

TOWN OF CUMBERLAND
PLANNING BOARD MEETING MINUTES
Tuesday, April 18, 2017 - 7:00 pm

A. Call to Order: Chairman Moriarty called the meeting to order at 7:00 pm and noted that Peter Sherr is not able to attend tonight. Gerry Boivin is expected to arrive later. John Berrett has stepped down from the Planning Board because he has moved out of town. Chairman Moriarty thanked Mr. Berrett for his service. (Note: Mr. Boivin did not attend.)

B. Roll Call: Present: Steve Moriarty - Chair, Jeff Davis, Teri Maloney-Kelly and Joshua Saunders. **Absent:** Gerry Boivin & Peter Sherr. **Resigned:** John Berrett. **Staff:** Carla Nixon - Town Planner & William Shane, Town Manager.

C. Approval of Minutes of the March 21, 2017 meeting: Chairman Moriarty noted one correction to the minutes. Mr. Saunders moved to approve the minutes of the March 21, 2017 Planning Board meeting as amended, seconded by Ms. Maloney-Kelly and **VOTED, 3 yeas, 1 abstained (Davis), motion carries.**

D. Staff Site Plan Approvals: Replenova Farm. Ms. Nixon reported that there is a small agricultural operation on Winn Rd. called Replenova Farm and they grow tomatoes. Replenova Farm started out last year and has been expanding. They are seeking an amendment to their approval to add two more structures. One structure is an existing temporary structure and the other is an additional structure for a drying house. The request has been approved.

E. Minor Change Approvals: None.

F. Hearings and Presentations:

1. Public Hearing: Recommendation to Town Council to amend the Contract Zoning Agreement for the Village Green Subdivision to revise the lot line for Tax Map R03, Lot 54 and Tax Map U10, Lot 7B for the limits of the landfill to be on Town property.

Chairman Moriarty introduced the item and noted that the Planning Board had a workshop with the Town Council prior to the Council meeting on Monday, April 10, 2017 to discuss this item. This item has to do with closing the landfill next to the Public Works Garage that was used for wood waste products. This landfill has not been used for about 30 years but it was never capped and it is about to be capped. There is a slight boundary line issue with the adjacent property, the Village Green Subdivision.

Bill Shane, Town Manager, said that the sale of the Village Green Subdivision to Bateman Partners was based on a survey that the Town had that outlined the limits of the landfill. Mr. Shane pointed out the actual limits of the landfill and the buffer zone and said they are trying to get the landfill onto Town property. The area that needs to be changed is about .6 acres. Mr. Shane said this item is to recommend an amendment of the Contract Zone to the Town Council and they will be back again for a subdivision amendment at the Board's May meeting. Mr. Shane said they hope to resolve this quickly because it is delaying the closure of the landfill area. Test pits have been done along the proposed new line and there is no demolition debris there. Mr. Shane said that the homeowners and Bateman Partners have agreed to this.

Chairman Moriarty confirmed that the land in question is being transferred back to the Town. Mr. Shane agreed and said this is why the subdivision plan will have to be amended because the area is part of the open space for Village Green.

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

Mr. Saunders moved to recommend to the Town Council to amend the Contract Zoning Agreement for the Village Green Subdivision to revise the lot line for tax map R03, lot 54 and tax map U10, lot 7B for the limits of the landfill to be on Town property, seconded by Mr. Davis and **VOTED, 4 yeas, unanimous - motion carries.**

~~2. TABLED Public Hearing: Major Site Plan Review: Two Sand and Salt Storage Buildings. Tuttle Road, Tax Map R03, Lots 50, 53. Applicant: Town of Cumberland; Representative: Jeff Read, P.E., Sevee and Maher Engineers.~~ This item was tabled prior to the meeting.

Town Manager Bill Shane explained that the Town is proposing to eventually move the Town Garage as part of a master plan. Part of that plan requires that the Town relocate the garage to allow for more housing. The Town has been looking for a new home for the garage. Several years ago the Town purchased about 10 acres of land from NELMA on Tuttle Rd. that is a back portion of land about 800' from the road. Mr. Shane said that in the development of a future Town Garage facility, the Town was faced with closing the landfill at Drowne Rd. as the Board just discussed. This landfill was supposed to have been closed about 30 years ago but it fell off the radar. When the Town started to transition into phases of housing in Village Green, the landfill issue popped up. DEP gave the Town about 3 years to close the landfill and the time has expired. Mr. Shane said that the Town has to find an immediate home for the sand/salt building and it can be easily moved. The Tuttle Rd. property was a convenient spot because it is essentially 1,000' east of the current Town Garage. The sand/salt building is filled in the summer/early fall and then only used in the winter for storm events.

Mr. Shane said that if the Town succeeds in DEP permitting for the Tuttle Rd. site, the Town will come back with a site plan application that is bigger than what was proposed. Mr. Shane showed an example of a Master Plan for the site. There are 6-9 months of work to do before the project would come forward with a permit application. With the urgency to move the sand/salt building the Town thought it may be best to move it first and then come back in the spring with a full application. Mr. Shane said that in the meantime the Town has heard that the railroad is looking for a laydown area for the construction of a passing rail line that is supposed to start this summer and may be willing to build the pad for the sand/salt building for the Town. After further review, the Town has decided it will be best to hold off and wait to submit a complete application.

Rob Verrier, 276 Tuttle Rd., said he is an abutter to the Tuttle Rd. property and asked why there was not notice that this was taken off the agenda. Mr. Verrier said the property is ideal for housing and is now going to be an industrial zone.

Chairman Moriarty said that he will allow additional comment and added that he was notified last week that this was off the agenda.

Mr. Shane encouraged Mr. Verrier to attend the Town Council meeting on Monday night to provide comment.

