related field. We have been looking for a location for our headquarters for several years and we think this lot is a perfect spot for us. The current plan is for a building that is about 28,000 sq. ft. At this time we intend to develop only the southern end of the lot.

Mr. Neagle asked if there was manufacturing, assembling of products other than office space in the building.

Mr. Miller stated the majority of the building is office space, the second floor is office space and a quarter of the first floor is office space; about 1/3 of the first floor is a laboratory space where we do mix chemicals and biological material and stabilize it. We provide for our customers a project to test quality assurance. And about a 1/3 of the first floor is used to fill bottles with the fluid, assembling the kits and shipping them to our customer.

Mr. John Charrest with Port City Architecture reviewed a 3-D drawing of the building and site. The proposed building location will be within the 75' Route One Design Guidelines buffer, to allow parking and the building to be placed outside of wetlands, and preserve the existing tree line in the rear as buffering to abutting properties. The building will have double hung windows and it will be a stepped building with offset front elevation. The materials will be hardy-plank shingle with cementitious clapboards. The windows will be trimmed and there will be a hip roof. The employee entrance and exterior lunch terrace area will be located in the back of the building.

Mr. Ferland asked for information on the stormwater management plan and how it will prevent run-off from entering into Broad Cove.

Mr. Shawn Frank, of Sebago Technics reviewed the stormwater management plan stating the parking stalls will be an impervious material. The run-off goes through a filter; there will be a vegetated underdrain (detention pond) which is intended to be a dry pond design which will catch the run-off for 24 hours and then it will percolate through the layers.

Mr. Ferland asked if the snow storage would operate with the same principle.

Mr. Frank stated yes, stating the design criteria is part of the LEED certification for the site and building.

The public portion of the meeting was opened.

Ms. Roxanne Wheeler of 25 Powell Road, an abutter to the rear of the property, asked a how many trees on the plan were new or existing.

Mr. Charest stated there is a mix of new and existing; about 60% to 70% are new.

Mr. Frank stated the back line of the property will retain as many trees as possible and there will be re-vegetation to fill in the existing gaps.

Ms. Carla Joyce of 50 Crossing Brook Road voiced concern regarding the current blind spots with the stop sign and telephone poles at the intersection of Route 1 and Powell Road and wanted to make sure the new buffer would decrease visibility.

Mr. Frank stated the right of way is thirty feet from the edge of the pavement, and there would be no buffering or building within that area.

The public portion of the meeting was closed.

Mr. Bingham asked for clarification on Mrs. Wheeler's property in relation to the proposed buffering.

Mr. Frank reviewed the vegetation and gaps that will be filled in with plantings.

Mr. Dillon asked about the need for a left turning lane traveling from north to south.

Mr. Frank stated it is not warranted with the wide shoulders.

Mr. Ferland asked if there would be any bio waste and how it is handled.

Mr. Miller stated any bio-hazard waste is stored inside the building in a 4' x 4' box and is picked up once a month. There is a separate area in the building for bio-hazard waste.

The Board reviewed the findings of fact.

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

Mr. Ferland seconded.

VOTE: Unanimous

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 site will be served by public water and sewer. The on-site stream will be protected by 75' buffers on each side. Development has been shifted as far forward

to Route 1 as possible to maintain an existing vegetative buffer between the site and the abutting rear property.

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 accessway location has been approved by MDOT. The plan has been reviewed and approved by the Town Engineer.

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.

Based on a review by the Town Engineer, the project meets these standards.

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

.4 Internal Vehicular Circulation

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

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

The Town Engineer has reviewed and approved the 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 Angle	Stall Width	Skew Width	Stall Depth	Aisle Width
90°	9'-0"		18'-0"	24'-0" 2-way
60°	8'-6"	10'-6"	18'-0"	16'-0" 1-way
45°	8'-6"	12'-9"	17'-6"	12'-0" 1-way
30°	8'-6"	17'-0"	17'-0"	12'-0" 1 way

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

The Town Engineer has reviewed and approved the 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 plan shows a pedestrian pathway within the development. Pedestrian ways along Route 1 are not feasible, nor advisable due to safety concerns. There is an existing paved shoulder along Route 1

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

.7 Stormwater Management

Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

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

The Town Engineer has reviewed and approved the stormwater management 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 Town Engineer has reviewed and approved the 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 project will be served by public water. There is an ability to serve letter dated 4/13/12 on file from the Portland Water District.

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 project will utilize public sewer. The Town Manager has allocated the required number of sewer user permits. There is a capacity to serve letter dated 4/10/12 on file.

