

**PLANNING BOARD MEETING  
MINUTES  
TOWN OF CUMBERLAND  
Cumberland Town Hall - 290 Tuttle Road  
Cumberland, Maine 04021  
Tuesday, August 16, 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:** Gerry Boivin, Ronald Dillon, John Ferland, Chris Neagle, Peter Sherr, April Caron

**Excused:** Peter Bingham

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

**C.     *Approval of Minutes of July 19, 2011 meeting***

Mr. Dillon moved to approve the July 19, 2011 minutes as presented.

Mr. Ferland seconded.

VOTE: Unanimous 5-0

1 Abstain - Caron

**D.     *Consent Calendar / Minor Change Approvals:***

Mr. Neagle referenced the letter dated July 29, 2011 from residents to Leah Sprague Esq., PUC Ombudsman regarding the concern of adjusting Area # 3 Section 102 Northwest of Hillside. The abutters are asking that this new additional corridor closely hug the existing corridor as it crosses Hillside Ave. Mr. Neagle stated Project Area # 3 will be reviewed with Area # 1 at the next Planning Board meeting.

**E.     *Hearings and Presentations:***

- 1.   Public Hearing: Major Subdivision – Preliminary Plan Review: Phase I of Village Green Subdivision; Cumberland for 58 lots as allowed in the Contract Zoning Agreement with Bateman partners, LLC; at the Doane Property, Tax Assessor Map U10, Lot 7B in the Village Mixed Use Zone (VMU). Bateman Partners, LLC, Applicant/Owner; Joseph Laverriere, P.E., Deluca Hoffman Engineers, Representative.**

Ms. Nixon stated the project appears ready for preliminary approval. There are two waiver requests that need to be acted on at this meeting. The number of lots has been reduced from 59 to 58 as a result of field work that found an additional “finger” of wetland area.

Mr. Dillon asked Ms. Nixon about how stone walls are considered if they exist on a parcel and the historical obligation to maintain them.

Ms. Nixon stated they would be considered an historic feature and sometimes can be relocated if they interfere with the project design.

Mr. Dillon asked if the private road maintenance agreement had been reviewed as required in Section 421 of the Ordinance.

Ms. Nixon stated she hadn’t received any final legal documents.

Mr. Joe Laverriere of Deluca Hoffman apologized that the Bateman's had a conflict and were not able to be present this evening. Mr. Laverriere stated the most recent submittal gives response to peer review comments. He reviewed the changes as follows:

2. Boyle Associates, Inc. was requested to review the wetland boundary along the southerly side of the development area, specifically in areas where Scantic Soils were mapped on the High Intensity Soil Survey Plan prepared by Albert Frick Associates. Based upon the recent field reconnaissance work of Boyle Associates, the wetland boundary in the vicinity of Lots 10 and 11 have been modified and expanded to include a narrow finger of wetlands. A complete summary of the recent field verification of wetland delineation by Boyle Associates is contained in Attachment B.

In order to avoid any additional wetland impacts, the proposed development layout and lot configuration have been modified, resulting in the loss of one residential unit. The changes in the subdivision layout primarily are focused on the layout and configuration of the residential units (currently numbered Lots 8 through 11) along the private drive accessed from Drowne Road as well as relocation of the sewage pump station. The service from the pump station will all be gravity fed.

3. In response to a site meeting with Town Staff to review the proposed roadway and access requirements in the vicinity of the existing salt shed, the proposed pedestrian sidewalk along Drowne Road was relocated to the side opposite the salt shed. In addition, the driveway curb cut width into the salt shed area was increased to 50' and an additional catch basin has been added immediately upgradient of the curb cut to reduce the amount of surface runoff from Drowne Road that currently sheet flows into the salt shed area.

In addition, a triangular parcel of land will be conveyed to the Town along the rear of the salt shed to provide additional space along the rear and side of the salt shed to the extension of Drowne Road. The land acquisition area should also provide adequate setback from the existing building to the side property line; however, the existing building will encroach into the front yard setback. These revisions are reflected on Sheets C-40, C-50, C-60, and P-5 of the plan set.