Paul Weiss, 314 Blanchard Rd., said he appreciates hearing from Mr. Verrier and that he feels like he is the only person in Town that is disgusted at the continual and unabashed development. A forest on Route 100 was just obliterated last week. Mr. Weiss left Southern New England to have a somewhat rural lifestyle. The Planning Board and the Town are destroying the last few parcels of land left in Cumberland. Mr. Weiss said that he thought the Tuttle Rd. land was purchased for an addition to the Town Forest. To have one of the ugliest buildings, a sand pile and maintenance facility, in the middle of what was once farmland is an aghast view. Mr. Weiss said that there have to be some other options, maybe the Town can do something with the current Town property and not sell it off to put up houses. Mr. Weiss said that he is happy to speak with Mr. Shane to figure something else out.

Chairman Moriarty said this is the first time the Planning Board has seen this item and asked if there has been any Town Council action. Mr. Shane responded that there was Council action to move forward with the sand/salt building. The rest of the action is to look at the permitting and begin discussions with the School and the Town of North Yarmouth that have expressed interest in partnering on a garage project. Mr. Shane said that the Town Council meeting next Monday night is a more appropriate venue to talk about this.

Rick Doane, 4 Catalpa Ln., said he spoke at the Town Council meeting about a week ago on this topic. Mr. Doane thinks this is a project that has gotten ahead of itself. He is not necessarily against the location but the issue is putting it there as a given and that there has not been any public discussion about this. Mr. Doane said he would encourage a stop of action and some thought about the impact of the road and the work that will go into the facility. Mr. Doane said he is not opposed to the project personally but he is opposed to the process.

3. Public Hearing: Preliminary Plan Review: Solar Way - 5 Lot Major Subdivision. 34 Hillside Drive. Tax Map R04; Lot 24. *Applicant:* Live Life Maine, LLC; *Representative:* Tom Greer, P.E., Pinkham and Greer.

Chairman Moriarty introduced the item and noted that this has been on the agenda several times. There were a couple of false starts with the sketch plan review process and it was completed on March 21, 2017. The Board voted in favor of a cluster style subdivision. Tonight the Board will consider preliminary plan review, which is to be distinguished from final plan review.

Tom Greer, Pinkham and Greer, said he is the engineer on the project and with him is Patrice Miller the developer. Mr. Greer showed an aerial photograph of the property with the subdivision plan superimposed on it. The plan is to build 3 new homes and there are 2 existing homes. The road will extend in about 750' with a turnaround. Mr. Greer pointed out the location of 2 stream crossings, one for the driveway of lot 4 and one for the road. DEP permits have been received since the last meeting for the stream crossings and should be in the Board's packet. Mr. Greer said that he has met on site with DEP, the contractor and the developer to go over erosion control issues. Everything needed for preliminary approval has been submitted and has been reviewed by the review engineer.

Mr. Greer said a change has been made to the alignment of the road relative to the right of way. It was determined when working with Town staff that the right of way needs to be 50' from the existing home and this has been maintained. The road does not have to be in the

middle of the right of way. In one section, the road has been pulled over to the edge of the right away to allow for more buffer to a stream as requested by the DEP.

Mr. Greer said some landscaping has been added near the front where the existing driveway comes in. This driveway and culvert will be removed and a mound with some trees will be put in so people won't accidentally turn in there. This will also provide some buffer along Hillside Ave. Ms. Miller has met with the abutter on the west side and they are putting together a landscape plan to address buffering between the two existing homes. Mr. Greer said that this landscape plan will be submitted to the Board as part of the final package.

Chairman Moriarty noted that this parcel is about 25 acres and there are two existing homes on the land now and the proposal is to build 3 more homes. The cluster style subdivision permits houses on smaller lots than the zone would otherwise typically require in exchange for preservation of other land on the property. Chairman Moriarty said that in this case, a ten acre rear portion of the lot will be reserved in perpetuity as undeveloped space with access to the Central Maine Power line and permissive trails. The 750' subdivision road will be gravel and will be a private way.

Mr. Saunders inquired about residential sprinklers, in particular for the 2 existing homes. Mr. Greer responded that it is his understanding that the 2 existing homes do not need to be sprinkled and the new homes do need to be sprinkled. Mr. Greer said that the ordinance says new homes, not existing homes, so he thinks they are in compliance. Mr. Saunders asked Ms. Nixon how this will work with the existing homes. Ms. Nixon replied that Mr. Longley is here tonight to speak to this. Ms. Nixon added that for Planning Board history, when a project has come forward that already has had some development the Town Attorney has explained that we look at the entire parcel of land as if it had not been subdivided for purposes of calculating net residential acreage, stormwater and those types of things. The issue of how a local code for sprinklers and fire protection has not come up before. Mr. Longley, Code Enforcement Officer, said that the answer lies with the Fire Chief and he will defer to the Chief for the final answer. Normally if there are already two houses built with existing septic systems the houses are plotted to meet the proper setbacks as the new property lines are being drawn around them. Mr. Longley said that his guess is that the sprinkler requirement will not apply to the two existing homes that are already habitated but it is up to the Chief.

Chairman Moriarty opened the public hearing.

Paul Weiss, 314 Blanchard Rd., said he applauds the Board for considering this cluster development and hopefully preserving the rest of the lot. Mr. Weiss works on the Trails Committee and has been working with Dan Ostrye of Yarmouth on the expansion of the West Side Trail that comes from Yarmouth to the power station and then it will cross over to Hillside Ave. The hope is for the trail to be built this summer. Mr. Weiss said a request from Yarmouth Trails and Cumberland Trails is for the existing trails be an easement deeded to the public so that the public can have access. Mr. Weiss said he has been working throughout Cumberland to retroactively try to get easements for trails and it is a difficult process. The Town has the opportunity to get the easement up front before the project is built.

