

Planning Board Meeting Minutes  
Town of Cumberland  
Cumberland Town Hall - 290 Tuttle Road  
Cumberland, Maine 04021  
Tuesday, June 21, 2011  
7:00 p.m.

**A.     *Call to Order***

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

**B.     *Roll Call:***

Present: Chris Neagle, Chair, John Ferland, Vice-Chair, Peter Bingham, Ron Dillon

Absent: April Caron

(Two vacant seats due to resignations)

**Staff:** Carla Nixon, Planning Director, Pam Bosarge, Administrative Assistant

Mr. Neagle stated there are only four members present this evening. This is a quorum of the Planning Board and any decision would require an affirmative vote of at least three members. If there are any applicants who wish to wait for a full board they are welcome to be heard at the July 2011 meeting.

Mr. Neagle thanked Mr. Couillard for his years of service on the Board. Mr. Couillard had the ability to see details and always had helpful input.

Mr. Neagle also thanked Mr. Gruber for his four or five months of service; Mr. Gruber has been elected to serve as a member of the Town Council.

**C.     *Approval of Minutes of May 17, 2011***

Mr. Ferland moved to approve the minutes of May 17, 2011.

Mr. Bingham seconded.

VOTE: Unanimous

**D.     *Consent Calendar / Minor Change Approvals:* None**

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

Mr. Neagle stated that Item # 6 has been tabled by the applicant.

1. Public Hearing: Major Subdivision Amendment to amend limits of a building envelope on Lot 2 of Jordan Farm Estates, Tax Assessor Map R03, Lot 43D, in the Rural Residential 2 (RR2) district; John Bagshaw, Applicant, Southwoods, LLC, Owner.

Ms. Nixon presented background information as follows: The applicant is John Bagshaw of Cumberland, Maine. Mr. Bagshaw has a purchase and sale agreement with Southwoods, LLC, Owner of Lot 2 in the Jordan Farms subdivision. The subdivision is located in the Rural Residential 2 (RR2) zoning district.

As a condition of the purchase, the applicant is seeking approval of an amendment to the subdivision plan to delineate an additional building window on a portion of Lot 2 to provide the ability to construct an accessory structure in the future.

In accordance with Section 4.5 of the Subdivision Ordinance, any changes to an approved subdivision plan must be submitted to and approved by the Planning Board.

**DESCRIPTION:**

Parcel size: Entire subdivision: 74.64 acres;  
Lot 2.42 acres

Net Residential Density: N/A

Zoning: Rural Residential 2 (RR 2)

Development Type: Single family residential

Min. Lot Size: 2 acres

Lot frontage: 200'

Setbacks: Front: 50'; Side 30'; Rear: 75'

Water and Sewer: Public water; on-site septic

Utilities: Underground

Outside Agency Reviews/Approval:

1. MDEP – Permit by Rule for stream crossing on file.
2. U.S. Army Corp of Engineers: Permit on file.

Waiver Requests: None

**DEPARTMENT HEAD REVIEWS:** Not Requested

**TOWN PLANNER'S COMMENTS:** All comments have been addressed.

**TOWN ENGINEER'S COMMENTS:** Peer Review Engineer Al Palmer's comments were included in the review packet.

Mr. Neagle asked if the Board had any questions for the Planner.

Mr. Dillon asked if there were any proposed living quarters in the accessory structure.

Ms. Nixon stated not that were indicated on the plan.

Mr. Bingham asked if the improvements include a separate entrance off Chet's Way for a driveway to the accessory structure.

Ms. Nixon stated it is not shown on the plan, but the applicant would like to have one. The Conservation Committee did have concerns on that.

Mr. Neagle invited the applicant to present his request.

Mr. Bagshaw of 52 Idlewood Drive, applicant, stated Ms. Nixon has done a good job outlining the proposal. They are requesting an amendment to allow an accessory structure (a barn) within an additional building envelope on Lot # 2.

Mr. Neagle asked if the plan was for a separate driveway onto Chet's Way.

Mr. Bagshaw stated the driveway calculations were built into the stormwater calculations.