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 utilities will be placed underground from Route 1 to the building.

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

.12 Groundwater Protection

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

The project will utilize public sewer. There is a letter on file from the Town Manager authorizing the purchase of the required sewer user permits.

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 project will utilize public sewer. There will be no storage of fuel, chemicals, or other 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 engineer and surveyor.

Financial capacity is evidenced by a letter dated 3/20/12 from Bangor Savings Bank stating that the company has the financial capacity to fund the project.

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 dated May 4, 2012 from Sebago Technics to the Maine Historic Preservation Commission requesting confirmation that there are no historic features on the site.

There is a letter on file dated 5/7/12 from the Department of Conservation, Inland Fisheries and Wildlife stating that there are no wildlife resources on the site.

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

.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.

The Applicant has provided information on the exterior lights that meets the requirements of the Site Plan Ordinance and the Route 1 Design Guidelines.

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 landscape plan shows new plantings that provide buffering of the parking, loading, service and storage areas. Additional buffering is shown along the side and rear property lines.

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 applicant has provided sound level information for the generator and the HVAC system; both meet the sound requirements of the Route 1 Design Guidelines.

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.

There will be no outdoor storage of materials. There will be two dumpsters located on the site. One will be a 10 cy dumpster for general waste and another, 4 cy dumpster will be for cardboard. The dumpster location has been shown on the plan and will be fenced.

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.

The applicant has submitted a proposed landscaping plan that shows plantings around the front and sides of the building and in other areas around the site for buffering of neighboring properties.

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.

Parking is located on the side and rear of the lot. The parking areas are separated from the building as required above. Plantings are proposed to buffer the building, parking and loading areas.

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. These will be met as a condition of approval.

The Board finds the standards of this section have been met with the condition s of approval.

.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 not located in the Aquifer Protection Area.

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

.25 Route 100 Design Standards (if applicable)

All development in the Village Center Commercial, Village Office Commercial I and II, and the MUZ Districts shall be consistent with the Town of Cumberland Route 100 Design Standards; in making determination of consistency, the Planning Board may utilize peer review analysis provided by qualified design professionals.
N/A (Parcel does not front on Route 100)

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

These are applicable. See findings below.

1.1 Master Planning

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

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

FINDING: The site layout is configured to provide for potential future building expansions which are depicted on the site plan.

1.2 Designers

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

FINDING: Sebago Technics is a recognized firm of licensed Civil Engineers and Port City Architects is a registered Landscape Architect firm. The plans have been stamped by the appropriate professionals.

1.3 Route One Buffer Strip

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

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

The Town of Cumberland appreciates that the visibility of a business from Route One is desirable. The clearing associated with driveway access points will provide views into the site and of the structure. The option of a park-like wooded area can increase visibility as well. This, in conjunction with site

design and signage, will afford adequate exposure of the business from Route One, while achieving the primary objective: preserving some of the natural appearance of the corridor.

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

FINDING: As illustrated within the plan set, the site does not offer a wooded corridor along Route One. However, within the 75' front setback/buffer significant attention and detail went into the vegetation plan. This is a substantial plan with, significant trees, (both coniferous and deciduous) as well as ornamental trees and shrubs. The building is sited within the ordinance required setbacks. The recommended seventy-five (75) foot buffer strip is not feasible; as it would require the limits of pavement to impinge on the natural tree line, buffering the rear of the site. This existing natural buffer provides visual and noise mitigation for the abutting residential lots from Route One and I-295. The recommended 75' front setback, if provided, would adversely affect the wetlands to the rear of the site, and would also push the building and parking areas closer to the rear abutter, Betty Long. Ms. Long has asked that the building and parking be as far away as possible from her home.)

1.4 Vehicular Access

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

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

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

1.4.1 Route One Curb Cuts

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

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

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

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

1.4.2 Site Circulation

Internal vehicular movement on each site should be designed to achieve the following goals: to ensure the safety of motorists, delivery vehicles, pedestrians and cyclists by providing clear cues to the motorist as to where to drive or park, etc., once they enter the site. Landscaping, to reduce impervious areas are encouraged as much possible.

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

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

FINDING: Paving is restricted to two sides of the building. Additionally, parking spaces and associated striping is depicted within the plan set.

1.4.3 Driveways between parcels

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

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

All such driveways between parcels should have pedestrian walkways.

FINDING: Not applicable.

1.5 Building Placement

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

FINDING: The building has been placed on the site in a manner that is sensitive to existing site conditions and respectful of adjacent uses. Generous setbacks and landscaping has been provided.