Mr. Weiss said it doesn't seem that the Planning Board has any consideration for types of homes that are built and how they are built. Aligning homes with a south exposure can

reduce the heating load considerably. Mr. Weiss said considering energy efficiency in future housing stock does not cost 10-20% more for a house to make it energy efficient. Chairman Moriarty interrupted to say the proposal is for solar houses and he asked Mr. Greer to speak to this. Mr. Greer said these are well insulated solar homes and the additional homes will be the same.

Mr. Greer said that he may have misspoken in saying that the trails will be public. Several neighbors have commented on the project and Ms. Miller is not interested in inviting them back onto her property. Whether this becomes a public trail remains to be seen and as of now it will be a private trail.

Sam York, Chairman of the Conservation Commission, said he reviewed this project on the first application and his comments were included. It is unfortunate that the trail can't be used in a somewhat public manner. Mr. York said maybe Mr. Weiss and Ms. Miller can work something out. It could be to their advantage to be connected with this interconnected trail system that would go into a larger community of trails.

Mr. York asked if the yurt that is across from lot 5 will be removed. Chairman Moriarty said that his understanding is that the yurt will stay but will not have water or power. Mr. Greer said that the yurt is permitted as a temporary structure with no water, power or sewer and it is essentially a tent. When the house on lot 5 is built, Ms. Miller will decide with Mr. Longley whether the yurt will remain as an accessory structure or be removed. Mr. York said that he would be concerned only if there will be some sewage treatment there because the stream is downhill and close by.

Chairman Moriarty read a letter dated April 13, 2017 from abutter Alison Beyea as follows;

Dear Carla,

I would like to submit the attached photographs of the Solar Way Subdivision to assist the Planning Board in its process of approving the cluster subdivision. My apologies for not being present in person but our annual award dinner is Tuesday evening.

Cumberland's ordinance is clear that when approving a cluster subdivision there must be a 75 foot buffer between the subdivision and the abutting properties and road frontage. See 315-43 (B)(4). That buffer is intended to eliminate the impact of dense development and specifically refers to noise and glare. Although the ordinance does not mandate specifics of the buffering plan, it considers a variety of options to eliminate adverse impacts. This requirement makes sense since the cluster subdivision is allowed in rural areas. This section is a way for the town to encourage less environmental impact by setting aside parcels to not be developed - without ruining the rural and pastoral nature of our more rural areas. I think it is important to note as well that the ordinance states the "buffer shall be designed to eliminate potential adverse impact..." rather than just mitigate. The town has placed a significant standard on cluster developments.

The current application does not include a landscaping or buffering plan. I believe the application requires one before it can be complete and approved. However, Ms. Miller and I had a productive first meeting about her intention to develop such plan. She is hoping to have a plan next week. I am very encouraged by our meeting and look forward to working with her. Although my preference would have been to see a plan before the preliminary approval stage, I understand that there are many moving parts to the application and trust that Ms. Miller will get us a plan as soon as she is able!

When the town receives Ms. Miller's plan and is reviewing it in light of the ordinance, I hope the town will consider the attached pictures I have submitted. Currently there is almost no buffering between my land and the subdivision. There are only about 8 trees over a 400 foot span, the remaining vegetation is undergrowth/brush. It is hard to convey how close and exposed the properties are. I can look into the neighbors kitchen from my driveway (which is right next to my house) and at night the lights from the houses shine brightly. Many, many trees and small shrubs were cut within the 75 buffer when Ms. Miller cleared the land for the existing two houses as shown in the pictures attached. As she has said she was not planning a cluster until this fall, she was allowed to make those cuts. However, now that she is proposing a cluster, I hope the town will look for a plan that repairs the buffer that existed when she first bought the property - and that this buffer is drawn for the abutters and the road frontage. I hope the plan will include a combination of berming, trees and landscaping. She and I discussed all of these ideas so I believe she is already headed in this direction.

In our meeting, Ms. Miller was concerned with maintaining the natural, rural environment of the properties. I appreciate this very much. I am sure that when a plan is submitted it will be robust and comprehensive taking into account the ordinance's requirement for a healthy, substantial buffer that eliminates the adverse impact of development.

Thank you very much for your time and effort on this project.

Mr. Greer said that they will come back with a plan that will hopefully meet Ms. Beyea's needs for the final approval. Chairman Moriarty asked if these discussions are ongoing and Mr. Greer said yes.

Chairman Moriarty read an email from Ed Libby that was sent to Town Councilor Tom Gruber;

Tom,

As you know I am a concerned abutter of the above captioned subdivision proposal now before the Cumberland Planning Board. Many of my concerns are related to the prior and ongoing disregard for natural resource impacts, particularly erosion control, wetlands, and streams. I reviewed the Cumberland Conservation Committee's questions and applicant's responses about the same previously as well as the most recently submitted. Unfortunately, the applicants responses at times do not actually address the issues raised or their responses are not complete. You may or may not be aware of significant steps that have been imposed by the DEP recently as part of an ongoing enforcement action related to the same issues. The same has been brought to the attention of the Cumberland Code Officer as violations appear to have occurred and required permits not obtained, but those pleas went nowhere. The applicant dismisses or minimizes the actual circumstances in all written submissions as well as presentations to the PB. I wondered if you, or someone on the Conservation Commission would be willing to sit down so I could elaborate on what I have observed as a neighbor, as well as what members of the Commission have observed and commented on, since those are not being addressed properly. The issues still confronting this application include building a stream crossing when none is needed, filling of wetlands prior to the application without acknowledging that fact to DEP or the PB, constructing a road within 25 feet of a stream (DEP involvement since notification to them), massive erosion into the stream over the past two+ years and ongoing due to complete lack of erosion control after road construction and de-stumping operations, lack of mapping of wetlands, and an inadequate Storm Water Plan that does not include calculations for the impervious surfaces created by the construction of the existing road, driveways, or homes.

