

**PLANNING BOARD MEETING  
MINUTES  
TOWN OF CUMBERLAND  
Cumberland Town Hall - 290 Tuttle Road  
Cumberland, Maine 04021  
Tuesday, October 18, 2011  
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 September 17, 2011 meeting***

Mr. Bingham moved to approve the minutes as amended by Chairman Neagle.

Mr. Ferland seconded.

VOTE: 6 in favor (Boivin, Dillon,  
Caron, Ferland, Neagle, Bingham)  
1 abstain (Sherr)

**D.     *Hearings and Presentations:***

**1.   *Public Hearing: Minor Site Plan Approval request for two(2) six (6) month extensions of approval for Evergreen Companies, Inc., at 217 Gray Road, Tax Assessor Map U20, Lot 68 in the Village Center Commercial (VCC) district; Mark Plummer, Owner.***

Ms. Nixon presented background information as follows: Evergreen Companies located at 217 Gray Road was granted site plan approval on October 19, 2010. The approval was for a business that had been in operation without required approvals. When the Code Enforcement Office contacted the owner to explain the need for Planning Board approval, the applicant hired an engineer and developed a site plan that showed the construction of several small buildings to be located in the rear of the lot, and the closing of one of the two entrances from the lot onto Gray Road. The Planning Board conducted a site walk of the property and approved the plan. The applicant has not yet completed this work due to prevailing economic conditions and is requesting an extension of the approval under Section 10 (Limitation of Approval) of the Site Plan Ordinance. The granting of an extension is typically a routine procedure that has been done for all other projects that have requested one.

Mr. Sherr asked if there were any safety concerns.

Ms. Nixon responded there were not.

Mr. Bingham moved to approve two (2) six (6) month extensions for a Minor Site Plan for Evergreen Companies at 217 Gray Road, Tax Assessor Map U20, Lot 68 in the Village Center Commercial (VCC) district; Mark Plummer, Owner. This extension is based on the findings of fact and standard and proposed conditions of approval granted on October 19, 2010.

Mr. Sherr seconded.

VOTE: Unanimous 7 – 0

2. **Public Hearing: Major Subdivision and Major Site Plan Review: Drowne School Apartments for 38 senior apartments at the Drowne Road School** in the Village Mixed Use Zone (VMUZ) a portion of Tax Map R03, Lot 51A; Michael Tadema-Wielandt, P. E. DeLuca – Hoffman Associates, Representative; Bateman Partners, LLC, Applicant, Town of Cumberland, Owner.

Ms. Nixon presented background information as follows: The proposed project is for the re-utilization and expansion of an existing building, a former school, into 38 senior housing apartments. The site is located on the southeasterly side of Drowne Road. It is a portion of a parcel shown as Tax Assessor Lot 51A, Map R3. There is a 7 acre area that will be leased from the Town of Cumberland for 99 years. There is public water and sewer to the site.

The applicant is David Bateman, the developer of the Village Green subdivision that was approved last month. Mr. Bateman is doing business as Drowne School Associates, LP. He is represented by Michael Tadema-Wielandt, P.E., of Delucca-Hoffman Associates, Consulting Engineers.

#### **HISTORY:**

- September 20, 2011: Pre-application conference with Planning Board

#### **DESCRIPTION:**

Proposed Use:	38 senior (55+) housing units
Parcel size:	7 acre leased area.
Parking:	76 spaces (2 spaces per unit)
Zoning:	Village Mixed Use (VMU)
Water	Portland Water District.
Sewer:	Portland Water District.
Wetland Impact:	None
Fire Protection:	Public water. Sprinklers

**WAIVER REQUESTS: See Attachment M.**

#### **PLANNING DIRECTOR'S COMMENTS/DISCUSSION ITEMS:**

1. Waiver from Site Inventory and Analysis
2. Plan shows utilization of existing above-ground utilities. Waiver-able?
3. Lighting? VMU requires fully shielded light fixtures.
4. A guard rail or fencing with plantings should be placed between the existing parking area and the proposed "overflow" parking area.

#### **DEPARTMENT HEAD REVIEWS:**

**William Longley, Code Enforcement Officer:** No comments

**Joe Charron, Police Chief:** No comments

**Chris Bolduc, Rescue Chief:** No comments

**Dan Small, Fire Chief:** No comments

**CUMBERLAND CONSERVATION COMMISSION:** No Comments

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

Gorrill-Palmer Consulting Engineers, Inc. has completed a peer review of the Site Plan and Amended Subdivision application for the referenced project. The current information from the applicant is presented in a package dated October 4, 2011 as prepared by DeLuca-Hoffman Associates, Inc. We have the following comments based on our review of the material:

#### ***Subdivision Plan – Sheet C-4.0***

1. Under the Net Residential Acreage calculations, the Landfill Closure Area contained within the Leased Area is treated as developable land. Is that reasonable, or should that land area be deducted under subsection 3 (areas which are difficult to develop in their natural state because of subsoil conditions)?
2. While the proposed lot is a leased and not a fee-simple acquisition, should setbacks be shown along the side and rear of the lease lot?
3. Does the 28,239 s.f. shown as building area include the expansion, and is it footprint or gross square footage?
4. Should the vehicular easement on the eastern portion of the site be redefined to follow the access driveways within the parking lot versus crossing parking spaces?
5. Should the pedestrian easement on the western portion of the site be redefined to be within the driveway or sidewalk, versus crossing parking spaces?

#### ***Site Plan – Sheet C-5.0***

6. Has the Applicant explored aligning the westerly driveway with the public works driveway on the opposite side of Drowne Road?
7. Has the Applicant explored aligning the easterly driveway with Oak Street?
8. We would recommend that all curbing within Drowne Road be vertical granite curb.
9. Building dimensions should be shown for the expansion, as well as it's setback from adjacent lease line.
10. Is the turnaround at the westerly driveway adequate for the fire department?
11. Given that the proposed use is senior parking, it is reasonable to have 13% of the permanent parking be provided as parallel parking?
12. In our opinion, an 8' width for the parallel parking is too narrow given the adjacent 11' travel lane.
13. The Applicant should address how the easterly parking lot conforms to the Site Plan Ordinance requirement that no parking be allowed within 15' of the front property line.
14. We are concerned with the operation of the seasonal parking area as it will appear to be a lawn area, without any visual prompts to drivers as to where to enter the seasonal lot, and how to park. In our experience turfed parking is inefficient unless measures such as posts and ropes, guardrail or other means are used to separate the lot from the adjacent pavement, and to align cars.
15. We are concerned with the viability of maintaining the turfed parking area without the use of a product similar to Geoblock.
16. Is overhead electrical service acceptable to the Town?
17. Is the existing sanitary sewer suitable for service to the building expansion, given the fact that the expansion will include 1 story below the floor elevation of the existing building?
18. Is a 2" water service acceptable for domestic service for 38 residential units?
19. The proposed propane tank is shown approximately 12' from the building, where the detail on Sheet C-9.2 indicates that the setback from buildings is to be 25'.
20. Where is the barrier free route from the spaces in the easterly parking lot to the building? Does the "ramp" on the easterly side of the building meet ADA requirements?