4. The stormwater analysis has been revised to reflect the changes in the proposed development layout identified, which includes modification to Soil Filter Basin # 2.
5. The proposed utility plans have been modified to relocate the sewage pump station to a more central location along Drowne Road that minimizes the depth of the gravity sewer main installation. In addition, the relocated pump station site enables gravity sewer service to be provided to Lots 8 through 11 that were previously to be served by a private low pressure force main system.

Mr. Laverriere reviewed the Board's comments from last meeting as follows:

- The Bateman's have submitted a second letter to meet the financial capacity requirements.
- Electrical transformer information has been shown on Sheets C-40, C-7.0, and E-100.
- Open Space – the applicant is agreeable to whatever the Board requests. It is our understanding that ownership of the open space was discussed by the Town Council; and it is currently anticipated that the open space will remain the ownership of Village Green to be conveyed to the Homeowners' Association with access easements along the trail system to the Town of Cumberland.
- Architectural details of the pump station have been submitted.
- Bill Bray, P.E., traffic engineer has prepared an estimated time analysis of the two routes, which is summarized in a memorandum contained in Attachment D. The difference in vehicle travel time for either route alternative is very minimal, generally one minute or less. The Village Green subdivision design proposes four traffic calming features that include two raised speed tables and

two all-way stop control intersections specifically to discourage “cut” through traffic and provide safe and convenient access for the residents within the development.

Mr. Neagle asked about the peer review comments suggesting designs of the retaining wall shall be submitted, stamped by a Professional Engineer along with a Global Stability Analysis prior to construction.

Mr. Laverriere reviewed the location of the retaining walls as follows: 1) along Wyman Way at the stream crossing to minimize impact; 2) as you come around at the salt shed, and 3) the smaller wall is in back of the pump station. He stated they have read the peer review comments and concur.

Mr. Ferland asked about the comments e-mailed from the Conservation Committee.

Ms. Nixon stated she did not receive these comments until Thursday afternoon when the packets needed to be distributed.

Mr. Ferland asked what should be done with information.

Ms. Nixon stated the applicant can respond at next month’s meeting.

Mr. Laverriere scanned the comments and stated yes there is buck thorn on the site. Any of the areas developed would have the buck thorn removed, but he can’t guarantee removal of all. They are aware of the steep slopes.

Ms. Caron asked if it were plausible to review the Town forest plan for buckthorn.

Mr. Ferland thanked Mr. Laverriere for responding to the concerns of the Cumberland Lands and Conservation Committee.

Mr. Laverriere stated the new delineated wetland area is littered with buckthorn.

Mr. Boivin asked about any vernal pools.

Mr. Laverriere stated there are no vernal pools; there are some manmade vernal pools which are being reviewed by Army Corps.

Mr. Boivin asked the height of the pump station building.

Mr. Laverriere stated probably 14’ to 15’ at the peak.

Mr. Boivin stated sheet C-1.0 was listed in the index but didn’t see the information in the package.

Mr. Laverriere stated it was previously provided and is being revised.

Mr. Boivin stated the VMU zone does not allow garage doors to face the road, and asked about the design.

Ms. Nixon stated this is allowed through the contract zone agreement.

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

Mr. Birthisel of 232 Main Street asked if it was possible for the public to review a copy of the traffic study.

Mr. Neagle stated yes, it would be available at the Planning Office; it is Attachment D.

Ms. Birthisel of 232 Main Street asked about the overall traffic impact on Main Street and potential for a widening of the road for a turning lane and possibility of a traffic signal.

Mr. Neagle stated the traffic studies are available and the Engineers don't expect need for a light.

Ms. Caron stated she lives on Route 100 and there is not enough traffic at that intersection to get a traffic light, so she doubts one will be provided at this location.

Ms. Birthisel stated there are a lot of cars during peak travel, it is steady traffic.

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

The Board reviewed the waiver requests and proposed findings of fact.

Mr. Ferland moved to approve and grant the two waiver requests as stated in the application.

1. Existing Physical Features (trees 10" diameter or more and stone walls)
2. Section 9.5,B,1 (Design Standards)

Ms. Caron seconded.

VOTE: Unanimous 6-0

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

Ms. Caron seconded.

