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Planning Board Meeting Minutes
Town of Cumberland
Cumberland Town Hall - 290 Tuttle Road
Cumberland, Maine 04021
Tuesday, May 17, 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, April Caron, Bob Couillard, Tom Gruber
Absent: Peter Bingham, Ron Dillon

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

C. *Approval of Minutes of April 18, 2011*

Mr. Gruber moved to approve the minutes of April 18, 2011 as written.

Ms. Caron seconded.

VOTE: 4 in favor (Neagle, Caron,
Couillard, Gruber)
1 abstain (Ferland)

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

E. *Hearings and Presentations:*

1. Sketch Plan Review: Major Subdivision Village Green Phase I; 59 lots as allowed by Contract Zoning Agreement with Bateman Partners, LLC; at the Doane Property, Tax Map U10, Lot 7B in the Village Mixed Use Zone (VMUZ). Bateman Partners, LLC, Applicant/ Owner, Joseph LaVerrier, P.E., Deluca Hoffman Engineers, Representative.

Ms. Nixon stated the neighborhood DEP meeting was held prior to the Planning Board meeting this evening. The neighbors have asked about a date for a site walk.

Mr. Joseph LaVerrier, P. E. of Deluca Hoffman Engineers presented an overview of the plan; the first phase of the Village Green Revitalization project consists of 33 detached single family residential units and 13 attached residential units for a total of 59 residential units. The development has been designed to cluster the housing units in order to maintain approximately 12.78 acres (31.4%) of the site as public open space with pedestrian walking trails. The project will include a public road connecting Wyman Way to Drowne Road thereby providing vehicular access from both Main Street (Route 9) and Tuttle Road. As such, the existing portion of Wyman Way will be reconstructed to 22' wide in accordance with the roadway standards set forth in the contract zoning agreement, which includes a pedestrian sidewalk extending to Main Street. The only difference is that the right-of-way will be reduced to 50' width instead of 60'. Wyman Way to Drowne Road will be the only public roads within the project. All other roadways within the development will be private roads and private drives. Pedestrian accommodations include provisions for paved sidewalks and esplanade along one side of all private and public roadways as

DRAFT

well as the development of walking trails extending through the public open space areas and linking to the existing trail systems within the Town Forest and adjacent open space areas.

The project will be serviced by underground utilities:

- The water supply will have a connection of an 8" water main along all public and private roadways with fire hydrants located in accordance with preliminary discussions with Fire Chief Small. The new water main installation work will connect to the existing dead-end 8" water main in Drowne Road and extend through the full length of Wyman Way with connection to the existing 12" water main in Main Street. This will create a looped water main system, which is beneficial to the Portland Water District.
- Sanitary Sewer: The fifty-nine residential units will be served by an onsite gravity sewer collection system that will be tributary to a new sewage pump station located within the development. This pump station will discharge to the existing 8" gravity sewer main within Drowne Road that is part of the municipal system owned and operated by the Portland Water District.
- Stormwater: The project will meet stormwater requirements for quality and quantity 95% will be captured and treated prior to discharge from the site.
- Zoning: The project will meet the standards of the Village Mixed Use Zone (VMUZ) and the contract zoning agreement.
- Private Drives: will serve six or fewer homes
- Trails: will be developed to connect to the sidewalks and existing trails.
- Traffic: A traffic impact study is being conducted by Bill Bray. The traffic study will look at the impact of this project on adjacent streets.
- DEP: Due to the streams and wetland crossings we are impacting about 14,900 sq. ft. of wetland which will be part of the application to the DEP. The project has been designed to minimize wetland impact.

Mr. Couillard asked about the trail between buildings thirty-two and thirty-three, it is a good walking path but it doesn't go anywhere. With the unknown of Phase II at this time wouldn't it be better located between buildings thirty-four and thirty-five or to the path between the houses at the circle.

Mr. Laverriere stated the trails have been located to accommodate future proposed development.

Mr. Couillard asked about the force mains which are 4" and some of the buildings have 2" is that small for sewerage.

Mr. Laverriere stated the gravity portion of the system is all 8" with 4" services which go to the houses which is typical for sewer services. Where pump station pumps into is what I would call the force main this is also a 4" line which runs up and discharges into the gravity feed.

Mr. Couillard asked about the sewer loop that goes to building 7, 8, 9, 10, 11, and 12 and also 2, 3, & 4.

Mr. Laverriere stated that is different because of the topography.

Mr. Neagle stated we are doing sketch plan review and the exact size of the drain pipes is not necessary for sketch plan review. A quick summary would be fine.