#### ***Grading and Drainage Plan – Sheet C-6.0***

21. The 128 contour at the westerly driveway should be completed?
22. Are there any excavation restrictions within the Landfill Closure Area that would impact the installation of the 15" stormdrain line from CB-1 to riprap outlet?
23. How will the roof runoff from the building expansion be accommodated?
24. Will there be any footing drain for the building expansion, if so, where will it be directed?

#### ***Stormwater Analysis***

25. While we concur that since the project results in a slight decrease in overall impervious surface that a full stormwater report is not warranted as peak flows would not be expected to increase as

it leaves the Town property to the south , the grading plan results in several items that should be clarified:

- a. Surface water flow is being directed in new directions which may result in potential erosion such as:
  - i. The grassed area in front of the existing building previously drained to drywells is now proposed to be directed towards the swale on the landfill.
  - ii. The pitched roof for the front of the existing building which previously drained to drywells is now proposed to be directed towards the swale on the landfill.
  - iii. Catch basins are being added along Drowne Road for the parallel parking, which is being directed towards the swale on the landfill.
  - iv. Where will the roof runoff from the building expansion be directed?
- b. Impervious areas which previously were unconnected and drained overland towards the drainage courses are being collected in a closed drainage system and will discharge to the swales in a concentrated manner
  - i. Majority of parking area to west of existing building
  - ii. Paved play area near the existing basketball hoops

We would recommend that the two drainage swales (located on either side of the existing paved play area) be analyzed as they cross the lease line for peak rates in the pre and post development conditions as well as an assessment as to the stabilization of these swales based on the post development flows. Storm drain sizing calculations should also be provided.

Mr. Michael Tadema-Wielandt, P.E. representative reviewed the changes that were made to the project from the sketch plan review comments of the Board.

- Parking:
  - There will be only one driveway entrance and the existing island has been shrunk. There will be 43 paved spaces up 6+ from the current parking.
  - Parking on the other side of the building will have 23 spaces.
  - On street parking has been changed to 10 parallel parking spaces
  - Total of 76 paved parking spaces – 2 spaces per residential unit.
  - Little League parking the trail from the Town Office parking lot will be defined and a seasonal overflow parking area will be created with a gravel base and loam and seed. The overflow parking will have 24 spaces.
  - There will be a guardrail and plantings to separate the paved parking from the seasonal parking.
- Traffic Study: At sketch plan review we were asked to conduct a traffic study to show the impact on Tuttle Road, Droane Road and Wyman Way. Bill Bray completed a traffic study there will be three additional trips during a.m. peak and four additional trips during p.m. peak traffic. The impact is negligible

Mr. Boivin asked if the propane tanks would be located under the overhead service and asked if there were any problems with filling / operation of the tanks in that location.

Mr. Tadema-Wielandt stated yes they will remain and there is no concern of filling or operation of the tanks in the location.

Mr. Boivin asked the location of the outside meter panel.

Mr. Tadema – Wielandt stated the panel will be at the existing location on the building.

Mr. Boivin asked if there were two water mains one for fire protection and one for domestic water.

Mr. Tadema-Wielandt stated yes there are two separate lines a 6” line for fire protection and a separate 2” line for domestic water. All of the units will be sprinklered.

Mr. Dillon stated the traffic study states there will be no additional traffic impact than the previous school, but his concern is traffic from the subdivision and from a safety aspect would it be safer for the traffic to have one stop sign.

Mr. Tadema – Wielandt stated the number of trips during peak hours is so low safety is not a concern. The traffic study did take into account the impact from Village Green subdivision.

Mr. Dillon stated the plan shows two parking spaces per unit and asked about any need for employee parking.

Mr. Tadema – Wielandt stated there will be no employees; the facility will be independent living.

Mr. Dillon asked if there were any plans for covered parking.

Mr. Nathan Bateman stated no, funding from Maine State Housing Authority does not allow extra for covered parking.

Mr. Dillon asked about exterior lighting.

Mr. Tadema-Wielandt stated there will be building mounted lighting at the entrances and there is an existing street light across the street.

Mr. Dillon asked if fire truck clearance issues have been addressed in the circle.

Mr. Tadema – Wielandt stated they have met with the Fire Chief and the Fire Department doesn’t intend to turn a truck in the circle, it is designed for ambulances.

Mr. Bingham voiced concern regarding the overflow parking for Little League. He asked if the expectation was that the gravel base would allow adequate drainage.

Mr. Sherr asked who would maintain the seasonal overflow parking area.

Mr. Tadema – Wielandt stated the applicant would be responsible.

Mr. Neagle asked about the twenty foot vehicular easement through the parking lot.

Mr. Tadema – Wielandt stated that was for the MSAD when the Town held access for the fields.

Mr. Neagle stated the easement should be taken off the plan as it doesn’t relate to the project. He also stated he was disappointed in the lack of the Oak Street alignment to the parking entrance, he voiced concern of parents with Little League games. Mr. Neagle asked if the entrance could be re-aligned.

Mr. Neagle stated the Planning Board is not able to waive zoning ordinance requirements, so they would not be able to waive 15’ setback requirement for parking.

Mr. Tadema-Wielandt stated they asked for the waiver because they were planning to use the existing parking area, but given the fact that the parking area needs to be moved they could also re-align the entrance to align with Oak Street.

Mr. Neagle stated the parking entrance location could be addressed as a condition of approval.

Mr. Neagle also voiced concern of parking vehicles on a grass surface in April; and asked if there were any other options.

Mr. Tadema-Wielandt stated pavers can also become a nightmare. Mr. Tadema-Wielandt stated the area does not appear to have drainage run through it and with the gravel base it should be alright. There will be a wooden guard rail between the paved and seasonal parking.

Mr. Dillon asked Ms. Nixon about the requirement in the ordinance for underground utilities.

Ms. Nixon stated the Board has granted waivers in the past to continue the use of existing underground utilities, given that this is an affordable senior housing project, it seems to be a reasonable request.

Mr. Ferland thanked the applicant for explaining the overflow parking and asked if there would be shrubbery at the guard rail, and what would delineate where people park. Mr. Ferland stated he has helped park vehicles in overflow parking at Twin Brook and it is amazing how people park with guidance and if the spots are not defined there could be problems.

Mr. Sherr stated curb stops could define the parking.

Mr. Tadema-Wielandt stated the objective is a minimalist parking lot.

Mr. Bateman stated they could have an entrance sign or line each spot at the beginning of the season.

Mr. Ferland requested that the tree planting extend parallel with the seasonal parking.

Mr. Tadema-Wielandt stated they are re-aligning the entrance and will re-locate some trees, there is an existing tree line at the overflow parking.