1.5.1 Location of Building on the Site

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

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

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

1.5.2 Building Entrances

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

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

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

FINDING: The building entrance is dominant and clearly demarcated. The entrance accommodates a small pedestrian plaza with seating walls and vegetation.

1.5.3 Building Setbacks

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

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

FINDING: The building is sited within the ordinance required setbacks. The recommended seventy-five (75) foot buffer strip is not feasible; as it would require the limits of pavement to impinge on the natural tree line, buffering the rear of the site. This existing natural buffer provides visual and noise mitigation for the abutting residential lots from Route One and I-295.

1.5.4 Hillside Development

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

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

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

1.5.5 Universal Accessibility

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

FINDING: Universal Accessibility

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

1.6 Parking

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

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

1.6.1 Location

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

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

1.6.2 Landscaping

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

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

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

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

FINDING: The landscaping of the site is substantial and incredibly detailed. A professional landscape architect has stamped the plan.

1.6.3 Snow Storage

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

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

1.6.4 Impervious Surfaces

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

FINDING: Impervious surfaces have been limited as appropriate. Further the site has opted to use permeable pavers within the parking stall areas to increase permeability.

1.7 Service Areas

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

FINDING: All service facilities are located out of the Route One view corridor, and all are sited away from the primary entrance with appropriate vegetative screens.

1.7.1 Location

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

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

FINDING: All service facilities are located out of the Route One view corridor; all are sited away from the primary entrance with appropriate vegetative screens.

1.7.2 Design

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

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

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

FINDING: All service areas are designed with appropriate turning movements for anticipated vehicles, each service area is separated from primary vehicle circulation to minimize conflicts. Landscape islands are provided as mention in previous responses.

1.7.3 Buffering/Screening

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

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

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

1.8 Open Space

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

FINDING: As noted in previous guideline responses, significant consideration and accommodation for open space, pedestrian amenities within the site (plazas, seat walls, lighting, etc.) has been provided for. The Planning Board would characterize this site as attractive, hospitable, and usable.

1.8.1 Internal Walkways

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

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

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

At a minimum bituminous concrete should be used as the primary material for internal walkways, except that for entrance areas and other special features the use of brick or special paving shall be

encouraged. Walkways should be separated from parking areas and travel lanes by raised curbing. Granite is strongly preferred for its durability, appearance, and low maintenance requirements.

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

FINDING: Crosswalks are marked by safety paint markings, internal walkways are 6' in width and connect to the buildings entrances, with interconnectivity to the sites pedestrian plaza areas, walkways accommodate planting areas. Granite curbing and concrete sidewalks are proposed.

1.8.2 Landscaping

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

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

FINDING: Landscape plantings within the thirty-five (35') foot buffer between Route One and the building will be maintained as outlined in the Design Guidelines provided by the Town.

1.8.3 Usable Open Space

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

FINDING: As noted in previous guideline responses, significant consideration and accommodation for open space, pedestrian amenities within the site (plazas, seat walls, lighting, etc.) has been provided for. The design team and applicant would characterize this site as attractive, hospitable, and usable.

1.9 Buffering of Adjacent Uses

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

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

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

FINDING: As noted above, significant screening has been provided for abutters, Route One buffer area, service areas, parking lots, and pedestrian plaza areas. The site has a very detailed landscape planting plan, stamped by a registered Landscape Architect. The design team has worked closely with the Town Planner to add additional buffering per the request of abutters and Town Planner has agreed to be on site with the abutting property owner, Betty Long, to place the trees in the optimum location for screening.

1.9.2 Design

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

FINDING: The landscaping of the site is substantial and incredibly detailed. A professional landscape architect has stamped the plan. Stone walls, plantings, landforms, berms are detailed within the plan set.

1.9.3 Maintenance

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

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

1.10 Erosion, Sedimentation, and Stormwater Management

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

FINDING: The proposed landscaping will provide permanent stabilization for the disturbed areas of the site and enhance the visual attractiveness of the development. An Inspection, Maintenance, and Housekeeping Plan has been prepared for use by the contractor during construction and by the owner after construction to ensure that little or no adverse impact to the natural environment occurs.

1.10.1 Erosion and Sedimentation

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

FINDING: An Erosion and Sedimentation Control Plan including site specific details, meeting the MDEP requirements, has been prepared to mitigate and manage the potential for soil erosion during construction.

1.10.2 Stormwater Management

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

FINDING: The stormwater management system has been designed to create the least visual impact on the site by incorporating catch basins and subsurface storm drains as required as well as vegetated swales to direct runoff to a treatment/detention basin. The vegetated underdrained soil filter has been designed to provide the required detention and treatment to the runoff while fitting unobtrusively into the landscape between the parking area and the retained tree line.