Mr. Laverriere stated topography the ground drops quite a bit not allowing service by gravity. Those units will have their own individual low pressure force mains which pumps up to the gravity line. That is what the 2" line is.

DRAFT

Mr. Ferland stated he was very impressed with the utilization of the site and how they have embraced the natural environment and provided great detail about the wetland delineation, which is very interesting. It is a very wet spring and week how susceptible is this acreage to overflowing streams and standing water. Is that a factor they have to deal with in placing these units?

Mr. Laverriere stated it is a factor they have to deal with; he explained and reviewed the topography and wetlands in relation to the location of the building.

Mr. Ferland asked if the houses would have full foundations or be on slabs.

Mr. Laverriere stated they are intended to be full foundations, and a lot will have the opportunity for daylight basements.

Mr. Gruber stated he has a lot of questions, but now that he understands this is sketch plan he will hold those questions back. Overall I am very impressed by the project; especially with the clustering that is being done, with the best principles of grow smart; it is terrific. There are a lot of detail things I like. We talk about this being Village Green and it sounds terrific. Here we have all this wetland and open drainage and in some communities I have seen where wetlands are made into wet gardens instead of a ditch.

Mr. Neagle stated he too thinks this is a great project; however, his concern is the potential use of Wyman Way as a short cut from Main Street to Tuttle Road. Mr. Neagle asked about changing the loop of the road. Mr. Neagle echoed the comments of his Board members regarding preserving the wetlands, this looks to be a really nice neighborhood.

Mr. Neagle stated this is not a public hearing but we have historically allowed public to make comments. He invited the public to comment keeping in mind this is sketch plan.

Ms. Elizabeth Simonds of 21 Wyman Way stated she loves the idea of a curve in road to prevent cut through short cut traffic.

Mr. Birthisel of 232 Main Street stated it has been indicated that 14,900 sq. ft. of wetland will be impacted and 15,000 is the threshold. He asked for clarification on the location of the impacted wetlands.

Mr. Laverriere stated the 14,900 sq. ft. wetland impact is for everything that impacts the project; he reviewed the wetland areas impacted.

The public portion was closed.

Mr. Neagle stated the Board will not make a decision this evening. The Board set a date for a site walk at the property. The Planning Board site walk will be held on June 2, 2011 beginning at 6:00 p.m. at the intersection Main Street and Wyman Way; and will continue through the proposed project at 6:30 p.m.

2. Public Hearing: Major Site Plan Amendment: Twin Brook Recreation Facility, 185 Tuttle Road, Tax Assessor Map R04, Lot 13; to review a proposal for a community garden; as approved by the Twin Brook Committee and Town Council.

Mr. Shane, Town Manager presented background information as follows: Karen Marden who is present this evening is the developer of this great idea, a community garden. Several months ago we met with the Twin Brook Advisory Committee and laid out the plan. With any development at Twin Brook the Town

DRAFT

needs to amend its site plan with the DEP and the Planning Board. Mr. Shane reviewed the area at the end of the Tuttle Road side of Twin Brook; showing the location of the proposed garden. The DEP permit application is for a 2.7 acre area. This summer's garden will be approximately a ½ acre. The water line will be extended for watering the garden. We will have a bark mulch erosion mix placed around the perimeter of the garden and there will be a rodent fencing around the garden. The DEP has approved this amendment; the Town Council has approved the use of the town land; and the Twin Brook Advisory Committee will be overseeing the operation and reporting back to the Council this fall on this year's garden. Karen Marden has been organizing the project and volunteers. She can answer any specifics related to the garden. If the amendment is approved this evening we will be installing the water main next week as well as the bark mulch erosion control and some of the fencing with the Public Works crew.

Mr. Ferland stated on page six of the findings it talks about an erosion and sedimentation control plan that provides best practices. I was surprised it had to be that formal for a garden. Is the bark mulch on the side basically it?

Mr. Shane stated there is a sketch which is figure 1 of 3; basically it is four feet wide by eighteen inches high bark mulch berm; this provides another filter because as you can imagine with a garden there is exposed soil. This will prevent any silt into the stream during a rain event.

Mr. Gruber asked about the dug out on the slide; is that the home team or visiting team.

Mr. Shane stated the third base line would be the visiting team.

Mr. Gruber asked if there had been soil testing.

Mr. Shane stated yes, Ms. Marden will explain the results.

Ms. Marden stated yesterday we received the soils test. We have really great soil for the first six inches which is what we are tilling. The ph is 5.3 which is low because it has set as a field for a long time. We will be an organic garden.

