

**TOWN OF CUMBERLAND  
PLANNING BOARD MEETING MINUTES  
Tuesday, January 17, 2017 - 7:00 pm**

**A. Call to Order:** Chairman Moriarty called the meeting to order at 7:00 pm and announced that Gerry Boivin, Teri Maloney-Kelly and Josh Saunders have each been sworn in to another 3 year term as members of the Board.

**B. Roll Call: Present:** Steve Moriarty - Chair, John Berrett, Gerry Boivin, Jeff Davis, Teri Maloney-Kelly, Joshua Saunders & Peter Sherr.

**Staff:** Carla Nixon - Town Planner, Christina Silberman - Administrative Assistant, Bill Shane - Town Manager.

**C. Election of Officers - Chairman and Vice Chairman:** Mr. Sherr nominated Steve Moriarty as Chairman and Gerry Boivin as Vice Chairman, seconded by Mr. Berrett. There were no other nominations. The nominations were then **VOTED, 6 yeas, 1 abstained (Boivin), motion carries.**

**D. Approval of Minutes of the December 20, 2016 meeting:** Mr. Boivin moved to approve the minutes of the December 20, 2016 Planning Board meeting, seconded by Mr. Saunders and **VOTED, 7 yeas - unanimous, motion carries.**

**E. Staff Site Plan Approvals:** None.

**F. Minor Change Approvals:** None.

**G. Hearings and Presentations:**

**1. Public Hearing: Amendment to Cumberland Foreside Village Housing Subdivision re: Inspection and Maintenance of Stormwater Management Facilities and Grading Changes.** Cumberland Foreside Village Housing, LLC, Applicant; Tom Greer, P.E., Pinkham and Greer, Representative. Map R01; Lots 11-7, 11A & 12.

Chairman Moriarty introduced the item. Tom Greer, Pinkham & Greer, said with him is Dave Chase, project owner. Mr. Greer said the Board has seen the project and it was tabled last month to ensure that a maintenance agreement was worked out and maintenance of the stormwater facilities is clear as to who is responsible for them.

Mr. Greer displayed the site plan and identified an underdrain soil filter on the mid-left side of the plan that was slightly reconfigured and another underdrain soil filter on the upper left side of the plan that was relocated behind the houses between two walls.

Mr. Greer said that another change is to the grading along the back of the houses with two stone walls that are further away from the buffer zone to leave more trees and give as much buffer as possible. Mr. Greer said they will add a fence along the back side of the wall and they have added a drainage easement along the back of the house lots to ensure the swale and underdrain soil filters can be maintained. There is also a drainage easement that runs between the double rows of houses. Mr. Greer said that during construction, it was difficult to get the foundation drains from the homes in the center of the development to drain out to the street so the developer installed a pipe that runs between the homes and discharges near an underdrain soil filter. There is an easement in the deeds for all of these homes and it will be added to the plan to be clear. Mr. Greer added

that the drainage easement, as well as the pipe, will be maintained by the homeowner's association and this will be clear in the document.

Mr. Greer said that these are fairly simple changes that he feels are in the best interest of the project and are an improvement.

Ms. Nixon clarified that the item is for an amendment to the Planning Board's site plan approval for the project and has nothing to do with the contract zone.

Mr. Boivin referenced drawing 1-SV and asked where the 30' wide drainage easement that comes off lot 36 is located. Mr. Greer showed where the easement goes along the back. Mr. Greer said that before the Board signs the plan, the graphics will be changed so the locations of the easements are clear. Mr. Boivin asked if the changes relating to the stone walls effect the permits with DEP. Mr. Greer said that they are treating the same area with an underdrain soil filter that is the same size as the previous one and they will eventually file an as built drawing of all of the minor changes for the site and get it amended by DEP. Mr. Greer said that a third party inspector has been involved who reports to DEP and is on the site every time it rains and generally weekly to oversee the construction. Mr. Boivin asked if the inspector takes notes that are provided to the town. Mr. Greer said yes and there are photographs as well.