VOTE: Unanimous 6 – 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 project will be on public sewer therefore the soils do not need to support waste disposal. The applicant has provided a soils report prepared by Albert Frick Associates, Inc. describing the soils as they relate to the design for the proposed drainage system. The MDEP has not yet issued a Site Location of Development permit which includes a review of the erosion control plans.*

**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. There is a letter on file from the Portland Water District dated 3/30/11 that states that 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;  
**The proposed subdivision will utilize public water. There is a letter on file from the Portland Water District dated 3/30/11 that states that there is an adequate supply of water to serve the needs of the proposed 12 lot mixed use subdivision 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 by the Town Engineer who has made a recommendation that will be incorporated into the final plan. MDEP approval is still outstanding.**  
**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;  
**There is a traffic study on file dated April, 2011 which has been reviewed and approved by the MDOT and Tom Gorrill, the Town's peer review traffic engineer.**  
**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. Al Palmer, P.E., the Town's sewer peer review engineer, has reviewed and approved the proposed sewer plans.**  
**There is a letter on file dated 7/27/11 from the Town Manager, Bill Shane, stating that the town has agreed to accept the flow of at least 16,000 gallons per day to its municipal sewer system from this project.**  
**Sewer user permits have not yet been purchased by the owner. This will be done prior to final submission.**  
**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 Town provides curbside pickup of household trash. The Town is currently under contract with Pine Tree Waste for the collection and hauling of residential solid waste with disposal at Eco-Maine. The amount of household trash estimated to be generated by the new homes is 183 cubic yards per month.**

**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;

**Letters on file dated 10/25/05 and 4/14/11 from Department of Conservation states that there are no rare or botanical features documented specifically within the project area.**

**Letters on file dated 10/12/05 and 6/8/11 from the Department of Inland Fisheries and Wildlife states that there is no known significant wildlife habitat or threatened or endangered species in the vicinity of the project.**

**A letter on file dated 4/28/11 from the Maine Historic Preservation Commission states that this project will have no effect on historic resources.**

**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.**

**A letter dated 8/1/11 from Norway Savings Bank states that "the developers have the financial capacity, management skills, and marketing finesse to successfully develop this site and complete the project on time and on budget."**

**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 man-made pond on the site is not by State definition a great pond or lake regulated by the State.**

**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 affects 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 dated May 11, 2011 prepared by Delucca-Hoffman Associates has been reviewed and approved 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.

*Wetlands on the parcel were identified by Boyle associates. There are no natural vernal pools on the site. The project requires a NRPA permit from MDEP and the US Army Corp of Engineers for the proposed wetland and stream impacts associated with construction. The applicant has designed the project so as to minimize the amount of impact to wetland areas.*

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

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

**One perennial and three intermittent MDEP jurisdictional streams are located within the westerly portion of the site. The 5,976 square feet of impacts associated with the stream crossings are permitted through the NRPA Permit-by-Rule process which has been undertaken.**

**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.**

Ms. Caron moved to grant Preliminary Major Subdivision Approval subject to the standard and proposed conditions for Phase I of Village Green Subdivision; Cumberland, for 58 lots as allowed in the Contract Zoning Agreement with Bateman Partners, LLC; at the Doane Property, Tax Map U10, Lot 7B in the Village Mixed Use Zone (VMUZ).

Mr. Sherr seconded.

VOTE: 6-0 Unanimous

#### **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 minor changes as so determined by the Town

#### **PROPOSED CONDITIONS OF APPROVAL**

1. The retaining wall designs are submitted, stamped, and approved by the Town Engineer.
2. It is recommended that no-through traffic signs be placed at Main Street and Tuttle Road.



3. That the pump station be built according to design.
  4. That the road maintenance agreement be approved by the Town Attorney prior to final approval.
  5. That the applicant respond to the Cumberland Conservation Committee's comments in the e-mail dated August 11, 2011
  6. All other outstanding issues raised by town staff are addressed prior to final approval.
  7. Ownership of common land be clarified and the Town granted public easements for the trails and private roads.
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**2. Sketch Plan Review: For a mixed use development at 371 Tuttle Road, Tax Assessor Map U11, Lot 4, in the Town Center District (TCD); Rebecca Williams, Applicant; Al Palmer, P.E., Gorrill-Palmer Consulting Engineers, Representative.**

Mr. Will Haskell, of Gorrill Palmer Engineers gave an overview of the project as follows:

The development of the site is anticipated to include a 5-unit, two story apartment building constructed in the general location of the existing barn, which will be removed. The apartment building is anticipated to have a footprint similar to the existing barn. The existing farmhouse structure will be redeveloped as two separate spaces. The existing 22 foot by 24 foot, single story portion will become part of a 35-seat café. The first floor of the existing 20 foot by 37 foot, two story dwelling will provide the remainder of the space for the café. The upper floor will be redeveloped as office space. As the previous use included three separate units and the new proposal includes seven units, the project is also considered a major subdivision per the town ordinance.