Mr. Gruber asked if they did lead testing.

Ms. Marden stated yes.

Mr. Gruber asked if there was a plan to continually test the soil.

Ms. Marden stated certainly, to keep the vegetable production optimum we will be testing spring and fall. The first garden is to trial the soil; everything we do this year will be a donation to the Cumberland Food Pantry. We have had a great community response with lots of donations.

Ms. Caron stated this is an exciting project; I visited a food pantry last weekend in Lewiston and there was a huge bin of jalapeno peppers; and not a lot of other food. I asked if there was a big demand for jalapeno peppers; and she said no, but they don't turn anything away and don't get enough fresh produce.

Mr. Neagle stated this is a great idea and asked if there was ample parking.

Mr. Shane stated yes, and there is an unpaved area for overflow parking.

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

Ms. Caron moved to adopt the findings of fact as written without reading aloud the findings.

Mr. Couillard seconded.

VOTE: Unanimous

Ms. Caron moved to approve with the standard condition of approval the request for Site Plan Amendment for Twin Brook Recreation Facility, 185 Tuttle Road, Tax Assessor Map R04, Lot 13; for a community garden as approved by the Twin Brook Committee and Town Council.

Mr. Gruber seconded

VOTE: Unanimous

Note: Section 206.7.6 states that the Planning Board may waive any of the submission requirements based upon a written request by the applicant. A waiver may be granted only if the Board finds that the information is not required to determine compliance with the standards and criteria.

VI. Findings of Fact

Note: Section 206.7.6 states that the Planning Board may waive any of the submission requirements based upon a written request by the applicant. A waiver may be granted only if the Board finds that the information is not required to determine compliance with the standards and criteria.

Sec. 206.8 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.

A permit from the MDEP for a revision to the NRPA permit is on file. There are no wetlands, steep slopes, floodplains, significant wildlife habitats, or other environmentally sensitive areas in this location. No structures are proposed.

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

.2 Traffic Access and Parking

DRAFT

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.

Based on a review of the plans, there is adequate traffic access and parking for the proposed use.

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

- .3 Accessway Location and Spacing

DRAFT

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.

There is no change to the entrance to Twin Brook which currently meets the above requirements.

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.

There is adequate area shown for parking, circulation and emergency vehicles access.

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	Stall	Skew	Stall	Aisle
Angle	Width	Width	Depth	Width
90°	9'-0"		18'-0"	24'-0" 2-way
60°	8'-6"	10'-6"	18'-0"	16'-0" 1-way
45°	8'-6"	12'-9"	17'-6"	12'-0" 1-way
30°	8'-6"	17'-0"	17'-0"	12'-0" 1 way

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

The plan shows abundant parking in the open gravel parking area for the facility.

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 small scope of the project does not create a need for internal pedestrian ways.

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.

DRAFT

- .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.

A permit from the MDEP for a revision to the NRPA permit is on file.

The Board finds 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.

An erosion and sedimentation control plan has been provided that is based on Best Management Practices. The plan has been reviewed and approved by the MDEP.

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.

There is public water to the site via a 6" seasonal water main that provides water to the Fowler Fields (Greely Road).

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.

N/A

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.

There are no utilities required.

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.

There is a Fertilizer and Pest Management Plan (FPMP) that was developed in 2007 for Twin Brook. This plan will be utilized as a strategy for the management of the garden area.

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.

A permit from the MDEP for a revision to the NRPA permit is on file.

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.

The garden will be constructed and maintained by the Town's Parks Department utilizing existing staff and equipment with assistance from community volunteers. The start-up costs are expected to be less than \$3,000 and there will be \$1500 in annual operating costs that will be included in the Parks Department operating budget.

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.

A permit from the MDEP for a revision to the NRPA permit is on file.

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.

According to Flood Insurance Rate map as issued by FEMA, the subject property is located in Zone C (area of minimal flooding.)

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.

There will be no lighting installed as part of this project.

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

.18 Buffering of Adjacent Uses

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

The new garden will be located in an area that is currently open field and is not visible from adjacent properties or from adjacent travel ways. There is existing buffering of the area in the form of a natural stand of trees around the garden area.

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

.19 Noise

The development must control noise levels such that it will not create a nuisance for neighboring properties.

The utilization of the land for a garden will not generate noise that would be a nuisance for neighboring properties.

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

.20 Storage of Materials

- .1 Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.

DRAFT

- .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.

The plan does not show any outdoor storage areas. There is an existing\maintenance building on site that can be utilized.