1.11 Utilities

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

FINDING: To the extent practicable, all on-site utilities will be installed underground.

ALL on-site utilities shall be underground and are shown as such on the plans. Applicant should clarify this statement.

1.11.1 Water and Sewer

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

FINDING: Public water is available within Powell Road. Private service (domestic and fire) will be extended to the building within the site and parallel to Route One. Sanitary sewer is available within Route One. A service lateral will connect to the main at an existing sanitary manhole.

Electric, Telephone and Cable

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

FINDING: Existing 3-phase electrical power will be extended by CMP from the existing terminus at the intersection of Powell Road and Route One. Near the proposed driveway entrance, electrical power will be extended via underground conduit to a service transformer located to the rear of the building. Telephone, cable and any other wired connections will follow the same route as electrical power.

2.1 General Architectural Form

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

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

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

FINDING: The building is designed to utilize traditional building forms of the region, that of Georgian or Colonial proportions, that lend themselves to commercial architecture.

2.1.1 Roofs

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

FINDING: The building incorporates pitched roof lines with a low sloped hipped roofs (4:12 typically). This design is a modern interpretation of Georgian architecture found along Route 88; the roofline will be further enhanced by fascia details and deep soffits to create dramatic shadow lines. There is a section of flat roof on the eastern side of the building to facilitate installation of mechanical equipment. The sloped roof is expected to be an architectural shingle in a weathered grey color. (Owens Corning Oakridge Estate Grey)

2.1.2 Windows

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

FINDING: Windows are traditional double hung windows with two windows rectangular in proportion paired to make a square. This square shape is repeated in certain locations with fixed glazing and mullions to divide glass to have similar proportions as a large scale commercial building (over 10,000 sq. ft). These are proposed to be a fiberglass frame in a traditional white color.

2.1.3 Detailing

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

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

2.1.4 Building Materials

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

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

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

FINDING: Building materials consist of cementitious siding (Hardie Plank) in the form of clapboard with 5” reveal; shingles with a 5” reveal in most locations and a horizontal board/batten siding. The entry element is storefront type glazing to allow for a large opening to expose a uniquely designed interior stair in the lobby and to afford views out to the site. The building entry is further defined with ample landscaping and gentle lighting to provide a safe accessible front entry. Colors are expected to be Light Green (Heathered Moss) and dark green (Mountain Sage).

2.2 Large Scale Buildings

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

FINDING: The building is designed as attractive commercial architecture, responsive to the site.

2.2.1 Design and Massing

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

FINDING: The building is broken into 4 parts, to a residential scale; each projecting element is 30 feet to 50 feet wide typical of a home in the area. There are also a number of building steps and setbacks that further diminish the mass of the building.

2.2.2 Site Design

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

FINDING: The building design works with existing topography and avoids dramatic grade changes around the building by locating the loading dock in an already low area of the site.

2.2.3 Architectural Details

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

FINDING: The architectural detailing includes window trim, trim panels and trim accents in locations where there is unbroken wall area to create a more human scale. The wall to roof trim includes a frieze board, soffit trim, and fascia appropriately detailed.

2.2.4 Facades and Exterior Walls

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

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

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

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

2.2.5 Building Entrances

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

FINDING: The main building entrance is highlighted with a low canopy, landscaping, and a large window wall affording views of the interior lobby. The rear entry is also set apart by a projecting canopy, landscaping, and a patio area.

2.3 Linear Commercial Buildings

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

FINDING: We understand this section to be indicative of retail shopping centers (buildings with multiple entries). Items noted below are not applicable to this structure however; several design approaches are discussed in section 2.2.

2.3.1 Design

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

FINDING: Not applicable

2.3.2 Façade Design

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

FINDING: Not Applicable

2.3.3 Focal Points

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

FINDING: Not Applicable

2.3.4 Façade Offsets

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

FINDING: Façade Offsets

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

2.3.5 *Rooflines*

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

FINDING: The building roof line design uses a pitched shingle roof for architectural visualization on all three sides visible from Route One.

2.4 Smaller Freestanding Commercial Buildings

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

2.4 Smaller Freestanding Commercial Buildings

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

2.4.1 *Single Use Buildings*

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

FINDING: Not Applicable.

2.4.2 *Franchise Design*

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

FINDING: Not Applicable.

2.4.3 *Mixed Use Buildings*

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

FINDING: Not Applicable.