Unfortunately, my wife is a teacher and we will be away for the upcoming break, so time to meet before the Tuesday PB meeting is limited. However, if there was any chance to meet, I am very flexible with my time today, and then tomorrow until about 1 pm.

I appreciate any chance to share my concerns with you or another member of the Conservation Committee.

Chairman Moriarty said a message from Ed Libby dated April 18th basically makes the point of support for the 75' buffer that has been discussed tonight and Mr. Libby mentions the severe cutting that took place before the change of ownership of the property.

Chairman Moriarty referenced another message from Ed Libby that was sent to Ms. Nixon dated April 18th that is a 7-8 page summary specific to various lots that is too much to read tonight. The applicant has been provided with a copy of this and it will become part of the record.

Chairman Moriarty said that this is not final plan approval tonight and may be preliminary plan approval and closed the public hearing.

Mr. Saunders asked if Mr. Greer is opposed to a landscape plan being a condition of approval and Mr. Greer replied not at all.

Chairman Moriarty reviewed the criteria for plan review and noted that there are no waivers requested.

Mr. Saunders moved to adopt the findings of fact as amended, seconded by Ms. Maloney-Kelly and **VOTED, 4 yeas, unanimous - motion carries.**

PRELIMINARY MAJOR SUBDIVISION REVIEW

FINDINGS OF FACT Chapter 250 - Subdivision of Land

The purpose of these standards shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Cumberland, Maine, the Board shall consider the following criteria and before granting approval shall determine that the proposed subdivision:

1. Pollution. The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:

- A. The elevation of the land above sea level and its relation to the flood plains;
- B. The nature of soils and subsoil and their ability to adequately support waste disposal;
- C. The slope of the land and its effect on effluents;
- D. The availability of streams for disposal of effluents; and
- E. The applicable state and local health and water resource rules and regulations;

The applicant has provided a soils report and a storm water management report; these reports have been reviewed and approved by the Town Engineer. Based on the information provided, the standards of this section have been met.

2. Sufficient Water. The proposed subdivision has sufficient water available for the reasonable foreseeable needs of the subdivision;

The proposed subdivision will utilize private wells. There is a report on file dated February 7, 2017 from Richard Sweet, Certified Maine Geologist, stating that there is sufficient water for water wells serving the proposed 5 houses without affecting neighboring wells. Based on the information provided, the standards of this section have been met.

3. Municipal Water Supply. The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used;

The proposed subdivision will not utilize public water. Based on the information provided, the standards of this section have been met.

4. Erosion. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;

The applicant has submitted an erosion and sedimentation control plan that has been reviewed and approved by the Town Engineer. Based on the information provided, the standards of this section have been met.

5. Traffic. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed;

The subdivision will add three additional single family homes. A traffic study was not required. Based on the information provided, the standards of this section have been met.

6. Sewage disposal. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services, they are utilized;

The project will utilize private septic systems. Test pit locations for each lot are shown on the plan. Based on the information provided, the standards of this section have been met.

7. Municipal solid waste disposal. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized;

Cumberland provides curbside trash collection and recycling through a contracted waste hauler. The addition of 3 new homes will not cause a burden on the municipality's ability to dispose of solid waste. Based on the information provided, the standards of this section have been met.

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

A letter is on file from US Fish and Wildlife Service stating that there are no critical habitats within the proposed project area. A letter is on file dated 12/1/17 from the State Historic Preservation Officer stating that there are no historic properties affected by the proposed subdivision. A letter is needed from the Maine Natural Areas Program. This is a condition of preliminary approval. Based on the information provided, the standards of this section have been met for preliminary approval.

9. Conformity with local ordinances and plans. The proposed subdivision conforms to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;

The plans have been reviewed by the town planner, the town engineer and town department heads and are in conformity with local ordinances and plans.

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

10. Financial and technical capacity. The subdivider has adequate financial and technical capacity to meet the standards of this section;

Technical capacity is evidenced by the use of the following experts: a professional engineer, a licensed land surveyor, a licensed soils scientist and a licensed geologist.

Financial capacity is evidenced by an irrevocable Letter of Credit dated February 6, 2017 from Maine Capital Group in the amount of \$120,000. Based on the information provided, the standards of this section have been met.

11. Surface waters; outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38 chapter 3, subchapter I, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of the body of water;

The subdivision is located within the Piscataqua River watershed. The low density (5 lots on 24.84 acres) and minimal new impervious surface will not adversely affect this non-regulated watershed area. Based on the information provided, the standards of this section have been met.

12. Ground water. The proposed subdivision will not alone, or in conjunction with, existing activities, adversely affect the quality or quantity of ground water;

This is a low density (5 lots on 24.84 acres) residential subdivision which will not affect the quality or quantity of ground water as evidenced by a letter dated February 7, 2017 from Richard Sweet, Certified Maine Geologist. Based on the information provided, the standards of this section have been met.

13. Flood areas. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;

The parcel is shown as being in Zone C (area of minimal flooding) on FEMA MAP # 230162-0016C. Based on the information provided, the standards of this section have been met.

14. Storm water. The proposed subdivision will provide for adequate storm water management; ***A stormwater management plan was submitted as part of the application packet and has been reviewed and approved by the Town Engineer. Based on the information provided, the standards of this section have been met.***

15. Freshwater wetlands. All potential freshwater wetlands, as defined in 30-A M.R.S.A. §4401 (2-A), within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

A wetland delineation letter is on file dated August 23, 2016 from Mark Hampton, C.S.S., L.S.E., Certified Soil Scientist, stating that there are areas of forested wetlands on the site. These areas are shown on the plans. Based on the information provided, the standards of this section have been met.

