

**TOWN OF CUMBERLAND
PLANNING BOARD MEETING MINUTES
Tuesday, November 21, 2017 - 7:00 pm**

A. Call to Order: Chairman Moriarty opened the meeting at 7:00 pm and noted that Vice Chairman Gerry Boivin is out of town on business tonight and is unable to be here.

Chairman Moriarty noted that a 6 pm workshop originally scheduled for tonight was canceled. Item #2 on the agenda for an amendment to the Village Green site plan and subdivision has been tabled.

Chairman Moriarty reported that in the first published edition of the Annual Town Report the Planning Board information did not appear. The report has been reprinted with the Planning Board information and is now available.

B. Roll Call: Present: Steve Moriarty - Chair, Paul Auclair, Jeff Davis, Joshua Saunders, Peter Sherr & Teri Maloney-Kelly. **Staff:** Carla Nixon - Town Planner & Christina Silberman - Administrative Assistant. **Absent:** Gerry Boivin.

C. Approval of Minutes of the October 17, 2017 Meeting: Minor corrections to the minutes were noted. Mr. Saunders moved to approve the minutes of the October 17, 2017 meeting as amended, seconded by Mr. Sherr and **VOTED, 5 yeas, 1 abstained (Maloney-Kelly) - motion carries.**

D. Staff Site Plan Approvals: None.

E. Minor Change Approvals: None.

F. Hearings and Presentations:

1. Public Hearing: Preliminary Major Subdivision Review: Orchard Rd. 10 Lot Residential Subdivision, Tax Map R08, Lot 59 in the Rural Residential 2 zoning district. Owner and Applicant: TZ Properties; Representative: William Haskell, P.E., Gorrill Palmer Consulting Engineers.

Will Haskell, Gorrill Palmer, said he is representing TZ Properties. Mr. Haskell reported that he came before the Board in mid-July with a sketch plan for this project. The applicant purchased the property at the end of July, 2017. Mr. Haskell confirmed that this application is for tax map R08, lot 59 and noted that the wrong lot number was used with the sketch plan and on the preliminary application.

Mr. Haskell displayed a plan of the parcel and said it is about 24.9 acres in the RR2 District. The parcel is mostly abutted by residential uses and there is an apple orchard on the westerly side. Moving forward with a cluster design was discussed at the sketch plan level. Nine lots were shown in the sketch plan and the proposal is now for 10 lots along a new road coming in off Orchard Road. The new road will be 1,400 to 1,500 feet long. Mr. Haskell said that he is working with an abutter on a land swap that would allow for a better configuration of lot #10.

Mr. Haskell identified the 75' no cut buffer proposed to go around the back of the lots. The south side of the lots will have the bulk of the open space land which will be a little

over 8 acres or about 32%. Several stormwater management basins, that are basically underground soil filters, are proposed within the open space for the drainage from the road. The project will require a stormwater permit from Maine DEP. Other permitting will be required including a culvert crossing over a stream that Mr. Haskell identified on the plan. Mr. Haskell said they will be seeking a Maine DEP permit by rule as well as an application to the Army Corp. of Engineers. Mr. Haskell reported that there is a non-significant vernal pool within the proposed open space that is not jurisdictional as far as DEP is concerned but the Army Corp. of Engineers requires a permit application for this.

Chairman Moriarty asked what the difference is between a non-significant vernal pool and a significant one. Mr. Haskell replied that DEP classifies two different types of vernal pools, significant and non-significant and it depends on the number of egg masses and creatures that are in the pools. Mr. Haskell said that TRC is the wetland consultant that went out in May of this year and did an analysis of the vernal pools and delineated the wetlands. TRC determined there is a non-significant vernal pool.

Chairman Moriarty asked if the Army Corp. has a higher standard than DEP. Mr. Haskell replied that the Army Corp. doesn't differentiate between significant or non-significant vernal pools. When there is a vernal pool, the Army Corp. requires that they go through a permitting process. Mr. Haskell clarified that they do not need to submit a permit to DEP for the vernal pool but they do have to submit one to the Army Corp.

Mr. Haskell said that with a cluster development the minimum lot size is 60,000 sf and the lots on this plan range from 60,276 sf up to 77,000 sf. Mr. Haskell said that a nice feature of the plan is that there is open space along both sides of the road going out to Orchard Rd. A comment received during the sketch plan was from an abutter across the street concerned with whether the road would line up with her house. Mr. Haskell showed on the plan that the new road will be well offset from her house so headlights will not shine into her living room window. Mr. Haskell said they have measured the sight distance and with some minimal brush clearing along the frontage they will achieve over 350' of sight distance to the left and to the right. The speed limit along this section of Orchard Rd. is 35 mph.

Mr. Haskell said there is no public water or public sewer in this area so there will be individual wells and septic systems. A hydro geologic study was done. Test pits were done on each lot to confirm adequate soils for the septic systems. The study shows the nitrate plumes as part of the application. Mr. Haskell said he does not anticipate any issues regarding comments from the Peer Review Engineer relative to the nitrate plumes. There is an adequate water supply here for the wells. A consultant took a water sample from an abutters' well and the results show that the arsenic levels were below detectable limits and the nitrate levels were within State drinking water limits.