Chairman Moriarty opened the public hearing.

Robert Knupp, 4 Eagles Way, asked if any of the changes have any effect upon runoff or stormwater calculations. Mr. Greer responded no, the stormwater goes in the same general place and the calculations do not really change.

Chairman Moriarty closed the public hearing.

Mr. Berrett noted that a fence will be added along the top of the stone wall for lots 33-41 and asked if the fence is installed. Mr. Greer said the fence has not been installed and the proposal is for a 4' high chain link fence. Mr. Boivin asked that the fence be shown on the plan as well and Mr. Greer said he will make sure it is shown.

Chairman Moriarty asked Ms. Nixon if there was any peer review and Ms. Nixon said Dan Diffin is the Peer Review Engineer and he has visited the sight and has signed off.

Chairman Moriarty said that in the Board's packet is the first amendment to protective covenants document and asked Ms. Nixon if this is what the Board is being asked to endorse. Ms. Nixon said that is correct and there are two changes; an amendment to the Cumberland Foreside Village Housing Subdivision regarding inspection and maintenance of stormwater management facilities, and grading changes. Ms. Nixon added that the grading has to do with the walls. The stormwater has to do with the drainage easements and who is taking on the long term maintenance, which is the association. Mr. Saunders asked if the Board has to approve the document. Ms. Nixon said that the document is part of the inspection and maintenance of the stormwater so if the Board does their motion the way they typically do, where they include the whole item, it will cover the document.

Chairman Moriarty asked if the Board approves the item, will the changes to what is shown on the plan that Mr. Boivin addressed be made. Ms. Nixon said that the motion should include, as a condition, that the final Mylar to be presented to the Board for signing includes depiction of all drainage easements and fences.

Mr. Sherr noted that the new 15' wide drainage easement for lots 14-21 is noted in schedule 1 and he asked if the drainage easement for lots 33-41 should also be noted in schedule 1 or somewhere in the homeowners' association document for more clarity. Mr. Greer said the homeowners are responsible for the drainage easements. The easement for lots 14-21 is called out because there is a buried pipe, whereas, the other easements are open swales. Mr. Sherr said this is fine and asked Mr. Greer to make sure it is clear where the stormwater easements are.

Mr. Saunders said that normally the Board would review conditions of approval. The Board does not have any conditions of approval. Mr. Saunders asked if the Board should add conditions of approval and then make a motion subject to conditions of approval as the Board normally would. Mr. Sherr agreed.

The Board agreed to add conditions of approval so that better demarcation of drainage easements, including the 30' easement behind lots 33-41, the 15' easement between the double row of houses and the original easement near Route 1, and identification of the fencing is needed on the plan.

**CONDITIONS OF APPROVAL:**

1. Better demarcation of drainage easements including the 30' easement behind lots 33-41, the 15' easement between the double row of houses and the original easement near Route 1 are needed on the plan.
2. Identification of the fencing is needed on the plan.

Mr. Saunders moved to approve the amendment to the Cumberland Foreside Village Housing Subdivision and Site Plan regarding inspection and maintenance of stormwater management facilities and grading changes as shown on map R01, lots 11-7, 11A & 12 subject to the conditions of approval as discussed today, seconded by Mr. Sherr and **VOTED, 7 yeas - unanimous, motion carries.**

**2. TABLED Sketch Plan Review: Central Fire Station Renovations and Expansion- 363 & 366 Tuttle Road.** Applicant: Town of Cumberland; Representatives: Dan Diffin, P.E., Sevee and Maher Engineer and Andrew Hyland, AIA, Port City Architecture. Tax Map U-11, Lots 27 & 28. This item was tabled prior to the meeting.

**3. Public Hearing: Site Plan Review re: Wood Waste and Construction Demolition Debris Landfill Closure and Replacement of a 1 acre Gravel Composting Pad. 23 Drowne Road.** Town of Cumberland, Applicant; Dan Diffin, P.E., Sevee and Maher Engineers, Representative. Tax map R 03, Lot 54 and Map U-10, Lot 7B.