Mr. Dillon asked if there would be living quarters in the barn, and about housing any livestock.

Mr. Bagshaw stated there will be a finished room in the barn, but no living quarters, and there is no plan for livestock, which are prohibited by the subdivision covenants.

Mr. Ferland asked if the terms access drive, gravel drive, and gravel path were defined in the Ordinance.

Ms. Nixon stated no.

Discussion by the Board determined an access drive and gravel drive were the same and the gravel path was a walking trail depicted on the original subdivision plan.

Mr. Ferland asked the proposed size of the barn.

Mr. Bagshaw stated 40' x 60' or 30' x 50'. The stormwater calculations were based on a barn sized 40' x 60'.

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

Mr. Neagle noted the Conservation Committee had submitted a list of comments. Mr. Neagle summarized the comments and thanked the Conservation Committee for their effective comments. The memo will be included in the file.

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

Mr. Ferland stated the application was presented well, with strong engineering backup information and he appreciates the Conservation Committee's input.

The Board reviewed the findings of fact as prepared by Ms. Nixon.

Mr. Neagle stated the applicant has received the outside agency approvals from the MDEP for a permit by Rule for stream crossing, and U.S. Army Corp of Engineers which is on file.

Mr. Bingham moved to approve the findings of fact as written.

Mr. Dillon seconded.

VOTE: Unanimous

Mr. Dillon moved to approve the amendment to Jordan Farm Subdivision to amend the limits of a building envelope on Lot # 2, Tax Assessor Map R03, Lot 43D. The approval is granted subject to the standard and proposed conditions of approval.

Mr. Ferland seconded.

VOTE: Unanimous

**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 creation of an additional building envelope will not result in undue water or air 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 applicant will utilize public water.**  
**Based on the information provided, the standards of this section have been met.**
3. Municipal Water Supply. The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used;  
**The applicant will utilize public water.**  
**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;  
**An erosion and sedimentation control plan was reviewed and approved by the Town Engineer as part of the original subdivision. Upon application for a building permit, erosion and sedimentation controls will be provided for the construction of the home and any other structures.**  
**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 additional building envelope will not create congestion or unsafe conditions for the public roads in the area.**  
**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 be served by an on-site septic system. Test pit and subsurface disposal locations are shown on the plat plan and the concept plan for lot 2. A design of the subsurface waste disposal system will be submitted at the time of a building permit application.**  
**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's current municipal waste hauler has capacity for collecting solid waste generated by the new home.**

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

8. Aesthetic, cultural, and natural values. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;  
**The location of an additional building envelope on this lot will not have an undue adverse affect on the scenic or natural beauty of the area.**

**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 and approved by the Town's Code Enforcement Officer and Planner.**

**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;

**There are no public improvements required as part of this project.**

**Technical capacity is evidenced by the use of a professional engineer, an attorney, and a licensed soils evaluator.**

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

10. 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 project has been reviewed and approved by MDEP and the ACOE.**

**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 additional building envelope will not have an adverse impact on 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;

**The proposed project is located in Zone C (area of minimal flooding) on the FEMA Flood map.**

**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; **There is a letter on file dated May 26, 2011 from Al Palmer, P.E., stating that the proposed change which will increase the amount of impervious surface by 8,800 sq. ft. and an increase in lawn area of 26,600 sq. ft. In the opinion of Mr. Palmer, the additional impervious surface and lawn area can be accommodated without an adverse impact downstream of Lot 2 if specific Low Impact Development (LID) techniques are incorporated into the final site design. These have been listed as conditions of approval. 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.  
**Based on the information provided, there are no impacts to any wetlands on the site as a result of this project.**  
**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 is a permit on file from MDEP and ACOE for the stream crossing required for the internal driveway connection between the two building envelopes.**  
**Based on the information provided, the standards of this section have been met.**

#### **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.

#### **RECOMMENDED CONDITIONS OF APPROVAL:**

1. That all plan review fees be paid prior to the issuance of a building permit.
2. That the applicant obtains the following permits prior to the start of construction:  
Building Permit, Growth Permit, Road Opening Permit.
3. That the building permit lists the Low Impact Development (LID) techniques as delineated in the letter dated May 26, 2011 from Al Palmer, P.E.
4. That the plan be recorded at the Cumberland County Registry of Deeds within 60 days of approval as required by Section 4.5 of the Subdivision Ordinance.

