

**PLANNING BOARD MEETING MINUTES
TOWN OF CUMBERLAND
Cumberland Town Hall, 290 Tuttle Road, Cumberland, Maine 04021
Tuesday, July 19, 2016 - 7:00 p.m.**

A. Call to Order: Chairman Moriarty called the meeting to order at 7:00 p.m.

B. Roll Call: Present: Steve Moriarty, Chair; John Berrett, Jeff Davis, Teri Maloney- Kelly & Peter Sherr.

Absent: Joshua Saunders, Gerry Boivin.

Staff: Carla Nixon, Town Planner; Christina Silberman, Administrative Assistant; Bill Longley, Code Enforcement Officer; Bill Shane, Town Manager.

C. Approval of Minutes of the June 21, 2016 meeting: Mr. Berrett commented that the minutes were really well done. On page 3, 10 lines from the bottom, Mr. Berrett asked to have the word “retail” added in parenthesis after “It includes a single commercial...” because the building is referred to as the retail building in other areas of the minutes. Also on page 6, the first sentence of the last paragraph seems to have a word missing and he does not understand it. Ms. Silberman noted that it should have the words “are tight” added to the end of the sentence. Ms. Maloney Kelly moved to accept the minutes of the meeting as revised for Tuesday, June 21, 2016, seconded by Mr. Berrett and **VOTED, 4 yeas, 1 abstained (Sherr - absent) - motion carries.**

D. Staff Site Plan Approvals:

Learning Time Child Development Center, 260 Middle Road - Ms. Nixon reported that this was an application for Learning Time Child Development Center located on Middle Rd. This is a successful business that is owned by Pam Powers. Ms. Powers had asked for approval to expand the day care into the existing garage space. This is a minor change to the site plan. Ms. Nixon was able to review and approve the request. Chairman Moriarty explained that Staff Site Plan Approval requires no Planning Board review or comment.

E. Minor Change Approvals: None.

F. Hearings and Presentations: Chairman Moriarty explained that there are 5 public hearings on tonight’s agenda. The Town Manager plans to present information for item #1 on the agenda regarding the Broad Cove Reserve Parking and Access Plan extension but he could not make it to the beginning of the meeting. Mr. Moriarty asked if there was anyone present to speak on this item. Becky Quinlan indicated that she is here to speak on this item. Mr. Moriarty said this item will be put off until later in the meeting. If Ms. Quinlan can’t wait to speak until then, the Board will hear her now. Ms. Quinlan approached the podium to provide her comments. See what is now Item #3 for Ms. Quinlan’s comments.

Mr. Moriarty asked if anyone was present for Item #4 for street design and construction standards. There was no response. This item was moved to the end of the agenda.

1) Public Hearing #2 (This item was taken out of order and heard first): **Extension of Minor Site Plan Approval for Site Preparation of Lots 2, 3, 4, 5 & 7 of Cumberland Foreside Village in a contract zone.** Tax Assessor Map R 01, Lots 2, 3, 4 & 7. David

Chase, Cumberland Foreside Village, LLC, Owner/ Applicant. Tom Greer, P.E., Pinkham and Greer Civil Engineers, Representative.

Ms. Nixon said that the next two items are related to Cumberland Foreside Village. The applicant asked that both of these items be on the agenda. The items are interrelated in that the site preparation work for the apartments, which is going through the review process now and is the next agenda item, expires at the end of this month. The applicant was hoping that they would be able to get preliminary and final approval for the actual apartment project. That would make this agenda item unnecessary because the work being done for the apartments is the same work they are talking about doing here with the site preparation. The application for the apartment project is not in position to be approved so the Planning Board will hear about it tonight and ask questions then will likely table the item. That means that the agenda item tonight for the extension of approval for site preparation work is required.

Tom Greer, of Pinkham & Greer, introduced himself and said he is representing the applicant. Mr. Greer pointed out the area where they are working on the project. Mr. Greer said that when they came before the Board with the original application, the Chairman wanted to make sure that the approval was for the site prep and not for the 32 units shown on the plan. The final approval was just for the site prep. Now they are back with the apartments in a little different configuration for the next agenda item.

Mr. Greer said that the applicant would like to continue working on the site. One of the promises the applicant made to the neighbors is to do this project as quickly and efficiently as possible in order to minimize the disruption. The applicant would like to continue operating to get this area cleaned up and taken care of. Mr. Greer would like the Board to approve the site prep work for another year. The applicant hopes to be back next month with an application that will be approved for the apartments.

Chairman Moriarty confirmed that the applicant is asking for a one year extension. Chairman Moriarty said the applicant was given approval for site preparation on July 30, 2015. The configuration of the buildings has since changed. Mr. Moriarty asked if the applicant is preparing the same piece of property as a year ago. Mr. Greer replied yes.

Ms. Maloney-Kelly asked if the extension is granted, how long the applicant expects to continue with the aggregate processing. Mr. Greer replied that the aggregate processing will continue for another six months. Utilities will then have to be put in for the apartments with a finish completion in 2017. Ms. Maloney-Kelly asked what this means for the neighbors with blasting and breaking down the rock. Mr. Greer responded that the work is catching up. Much of the effort this summer is preparing a road to be paved. It is not 5 days a week but it is fairly consistent. Ms. Maloney-Kelly asked if the neighbors could be notified of the blasting. Mr. Greer said the neighbors have been notified of the periods to expect blasting and there is a series of horns prior to each blast to give notice.

Ms. Maloney-Kelly asked if the blasting schedule could be posted on a website. Applicant David Chase responded that the blasting is more controlled now and it is all being matted with approximately 3 blasts per day. The men on the worksite do not have the means to update a website. Mr. Chase said it seems redundant to put out 4 notices a day. Mr. Chase said there is another 2 weeks before the majority of the blasting will be done. It will be a lot more sporadic over the following several months. The blasting occurs on week days only.

Mr. Sherr asked if all of the previous conditions of approval are still in play for the extension. Mr. Chase said they are not asking for any changes. The Contract Zone calls for up to 2 six month extensions. At this time, Mr. Chase thinks only one six month extension will be needed. The project is slated to be finished by fall. Mr. Sherr said the conditions of approval show the hours of operation and these things are all intact.