2.5 Residential Structures

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

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

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

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

FINDING: Not Applicable.

2.6 Residential Care Facilities

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

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

FINDING: Not Applicable.

2.7 Hotels and Motels

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

FINDING: Not Applicable.

2.7.1 All Building Types: Awnings and Canopies

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

Whether fixed or retractable, awnings and canopies should be an integral element of the architecture. They should be located directly over windows and doors to provide protection from the elements. Awnings or canopies should not be used as light sources or advertising features. Graphics and wording located on canopies and awnings will be considered part of the total signage

area. Any such graphics shall be designed as an integral part of the signage program for the property, and coordinated with other sign elements in terms of typeface, color, and spacing.

FINDING: To complement the building design the main building entrance is highlighted with a low canopy, landscaping, and a large window wall affording views of the interior lobby. The rear entry is also set apart by a projecting canopy, landscaping, and a patio area.

3 Signage

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

3.1 Sign Design

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

FINDING: We are proposing a building mounted sign on the front canopy fascia. We propose cut opaque letter with a softly lit backlight creating a glow around the letter edge. This lighting would turn off with the site lights. We are proposing a 14 sf two sided downlit monument sign at the front entry.

3.1.1 Signage Plan

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

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

FINDING: Applicant not seeking multiple signs at this time.

3.1.2 Sign Location

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

FINDING: Signs are located as required outside required setbacks and do not block line of sights. No roof mounted signs are proposed.

3.1.3 Sign Design

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

FINDING: The sign design compliments the building with similar use of architectural trim and colors.

3.1.4 Sign Colors

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

FINDING: The sign has two colors to match the building and contrasting lettering (3 colors total).

3.1.5 Sign Content

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

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

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

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

FINDING: The sign shall contain the address and name of the Tenant only designed to match the existing logo.

3.2 Sign Type

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

FINDING: The 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.

FINDING: The building mounted sign seen on the front entry has the name of the business in 10” tall letters set on the 14” deep canopy fascia. Lighting is washing the letters from the recess above.

3.2.2 Freestanding Signs

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

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

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

FINDING: A freestanding sign is proposed, see drawing A2.3 for details.

3.2.3 Wayfinding Signs

To prevent visual clutter and motorist confusion, additional smaller signs indicating site circulation are generally discouraged. However they are sometimes needed to clarify complex circulation patterns. Wayfinding signage is also sometimes required to indicate different areas of site usage, such as secondary building entries, loading, or service areas. The Planning Board shall exercise its discretion in the requirement or prohibition of such signs.

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

FINDING: Not applicable.

3.3 Sign Illumination

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

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

FINDING: Sign illumination is typically from above, downlit with a recessed LED fixture focused on the sign face.

4 Lighting

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

4.1 Good Lighting

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

Appropriate Levels of Illumination

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

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

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

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

FINDING: Refer to the photometric plan.

4.2 The Lighting Plan

Objective: As part of Site Plan or Subdivision review the Planning Board may, at its discretion, require that a lighting plan be provided. It should be prepared by a professional with expertise in

lighting design. The intent of the lighting plan is to show how the least amount of light possible will be provided to achieve the lighting requirements.

FINDING: The lighting plan has been prepared by a company with expertise in lighting design to show lighting levels appropriate for commercial use abutting a residential area 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 that describes how lighting will be used to provide safety and security, and describes how it will achieve aesthetic goals. The Lighting Plan should include specifications and illustrations of all proposed fixtures, including mounting heights, photometric data, and other descriptive information. It should also include a maintenance and replacement schedule for the fixtures and bulbs.

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

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

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

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

FINDING: Refer to the photometric plan

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.

FINDING: None proposed

4.3.2 *Parking Lot and Driveway Lighting*

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

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

FINDING: See attached cut sheets. Fixtures are fully shielded.

4.3.3 Pedestrian Lighting

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

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

FINDING: Walks are generally illuminated with parking lot lighting.

Mr. Bingham moved to grant Major Site Plan Approval for Maine Standards for a commercial office building at U.S. Route One, Tax Assessor Map R02, Lot 10A, in the Office Commercial North (OCN) district; subject to the Limitation of Approval, Standard Condition of Approval and the seven conditions of approval.

Mr. Boivin seconded.

VOTE: Unanimous

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.

STANDARD CONDITION OF APPROVAL:

This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents, except de minimus 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 issuance of a building permit.
2. That the MDEP Stormwater//General Construction Permit be provided prior to issuance of a building permit.
3. That the location of the proposed plantings along the rear property line be confirmed with the Town Planner prior to planting.
4. That a preconstruction conference be held prior to the start of construction.