Mr. Ferland asked what is between the bocci courts and the building.

Mr. Tadema – Wielandt stated lawn area.

Mr. Sherr asked about detail on the trail to the Town Hall parking lot.

Mr. Tadema – Wielandt stated the existing trail will be formalized with stone dust six to ten feet wide.

The Board voiced concern of signage or education to direct Little League vehicles where to park.

Ms. Nixon stated this will be addressed through registration and mailings.

Mr. Boivin asked if the existing poles would be removed for the underground service.

Mr. Nathan Bateman stated the existing pole would remain and the service would go underground at the building. There would be pole mount transformers with underground utilities to the building. The design will be done in accordance with electrical engineers and Central Maine Power requirements.

Mr. Sherr asked if the bocci courts were intended to be public or private.

Mr. Nathan Bateman stated the bocci balls will be kept inside the building.

Ms. Nixon asked if the aged playground equipment would be replaced.

Mr. Nathan Bateman stated there are swing set frames with no swings, the playground equipment will be removed.

Mr. Bingham stated playground equipment is not a concern of the review criteria.

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

Mr. Bill Shane, Town Manager on behalf of the Town Council stated they have been working with the Bateman Group for over fifteen months on a public / private partnership. Mr. Shane stated the benefits the Town will recognize in this partnership is an immediate relief of \$480,000 in bond debts, and \$60,000 decrease in maintainence costs for the building. The project will pay the Town \$23,000 in lieu of taxes so there are immediate and long term benefits to the project. The current senior housing waiting list for Cumberland Meadows has over 150 names. The proposed senior housing will have affordable rents and will fill vacancies with the same criteria as Cumberland Meadows with preference given to Cumberland residents. The Bateman Group is expecting to break ground in November to begin on the 58 single family units approved in Phase I. After last month's sketch plan review we have received calls inquiring about the project. The Town is proud to be working with Bateman Partners and looks forward to a longterm partnership.

Ms. Caron asked how giving preference to Cumberland residents wasn't discriminatory.

Mr. Nathan Bateman stated he can't absolutely guarantee they can comply with the Cumerland resident preference it will depend on the terms of the Maine State Housing financing. They do not have an answer on whether it is discriminatory.

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

Mr. Bingham moved to grant the waiver request of Site Inventory and Analysis.

Ms. Caron seconded. VOTE: Unanimous 7 – 0

The Board reviewed the proposed findings of fact.

Mr. Bingham moved to adopt the findings of fact for Major Site Plan and Major Subdivision review.

Mr. Dillon seconded. VOTE: Unanimous 7 – 0

**MAJOR SITE PLAN APPROVAL STANDARDS AND CRITERIA**

The following criteria shall be used by the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board determines that the



applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

.1 Utilization of the Site

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

**The proposed development will occur in essentially the same areas as the existing development. An addition will be place on the end of the existing building. The site will be served by public water and sewer.**

**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 applicant is proposing to reduce the number of entrances to the site from 3 to 2 and to better define the entrance areas.**

**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.

**An MDOT entrance permit is not required for this project. The project meets the above 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 circulation plan is improved from that of the existing condition and will function well for the proposed use. The plan has been reviewed and approved by the Town's peer review engineer and found to be in conformance with all the above standards. All of the above standards have been met.**

**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 parking plan has been reviewed and approved by the Town Engineer and meets the above standards.**

**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.

**There will be a sidewalk along the length of the building and parking area. The Town of Cumberland is planning to connect this new sidewalk to the sidewalk that is planned for installation along Tuttle Road.**

**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 stormwater plan has been reviewed and approved by the Town Engineer.**

**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 project will utilize BMP (Best Management Practices) for erosion control. The erosion control plan has been reviewed and approved by the Town Engineer.**

**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.**

**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.**

**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 wire utilities will run from the existing poles on the street to underground throughout the site.

**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.**

**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 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 civil engineer, architect, surveyor, landscape designer and traffic engineer.**

**Financial capacity is evidenced by a letter dated 10-4-11 from Bangor Savings Bank states that the LLC has the financial capacity and ability to conduct the project as planned.**

**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.

**Due to the developed nature of this site, there are no apparent historic or archaeological resources.**

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

.16 Floodplain Management

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

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

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

.17 Exterior Lighting

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

**The lighting details show fixtures appear to be full shielded with no light above the horizontal plane.**

**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 perimeter of the site is vegetated with a mix of deciduous and non deciduous trees. The dumpster will be screened by a picket style fence.**

**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 residential nature of this development will not create noise that will be a nuisance for neighboring properties.**

**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. The dumpster is located in the rear corner of the parcel 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 building. A guard rail or fencing with plantings will be placed between the existing parking area and the proposed "overflow" parking area.**

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

.22 Building and Parking Placement

- .1 The site design should avoid creating a building surrounded by a parking lot. Parking should be to the side and preferably in the back. In rural, uncongested areas buildings should be set well back from the road so as to conform with the rural character of the area. If the parking is in front, a generous, landscaped buffer between road and parking lot is to be provided. Unused areas should be kept natural, as field, forest, wetland, etc.
- .2 Where two or more buildings are proposed, the buildings should be grouped and linked with sidewalks; tree planting should be used to provide shade and break up the scale of the site. Parking areas should be separated from the building by a minimum of five (5) to ten (10) feet. Plantings should be provided along the building edge, particularly where building facades consist of long or unbroken walls.

**The proposed parking and building placement meets the above standards.**

**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. The building will have a sprinkler system.**

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

.24 Aquifer Protection (if applicable)

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

**The parcel is 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.

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

## **MAJOR SUBDIVISION REVIEW CRITERIA**

### **MAJOR SUBDIVISION REVIEW:**

#### **PROPOSED FINDINGS OF FACT - Subdivision Ordinance, Section 1.1**

The purpose of these standards shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Cumberland, Maine, the Board shall consider the following criteria and before granting approval shall determine that the proposed subdivision:

1. Pollution. The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:
  - A. The elevation of the land above sea level and its relation to the flood plains;
  - B. The nature of soils and subsoil and their ability to adequately support waste disposal;
  - C. The slope of the land and its effect on effluents;
  - D. The availability of streams for disposal of effluents; and
  - E. The applicable state and local health and water resource rules and regulations;

**The proposed use will not cause pollution.**

**Based on the information provided the standards of this section have been met.**

2. Sufficient Water. The proposed subdivision has sufficient water available for the reasonable foreseeable needs of the subdivision;

**The proposed subdivision will utilize public water. A letter from the Portland Water District is on file that states there is an adequate supply of clean and healthful water to serve the needs of the proposed subdivision.**

**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;

**A letter from the Portland Water District that states there is an adequate supply of clean and healthful water to serve the needs of the proposed development without creating a burden on the existing water supply. Based on the information provided the standards of this section have been met.**

4. Erosion. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;

**The erosion control plan has been reviewed and approved by the Town Engineer.**

**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;

**A traffic generation assessment was performed by William Bray that showed a minimal impact on traffic as a result of this redevelopment.**