Mr. Haskell said that there were some comments from the Peer Review Engineer regarding stormwater and concerns about the size of the treatment basins proposed in the open space area. DEP requires that the developer meet a stormwater quality standard and the Town requires a pre vs. post stormwater quantity standard. Mr. Haskell said to achieve this, the proposal is to have 2 underdrain soil filter basins located in the open space area to collect the water from the roadway and the runoff from some of the lots. Mr. Haskell noted that if the area for the ponds were excluded

from the open space area calculations, the project would still have adequate open space to meet the cluster subdivision requirements.

Mr. Haskell said that the proposed land swap with the abutting Davis lot would bring the lot in line with the neighboring Neagle lot and make the proposed lot 10 more usable with a larger building envelope. Mr. Haskell noted that the land swap was not submitted with the application and he displayed a plan of the lot with the land swap shown. The land swap has not been formally completed yet.

Mr. Haskell said that several waivers are noted in the application and the Peer Review Engineer did not indicate any concern with them. One waiver requests not having to depict trees greater than 10" in diameter or larger. Mr. Haskell said that based on the amount of open space, there will be a fair amount of tree cover left on the parcel. A waiver has been requested for the high intensity soil survey and to show the soil boundaries on the plot plan. A waiver has been requested on showing the building locations.

Chairman Moriarty noted that the land swap is in the works and asked if this will impact the location of the access road or any of the other lots apart from lot 10. Mr. Haskell said no.

Mr. Sherr asked if the building envelope for lot 10 would be adjusted if the land swap is agreed to. Mr. Haskell said the land swap would allow the building envelope to be shifted closer to the road.

Mr. Auclair noted that Mr. Haskell mentioned that the nitrogen findings were not a problem but there are comments that the homes are limited to 3 bedrooms. Mr. Auclair asked what happens if somebody wants a larger house. Mr. Haskell said that the nitrate plumes shown in the application were based on 3 bedrooms and they are looking at what the impacts would be if there were 4 bedrooms or a larger house. Mr. Haskell said there may be a lot or two that will be restricted to 3 bedrooms. Mr. Haskell added that if larger homes are proposed, they will have to do a new calculation. Mr. Haskell said additional information on this will be submitted with the final application.

Mr. Saunders asked why the 75' buffer does not extend around the whole property on the plan. Mr. Haskell explained that one side will be all open space and that is restricted anyway and he interpreted the buffer requirement to be around the clustered lots. Mr. Haskell said he can show a no cut buffer here. Ms. Nixon said it does need to be shown.

Mr. Saunders said that right now, there is not a right, title and interest to do what has been shown and the Board cannot approve the plan without right, title and interest. Ms. Nixon agreed.

Ms. Nixon said that the Board can act on the waivers which may help them move forward with the final design. The Board can provide comments and hold a public hearing and table the preliminary approval.

Chairman Moriarty opened the public hearing.

Chris Neagle, 76 Orchard Rd., said he respects the developer's right to do this project. Mr. Neagle hopes there is clarity in terms of specific tree cutting and vegetation clearing

limits similar to a conservation easement in the 75' buffer so owners are clear about removing dead and dying trees, etc. Mr. Neagle said that it is important that there is someone to enforce the restrictions aside from the property owners. Mr. Neagle noted that Zack Davis is his new neighbor. Mr. Neagle said there is an old Studebaker on his rear lot line and he would like to have a junk guy come and drag it away. Mr. Neagle noted that the lot 10 building envelope is small and narrow so the land swap will work better.

Zack Davis, 74 Orchard Rd., identified his lot on the displayed plan and said the land swap has been a point of conversation and he thinks it will get agreed to between himself and the applicant.

Mr. Neagle said that he believes that part of the land swap includes the applicant planting some trees as a buffer. Mr. Haskell said there will be some tree planting as screening for the road whether it is within the open space, on the property line or on the land swapped to Mr. Davis.

Chairman Moriarty closed the public hearing.

The Board reviewed the requested waivers. Mr. Saunders confirmed that the waiver requested for showing the building locations on the plan is for the actual location of the building and not for showing the building envelopes on the plan and Mr. Haskell agreed. There was consensus of the Board that the waivers will be acceptable.

Mr. Saunders noted two corrections to the proposed findings of fact under #5 - traffic with a spelling correction to the word "sight" and to remove reference to "two" exit locations because there is only one. Mr. Saunders asked if the exit meets sight distance and Mr. Haskell replied that with some brush clearing it will.

Chairman Moriarty noted that there are still some permits that need to be obtained and Mr. Haskell said this is correct. Chairman Moriarty asked when Mr. Haskell anticipates filing and receiving the permits. Mr. Haskell said that there is a meeting with DEP the week after this week and applications will be submitted shortly after this. Chairman Moriarty asked if applicants have to obtain necessary permits in order for the Board to have preliminary plan approval consideration and Ms. Nixon said they do not.

