

**PLANNING BOARD MEETING MINUTES
TOWN OF CUMBERLAND
Cumberland Town Hall - 290 Tuttle Road
Cumberland, Maine 04021
Tuesday, October 19, 2010
7:00 p.m.**

A. *Call to Order*

The meeting was called to order at 7:00 p.m.

B. *Roll Call*

Present: Bill Ward, Board Chair, Bill Richards, Vice-Chair, Bob Couillard, Chris Neagle, John Ferland, Bob Vail

Absent: April Caron

C. *Approval of Minutes of August 17, 2010*

Mr. Richards moved to approve the minutes of the August 17, 2010 meeting.

Mr. Neagle seconded with an amendment:

Page 6 of the minutes to read: Mr. Neagle stated more than one person has mentioned that zoning is a guarantee; that is a myth. Zoning is intended to be flexible and change with times. He doesn't know which way he will go, but when he sees a committee which has put in this much time and effort and the comprehensive plan data, it is compelling. He would like to see something on Main Street.

VOTE: Unanimous

D. *Consent Calendar / Minor Change Approvals:*

There were no consent calendar items.

Chairman Ward welcomed the public and Board members to the October 2010 Planning Board meeting. He stated he was going to change the order of the agenda. The Board would hear item # 3 as #1.

E. *Hearings and Presentations:*

- 1. Public Hearing: To recommend to the Town Council a draft amendment to Section 104 definitions; Section .138 Setback: An architectural feature attached to a structure at an above ground level may extend into the vertical plan of a setback to an extent not to exceed two feet (2'), subject to shoreland zoning provisions and requirements.**

Councilor Moriarty presented background as follows: This proposal was submitted to the Town Council Ordinance Committee by David Lay of 2 Crestwood Drive; who he thought would be here tonight. Mr. Moriarty stated it was a citizen initiated request. Mr. Lay had an issue with the projection of the eave of the roof into the vertical plan of the setback on his property. He also had a desire to build a small set of steps and deck as a physical encroachment into the setback. This was discussed at the Ordinance Committee level which consists of George Turner, Mike Perfetti, myself, Mr. Shane and Mr. Longley. We felt we had no problem with the aerial projection into the setback, this geometric protrusion; but were not interested into opening the door to physical encroachments on the ground. The proposed language the

Committee presented to the full Council only dealt with the protrusion of an architectural feature from a building or home into the geometric setback at and above ground level. The Council voted on September 22, 2010 to send this issue to the Planning Board for review. There was not unanimity among the Council members on the issue of the encroachment into a setback. Mr. Moriarty voiced concerns regarding changing the setback requirements to allow incremental encroachment; on the theory that once you begin to do that, you are on a slippery slope. A different landowner may have a different set of circumstances and needs. There have been setbacks in the Ordinance for decades; and there is a variance provision in the Ordinance. The Council didn't have great debate regarding the request; we did forward the request for architectural features.

Mr. Neagle stated this might be a good idea, his concern is height. He would suggest we say "an architectural feature attached to the roof of a structure".

Mr. Ferland asked for clarification on the language; stating he was looking forward to the presentation. It would be valuable to allow more architectural features at the roof line; however, Mr. Moriarty's presentation seems that Council was ambivalent.

Mr. Moriarty stated again it was a citizen initiative similar to the chicken ordinance. The Council as a body was not of a single point of view. And we don't have the Code Enforcement Officer present, he was at the Ordinance committee meeting, and stated the overhead shouldn't be a problem. We all agree the purpose of a setback is to create light, space, privacy, etc., and some neighborhoods are non-confirming because they were built prior to zoning. The real issue is do we want to take that first step towards physical incursion into the setbacks we have, or are we comfortable with the current language, and variance options.

Mr. Richards asked if he had read Mr. Lay's memo, will the change in language meet his expectation?

Mr. Moriarty stated the alternative language was written by him; he asked if the Board had the same material as he did.

Ms. Nixon stated yes, they do have the material.

Mr. Moriarty stated he didn't know if the situation was urgent. The issue is whether his language is adequate as one size fits all, or opening the door for further tinkering. The question is how happy are you with the current setback definition.

Ms. Nixon stated she wasn't at the Ordinance Committee meeting, but stated she would caution the Board about changing this. As it is written, it doesn't specify how high the encroachment could be. The amendment should specify height and distance. Ms. Nixon told of a restaurant in Portsmouth in which the 2nd story extended out 12' to 15' and created problems.

Mr. Vail stated he understands what the homeowner wants to do, he gave two examples; in Windham the definition of square footage was defined to the thickness of the siding. The architect was limited to an overhang of 8" which wasn't that attractive; if he had the ability to make the overhang 10" or 12" it would have enhanced the architectural beauty of the house. He agreed we didn't want steps or decks to encroach in the setback, but the ability to make a house attractive is important. There is a valid reason to do this and Mr. Longley is not strongly saying no, but it should be limited to roof and gable overhangs.

Mr. Couillard asked what brought this up.

Mr. Moriarty stated he was not sure but thought Mr. Lay has a home remodeling project, and to finish as he would like he would be encroaching into the setback.

Mr. Couillard agreed that tabling the issue was a good idea.

Mr. Richards moved to table the recommendation of a draft amendment to Section 104 definitions Section .138 Setback.

Mr. Ferland seconded.

VOTE: 5 in favor (Richards, Ward,
Ferland, Vail, Couillard)
1 opposed (Neagle)

2. Public Hearing: Amendment to Minor Site Plan Approval to amend the landscape plan for the Cumberland Congregational Church for the parking lot expansion at 282 Main Street, Tax Assessor Map U11, Lots 47 & 48; in the Medium Density Residential (MDR) district; Congregational Church in Cumberland, Owner, Applicant.

Mr. Doug Pride, representative stated the parking lot expansion was a great success. Last summer Steve Johnson of Oak Engineering called asking the status of the project and the fence and burning bushes. The Church has installed the fence and does not want to install the eleven burning bushes on the north side of the parking lot. They do not feel they are needed and are asking the Planning Board to amend the landscape plan for the parking lot expansion to delete the eleven (11) burning bushes shown on the plan.

Mr. Couillard, Mr. Vail, and Mr. Richards had no concerns or issues and were okay with removing the bushes.

Mr. Ferland understood why they did not want burning bushes, but stated he would like to see some planting as shown on the plan; with review and approval by the Planner on type. He said he was also concerned that the Board would be setting an unfortunate precedent if it allowed parked cars to be used as a buffer as suggested by the Church.

The public portion of the meeting was opened.

Mr. Mike Perfetti of 283 Main Street who lives across the street asked for clarification on the proposed location of the burning bushes; after reviewing the plan the proposed bushes would not affect his view of the parking lot.

The public portion of the meeting was closed.

Mr. Vail moved to moved to amend the landscape plan deleting the eleven (11) burning bushes shown on the plan for the minor site plan approval for an expansion of the parking lot at the Cumberland Congregational Church at 282 Main Street; Tax Assessor Map U11, Lots 47 & 48.

Mr. Richards seconded.

VOTE: 4 in favor (Richards, Couillard,
Vail, Ward)
2 opposed (Ferland, Neagle)

3. Public Hearing: Minor Site Plan Review: Evergreen Companies, Inc., at 217 Gray Road, Tax Assessor Map U20, Lot 68 in the Village Center Commercial (VCC) district; Jan Boucher, PLS, Cornerstone Professional Land Surveying, Inc., Representative; Mark Plummer, Owner.

Ms. Nixon presented background information as follows: The applicant is Mark Plummer, owner of Evergreen Companies, Inc. a property maintenance company that provides year round services including lawn maintenance and snow management of residential and commercial properties, as well as hardscape and landscape design and construction. The business is located at 217 Gray Road, Tax Map U-20, Lot 68 in the Village Center Commercial (VCC) District. The parcel is 5.87 acres in size. The minimum lot size for the zone is 20,000 sq. ft. There is an existing single family home on the site that is currently the residence of Mr. Plummer, but may be a rental unit in the future. Two new structures are proposed: one is a 2,640 square foot office/storage/garage building and the other is a 1,000 sq. ft. equipment storage building. The applicant is also proposing to construct a small (192 sq. ft.) addition to the existing residence.

The only abutter with view of this operation is Skillin's Greenhouse. All issues have been resolved; the applicant has received all required permits and is closing one entrance to the site.

Jan Boucher, Licensed Land Surveyor of Cornerstone Professional Land Surveying, Inc., prepared the site plan and conducted the boundary survey. Mr. Boucher will represent the owner this evening.

PROJECT HISTORY: Planning Board site walk: April 12, 2010.

DEPARTMENT HEAD REVIEWS:

Dan Small, Fire Chief: The building (office/garage/storage building) shall be equipped with a fire alarm system that is monitored by an approved fire alarm company. The system shall have a remote enunciator panel located at the main entrance.

- 1) 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.
- 2) Any fuel storage shall meet the appropriate standard of the National Fire Protection Association. Attention to building and property line set back requirements should be included as part of the site plan review.
- 3) Access to the building shall be adequate enough to accommodate fire department vehicles. Should a gate at the site entrance be locked it shall be equipped with a pad lock approved by the fire department that is keyed with the identical key access as the key box.

Joe Charron, Police Chief: No Comments

Chris Bolduc, Public Services Director: No Comments

William Longley, Code Enforcement Officer: No Comments

TOWN ENGINEER'S REVIEW: Will Haskell, P.E., Gorrill Palmer Consulting Engineers, dated 9/9/10.

Gorrill-Palmer Consulting Engineers, Inc. has completed peer review #2 of the Site Plan application for the referenced project. The current information from the applicant is presented in a package dated August 24, 2010, as prepared by Jan Boucher, Licensed Professional Land Surveyor.

The applicant's response to our peer review comments from April 13, 2010 appears to be in general compliance with the Town requirements and accepted engineering practices, and effectively addresses our previous concerns.

OUTSIDE AGENCY REVIEWS:

- Army Corp of Engineers Tier 1 Permit dated 5/10/10.
- Maine DEP NRPA Permit dated May, 2010.
- Maine Dept. of Transportation Driveway Entrance Permit dated 3/21/10.

REQUESTED WAIVERS: None

TOWN PLANNER'S REVIEW: No comments.