Chairman Moriarty introduced the item. Dan Diffin, Sevee and Maher Engineers, said he is here tonight with Guy Cote, also of Sevee and Maher. Mr. Diffin said that in 2014 an environmental assessment was performed. The assessment found that the wood waste landfill, in use in the 80s and early 90s, was scheduled to be closed when the town landfill was closed in the mid-90s but not yet been closed. A design for permitting and closure was submitted to DEP in 2015 to set up the correct avenues to complete the closure and was scheduled for 2017 to allow for funding. Mr. Diffin said they hope to get started by June 1, 2017.

Mr. Diffin showed a plan of the Public Works facility and identified the limits of the landfill that were determined through multiple test pits in 2014. Mr. Diffin said that the compost pad is greatly impacted by the landfill closure and the salt shed now sits half way onto the

landfill. Mr. Diffin said that the plan is for the salt shed to be relocated from the site and they will be back before the Board in March to discuss this. Chairman Moriarty clarified that the Board is not taking any action on the salt shed tonight and Mr. Diffin said that is correct.

Mr. Diffin reviewed the final grading plan for the landfill closure. The drainage on the site currently flows to a pond at the bottom of the hill. The construction will require removal of trees, regrading of the 3 acre landfill area, placement of a soil cover on top and seeding the cover with a meadow mix that will be mowed twice a year for maintenance. Mr. Diffin said that trees and shrubs cannot be planted on top of the landfill cover because this could damage the cover. Mr. Diffin said that the drainage for proposed conditions will be similar to current conditions. The compost pad will be added back on its' current footprint with a gravel section over the landfill cover and will continue to operate as it does today.

A diversion ditch will be built down the center of the landfill to help bring water to an existing culvert and will end up at the pond. Mr. Diffin showed where a gas trench will be located to serve as a relief valve for any methane gas build up under the cover. Gas monitoring points have been evaluated since 2014 around the area and there have been zero hits near the new development, minimal hits toward Drowne Rd and some hits in an area that is closer to the Public Works building. Mr. Diffin said that the hits near the building could have something to do with the landfill or with some underground tanks that were there in the past. Mr. Diffin said these will continue to be monitored after the landfill is closed and reported to DEP. Any issues that arise will be dealt with as quickly as possible. There have been no issues to date in terms of gas.

Mr. Diffin reviewed the landscape plan. There are some large trees in the area that will need to be taken down. The existing berm along Drowne Rd. will remain. Mr. Diffin said that the Town has purchased white pine trees and 18 of them are proposed to be placed near the development but not as part of the landfill closure. The Town will plant the trees after the closure is finished and the views from the surrounding properties to the Public Works building are evaluated.

Mr. Diffin said that the existing lighting on site will not be changed.

Comments from the Town Planner and peer review have been addressed and there are some small revisions to be made to the plans in terms of erosion control.

Chairman Moriarty said that as he understands, there is much less methane produced with wood waste than with household waste and Mr. Diffin agreed. Chairman Moriarty asked how long the gravel composting pad will be out of operation. Mr. Diffin said that construction is proposed to begin June 1<sup>st</sup> and end mid-September so 3-4 months. Chairman Moriarty asked if this will have any bearing on the operation of the current wood dump and Mr. Diffin responded that it will be out of service during the construction.

Mr. Berrett asked where the outflow from the pond ends up. Mr. Diffin said that he believes that it crosses Drowne Rd. and goes toward the Town Forest. Guy Cote added that the outflow does go across the road and meanders into the woods.

Mr. Boivin asked why white pine trees were selected. Mr. Diffin said that the Town has purchased the 8'–10' tall trees that are in relatively good condition. Mr. Sherr said he would like to see some smaller trees mixed in so when the pine trees shoot up to 50' tall, there is some other buffer. Mr. Shane said the trees are more or less sacrificial

landscaping. There is a master plan for the site. The proposal is that within 5-7 years, the entire Public Works operation will be moved from this location. Mr. Shane said that there will be a new landscaping plan when the area gets redeveloped.