Mr. Sherr noted that the biggest hang up for the Board tonight is the land swap. Mr. Sherr added that there should be a more complete plan showing the 75' buffer. There were comments heard tonight regarding what can and can't be done in the buffer and who will maintain the buffer. Mr. Sherr added that the land swap and the permits need to be taken care of.

Mr. Sherr moved to table the item, seconded by Mr. Saunders and **VOTED, 6 yeas, unanimous - motion carries.**

~~2. TABLED Public Hearing: Amendment to the approved Site Plan and Subdivision for Village Green to add four (4) additional lots, Tax Map U10, Lot 1-B and to revise stream setbacks and buffers for two (2) lots, Tax Map U10, Lots 7-B 47 & 7-B 53. Owner and Applicant: Village Green Cumberland, LLC; Representative Stephen Bushey, P.E., Stantec Consulting Services.~~ This item was tabled prior to the meeting.

3. Public Hearing: Amendment to an approved site plan: West Cumberland Manufacturing Facility - Casco Systems, 193, 195 & 197 Gray Rd. & Tammy Ln., Tax Map U20, Lots 70 A, 70 E, 73 & 74. Owner and Applicant: Green SIP Construction Inc./Grun Development LLC.

Chairman Moriarty introduced the item.

Ms. Nixon said that this request is for an amendment to an approved site plan. The applicant has an agreement with a company to occupy a building once it is constructed. The building size as approved by the Planning Board is proposed to be enlarged because the future owner needs more space. The proposal is to enlarge the building from 13,000 sf to 20,376 sf.

Chairman Moriarty noted that the Board has significant past history with this project and the various condominium units. This item focuses on one of them.

Jim Schmidt, for Green SIP Construction, said he is here with Marlene Eaton - owner of Green Sip, Anthony DeRice - Construction Coordinator, Kevin Mahoney - Casco Systems, and Tom Saucier, P.E.

An example of what was approved in April compared with what is being proposed tonight with the expansion of the building size and alterations to the parking area was displayed. Chairman Moriarty noted that Casco Systems is a current business in Town and he gave some information on the company. Chairman Moriarty said that the front of the building will be in the same location and the building will be expanded in the back toward Tammy Lane.

Mr. Schmidt reviewed the proposed changes to the building and parking area. Parking lot islands are proposed to be added with landscaping. Mr. Schmidt noted that the amount of asphalt used in the parking lot will be reduced. Even though the building will be larger, the impervious area will be the same. Mr. Schmidt said that when the proposal was for a shoe factory, the septic system was designed for 96 people and is now proposed to be reduced in size for up to 50 people. A brick walkway is now proposed along the front of the building. A propane storage tank was part of the original proposal and this is no longer needed because natural gas is now available and will be used to heat the building. Two catch basins are proposed to be added in the parking lot. The prior plan had minimal landscaping along the border with the Copp property which will be enhanced to allow for light into the building and will provide a visual break to the property next door. Mr. Schmidt said that storm water management is identical to the original plan. The impervious surface area will be about 200 sf less than with the old plan.

Chairman Moriarty asked if the number of parking spaces has changed. Mr. Schmidt said that the original submission was designed for the shoe factory and that had 94 spaces with no landscaping. The number of spaces has dropped to 72, which will be more than enough for the new employee count, and adds landscaping.

Mr. Auclair asked if there is a ready to serve letter from Portland Water District and Mr. Schmidt said yes. Mr. Auclair asked about the Maine DEP permit and Mr. Schmidt said he has both the land use and stormwater permits. Chairman Moriarty asked if Mr. Schmidt is awaiting any permits and Mr. Schmidt said no.

Kevin Mahoney, Casco Systems President, said they are an engineering firm. They moved into a building on Route 9 in 2011 and have grown from 5 to 35 employees. Casco Systems has two locations in Maine and a couple of out of state offices across New England. Mr. Mahoney said there are plans to grow into this new building rapidly and this building is a key component to their growth. Mr. Mahoney said all of the workers are professional knowledge workers and are primarily professional engineers and computer scientists in the power industry.

Chairman Moriarty opened the public hearing.

Bill Shane, Town Manager, said the Town is very excited to have Casco Systems here. Mr. Shane said the letter of commitment and the financing are all in place. Mr. Shane noted that all of the work that has been done so far was approved previously. Mr. Shane said he has been working closely with the contractor on site and they have hired some quality oriented folks and there is a great team on site. Mr. Shane said he thinks this project will be a catalyst for growth for the Route 100 corridor.

Chairman Moriarty closed the public hearing.

Chairman Moriarty asked if they need to go through the entire site plan approval process with the findings. Ms. Nixon said most of the findings have not changed and she does not think it is necessary to go through each one.

Mr. Saunders moved to approve the findings of fact as written, seconded by Mr. Davis and **VOTED, 6 yeas, unanimous - motion carries.**

Chapter 229 – SITE PLAN REVIEW

SECTION 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.