Mr. Ward asked about the Route 100 Standards.

Ms. Nixon stated yes, the project does need to comply with the Route 100 Standards, all the new construction is behind evergreen trees and not visible from Route 100.

Mr. Jan Boucher, Representative reviewed the proposal as follows: The project is located on Route 100, Mr. Plummer is a landscaper; he has an existing dwelling, and circular drive, and an existing entrance that goes to the rear where there is currently a stock pile area. He is proposing to cut off the section of the drive to the residence. The circular area in the center is a proposed burn area for once or twice a year to burn woody vegetation. The circulation will be around that area. Mr. Plummer's business is such that he will bring material back to the site to be sorted, stock piled and used on other projects. The main focus of the project will be a new 60' x 60' wood structure; it will be used for office space, office storage and a garage area for maintenance and storage of vehicles and equipment. He has two box trailers which will be re-located to the rear of the property which are used for small equipment storage. He will be building a lean-to a three sided structure post and beam with an open front for additional storage of materials and equipment. They have met with the DEP and decided to keep the project out of the shoreland area, in doing so they were allowed a permit from the Army Corps and DEP for a wetland alteration in the structure area. This has been compacted to as small an area as possible to accommodate the needs of the business. There are enough parking spaces for all employees, handicap access, and parking. The proposed structure has its own parking areas. With this project he is also proposing future additions to his dwelling to add kitchen space; part of this approval is conditioned upon the Board of Appeals approval for variances.

Mr. Neagle thanked Mr. Boucher for his presentation; this is a nice little business. He would recommend a condition of approval that the stand of trees west of the employee parking be maintained, and that there would be no business or storage use between those trees and Route 100. Mr. Neagle complimented Ms. Nixon on her good job regarding review standards for the Route 100 Standards.

Mr. Ferland stated he missed the site walk, but did go out by himself. This will be a significant upgrade to the site. Mr. Ferland asked for clarification on the sorting area.

Mr. Boucher stated if a pine tree is taken down, it would be hauled back to the property and sorted to be chipped, composted or added to the burn pile. The larger material would be cut into firewood.

Mr. Boucher stated snow storage will be the only for the area between the trees and Route 100.

Mr. Richards concurred with his colleagues; they have met the findings of fact as well as the Route 100 Standards.

Mr. Vail asked the hours of operation.

Mr. Boucher stated normal hours of operation for business will be 7 a.m. to 5 p.m. weekdays, with occasional weekend workdays when required (such as for snow plowing, etc.). The proposed project is designed to support 13 employees, and the dwelling residents. Typical current employee numbers are: three year round full time employees; six additional part time employees for a total of nine employees at the height of the work season June through October; and during snow plowing season, five additional part time employees are typically hired for a total of eight employees during that part of the year.

Mr. Vail asked if the lighting would be on motion detectors.

Mr. Boucher stated the proposed outside lighting is hooded and scheduled to be on all the time for protection.

Mr. Couillard stated this is a good plan, and cautioned on the hours of operation, to make sure they have adequate time. He asked about a burn permit.

Mr. Boucher stated Mr. Plummer is and has been in contact with the fire department and will obtain all necessary burn permits.

Mr. Ward asked if the stormwater requirements had been met.

Ms. Nixon stated yes, the peer review engineer has reviewed and signed off on the stormwater plan.

The public portion of the meeting was opened.

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

Mr. Neagle moved to adopt the Site Plan Ordinance findings of fact with a change that Section 7 be changed to read “met the requirements”.

Mr. Richards seconded.

VOTE: Unanimous

Mr. Vail wanted to make note that the Department Head Comments are not part of the findings of fact.

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.

The Maine DEP NRPA permit states that the applicant has avoided and minimized wetland alterations to the greatest extent practicable by limiting the fill around the building to within twenty feet of the building and locating the building on the southern edge of the wetland and also by allowing a former agricultural field on the NW side of the site that is a wet meadow wetland to naturally revert to scrub-shrub or forested wetland by not mowing it, by removing the debris piles and permanently stabilizing the area adjacent to the wetland on the east side of the lot construction area. The applicant has also received an Army Corp permit for the project. There are no mapped significant wildlife habitats associated with the project site according to MDEP's geographic information system.

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 Maine DOT has issued a driveway entrance permit and the plans show that the above standards 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 MDOT has issued a driveway/entrance permit that requires the closing of one of the two entrances.

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.

Internal circulation patterns are shown on the development plan. Rarely will non-employees visit the site; the circulation pattern provides for safe and convenient movement of vehicles on the site.

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.

No ground markings to delineate circulation patterns or parking shall be utilized due to the lack of paved surfaces. There is adequate space for the business vehicles and the vehicles of the employees.

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 site plan shows there will be adequate pedestrian circulation for the employees; there will be very few, if any visitors to the site. There is no sidewalk system in the area to connect with.

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 applicant has submitted a stormwater control study prepared by Sawyer Engineering and Surveying, Inc. The plan has been reviewed and approved by the Town Engineer.

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.

The applicant has submitted an erosion control plan that has been reviewed and approved by the Town Engineer.

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

.9 Water Supply Provisions

The development must be provided with a system of water supply that provides each use with an adequate supply of water. If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source of distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

There is an existing drilled well on site. The applicant submitted a groundwater availability and budget analysis prepared by Sweet Associates that states the well will provide sufficient water for the proposed uses on the site.

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.

There is a letter on file dated 3/3/10 from Stephen Marcotte, Licensed Site Evaluator of Sweet Associates that states the existing system is sized to handle 384 gallons per day and that the existing house and proposed use will generated 375 gallons per day and therefore no additional disposal field capacity is required.

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.

All utilities from Route 100 are proposed as underground and are delineated on the development plan.

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 functioning septic system on site that is capable of handling the amount of waste to be generated from the proposed use.

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 materials that will be stored on site consist of brick, concrete, sand, gravel, loam, and wood products, none of which are hazardous or a potential safety hazard to children.

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 applicant has retained the following professionals to assist in the preparation of this application: Jan Boucher, Professional Land Surveyor, Stephen Marcotte, Licensed Site Evaluator, Richard Sweet, Licensed Site Evaluator and Certified Geologist, CG Thorman Construction Company, and licensed plumbing and electrical contractors. Financial capacity is evidenced by the letter of credit from Maine Bank and Trust for a loan amount of \$175,000 which is more than sufficient to cover the construction costs of \$47,358 and additional working capital for the company. There are no public improvements proposed as part of this 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.

There are no evident historic or archaeological resources on site.

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

.16 Floodplain Management

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

According to Flood Insurance Rate map #230162-0015B as issued by FEMA, the developed area of the site is located in Zone C (area of minimal flooding). There is a small area in the northwest area of the site that is Zone A, but it is well away from any of the proposed structures or storage areas.

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 is an existing light post near the existing dwelling entrance. The proposed new lighting consists of two hooded lights over the two small entry doors and a larger hooded floodlight over the main front garage door and a recessed light in the porch/deck roof over the garage door. All light designs conform to Route 100 Design Standards. The sign will not be lighted.

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 is an existing buffer of trees surrounding the site. The parcel to the north is vacant and consists of wetlands, and the parcel to the south is Skillin's Greenhouse which is a similar type of business with open storage and greenhouse structures.

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 work is done mostly off site, however there will be small trucks coming and going as materials are loaded. Normal hours of operation are M-F 7 a.m. to 5 p.m. There are no other residences in close proximity to the area of the site where the loading and unloading will be done.

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.

The site has a treed buffer around the area where the materials will be stored. The materials consist of brick, concrete, sand, gravel, loam, and wood products, none of which are hazardous or a potential safety hazard to children.

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.

There is a significant stand of trees around the perimeter of the property which provides buffering to adjacent parcels. The new construction is not visible from Route 100, so landscaping of the buildings is not essential. The project includes the re-vegetation of a gravel driveway entrance to lawn and plantings around the sign at the entrance. The parcel to the north is vacant and consists of wetlands and the parcel to the south is Skillin's greenhouse which is a similar type of business with open storage and greenhouse structures.

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 existing building fronts on Route 100, but the two new structures will not be visible from Route 100. The parking area also will be screened from view by a stand of trees between the house and the new buildings and storage areas.

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 site is located approximately 1 mile from the West Cumberland Fire Station. There is an existing fire hydrant just south of the property line. The Fire Chief has reviewed and approved the plan with conditions as included in the Department Head Comments above.

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 site is located within the aquifer protection area. The applicant has stated that no hazardous or special waste materials will be generated by the development activity. There is a functioning septic system on site.

The Board finds the proposed plan will not adversely affect the aquifer.

Mr. Neagle moved to adopt the findings of fact for the Route 100 Standards.

Mr. Richards seconded.

VOTE: Unanimous

Route 100 Design Guidelines Ordinance Requirements

1.2 Site Planning and Design

1.1 Master Planning

On properties that are large enough to accommodate more than a single structure, developers will be expected to prepare a conceptual master plan to show the Planning Board the general location of future buildings, parking lots, circulation patterns, open space, utilities, provisions for stormwater management, and other components of site development.

On sites with multiple buildings, the outdoor space defined by the structures should be designed as a focal point for the development, with provisions for seating and other outdoor use. Landscaping, bollards, and other site features should maintain a safe separation between vehicles and pedestrians.

FINDING: The nature of this site allows for the materials storage area and new structures to be out of view from Route 100 due to a dense stand of evergreens. Given the rural location of this site and the type of business, the Board finds the standards of this section have been met.

1.2 Professional Design

Developers shall have their site plans designed by licensed professionals (civil engineers, architects or landscape architects) as required by State of Maine professional licensing requirements to address the health, safety, welfare and visual pleasure of the general public, during all hours of operation and all seasons of the year.

FINDING: A licensed civil engineer has reviewed and sealed the plans. The Town Engineer has reviewed and approved the plans. The MDOT has reviewed and approved the plans.

1.3 Vehicular Access

Development along Cumberland's Route 100 corridor should promote safe, user-friendly, and efficient vehicular movement while reducing both the number of trips on the roadway and the number of curb cuts wherever possible. The vehicular movements discussed in this chapter, both on-site and off-site, shall be designed by a professional engineer, and shall be in conformance with all Maine Department of Transportation requirements.