Mr. Sherr asked Ms. Nixon if the text shown in red regarding the proposed limitations of approval and the proposed conditions of approval in the Board's packet were previously approved or if this is being added. Ms. Nixon said she believes these were amendments to the contract zone agreement that the Town Council approved. Ms. Nixon recommended that the Board should make a motion to include item #9 as written.

Ms. Maloney-Kelly commented that she recognized that regardless of what was going to go into this site, it needed to be excavated. The good news for the neighbors is that at the end of six months that aspect of the project will be behind them. Mr. Chase said 99% of it will.

Mr. Sherr asked for clarification from Mr. Chase if they are seeking a six month extension or a one year extension. Mr. Chase said that he is happy with one six month extension.

Chairman Moriarty opened the Public Hearing. Shirley Storey-King, 28 Shirley Ln., asked what the red language is that Mr. Sherr spoke of. Ms. Nixon replied that she is pretty sure that it is amended contract zone language. Chairman Moriarty said it looks to him to be housekeeping stuff in terms of procedure. Mr. Sherr said he vaguely remembers these were language changes during the original approval for the site preparation that were added in at that time and approved but he wants to make sure. Mr. Greer agreed that the text in red were edits for the original site plan approval. Mr. Sherr suggested the Board ratify the text again to be sure. **Chairman Moriarty closed the Public Hearing.**

Mr. Berrett stated that Mr. Greer referred to one of the comments in red stating that the Planning Board will deny a request for extension if site prep activities are not at least 35% completed. Mr. Berrett asked what percent is completed and Mr. Greer replied it is close to 85% complete.

Mr. Sherr asked Ms. Nixon if the conditions of approval have been met and she replied yes.

Mr. Sherr moved to grant the extension request for a period of six months subject to the same conditions of approval as last year at this time and on the assumption that the language in red is in fact language that was approved a year ago and is not a change of any type, seconded by Mr. Davis and **VOTED 5 years - motion carries unanimously.**

2) Public Hearing #3 (This item was taken out of order and heard second): **Major Subdivision and Site Plan Review: Cumberland Foreside Village Apartments, Route 1 in a contract zone.** Tax Assessor Map R 01, Lots 11, 12, 12A. David Chase, Cumberland Foreside Village, LLC, Owner/Applicant. Tom Greer, P.E., Pinkham and Greer Civil Engineers, Representative.

Ms. Nixon reiterated that the applicant thought they would come in this month for preliminary and final approval but that is not the case because there are a number of outstanding issues. The project is still on the agenda. The Board can hear about the issues, ask questions, learn the status of required permits, and conduct a public hearing. The application could then be considered for preliminary and final approval in one meeting.

Ms. Maloney-Kelly asked Ms. Nixon what the reference in the Board's packet means on page 3, 3rd paragraph down that states "...impact of allowing schools and their restrictions on high volume roadways". Ms. Nixon said this is a comment from the Lands & Conservation Commission. It is not anything that the Board can act on. The Board cannot anticipate the future and deny an application.

Mr. Sherr said he believed there was a site walk and he asked for a summary. Ms. Nixon said there were several abutters present. Chairman Moriarty said that they met close by the new construction then moved toward the right a little bit west of the road through the area where the apartments were staked out. They could see where the road would go. They went over as far as the proposed location of the community building. Mr. Greer added that they walked to the top of the ridge to look at the buffer that had been staked out. Mr. Moriarty said there were some questions from members of the public and Town Council as to how much the buildings would extend above the level of the 100' buffer. A portion of the building will be visible beyond the height of the buffer. Mr. Greer said the trees at the edge of the buffer and the height of the buildings will be roughly the same. One will be able to see the buildings through the veil of the trees, especially in the winter. The buffer will be a mix of both hard wood and soft wood trees that will change with the season. It will be fairly well screened.

Chairman Moriarty said there was discussion at one time about a walking path through the 100' strip. Ms. Nixon said that Ms. Storey-King brought to their attention that there is language in the contract zone agreement that called for the walking path. The applicant has no particular interest in adding the path nor does the town feel that it is in the best interest of the town to have the walking path intrude upon the buffer. Ms. Nixon said she believes that the path will not be required. Ms. Nixon said she is not sure if removal of the walking path requires an amendment or if the Board can include the removal as a condition of approval.

Mr. Berrett referenced #6 under Item #5 of the Planner's comments which states "need explanation on why elevator and fire escapes are not required" and asked what the town should do with this. Ms. Nixon replied that the question was raised by Code Enforcement Officer Bill Longley at a staff review meeting. Mr. Longley will bring it up when he addresses the comments.

Mr. Greer gave an update on the Department of Environmental Protection (DEP). The final comments from the review engineer were received last week and have been addressed and are now on Bob Green's desk. Mr. Greer expects the DEP permit to be in place in 2 to 4 weeks.

Mr. Greer showed plans of the project. The plan is for 8 buildings with 12 units each totaling 96 apartments. The parking area has been expanded since the contract zone was written. Mr. Greer showed where the parking areas will be. There will be more than 2 parking spaces per unit. There will be underdrain soil filters for treatment of storm water. One change is that the applicant plans to pull the parking areas (nearest the rear) back 10' and will build a berm along each of these parking areas to conform with the contract zone to create a headlight block from going through the buffer to the neighbors. There is a new landscape plan that is slightly different than what is on the projection but this gives a good idea of what the overall planting plan will be.

There will be public water and public sewer. Mr. Greer is working with Portland Water District on how they will feed the service to the buildings. All of the buildings will have

sprinklers in them. The architect did respond to the no elevator question and it has to do with how the building is divided and the overall occupancy of the building. This will be included in the final submittal. Mr. Greer said overall the project has not changed a whole lot. There is some tweaking to do with Dan Diffin's memo on the utilities and extending the soil erosion control berms and answering those questions.

Chairman Moriarty confirmed that this application is not ready for final approval. Mr. Greer agreed that it is not ready for final approval but perhaps the Board could grant preliminary approval so the Board does not have to do both approvals at the same meeting with the condition that the staff comments are answered.

Mr. Moriarty asked if each apartment unit will have a sprinkler and Mr. Greer said each apartment will have a sprinkler. It is a full sprinkler system.