10.1 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.

There are no known environmentally sensitive areas on the parcel. The site is not located within habitat for rare and endangered plants and animals, or significant wildlife or fisheries habitat. The site is located over a significant sand and gravel aquifer. The site has been designed to provide open space which will allow for natural recharge of the aquifer. A sand and gravel aquifer map of the area, and response letters from the Maine Natural Areas Program, US Fish and Wildlife and the Maine Department of Inland Fisheries and Wildlife were included in the original submission. Based on the above findings of fact, the Board finds the standards of this section have been met.

10.2 Traffic, Circulation and Parking

10.2.1 Traffic Access and Parking: Vehicular access to and from the development must be safe and convenient.

10.2.1.1 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.

10.2.1.2 Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.

10.2.1.3 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.

10.2.1.4 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. **10.2.1.5** 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.

10.2.1.6 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.

10.2.1.7 Access ways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.

10.2.1.8 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 access ways must not exceed sixty (60) feet.

10.2.2 Access way Location and Spacing: Access ways must meet the following standards:

10.2.2.1 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.

10.2.2.2 Private access ways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

10.2.3 Internal Vehicular Circulation: The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

10.2.3.1 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.

10.2.3.2 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).

10.2.3.3 The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.

10.2.3.4 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.

10.2.4 Parking Layout and Design: Off street parking must conform to the following standards:

10.2.4.1 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.

10.2.4.2 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.

10.2.4.3 Parking stalls and aisle layout must conform to the following standards.

Parking Stall

Skew

Stall

Aisle

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

10.2.4.4 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.

10.2.4.5 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.

10.2.4.6 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.

10.2.5 Building and Parking Placement

10.2.5.1 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.

10.2.5.2 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.

10.2.6 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.

A paved access drive is proposed to enter the site from Route 100. The change of use from manufacturing to office, and a decrease in anticipated employees, results in a lower trip generation than was previously approved. The updated numbers for the currently proposed project is forecast to generate 40 and 38 AM and PM peak hour trip ends respectively. This level of trip generation does not require a Maine DOT traffic movement permit. A Traffic Study was conducted and included in the original submission A Maine DOT Entrance Permit was included in the original submission. Sight distances at the site driveway exceed the Town and Maine DOT requirements. The crash data indicates that there are no high crash locations in the immediate vicinity. The off street parking area conforms to the Town of Cumberland parking standards and provides for safe vehicular circulation. Based on the above findings of fact, the Board finds the standards of this section have been met.

10.3 Stormwater Management and Erosion Control

10.3.1 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.

10.3.1.1 To the extent possible, the plan must retain stormwater on the site using the natural features of the site.

10.3.1.2 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.

10.3.1.3 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.

10.3.1.4 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.

10.3.1.5 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.

10.3.1.6 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.

10.3.1.7 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.

10.3.2 Erosion Control

10.3.2.1 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.

10.3.2.2 Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 1991, and as amended from time to time.

A complete stormwater report was included in the original submission and was revised for this amendment. The updated report showed no increase in stormwater runoff as a result of this building expansion because additional landscaped parking islands have been included. An erosion control report was included in the original submission.

Based on the above findings of fact, the Board finds the standards of this section have been met.

10.4 Water, Sewer, Utilities and Fire Protection

10.4.1 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.

10.4.2 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.

10.4.3 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.

10.4.4 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 requirement of the Town's Fire Protection Ordinance.

No changes to the site's water, sewer or fire protection are proposed. Ability to serve letters were included in the original submission. An updated HHE-200 Septic system design was included in the application.

Based on the above findings of fact, the Board finds the standards of this section have been met.

10.5 Water Protection

10.5.1 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 project will not produce 2,000 gallons or greater per day of wastewater. Storage of fuels or chemicals is not anticipated.

10.5.2 Water Quality: All aspects of the project must be designed so that:

10.5.2.1 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.

10.5.2.2 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. ***There is no outdoor storage of petroleum products. Underground propane tanks are not part of this amendment.***

10.5.3 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 located within the Town Aquifer Protection Area, but the plan for an office building with a septic system will not adversely affect the aquifer.

Based on the materials included in the application, the Board finds that the standards of this section have been met.

10.6 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 provisions.

The site is not located within a floodplain. See Attachment 11 for a FEMA Flood map of the area.

Based on the above finding of fact, the Board finds the standards of this section have been met.

10.7 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.

A letter from the Maine Historic Preservation Commission was included with the original submission.

Based on the above finding of fact, the Board finds the standards of this section have been met.

10.8 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.

A lighting plan was included in the original submission. No changes are proposed.

Based on the above findings of fact, the Board finds the standards of this section have been met.

10.9 Buffering and Landscaping

10.9.1 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.

10.9.2 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.

A landscaping plan is included in the original submission a revised plan showing new landscaped parking islands was submitted. A 25' landscaped easement is provided along the Route 100 property line as required by Route 100 Guidelines.

Based on the above findings of fact, the Board finds the standards of this section have been met.