- 
2. **Public Hearing: Major Subdivision Review: Phase I of Village Green Subdivision: for 59 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 LaVerrier, P.E., Deluca Hoffman Engineers, Representative.**

Ms. Nixon presented background information as follows: This project is not ready for a complete review there are several key engineering details still being worked on. We had a very productive meeting with the design engineer, the town engineer, the applicants, and Bill Shane. The items should be fully resolved for the July meeting. At tonight's meeting I suggest we focus on traffic and landscaping. Tom Gorrill, of Gorrill – Palmer Engineers has reviewed and signed off on the traffic study that was provided.

Mr. Neagle asked the Board for any questions of Ms. Nixon.

Mr. Dillon stated Section 13.2A of the traffic design standards references a Level E, and asked for clarification.

Ms. Nixon stated that is a MDOT rating based on the State's standards for the level of functioning of intersections.

Mr. Nathan Bateman, applicant, reviewed the landscape master plan. At the beginning of Wyman Way at Route 9 there will be a small garden with a For Sale sign. The entrance to the project will be at the end of Wyman Way, there will be a welcome sign at the corner and new trees will be planted to buffer existing houses on Wyman Way. At the intersection of Drowne Road there will be soldier trees planted every twenty feet to line the sides of the road. The master plan has incorporated and maintained as much existing natural buffer as possible. The light green on the plan shows existing vegetation.

Mr. Dillon stated Section 7.6 of the subdivision ordinance requires preservation of trees 10" or more in caliper. Does this plan allow for keeping all trees 10" or more in caliper?

Mr. Bateman stated no, but as many as possible.

Mr. Dillon asked about trees on individual lots, and will the trees depicted on the plan be in the right of way.

Mr. Bateman stated yes, every house will have a landscape plan that will be approved prior to building. On lots that require buffering, part of the lot preparation will be to create natural buffers prior to sale of the lots.

Mr. Ferland stated he was pleased with the old stand timber that would be left, and asked how it would be maintained. He also stated the planting guide states caliper and diameter of trees are the numbers listed the size at planting?

Mr. Bateman stated yes, they are the size at planting, if it states a tree of 10" caliper that would be the size when planted.

Mr. Ferland asked about the owner of the vegetated areas.

Mr. Bateman stated the land will be labeled as open space and it has not been determined whether it will be offered to the land trust or the town in the form of a conservation easement.

Ms. Nixon stated we haven't spoken with the land trust as to ownership and maintenance of the trails and open space.

Mr. Ferland stated at the site walk he was intrigued by the pond, and he is glad this plan is going to bring the pond back, and asked for details.

Mr. Bateman stated the pond impact is de minimus; the perimeters will be opened to create limited views. The pond will be left at its natural water levels. There will be fresh water going into the pond, depending on precipitation levels the pond will be left at natural levels.

Mr. Bingham asked about the final outcome for use of Amanda's Way.

Mr. Bateman stated they were not able to obtain an easement.

Mr. Bingham asked about the buffering for the Wyman Way abutters.

Mr. Bateman stated from Main Street the first two properties have a natural buffer.

Mr. Bingham stated the soldiering of trees is a good concept; Cumberland Common's trees are really nice as they mature.

Mr. Bateman reviewed the four prototype house designs for the project. The houses will have customizable interiors, but the type of house and foundation will be one of the following types:

- The Cumberland
- Classic Cape
- Colonial
- The Cottage

Many of the lots will offer opportunity for daylight basements and the prices will allow for finished second levels and basements. All of the designs are designed to pair up as duplexes as well.

Ms. Nixon asked about the prices of the homes. Her understanding was that they would be lower cost than those in Tidewater, but if the styles are the same, how is that being accomplished? Smaller lots?