Ms. Maloney-Kelly said it appears that there are only close parking spots near two of the buildings. Mr. Greer responded that a sidewalk runs along in front of each building and there is parking directly in front of the sidewalk. Ms. Maloney-Kelly said she wants to ensure that there is up close parking for anyone that is mobility impaired.

Mr. Sherr asked that Mr. Greer include the colored schematic in the next packet. Mr. Greer said there will also be a new landscape plan submitted.

Chairman Moriarty opened the Public Hearing. Shirley Storey-King said that she thinks this plan is too dense for this property. There are 15 items under chapter 229 that were pointed out by the Town Engineer and 10 of 16 items under chapter 250 have not been met. Ms. Storey-King asked if the Board expects to give preliminary and final approval next month. Another concern is that streams should be identified. Chenery Brook is located nearby on the West side and it is a shoreland zone protected brook. It should be shown on the plans.

Mr. Moriarty asked Ms. Nixon how much advance notice is needed for the agenda. Ms. Nixon responded that required advertising is 14 days prior to the meeting and the submission deadline is 3 weeks prior to the Planning Board meeting. If Ms. Nixon knows that an application is waiting for permits between the submission deadline and the meeting date, she will put the item on the agenda. If the permits don't come in, the Board can table the item or consider it without the permits. It may be difficult for Mr. Greer if it will be 2-4 weeks before they expect the DEP approval. The proper way to proceed is to have this applicant back in August for preliminary approval and then in September for final approval. That being said, the Board and the Planning Department often help process applications more quickly by allowing applications to be placed on the agenda and will allow necessary permits to be submitted right up until the night of the Planning Board meeting. It is possible that the Board consider preliminary and final approval at the same meeting.

Tom Foley, 29 Granite Ridge Rd., suggested that in the next presentations there be a schematic of what the project will look like from Route 1 looking into the project instead of an overview. He would like to avoid having the Board approve a project when they don't know what it will look like looking in from the road. It is important to have an attractive entry way looking into these projects. Mr. Moriarty asked Mr. Greer if they could do this and he said yes. **Chairman Moriarty closed the Public Hearing.**

Mr. Berrett revisited the question about the elevator which Mr. Greer did speak of. Code Enforcement Officer Bill Longley said that he has done some research. The Maine Elevator

Board does not mandate when an elevator is needed but they do mandate how elevators are installed. Depending on the type of use in a building, if a first floor is ADA compliant then other levels do not need to be ADA compliant. Mr. Longley said that fire escapes are not required because each unit will be fully sprinkled and will have fire escape windows.

Mr. Berrett asked what a fire escape window is. Mr. Longley replied that fire escape windows are 5.7 square feet in size. These windows are required in the Maine State Life Safety Code. Chairman Moriarty asked what happens once the window is open, where do you go from there. Mr. Longley said if a person is on the 2nd floor they may be able to jump and a person on the 3rd floor will probably wait for the fire department to get there. A person probably won't need to use these windows with a fully sprinkled building but it is a rescue escape option. Mr. Moriarty asked if there are code requirements for things like roll up ladders. Mr. Longley replied no and said we could have that but it would probably not be appropriate in a multi-family building. This type of ladder would be appropriate for a single family, two or three story house that is not sprinkled.

Mr. Sherr moved to table Major Subdivision and Site Plan Review: Cumberland Foreside Village Apartments, Route 1 in contract zone, seconded by Mr. Berrett and **VOTED 5 years - motion carries unanimously.**

3) Public Hearing #1 (This item was taken out of order and heard third): ***Extension of Approval under Section 229- Site Plan Review and Section 226-17- Shoreland Zoning of the Cumberland Code to Review a Municipal Use for Broad Cove Reserve Parking and Access Plan at 179 Foreside Road. A portion of Tax Assessor Map R 01, Lot 2 in the Low Density Residential District (LDR), Limited Residential (LR). Town of Cumberland, Applicant/Owner. Daniel P. Diffin, P.E., Sevee and Maher Engineers, Representative.***

Town Manager Bill Shane said that there is a slight change. The number of parking spaces and the approval remain the same. The change is the addition of a buffer along the Route 88 side. Originally the plan showed parking spaces where the buffer is proposed to be and future parking spaces perpendicular to these where shown on the plan that was approved last year. Wetland studies and reviews for vernal pools have been conducted and show no significant vernal pools. Mr. Shane has met with the Land Trust. The plan shown tonight with the buffer has Land Trust approval. The future parking spaces shown on the plan last year will be actual parking spaces to swap the location of the parking spaces where the buffer will now be.

Mr. Shane said the location has been open since Memorial Day weekend. There are between 110-140 visitors throughout the day on nice weekend days. During the week it is more like 30 to 50 people depending on the weather. Parking spaces have peaked at about 20 spaces with between 15 to 18 spaces on most days at the peak hour.

Mr. Shane said that things are working very well. There is a golf cart shuttle system to transport people between the parking spaces along the road to the boathouse area. The shuttle will be eliminated when the parking lot is approved and built. If approved this evening, the project would probably go out to bid next month and hope to have construction completed by March 30th to avoid the next "bat season". Bats have become endangered due to a type of disease and cutting of trees is prohibited from April through July. If contractors are available, the parking lot could be constructed as early as this fall.

Chairman Moriarty asked what length of extension is being requested. Mr. Shane indicated he would like the two 6 month extensions for a total of 12 months just to be safe.

Mr. Sherr asked Ms. Nixon if the one proposed change could be considered under staff review or should the Board run through the findings of fact again. Ms. Nixon said that the findings of fact from last year would still apply. It would not fall under staff review. Mr. Sherr said he is in favor of the revised plan but wants to make sure the change is documented and approved. Ms. Nixon noted that the Site Plan Ordinance was changed not long ago to say that the Board may grant up to two 1 year extensions so Mr. Shane would like one 1 year extension.