16. River, stream or brook. Any river, stream, or brook within or abutting the proposed subdivision has been identified on any map submitted as a part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, Section 480-B, Subsection 9. [Amended; Effective. 11/27/89]

There are two streams shown on the subdivision plan. Based on the information provided, the standards of this section have been met.

Chairman Moriarty reviewed the proposed conditions of approval. Ms. Nixon shared a condition of approval for landscaping that she drafted. Mr. Saunders moved to approve preliminary plan review for Solar Way, 5 Lot Major Subdivision, 34 Hillside Drive, tax map R04; lot 24 subject to the Standard Conditions of Approval, the Limitation of Approval and the 3 recommended Conditions of Preliminary Plan Approval, seconded by Mr. Davis and **VOTED, 4 yeas, unanimous - motion carries.**

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

Limitation of Approval: Construction of the improvements covered by any site plan approval must be substantially commenced within twelve (12) months of the date upon which the approval was

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

Conditions of Preliminary Plan Approval:

1. That an approval letter from the Maine Natural Areas Program be submitted prior to final approval.
2. That final versions of the proposed HOA documents be submitted for review and approval by the Town Planner and Town Attorney.
3. That a landscaping and buffering plan be submitted for final subdivision review.

4. Public Hearing: Preliminary Plan Review: Spring Valley - 10 Lot Major Subdivision. 29 Blackstrap Road. Tax Map: R07A; Lot 1A. *Applicant:* Walnut Hill Investments; *Representative:* Dan Diffin, P.E., Sevee and Maher Engineers.

Chairman Moriarty introduced the item. Ms. Maloney-Kelly disclosed that she is an abutter and she was going to recuse herself but because there are only 4 Planning Board members present tonight that would put an end to the discussion so she will participate as a Planning Board member. Ms. Nixon noted that the application was originally submitted for last month's meeting and was tabled prior to the meeting because the Town Engineer was unable to complete his review due to the extensive amount of regrading that was proposed. He asked that the plan be revised to reduce the amount of grading and this has been done. The plan before the Board for review now is substantially different.

Dan Diffin, Sevee and Maher Engineers, said he is here with Ben Grover of Walnut Hill Investments and Jeff Read of Sevee and Maher. Mr. Diffin said they were before the Board in December for the sketch plan review of cluster vs. conventional plans and chose to pursue the conventional plan. This is a 10 lot subdivision accessed off Blackstrap Road. Mr. Diffin showed an aerial picture of the property taken in May of 2016 with an outline of the lot and described the location. The lot was harvested substantially prior to purchase by the applicant. There is not much natural vegetation left. The Board went on a site walk of the property in February and observed the existing conditions. Mr. Diffin pointed to the location of a stream in the back corner of the lot where more trees exist. This is a jurisdictional stream with DEP and they are avoiding this area with the project.

Mr. Diffin showed the subdivision plan that will be accessed by a 1,300' road built to Town standards with curbs on both sides. There will be an esplanade and a sidewalk on the westerly side of the road inside the subdivision. The lots are about 2 acres each and the total property area is 25.6 acres. Mr. Diffin pointed out the well exclusion zones for the septic systems. Each lot will have a private sewer and water system.

Mr. Diffin said they have worked with Town staff to minimize the grading as much as possible. The excavation of the property has been reduced to less than 90,000 cubic yards whereas before the proposal was close to 300,000 cubic yards. This allows access to the lower lots to be developed and to provide some buffer around the property. There will be a hill of about 10' along a portion of the property line to help buffer the abutting properties. In another area the hill will be about 4'.

Mr. Diffin showed the current grading plan and said there are impacts to about 16 acres of the property. The grading scheme will allow for metal buffers in between lots instead of

building a large detention pond to treat the water. A 25' no cut buffer is proposed along the entire property and expands to 75' on the southeasterly edge as a stormwater treatment area. Mr. Diffin pointed to an abutter at the entrance of the subdivision and said there was a request that was accommodated to push the road away from this property line and there will be a 50' buffer from the right of way here. There will be a 45' no cut stormwater treatment buffer along the front of the subdivision. Mr. Diffin said that whatever vegetation is there now within the buffers they plan to leave there. The areas where regrading will be done with metal buffers will be reseeded and maintained as buffers in perpetuity and this is included in the homeowners documents that have been submitted.

Mr. Diffin pointed to the location of a soil filter to capture and treat the road runoff per DEP standards. An application for a stormwater management permit has been submitted to DEP and Mr. Diffin expects the permit to be issued within the next 2-3 weeks. Mr. Diffin said there will be additional treatment for the lower third of the road where runoff will drain into a swale to a level spreader and into the back buffer.

Mr. Diffin said there will be underground utilities from Blackstrap Rd.

Mr. Diffin said with the grading work there will be truck traffic and he would like input from the Board about this. The applicant proposes 3,100 truck trips over the 2 year construction window which averages out to 4-5 trips per day. Mr. Diffin said there was a comment to limit traffic along Blackstrap Rd. to protect the road between Feb. 20th and April 20th and the applicant prefers not to do this and is open to discussion. There is a 2 year construction window for excavation, removing excess material, road/sidewalk construction and all infrastructure. The road is designed to Town standards with the intent that the Town will take over the road.

Chairman Moriarty said in the Board's materials there are comments from Peer Review Engineer Al Palmer dated April 10th and it is unclear whether the applicant has addressed these comments. Ms. Nixon said that the applicant's engineer did respond with comments but these were not needed for tonight's meeting and will be submitted for final approval. Mr. Diffin said that they have addressed these items and did not get a response before the meeting tonight.

Chairman Moriarty asked if there are any waivers requested. Mr. Diffin said they have requested a waiver from the hydrogeological study.

Chairman Moriarty opened the public hearing.