Per the Cumberland Ordinance, an apartment use would require 2.5 parking spaces per dwelling unit for a total of 13 spaces. The office use would require 1 space per 250 sq. ft. of gross leasable area, for a total of 3 spaces. The café use would require 1 space per 3 seats, for a total of 12 spaces. The total number of parking spaces required is 28 spaces. The northern access drive near the Main Street Signalized intersection will be closed as part of the project. A single entrance off Tuttle road with a 15 foot long paved apron is proposed at the existing driveway on the southerly corner of the lot. The access drive and parking for the proposed apartment building is proposed to be gravel. The parking for the office and café would be paved. Two way circulation with 24 foot wide drive aisles and 9 foot by 18 foot parking spaces are proposed.

Mr. Haskell continued to review the Town Center District Standards:

- **Building Placement:** The new apartment building at the rear will be located generally in the same location as the existing barn. It will be shifted back slightly 10' to 15' to provide parking and access, while maintaining the existing vegetation. The design of the arch will be maintained in the new building.
- **Building Entrances:** The main entrance for the café will be located adjacent to the north side parking area. This location faces Main Street and will provide for an inviting entrance to passing pedestrians.
- **Landscaping:** As the north entrance to the site will be eliminated, it allows for an approximate 10 foot buffer for planting between the new paved parking area and the front property line. The development will maintain as many existing trees as possible. The large lilac tree located adjacent to the existing entrance, is proposed to remain. There are several very large mature deciduous trees adjacent to the south entrance that will also remain.
- **Snow Storage:** There are a number of areas at the rear of the site, which will allow for adequate snow storage.
- **Impervious Surfaces:** The rear parking and access will remain gravel, with only new pavement being on the north side of the building. There will be no increase in impervious surface.



- Utilities: It is our understanding that sewer service will be extended to this property to eliminate the need for on-site subsurface wastewater disposal. Water service will continue to be provided from an existing Portland Water District water main in Tuttle Road, Electric, telephone, and cable service will be provided underground from an existing service pole along Tuttle Road.

Ms. Nixon stated she understood the paving of Tuttle Road will be next spring which will allow for additional time to connect utilities.

- Building Architecture: Significant changes are not proposed to the farmhouse exterior, with the exception of aesthetic improvements. The proposed apartment building will be similar to the existing two-story barn with clapboard siding and a peaked roof on each end and proposes to include a feature similar to the existing arch structure at the north end of the building.
- Curb Cuts: The existing curb cut, less than 100 feet from Main Street will be closed. This will establish a single access point approximately 250 feet from the Main Street intersection, which will improve safety near the intersection.
- Site Circulation: All site traffic will enter the site via the single curb cut on the south side of the building. This access drive will remain approximately 20 feet wide, due to the large existing trees on either side of the entrance. The internal driveway will circulate around the building and through an archway within the new apartment building, similar to the existing archway, to access the parking on the north side of the site. The majority of the access drive will remain gravel, with the only new pavement being the new parking spaces located on the north side of the farmhouse. Vehicles will have to go back around the rear of the building to exit the site.
- Traffic: There will not be a drastic increase in traffic:  
Net Increase in Trips: Weekday +170 AM Peak +17 PM Peak +14 The MaineDOT's threshold for requiring a Traffic Movement Permit is the 100 trip ends during a peak (not at weekday) The net increase during the AM and PM peak hours will be significantly less than the 100 trip ends requiring a permit. Therefore, a traffic movement permit is not required. The project will result in a single driveway location along Tuttle Road and will require an entrance permit from the Maine DOT.
- Service Areas: Due to the scale of the project, the service area for the project will be limited to the main access points. Deliveries will be limited to smaller vehicles. A dumpster pad has been shown in the rear parking area, and the access drive has been designed to allow for the turning of the service vehicles.
- Open Space: As part of the proposal, walkways will be provided from Tuttle Road to the parking lot and the main café / office entrance. There will not be significant changes to the south side of the building, which will maintain existing landscaping and buffering. It is possible that future changes to the site could include outdoor seating on this side of the building for use as open space.