Chairman Moriarty opened the Public Hearing. (NOTE: The following comments in this paragraph were heard at the beginning of Hearings and Presentations due to the reordering of the agenda items.) Becky Quinlan, 26 Pine Ln., said she assumes that the plan for the number of parking spots has not changed. Ms. Quinlan asked how many cars are parking there daily now. Mr. Moriarty explained that this item is for an extension only and there is no change from what was approved last year. Mr. Moriarty does not know about the current frequency of use. Town Councilor Peter Bingham, Sr. responded that Town Manager Bill Shane gave a presentation at the last Town Council meeting regarding the usage. Mr. Shane has the actual numbers. Mr. Moriarty said Ms. Quinlan is welcome to stay until Mr. Shane arrives or she can get the figures through Mr. Shane tomorrow. **Chairman Moriarty closed the Public Hearing.**

The Board reviewed the findings of fact where the buffer is mentioned on page 10, under section I, Buffering and Landscaping. Mr. Sherr proposed adding the language "an additional 40' wide vegetated landscape buffer along the parking lot adjacent to Route 88 has been added to the plan." Mr. Sherr moved to approve the findings of fact as amended tonight, seconded by Mr. Davis and **VOTED 5 years - motion carries unanimously.**

Mr. Sherr moved to grant a one year extension of Approval under Section 229- Site Plan Review and Section 226-17- Shoreland Zoning of the Cumberland Code to Review a Municipal Use for Broad Cove Reserve Parking and Access Plan at 179 Foreside Road, seconded by Ms. Maloney-Kelly and **VOTED 5 years - motion carries unanimously.**

The Board recessed for a break at 8:15 pm. The meeting resumed at 8:22 pm.

4) Public Hearing #5 (This item was taken out of order and heard fourth): **Amendment to Windsor Lane Subdivision to Extend Subdivision Road and Add 3 Lots.** Tax Assessor Map R05A, Lots 3, 4B, 4D, 4E, 4F. Paul Benard, Applicant; Stephen Bradstreet, P.E., Ransom Consulting, Representative.

Mr. Sherr recused himself from participation on this item because his firm represents the applicant. Mr. Sherr said he does not feel that he would be biased but he does not want there to be any perception of conflict. Mr. Sherr left the dais and sat in the audience.

Steve Bradstreet of Ransom Consulting introduced himself. He welcomed Code Enforcement Officer Bill Longley to the podium. Mr. Longley has experience with the history of this project in regards to how the applicant got here since March of 2015.

Mr. Longley said this was a very unusual situation that occurred with the property. Mr. Longley said he has given the Board a copy of his memo from the last time the applicant

came before the Board. In 2009, Mr. Longley had early discussions with Mr. & Mrs. Benard about how they planned to purchase some land and split their lot.

The Benards proposed buying two individual lots that were owned by the Moody family and planned to split each of the two lots in half to create 4 lots. These 4 lots were owned by different entities and not by any one person. The plan that was submitted and reviewed by Mr. Longley at that time met the “straight face” test. It truly did not appear to be a subdivision. How it got to a subdivision was by the recording of deeds that occurred inappropriately and was not consistent with what was discussed.

Mr. Longley stated that for a number of years building permits were issued for residences on the 4 parcels. A split of one of the 4 lots was proposed more than 5 years after the original split. An attorney conducting a title search for the proposed split found, in their opinion, that a subdivision had been created by mistake. Mr. Longley’s counsel to the Benards, after reviewing the title search, deeds and documents, was to appear before the Planning Board and request an “after the fact” approval. Challenges that the Benards faced were that the road had been constructed to private way standards and it did not quite meet subdivision standards. During the process, the Moody family bought back one of the lots and had it contiguously attached to their lot that bordered Blanchard Road. This lot was then sold and that sale did not occur more than 5 years from when the Moody’s attached it to their lot. This again created an illegal division without proper review.

Mr. Longley said that there were a number of things that the Benards needed to have fixed. The Benards appeared before the Planning Board last spring. The Board gave the Benards a variance for the existing road to continue and granted permission for 5 lots. This was all the land owned by the Benards at the time and they did not propose to do anything further. A parcel has become available that is contiguous to the Benards’ property. The contiguous land is proposed to be divided into 3 more lots. Mr. Benard is now seeking an amendment to the original subdivision to bring it to 8 lots.

Mr. Longley added that the challenge of the existing road still exists. There is precedence where waivers were granted previously for roads to be narrower than what the subdivision ordinance allows. Before the Board tonight is whether or not to grant the waivers. Currently, 3 of the lots have houses. There are 2 undeveloped lots and representatives for each of these 2 lots are here this evening.

Mr. Moriarty asked if Mr. Longley had a copy of the map that was included in the Board’s packets. Mr. Longley asked Mr. Bradstreet to bring up the map on the projection. Mr. Moriarty said that he counts 4 lots on the proposed Oxford Lane but Mr. Longley indicated there were 3 lots. Mr. Longley said that there are 3 lots. One of the lots has 2 envelopes shown for where a house could be built that are divided by a stream. Current zoning would not allow 4 lots here because 4 acres per lot are needed.

Mr. Bradstreet outlined the parcel that the Benards are considering purchasing on the projection. The parcel is 12.8 acres with the ability to make three 4 acre lots. The lots would meet all of the criteria for lot size and lot frontage. Mr. Bradstreet outlined the Benard’s home and Windsor Lane. Mr. Bradstreet pointed out the Benard’s driveway that would become the beginning of a new road for the additional area. Mr. Benard brought up the original plan on the screen and pointed out area where the new lots are. The plan is to put in a road to be called Oxford Lane that will be a separate entity based on the right of

way off Windsor Lane. Mr. Benard would have a driveway to his home and a driveway to his barn off Oxford Lane. Mr. Bradstreet outlined the 3 proposed new lots.

Mr. Bradstreet showed a schematic of the road profile and said that the road will go across what looks like a ravine. He said to keep in mind that road profiles appear much more exaggerated than actual. This is not a ravine but a mild swale with 2.48 acres of watershed going to it. It doesn't capture a lot of water and a culvert will be provided.

Mr. Bradstreet said that we are here because back in March of 2015 when Mr. Benard received the amended major subdivision. Mr. Benard has had an opportunity to purchase 12.8 acres to develop 3 additional lots of the end of his property. In April, 2016 the applicant submitted a package to the Town for a plan revision of the original subdivision plan for Windsor Lane. In May, 2016, Sevee and Maher reviewed the project and provided comments. The applicant responded on June 28, 2016 and the Board should have this in their packet. Last Tuesday, Sevee and Maher provided some additional comments for typos that are easily addressed and can be satisfied with the exception of the waivers.