**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 project will utilize public sewer. The Town Manager, Bill Shane, has reserved the required number of sewer user permits for this project.**

**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 applicant intends to contract with Pine Tree Waste for the collection and hauling of residential solid waste with disposal at Eco-Maine. The café will use an on-site dumpster.**

**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;

**A proposed condition of approval is the submission of letters from the Department of Conservation, Inland Fisheries and Wildlife and the Maine Historic Preservation Commission.**

**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 plans have been reviewed by the Town's peer review engineers and town staff. All outstanding comments will be addressed for final plan review.**

**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 expert engineering, surveyors, soils evaluators, traffic engineers and landscape architects.**

**Financial capacity is evidenced by a letter dated 10-4-11 from Bangor Savings Bank that states the LLC has the financial capacity and ability to conduct the project as planned.**

**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;

**Not applicable.**

**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 public sewer. There are no 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;

**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;

**A stormwater management plan was reviewed and by the Town Engineer.**

**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.

**A soils report was submitted and based on that and a site survey, there are no wetlands on the site.**

**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]

**There are no rivers, streams or brooks on the parcel.**

**Based on the information provided, the standards of this section have been met.**

### ***SECTION 300 – AQUIFER PROTECTION (if applicable)***

**The use is not located in the Aquifer Protection District.**

Mr. Ferland moved to approve Major Subdivision and Site Plan approval for Drowne Road School Apartments for 38-senior apartments at Drowne Road School, 12 Drowne Road in the Village Mixed Use Zone (VMU) a portion of Tax Map R03, Lot 51A; Bateman Partners, LLC, Applicant. The approval is based upon the standard and proposed conditions of approval and the limitation of approval.

Mr. Bingham seconded.

VOTE: Unanimous 7 – 0

### **Standard Conditions 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.

### **Conditions of Approval**

1. That a preconstruction conference be held prior to the start of construction.
2. That all outstanding fees be paid to the Town prior to the preconstruction conference.
3. That all fire protection measures required by local, state, and federal agencies be complied with prior to the issuance of the building permit.
4. That the letters from the Department of Conservation, Inland Fisheries and Wildlife and the Maine Historic Preservation Commission be submitted prior to the pre-construction conference.
5. The applicant constructs a path to the Town Hall parking lot, with plans reviewed and approved by the Town Planner and Code Enforcement Officer.
6. Seasonal Parking (as shown on the plan):

- In the event that the proposed grass surface does not function as designed, it will be addressed and fixed by the applicant so that it is functional for seasonal parking as needed.
  - The applicant will maintain that parking area.
  - A wooden fence/rail and landscaping be installed between the seasonal and paved parking areas.
  - The parking spaces in the seasonal parking area are to be defined each spring with white lime lines.
7. Parking: The parking lot design is to be reviewed and approved by the Town Planner and Code Enforcement Officer.
    - The parking area be redesigned so that the entrance is aligned with Oak Street
    - The parking lot is to be set back 15' from the road.
    - The landscaping along Drowne Road shall extend in a northeasterly direction to include the area adjacent to the seasonal parking lot.
  8. The twenty foot (20') foot easement shown on the plan is to be removed.
  9. That the existing overhead utility lines be placed underground.
  10. The applicant shall allow the Town Recreation Department to maintain and use the Little League shed.
  11. That a preference for rental of units is given to Cumberland residents in accordance with the existing Cumberland Housing Authority guidelines to the extent allowed by the project's financing.

#### **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.

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Mr. Neagle stated it would be preferable to have 11 x 17 plans for the Board to review.

**3. Public Hearing: Major Site Plan Review: Cumberland Animal Clinic at 216 Greely Road,** a portion of Tax Assessor Map R04, Lot 34, in the Rural Residential One (RR1) district; Vanir Properties, LLC, Owner, Christopher Briley, AIA, Architect, Green Design Studio, Representative.

Mr. Bingham disclosed his cat was a client at the Cumberland Animal Clinic, and didn't feel this would impact his review of the project.

Mr. Ferland disclosed that Mr. Briley was a former neighbor and they jointly serve on a Board of Directors, he didn't feel this would unduly impact his review of the project.

Ms. Nixon presented background information as follows: The applicant, Dr. Thomas Netland, of Vanir Properties, LLC, currently owns and operates the Cumberland Animal Clinic located at 212 Greely Road with his wife, Dr. Lauren Netland. The Netland's also reside at 212 Greely Road in the front portion of the building. The applicant seeks to build a new animal clinic adjacent to their current clinic on a four acre parcel they have subdivided from their existing parcel. The parcel is an undeveloped grass field bounded by Greely Road to the north, the current clinic on the west, a single-family residence on the east, and fields on the south. The site will be served by an extension of the Portland Water District water main on Greely Road, and wastewater will be handled via a new septic system.

The applicant is represented by Chris Briley, RA, LEED AP of Green Design Studio. The applicant is seeking approval of 4 requested waivers and approval of the plan, with any needed conditions.

**DESCRIPTION:** Parcel size: 4 acres  
Zoning: RRI

Waivers: See Peer Engineer's Review Below

**DEPARTMENT HEAD REVIEWS:**

**William Longley, Code Enforcement Officer: No comments.**

**Joe Charron, Police Chief: No comments**

**Chris Bolduc, Rescue Chief: No comments**

**Dan Small, Fire Chief: None submitted to date.**

**CUMBERLAND CONSERVATION COMMISSION: No comments.**

**TOWN ENGINEER'S REVIEW:** Mark Bergeron, Sevee and Maher Engineers.

**Plan Information**

- The following plan and associated details prepared by Green Design Studio, Yarmouth, Maine,
  - Site Plan, Drawing C1.1, dated 9/27/11;
  - Grading and Utility Plan, Drawing C1.2, dated 9/27/11;
  - Erosion Control and Landscape Plan, Drawing C1.3, dated 9/27/11;
  - Details, Drawings C2.1 through C2.3, dated 9/22/11;
  - Exterior Elevations, Drawing A2.1 and A2.2, dated 9/27/11; and
  - Drainage Analysis Developed Conditions, Drawing D1.1, dated 9/22/11.

**Reports/Other Information**

- Town of Cumberland Site Plan Application Form and Checklist, dated September 27, 2011;
- List of Waivers, dated September 26, 2011. (Note: There were two lists of waivers included. Both lists have three identical waiver requests, but one list had a fourth waiver request. SME assumes that the list containing four waivers is the correct list);
- Letter from Norway Savings Bank, dated September 28, 2011;
- Letter from Norman Hanson Detroy dated September 21, 2011 with a copy of a warranty deed dated September 13, 2011;
- An HHE-200 Subsurface Wastewater Disposal System Application from Albert Frick, dated September 27, 2011;
- Stormwater Management Plan prepared by Pinkham and Greer Consulting Engineers, Inc., dated September 26, 2011;

- Location Map;
- Copy of the Cumberland County Soils Map;
- 8.5x11 copy of Drawing A1.1 – Photometric Plan by Green Design Studio; dated September 22, 2011; and
- Traffic Analysis statement from Pinkham and Greer Consulting Engineers, Inc., dated September 26, 2011.