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

Potential point source generators of noise are the heating and ventilation equipment and delivery trucks.

With these design considerations it is not anticipated that this development would generate excessive noise beyond the limits of the site.

Development maintenance activities may produce elevated noise levels periodically. The noise could come from, but is not limited to, the operation of lawn mowers, snow removal equipment, and sweeper/vacuum trucks. The buffer areas provided are expected to minimize noise impact on adjacent properties. There will be a period of time during the construction phase that may create elevated noise levels compared to normal operation of the development, but will not be permanent noises associated with the development. Anticipated noises that could possibly occur during construction could come from, but are not limited to, equipment noise.

It is anticipated that no adverse impact will occur on the surrounding area.

Based on the above findings of fact, the Board finds the standards of this section have been met.

10.11 Storage of Materials

10.11.1 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.

10.11.2 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.

10.11.3 Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition.

There is no outdoor storage of petroleum products.

Based on the above findings of fact, the Board finds the standards of this section have been met.

10.12 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.

Technical Ability: *Grun Development, LLC has retained a licensed land surveyor, a professional engineer and licensed landscape architect to prepare plans and the application.*

Financial Capacity: *Has been met through provision of a letter of credit.*

Based on the above findings of fact, the Board finds the standards of this section have been met.

10.13 Design and Performance Standards

10.13.1 Route 100 Design Standards: 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.

The project is subject to the Route 100 Design Standards.

Compliance with Route 100 Design Standards: The development will be in general compliance with the Route 100 Design Standards. Specifically, the development has been designed by a licensed Civil Engineer to provide the qualities desired by the Design Standard. The proposed building has been set back from Route 100 which along with existing and proposed vegetation will provide a visual buffer to the Route 100 corridor. The building architecture consists of gabled roofs and clapboard siding. Building elevations are included in. Since the proposed development footprint is compact, open space has been provided around the development. The large open space onsite provides for ample area for snow storage. Erosion and sedimentation control will be in accordance with the MDEP BMP's. Stormwater runoff will be controlled through a level lip spreader... Municipal water service will be utilized for the development. Electrical, telephone, and cable service will be underground to minimize visual distractions along the Route 100 corridor. The onsite lighting will be fully shielded to limit light trespass. The minimum illumination required to provide safe lighting levels at the building has been provided.

1. 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 entire parcel has been master planned to be built out in three phases. All future parking areas and building locations are shown on the master plan.

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 professional civil engineer and licensed landscape architect designed the revised plan.

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: There is an MDOT Entrance Permit on file.

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: There are no changes to the access points approved in the previous plan.

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: The revised site plan illustrates the above requirements.**

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: N/A

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: There were no changes to the previous plan. The building sits perpendicular to Route 100, however the design of the master plan shows that the site will feature multiple buildings facing one another with shared parking in the middle.

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: The façade facing Route 100 is interesting and attractive.

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: The location of the building is consistent with the setback of other buildings along the corridor.

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: All ADA requirements will be complied with.

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: The parking areas feature landscaping, lighting and walkways.

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: Parking is located to the side and rear of the building.

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: The above landscaping elements have been incorporated into the site 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: There is ample area for snow storage within the site.

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: The amount of proposed parking is consistent with this requirement.

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 dumpster is located to the rear of the building and will be fenced.

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: The above elements have been incorporated into the site plan.

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: The above elements have been incorporated into the site plan.

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: Considering that the adjacent land will be developed and may include more open space, this objective has been met.

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: The above elements have been incorporated into the site plan.

1.7.2 Landscaping: Where there are trees in the 25' 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: The above elements have been incorporated into the site 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: The above elements have been incorporated into the site plan.

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: The above elements have been incorporated into the site plan.

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: The above elements have been incorporated into the site plan.

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: The erosion and stormwater management plan has been reviewed and approved by the Town Engineer and will require Maine DEP permitting; receipt of the MDEP permit is a condition of approval.

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: Utilities will be underground from Route 100

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: Project will connect to public water located along Route 100. There is no sewer availability.

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: Utilities will be underground from Route 100

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 "capes" 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: These elements have been incorporated into the design of the building.

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: These elements have been incorporated into the design of the building.

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: These elements have been incorporated into the design of the building.

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: These elements have been incorporated into the design of the building.

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: These elements have been incorporated into the design of the building.

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: These elements have been incorporated into the design of the building.

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: These elements have been incorporated into the design of the building.

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: These elements have been incorporated into the design of the building.

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: These elements have been incorporated into the design of the building.

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: These elements have been incorporated into the design of the building.

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: These elements have been incorporated into the design of the building.

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: These elements have been incorporated into the design of the building.

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: These elements have been incorporated into the design of the building.

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: These elements have been incorporated into the design of the building.

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: *These elements have been incorporated into the design of the building.*

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: *These elements have been incorporated into the design of the building.*

2.4.2 Franchise Design: 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.

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.

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.