5. That a performance guarantee in an amount acceptable to the Town Manager and Town Engineer be provided prior to the preconstruction conference.
 6. That a letter from the Maine Historic Preservation Commission confirming that there are historic or archeological resources on site be provided prior to the preconstruction conference.
 7. That the following Fire Department Requirements be provided:
 1. The building shall be equipped with a fire alarm system that is monitored by an approved fire alarm company. The system shall have a remote annunciator panel located at the main entrance that can be silenced with the push of one button from this location. The strobe or other visual alarm signaling devices shall remain active when the system is silenced. The alarm system shall identify the exact location of each individual initiation device with plain text at the fire alarm panel.
 2. The building shall be equipped with a hinged key box approved by the fire department. The key box shall be electronically connected to the fire alarm system to show a trouble signal whenever the box is in the open position.
 3. The building shall meet the requirements of the National Fire Protection Association Life Safety Code. These requirements cannot be determined until a complete set of building drawings are reviewed.
 4. Any fuel storage shall meet the appropriate standard of the National Fire Protection Association. Attention to building and property line set back requirements should be included as part of the site plan review.
 5. An automatic fire protection sprinkler system shall be installed and shall meet the requirements of the National Fire Protection Association. The fire department connection shall be equipped with a 4" locking coupling that is located in an area that is approved by the fire department. The sprinkler system shall send a water flow signal to the fire alarm panel whenever water is moving throughout the system. The fire department shall receive a copy of the sprinkler system drawings that have been approved and permitted by the State Fire Marshal's Office.
 6. A fire hydrant shall be installed on Route 1 that is located near the main entrance of the facility.
 7. Access to the building shall be adequate enough to accommodate fire department vehicles.
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2. **Sketch Plan Review:** Major Subdivision Phase II – Maeve's Way and Lot Amendment for Lot # 6, Tax Assessor Map U03, Lot 2C, in the Low Density Residential (LDR) district; Terrance DeWan Associates, Representative.

Ms. Nixon stated that Terry DeWan of DeWan Associates is present to present a sketch plan of a proposed lot amendment and Phase II of Maeve's Way.

Terry DeWan of Terrence J. DeWan & Associates on behalf of R & N Enterprises, LLC, reviewed the proposed amendment to Lot # 6 of Maeve's Way Subdivision as follows: R & N Enterprises, LLC, the developer of the R & N Woods subdivision, has a prospective buyer for Lot 6 at the end of Maeve's Way. However, the existing building window is very limited due to site constraints and will not work with the proposed house plan. The developer has just purchased the abutting 25+- acre parcel of land to the north and would like to relocate the northern lot line of Lot 6 to increase the size of the lot and the building envelope.

Our main intent of this meeting is to present the proposed lot line adjustment with the objective to return to the June 19th meeting. This adjustment will also require consideration of several aspects of the original subdivision plan:

- The relocation of a Portland Water District sewer easement on Lot 6.
- The extension of a drainage easement on Lot 6.
- Wetlands on the property will not be disturbed.
- The relocation of an existing trail.

Mr. DeWan reviewed the existing building envelope on Lot 6, which is a 1.95 acre lot. The proposal moves the lot line 100' to the north and adds a little over an acre to the lot from the 25+- acre lot purchased from the north.

Mr. Bingham asked if the portion added to Lot 6 was part of the original subdivision.

Mr. DeWan stated no.

Mr. Bingham asked if this change would create any buffering issues with Lot 10 in (Phase II).

Mr. Ferland asked if the 25 acres to the north were in negotiations or had been purchased.

Mr. Nate Hucklebauer of Drummond & Drummond stated yes, the property closed last week it is owned in a separate LLC, with the same parties involved.

Mr. Ferland stated the market has changed and it seems like a logical change.

Mr. Neagle stated at next month's meeting the Board will act on the formal request.

Mr. DeWan continued to review the proposed concept plan for Phase II on the adjoining lot. The site is a wooded site. The existing stormwater facilities at Maeve's Way are oversized and it is being determined if the system is adequate for the proposed additional lots.

- The initial net residential acreage calculations appear the property can support 10 new lots with primary access off Maeve's Way, a private way.
- The use of the cluster provision to preserve open space and sensitive wildlife habitat. There are two vernal pools on the property, one is classified a significant wildlife habitat. DEP jurisdictions would require a 250' buffer from this area, this land will be part of the common open space area.
- An existing trail near the end of Maeve's Way will be relocated.
- There will be three lots off a short road and an eyebrow road that will have five lots. The lot sizes will be between 1 and 1.3 acres. This will create a total of 10 lots and a separate 1 acre open space lot.