Mr. Boivin asked if there is a non-disturb area over the landfill. Mr. Diffin said there is a 100' variance beyond the cover that requires approval through DEP to build on and there are limitations of what can be done. Mr. Diffin said that what is shown on the plan now has no limitations and has been through the DEP process. Chairman Moriarty commented that the wood dump appears to fall within the area of the landfill closure. Mr. Diffin pointed out the location of the closure area and the gravel pad and said that DEP has granted a variance request to place the grave pad on top of the landfill cover.

Chairman Moriarty opened the public hearing. There were no public comments. Chairman Moriarty closed the public hearing.

Mr. Berrett asked if the brush dump will be closed for the 4 month period and is there any provision for people to go somewhere else. The Riverside facility in Portland was suggested or a burning permit.

Chairman Moriarty noted that there are 3 requested waivers. Mr. Sherr moved to approve the requested waivers for a traffic study, a hydrogeological evaluation and a market study, seconded by Mr. Boivin and **VOTED, 7 yeas - unanimous, motion carries.**

Chairman Moriarty said that there has been peer review by Gorrill Palmer. Ms. Nixon said all of the responses are shown in the review and the findings of fact are ready to go.

Chairman Moriarty reviewed the criteria, proposed findings and conditions of approval.

#### **FINDINGS OF FACT – SITE PLAN REVIEW, SECTION 229:10: 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 installation of a new landfill cover system on top of the existing landfill and the demolition and replacement of an existing gravel pad will not negatively impact natural features on the site. There will, however, be approximately 4,200 sf of wetland area (associated with a manmade pond to the southwest) impact. This does not require NRPA permitting. All work will be in accordance with MDEP Chapter 401 solid waste rules.***

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

##### **2. Traffic, Circulation and Parking**

**(1) Traffic Access and Parking.** Vehicular access to and from the development must be safe and convenient.

- (a)** 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.
- (b)** Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.
- (c)** 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.
- (d)** 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.
- (e)** 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.
- (f)** 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.
- (g)** Access ways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.
- (h)** 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 access ways must not exceed sixty (60) feet.

***There will be no increase in traffic due to this project and no new entrances to the Public Works facility are proposed.***

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

**(2) Access way Location and Spacing.** Access ways must meet the following standards:

- (a)** Private entrance / exits must be located at least fifty (50) feet from the closest un-signalized 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 access way. This requirement may be reduced if the shape of the site does not allow conformance with this standard.
- (b)** Private access ways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

***No new access way(s) are proposed. The existing access from Drowne Road to the site area will be used.***

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

**(3) Internal Vehicular Circulation.** The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

- (a)** 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.

- (b) 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).
- (c) The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.
- (d) All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

***The site will be accessible to traffic via the existing entrance located on Drowne Road, however access to the landfill will only be required for period maintenance and monitoring activities. There is no need for new roads or parking areas.***

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

**(4) Parking Layout and Design.** Off street parking must conform to the following standards:

- (a) 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.
- (b) 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.
- (c) 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

- (d) 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.
- (e) 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.
- (f) 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.

***There is no parking required or proposed for this project.***

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

**(5) Building and Parking Placement.**

- (a) 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.

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

***There are no new buildings or parking areas associated with this project.***

***The Planning 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.

***This project does not generate the need for pedestrian ways.***

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

### **3. Stormwater Management and Erosion Control**

- (1) **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.
  - (a) To the extent possible, the plan must retain stormwater on the site using the natural features of the site.
  - (b) 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.
  - (c) 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.
  - (d) 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.
  - (e) 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.
  - (f) 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.
  - (g) 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.

### **(2) Erosion Control**

- (a) 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.
- (b) 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 Town Engineer has reviewed and approved the submitted stormwater management plan and the erosion control plan.***

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

#### **4. Water, Sewer, and Fire Protection**

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

***There is public water available, but it is not required for this project.***

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

- (2) **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 public sewer available, but it is not required for this project.***

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

- (3) **Utilities.** The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

***There is no need for utility connections for this project.***

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

- (4) **Fire Protection.** The Fire Chief or his/her designee shall review the site plan for conformance with the Fire Protection Ordinance and may provide the Town Planner a list of suggested conditions of approval.