Ms. Caron stated the proposed project fits well with the re-zoning of Main Street. She asked the distance of the dumpster pad from the cemetery and would it be fenced.

Mr. Haskell stated it is at least twenty-five feet and it will be fenced.

Mr. Ferland agreed the proposal meets the vision of the Town Center District. He asked the apartment size and vision for the café.

Mr. Haskell stated the apartments will be two bedroom units.

Ms. Rebecca Williams, applicant stated the café will serve breakfast and lunch with a coffee bar with the emphasis on a walk able town center.

Mr. Dillon stated he appreciated the willingness to incorporate a similar arch into the design of the new building. He asked if the current structure was on an historical registry, and about signage.

Mr. Boivin asked about any proposed outside changes to the original building.

Ms. Williams stated there are no proposed changes to the main building.

Mr. Boivin stated he would like a site walk.

Mr. Neagle asked about removing the second entrance.

Mr. Haskell stated there are concerns of the proximity of the curb cut with the signalized intersection. It will be safer to have the entrance further from the intersection. We will continue to discuss this with the Town and DOT.

Mr. Neagle suggested considering re-locating the dumpster closer to the restaurant and to have it well screened.

Mr. Haskell stated due to access for truck deliveries, the current location works best.

Mr. Neagle asked about the proposed arch.

Mr. Haskell stated it will extend across the driveway.

Ms. Nixon asked the width of the arch passageway, and voiced concern regarding circulation and asked about flip-flopping the parking area to the other side of the building near the new entrance.

The Board discussed the parking and access.

Ms. Nixon suggested that the applicant hold a neighborhood meeting to inform neighbors of the proposed project to discuss any concerns. Neighborhood meetings worked well with the Bateman Village Green project.

Ms. Williams stated if it is recommended by staff as important she is willing to have a neighborhood meeting.

Ms. Nixon stated it is not required by ordinance, but it helps work out abutter concerns prior to planning board public hearings/meetings.

Mr. Neagle echoed Ms. Nixon's comments of the benefit of a neighborhood meeting.

The Board set the date of Wednesday, August 25<sup>th</sup> at 6:00 p.m. for a site walk. The Board took no action.

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**3. Public Hearing:** To recommend to the Town Council an amendment to Section 424.21 of the Zoning Ordinance relating to sign standards to allow for larger signs on properties with home occupations located in the Rural Industrial (RI), Village Center Commercial (VCC), Village Medium Density Residential (VMDR) and Village Mixed Use (VMUZ) zoning districts.

Ms. Nixon presented background information as follows: Currently, a home occupation sign cannot exceed 4 square feet which is a reasonable size for a home occupation that is located in a residential

zoning district. However, a new home occupation was recently approved on upper Middle Road (next to Storey Brothers construction and across from Maine Line Fence) that is in the Rural Industrial (RI) district. The applicant noted there are much larger signs for the various businesses in the area, and questioned why hers needed to be so much smaller. (Non-home occupation signs may be 25 square feet). Ms. Nixon explained that it was because her business was approved as a home occupation, not a site plan. The proposal is to allow slightly larger home occupation signs for home occupations that are located in non-residential and mixed use zoning districts. The amendment as proposed would permit a home occupation sign to be up to 12 sq. ft. The Board was provided photos of signs for comparison.

Mr. Dillon asked if we wanted to include the Town Center (TCD) district.

Ms. Nixon replied stating she didn't think so; the Town Center District was a very controversial district when it was established, it is not a place where we have home occupations in general. It makes more sense in these other zones, there is heightened sensitivity around development on Main Street or within this district. Also, a sign in this district would need to conform to the TCD Design Standards

Mr. Dillon asked where in the Ordinance he would find size restrictions for commercial uses.

Ms. Nixon stated Section 424.4.3 (that says no individual sign shall exceed 25 sq ft. except in the areas listed.) If the applicant were to go through site plan review in the RI district she could conceivably have a 40 sq. ft. sign.

Mr. Dillon stated the TCD district also allows home occupations and asked how this differs from the other districts; other than there is some controversy.