Mr. Bateman stated that the trim and window packages are less costly than Tidewater. It is through these types of changes that costs are reduced to meet the entry level \$250,000 which is the classic cape moving up to the upper \$380,000 which would be the Cumberland.

Mr. LaVerrier of DeLuca Hoffman Engineers reviewed the roadway alignment of Wyman Way. They are proposing to run water and extend the common sewer force main to Main Street. The existing houses on Wyman Way will have water and sewer stubs at their properties. We have had engineer meetings and will have additional detailed information for next month's meeting. The pump station will be moved to lot # 15 which is a better spot.

There will be a stop sign at Wyman Way; Wyman Way will have a traffic calming raised speed device at the curve. At the three way intersection there will be a three way stop.

Ms. Nixon asked about the proposed speed limit.

Mr. LaVerrier stated it will be a public road and they are proposing 25 MPH. There will be a second speed table at the end of Drowne Road before the salt shed. Oak Street will have a three-way stop.

Mr. Neagle asked about the pedestrian trail between units 34 & 35.

Mr. LaVerrier stated after the site walk the existing trail is pretty distinct so this might be a good spot for another connection.



Mr. Dillon asked about parking for trail users who do not live within the development.

Mr. LaVerrier asked if he meant in terms of adding on street parking.

Mr. Dillon stated if there is a place for people to walk they will need a place to park.

Mr. LaVerrier made note of the issue of parking.

Mr. Neagle asked the estimated time it would take to drive from Route 9 to Wilson School, and the time if someone cut through Wyman Way.

Mr. LaVerrier stated he didn't have the information, but it could be figured out.

Mr. Ferland asked if the three-way at Oak Street and little league traffic might create a traffic cluster.

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

The Board thanked the applicant for the presentation and took no action.

---

**3. Public Hearing: Amendment to Cumberland Foreside Village subdivision Lot # 1 and Sky View Drive; Tax Assessor Map R01, Lot 11-1, in the Office Commercial South (OCS) district; Tom Greer, P.E., Pinkham and Greer Consulting Engineers, Representative; Cumberland Foreside Village, LLC, Owner, Applicant.**

Ms. Nixon presented background information as follows: The applicant is requesting approval to amend Lot # 1 of the approved subdivision so that a new business (Exactitude, agenda item # 4) will fit onto the lot. Sky View Drive, which is currently a gravel access road, will be fully constructed to Station 4+35 to allow access to Lot 1. The Board conducted a site walk at 6:30 this evening prior to the meeting.

Mr. Michael Brescia, representative for CGM (Exactitude) stated he was present with the owners Mike Boivin, Ben Getchell and Charles Tartre. He gave an overview of the Exactitude business.

Mr. Tom Greer of Pinkham and Greer Engineers stated the request is to change the boundary of lot # 1 for the easement.

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

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

Mr. Ferland seconded. VOTE: Unanimous

Mr. Bingham moved to approve the subdivision request for Cumberland Foreside Village, Lot # 1, Tax Assessor Map R01, Lot 11-1 subject to the standard and four proposed conditions of approval.

Mr. Ferland seconded. VOTE: Unanimous

**Findings of Fact:**

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**  
**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 6/22/06 that states that there should be 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 6/22/06 that states that there should be an adequate supply of clean and healthful water to serve the needs of the proposed 12 subdivision.**  
**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 amended plan has been reviewed and approved by Al Palmer, P.E.**  
**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 no change to traffic associated with this amendment to adjust the location of the lot lines for Lot 1.**  
**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 approved subdivision will utilize public sewer. This amendment does not change the previous finding of fact.**  
**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;  

**There is no solid waste disposal needed for this amendment.**

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

1. 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;

**All of the findings below are applicable to this amendment.**

**A letter dated 8/20/02 from Department of Conservation states that there are no rare or botanical features documented specifically within the project area.**

**A letter dated 9/3/02 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 dated 9/4/02 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 and approved by the Town's peer review engineer. A condition of approval is that all comments of the town engineer be complied with.**