The following contains a brief project description, basis of review, general comments, and plan comments.

### **PROJECT DESCRIPTION**

The applicant is proposing to construct a new 5,484 square foot animal clinic on a 4.0 acre parcel of land at 216 Greely Road. The new animal clinic will replace the existing Cumberland Animal Clinic at 212 Greely Road. The project site is shown on the Cumberland Tax Map R04, portion of Lot 34. The site is located in the Rural Residential 1 Zoning District (RR-1).

### **BASIS OF REVIEW**

This project is being reviewed as a Major Site Plan application as outlined in the “Site Plan Review Ordinance”, most recently amended and adopted on July 12, 2010.

In general, the applicant has supplied a set of drawings and supporting documents that are appropriate for this type of project. After review of the submission materials, we have the following comments.

### **WAIVER REQUEST COMMENTS**

1. The Major Site Plan Submission Checklist indicates that a waiver request has been made for the following items, with SME’s response following each request:
  - a. High intensity soil survey – SME supports this waiver request, as the County soils map was provided for stormwater purposes, and a soil test pit was provided for the septic system
  - b. Hydrogeologic Evaluation – SME supports this waiver request since the project will be served by public water, and there are no identified wells within proximity of the new septic system.
  - c. Market Study – SME has no opinion on this waiver and defers discussion to the Town Planner and the Planning Board.
  - d. Site Inventory Analysis - SME has no opinion on this waiver and defers discussion to the Town Planner and the Planning Board.

### **GENERAL COMMENTS**

1. The Site Plan Submission Checklist indicates that a boundary survey plan was attached. The applicant should provide a copy of this plan for review.
2. The applicant should provide an ability-to-serve letter from the Portland Water District, including approval of the water main extension to the site.
3. The applicant should identify if the parcel is located within the Town Aquifer Protection Area. It appears to be very close to the boundary of the Aquifer Protection Area near Greely Road.
4. The applicant should identify the type of heating source for the building, specifying where the propane or heating oil tanks will be located.
5. On the HHE-200 septic system design form, Albert Frick should clarify why the design flow of 484 gallons per day was selected instead of the 551 gallons per day, as calculated from the applicant’s water use records.



## **PLAN COMMENTS**

### **Site Plan, Drawing C1.1:**

1. The applicant should verify that the driveway sight distance looking to the right onto Greely Road is in excess of 350 feet. It appears that the wood fence near the existing residence may restrict that sight distance to approximately 300 feet.
2. A note or table summarizing the required number of parking spaces per the Zoning Ordinance should be included on the Site Plan.
3. All the waiver requests to the Planning Board should be listed in General Note #8.
4. The label for the number of parking spaces on the south side of the lot should be changed from 12 to 16 spaces.
5. What are the heat pump valves near the south of the edge of the parking lot, and do these need to be protected from vehicles or snow plows?

### **Grading and Utility Plan, Drawing C1.2:**

1. There are two symbols that look like hydrants that are not identified near the southeast and northwest corners of the building. Please clarify.

### **Drawings C1.3, C2.1, C2.2, C2.3, and D1.1:**

1. No comments.

## **STORMWATER MANAGEMENT COMMENTS:**

SME has reviewed the stormwater management narrative and has the following comments relating to this document.

1. The applicant should clarify that the farm pond is located on property controlled by the applicant.
2. The Stormwater Management Report states that some flow leaving the farm pond exits the site using the granite box culvert, while peak flows drain westerly along the railroad to the East Branch of the Piscataqua River. Since the river is on the opposite side of the railroad tracks, is there a second culvert leaving the farm pond? The applicant should clarify if there are other culverts under the tracks so as to identify any potential impacts to those structures.
3. The applicant should provide the Town with a copy of the Maine Department of Environmental Protection (MEDEP) Stormwater Permit-By-Rule application.

Dr. Netland, Applicant stated he was present this evening with his wife Dr. Laura Netland, they are equal owners and members of Vanir Properties. They have been in business since 1970 and bought the practice in 1987 and purchased and moved into the residence in 1994. The veterinary practice currently employs four veterinarians and twelve to fourteen employees. We have outgrown our existing facility; and are excited about the project.

Mr. Chris Briley, Architect, Representative presented an overview of the proposed building. The new animal clinic will be set back from Greely Road. The design respects the local vernacular of its pastoral surroundings and adjacent properties while providing the clinic's clients improved parking, a more comfortable waiting area, state of the art exam, treatment and surgery rooms, and office spaces for doctors and support staff. The clinic has a broad front porch facing Greely Road which welcomes clients and is clad in clapboard siding. The clinic's parking is set back and largely obscured from Greely Road. A loading area and solid waste storage are concealed from the road at the back of the property. There will be no boarding at the clinic.

Mr. Tom Greer, P.E. of Pinkham, and Greer Consulting Engineers reviewed the peer review engineer's comments.

- Town Aquifer Protection Area: The Town Staff has reviewed the aquifer map and the parcel is not located in the Town Aquifer Protection Area.
- Utilities: Heating source for building: The site plan shows the propane tanks and mechanical pad to be located in the back of the building. There will be underground power and the Applicant is negotiating with Portland Water District to extend the public water line 200 feet.
- Site Distance: This was verified and added to the plan. There is 370ft. +/- The fence will be relocated to minimize the distraction.
- There will be 27 parking spaces.
- The hydrants on the plan are decorative for use by patients.
- Stormwater: The existing farm pond has the single culvert under the railroad. High flows exit the pond parallel to the railroad to the east and join the flow from the golf course. As the peak flows remain equal to the existing flows, no further investigation of the downstream system is necessary.

Mr. Dillon complimented the applicant on a great job, and well-presented site plan. He asked the difference between the existing square footage and the new proposed square footage.

Dr. Netland stated the existing office has approximately 2,500 sq. ft. and the new building will have 5,300 sq. ft.

Mr. Ferland asked if any uses would remain in the old building.

Dr. Netland stated no, there will be no business activity from the home location.

Mr. Boivin asked for clarification on no boarding at the clinic.

Dr. Netland stated there will be indoor cages and pens for hospitalization, and patients may stay overnight, but there will be no boarding service or dog or cat day care.

Mr. Sherr asked if the existing dug well would be decommissioned.

Dr. Netland stated they have a septic tank and public water there is no existing well. They have an existing private water line from the main at Mere Wind Drive.

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

Mr. Neagle reviewed the proposed conditions of approval requesting that the standard condition of approval be added.

Mr. Bingham moved to grant the waiver requests.

- **High Intensity Soils Survey**
- **Hydrological Evaluation**
- **Market Study**
- **Site Inventory and Analysis**
- 

Mr. Ferland seconded.