Sam York, Conservation Commission, said that he has looked at this property and what he saw does not come close to the description in the application. Mr. York said he did not see any high elevations that required removal of a lot of material and he wants to understand this. This seems like the perfect place for a subdivision with variable height lands. The back is steep and is beautiful property. Mr. York is concerned about where the drainage will take place and that it doesn't go into the stream. Mr. York would like to hear where the sand and gravel will be removed from, why it has to be removed and why they can't build around it and utilize the natural attraction of the property as it stands now. The application indicated that there is very little tree structure there. Mr. York surveyed the property and found that there has been a logging operation but there are still trees there ranging from saplings up to 2' in diameter. Mr. York said he thinks this is being overly constructed and they can utilize the existing property to their advantage to come up with a much better development and not destroy the natural environment that exists there.

Mr. Diffin explained that the plan intentionally avoids any impacts into the stream setback buffer as required by DEP. Mr. Diffin added that they are also required to keep the stormwater treatment measures at the top of the slope at a certain distance. Any of the water that enters the stream will flow through either the metal buffers or through an underdrain soil filter. Any overflow will flow through a still way that will protect the slope as the water goes down the hill. Mr. Diffin said that from a natural resource protection question they are taking care of the wetlands and the stream area that are on the property now. Mr. Diffin said that 5-6 acres of the more heavily forested area will remain. Mr. Palmer said that as Mr. Diffin described the natural resource protection of the southwest corner he believes it meets the standards. Mr. Palmer said relative to the erosion control they are using the appropriate measures.

Mr. Diffin said that the mineral extraction is site work to get the lots to be buildable and to create a good subdivision. Earlier in the process they came in with a much more substantial grading plan for the property with the intent of creating nice level lot development and creating a real buffer around some of the key elements for the abutting properties. Mr. Diffin said based on the peer review and staff comments they have proposed a road at a 2% slope to match into existing grades. The property does have variable elevations. The intent is to put in a road that is relatively flat and gets down to the lower level to construct two lots. Mr. Diffin said they are proposing what he feels is an acceptable 8% driveway slope. Instead of building driveways with runoff coming into the road and forcing them to put in a larger stormwater treatment measure, they feel that a better design for preserving natural areas is to put in stormwater buffers. This design requires that the lots be flattened out and graded subtly to the lower end. Mr. Diffin said the reasons for extraction are access to the lower property, appropriate driveway grades and for stormwater treatment measures. The extraction will also help to screen the subdivision from abutting properties to the north and south.

Mr. Palmer said that the ordinance provides limited guidance as to what determines and defines what is necessary from an earthworks standpoint for a construction project vs. where does the project transition to a mineral extraction operation. Mr. Palmer was concerned with the plan as originally submitted that the extraction was less necessarily incidental to a construction project and what the intent was. Mr. Palmer said that the extraction has been reduced by 60 - 70% and he believes they have done a significant effort to bring the project in line with the ordinance. Mr. Palmer said he is comfortable in not commenting further about the extraction on his second set of review comments.

Mr. York thinks it would be worthwhile for the Board to have another site walk to understand where 90,000 yards is coming from.

Ron Copp, 25 Interurban Dr., said he is 100% in favor of the project. Walnut Hill Investments has talked with the abutters and has really bent over backwards to cater to some of them. Mr. Copp said he can see why they want to make the proposed cuts, he knows this property and has walked and hunted on it and there are gullies and ravines. It makes sense to him why they want to make the property as level as possible. Mr. Copp said he does not think the Town should post the road because there is a lot of truck traffic with Storey Brothers, David Chase and Copp Movers. Mr. Copp urged the Board to go forward with the project.

Chairman Moriarty closed the public hearing.

Mr. Saunders said that the Board often sees waivers requesting something about trees greater than 10" in diameter. Ms. Nixon said this is a waiver from the requirement to identify the trees. Mr. Saunders asked if the applicant is seeking this waiver and Mr. Diffin said he thinks they are going to have to seek this waiver.

Ms. Maloney-Kelly asked if the Board is going to address the request for the prohibition (of truck traffic) from February to April. Chairman Moriarty said yes, when the Board gets to that criterion. Ms. Maloney-Kelly asked if this will be specific to just this property or to Blackstrap Rd. Chairman Moriarty said he read it to mean Blackstrap Rd. Ms. Nixon said that they cannot address other projects. Mr. Palmer said that the comment was intended to apply to this project only. Blackstrap Rd. is a State road so the Town cannot post Blackstrap Rd. Mr. Palmer said that this would be a greater level of restriction than other gravel pits are subject to but as the project is going through the subdivision process, and in discussions with the Town Manager, he felt it was a reasonable restriction to try to protect the Town's investment made over the last few years. The Town cannot post a State road but they can make the restriction a condition of approval that this project cannot have the heavy loads during the time period. Mr. Davis said that based on 5 or 6 vehicles a day and with other trucks driving by there, he is not in favor of the restriction. Ms. Maloney-Kelly agreed with Mr. Davis. Mr. Saunders said that right now there is a condition of approval that all of the Town Planner's and Town Engineer's comments be addressed and he feels that the Board should let the staff work it out and come back at final approval with a plan.

Chairman Moriarty said there are comments from the Town Engineer dated April 10th and Ms. Nixon will be part of the ongoing discussion as the project approaches final plan review. Ms. Nixon said the comments will be formally addressed for the next application.

Chairman Moriarty said that there is a waiver request for the hydrogeological investigation and asked if another request has been added. Mr. Saunders said yes, another waiver for is requested on the trees.