**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 performance guarantee in an amount acceptable to the Town Manager will be required.**

**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;

**This section is not applicable.**

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.**

**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 prepared by Pinkham and Greer has been reviewed by the Town Engineer. A condition of approval is that all requirements of the Town Engineer be complied with.**

**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.

**There are no wetland impacts associated with this subdivision amendment.**

**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 site.**

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

#### **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.

#### **Proposed Conditions of Approval:**

1. That all comments from the Town Engineer be complied with.
2. That a performance guarantee in an amount acceptable to the Town Manager be provided prior to the preconstruction conference.
3. That a preconstruction conference be held prior to the start of work.
4. That a blasting permit be obtained from the Code Enforcement Officer prior to the start of work.

- 
- 4. Public Hearing: Major Site Plan Review for a 31,570 sq. ft. commercial office building at Lot # 1 of Cumberland Foreside Village, Tax Assessor Map R01, Lot 11-1, in the Office commercial South (OCS) district; CGM Ventures, LLC, Applicant, Tom Greer, Pinkham and Greer Consulting Engineers, Representative; Cumberland Foreside Village, LLC, Owner.**

Ms. Nixon presented background information as follows: The owner of the parcel is David Chase, dba /Cumberland Foreside Village, LLC (CFV) of 50 Gray Road, Falmouth, ME 04105. The applicant (CGM Ventures, LLC) has a purchase and sale agreement to purchase Lot 1. The applicant and owner are represented by Thomas Greer, P.E., of Pinkham and Greer Engineering. This application is for major site plan review for a new 31,570 sq. ft. facility to be located on Lot 1 of the Cumberland Foreside Village subdivision, as depicted on Tax Assessor Map R01, Lot 1. The facility will contain

warehouse and office space as well as a woodworking shop and assembly area for use in the manufacturing and assembly of wood products.

**DESCRIPTION:**

Parcel size: 181,645 sq. ft.  
Zoning: OC with a Contract Zone overlay adopted 6/14/06.  
Parking: 64 spaces  
Waivers: None requested

Outside Agency Approvals Required: MDEP Minor Modification of Site Law Permit for changes in the stormwater treatment system on Lot 1.

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

1. Where are the lighting details?
2. Where are the sign details? Will the sign(s) be lighted?
3. A note on the plan states that construction operations are to be limited to between 7:00 a.m. and 7:00 p.m. Monday through Saturday. Does this mean construction of the site improvements or the on-going manufacturing operations?
4. What will be days and hours of operation?

**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:**

1. The building shall be equipped with a fire alarm system that is monitored by an approved fire alarm company. The system shall have a remote annunciator panel located at the main entrance that can be silenced with the push of one button from this location. The strobe or other visual alarm signaling devices shall remain active when the system is silenced. The alarm system shall identify the exact location of each individual initiation device with plain text at the fire alarm panel.
2. The building shall be equipped with a hinged key box approved by the fire department. The key box shall be electronically connected to the fire alarm system to show a trouble signal whenever the box is in the open position.
3. The building shall meet the requirements of the National Fire Protection Association. These requirements cannot be determined until a complete set of building drawings are reviewed. For this type of building the requirements typically address, but may not be limited to: building exiting, emergency lighting, fuel storage, spray booth, hazardous materials storage, and fire extinguishers.
4. An additional fire hydrant should be installed to assist with supplying water to the building and the sprinkler system. The addition of this hydrant will prevent the need for closing vehicular traffic on Route 1 due to the present hydrants being located on the east side of the road.
5. The fire protection sprinkler system shall meet the requirements of the National Fire Protection Association. The fire department connection shall be equipped with a 4" locking coupling that is located in an area that is approved by the fire department. The sprinkler system shall send a water flow signal to the fire alarm panel whenever water is moving throughout the system.
6. Access to the building shall be adequate enough to accommodate fire department vehicles.