Ms. Nixon stated it is a policy issue; the draft is something for the Board to consider and if the Board wants to expand this to the TCD district that could be the recommendation to the Town Council.

Mr. Dillon clarified the reason it wasn't included in the proposal was due to the controversial nature of the district.

Ms. Nixon stated yes, the sensitivity of commercial uses on Main Street.

Ms. Caron asked what kind of expense is involved in site plan review.

Ms. Nixon stated the fee schedule is \$ 250.00 to \$450.00 depending upon the size of the project.

Mr. Neagle stated this issue may affect more than this one applicant. He agreed that the TCD district should be included in this list; it is a perfect place for home occupations. A slightly larger sign on Main Street would probably not offend anyone. As far as controversy he feels that has passed, the Council has adopted this zone.

Ms. Caron asked if a sign application didn't get reviewed by Planning Board, who reviews the sign applications.

Ms. Nixon stated she reviews sign applications for compliance with the sign ordinance.

Mr. Dillon stated we have Route One, Route 100 and Town Center District design standards for signs, and it doesn't allow just any type of signs.

Mr. Ferland supported the proposal and didn't agree with including the TCD district, the other districts proposed are more mature, and he thought it would be good policy to allow the TCD to develop; there is

always time to tweak it at another time. He doesn't feel comfortable making a change to the district because it is so new.

Mr. Dillon thought about the TCD district being new, but there are residents in all of these districts, and all will have the same concerns. If we are going to make a zoning law we should make it in all the zones it applies to.

Mr. Boivin stated he agrees that 12' sq. ft. is a reasonable size and agreed with excluding the TCD district.

Mr. Ferland moved to recommend to the Town Council a draft amendment to Section 424.2.7 of the Zoning Ordinance relating to sign standards to allow for larger signs on properties with home occupations located in the Rural Industrial (RI), Village Center Commercial (VCC), Village Medium Density Residential (VMDR), and Village Mixed Use (VMUZ) zoning districts.

Discussion:

Mr. Dillon stated he agrees this is where this should be done, but will still have an issue with the TCD district.

Mr. Neagle stated the motion could be amended. There was no motion to amend the motion.

Mr. Boivin seconded.

VOTE: 6-0 Unanimous

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**4. Public Hearing: To recommend to the Town Council draft amendments to Section 4.4.D 7 of the Subdivision Ordinance re: Performance Guarantees for major subdivisions.**

Ms. Nixon presented background information as follows: Our current subdivision ordinance states that a commitment letter from a lending institution is required prior to the Planning Board granting final approval of a project. What we have realized in reviewing our first major project since the economic downturn is that the banks aren't working that way anymore. They are requiring a project be approved before they commit to the developer they will fund a project. The proposed change would allow the applicant to provide a letter similar to that provided by the developer of Village Green which states that the developer is someone that is a customer of theirs and in good standing with the financial expertise to do the project etc. Ms. Nixon reviewed the proposed draft language.

Mr. Neagle stated the language in the performance standards section would be closer to what is actually done with projects.

Mr. Dillon asked about site plan performance guarantees, and asked if those had been reviewed for possible amendments.

Ms. Nixon stated they are two stand alone ordinances. She will review the site plan ordinance and suggests adding similar language there.

Ms. Caron motioned to recommend to the Town Council the draft amendments to Section 4.4 D 7 of the Subdivision Ordinance as drafted by the Town Planner.

Mr. Dillon seconded.

VOTE: 6 – 0 Unanimous

***F. Administrative Matters***

***1. Administrative Procedures:***

Ms. Nixon presented background information as follows: In March the Board discussed making changes to the Administrative Procedures document. She said that she has updated the Administrative Procedures to remove reference to Chebeague Island and change “deminimus” to minor. The Board can review these and we can act on this next month or this evening.

Mr. Dillon moved to amend the Planning Board Administrative Procedures to eliminate references to Chebeague Island and change deminimus to minor.

Ms. Caron seconded.

VOTE: 6 – 0 UNANIMOUS

***G. Adjournment***

Mr. Ferland moved to adjourn.

Ms. Caron seconded.

VOTE: 6 – 0 UNANIMOUS

The meeting was adjourned at 9:10 p.m.

A TRUE COPY ATTEST:

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Christopher S. Neagle, Board Chair

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Pam Bosarge, Board Clerk