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.

Based on the nature of the use, no landscaping is required.

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.

There are no buildings or new parking areas proposed as part of this project.

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

.23 Fire Protection

DRAFT

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 nature of the use does not necessitate any fire protection measures.

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

.26 Route 1 Design Guidelines (if applicable)

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

N/A

206.9 Limitation of Approval

Construction of the improvements covered by any site plan approval must be substantially commenced within twelve (12) months of the date upon which the approval was granted. If construction has not been substantially commenced and substantially completed within the specified period, the approval shall be null and void. The applicant may request an extension of the approval deadline prior to expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to two (2), six (6) month extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

STANDARD CONDITION OF APPROVAL:

This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents, except de minimus changes as so determined by the Town Planner which do not affect approval standards, is subject to review and approval of the Planning Board prior to implementation.

3. Public Hearing: To recommend to the Town Council draft zoning amendments to the Coastal Water Ordinance as recommended by the Coastal Waters Commission.

Mr. Shane, Town Manager presented background information as follows: These changes are primarily housekeeping issues; to remove old references to Chebeague Island and Planning Board review and we have added a new paragraph in Section 3- Inspections. This information is communicated to boat owners when they register their boats. This fall we will be back with identifying mooring areas, we need to define mooring areas. The Coastal Waters Commission will be working on that and the Planning Board should see that language in January.

Mr. Neagle stated he remembers the permitting process was changed so the Planning Board no longer reviews piers and docks.

Mr. Couillard asked if the Town still had any islands.

Mr. Shane stated yes, one has a conservation easement and Sturdivant Island which has no public landing areas.

Mr. Couillard stated they are doing away with the Secretary; who will be responsible for scheduling meetings, taking minutes and advertise meetings.

Mr. Shane stated this is a committee that he staffs and with all of our committees we have Town staff that works with the committee.

Mr. Couillard stated it says the meetings of the Commission shall be open to the public and notice of such is crossed out on page 3.

Mr. Shane stated all meetings are open to the public, and the Commission has no executive powers. That is a good point.

Ms. Caron asked why harbor was struck out; do we no longer have any harbors?

Mr. Shane stated correct they are located at Chebeague Island.

Mr. Ferland stated on page 5; I was surprised that the Town had an interest in documenting of vessels in addition to registration. He asked where that came from?

Mr. Shane stated primarily we don't have a local harbor master, we contract services through Falmouth, the Police Chief and his designee are by default the harbor master. The more information we have about the vessels, mooring locations etc. these will be located by GPS this summer. The more information we have it will be easier to locate a boat that might be adrift.

Mr. Ferland asked about the inspection piece, I have driven my boat over a winter spa in July, and wished it had been removed. These are all additional requirements, he asked how we anticipate enforcing this, is it a public information process.

Mr. Shane stated yes, each boat owner who registers a boat will receive a letter and a copy of this ordinance. They will also get an abridged version showing the changes. These ordinance changes will impact next year's season and that is when we also hope to have the mooring information.

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Mr. Ferland stated there may be more presence on the water who might know there is a winter spar in July.

Mr. Gruber stated he is a member of the Coastal Waters Commission the members put a lot of work into this and did a good job. The piece about procedure brought up by Mr. Couillard, we could add some different language for clarification.

Mr. Neagle stated the Freedom of Access Law applies whether stated in the Ordinance or not.

Mr. Ferland moved to recommend to the Town Council draft zoning amendments to the Coastal Waters Ordinance as recommended by the Coastal Waters Commission.

Mr. Gruber seconded.

VOTE: Unanimous

4. Public Hearing: To recommend to the Town Council draft zoning amendments to the Shoreland Zoning Ordinance as recommended by the Coastal Waters Commission to add section (m) lighting to Section C (4) Approval Standards and Criteria.

Mr. Shane, Town Manager stated this requirement was lost in the transition. It is an important issue to have lighting for walkways for safety purposes.

Mr. Gruber moved to recommend to the Town Council draft zoning amendments to the Shoreland Zoning Ordinance as recommended by the Coastal Waters Commission to add section (m) lighting to Section C (4) Approval Standards and Criteria.

Ms. Caron seconded.

VOTE: Unanimous

F. Administrative Matters: There were no administrative matters.

G. Adjournment:

Mr. Gruber moved to adjourn.

Ms. Caron seconded.

VOTE: Unanimous

The meeting was adjourned at 8:15 p.m.

A TRUE COPY ATTEST:

Christopher S. Neagle, Board Chair

Pam Bosarge, Board Clerk