***There is public water adjacent to the site. There is a hydrant at the intersection of Oak Street and Drowne Road.***

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

#### **5. Water Protection**

- (1) **Groundwater Protection.** The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to the public water supply systems. Applicants whose projects involve on-site water supply

or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

***The area is served by public water and sewer. No new water supply, utilities or sewage waste disposal required for this project. Fire protection will be provided from the hydrant located at the intersection of Oak Street and Drowne Road.***

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

**(2) Water Quality.** All aspects of the project must be designed so that:

**(a)** 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.

**(b)** 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.

***There will be no groundwater or hazardous materials discharged as a result of this project. The installation of a landfill cover system is expected to result in an improvement in the quality of onsite stormwater.***

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

**(3) Aquifer Protection.** 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 not located in an aquifer protection area.***

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

**6. 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 Ordinance.

***The site is located in an area of minimal flooding (Class C) as shown on FEMA floodplain map # 230162 0015 B.***

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

**7. 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 is a letter dated 1-14-17 from the Maine Dept. of Historical Preservation stating that are no historic or archaeological resources on the site.***

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

**8. 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 no exterior lighting proposed for this project.***

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

## **9. Buffering and Landscaping**

- (1) 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.
- (2) 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.

***This project will require that the land be cleared of existing trees and vegetation. The permanent land cover will consist of meadow grass as this is all that is permitted to be grown on the area of the landfill cover.***

***18 evergreen trees will be planted west and east of the landfill closure limits for buffering of the closed landfill and the views of the Public Works facility from abutting properties and roadways.***

***A row of existing trees will be left on the southern perimeter as part of the facilities existing vegetative buffer.***

***A condition of approval is that the Town Engineer inspect the clearing limits prior to the preconstruction conference.***

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

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

***There will not be a significant change to the level of noise onsite following the installation of the landfill cover system and 1 acre gravel compost pad. Current site activities include composting and that will continue onsite after the landfill cover system is installed.***

***Maintenance of the landfill's vegetative cover will require periodic mowing. This will typically occur 2-3 times a year during normal weekday working hours. The construction of the landfill cover system is expected to last for four months. During this period, the site will be potentially active from 7:00 a.m. to 7: p.m. on weekdays and from 8:00 a.m. to 5:00 p.m. on Saturdays.***

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

## **11. 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.

***None of the above wastes will be generated from this project.***

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

**12. 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.

***Financial Capacity: The project will be funded with Town Council approved funds.***

***Technical Capacity: The Town has hired Sevee & Maher Engineers, Inc. to assist with the design and construction of the landfill cover system and the proposed compost pad.***

***Construction and maintenance of the project will be performed by experienced contractors and Town Staff as necessary.***

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

**13. Design and Performance Standards**

**(1) Route 100 Design Standards: Not Applicable**

All development in the Village Center Commercial, Village Office Commercial I and II, and the MUZ Districts shall be consistent with the Town of Cumberland Route 100 Design Standards; in making determination of consistency, the Planning Board may utilize peer review analysis provided by qualified design professionals

**(2) Route 1 Design Guidelines: Not Applicable**

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

**(3) Town Center District Performance Standards: Not Applicable**

All development in the Town Center District is encouraged to be consistent with the Town Center Performance Standards.

**(4) Village Mixed Use Performance Standards: Not Applicable**

All development in the Village Mixed Use Zone is encouraged to be consistent with the VMUZ Performance Standards.

**CONDITIONS OF APPROVAL:**

1. A preconstruction conference shall be held prior to the start of construction.
2. All clearing limits shall be flagged prior to the preconstruction conference and inspected and approved by the Town Engineer.
3. A blasting permit, if blasting is required, shall be obtained from the Code Enforcement Officer prior to blasting.
4. The hours of construction will be Monday through Friday from 7 am to 7 pm and Saturday from 8 am to 5 pm.