FINDING: Vehicular access to the site has been approved and permitted by the Maine D.O.T.

1.3.1 Route 100 Curb Cuts

To promote vehicular, bicycle and pedestrian safety, the number of curb cuts on Route 100 should be kept to a minimum. Adjacent uses are encouraged to use shared driveways wherever possible, thereby reducing the number of turning motions onto and off of Route 100. This practice will increase motorist, bicycle, and pedestrian safety, and has the added environmental benefit of helping to reduce impervious (paved) area.

Driveways and their associated turning movements should be carefully designed and spaced to reduce interruptions in Route 100's level of service and to promote safe and easily understandable vehicular movements. Where curb cuts will interrupt sidewalks, ADA requires that the cross slope not exceed 2% in order to maintain accessibility.

New driveways and existing driveways for which the use has changed or expanded require a Maine Department of Transportation "Driveway Entrance Permit." The Planning Board will not grant project approval until the Town has been provided a copy of the permit, or alternately, until the applicant provides the Town a letter from the DOT stating that such a permit is not required. The MDOT may also require a Traffic Movement Permit if the number of vehicle trips exceeds the threshold established by the MDOT.

FINDING: One of the two existing entrances will be closed as part of the requirements of the MDOT Entrance Permit.

1.3.2 Site Circulation

Internal vehicular movement on each site should be designed to achieve the following goals: to ensure the safety of motorists, delivery vehicles, pedestrians and cyclists by providing clear cues to the motorist as to where to drive or park, etc., once they enter the site. Landscaping, to reduce impervious areas, is encouraged as much possible.

Every effort should be made to restrict paved surfaces to a maximum of two sides of the building. The site should not feature a building surrounded by drive lanes and parking.

To ensure safe and easily understandable circulation, parking spaces, directional arrows, crosswalks and other markings on the ground should be painted on the pavement paint or shown by other suitable methods.

FINDING: There will be very little traffic generated by non-employees. The circulation pattern provides for safe movement. There is no pavement of the driveway or parking area proposed.

1.3.3 Driveways between Parcels

Driveways between adjacent parcels should be used where feasible in order to make deliveries easier and reduce unnecessary trips and turning movements on Route 100.

These driveways should provide safe, direct access between adjacent lots, but only where the paved areas of the two adjacent lots are reasonably close together. However, they are inappropriate where they would require excessive impervious (paved) area or impose undue financial burden on the owner. All such driveways between parcels should have pedestrian walkways when possible.

FINDING: There is only one parcel proposed for development.

1.4 Building Placement

Objective: Buildings should be placed on their sites in a way that is sensitive to existing site conditions and respectful of adjacent uses.

1.4.1 Location of Building on the Site

In placing the building on the site, the designer should carefully consider the building's relationship to existing site features such as the size of the site, existing vegetation and topography, drainage, etc., as well as the abutting land uses.

The site design should make every effort to avoid creating a building surrounded by parking lot. In addition, buildings should generally be square to Route 100 and should avoid unusual geometry in building placement unless the site requires it.

FINDING: The proposed buildings are 140' from Route 100 and not visible from Route 100. The buildings will not be surrounded by parking.

1.4.2 Building Entrances

The building's main entrance should be a dominant architectural feature of the building, clearly demarcated by the site design and landscaping. Main entrances should front onto the most convenient parking area.

At building entrance areas and drop-off areas, site furnishings such as benches, sitting walls and, if appropriate, bicycle racks should be encouraged. Additional plantings may be desirable at these points to clearly identify the building entrance and to invite pedestrians into it.

Where building entrances do not face Route 100, the Route 100 façade should still be made interesting and attractive to drivers on Route 100.

FINDING: This applies to buildings that are visible from Route 100. This is not applicable to the project.

1.4.3 Building Setbacks

If adjacent building facades are parallel with Route 100 and buildings have consistent setbacks from Route 100, the visual effect from the road will be orderly and attractive.

Side and rear building setbacks must conform to the requirements of the underlying zone.

FINDING: Front, side and rear setbacks for the new structure are provided for.

1.4.4 Hillside Development

When a proposed development is located on a hillside that is visible from Route 100 or from other public areas, its presence will be much more obvious than development on a level site. Because of this, it is even more important that the structure be designed to fit harmoniously into the visual environment. The use of berms and plantings, where appropriate, will help soften the impact of buildings located in open fields.

Site clearing should also be minimized and vegetation should be retained or provided to minimize the visual impact of the development. Issues of drainage, run-off, and erosion should also be closely examined.

FINDING: N/A

1.4.5 Universal Accessibility

Development of all properties, buildings, parking lots, crosswalks, walkways and other site features must comply with the applicable standards of the Americans with Disabilities Act (ADA).

FINDING: The proposed main building has a handicapped entrance and parking space at the office entrance door that will comply with ADA requirements.

1.5 Parking

Objective: Development should provide safe, convenient, and attractive parking. Parking lots should be designed to complement adjacent buildings, the site, and the Route 100 corridor without becoming a dominant visual element. Every effort should be made to break up the scale of parking lots by reducing the amount of pavement visible from the road. Careful attention should be given to circulation, landscaping, lighting, and walkways.

FINDING: There will be no parking between Route 100 and the proposed buildings. The parking area will not be paved.

1.5.1 Location

Parking lots should be located to the side or rear of buildings. Parking should only be placed between the building and Route 100 if natural site constraints such as wetlands or topography, allow no other option. If parking must be built between the building and Route 100, it should be limited, if at all possible, to only one row of parking spaces and be adequately buffered.

FINDING: The parking is located behind a stand of evergreen trees and will not be visible from Route 100.

1.5.2 Landscaping

A 25' landscaping easement to the Town of Cumberland will be required of each new development that is on Route 100. This easement will provide an area for the Town to install curbing, if needed, a sidewalk and the planting of trees. Beyond this easement, the developer will provide adequate landscaping to insure that views from Route 100 are attractive and to buffer the presence of the parking and buildings.

Parking should be separated from the building by a landscaped strip a minimum of five to ten feet wide.

Landscaping around and within parking lots will shade hot surfaces and visually soften the appearance of the hard surfaces. Parking lots should be designed and landscaped to create a pedestrian-friendly environment. A landscaped border around parking lots is encouraged, and landscaping should screen the parking area from adjacent residential uses. Tree plantings between rows of parking are very desirable. Granite curbs, while more expensive, are more attractive and require less maintenance than asphalt ones.

Where there are trees in the 25' landscaping easement between Route 100 and the building, existing healthy trees should be maintained in their natural state. Where there are few or no trees in the 25' buffer, the buffer area should be landscaped either with trees, or with flowering shrubs, fencing, or such architectural elements as stone walls.

Where plantings do not survive, or grow to a point where they no longer serve as effective buffers, they shall be replaced or enhanced to meet the intent of the approved plan.

FINDING: A 25' landscaping easement will be conveyed to the Town of Cumberland and is shown on the plan.

1.5.3 Snow Storage

Provision should be made for snow storage in the design of all parking areas, and these areas should be indicated on the site plan. The area used for snow storage should not conflict with proposed landscaping or circulation patterns. These areas should be sited to avoid problems with visibility, drainage, or icing during winter months.

FINDING: Excess snow storage locations are shown on the plan and there is room for snow storage along the driveway when plowed.

1.5.4 Impervious Surfaces

The amount of paved surface required for parking, driveways and service areas should be limited as much as possible in order to provide green space reduce run-off and preserve site character. This will have the added benefit of reducing construction and maintenance costs.

FINDING: There is no pavement area proposed. An existing gravel area will be vegetated.

1.6 Service Areas

Objective: Service areas include exterior dumpsters, recycling facilities, mechanical units, loading docks and other similar uses. Service areas associated with uses along Route 100 should be designed to meet the needs of the facility with a minimum of visual, odor, or noise problems. They should be the smallest size needed to fit the specific requirements of the building and its intended operation, and should be fully screened from view by either plantings or architectural elements such as attractive fences.

1.6.1 Location

Service areas should, if possible, be located so that they are not visible from Route 100 or from the building entrance. Locations that face abutting residential properties should also be avoided wherever possible.

Dumpster, recycling facilities and other outdoor service facilities should be consolidated into a single site location, in accordance with appropriate life safety requirements.

FINDING: The proposed dumpster is situated on the north side of the site and is not visible from Route 100.

1.6.2 Design

Service areas should be designed to accommodate the turning movements of anticipated vehicles, and should be separated from other vehicle movements, parking areas and pedestrian routes. Wherever possible, service drives should be separated from areas where people will be walking by landscaped islands, grade changes, berms, or other devices to minimize conflicts.

Gates on enclosures should be designed to prevent sagging or binding. Wooden fencing is always preferred, but where chain link is necessary for safety considerations, it should be screened by landscaping and painted a dark color, or coated with dark vinyl.

FINDING: N/A

1.6.3 Buffering/Screening

Service areas should be screened to minimize visibility from sensitive viewpoints such as Route 100, nearby residential dwellings, public open space, pedestrian pathways, and building entrances.

Landscape screening may consist of evergreen trees, shrubs, and/or planted earth berms.

Architectural screening may consist of walls, fences or shed structures, and should complement the design of the main structure through repetition of materials, detailing, scale, and color.

Where plantings do not survive, or where they grow to a point where they no longer serve as effective screens, they shall be replaced or supplemented to meet the intent of the plan as approved by the Planning Board.

FINDING: There is a stand of evergreen trees that will buffer the landscaping business activities from Route 100. No additional screening is necessary.

1.7 Open Space

Objective: In order to provide an attractive, hospitable and usable environment, future development along Route 100 should have generous amounts of open space and attractive site details for such elements as pavement, curbing, sitting and other public areas, landscaping, planters, walls, signage, lighting, bollards, waste receptacles and other elements in the landscape.

FINDING: The site has a large amount of open space. There are no plans for public areas.

1.7.1 Internal Walkways

Internal walkways should invite pedestrians onto the property and make them feel welcome. Walkways extending the full length of a commercial building are encouraged along any façade that features a customer entrance and an abutting parking area. Such walkways should be located five to ten feet from the face of the building to allow for planting beds. Such walkways should be shown on the project's landscaping plan.