VOTE: Unanimous 7-0

Mr. Bingham moved to approve the findings of fact.

Ms. Caron seconded.

VOTE: Unanimous 7-0

## 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 plans show an appropriately-sized non-residential structure designed to fit in with the surrounding rural character. All of the above criteria have been met. 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 plan has been reviewed and approved by the Town Engineer and Town Planner. All the above requirements have been met.  
The Board finds the standards of this section have been met.**

### .3 Accessway Location and Spacing

Accessways must meet the following standards:

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

**The plan has been reviewed and approved by the Town Engineer and Town Planner. All the above requirements have been met.  
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 plan has been reviewed and approved by the Town Engineer and Town Planner. All the above requirements have been met.  
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 plan has been reviewed and approved by the Town Engineer and Town Planner. All the above requirements have been met.  
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 has been reviewed and approved by the Town Engineer and Town Planner. All the above requirements have been met.**

**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 plan has been reviewed and approved by the Town Engineer and Town Planner. All the above requirements have been met.**

**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.

**A note on the plan states that all work and site alterations shall be done in accordance with the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices be adhered to during the site preparation activity period. The Town Engineer has reviewed and approved the plans.**

**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.**

**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 private septic. There is an HHE-200 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.

**Underground utilities are shown on the plan. Service is adequate for the needs of the new structure/use.**

**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 nature of the project will not adversely affect groundwater.**

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

.13 Water Quality Protection

All aspects of the project must be designed so that:

.1 No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxious, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

.2 All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.

**The project will utilize a new subsurface disposal system. 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 architect.**

**A formal commitment letter has been accepted and signed between the Netlands and Norway Savings Bank.**

**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.

**The building site is an open field formerly used for farming. There are no evident historic or archaeological resources on the site.**

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

.16 Floodplain Management

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

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

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

.17 Exterior Lighting

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

**The plan shows 8 downward facing period style lights on the entrance side of the building. Lighting details for these lights and the light over the sign were not submitted. This is a condition of approval.**

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

.18 Buffering of Adjacent Uses

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

**The owners of the new building also own the building adjacent to the east. A horse farm owned by the Godsoe family is on the other side of the new building and is located a distance away.**

**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.

**There will be no outdoor kennels. The use is not expected to generate noise that would be a nuisance to neighboring properties.**

**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. The dumpster is located to the rear of the building 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.

**A landscape plan has been proposed for the project. Given the open, rural nature of the land surrounding the project, the amount of landscaping proposed is sufficient. The Board finds the standards of this section have been met.**

.22 Building and Parking Placement

- .1 The site design should avoid creating a building surrounded by a parking lot. Parking should be to the side and preferably in the back. In rural, uncongested areas buildings should be set well back from the road so as to conform with the rural character of the area. If the parking is in front, a generous, landscaped buffer between road and parking lot is to be provided. Unused areas should be kept natural, as field, forest, wetland, etc.

- .2 Where two or more buildings are proposed, the buildings should be grouped and linked with sidewalks; tree planting should be used to provide shade and break up the scale of the site. Parking areas should be separated from the building by a minimum of five (5) to ten (10) feet. Plantings should be provided along the building edge, particularly where building facades consist of long or unbroken walls.

**The parking area is on the southeasterly side of the building. There are tree plantings to break up the scale of the site.**

**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 not yet reviewed the plans and made recommendations for the project. This is listed as a condition of approval.**

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

.24 Aquifer Protection (if applicable)

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

**The parcel is 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.  
**N/A (Parcel does not front on Route 1)**

Mr. Ferland moved to grant Major Site Plan Approval to Cumberland Animal Clinic at 216 Greely Road, a portion of Tax Assessor Map R04, Lot 34, in the Rural Residential One (RR1) district; Vanir Properties, LLC, Owner, Christopher Briley, AIA, Architect, Green Design Studio, Representative. This approval is subject to the standard conditions of approval, conditions of approval, and limitation of approval.

Mr. Bingham seconded.

VOTE: Unanimous 7-0

### **Standard Conditions 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.

#### **Conditions of Approval**

#### **Conditions of Approval**

1. That lighting and sign details be reviewed and approved by the Town Planner prior to the preconstruction conference.
2. That a preconstruction conference be held prior to the start of construction.
3. That all outstanding fees be paid to the Town prior to the preconstruction conference.
4. That any recommendations of the Fire Chief, as required by the Fire Protection Ordinance, be complied with.
5. That a capacity to serve letter from the Portland Water District be submitted prior to the pre-construction conference.
6. That the boundary survey be submitted to the Planning Department prior to the pre-construction conference.
7. That all other comments made by the Town's peer review engineer in his letter dated 10/6/11 be addressed to the satisfaction of the Town Engineer and Town Planner prior to the preconstruction conference.

#### **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.

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**4. Public Hearing: Major Subdivision Amendment to Old colony Estates to add four (4) lots off from Old Colony Lane, Tax Assessor Map R07, Lot 70K; Dustin Roma, P.E., Sebago Technics, Inc., Representative; Norman Berube Builders, Owner.**

Ms. Nixon presented background information as follows: The applicant is Normand Berube Builders, Inc. of Saco, Maine. The applicant is represented by Dustin Roma, P.E., Sebago Technics, Inc. The request is for approval to add four additional residential lots to the existing subdivision that contains 11 lots. The frontage for these lots is on the Town-accepted public road (Old Colony Lane). The MDEP Storm water permit for these lots is on file.

The subdivision is located off Blackstrap Road just before the Falmouth town line. The area of the parcel now proposed for development is shown on Tax Assessor Map R07, Lot 70K.

**HISTORY:**

- May, 2003: Sketch plan for 19 lot subdivision submitted to Board.
- June 17, 2003: Sketch plan review
- July 7, 2003: Site walk held.
- July 15, 2003: Board tabled sketch plan pending further feasibility assessment by applicant (Road entrance/DOT issue)
- March 17, 2004: Sketch plan review
- April 2004: Site walk held prior to the meeting at which the application was deemed complete.
- May 18, 2004: Preliminary plan review tabled at applicant's request.
- June 15, 2004: Preliminary plan review, tabled by Board.
- July 20, 2004: Preliminary plan review, tabled by Board.
- August 17, 2004: Board grants Preliminary Approval.
- October, 2004: Board grants Final Approval for 11 lots.