Mr. Bingham asked if the lots would be serviced by town water and sewer, stating the only potential neighbor impact would be the Goodbody's and Strahan's.

Mr. DeWan stated yes the lots will have water and sewer. The cluster provision requires a 75' buffer on all sides and we have been in discussions with the neighbors.

Mr. Ferland stated the road with three lots doesn't appear connected to the neighborhood and feels like an appendage.

Mr. DeWan stated they recognize these issues and are working on them.

Mr. Neagle stated it looks like a great addition to the existing subdivision; stating the Board will want to take a site walk prior to the July meeting.

3. *Public Hearing: To recommend to the Town Council draft amendments to the Contract Zone Agreement for Small's Brook Crossing.*

Mr. Sherr asked to be recused as he resides in Crossing Brook.

Mr. Neagle stated Dan Felkel, his law partner, resides in the neighborhood and that he wasn't comfortable staying present for this item.

Mr. Sherr (a resident of Crossing Brook) and Mr. Neagle were recused.

Mr. Neagle turned the chair over to Mr. Ferland, Vice-Chair.

Mr. Ferland stated he knows several people in the neighborhood.

Mr. Alex Kimball, Finance Director, Town of Cumberland presented background information as follows: The Town Council has held several workshops on the issue. The Small's Brook Crossing subdivision was developed through a contract zone which allowed for smaller lots sizes and tighter road construction than normally allowed. The Town spent no money on this project, but did lend \$300,000 to the developer for construction. This amount was repaid to the town upon initial sale of the lots. In return, the town received a \$20,000 "silent second mortgage" for each house. This is the amount saved per lot by the concessions made by the town. The houses had to be sold to "Qualified Buyers" initially, and when those owners sell, they must first attempt to sell to another qualified buyer for 120 days. If this is not successful, then they can sell to a 'non-qualified buyer". If this occurs, the silent second mortgage and interest (\$800 annually) is paid to an affordable housing fund set up by the town. To date, 44 of the 49 homes remain in this program, and the Affordable Housing Fund currently has a positive balance of \$153,000.

The Small's Brook Crossing Subdivision was extremely successful and original purchasers of the homes have stayed in their properties. Of the issues discussed, allowing rentals, and capping the interest both require changes to the amended contract zone. As a result, state law requires the Planning Board to hold public hearings and give recommendations to the Town Council on these changes.

The proposed changes are:

~~Interest rate. The note will bear interest at a simple annual rate of four (4%) percent, or at the annual rate of inflation as set forth in the Consumer Price Index for Urban Wage Earners and Clerical Workers issued by the United States Bureau of Labor Statistics for the Portland, Maine area, or area which encompasses Portland, Maine or encompasses the area closest to Portland, Maine (or a comparable statistic based upon changes in the cost of living or purchasing power of the consumer dollar published by any other governmental agency, as may be agreed between the parties), whichever is greater. Interest will accumulate annually. No payments would be due on account of such interest or inflation value until the events specified in the next following sub-paragraph.~~

- (a) Interest rate: The Note will bear interest at a simple annual rate of four percent (4%), which will accumulate annually except that said accumulation shall terminate after twenty (20) years as to any owner of a lot at Small's Brook, who has continuously owned the home as his principal residence for said 20-year period.
- (b) Payment of Note and Mortgage: In the event that the purchaser of the house desires to sell the property, the property shall be first offered to the pool of qualified purchasers established pursuant to the provisions of paragraph III (2) above. The purchasers in such pool shall have the first right to purchase the property, subject to reasonable procedures relating to order of priority as may be established by the Town or its designee. The purchase price for the property shall be the price negotiated in an arms-length transaction between the parties, less the then amount of the Cumberland mortgage (including accrued interest). In the event that the property is purchased by a "qualified purchaser" as defined above, the Cumberland mortgage shall be assumed in accordance with its terms and shall be subordinated to any new purchase money financing, such

subordination to be only once for each qualified purchaser and only to the extent of the purchase money financing. The seller of the property will realize any net proceeds from the sale of the property over and above the payment of the existing first mortgage and the then amount of Cumberland mortgage (including accrued interest).

- (c) Principal Residence. Any purchaser of a house shall represent and warrant that he will occupy the house as his principal residence and that the house will not be used as an investment property. The houses at Small's Brook may be rented once for up to a two (2) year period during the ownership thereof based on approval by the Town Manager on an application by the owner documenting in a manner satisfactory to the Town Manager, or his designee, in his sole discretion that said owner is unable to continue to reside therein.