Wherever feasible, interconnections between adjacent properties should be developed to encourage pedestrian movement and reduce vehicle trips.

At a minimum bituminous concrete should be used as the primary material for internal walkways, except that for entrance areas and other special features the use of brick or special paving shall be encouraged. Walkways should be separated from parking areas and travel lanes by raised curbing. Granite is strongly preferred for its durability, appearance, and low maintenance requirements. Driveway crosswalks should be marked by a change in pavement texture, pattern, or color to maximize pedestrian safety in parking and other potentially hazardous areas.

FINDING: Due to the nature of this project and the lack of any significant customer or residential foot traffic, no internal walkways are proposed.

1.7.2 Landscaping

Where there are trees in the 75' buffer between Route 100 and the building, existing healthy trees should be maintained in their natural state. Where there are few or no trees in the 75' buffer, the buffer area should be landscaped either with trees, or with flowering shrubs, fencing, or such architectural elements as stone walls.

Where plantings do not survive, or grow to a point where they no longer serve as effective buffers, they shall be replaced or enhanced to meet the intent of the approved plan.

FINDING: All but one of the existing trees within 75' of Route 100 will be preserved. The 75' buffer area is shown on the plan.

1.7.3 Usable Open Space

Whenever possible, site plans should provide inviting open spaces where people can sit, relax, and socialize. Open spaces should be thought of as outdoor rooms, with consideration to ground surfaces, landscaping, lighting and other physical elements. Examples of such spaces include a forecourt outside a building entrance, or a peaceful place outdoors where employees can sit down and eat lunch or have breaks.

FINDING: Open space areas will be left in their natural state.

1.8 Buffering of Adjacent Uses

Objective: Buffering or screening may be necessary to effectively separate quite different land uses such as housing and office or commercial buildings. Plantings, earth berms, stone walls, grade changes, fences, distance, and other means can be used to create the necessary visual and psychological separation.

1.8.1 Appropriateness

The selection of the proper type of buffer should result from considering existing site conditions, distances to property lines, the intensity (size, number of users) of the proposed land use, and the degree of concern expressed by the Planning Department, Planning Board, and abutting landowners. Discussions regarding the need for buffers, and appropriate sizes and types, should begin at the sketch plan stage of review.

FINDING: Due to the nature of the business and the fact that the only abutter with visual access to the rear of the site is also a landscape/greenhouse there is no need for buffering to be constructed along the property lines.

1.8.2 Design

Buffers and screens should be considered an integral part of the site and landscaping plans. Stone walls, plantings, fencing, landforms, berms, and other materials used for buffers should be similar in form, texture, scale and appearance to other landscape elements. Structural measures, such as screening walls, should likewise be related to the architecture in terms of scale, materials, forms, and surface treatment.

FINDING: N/A

1.8.3 Maintenance

Where plantings do not survive, or where they grow to a point where they no longer serve as effective buffers, they shall be replaced or supplemented to meet the intent of the plan as approved by the Planning Board.

1.9 Erosion, Sedimentation and Stormwater Management

Objective: Protecting the natural environment in Cumberland is as much a priority in these design guidelines as protecting the visual environment. A developer should take every measure possible in the construction and operation of a project to ensure that little or no adverse impact to the natural environment occurs. These measures should be as visually attractive as possible.

1.10.1 Erosion and Sedimentation

Before any site work, construction or the disturbance of any soil occurs on a property, methods, techniques, designs, practices and other means to control erosion and sedimentation, as approved or required by the Maine Department of Environmental Protection, shall be in place. For guidance developers should refer to “Maine Erosion and Sedimentation Control Handbook for Construction – Best Management Practices,” produced by the Cumberland County Soil and Water Conservation District and the Maine DEP.

FINDING: An erosion and sedimentation control plan was submitted and reviewed and approved by the Town Engineer.

1.10 Utilities

Objective: It is important to make efficient use of the utility infrastructure that exists along the Route 100 corridor, and to ensure that utility connections to individual development lots are as inconspicuous as possible.

FINDING: All utilities from Route 100 are proposed as underground.

1.10.1 Water and Sewer

All proposed development along the Route 100 Corridor must connect to the municipal water supply and the municipal sewer, wherever such connections are available. Proposed connections are subject to review by the Town and/or its peer reviewers.

FINDING: N/A

1.10.2 Electric, Telephone and Cable

Electric, telephone, cable and other wired connections from existing utilities on Route 100 should be made to individual development lots via underground conduit wherever possible. This prevents the accumulation of unsightly overhead wires, and preserves the natural character of the corridor.

FINDING: All utilities from Route 100 are proposed as underground.

2. Building Types

The purpose of these guidelines is to encourage architectural styles within the Route 100 corridor that draw their inspiration from traditional New England examples. “Vernacular” or commonly used styles that are well represented in Cumberland are center-chimney Federal buildings in brick or clapboard, 100 and a half story Greek Revival “capess” with dormers, in white clapboard with corner pilasters or columns, and Victorians buildings with more steeply pitched roofs, porches and gingerbread trim. Except for mill buildings, the scale and nature of older commercial buildings in

towns like Cumberland and Yarmouth, was similar to that of houses of the same period. Modern interpretations and versions of these styles, are entirely appropriate and encouraged. Because of their larger size, traditional barns are also sometimes used as inspiration for modern commercial buildings.

2.1 General Architectural Form

Traditional New England buildings look like they do because of the climate, the materials, and technologies available for building and the styles and fads of the 19th century. This is what is meant when people talk about “vernacular architecture”. It is the architecture that develops in a particular geographic area. Typically, while there may be architects who work in a particular “vernacular”, vernacular architecture evolves over time and is not the product of a particular person’s powerful vision.

These guidelines encourage the use of materials and forms that are characteristic of the construction of ordinary houses and commercial buildings of 19th century in northern New England, and particularly in Maine. Modern interpretations and versions of these materials and forms are entirely appropriate and encouraged.

FINDING: The new buildings have been designed in a traditional New England style with pitched roofs and clapboard siding that will be painted in neutral colors.

2.1.1 Roofs

Because of the need to shed snow, New England roofs have generally been pitched rather than flat. Federal roofs are sometimes gambrel-shaped. In the Greek Revival style they are often gabled or have dormers, and have decorative “returns” at the bottom edge of the gable or dormers, suggesting the pediment of a Greek temple. Victorian houses typically have more steeply sloped roofs. Flat roofs are to be avoided.

FINDING: Pitched roofs are called for on the plans.

2.1.2 Windows

Windows are typically vertical rectangles, often with two or more panes of glass. They may have shutters. If shutters are used, each should be wide enough to actually cover half of the window. Horizontal and vertical “lights”, rows of small panes of New England buildings such as parapets. Where parapets are used to break up a flat roofline, the height of glass, are common over and next to doors. Window frames often have a decorative wood or stone pediment over them.

FINDING: The proposed windows reflect the above standards.

2.1.3 Detailing

Each historical period also has its characteristic embellishments. Federal buildings may have a decorative fanlight over the entrance door. Greek Revival buildings have corner-boards in the form of pilasters or even rows of actual columns across 100 façade, below a pediment. Victorian buildings use a wealth of turned columns and decorative scroll-work and shingle-work. Too many embellishments can look “busy”, and mixing the details of several periods or styles can also spoil the desired effect. Modern interpretations of older styles often used simplified forms to suggest the details that were more elaborately defined in earlier periods.

FINDING: Given the nature/use of the site and buildings, the detailing provided is sufficient.

2.1.4 Building Materials

Traditional siding materials common to Northern New England are brick, painted clapboard and either painted or unpainted shingles. Contemporary materials that have the same visual characteristics as traditional materials (e.g., cementitious clapboards or vinyl siding) are acceptable if attention is paid to detailing (e.g., corners, trim at openings, changes in material). Metal cladding is not permitted.

Common traditional roofing materials are shingles – cedar originally or asphalt now, as well as standing seam metal. Where visible, the roofing color should be selected to complement the color and texture of the building’s façade. Roofing colors are usually darker than the color of the façade.

Colors commonly found in historic New England houses vary by period. In the Federal and Greek revival periods, white was the most common color, often with green or black shutters. But houses were not infrequently painted “sober” colors such as dull mustard or gray. In the Victorian period much brighter colors were often used, with trim in complementary colors. The characteristic colors for barns are white, barn red or weathered shingle.

FINDING: Traditional materials are being used and will be painted in neutral colors.

2.2 Large Scale Buildings

Objective: Due to their visibility and mass, the design of new large structures (10,000 square feet or greater) have the ability to greatly enhance or detract from Route 100’s visual character. These structures should be designed as attractive pieces of commercial architecture that are responsive to their site and compatible with adjacent development.

FINDING: N/A

2.2.1 Design and Massing

Large structures should be designed so that their large mass is broken up into smaller visual components through the use of clustered volumes, projections, recesses and varied façade treatment. The design should provide variation to add shadow and depth and a feeling of reduced scale.

FINDING: N/A

2.2.2 Site Design

Wherever possible, large buildings should fit into the existing topography and vegetation, and should not require dramatic grade changes around their perimeter. Landscaping, site walls, pedestrian amenities, and existing trees can be effective in reducing the apparent scale of large buildings.

FINDING: N/A

2.2.3 Architectural Details

Large structures should have the same degree of detailing found in well-designed smaller and medium sized buildings along the Route 100 corridor. Architectural details can be used to reduce the scale and uniformity of large buildings. Elements such as colonnades, pilasters, gable ends, awnings, display windows, and appropriately positioned light fixtures can be effective means of achieving a human scale.

FINDING: N/A

2.2.4 Facades and Exterior Walls

Unbroken facades in excess of 80 feet are overwhelming whether they are visible from Route 100, other roadways or pedestrian areas, or when they abut residential areas. Breaking up the plane of the wall can reduce this sense of overwhelming scale. Where the plane of the wall is broken, the offset should be proportionate to the building’s height and length. A general rule of thumb for such projections or recesses is that their depth shall be at least 3% of the façade’s length, and they shall extend for at least 20% of the façade’s length.

Other devices to add interest to long walls include strong shadow lines, changes in rooflines, pilasters, and similar architectural details, as well as patterns in the surface material and wall openings. All façade elements should be coordinated with the landscape plan.