Mr. Bradstreet said this request comes before the Board from last year with the number of waivers that were granted. The applicant feels that the waivers are still justified this year to be considered as part of this revised plan. The waivers they are seeking now are no different than what the Board approved last year. The number of lots is still very low. The road is in good condition. There is excellent visibility. The road is well maintained. There is a road maintenance agreement. The road standard is 20' for residential access. The current road is 18' paved with 2' gravel shoulders and this is what is being proposed for the extension. Mr. Bradstreet said this is consistent with what was approved last year.

Mr. Moriarty asked if the only waivers the applicant is asking for are related to road design standards and Mr. Bradstreet responded yes. Mr. Moriarty said that there is one new Board member and there is one Board member that was absent from the meeting last year. They do not have any materials from last March.

Ms. Maloney-Kelly asked if this is a private road and the homeowners are responsible for maintenance. Mr. Bradstreet replied yes. There is a homeowner agreement in place and they all share the cost of road maintenance. Paul Benard, 52 Windsor Ln., said there is a road sharing agreement that goes with all of the lots filed at the Registry of Deeds. It basically says that they all share the cost of repairing, maintaining and plowing the road. This is working well so far. Oxford Lane lots will also share the costs of Windsor Lane. The agreement states that anyone that damages the road is directly responsible for repairs.

Mr. Benard said that he does not think 3 more homes will add much traffic. Two of the proposed new homes will be one for himself and his wife and the other for his daughter and grandchildren who live together now so there will only be additional traffic from two homes.

Mr. Davis asked if the homeowners along Windsor Ln. will be responsible for anything to do with Oxford Ln. Mr. Benard said no, only the 3 houses on Oxford Ln. will be responsible for the new road. The Windsor Ln. agreement will not change. Instead of 6 homeowners sharing the expense of Windsor Ln, there will be 9 and costs should go down. Mr. Davis clarified that Oxford Ln. owners will bear the burden of Oxford Ln. and Windsor Ln. but not the other way around and Mr. Benard agreed.

Chairman Moriarty opened the Public Hearing. Gregory Fox, 14 Windsor Ln., said this road is approved as residential private. Certain subdivision plan requirements, according to

Town Engineer Dan Diffin, will move this to residential access. Residential access has significantly different variables than residential private. Dr. Fox said he is concerned with the way information was presented to the Board. There are a lot of details Dr. Fox feels are being overlooked. He recommends that the Board go through the Subdivision Ordinance and look at the variables such as pavement width traveled way for residential access, the shoulder widths and specifically slope of shoulders and K-factors.

Dr. Fox referenced a memo to the Board from Town Planner Carla Nixon on July 14th where Town Engineer Dan Diffin, on page 3, sec. 1, comments that the average daily trips are 90. The subdivision has 5 current lots and his house was built before the subdivision and is what is referred to as the 6th lot. Dr. Fox said he voluntarily contributes to the subdivision road maintenance and plowing but he is not part of it. The State has looked at standards for average daily travel of 50 (vehicles) for a private road and anything above 50 for residential access and Dr. Fox is concerned with this. Dr. Fox said he sent an email to the Board with his concerns that should be part of their packet. In Dr. Fox's opinion, the current road has only the base coat that is 2.5" and this does exceed the required 2" but it does not have the finishing layer which is the sealing and protecting layer to withstand gravitational force.

Dr. Fox noted that Mr. Longley indicated previously that there was a deed issue and what once was a private road became a subdivision inadvertently. Dr. Fox said this is a moot point if you are going to add 3 lots. Dr. Fox wondered what happens if future property becomes available and Oxford Ln. is extended - what would that have for impact to the road. If zoning changes are made to allow 2 acre lots instead of 4 acres that would change volume as well. The speed on the road is rated for 25 mph but it sometimes seems that vehicles are traveling far in excess of that. Dr. Fox suggests that the association consider adding a byway or a sidewalk due to the heavy pedestrian traffic. A number of residents on Blanchard Rd. also walk on Windsor Ln. because there is no byway or sidewalk on Blanchard Rd. and it is convenient. Dr. Fox suggested the Board ask specific questions of Ransom Consulting to get the details of what will be met. Dr. Fox does not think moving this forward as residential access with waivers is in the best interest of the residents.

Chairman Moriarty said he was the Chair of the Land Use Planning Committee in 2015-2016 and the Committee recommended retention of the existing 4 acre and 2 acre lot sizes in the two rural zones. To Chairman Moriarty's knowledge, the Town Council has no interest in tampering with the two large lot rural zones, not to say it can't happen in the future. Blanchard Road does have byways, a paved shoulder with a stripe. Dr. Fox said that he believes that in the Subdivision Code, residential access does require a sidewalk unless it is waived by the Board. Mr. Moriarty said the Board had a retroactive subdivision approval last year that did not include sidewalks and he questioned whether the Board could lawfully impose that requirement now on Windsor Ln. Mr. Longley said he is not an attorney but Chairman Moriarty is probably correct.

Dr. Fox said he understands that there is a proposal to change some of the geometric design standards in town. The proposal will have residential access greater than 50 vehicles to require a 22' design standard for pavement and the road is 18'. Dr. Fox feels that the confusion is that some of the standards discussed are for residential private and others discussed are for residential access. Dr. Fox said that he thinks there is cause for concern. He does not agree that the current road is in excellent condition and he walks it every day. The final finishing coat was not applied.

Chairman Moriarty asked Town Manager Bill Shane to explain the differences between “residential access” and “residential private”. Mr. Shane noted that he is a registered professional engineer and is qualified to talk about this. Mr. Shane said that a series of categories for private roads was eliminated several months ago. There is now one standard for residential access roads for private ways. This situation is very unique and is nothing Mr. Shane has come across. This typically would be a private road and would meet private road standards. The road before the Board tonight far exceeds any private road standards the town has currently. Mr. Shane said that the road is paved. It does not have the full depth of pavement due to a waiver that the Board allowed last year when they approved the subdivision.