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: *The sign location is depicted on the site plan. Sign design will be in conformance with these standards at time of sign permit application.*

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: *This has been met.*

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: *Sign design will be in conformance with these standards at time of sign permit application.*

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: *Sign design will be in conformance with these standards at time of sign permit application.*

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: *Sign design will be in conformance with these standards at time of sign permit application.*

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: *N/A*

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: *Sign design will be in conformance with these standards at time of sign permit application.*

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: N/A

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: TBD

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.

FINDING: These elements have been incorporated into the design of the building.

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: These elements have been incorporated into the design of the building.

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 complement the architecture.

FINDING: These elements have been incorporated into the design of the building.

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: These elements have been incorporated into the design of the building.

Mr. Saunders moved to approve the amendment to the site plan for West Cumberland Manufacturing Facility / Casco Systems, 193, 195 & 197 Gray Rd. & Tammy Ln., Tax Map U20, Lots 70 A, 70 E, 73 & 74 subject to the Limitation of Approval, the Standard Condition of Approval and the six proposed Conditions of Approval, seconded by Mr. Davis and **VOTED, 6 yeas, unanimous - motion carries.**

Conditions of Approval:

1. All outstanding fees shall be paid prior the issuance of a building permit.
2. Demolition permits will be acquired at least 10 days prior to the date of demolition.
3. A preconstruction conference shall be held prior to the start of building construction.
4. There shall be no indoor or outdoor storage of any hazardous materials.
5. The applicant shall obtain a sign permit from the Town of Cumberland that shows consistency with the Route 100 Standards.
6. The applicant shall comply with all state and local fire regulations.

4. Public Hearing: Recommendation to the Town Council to amend the Town of Cumberland Zoning Ordinance Chapter 315, Section 28.4B - Senior Housing Community (SHC) Overlay District.

Mr. Shane noted that there are some small changes to be made to the proposal related to lot standards. The proposal is to add some additional uses to the Senior Housing Overlay District. On Monday night the Town Council is considering a Tax Increment Financing District. Adding some additional commercial type uses will help the cause at the Department of Economic and Community Development. This also allows for some additional amenities on existing sites including the OceanView Falmouth property and the town owned parcel across the street.

Mr. Shane said that the significant changes to the proposal are for the OceanView parcel which doesn’t have standard property lines and is a little confusing with the setbacks. Town Attorney Alyssa Tibbetts is here to answer questions.

Mr. Shane said the access roads into both the OceanView and the Town owned properties will be skinny roads and to provide a 50' buffer around the boundary lines would be virtually impossible when you consider the 50' right of way also. This proposal is for the buffer to be around the perimeter of the subdivision but not around the access road into the property. Mr. Shane noted that the intent was not to buffer the access road but the original language, from a technical standpoint, does imply that.

Mr. Shane said another change is to have smaller road standards because the subdivision road standards are very large. The proposed road standards are identical to what is in Village Green. Mr. Shane said that the access roads would be the larger roads with smaller feeder roads into the neighborhoods.

Mr. Shane said that the last change is to keep with the New England architecture style.

Mr. Shane noted that adding the Godsoe property on Greely Road is not a part of these proposed changes.

Mr. Auclair asked if the lots are delineated yet on the property (OceanView) and Mr. Shane said they are not. Mr. Shane said at the OceanView sketch plan they showed two finger roads into the parcel and there were no lot lines, it is just one big parcel.

Mr. Shane said the proposal is for the access roads into the site to be primarily for access to get into the development for utilities as well as the main road in.

Mr. Sherr asked if Mr. Shane considered a smaller buffer for the roadways and clarified that the proposal is just for the overlay district. Mr. Shane confirmed this would be just for the overlay district. Mr. Sherr also asked if the access road buffer is something that could be done through a waiver. Mr. Shane said he is not sure if the buffer for access roads could be waived. Mr. Sherr said it does make sense for the overlay district.

Mr. Saunders asked if buffering of access roads is currently required in our Zoning Ordinance. Ms. Nixon replied yes.

Mr. Sherr said the proposal makes sense and requiring a 50' buffer around the road doesn't make sense. There could be some screening for neighbors and not require a full 50' buffer. Mr. Saunders said there may be a case where you would need to provide some amount of buffer for the road. Mr. Sherr confirmed that around the actual development and the lots there will still be a 50' buffer and Mr. Shane said this is correct.

Mr. Shane noted changes to lot standards under section D.1 are that no structure would be located within 25' from the edge of pavement and that no structure be located within 20' from any other structure to agree with what is listed under Building Standards, section E.2. Mr. Shane noted that these will not be public streets, they will be private and maintained by a private company.

Mr. Davis asked if sidewalks will not be required. Mr. Shane said the sidewalk on Tuttle Rd. will eventually be extended to Twin Brook. Mr. Davis noted that under the roadway standards for paved sidewalks it notes "N/A". Mr. Shane said this is an oversight. A sidewalk is not required on the smaller side streets but will be required on the main access road. Mr. Shane said this will be clarified. Mr. Shane noted that there is a requirement for a turn around on a dead end and this will be corrected.