Facades of commercial buildings that face Route 100 or other roadways should have transparent openings (e.g. display windows or entry areas) along 30% or more of the length of the ground floor. Blank or unadorned walls facing public roads, residential neighborhoods, or abutting properties are boring and unattractive.

FINDING: N/A

2.2.5 Building Entrances

Large structures should have clearly defined and highly visible entrances emphasized through such devices as significant variations in rooflines or cornice lines, changes in materials, porticos, landscape treatments, distinctive lighting or other architectural treatments.

FINDING: N/A

2.3 Linear Commercial Buildings

Objective: Linear commercial structures, such as multi-tenant offices or commercial buildings may be appropriate along Route 100 provided that they are designed with façade and roofline elements that reduce their sense of large scale and add visual interest.

2.3.1 Design

Buildings with multiple storefronts should be visually unified through the use of complementary architectural forms, similar materials and colors, consistent details, and a uniform signage size and mounting system.

FINDING: N/A

2.3.2 Façade Design

The use of covered walkways, arcades, or open colonnades is strongly encouraged along long facades to provide shelter, encourage people to walk from store to store, and to visually unite the structure. Pedestrian entrances to each business or tenant should be clearly defined and easily accessible.

FINDING: N/A

2.3.3 Focal Points

Linear commercial buildings can include a focal point – such as a raised entranceway or clock tower, or other architectural element – to add visual interest and help reduce the scale of the building.

FINDING: N/A

2.3.4 Façade Offsets

Variations in the plane of the front façade add visual interest. They also create opportunities for common entries, and social or landscaped spaces.

FINDING: N/A

2.3.5 Rooflines

Variations in rooflines, detailing, cornice lines and building heights should be incorporated into the design to break up the scale of linear commercial buildings.

FINDING: N/A

2.4 Smaller Freestanding Commercial Buildings

Objective: Smaller freestanding commercial buildings can easily make use of traditional New England building forms and should be designed to be attractive pieces of architecture, expressive of their use and compatible with surrounding buildings.

2.4.1 Single Use Buildings

Buildings that are constructed for use by a single business are generally smaller in scale than multi-tenant buildings. Single use buildings should be designed to be attractive and architecturally cohesive. To the greatest extent possible, the same materials, window types, and roof types should be used throughout.

FINDING: Both of the proposed buildings will have the same roof and siding materials and colors.

2.4.2 Franchise Design

Franchise architecture with highly contrasting color schemes, non-traditional forms, reflective siding, and roof materials are not related to any traditional New England style. They are buildings that are stylized to the point where the structure is a form of advertising. However, franchises have been willing to use existing “vernacular” buildings, and sometimes have designs that somewhat reflect local styles.

FINDING: N/A

2.4.3. Mixed Use Buildings

Buildings containing mixed uses (e.g., health club on the first floor with professional offices on the second floor) are encouraged. The architecture of a mixed-use building can reflect the different

uses on the upper floors by a difference in façade treatment, as long as the building has a unified design theme.

FINDING: N/A

2.5 Residential Structures

Objective: Cumberland’s future housing stock in the Route 100 corridor should be well designed and constructed, and is encouraged to have some connection to the traditional styles of New England residential architecture. The large mass of multiplex dwellings can be broken up by façade articulation and architectural detailing in order to reduce their apparent size.

Building form and massing can conform to traditional New England residences by using gable or gambrel roofs with generous overhangs. Traditional vertically hung windows are encouraged. Garages should not constitute a major element of the front of the house that faces the street, but should be located to the side or rear wherever possible.

Dwellings with ells and additions, and ones with multiple roof planes harken back to traditional New England farm and seaside homes. Box-like, ranch or split-level “contractor modern” type dwellings do not particularly reflect Maine styles.

Similarly, traditional New England building materials such as wooden shingles and clapboards are encouraged. Modern low-maintenance materials such as cementitious shingles and clapboards may be substituted.

FINDING: N/A

2.6 Residential Care Facilities

Objective: Ensure that the future needs of Cumberland’s aging population are met in healthy and well-designed facilities, and that the architecture and site design of such facilities fit into the Cumberland context.

The design of Residential Care Facilities can also draw on the local vernacular architecture of gable roofs, multiple building forms, and traditional materials. Landscaping, site design, and resident amenities will also be of concern to the Planning Board. The site should offer outdoor amenities such as decks, terraces, gardens, gazebos, lawns or similar features. Residential Care Facilities should be buffered from roadways and adjacent uses as much as possible.

FINDING: N/A

2.7 Hotels

Objective: To ensure that any future hotels in the Town of Cumberland are in keeping with the character of the surrounding area, and that the scale and design respects the architectural context of the region.

Using traditional building materials and colors is encouraged, and the use of large blocks of bright, primary colors is discouraged.

The signage and lighting standards contained in this publication will help as well.

FINDING: N/A

2.7.1 All Building Types: Awnings and Canopies

Awnings and canopies can enhance the appearance and function of a building by providing shade, shelter, shadow patterns, and visual interest. Where awnings are used, they should complement the overall design and color of the building.

Whether fixed or retractable, awnings and canopies should be an integral element of the architecture. They should be located directly over windows and doors to provide protection from the elements. Awnings or canopies should not be used as light sources or advertising features. Graphics and wording located on canopies and awnings will be considered part of the total signage area. Any such graphics shall be designed as an integral part of the signage program for the property, and coordinated with other sign elements in terms of typeface, color, and spacing.

FINDING: N/A

3. Signage

Signs play a central role in providing much-needed information and setting the tone for the Route 100 corridor. They inform motorists and pedestrians, and have a direct effect on the overall appearance of

the roadway. Signage should not create visual clutter along the roadway, yet must provide basic, legible information about commercial goods and services. Signs should be compatible with the architecture and the context of the development.

3.1 Sign Design

Objective: Commercial uses along Route 100 in Cumberland should be identified by attractive, legible signs that serve the need of the individual business, while complementing the site and the architecture. All signage shall comply with the requirements of the Zoning Ordinance of the Town of Cumberland.

3.1.1 Signage Plan

For development proposals requiring one or more signs, the applicant shall provide a detailed signage plan as part of Site Plan or Subdivision review. The signage plan should show the location of all signs on a site plan drawing and on building elevations, as well as sign construction details, dimensions, elevations, etc., and accurate graphic representations of the proposed wording.

FINDING: There is only one sign on the site.

3.1.2 Sign Location

Signs should be placed in locations that do not interfere with the safe and logical usage of the site. They should not block motorists' lines of sight or create hazards for pedestrians or bicyclists. Roof mounted signs are not encouraged.

FINDING: The sign location does not interfere with the usage of the site or block sight lines.

3.1.3 Sign Design

The shape and materials and finish of all proposed signage should complement the architectural features of the associated building. Simple geometric forms are preferable for all signs. All signage shall comply with the requirements of the Zoning Ordinance of the Town of Cumberland.

FINDING: The sign design is simple but in keeping with these standards.

3.1.4 Sign Colors

Signs should be limited to two or three contrasting colors that are clearly complimentary to the colors of the associated building.

FINDING: The sign meets this requirement.

3.1.5 Sign Content

To ensure a clear and easily readable message, a single sign with a minimum of informational content should be used. As a general rule no more than about 30 letters should be used on any sign. Lettering on any sign intended to be read by passing motorists needs to be legible at the posted speed limit. In general a minimum letter height of 6 inches is appropriate. Smaller letters can require motorists to slow down thereby creating traffic and safety hazards. Upper and lower case lettering is preferred to all upper case, as it is easier to read.

The use of variable message "reader boards", sponsor logos, slogans or other messages that promote products or services other than the tenants' are not permitted.

Signage for any proposed development should prominently feature its assigned street address to facilitate general way-finding and e-911 emergency response.

FINDING: The Sign meets these standards.

3.2 Sign Type

Objective: To ensure that any sign type complements the architecture of the associated building, and to ensure that they are attractively designed and functional while clearly delivering the intended information.

3.2.1 Building Mounted Signs

Building or façade mounted signs should be designed as an integral element of the architecture, and should not obscure any of the architectural details of the building. Signage should be mounted on vertical surfaces and should not project past or interfere with any fascia trim. Signs should be located a minimum of 18" from the edge of a vertical wall, however the overall proportions of both the wall and sign should be taken into consideration in the placement of the sign.

Flush mounted (flat) signage should be mounted with concealed hardware. Perpendicularly mounted hanging signs should be mounted with hardware designed to complement the building's architecture. All metal hardware should be corrosion and rust resistant to prevent staining or discoloration of the building.

FINDING: this is a freestanding sign.

3.2.2 Freestanding Signs

An alternative to a façade-mounted sign is a freestanding “pylon” sign. These signs are typically located between the building and the roadway right-of-way, adjacent to the site's vehicular entry point.

As with façade-mounted signage, design and content standards shall apply. Because freestanding signs amount to architecture themselves, it is important that they be carefully designed to complement the associated building. This will entail similar forms, materials, colors, and finishes. Landscaping surrounding the base of such signs shall be consistent with the landscaping of the entire site.

Where a freestanding sign lists multiple tenants, there should be an apparent hierarchy: i.e., Address, name of the building or development, primary tenant, other tenants.

FINDING: The sign meets these standards.

3.2.3 Wayfinding Signs

To prevent visual clutter and motorist confusion, additional smaller signs indicating site circulation are generally discouraged. However they are sometimes needed to clarify complex circulation patterns. Wayfinding signage is also sometimes required to indicate different areas of site usage, such as secondary building entries, loading, or service areas. The Planning Board shall exercise its discretion in the requirement or prohibition of such signs.

Where required, wayfinding signage should be unobtrusive, no taller than absolutely necessary, and shall complement the overall architecture and signage plan in terms of materials, color, form, and finishes.

FINDING: There are none proposes.

3.3 Sign Illumination

Only externally lit signs are permitted in the Route 100 corridor because, compared with internally lit signs, the direction and intensity of the light can be more easily controlled. Externally illuminated signs are made of an opaque material and have a dedicated light fixture or fixtures mounted in close proximity, aimed directly at the sign face. The illumination level on the vertical surface of the sign should create a noticeable contrast with the surrounding building or landscape without causing undue reflection or glare.