**PROJECT DESCRIPTION:**

- Zoning: RR2m (Rural residential 2, manufactured housing overlay)
- Subdivision Style: Clustered
- Min. Lot Size: 2 ac. (87,120 sf) Traditional **or** 1.38 ac. (60,000 sf) Clustered/Dispersed.
- Lot frontage: 200' traditional **or** 100' if clustered or dispersed.
- Setbacks: Front = 50', Rear = 75', Side 30' (combined = 75').
- Roadway: The subdivision roads have been accepted as public roads.
- Road Width: 20'
- Shoulders: 4' gravel
- Sidewalk: 4' esplanade with 4' sidewalk on one side of road
- Water: Private wells on each lot.
- Sewer: Individual private septic systems.
- Utilities: The applicant is proposing underground utilities (telephone & electric)
- Lighting: To be determined
- Min. Open Space:
  - Traditional subdivision: 10% of gross lot area x 51.9 ac. = 5.19
  - Dispersed/Clustered: 25% of gross lot area x 51.9 ac. = 12.97
  - Open space provided: Required: 8.66 acres  
Provided: 9.11 acres
- **Net Residential Acreage: 51.91 acres gross site**
  - 5.22 acres for wetlands**
  - 7.79 acres for roadway (15% of gross)**

$$\frac{-0 \text{ acres of steep slopes}}{= 38.90 \text{ acres Net Residential Acreage}}$$

- **Max. # Of Lots:** The maximum number of lots is calculated by dividing the net residential density (38.90 acres) by the minimum lot size of the underlying zone (2 ac.), which yields a maximum of 19.45 lots.

**11 lots were approved initially and now 4 lots are being proposed for a total of 15 lots. There is still the potential for 4 additional lots after this amendment; however the connector road may need to be built.**

- **Outside Agency Approvals Required:**
  - DEP Stormwater permit dated 1/14/05 covers the area of the four new lots.
  - Maine Construction General Permit:
  - MDOT Entrance Permit (Received 1/04; revised dated 6/29/04)

#### **PLANNER'S COMMENTS:**

- HHE-200s for 4 lots?
- No letter requesting waiver for traffic info or financial capacity.
- Trail locations depicted on plan?
- Clearing limits?
- Does MDOT Entrance Permit need to be revised?
- Open Space Area

#### **DEPARTMENT HEAD REVIEWS:**

- **Dan Small, Fire Chief:** No comments to date.
- **Joseph Charron, Police Chief:** No comments.
- **Chris Bolduc, Public Services Director:** No comments
- **William Longley, CEO:** Where does the sale to abutting parcel show on this plan and is it included as an amendment?

#### **CUMBERLAND LAND CONSERVATION COMMISSION (10-12-11)**

The Cumberland Lands and Conservation Commission has reviewed the Amended Stormwater Management Plan and the drawings of the area. Our review is discussed below:

##### Amended Storm Water Management Plan 9/27/2011:

Page 3 Phosphorous MDEP standards are not addressed in this application even though there is the potential for contamination of Forest Lake which is listed as a "Lake Most at Risk". The residents around the lake are very careful to avoid phosphorous use and potential contamination due to the blooms in the summer.

Page 4 The control of run-off contamination is limited to the existing storm water detention and filtration pond which is designed and sized for a high average condition, allowing over flow to occur when the design conditions are exceeded. It also assumes the filtration effectiveness does not degrade. No mention is made of maintenance the lack of which historically renders the detention and filtration ineffective.

Summary: Closer review of the design specs and the probability of physical failure is recommended.

Also, specific maintenance, testing and repair of the filtration media needs to be specified and an escrow account or equivalent be established to protect the watershed, including Forest Lake.

#### Drawings 1-3

A drainage path is shown on Drwg 2 while the same approximate path is shown on Drwg 1 as a culvert?? It appears to originate in the Falmouth Poplar Ridge development. Is this a Falmouth drainage problem or a problem for both Falmouth and Cumberland. It does appear to originate in Poplar Ridge and crosses the building envelope of proposed lot 13 so it has the potential to be disturbed and therefore a drainage easement should be reserved for it. What maintenance is required and who is responsible? Was the culvert sized in phase one to accommodate this drainage?

Phase I Common Open Space includes both wetlands and potential vernal pools that need to be clearly stated and protected. Ownership and maintenance responsibility, whether town or association, of the common land needs to be stated. A nitrate plume of 5 mg/l is shown on sheet 2 of 3 flowing into the wetland area as well.

The detention and filter pond is not shown on any of the drawings or information. Detailed definition of design and maintenance needs to be specified.

Drawings Summary: Careful review and further specifications are recommended for the areas discussed.

**Stephen Bradstreet, P.E., Oak Engineering: Peer Review Engineer:** October 13, 2011:

I have reviewed the DEP's permit with conditions and review the submitted stormwater report and plans. These four lots do not change any element of the original design that was constructed. The detention/infiltration basins were designed to incorporate these lots.

Therefore based on the DEP's approval and executed permit and knowledge that the constructed ponds incorporated these lots even prior to their approval, it is our opinion that the submitted plans and report meets the requirements of the Town's ordinances.

**WAIVER REQUESTS: Note: No letter requesting the waivers or reasons for the waivers was provided by the applicant.**

- Traffic Information
- Financial Capacity

Mr. Dustin Roma, P.E. Representative reviewed the project as follows: In 2004 the applicant received approval for an 11-lot subdivision. Mr. Roma stated the original request for 14-lots was scaled down to 11-lots; the applicant has amended the stormwater permit to the original 14-lots. The lots will be serviced with private wells and septic. The road is approved and accepted as a Town Road. They are not opposed to returning for a second meeting, but were hoping for an approval this evening.

Mr. Roma reviewed outstanding issues:

1. Use of Open Space – An additional 2.2 acres has been added at the end of the road for a total of 9.11 acres of open space.
2. Land conveyed to abutter: there was approximately 400' sq. ft. sold to an abutter in Foxe's Gore to address a building encroachment on the lot.
3. HHE 200's: They are requesting that the requirement for HHE-200 be waived and applications be deferred until building permits are filed with the Town. Potential septic system locations have been shown on the Amended Subdivision Plan (Sheet 1) and Lot Development Plan (Sheet 2) of the plan set, along with nitrate plumes prepared by a certified geologist. The test pits used for



potential septic system placement meet the minimum criteria established in the Maine Wastewater Disposal Rules.

4. Financial capacity: the Applicant will be happy to provide a letter stating financial capacity, there will be no capital improvements in the project. The road is complete and accepted by the Town. The building permits will be paid when issued.
5. Trail locations: The applicant will work with Ms. Nixon and the Board to add the information onto the plan.
6. Clearing limits: are shown on Sheet 2
7. MDOT Traffic Entrance Permit: This is not needed as there is no change in the use.

Mr. Roma addressed the Conservation Commissions comments:

- Phosphorus: The property is in the Piscataquis Watershed and there will be no flow into the Forest Lake Watershed. They will adhere to MDEP approved Best Management Practices. The new DEP standards have annual maintenance requirements and recertification every five years. The failure of stormwater is not a concern. The culverts were designed in 2004; the Town has approved and accepted the road.
- Open space will be maintained.
- Detention pond: They are not proposing to build anything additional.

Mr. Ferland asked about clarification of the trail location.

Ms. Nixon stated the trail is not shown, but will be on the revised plan.

Mr. Ferland asked about the nitrate plums.