Mr. Saunders referenced section D.6 which indicates that no buffer shall be required where the Senior Housing Community abuts Map R04, Lot 41. Mr. Shane said this is Val Halla. Mr. Saunders said his concern with this is that it may not be Town owned land forever. Mr. Saunders noted at the bottom of section D.6 it states that buffering may also be accomplished on an adjacent property by easement or deed restriction. Mr. Saunders asked if the part about "Town owned land" could be stricken so it would state that the Town could grant an easement if they so choose to. Mr. Shane said this would accomplish the same thing.

Mr. Saunders clarified that he prefers to strike the part that states the buffer is not needed if it abuts town owned land or abuts the golf course and just allow the buffer to be by easement or deed restriction. Mr. Saunders said that if this is not in the current Subdivision Ordinance, he would like the Town to consider this in the future. Mr. Shane said he will clean up the language for this.

Mr. Sherr agreed that the buffer could be provided by an adjacent land owner by easement or deed restriction. The buffer still has to be there whether it is on the property or on an abutter's property.

Mr. Shane said the golf course in many instances is trying to remove shaded trees from greens and tees and it becomes a hindrance if there is a planted buffer where there wasn't one in the past. Mr. Saunders said there is nothing to say that the Board cannot waive the buffering requirement if needed. Mr. Saunders wondered what will happen if Val Halla is sold and developed and there is no buffer. Mr. Shane said he wants to be careful around the golf course not to add additional buffer.

Mr. Shane said the biggest issue is with the Godsoe piece in the future that would be phase 2 of OceanView. This would connect to the infrastructure in phase 1. When an access road is put in to connect the two parcels, the buffer would be related to the access road so they wouldn't have to buffer the access connector road. Mr. Saunders said the proposal is to not require a buffer along access roads.

Town Attorney Alyssa Tibbetts said that her impressions from having worked on this with Mr. Shane with respect to the two particular provisions being proposed is that the Val Halla parcel was called out in particular prior to any discussion about access roads not requiring buffering and this is why the language is there. There was some discussion about the potential project on the Town owned parcel that abuts the Town Forest and whether additional buffering is really necessary being adjacent to the Town Forest. Ms. Tibbetts said that the language to allow an easement from an abutting property satisfies any potential issues for buffering on the Town owned parcel. Ms. Tibbetts said that with the Board's recommendation to draft language on access roads specifically on buffering, the provision regarding no buffer requirement along Val Halla or any other Town property is no longer necessary. The real issue to address is the buffering on access roads.

Mr. Sherr reported that Chairman Moriarty left the meeting briefly and he will take over as Acting Chair for the moment.

Mr. Sherr summarized the changes. The turn around will be added to the language. The sidewalk will be put back in. The buffer on the access roads will be excluded. The

distance between buildings and the road will be 25 feet. The distance between buildings will be 20 feet.

Ms. Maloney-Kelley asked why the change on the distance between the buildings is proposed. Ms. Maloney-Kelley said she thinks 20 feet is too close.

Chairman Moriarty returned to the meeting.

Mr. Shane noted that if the language states 30 feet between buildings in section D.1, this needs to be changed under section E.2 also. Mr. Saunders said he is okay with 20 feet.

Chairman Moriarty opened the public hearing.

Lucia Stancioff, 267 Tuttle Rd., said she appreciates the amendment for New England style architecture. Ms. Stancioff said she went to the meeting where they discussed the Town Forest land and she is concerned with the buffering section. She agrees with Mr. Saunders that it makes more sense to address buffering for Val Halla with a waiver. Ms. Stancioff would like the Board to remove the language about the buffer against Town owned land. Ms. Stancioff noted another change proposed is for the lot where it sets next to the road to be 100' and this amendment reduces this. Ms. Stancioff said she understands the changes are just for the overlay but it opens up a potential for developers to say in the future that this happened here and we would like to do this too. Ms. Stancioff expressed concern with private roads becoming public. Ms. Stancioff is also concerned with stormwater runoff, especially where access roads go through wetlands.

Mr. Shane responded that the public/private road piece is up to the Town Council under the Road Acceptance Ordinance.

Rick Doane, Catalpa Ln., said the language posted on the Town website under section D.1 for the distance between buildings notes "or development boundary line". Based on this language, there could be a building within 30' of the boundary line which conflicts with the 50' buffer discussed in section 6.

Ms. Tibbetts responded that the buffer applies. In this scenario there is no likely possibility that a structure can be located within 30' of the boundary lines. Ms. Tibbetts said it is her opinion that the buffering provision trumps setback requirements. Ms. Tibbetts said this language was in regards to the Town property where if the buffer is the Town Forest, a structure could be 30' from that boundary. Ms. Tibbetts said language could be added to specify that the 50' buffer trumps any setbacks. Mr. Saunders agreed.

Mr. Doane said in section D.6 on buffering there was an earlier version that seemed to say that roadways, paths and whatnot could be located within the buffer and this language seems to have changed in what is being proposed now to state "except as required for purposes of installing or connecting utilities, roads and trails. Mr. Doane said there is diminished value in a buffer if a road is run up through it and he asked for clarity on this language.