Lighting fixtures should be located, aimed, and shielded such that light is only directed onto the surface of the sign. Wherever possible, fixtures should be mounted above the sign and be aimed downward to prevent illumination of the sky.

FINDING: The sign will not be lighted.

4 Lighting

Outdoor lighting is used to identify businesses and illuminate roadways, parking lots, yards, sidewalks, and buildings. When well designed and properly installed it can be very useful in providing us with better visibility, safety, and a sense of security, while at the same time minimizing energy use and operating costs. If outdoor lighting is not well designed or is improperly installed it can be a costly and inefficient nuisance. The main issues are glare (hampering the safety of motorists and pedestrians rather than enhancing it), light trespass (shining onto neighboring properties and into residential windows), energy waste (lighting too brightly or lighting areas other than intended or necessary), and sky glow (lighting shining outward and upward washing out views of the nighttime sky).

4.1 Good Lighting

Objective: Good lighting does only the job it is intended to do, and with minimum adverse impact on the environment. Common sense and respect for neighbors goes a long way toward attaining this goal.

The applicant should provide sufficient lighting for the job without over-illuminating.

Fixtures should be fully shielded, giving off no light above the horizontal plane. They should also direct the light onto the intended areas. Fully shielded produce very little glare, which can dazzle the eyes of motorists and pedestrians.

The height and positioning of fixtures is also important, since even well shielded fixtures placed on tall poles can create light trespass. Fixtures should be positioned to uniformly illuminate the subject area. Hot spots created by too-bright or too-low fixtures make the in between areas seem dark, which can create safety problems.

High efficiency lamps are encouraged. Shielded lights can be lower in wattage, and will actually light an area better than unshielded high-output lights because they don't waste light by casting it outward and upward.

FINDING: There is minimal lighting proposed. All standards herein are met.

4.2 The Lighting Plan

Objective: As part of Site Plan or Subdivision review the Planning Board may, at its discretion, require that a lighting plan be provided. It should be prepared by a professional with expertise in lighting design. The intent of the lighting plan is to show how the least amount of light possible will be provided to achieve the lighting requirements.

4.2.1 Elements of the Lighting Plan

In addition to meeting the requirements of the Zoning Ordinance, the Lighting Plan should contain a narrative that describes the hierarchy of site lighting, describes how lighting will be used to provide safety and security, and describes how it will achieve aesthetic goals. The Lighting Plan should include specifications and illustrations of all proposed fixtures, including mounting heights, photometric data, and other descriptive information. It should also include a maintenance and replacement schedule for the fixtures and bulbs.

The Planning Board may require a photometric diagram that shows illumination levels from all externally and internally visible light sources, including signage.

The location and design of lighting systems should complement adjacent buildings, pedestrian routes, and site plan features. Pole fixtures should be proportionate to the buildings and spaces they are designed to illuminate.

Buffers, screen walls, fencing and other landscape elements should be coordinated with the lighting plan to avoid dark spots and potential hiding places.

Where proposed lighting abuts residential areas, parking lot lighting and other use-related site lighting should be substantially reduced in intensity within one hour of the business closing.

FINDING: There is minimal lighting proposed. All standards herein are met.

4.3 Types of Lighting

4.3.1 Façade and Landscaping Lighting

Lighting on the front of a building can highlight architectural features or details of a building and add depth and interest to landscaping. This style of lighting should not be used to wash an entire façade in light or light the entire yard. Rather should be used to emphasize particular aspects of the project. All fixtures should be located, aimed, and shielded so that they only illuminate the façade or particular plantings and do not illuminate nearby roadways, sidewalks, or adjacent properties. For lighting a façade, the fixtures should be designed to illuminate the portion of the face of the building from above, aimed downward, to eliminate skyglow.

4.3.2 Parking Lot and Driveway Lighting

Parking lot and driveway lighting should be designed to provide the minimum lighting necessary for safety and visibility. Poles and fixtures should be in proportion to the roadways and areas they are intended to illuminate.

All fixtures should be fully shielded or “cut-off” style, such that no light is cast above the horizontal plane. Decorative fixtures are strongly encouraged as long as they meet the cut-off criteria, and their design and color complements the architecture and landscaping of the project.

FINDING: There is minimal lighting proposed. All standards herein are met.

4.3.3 Pedestrian Lighting

Places where people walk, such as sidewalks, stairs, sitting areas, curbs and landscaping should be adequately but not excessively illuminated.

Mounting heights for pedestrian lighting should be appropriate in design and scale for the project and its setting. Bollard fixtures of 3’ to 4’ in height and ornamental fixtures of up to 12’ in height are encouraged. Fixtures should be a maximum of 100 watts and should not create glare or light trespass onto abutting properties.

FINDING: There is no pedestrian lighting proposed.

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.

Mr. Neagle moved to grant minor site plan approval with the five proposed and standard conditions of approval to Evergreen Companies, Inc., at 217 Gray Road, Tax Assessor Map U20, Lot 68 in the Village Center Commercial (VCC) district.

Mr. Vail seconded.

Discussion: Mr. Vail requested that condition # 2 be removed, the building is not occupied after hours, and the conditions are onerous and costly. The Fire Department’s job is to protect life and not buildings.

Mr. Neagle stated he respects his point of view, he doesn’t know the details, but as to the policy he is not going to tell Fire or EMS Chief what is best on buildings back from view.

VOTE: 5 in favor (Neagle, Richards, Ward, Couillard, Ferland)

1 opposed (Vail)

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 fees be paid prior to the building permit being issued.
 2. That the requirements of the Fire/EMS Chief be met prior to issuance of an occupancy permit.
 3. That the Town be given a 25' landscape easement per Route 100 Guidelines.
 4. That the stand of trees between Route 100 and the new structures be maintained and replaced as necessary.
 5. That the area west of the employee parking area has no commercial use or storage of vehicles other than snow storage.
-

4. Public Hearing: Major Site Plan Review: Central Maine Power Raven Farm Substation at 37 Greely road, Tax Assessor Map R02, Lots, 34B, 34C, 34F, 34D and a portion of 38E and 38F in the Rural Residential 2 (RR2) district; Rick Paquette, Jr., P.W.S. of TRC Representative, Central Maine Power Company, Owner.

Mr. Ward stated that most of the Board members have walked the property and heard an initial plan review. There have been several meetings with the abutters. At this point Ms. Nixon will give us an update on the project.

Ms. Nixon stated the applicant is Central Main Power and they are requesting review of the Site Inventory and Analysis and Major Site Plan review for the construction of a new substation, the realignment, and reconstruction of a variety of transmission lines at the site and the connection of the transmission lines at the substation located at 37 Greely Road. As the Board members are aware CMP has purchased several abutting properties in order to facilitate the development. In terms of abutter issues at this time, Mr. Mrs. Rose of Greely Road are present this evening. When we get into landscape and abutter issues she suspects Mr. Rose would like to speak with the Board; and Terry DeWan is aware of their situation. Another abutter CMP has been working very closely with is Mr. and Mrs. Dan Burr, the proposed landscaping plan meets their requirements and requests. Page three of the review shows there are still 14 comments which have been shared with Steve Bradstreet, of Oak Engineering the Town's peer review. He his present this evening to answer any questions the Board may have.

Mr. Paquette of TRC, a local permitting manager is here on behalf of Central Maine Power for the Maine Power Reliability project. He is also joined by his project team and introduced them as follows: Marc Geaumont – Central Maine Power; Steve Walker – Power Engineers; Brian Rayback – Pierce Atwood; Terry DeWan – T J DeWan & Associates; Andrew McMullin – Burns & McDonnell, and Pete Trottier – TRC.

Mr. Paquette stated the MPRP is to update Maine's bulk power system which is approximately forty years old. The project includes work in seventy-five communities around the state as well as the Town of Cumberland. In Cumberland there are two primary activities proposed; the construction of the Raven Farm Substation which is the application the Board has this evening. As well as the installation of a new 345Kv transmission line that will run from a substation in Pownal down to the new substation proposed in Cumberland.

Mr. Paquette stated the PUC has agreed there is a need for the new 345 kV line but are still conducting tests, this is proposed for next year.

The substation site is centered on the existing power line corridor with four lines coming together.

Mr. Paquette presented an aerial tour of the project as follows:

- Existing Conditions

- View over Greely road giving a view of the site and clearing line, and shows current structures.
- Further to the east showing the property boundaries and the 34.5 kV transmission line
- Farther to the north the slide shows where the station yard will be located
- Several slides showing views of the power lines and houses on Middle Road. The substation site and clearing lines.

Mr. Paquette continued to review slides showing the existing power lines reviewing:

- Site Analysis showing current two 115kV lines and the proposed 345 kV line, and light green indicating current scrub growth and dark green showing existing forested areas, wetlands, streams, existing homes, Greely & Middle Road.
- Construction Sequence:
 - Tree Clearing
 - Temporary Line Relocation
 - Site Grading
 - Substation Installation
 - Permanent re-location of lines into the substation
 - Site Restoration / Buffers
- Proposed Clearing – 28 acres to accommodate the 15.4 acres of substation yard. The spacing has been reduced by 50' on the western side from the original proposal in March.

Mr. Neagle asked what will happen to the properties purchased on Greely Road.

Mr. Paquette showed the house that would be demolished and the current plan is to re-sell the other two. However, there is discussion that these might be removed for buffering.

- Temporary T-Line Locations – during construction for safety purposes
- Site Grading – the yard is 15.4 acres in size. The west side is the highest side, the site will be balanced, the west side will be cut down to the 118 elevation and material will be used to fill the finished area on the east will have an elevation of approximately 120. The grading will also include construction of the access road. The substation will sit back approximately 500' from Greely Road with a 20' wide gravel access road with a paved apron.
- Stormwater management structures will be installed at the site the drainage system will take any runoff and run it from south to north; there will be a vegetated ditch or swale constructed along the northern edge to catch any runoff from the yard. The runoff will be directed into an infiltration basin. He showed the location of the infiltration basins.

Mr. Richards asked if the elevations would be consistent all around.

Mr. Paquette stated about a foot difference, the high side will have an elevation at 120'.