Mr. Saunders moved to waive the requirement for a detailed hydrogeological investigation due to the unique characteristics of the site, seconded by Mr. Davis. Chairman Moriarty said that in years past there were water problems in this area of town but he does not know what the current status is. Ms. Nixon said that a well advisory zone is in place that the property is subjected to and tests have shown that there is not the concern that there was previously. Mr. Diffin added that the well advisory zone was put in place in 1992 by the Maine DEP and the Town based on an incident in the area. Testing was done annually and in 1999 DEP issued a no further action letter basically saying that they have not found enough contaminant in the test wells to continue testing. Mr. Diffin said this does not remove the well advisory zone and it is still in effect. The plan proposes testing each well that goes in. The cost of testing will be borne by the builder. If contaminant is found, it can be addressed by a treatment system. The entire property is within the well advisory zone. Mr. Palmer said the hydrogeo study relates to if construction of the septic systems will likely result in exceeding standards for nitrate plumes and it is a separate issue then the well restrictive zone. Mr. Palmer said with the underlying soils, he does not see a benefit in doing a hydrogeo study. The nitrate plumes are going to be very short in duration and there are adequate buffers for sufficient area to have the plumes mitigated before they leave the site. The motion was then **VOTED, 4 yeas, unanimous - motion carries.**

Mr. Saunders moved to waive the requirement to identify and depict on the plans any trees of 10" or greater in diameter due to the site's unique characteristics, seconded by Mr. Davis. Chairman Moriarty asked what the purpose of marking the trees is. Ms. Nixon said it is to flag trees of significant girth to consider if they should be kept. Ms. Nixon said the Board knows from walking the site and from the testimony that the big trees were taken. Ms. Nixon said that if the Board is unsure about a waiver for depicting the trees, it does not have to be done tonight. The applicant can request it for final approval to give staff time to go out and determine if the waiver should be granted. Chairman Moriarty said that his memory of the site walk in February is that there were some substantially sized trees but there were not many and they were widely set apart. Ms. Nixon said that she believes that the proposed grading plan to develop the lots as proposed would require the elimination of trees. Ms. Nixon said that Mr. Diffin can speak to whether there are trees that should be saved and could be saved with the current design and if he can substantiate this between this meeting and the next. Mr. Diffin said that he can provide information on this as part of the final plan. Chairman Moriarty said that he would like to get more information from Mr. Diffin prior to waiving the requirement. Mr. Diffin added that the whole lot is not being cleared and he outlined the areas that will not be cleared. Mr. Diffin said that they will have a hard time working around trees in the area where the property will be graded. Chairman Moriarty asked if the ordinance requires preserving trees of a certain size. Ms. Nixon responded that the ordinance doesn't say "preserve" it says "identify" the trees. Ms. Nixon said that it depends on the type of work that needs to be done to a site and if there is a site that does not require extensive regrading and there is an old stand of trees, we would try to work around them. Ms. Nixon said that this case is different and the prudent thing seems to be to find out what is there. Mr. Diffin said that most of the regrading will be to the center of the lot and they will try to save as many trees as they can while still getting the lots built. The motion was then voted, **0 yeas, 4 nays - motion fails.**

Mr. Saunders moved to waive the reading of the findings of fact, seconded by Ms. Maloney-Kelly and **VOTED, 4 yeas, unanimous - motion carries.** Mr. Saunders moved to adopt the findings of fact as written, seconded by Mr. Davis and **VOTED, 4 yeas, unanimous - motion carries.**

PRELIMINARY MAJOR SUBDIVISION REVIEW:

PROPOSED FINDINGS OF FACT - Chapter 250 - Subdivision of Land

The purpose of these standards shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Cumberland, Maine, the Board shall consider the following criteria and before granting approval shall determine that the proposed subdivision:

1. Pollution. The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:
 - A. The elevation of the land above sea level and its relation to the flood plains;
 - B. The nature of soils and subsoil and their ability to adequately support waste disposal;
 - C. The slope of the land and its effect on effluents;
 - D. The availability of streams for disposal of effluents; and
 - E. The applicable state and local health and water resource rules and regulations;

The applicant has provided a soils report and a storm water management report; these reports have been reviewed and approved by the Town Engineer. The elevation of the land is over 250' above sea level and is not within a 100 year floodplain as shown in the FEMA map. There will be a 75' stream setback per MEDEP standards. The proposed work area will

be graded to slopes approaching 2 percent. The impact of pollution from the surface runoff will be minimized and stormwater runoff will be treated to MEDEP standards. State and local health and water resource rules and regulations will be adhered to in the design of the stormwater management and subsurface wastewater disposal systems. Based on the information provided, the standards of this section have been met.

2. Sufficient Water. The proposed subdivision has sufficient water available for the reasonable foreseeable needs of the subdivision;

The subdivision is located on a significant sand and gravel aquifer with anticipated yields greater than 10 gallons per minute. Based on the information provided, the standards of this section have been met.

3. Municipal Water Supply. The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used;

The subdivision will not utilize a municipal water source. Based on the information provided, the standards of this section have been met.

4. Erosion. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;

The applicant has submitted an erosion and sedimentation control plan that has been reviewed and approved by the Town Engineer. Based on the information provided, the standards of this section have been met.

5. Traffic. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed;

The anticipated number of daily vehicle trips generated will be 10 per lot. At full build out the total anticipated weekday trips from the subdivision will be 100 trips per day. The posted speed limit on this portion of Blackstrap Rd. is 35 MPH. Sight distances from the street entrance will be in excess of 400 feet. Based on the information provided, the standards of this section have been met.

6. Sewage disposal. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services, if they are utilized;

The project will utilize private septic systems. A preliminary soils investigation was completed by Sweet Associates in December 2016. Passing test pit locations for each lot are shown on the plan. Based on the information provided, the standards of this section have been met.

7. Municipal solid waste disposal. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized;

Cumberland provides curbside trash collection and recycling through a contracted waste hauler. The addition of 10 new homes will not cause a burden on the municipality's ability to dispose of solid waste. Based on the information provided, the standards of this section have been met.