Mr. Saunders said based on the proposed language, there could be a road right up the buffer. Mr. Saunders suggested there be language saying that the buffer is not

intended to be a roadway. Ms. Tibbetts said the language with respect to what is potentially allowed to be in or excluded from the buffer needs to be clarified in this section.

Mr. Doane said personally he would like to see any parcel to be developed responsible for its own buffering and if they can negotiate with an abutting land owner and the Town accepts it that is great. On the parcel next to the Town Forest, Mr. Doane would like to see the 50' buffer. Mr. Doane would like clarity in the language for access roads.

Chairman Moriarty closed the public hearing.

Chairman Moriarty asked what the Town's time table is on this issue given all the various points raised tonight. Mr. Shane said he would like to proceed and move forward with a recommendation.

Mr. Saunders noted that the New England architectural style language seems far too loose or far too tight depending on interpretation. Mr. Saunders suggested using the language from the Route 100 building types. Ms. Nixon said she doesn't think this is necessary. New England traditional architecture is defined in many places. Ms. Nixon said the language could refer to the design standards as a reference point or add a definition in the overlay ordinance. Ms. Tibbetts said she would be happy to cross reference another section of the ordinance rather than adding the language.

Chairman Moriarty asked if the Board would like any changes in the proposed language under section C for permitted uses. No changes were recommended. Mr. Auclair moved to recommend subsection C as written, seconded by Mr. Davis and **VOTED, 6 yeas, unanimous - motion carries.**

The Board reviewed Section D for lot standards. The Board would like language added for the buffering so that whichever is more stringent applies whether it is 30' from the boundary line or 50' for the buffer. The Board recommends language under D.1 as follows; the distance between a structure and the paved edge of the road be 25 feet, the distance between structures be 20 feet and the distance between a structure and the boundary line be 30 feet or outside of the 50' buffer, whichever is more restrictive. In section D.6 the Board recommends that the first sentence in blue be stricken which states "No buffer shall be required where the Senior Housing Community abuts Map R04, Lot 41 or where adjacent to land owned by the Town provided such adjacent Town-owned land includes a sufficient buffer." Mr. Saunders moved to recommend approval of subsection D, as amended, and subsections E, F, G and H as written, seconded by Mr. Sherr and **VOTED, 6 yeas, unanimous - motion carries.**

The Board reviewed section I for road standards and recommend that the requirement for a paved sidewalk on one side of the primary access road be added. The Board recommends that reference to the dead end turn around be stricken so the requirement will fall to the subdivision standard which requires a hammerhead turn around for dead end roads. Mr. Saunders moved to recommend to Town Council the language of subparagraph I as amended, seconded by Mr. Davis and **VOTED, 6 yeas, unanimous - motion carries.**

The Board reviewed section 315-60.1.A for design standards. Mr. Sherr moved to recommend the proposed language for section 315-60.1.A with the addition of the

phrase “as defined further in section 2 of the Route 100 Design Standards” to the last sentence, seconded by Mr. Saunders and **VOTED, 6 yeas, unanimous - motion carries.**

G. Administrative Matters/New Business: The Board discussed use of the iPads. One thing that would be helpful is for the Board to have paper copies of the agendas for the Board to refer to. Mr. Saunders referred to the reduced amount of paper recycling there is and said he is a fan.

Ms. Nixon asked about attendance for the next meeting on December 19th and no one indicated that they could not attend. Ms. Nixon reviewed possible items for the next meeting and noted that it could be a full agenda.

Chairman Moriarty asked if Ms. Nixon anticipates a workshop on the Conservation Subdivision and Ms. Nixon said she does not think it will be ready.

Mr. Auclair asked if the meeting ever starts earlier than 7 pm when it will be a long meeting. Chairman Moriarty said the Board has only done this for workshops in his experience. Ms. Nixon noted that it is hard for some Board Members to attend prior to 7 pm. Mr. Auclair said he isn't sure how effective the Board is after 10 pm. Ms. Nixon said that in the past, the Board has had two meetings in a month if needed. Chairman Moriarty referred to the Cinderella rule to not start anything new after 10 pm and said that the Board has let this slip a number of times. Mr. Sherr said this is up to the Board. Mr. Sherr said that the Town goes through the exercise of advertising and notifying abutters and folks come to the meeting and he feels the Board has an obligation to hear the item.

Ms. Nixon reported that Teri Maloney-Kelly has chosen not to continue to serve on the Planning Board after the December meeting. Fellow Board members expressed that they will be sorry to see Ms. Maloney-Kelly go.

H. Adjournment: Mr. Saunders moved to adjourn the meeting at 9:26 pm, seconded by Mr. Davis and **VOTED, 6 yeas, unanimous - motion carries.**

A TRUE COPY ATTEST:

Stephen Moriarty, Board Chair

Christina Silberman, Administrative Asst.