- Substation installation would be the next step which would include:
 - Two 115 kV dead-end A-Frames
 - Control house 40' x 90' x 20'±
 - Lightning Masts(s) TBD
 - Breakers, Switches, Bus work

Mr. Neagle asked how this substation is different than the substation in downtown Portland next to Canal or Key Bank, could this substation be in boxes like Portland.

Mr. Mark Geaumont of Central Maine Power stated the higher voltage the greater ventilation required for safety. This substation is much larger voltage; the Union station in Portland is a 34.5kV station. If that

high a voltage was in a smaller place it would have to be insulated with a gas station. Union station is a 34.5 kV station.

- Transmission Lines – the routing of the 115 lines into the A-Frame structures on the west side of the yard and the routing of the 345kV line into the yard, and the new section 3020 line coming out of the section 19 tying into the corridor.
- Construction Schedule:
 - Site Plan / Permit Approval Process: August – December 2010
 - Pre-Construction Communications: December 2010
 - Vegetation Clearing : January – February 2011
 - Temporary Transmission Line Relocation: March – April 2011
 - Substation Site Development: May – September 2011
 - Install substation components: October 2011 – August 2010
 - Permanent relocation of T-lines: September 2012 – December 2010
 - Site Restoration / Vegetated Buffers: On-going throughout the project
- Traffic and access to the site, included in the presentation was a slide showing probable traffic route during construction.

Mr. Terry DeWan of Terrance J. DeWan & Associates stated he appreciated Mr. Neagle bringing up the substation in Portland, stating not many people know it is there. It is in the middle of the Old Port Exchange and occupies a half a block, it generates about 1/10 the power; however, there is an analogy that it was designed with an appreciation of the context. It was designed to be virtually invisible, heavily screened and colored to make it blend in. That is what we are trying to do here, granted this is not the most attractive structure. We are trying to understand the constraints we are dealing with and how we can best utilize what is out there to make this as unobtrusive as possible. Mr. DeWan talked about the tools at their disposal.

- Old Traditional Buffers such as pine trees. This was a method that CMP has used to screen views of transmission lines. But we have found that pine trees grow up, need to be topped off, and get spindly and if not trimmed often enough they can grow up into the safety zone around the transmission lines and can cause arcing and major line problems.
- Native Non-Capable Buffers – is an alternative. A non-capable species is a tree that is not capable of growing up into the safety zone. They have identified many native shrubs that are capable of growing only to a certain height, fifteen feet or so. As an example gray dogwood is very dense, when planted in three or four rows deep they provide an opaque buffer.
- Site Buffer Plan – asks a lot of questions of where we need to be sensitive for buffering. The red ovals are focal points for discussion.
- Berms: in the middle of the site there is an existing berm of 12 to 13 feet in height. Along Greely Road there is an opportunity to use some of the earth material to establish a new berm of 3 to 5 feet high. The berm will have shrubs planted on top of it.

Mr. Neagle asked if the driveway were to be curved as shown on an earlier slide.

Mr. DeWan stated no, that slide is a generic diagram they use in discussions with Central Maine Power Company about how to treat transmission corridors in general. Most of the access roads are gravel.

Mr. Neagle asked if the driveway could be curved.

Mr. DeWan stated that is an engineering question, but he thought it needed to be straight to allow construction vehicles.

Mr. Neagle stated he was concerned that the site was being buffered but a twenty foot wide drive would leave a corridor for view.

Mr. Steve Walker of Power Engineers stated there are a number of considerations during construction such as turning radius.

Mr. Neagle stated he understood the need for large construction vehicles, but asked if the driveway could be curved after construction.

Mr. Walker stated CMP plans to operate this substation for many years and may need to replace equipment or emergency conditions.

Mr. Ward stated he would suspect if you come up or down Greely Road you will be making a pretty sharp turn to get into the driveway.

Mr. Walker stated that is correct, if the turn isn't 90 degree it would be difficult to make the turn.

Mr. Ferland stated it appears what is being proposed here is much better than what the project looks like in Gorham. The Gorham entrance road is not straight, and has a narrow entrance which presents itself as a non obtrusive gravel road. He likes the direction of the buffering discussion, but thinks the driveway issue remains.

Mr. Walker stated Gorham was an existing site and there were less than optimum turning radius at the site. As an example there were some pole deliveries that couldn't make the corner. They needed to be left at the site and individually picked up and maneuvered around the corner.

Mr. Ward stated the Board would like the applicant to look seriously at the driveway.

Mr. Walker stated perhaps the thing to do is come back with a turning radius on top of the drawing to show how it might or might not be accommodated.

Mr. Ward stated CMP may consider sky crane helicopters to get materials to the site.

- Buffers: Photo simulation: Greely Road; Mr. DeWan stated this is a panoramic picture showing existing conditions and the site without any buffering.
- Cross-Section: Greely Road – it may be possible to see the very mast structure walking on Greely Road, but driving and walking people will be much more aware of the buffering than the structure. Mr. DeWan reviewed the proposed berms and plantings for the site.
- Rose Property: CMP has had to deal with a number of individual property owners who have asked how this project will affect their property. The Rose's will have 300' of vegetation remaining and the existing gap will be filled in. They met with the Rose's last week; the developer will install hemlock trees to enhance the buffer to block any remnant views of the substation.
- Burr property: They have had three or four meetings with the Burr's. Their property abuts against the 345kV line. Their house sits back from Middle Road and is not visible from Middle Road. Mr. DeWan reviewed site showing the existing power lines. The Burr's have planted evergreen trees in anticipation of the line expansion. Mr. DeWan presented the Board a planting

plan for the Burr property. There will be a mixture of evergreen and soft wood trees and fill in the existing gap on the property. This is a multistage operation; there will be a berm of about eight to ten feet high with plantings of evergreen trees. This plan is very workable; it is marked preliminary and may not be the final plan. In summary: 1) Initial plantings, 2) berm and plantings along Greely, 3) the larger extensive berm, 4) in the temporary areas they are talking about evergreen seedlings 18" tall and in some places jump starting the reclamation of the forest with trees in the 4' to 6' range, 5) infill of field behind Rose' property, 6) infill where there had been houses and if the houses are removed to plant vegetated areas in those areas.

Mr. Ferland asked how many acres of tree growth are being replanted.

Mr. DeWan stated approximately 5 to 6 acres, he hasn't calculated that number.

Mr. Ferland asked if from the higher ground in Cumberland Center at the high school would one be able to see the substation.

Mr. DeWan stated they hadn't done that analysis.

Mr. Paquette continued with the PowerPoint and reviewed operational issues regarding the substation.

- Lighting: There are three levels of lighting at the substation:
 - Level-1: Entry light at two control house doors (70W). "Full cutoff" luminaries
 - Level- 2: Perimeter lighting put in on wooden poles downward facing fixtures used for security purposes or night time maintenance issues. This is not standard operation conditions lighting.
 - Level- 3: Work lighting designed to illuminate the entire yard for emergency nighttime maintenance issues.

Mr. Neagle asked if you would be able to see Level 3 lighting off site.

Mr. Paquette stated absolutely.

- Noise: Switches and breakers will be installed at the substation. Equipment can emit a loud pop sound when activated. This occurs infrequently during operations and maintenance. There will be no noticeable influence on sound levels.
- Construction Communications:
 - Key Municipal Officials
 - 1) Notification 2-weeks prior to start:
 - 2) Direct mailings and email
 - 3) Regular Conference Calls
 - 4) Face-to-face briefings upon request
 - Landowners
 - 1) Door-to-door notification 2 – weeks prior
 - 2) Direct mailings for key activities
 - 3) E-mail notifications will be available
 - 4) Face – to – face briefings upon request
- MPRP Public Contacts:
 - 1. Hotline Number – 1-866-914-1944 – calls returned within 24 hours
 - 2. Website: www.mainepower.com – updated weekly for construction activities

The Board took a 15 minute recess at 9:00 p.m.

The Board resumed at 9:15 p.m.

The public portion of the meeting was opened.

Mr. Ward stated the Board was in receipt of e-mails from the Rose family stating concerns regarding the project.

Mr. Curtis Ingraham of 55 Greely Road voiced the following concerns:

Site Preparation:

- 1) Is the tree clearing amount necessary? Will it create an amphitheater effect?
- 2) The tree cutback line can be diminished with changing the style of poles. Why not hang the lines vertically? This will reduce the required width of clearing. There seems to be hesitancy about working under the live power lines; but after a trip down the entire east coast three weeks ago, this is not a universal concern. The width of the projects appears significantly over-sized.

During Construction:

- 1) Hours: Monday – Friday 8:00 a.m. to 5:00 p.m. including deliveries
- 2) Engine Brakes: not allowed and posted accordingly.
- 3) Idling Engines: Not allowed
- 4) Blasting: Personal notification to neighbors within ½ mile radius by text, e-mail, voice mail, or personal visitation.
- 5) Air Quality: On poor air quality day with winds in the direction of abutter's construction should be halted.
- 6) Complaints: Need for always accessible "clerk of the works" on site at any given time, with name, title, and reach numbers posted near the entrance of the construction site.

Public Safety:

- 1) Necessity for "person in the know" to be rapidly accessible at any time especially in an emergency situation.

Greely Road: Is a narrow, rural, deteriorating, road with no sidewalks, it is also full of wildlife. With the construction vehicles and added traffic he would suggest:

- 1) The speed limit reduced to 25 MPH, in the construction zone (junction of Middle / Greely to Edes Road).
- 2) The speed limit should be reduced to 35 MPH at Edes to Hillside.
- 3) While the roads will be posted during Jan/Feb/Mar; the project will have to obligate postings, the road is going to take an abnormal beating.
- 4) Parking should not be allowed on the sides of Greely or Middle Roads.
- 5) The shoulders are very soft and dangerous and the road is narrow during winter and spring. Staging of vehicles and delivery trucks should not be allowed along the sides of Greely and Middle Roads. Perhaps No Parking signs should be posted.

Project Updates: Routine project updates will promote goodwill. He would suggest bi-weekly updates posted on Cumberland's website would be effective as would an e-mail list server.

Post construction / Operations

Recreation: This is a favorite location for hunters. You may want to consider posting the entire Raven Farm as "No Hunting". ATV's snowmobiles and others are often on this property. What fencing will exist?