**CUMBERLAND CONSERVATION COMMISSION:**

- Public Hearing: Major Site Plan Review for a 31,570 sq. ft. commercial office building at Lot # 1 of Cumberland Foreside Village. Ledge needs to be blasted on Falmouth line. The expected tenant, Exactitude, manufactures commercial products for banks, schools, office. Parking will be located in the back of the building; contract zone.
  - Issues noted:
    - Manufacturing noise inside and outside of the building and truck traffic will resound off the ledge wall behind the building and impact neighboring properties.
    - Ledge safety issue (no fence) – attractive nuisance: falls, climbing, graffiti

Maintenance of filter/drainage system over the long term is expected from a historical perspective, to be inadequate, thus potentially impacting Route 1 and surrounding properties.

**TOWN ENGINEER'S REVIEW:** Al Palmer, Gorrill-Palmer:

***NOTE THAT THESE COMMENTS WERE ADDRESSED IN A RESPONSE LETTER FROM TOM GREER DATED JUNE 15, 2011 (SEE PACKET)***

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 May 31, 2011 as prepared by Pinkham & Greer. We have the following comments based on our review of the material:

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

1. Westerly portion of Subcatchments 11, 14, and 15 is shown as undeveloped on sheet D3.2. Those areas have proposed contours on sheet D2.1A. Are these areas developed? If the areas are developed they should be included in the tributary area for UDSF #1.
2. Given the areas tributary to UDSF #1 as listed in the Underdrained Soil Filter Calculations on D3.2, the required volume should be 8,240 cf not 9,126 cf as presented. The required volume may change dependent on the response to Comment 2 above.
3. A concrete area is hatched with landscape hatch in Subcatchment 15 on sheet D3.2.

#### ***Site Plans***

4. Sheet C1.1 – Are construction hours until 7:00 PM on Saturday acceptable to the Town (General Note 20).
5. Sheet C1.1 – The dumpsters are located on the side of the building opposite Route 1. No screening of the dumpsters to any traffic on Sky View Drive is proposed? Is this acceptable to the Town?
6. Sheet C1.1 – The plan shows 2 Barrier Free Parking Spaces. It is our understanding that the 3 would be required under the ADA.
7. Sheet C1.1 – As this subdivision was permitted by Maine DOT based on an overall number of trips, we would recommend that a note be added to this sheet documenting the Trip Generation for this lot so that the Town can document overall compliance with the Maine DOT permit as further lots get developed.
8. Sheet C1.1 – SD #1, #2, and #5 are all located in Snow Storage Areas. We would recommend that snow not be stored over these structures.
9. Sheet C1.1 – The truck maneuvering area located adjacent to the westerly property line does not appear to comply with Section 8.5.2 of the Site Plan Ordinance that appears to require a 15 setback between the pavement and lot line.
10. Sheet C1.1 – A tip down should be added to the sloped granite curb where it terminates in the right of way in the vicinity of Sta 3+50.
11. Sheet C1.2 – As curbing will now be installed on the left side of Sky View Drive between Sta 2+00 and 3+50, we would recommend that a 6" UD be installed to drain the roadway gravels.
12. Sheet C1.2 – Is overhead electrical/telephone service from Route 1 acceptable to the Town?

13. Sheet C1.2 – We would recommend that the Applicant consider installing cleanouts on the 6” sanitary sewer at a spacing not to exceed 100 feet.

Mr. Dillon asked about the use warehouse and distribution facility in the Office Commercial South district.

Ms. Nixon stated these are accessory uses and allowed in the Contract Zone.

Ms. Alyssa Daniels, Economic Development Director stated she had discussed these uses with the Code Enforcement Officer and the primary use is light manufacturing and the other uses are accessory to the use.

Mr. Greer reviewed the site plan application as follows: This project is for the construction of 31,570 sq. ft. structure on Lot 1 of Cumberland Foreside Village. The building will provide a variety of space for the tenant.

The architecture has been completed by Mark Burnes, Foreside Architects. The building has been massed in three sections to break up the scale and provide efficient space inside. The building elevations facing the entry drive and parallel to Route 1 have been faced substantially with New England style clapboard-type siding, divided-lite glazing treatments and brick masonry entry columns resulting in a high-quality architecturally appropriate development in an effort to comply with the Route One Design Guidelines.