Mr. Boivin asked if any materials will be taken off site and how will they be handled. Mr. Diffin replied that no materials will be taken off site.

The Board discussed work on weekends and decided that no work should be conducted on Sundays. The above findings of fact and conditions of approval include this change.

Mr. Boivin questioned the condition of approval related to blasting and asked if this is standard. Mr. Diffin said it is standard and he is fairly certain there will be no blasting.

Chairman Moriarty asked if the cardboard recycling dumpsters will be in use during the construction and suggested that the dumpsters be relocated. Mr. Diffin said they will make this work.

Mr. Saunders moved to approve the findings of fact, as amended, seconded by Mr. Boivin and **VOTED, 7 yeas - unanimous, motion carries.**

Mr. Sherr moved to approve the Site Plan for Wood Waste and Construction Demolition Debris Landfill Closure and Replacement of a 1 acre Gravel Composting Pad. 23 Drowne Road, Tax map R 03, Lot 54 and Map U-10, Lot 7B subject to the limitations of approval, standard conditions of approval and conditions of approval as amended, seconded by Mr. Saunders and **VOTED, 7 yeas - unanimous, motion carries.**

~~**4. TABLED Public Hearing: Recommendation to Town Council to Repeal and Replace Section 315-63 (Signs) of the Cumberland Code. Applicant: Town of Cumberland.**~~ This item was tabled prior to the meeting.

**H. Administrative Matters / New Business:** Chairman Moriarty said that Item 4 on the agenda that was tabled was to discuss the proposed repeal and replacing of the sign ordinance chapter of the Zoning Ordinance. Chairman Moriarty suggested holding a workshop to review the proposed sign chapter changes. The Board agreed to have a workshop on Tuesday, January 31, 2017 at 6:30 pm. Ms. Nixon asked the Board to review the proposed sign chapter in advance and to let her know if there are any legal questions for review by the Town Attorney.

Chairman Moriarty reported that there was a neighborhood meeting earlier tonight regarding the Allen's Farm Subdivision. Ms. Nixon said that she attended the meeting and it was very productive. The meeting lasted about 1 hour and 15 minutes and around 25 people attended. Ms. Nixon reported that the issues centered mostly on buffering and landscaping as well as whether a trail is a necessary part of the plan. The Allen's Farm multiplex should be coming back to the Board for final approval in February, however, the engineer is not 100% certain that it will. Chairman Moriarty asked if there are any new developments on the commercial side of things. Ms. Nixon replied that nothing was discussed at the meeting about the commercial aspect except that the developer stated that the commercial is very much still a part of the plan and he is seeking tenants. Ms. Nixon added that she met with the applicant last week and he indicated that there are several companies that he is hoping will be agreeable to leasing and that the shoe manufacturing facility is almost certainly gone. Mr. Boivin asked if the scope of 3 condominiums is still the same and Ms. Nixon replied yes, it is.

Mr. Boivin asked what is coming up on the next meeting agenda. Ms. Nixon noted that the Board is meeting 1 week later than usual, on February 28, 2017. She suggested having an early start time because the agenda looks to be very lengthy and will likely have Solar Way, Allen's Farm, Spring Valley, the sign ordinance and the sand & salt storage building. Ms. Nixon proposed a 6:30 pm start time.

Chairman Moriarty suggested a site walk on a Saturday morning for Spring Valley and Solar Way subdivisions. Ms. Nixon will look at the extended weather forecast and, if it looks like the snow will be melting, she thinks a winter site walk will be feasible.

**I. Adjournment:** Mr. Sherr moved to adjourn the meeting at 8:05 pm, seconded by Mr. Boivin and **VOTED 7 yeas – unanimous, motion carries.**

A TRUE COPY ATTEST:

---

Stephen Moriarty, Board Chair

---

Christina Silberman, Administrative Asst.