Noise: There have no plans, proposals, or future intentions with the property. We need to know what the transformer is, when it potentially arrives, size, and how much noise in dB, and frequency it will generate, at what distances.

Summary: It is important to remember, that this project is in a very quiet, peaceful rural residential area that has little noise or disruption with the exception of I-295. Most of us moved here accepting I-295. None expected a commercial project of this magnitude in our neighborhood. Thank you.

Mr. Dan Burr of 248 Middle Road stated they have met with Mr. DeWan who has addressed concerns and issues, they have been forthcoming, and they are happy with the proposed landscape plan. His only question is blasting and the effect on water quality of wells. Will there be a bond in place or a pre-blast study on water quality.

Mr. John Chandler of 93 Tuttle Road, who owns property at 208 Middle Road on the corner of Greely and Middle Roads, asked how long lighting would be on during Level 2 & 3 lighting periods; and was there any input on the length of lighting.

Mr. Mark Geaumont stated the Level 2 & 3 lighting is only when an emergency arises, and it would depend on the magnitude of the emergency.

Mr. Tim Rose of 51 Greely Road stated he was an abutter whose property was not part of the project. His key concerns are value and impact on his property. They are concerned with safety implications of Electric Magnetic Fields (EMF's). They are very close to the temporary power lines and are concerned about visual enjoyment of their property, they share 1,100 feet of boundary with the Raven Farm and in some areas the buffer is sparse. Mr. Rose stated he felt the clearing was excessive for the temporary line; stating planting trees is good, but not cutting down trees is better.

Mr. Chris Coleman of 77 Greely Road voiced concern regarding scenic buffers, and the effect on wildlife. He asked about vertical pole alternatives, stating it appeared CMP does not value the environment and all the wildlife activity in this 30 acre parcel.

Mr. Ayers Stockly of 97 Greely Road stated the driveway could be straight during construction but should be reconfigured and curved after construction. A twenty to twenty-five foot wide road will not have any visual buffering from the site.

The public portion of the meeting was closed.

Mr. Ward stated the application is not ready for approval, and suggested letting the applicant hear the Planner's and Board's concerns and table at that point.

Ms. Nixon stated the Town's Peer review engineer Steve Bradstreet of Oak Engineers is present for any questions.

- 1. Size of substation building? Elevation drawings? Will it be visible post construction from Greely Rd or the abutters?**
- 2. Driveway is "generally" 20' in width and approximately 750' long. Is 20' sufficient for fire vehicle access and is there a turn-a-round, and also should the gravel access be paved.**
- 3. Locked gate; Knox box: written emergency response plan needed;**
The Fire Chief will be e-mailing what he thinks is appropriate.
- 4. Page 6 of Section 4 states there are 5 vernal pools and an unnamed, perennial stream on the site but page 9, under Wetland Impact states there are no streams or vernal pools. This was clarified in Steve Bradstreet's response.**

5. **Landscape plan peer review: Greely Road, Rose, and Burr Properties. Does Board wish to require this?** *The idea is to have a peer review for the landscape plan, completely respecting Mr. DeWan's ability; however he is working for the applicant. Given the landscaping concerns expressed by the abutters and members of the board, it would seem appropriate to have a peer review of the landscape plan.*
6. **Plantings around fenced area?** *How far away from the fence can the plantings be located?*
7. **Consider curved entrance drive to shield view of interior area of the site from Greely Road.** *Ms. Nixon was happy to hear the Board voice concern, as an example Route One, Rockwood has an emergency exit which is not buffered and that draws your attention into the project. It would be helpful to have the developer provide vehicle lengths etc., we could have that reviewed by our Engineer.*
8. **Need for clearing/grading of area where possible future lines will be? Impact on abutters in this area?** *P. 12 of Section 4 states that about 28 acres of forested land adjacent to the existing corridor in Cumberland will be cleared. There is significant impact on abutters and this has to be explored fully for the reasons stated by abutters.*
9. **Sevee/Maher to review groundwater impacts? Does Board wish for this review to be done?** *She asked the Board to consider the ground water impact study on wells for protection of wells and water supply.*
10. **Blasting Plan? Concern about proximity to transmission lines...will they be live? 1000' setback? Impact on groundwater, surrounding wells.**

Mr. Bradstreet stated in the applicant's package they have indicated there will be pre-blast surveys done and all blasting will be done in accordance with state and local regulations. This includes locating abutter's wells. He did ask about testing wells before and after the blasting as blasting can affect wells. The applicant has indicated they are not planning on testing any wells. If there is a problem after the blasting it would be the responsibility of the homeowner's to contact CMP.

Ms. Nixon asked if this were something Sevee & Maher could look at.

Mr. Bradstreet stated yes, analyzing ground water tables, surface conditions would help give an understanding of what blasting would occur on site and if it would have a potential impact.

Mr. Ward stated we may be well served to have a well company review the conditions, because he thinks the abutter's need to know what their well condition is prior and post blasting.

11. Herbicides to control vegetation. Impact on water quality and clam flats?

Ms. Nixon asked if herbicides be used to control species.

Mr. Paquette stated yes as a standard policy CMP uses herbicides to control capable species. This is applied manually with hand back pack sprayers. This is typically done on a four year cycle.

Ms. Nixon stated we can ask Sevee & Maher to evaluate the materials used.

12. Photometric Report? *The Town Engineer is satisfied there is no light spillage from the property, what has been provided is sufficient.*

13. Decibel levels? *Ms. Nixon stated we have heard we will hear an occasional pop, and asked if the humming sound is a generator sound?*

Mr. Paquette stated the substation equipment depicted in the slides will generate the pops. The conductors have three existing lines in the corridor, with high humidity, rain, or fog you will get some noise. There is no transformer being located at this time to generate the hum sound.

Ms. Nixon stated this project is larger than the Gorham site, does Gorham have a transformer? Gorham had a humming noise; was that from the transformers?

Mr. Paquette stated yes, there are two transformers at the site, that noise will not be at the Raven substation, if and when a transformer is installed it will comply with the state and town noise requirements. Using modeling they can project the sound of the generator at the property lines.

Ms. Nixon stated we have not received any information on the transformer, it has come up through public comments. The Board may want to ask the time and variables for that happening.

14. A deed showing the transfer of ownership for all properties purchased by CMP that enables the project to occur. *Ms. Nixon stated this is to ensure that the Giroud property has been purchased as stated.*

Mr. Ward asked for comments from the Board.

Mr. Couillard asked about the catch basins and course of drainage. He also asked about hours of operation during construction and concerns of dust and pollution during construction.

Mr. Vail asked how this is an allowed use in the Rural Residential 2 RR2 district.

Ms. Nixon stated she had initially had the same question, and the Code Officer interpreted this as an allowed use.

Mr. Vail continued stating from an engineering point of view he would like a clearer understanding of the setback between the 115 lines, it shows four lines coming in, and three lines going out; he would like a clearer explanation of the use of the site. It appears the anticipated scale of the use is twice what is being presented this evening. The scale of the substation is small, but the fenced in area is quite large, he would like an explanation on why they need the space. Mr. Vail voiced concerns of stormwater management, and how winter conditions will affect the crushed stone and drainage.

Mr. Richards stated his issue is more process. We have heard the Planner's comments, the Town's peer review engineer's response; there are five standards which have not been met. He would like a clear substantive response for the next meeting.

Mr. Ferland stated he would like more specific information regarding the loud pop. Is there a decibel analysis on the loud pop sound and a rational way of describing how often this noise happens? Mr. Ferland asked also asked about process, there is site plan for the substation, a second component for the Segment 19 corridor. What about future growth issues? Mr. Ferland

asked about a sense of response time for emergencies; and what is the nature of emergencies. Mr. Ferland stated this is a very technical project and he appreciates all of their effort to explain the project. Also, the neighbors have done a great job voicing their concerns; there has been a high quality of discussion this evening.

Mr. Neagle stated his issues are the access road; he would like a curved road to block visibility of the project. He voiced concern of re-selling the property next to the substation, and concern that a no cut buffer would be binding on a successor. He would love to hear more about Phase II, he respects they have only applied for Phase I, but it does beg the question of what the big football size field next to the project is going to be used for. Mr. Neagle asked why the berm that is proposed along Greely Road doesn't go all the way to the tree line. He also stated everyone has done a good job; the neighbors have stayed on point which is important. CMP has done a good job of addressing buffering issues and showing it can be done. He also stated he assumed everyone else named Burr on Middle Road is not concerned; as we have not heard from them.

Mr. Ward stated in summary looking at the process we have to remember this is the first public hearing, although the project has been discussed for months. The information presented this evening raised a lot of questions, more than concerns. Mr. Ingraham did an outstanding job presenting some alternatives they may or may not have looked at, which could affect the overall environment. If we look at the process going forward the applicant will be working with Ms. Nixon and Steve Bradstreet. What you need to appreciate is until all of the information is met in accordance with the ordinance the project will not receive final approval. He would admonish them to take serious thought in regards to the outstanding issues; we have as a Board had big projects that haven't gone as well as this one so far. All concerns have to be addressed and the application must adhere to the Ordinances of the Town, and once that is done it can be approved. He would entertain a motion to table.

Mr. Neagle moved to table the Major Site Plan Review for Central Maine Power Raven Farm Substation at 37 Greely Road, Tax Assessor Map R02, Lots 34B, 34C, 34E, 34D, and a portion of 38E and 38F in the Rural Residential 2 (RR2) district.

Mr. Ferland seconded.

VOTE: Unanimous

F. *Administrative Matters: None*

G. *Adjournment:*

Mr. Neagle moved to adjourn.

Mr. Vail stated no, stating Mr. Neagle sent an e-mil regarding supporting the Ordinances, but he doesn't not support adding burdensome costs to applicants, and condition number two (Fire Chief's comments) did that this evening.

Mr. Neagle stated he understands, but we didn't have specifics on additional costs.

Mr. Vail stated this needs to be addressed.

Mr. Neagle moved to adjourn.
Mr. Richards seconded.

VOTE: Unanimous

The meeting was adjourned at 10:30 p.m.

A TRUE COPY ATTEST:

William P. Ward, Board Chair

Pamela Bosarge, Board Clerk