Mr. Shane said the next agenda item tonight is to discuss the new subdivision road standards that he has worked on with the Town Planner and Traffic Engineer for the past 6 months. There will be essentially 2 categories of roads. The road being discussed here would not meet that category primarily because the town will go to one standard for residential access roads for subdivisions requiring that they be 22’ wide with gravel shoulders. This road is only 18” wide. When we talk about “90 trips per day” it is 10 trips per household that would make 10-12 cars per hour in a 12 hour day. Mr. Shane said he has inspected and driven the road and it is a safe road.

Town staff and engineers have to follow the ordinance during technical reviews. They do not have the latitude to say “it is good enough”. The applicant is here tonight to ask for a waiver to some of the standards. Normally, if this came before the Board, they would have the same packet of technical information and standards would have to be met based on the ordinance. This has a different set of circumstances that the Board has to decide based on its merits. Mr. Shane said that from a technical review standard, this road is in the top 2-3 private roads in town based on how it is constructed. Mr. Shane said an additional 2 -3 homes will not have an impact on the safety of this road.

Chairman Moriarty stated that there are new private road standards in effect and the Town Council will look at new subdivision road standards. He asked if this application that was filed in April, would be grandfathered. Mr. Shane said it is not grandfathered. The grandfathering only occurs due to the waivers that the Board allowed last year on Windsor Lane itself. The Town Attorney advised that once the extra 2-3 lots are added, you have to look at the whole thing. Chairman Moriarty asked if hypothetically there are new subdivision road standards, would Windsor Ln. have to be retroactively changed. Mr. Shane said that Windsor Ln. would not have to be changed if there were no application before the Board. To become compliant and get approval for this entire project with the current standards, Windsor Lane would have to be widened. The new standard will be 22’ wide.

Mr. Davis clarified that last April the Board approved Windsor Ln. as a subdivision road with waivers. Chairman Moriarty said it is a private road in that the town does not plow or maintain it.

Jason Record, 18 Frye Dr. said that his father has a lot on Windsor Ln. He echoed some of Dr. Fox’s concerns about the current state of the road, future maintenance and how the road is holding up. He asked if the Board received the email he sent to Ms. Nixon with his concerns and Chairman Moriarty said yes. Mr. Record said we got to this on Windsor Lane creatively. Last year, the Board granted waivers because it had to be done to fix some technicalities and he thinks that was the right thing to do. One thing he does not think was

right was that the top coat for the road was never done. He feels that the top coat is important to seal the road and make it last longer. Last year the road was damaged during construction of a home during the spring thaw and the next houses may be built in the spring. There were significant signs of wear during that spring construction with the road flexing and cracking. Without the road being as wide and heavy as it should be, it will wear much faster and the residents are on the hook for this. Mr. Record asked that the Board take this as an opportunity to bring the road up to standard. If the additional lots are granted, Mr. Record thinks it appropriate to add the top coat of pavement after the building is done. Last spring the town did what had to be done but this next step is different.

Chairman Moriarty asked if the town could prohibit heavy construction equipment seasonally on a private road and Mr. Shane responded no. Blanchard Rd. (which Windsor Lane is off of) is a state road and it is not posted. Mr. Shane wondered if the Board could have a condition of approval to require that when town roads are posted, no heavy traffic be allowed on Windsor Ln. This would be in Mr. Benard's best interest also. It makes sense for everyone to post roads to limit heavy traffic between late February and mid to late April when roads are most vulnerable. Mr. Moriarty asked Mr. Benard if he is willing to refrain from construction during the season when the town posts the public roads. Mr. Benard said he would have no problem with this.

Ms. Nixon called the Board's attention to page 4 of their packet for the Windsor Ln. pavement review. The Town Engineer conducted a site visit and provided his view of the condition of the road. He found cracking on the outer 6-12 inches on both edges of the pavement along a good portion of the roadway, apparently the result of no shoulder or poor drainage. There were several areas of new pavement patches near the western extent of the road. The Town Engineer recommends that the Board require the applicant to construct stable shoulders along Windsor Ln. and repair areas of cracking before applying the final layer of the roadway. Ms. Nixon confirmed that the Board granted a waiver on the final layer of pavement. Mr. Bradstreet said there is no requirement for additional paving due to the waiver the Board granted. Mr. Benard said the paving is not standard binder, it is a very heavy duty binder sometimes referred to as airport mix and it is 2.5 inches thick. Mr. Benard was told that this is as good as the standard 2" basecoat with 1" topcoat.

Mr. Benard said he has no intention of building any more other than these few houses. He does not see the traffic as an issue and that is why people walk with their kids so much on the road. There is one spot in front of Mr. Record's lot where water comes onto the road because of a pile of dirt there. Mr. Benard said he does not think a sidewalk is needed and this was waived previously.

Chairman Moriarty said the Board has received correspondence from Francesco Duina of Windsor Ln. in support of the plan and from Roger & Margot Milliken who are the sellers of the land and are also in favor of the proposal. Mr. Benard said that the Milliken's also plan to donate some of their land for conservation. Oxford Ln. will be blocked by conservation area and cannot be extended. Mr. Shane noted that the proposed conservation donation is not part of the subdivision. It is part of Mr. Milliken's master plan to allow gifting part of the property to the Land Trust and to sell part of the land to Mr. Benard.

Sean McCloy, 53 Windsor Ln., said he plans to build a house here next spring or summer. He suggested a potential solution to the traffic speed would be to put in a speed bump along the straightaway. **Chairman Moriarty closed the Public Hearing.**

Chairman Moriarty asked Ms. Nixon if the application is complete and she replied yes. Chairman Moriarty said it does not make logical sense to him that Oxford Ln. be required to be built to subdivision standards whereas Windsor Ln. is built to private road standards. Mr. Benard said he wants to build Oxford Ln. the same as Windsor Ln. Chairman Moriarty wondered if the Board grants the same waivers for the proposed Oxford Ln., could the Board legally require anything further on Windsor Ln. Mr. Davis said that because the Board has already granted waivers on Windsor Ln, he would feel uncomfortable going back and changing them.

Mr. Berrett asked why there is a proposed Oxford Ln., instead of just extending Windsor Ln. Mr. Bradstreet responded that Oxford Ln. is intended to be a separate area and is a different parcel of land with new lots. Mr. Benard added that those who will live on Oxford Ln, will be responsible for Oxford Ln. maintenance but people who live on Windsor Ln. will not be responsible for Oxford Ln. Chairman Moriarty added that Oxford Ln. residents will be responsible also for Windsor Ln.