Ms. Nixon stated the Conservation Committee comments are very technical one of the members is an engineer. The Town's Peer Review Engineer has reviewed the plan and said it is correctly designed.

**Mr. Neagle opened the public portion of the meeting, stating there is no one in the audience. There were no public comments. The public portion of the meeting was closed.**

Mr. Neagle stated the plan consists of drawing lines on a paper and there is not any building or infrastructure proposed there is no need to require financial capacity.

Mr. Boivin asked about impact on the Town road.

Ms. Nixon stated if the road was damaged, the Town would be able to ask for restitution before granting the Certificate of Occupancies.

Mr. Ferland stated he didn't feel they could approve a project without financial capacity as this is a base line to provide for the record.

Mr. Bingham moved to grant two waivers.

- **HHE200 Septic Designs**
- **Traffic Analysis**

Ms. Caron seconded.

VOTE: Unanimous 7-0

Mr. Bingham moved to approve the findings of fact.

Mr. Ferland seconded.

VOTE: Unanimous 7-0

**PROPOSED FINDINGS OF FACT - Subdivision Ordinance, Section 1.1:**

The purpose of these standards shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Cumberland, Maine, the Board shall consider the following criteria and before granting approval shall determine that the proposed subdivision:

1. Pollution. The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:
  - A. The elevation of the land above sea level and its relation to the flood plains;
  - B. The nature of soils and subsoil and their ability to adequately support waste disposal;
  - C. The slope of the land and its effect on effluents;
  - D. The availability of streams for disposal of effluents; and
  - E. The applicable state and local health and water resource rules and regulations;

**The parcel is not located in a 100-year floodplain.. The site is located within the Town Aquifer Protection Area. A High Intensity Soil Survey was conducted and the report has been reviewed and approved by Tom Saucier, peer review engineer for the initial 10 lots. Based on the information provided the standards of this section have been met.**
2. Sufficient Water. The proposed subdivision has sufficient water available for the reasonable foreseeable needs of the subdivision;

**The proposed subdivision will utilize private drilled wells. Information on adequacy for both domestic use and fire protection needs is evidenced by the groundwater report dated 4/26/04 from Dick Sweet Associates.**

**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 standards of this section do not apply.**
4. Erosion. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;

**The applicant has provided a detailed Erosion and Sedimentation Control Plan that has been reviewed by the Town's peer review engineer and Cumberland County Soil and Water Conservation Commission.**

**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 applicant has provided an entrance permit dated 6/29/04 from MDOT. A traffic study was not required.**

**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 subdivision will not be on public sewer.**

**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 subdivision road has been accepted as a public road. Residents of the new homes will utilize the curbside pickup provided by the Town.**

**Based on the information provided the standards of this section have 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 previous plan packet included letters from Sate agencies indicating there will be no adverse effect on historic properties, fish and wildlife or other natural features.**

**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;

**Based on the plans submitted and reviewed, the proposed subdivision conforms to all local land use requirements.**

**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 has been evidenced by the use of professional engineers, soils scientists, surveyors. Financial capacity will be provided prior to the pre-construction conference.**

**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 property is located in two watersheds, the Forest Lake Watershed and the Piscataqua River Watershed. The proposed development is located in the Piscataqua River watershed. There is no proposed development in the Forest Lake Watershed.**

**Wetland areas have been mapped on the plans and construction will avoid these locations.**

**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 groundwater impact study prepared by Sweet Associates (dated 4/26/04) and reviewed by Tom Saucier, Town Engineer, contains information indicating that the development will not adversely affect the quantity or quality of groundwater.**

**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 Maps, no portion of the site is located in flood zone.**

**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 applicant has provided a Stormwater Management Report dated June 2011 that has been reviewed by the Town's peer review engineer.**

**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.

**Freshwater wetlands on the site were delineated and flagged in the field in accordance with U.S. Army Corps of Engineers methodology by Sebago Technics, Inc. Less than 4300 square feet of wetlands will be impacted by the development. The wetland areas are shown on the plan set. The new facilities will be constructed in upland areas of the site.**

**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]

**As per the memo from Gary Fullerton, C.S.S., the existing drainage swales on the property do not meet the DEP criteria for definition of "stream".**

**Based on the information provided the standards of this section have been met.**

#### ***SECTION 300 – AQUIFER PROTECTION (if applicable)***

The use is located in the Aquifer Protection district. A positive find by the Board is required.

**The site is located within the Town Aquifer Protection Area. A High Intensity Soil Survey was conducted and the report has been reviewed and approved by Tom Saucier, peer review engineer.**

**Based on the above, the Board finds that the standards of this section have been met.**

Mr. Sherr moved approve the request for Major Subdivision Amendment to Old Colony Estates to add four (4) lots off from Old Colony Lane, Tax Assessor Map R07, Lot 70K; Dustin Roma, P.E., Sebago Technics, Inc., Representative; Norman Berube Builders, Owner. This approval is subject to the standard condition, conditions of approval and limitation of approval.

Mr. Bingham seconded.

VOTE: Unanimous 7-0

#### **Standard Conditions 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.

#### **Conditions of Approval**

1. That all fees are paid as required and a performance guarantee in an amount acceptable to the Town Manager be provided prior to the preconstruction conference.

2. That evidence of financial capacity is provided to the Town Manager and Town Planner prior to pre-construction meeting.
3. Any damage to the Town road Old Colony Lane is repaired prior to issuance of a Certificate of Occupancy permits.
4. That the trail locations approved in 2004 be shown as originally approved and relocated as necessary be added to the plan and approved by the Town Planner.

Mr. Neagle noted there were no neighbor concerns for the amendment to Old Colony Estates.

***E. Administrative Matters:***

Mr. Neagle stated there is a subdivision plan to sign for Doc's Café and asked Ms. Nixon if there was anything else.

Ms. Nixon stated she was pleased to announce that Pam Bosarge was Employee of the Year for the Town of Cumberland.

The Board congratulated Ms. Bosarge.

Ms. Nixon stated Doc's Café is moving forward.

The mylars for Drowne Road School and Old Colony will be ready for signing at the next meeting. If they are needed earlier she will contact the Board.

Ms. Nixon asked the Board if they want a workshop to review the proposed Site Plan Ordinances changes, or do they want it as an agenda item at the next meeting.

Mr. Neagle stated we don't feel the need for a separate workshop in light of the fact we have had it for two weeks and will have another four weeks to review this. The Site Plan Ordinance can be added to the agenda. He also suggested we add to the agenda review of the Administrative Procedures and the Planning Board Ordinance, if time permits.

Ms. Nixon stated we will have another small ordinance amendment to add Farm-Based Retail for the RR1 and RR2 districts to allow farms to sell eggs or produce.

***F. Adjournment:***

Mr. Neagle moved to adjourn at 9:40 p.m.

A TRUE COPY ATTEST:

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Christopher S. Neagle, Board Chair

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Pam Bosarge, Board Clerk