The combined building and site layout provides a safe, functional, and attractive setting within the Cumberland Foreside Village and with respect to the Route 1 Corridor. There is a mix of warehouse, shop area, display area, and office space. There are currently 54 employees who will be occupying this building. We have provided 64 parking spaces to allow for additional employees, visitors and deliveries. The site layout includes loading docks for deliveries. In order to provide access to these doors we have included a “Truck Only” access drive on the Route One side of the building.

Stormwater is the key issue with this site. We have modified the under-drained soil filter at Sky View Drive to accept and treat water from Sky View Drive and the small parking area at the entrance to the site. An additional under-drained soil filter has been provided along the easterly side of the site to treat the runoff from the building’s roof, parking, and truck maneuvering area. The underdrain soil filters will be maintained by the lot owner’s association. The second one on the front will be maintained by the lot owner. The design of this filter includes provisions for a walkway should one be required on site versus within the MDOT right of way.

The site has been designed to accommodate truck traffic and provide parking for employees. The trucks will enter the site on the east side of the building on a one way entrance road. This allows them to backup to the loading docks with simple maneuvers. They exit the site using the two way driveway on the west side of the building.

Sewer and water service will be extended to the building from Sky View Drive. The building will have a sprinkler system for fire protection. Capacities for these utilities were determined as part of the subdivision review. Based on 54 employees and 15 gallons per day per employee the water and sewer flows are expected to be 810 gallons per day.

We have included a Landscape Plan which includes trees and shrubs around the facility. A small outside patio of blue stone is provided for employees. Tables and chairs or a picnic table will be provided. There are four dumpsters on the west side of the building. These will be used to collect the waste stream from the building for recycling and disposal as appropriate. These will be handled by a private waste hauler.

The grading at Route One elevation is 82. The building elevation will be 94’ which is 12’ above Route One. The hill elevation is 140’ elevation. There will be landscaping and plantings and a dust unit and roof units on the top of the building.

There will be a sign on the berm in front of the building; this sign has not yet been designed.

Mr. Dillon asked if light manufacturing would result in offensive, noise, or vibration, is there any studies on noise levels.

Mr. Greer stated the traffic on Route One and 295 will be louder than the small machines in the building.

Mr. Neagle asked if the underdrain soil filters were water ponds.

Mr. Greer stated underdrain soil filters are a grass covered water pond 18" to 20" deep, water flows through the 6" of topsoil then to the ditch on Route One. They drain no faster than 24 hours and no longer than 28 hours to empty. There is a 4" pipe with slide gate to control water flow.

Mr. Dillon asked about the comment of having clean outs every 6'.

Mr. Greer stated the sewer use would be only for employees' bathrooms and they will not be putting a clean out in the road, they will have fewer problems.

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

Ms. Alyssa Daniels, Economic Development Director stated it has been a pleasure to work with the Exactitude Team. The Exactitude presentation team met with the residents of True Spring Farm on Thursday June 16, 2011; Tom Foley submitted the following letter for the Planning Board: *They appreciated the opportunity to view the material and have any questions answered regarding potential concerns. The plans were well received as were the answers to their questions. Provided the Planning Board is satisfied that the plans meet all necessary requirements; Exactitude will be good neighbors and an asset to the Town of Cumberland. Tom Foley, True Spring Farm*

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

Mr. Neagle stated the Board had received the photometric plan this evening, and suggested the Board defer review to the Planner. Mr. Neagle asked the business operating hours.

Mr. Greer stated normal work hours are five days a week from 6:00 am to 5:00 p.m., with appointments as necessary on Saturdays. Mr. Greer stated construction would also be Monday – Friday, they are looking to start construction as soon as they receive their written DEP approval.

Mr. Neagle stated for such a major project he was pleased with the information and the valuable input from the Town staff.

The Board reviewed the proposed findings of fact as presented:

Mr. Bingham asked about solvents etc.