Mr. Moriarty asked if the waivers being sought tonight are identical to the ones approved in March, 2015 and Mr. Bradstreet concurred that they are all the same.

Mr. Davis said he has heard Mr. Benard speak about doing most of the work on the road but he understands that all of the residents on Windsor Ln. also take part in it. He asked if that participation is just for financial purposes or labor. Mr. Benard said that he and his son in law plowed the road prior to last winter when they hired someone else to plow the road. They plan to continue to hire someone to plow. They haven't had to pay for repairs to the road. Repair for damage caused to the road last spring was paid for by the contractor.

Chairman Moriarty said there are currently two lots that are unbuilt and he asked if these lots are responsible now for the costs of the road and Mr. Benard said yes. Mr. Benard added that Mr. Fox pays toward the road because he is a nice guy. His was an existing house and he uses the road and pays towards the maintenance.

Chairman Moriarty noted that there are 4 sitting members of the Board here. People may wonder what happens if there is a split vote because it is a 7 member board. If there are 4 members and the vote is split 3-1 then the vote will carry.

Mr. Record said regarding the waivers on Oxford Ln. and speaking on behalf of future residents, if the Board is considering waivers he asked that they not consider the waiver that would not require the top coat. He said this is a sticking point for him and will make a difference in the longevity of the road and the Town Engineer pointed out the need for a topcoat. Chairman Moriarty asked Mr. Benard if he would consider adding a top coat. Mr. Benard said he does not think it is necessary and he would like to do the 2.5" of pavement with the heavy coat.

Dr. Fox asked when the waivers were granted in the spring of 2015, was the road considered residential private with waivers and it is changing now to residential access and requiring similar waivers. Mr. Davis said the Board reviewed it as a subdivision with waivers at that time so it was already reviewed under the higher standard.

Chairman Moriarty reviewed the waivers; pavement width from 20' to 18', shoulder width from 4' to 2', minimum center line radius from 150' to 33', minimum tangent between reverse curves from 150 to 0, K factor for sag curves from 20 to 17.1, maximum grade at intersection from 3.0% to 3.33%, minimum property line radius from 15" to perpendicular

and bituminous pavement thickness form 1" of surface & 2" of binder to 2.5" of binder. These are the same waivers that were approved in March 2015 for Windsor Ln.

Mr. Davis moved to approve the waivers for Oxford Ln. to match the waivers for Windsor Ln., seconded by Mr. Berrett and **VOTED 4 yeas, 1 recused - motion carries.**

Chairman Moriarty reviewed the recommended **Findings of Fact:**

1. Pollution. The parcel is approximately 100' above sea level and is *not within a floodplain*. Soils were tested and found to be capable of supporting waste disposal; passing test pits were located on each proposed lot. Based on the information provided, the standards of this section have been met.

2. Sufficient Water. There are wells for the existing homes which have adequate water. Based on the information provided, the standards of this section have been met.

3. Municipal Water Supply. The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used. The proposed subdivision will not utilize public water. Based on the information provided, the standards of this section have been met.

4. Erosion. The project was constructed in 2009 with proper erosion control measures. There are no signs of erosion and the development does not appear to have impeded the ability of the land's ability to hold water. New construction will conform to Best Management Practices for erosion control. Based on the information provided, the standards of this section have been met.

5. Traffic. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed. The original project was granted an entrance permit from MDOT on June 29, 2009 for 5 lots (one existing lot and four new lots). An email was included in this application from Anthony Fontaine of Maine DOT stating that the existing permit allows for the addition of three more dwelling units. Based on the information provided, the standards of this section have been met.

6. Sewage disposal. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services, if they are utilized. The existing and proposed lots all have passing septic test pits. Based on the information provided, the standards of this section have been met.

7. Municipal solid waste disposal. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized. The homeowners will place their solid waste at the end of Windsor Lane at Blanchard Road for public collection. The additional homes will not create a burden on the municipality's ability to dispose of solid waste. Based on the information provided, the standards of this section have been met.

8. Aesthetic, cultural and natural values. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline. The individual lots are large (4-7 acres) and many are wooded. As such there is no adverse effect on the aesthetic values of the property. Letters are on file from the Maine Natural Areas Program and the Maine Historic Preservation Commission stating that no related resources are

affected by this development. A letter from the Department of Inland Fisheries and Wildlife is on file that states there are no essential habitats that would be directly affected by the proposed project. Based on the information provided, the standards of this section have been met.

9. Conformity with local ordinances and plans. The proposed subdivision conforms to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans. The plan has been reviewed by the Town Engineer, Town Planner and Code Enforcement Officer. The Town Engineer noted several deficiencies and commented on the requested waivers which were ultimately approved by the Planning Board. Based on the information provided, the standards of this section have been met.

10. Financial and technical capacity. The subdivider has adequate financial and technical capacity to meet the standards of this section. Technical capacity is evidenced by the applicant's use of a professional engineer, surveyor and soils evaluator. Financial Capacity: A letter from TD Bank is on file stating that the applicant has the ability to complete a project up to the amount of \$500,000. The public improvements are not expected to exceed that amount. Based on the information provided, the standards of this section have been met.

11. Surface waters; outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38 chapter 3, subchapter I, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of the body of water. The Mill Brook traverses through Lot B on its way to the East Branch of the Piscataqua River. The proposed site is not densely developed and any proposed improvements provide over 300' of buffer to the brook. Based on the information provided, the standards of this section have been met.

12. Ground water. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water. The project will be served by private septic systems. There are passing test pit locations on each parcel. There are no other proposed activities that would adversely affect the quality or quantity of ground water. Based on the information provided, the standards of this section have been met.

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

14. Storm water. The proposed subdivision will provide for adequate storm water management. The stormwater management system consists of two cross culverts. A stormwater Permit by Rule (PBR) was submitted to Maine Department of Environmental Protection (MEDEP) and a permit was received for the stormwater improvements. A proposed condition of approval addresses the Town Engineer's comment regarding pre and post development run-off calculations. Based on the information provided, the standards of this section have been met.