Mr. Bingham asked about renter's qualifications and who would draft rules for renters.

Mr. Kimball stated homeowner's would state a reason for rental to the Town Manager and he would approve or deny rental requests.

Mr. Dillon asked if the rental agreements would be to a single-family only, or could six college students rent the house.

Mr. Kimball stated it does not specify.

Mr. Bingham stated he felt the Town Manager who is a resident of the neighborhood might have a conflict or undue pressure in reviewing rental requests.

Ms. Nixon asked if a homeowner rented the house for a two year period would that time period be considered part of the twenty years. She asked if the amendment should read *continuously owned or resided* in the home as his/her principal residence for said 20- year period.

The public portion of the meeting was opened.

Ms. Carla Joyce of 50 Crossing Brook Road stated living in the neighborhood has been a pleasure from day one. This project allowed them to live in Cumberland. The rental aspect is a small piece of the puzzle, she moved into her home in July of 1992. She stated an "affordable buyer" shouldn't be penalized with continued accumulation of interest.

Mr. Greg Carrell of 70 Crossing Brook Road referenced Attorney Ken Cole's letter stating his concern is that residents were told they were not able to pay off the "silent second mortgage" and now they can. The bottom line whether a house is sold to an "affordable buyer" or non-affordable buyer it still would cost the seller \$36,000 to sell.

The public portion of the meeting was closed.

Mr. Bingham moved to recommend to the Town Council the proposed amendments as to the Contract Zone Agreement for Small's Brook Crossing as amended.

Mr. Dillon seconded.

VOTE: Unanimous

~~Interest rate. The note will bear interest at a simple annual rate of four (4%) percent, or at the annual rate of inflation as set forth in the Consumer Price Index for Urban Wage Earners and Clerical Workers issued by the United States Bureau of Labor Statistics for the Portland, Maine~~

area, or area which encompasses Portland, Maine or encompasses the area closest to Portland, Maine (or a comparable statistic based upon changes in the cost of living or purchasing power of the consumer dollar published by any other governmental agency, as may be agreed between the parties), whichever is greater. Interest will accumulate annually. No payments would be due on account of such interest or inflation value until the events specified in the next following subparagraph.

- (d) Interest rate: The Note will bear interest at a simple annual rate of four percent (4%), which will accumulate annually except that said accumulation shall terminate after twenty (20) years as to any owner of a lot at Small's Brook, who has continuously resided- owned in the home as his principal residence for said 20-year period.
- (e) Payment of Note and Mortgage: In the event that the purchaser of the house desires to sell the property, the property shall be first offered to the pool of qualified purchasers established pursuant to the provisions of paragraph III (2) above. The purchasers in such pool shall have the first right to purchase the property, subject to reasonable procedures relating to order of priority as may be established by the Town or its designee. The purchase price for the property shall be the price negotiated in an arms-length transaction between the parties, less the then amount of the Cumberland mortgage (including accrued interest). In the event that the property is purchased by a "qualified purchaser" as defined above, the Cumberland mortgage shall be assumed in accordance with its terms and shall be subordinated to any new purchase money financing, such subordination to be only once for each qualified purchaser and only to the extent of the purchase money financing. The seller of the property will realize any net proceeds from the sale of the property over and above the payment of the existing first mortgage and the then amount of Cumberland mortgage (including accrued interest).
- (f) Principal Residence. Any purchaser of a house shall represent and warrant that he will occupy the house as his principal residence and that the house will not be used as an investment property. The houses at Small's Brook may be rented once for up to a two (2) year period during the ownership thereof based on approval by the Town Manager or his designee on an application by the owner documenting in a manner satisfactory to the Town Manager, or his designee, in his sole discretion that said owner is unable to continue to reside therein.
- (g) Default. Upon default under the note and mortgage by a purchaser, the note and mortgage shall become due and payable. The term "default" as used in this Agreement includes but is not limited to a purchaser's violation of a term or terms of the second mortgage and note.

Mr. Kimball clarified on page 7 of the contract zone they are not changing the "affordability" language.

Mr. Ferland stated there is a letter of support from R. Scott Wyman, President of Smalls Brook Crossing Homeowners' Association in the record.

F. Administrative Matters: – None

G. Adjournment: Mr. Ferland adjourned the meeting at 9:10 p.m.

A TRUE COPY ATTEST:

Christopher S. Neagle, Board Chair

Pam Bosarge, Clerk to the Board