Mr. Greer stated yes, there will be a paint booth, for safety.

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

Mr. Ferland seconded.

VOTE: Unanimous



Mr. Bingham moved to approve the Major Site Plan for a 31,570 sq. ft. commercial building on Lot # 1 of Cumberland Foreside Village, Tax Assessor Map R01, Lot 11-1, in the Office Commercial South (OCS) district; CGM Ventures, LLC, Applicant, Tom Greer, Pinkham and Greer Consulting Engineers, Representative; Cumberland Foreside Village, LLC, Owner. This approval is subject to the Limitation of Approval and standard and Proposed Conditions of Approval.

Mr. Dillon seconded.

VOTE: Unanimous

### **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 applicant has filed for a modification to the MDEP Site Law permit. This has not yet been received, but is a proposed condition of approval.**

**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 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 project has received a MDOT Traffic Movement Permit dated 1/22/07. The project has received an entrance permit dated 1/8/07 for this project's entrance location 487' northerly of the Cumberland-Falmouth town line.**

**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 main subdivision road, Sky View Drive, will be fully constructed to serve this project. The plans have been reviewed and approved by the Town's peer review engineer. 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 design engineer has responded to the comments made by the town engineer. The above standards have now 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 proposed plan is in conformance with these standards.**

**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 design engineer has responded to the comments made by the town engineer. The above standards have now 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 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.

**A revised plan in response to the town engineer's review shows that the above standards have been met.**

**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 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. Financial capacity is evidenced by a letter dated June 1, 2011 from Gorham Savings Bank that commits to providing the necessary funding for the project.**

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

.15 Historic and Archaeological Resources

If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

**As part of the original subdivision approval, the following letters were provided by the applicant:**

**A letter dated 8/20/02 from Department of Conservation states that there are no rare or botanical features documented specifically within the project area.**

**A letter dated 9/3/02 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 dated 9/4/02 from the Maine Historic Preservation Commission states that this project will have no effect on historic 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.

**Lighting details were provided, reviewed, and found to meet the above standard.**

**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.

**There will be a 25' undisturbed buffer along Route 1 which is the only direction in which there are residences. The landscape plan shows a variety of trees and shrubs around the facility and the subdivision plan shows trees along Sky View Drive.**

**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.

**As stated in the application to MDEP, there will be some noise associated with the manufacturing and assembly of wood products, but the noise will be contained indoors. There will be some exterior noise from a Dust Collector that generates 68 db's adjacent to the machine.**

**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 not located in an area visible to other properties and is not 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 subdivision road (Sky View Drive) and plantings are shown on the site plan that meets the requirements of the ordinance and the recommended design guidelines for the Route 1 Corridor.**

**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 to 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 rear and 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 reviewed the plans and made recommendations for the project. They are 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.

**The architecture of the building, the type of materials to be used and the landscaping and buffering plan are all in general conformance with the Route 1 Design Guidelines. A letter dated May 27, 2011 from the architect, Mark Burns, AIA; NCARB outlines the specific aspects of the design.**

**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.

**Proposed Conditions of Approval:**

1. That a copy of the MDEP modified site law permit be submitted to the Town Planner prior to the preconstruction conference.
  2. That the sign details be reviewed and approved by the Town Planner when a sign permit is submitted by the applicant.
  3. That a preconstruction conference be held prior to the start of construction.
  4. That all outstanding fees be paid to the Town prior to the preconstruction conference.
  5. That the recommendations of the Fire Chief as stated in his memo dated June 7, 2011 be complied with.
  6. That all issues raised by Al Palmer, Peer Review Engineer in his memo dated May 14, 2011 be complied with prior to the pre- construction meeting.
- 

**F. Administrative Matters:** None

**G. Adjournment:**

Mr. Bingham moved to Adjourn at 9:15 p.m.  
Mr. Dillon seconded.

VOTE: Unanimous

The meeting was adjourned at 9:15 p.m.

A TRUE COPY ATTEST:

---

Christopher S. Neagle, Board Chair

---

Pam Bosarge, Board Clerk