15. Freshwater wetlands. All potential freshwater wetlands, as defined in 30-A M.R.S.A. §4401 (2-A), within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district. Wetlands on the parcel were identified by James Mancini, Licensed Soils Scientist. The applicant has designed the project to minimize the amount of impact to wetland areas. Based on the information provided, the standards of this section have been met.

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

17. Section 300–Aquifer Protection (if applicable): The parcel is not located in the Aquifer Protection District.

Mr. Davis moved to approve the proposed Findings of Fact as amended, seconded by Ms. Maloney-Kelly and **VOTED, 4 yeas, 1 recused - motion carries.**

Chairman Moriarty reviewed the recommended **Conditions of Approval**:

1. That all fees be paid prior to the release of the plat for recording.
2. That a performance guarantee in an amount and form acceptable to the Town Manager is provided prior to the preconstruction conference, if needed.
3. That a preconstruction conference, if needed, be held prior to release of the plat for recording.
4. That the recommendation from the Town Engineer regarding providing pre and post construction stormwater runoff calculations be provided prior to releasing the plat for recording.
5. That Comment #3 of the Fire Chief's review as included in this review be complied with prior to the issuance of Certificate of Occupancy for each home.

Ms. Nixon outlined the Fire Chief's review. The Board discussed adding a condition to require that heavy loads be restricted on the road when the town posts its roads to heavy traffic and decided they may not have the authority to do so. Mr. Benard assured the Board that he will not allow heavy vehicle traffic on the road at the same time and to the same conditions as when town roads are posted.

Mr. Davis moved to approve the amendment to Windsor Lane Subdivision to extend subdivision road and add 3 Lots, tax assessor map R05A, Lots 3, 4B, 4D, 4E & 4F with the standard condition of approval, limitation of approval and the 5 recommended conditions of approval, seconded by Mr. Berrett and **VOTED, 4 yeas, 1 recused - motion carries.**

Mr. Sherr rejoined the Board at the dais.

5) Public Hearing #4 (This item was taken out of order and heard fifth): **Recommendation to Town Council for Amendments to Chapter 250, (Subdivision of Land) of the Cumberland Code. Amendments to Article VI – Street Design and Construction Standards.** *Town of Cumberland, Applicant.*

Mr. Shane outlined the proposed amendments to the road standards regarding subdivision roads. The proposal for subdivision standards includes 3 types of access roads. One for small residential access for less than 50 vehicles per day, one for residential access for greater than 50 vehicles and one for mixed use commercial access. All of these give the Board the ability to add, delete and participate in the geometric design standards. The big change is the pavement width of travel way for the residential access road. This will be the same type of access road that we have currently on private access roads. There were 5 categories before and now there is 1. The majority of roads in our community today in subdivisions are between 22' and 25' wide.

Mr. Shane said the town wants to build roads that work and that are safe. The Town Council met several months back to discuss the standards. A change that was made was to add width to the residential access road. Mr. Sherr recommended that the proposed 1' shoulder should be increased and it has been increased to 2'. Mr. Shane said he believes these new standards are more conducive to slower vehicle speeds as well as less future infrastructure cost to the community. The wider the road, the more expensive in the future and the faster vehicles travel.

The proposal is for roads to be typically 11' wide with 2' shoulders which is consistent with about 75% of Cumberland's subdivision roads today. Mr. Shane said he worked on the changes with Ms. Nixon and Gorrill Palmer Engineers and the changes conform with state and federal standards for low traffic volume roads.

Mr. Berrett asked if these changes apply to all town roads and Mr. Shane replied that these are only for subdivision and commercial access roads.

Mr. Davis looked at the road widths, shoulders and easements and asked where a sidewalk would go. Mr. Shane said a sidewalk would be required more so in areas where we presently have sidewalks. Having a sidewalk in a subdivision that connects to nowhere doesn't make sense. If the Planning Board decides to have a byway, Mr. Shane encouraged them to consider having a paved shoulder because it is easier to plow and maintain. Mr. Davis asked if sidewalks are something that would not be required in a subdivision if there is no existing sidewalk to connect to. Mr. Shane said that is his recommendation. Mr. Sherr said the Board still has the right to impose requiring a sidewalk if the Board determines that it is right for a given case before the Board.

Chairman Moriarty opened the Public Hearing. There were no members of the public present. **Chairman Moriarty closed the Public Hearing.**

Mr. Sherr asked if the schematics will be part of the table in the ordinance and Mr. Shane said he would like to do that. Mr. Sherr recommended that a change be made to the schematic for the residential access less than 50 vehicles per day. In order to make it consistent with the mixed use commercial access schematic, on the right hand side instead of showing an 11' travel lane, can it show a 9' travel lane with a 2' shoulder. Mr. Sherr will provide Ms. Nixon with a markup of the proposed change.

Mr. Shane said the Town Attorney noted that the 36' right of way shown on the schematic could be problematic. If there are areas where the town wants to include a pedestrian walk, this right of way width should be 50'. This is reduced in the private way standard. Mr. Sherr suggested the Board recommend this and the Board discussed this option. Mr. Shane suggested instead of changing the right of way to 50', a 5' easement could be required on each side of the road for future utilities, snow storage or potential future pedestrian access. This would bring the width up to 46'. Ms. Nixon suggested a change to the chart on page 1 to add a double asterisk next to the 36' and make a note in the far right column to read "Additional 5' on each side to be required for utilities, snow storage and pedestrian access if required."

Mr. Sherr moved to recommend to the Town Council the Amendments to Chapter 250, (Subdivision of Land) of the Cumberland Code. Amendments to Article VI – Street Design and Construction Standards as amended tonight for the table and the attached figures, seconded by Mr. Davis and **VOTED, 5 yeas - motion carries unanimously.**

G. Administrative Matters / New Business:

Chairman Moriarty reported that he has been invited by the Town Council to meet with the Council's Ordinance Committee as a Planning Board representative for contract zoning and a proposed new sign ordinance and he has agreed to do this.

H. Adjournment: Mr. Berrett moved to adjourn the meeting at 10:35 p.m., seconded by Ms. Maloney-Kelly and **VOTED 5 yeas-motion carries.**

A TRUE COPY ATTEST:

Stephen Moriarty, Board Chair

Christina Silberman, Administrative Asst.