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

Letters are on file stating that the subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat or rare and irreplaceable natural areas. Based on the information provided, the standards of this section have been met for preliminary approval.

11. Conformity with local ordinances and plans. The proposed subdivision conforms to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land

use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;

The plans have been reviewed by the town planner, the town engineer and town department heads and are in conformity with all local ordinances and plans. Based on the information provided, the standards of this section have been met.

10. Financial and technical capacity. The subdivider has adequate financial and technical capacity to meet the standards of this section;

Technical capacity is evidenced by the use of the following experts: a professional engineer, a licensed land surveyor, and a licensed soils scientist. Financial capacity is evidenced by a letter dated January 31, 2017 from Norway Savings Bank stating that the applicant has the financial capacity and capabilities to support the project as planned. Based on the information provided, the standards of this section have been met.

11. Surface waters; outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38 chapter 3, subchapter I, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of the body of water;

The proposed subdivision will not adversely affect the quality of the mapped wetland or unreasonably affect the shoreline of the stream on the parcel. Plans include a MEDEP 75' stream setback to protect the resource. Based on the information provided, the standards of this section have been met.

12. Ground water. The proposed subdivision will not alone, or in conjunction with, existing activities, adversely affect the quality or quantity of ground water;

The soils have been found to have capacity to support sub surface waste water disposal systems. While the subdivision is located within the limits of the historical West Cumberland Well Advisory Zone established by MEDEP in 1992, on July 4, 2014 the MEDEP issued a "No Further Decision Document" outlining that various remedial actions conducted over time have addressed contamination appropriately. Before initial use, wells should be tested for volatile organic compounds in addition to Maine Dept. of Health and Human Services drinking water quality standards. Based on the information provided, the standards of this section have been met.

13. Flood areas. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;

The parcel is shown on FEMA floodplain maps as being in Zone C (area of minimal flooding). Based on the information provided, the standards of this section have been met.

14. Storm water. The proposed subdivision will provide for adequate storm water management;

A stormwater management plan was submitted as part of the application packet and has been reviewed and approved by the Town Engineer. A Stormwater Permit application has been submitted to MEDEP. A copy of the stormwater management report supporting the application was provided in the packet. Receipt of the MEDEP Stormwater Permit will be required for final approval. Based on the information provided, the standards of this section have been met.

15. Freshwater wetlands. All potential freshwater wetlands, as defined in 30-A M.R.S.A. §4401 (2-A), within the proposed subdivision have been identified on any maps

submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

All wetlands within the proposed subdivision are outlined in the project plan set.

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

16. River, stream or brook... Any river, stream, or brook within or abutting the proposed subdivision has been identified on any map submitted as a part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, Section 480-B, Subsection 9. [Amended; Effective. 11/27/89]

An unnamed tributary to Hobbs Brook is located within the proposed subdivision and outlined in the project plan set. Based on the information provided, the standards of this section have been met.

Ms. Nixon noted that the recommended conditions of approval include one to act on the waiver and this can be taken out. Mr. Saunders said that an MDEP stormwater permit is required prior to approval and asked if this should be added to the conditions of approval and Ms. Nixon said yes. Chairman Moriarty reviewed the recommended conditions of approval. Mr. Saunders moved to approve Preliminary Plan Review for Spring Valley - 10 Lot Major Subdivision, 29 Blackstrap Road, tax map: R07A; lot 1A subject to the Standard Conditions of Approval, the Limitation of Approval and the 5 recommended Conditions of Preliminary Plan Approval, seconded by Mr. Davis and **VOTED, 4 yeas, unanimous - motion carries.**

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

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

Conditions of Preliminary Plan Approval:

1. That an approval letter from the Maine Natural Areas Program be submitted prior to final approval.
2. That final versions of the proposed HOA documents be submitted for review and approval by the Town Planner and Town Attorney.
3. That all comments made by the Town Planner and Town Engineer be addressed prior to final submission.
4. That the trees in excess of 10" diameter be marked.
5. Receipt of the MDEP Stormwater Permit will be required before final approval

Chairman Moriarty called for a 5 minute break and then the meeting resumed.

5. Public Hearing: Major Site Plan Amendment: West Cumberland Manufacturing Facility. 197 Gray Road. Tax Map U20, Lots 70A, 70E, 73 & 74. *Applicant:* Grun Development, LLC; *Representative:* Al Palmer, P.E., Gorrill Palmer.

Chairman Moriarty introduced the item and said that this is a project that the Board has considered on multiple occasions dating back to 2015. There is a change presented to the Board tonight from one building type and use to another on one of the condominium lots that has been considered in the past.

Christi Holmes of Gorrill Palmer said with her tonight is Al Palmer (Gorrill Palmer), Jim Schmidt & Migs Eaton of Grun Development and Kevin Mahoney with Casco Systems, the new tenant. Ms. Holmes displayed the revised plan and said they are changing uses from a manufacturing use to an office use. The building will be shifted about 29' forward toward Route 100. The construction of the access drive is no longer shown for this phase. Some parking will be reserved for the future if warranted.

Chairman Moriarty asked why the building will be moved closer to the road than the former manufacturing building had been. Ms. Holmes said this is to allow for future expansion which would be easier at the rear of the building. Chairman Moriarty asked about the new tenant. Ms. Holmes said Casco Systems is an Industrial Electrical Engineer. Mr. Mahoney greeted the Board and said he is a resident of Yarmouth and owns an office building on Route 9 in Cumberland. Casco Systems is a 16 year old electrical engineering and system integration firm working primarily in the power generation and transmission industry. There are currently about 17 employees at the Cumberland facility with offices in Central Maine and in Upstate New York. Mr. Mahoney said the company is planning to grow and add employees and are basically maxed out at the present location on Route 9. Mr. Mahoney said that they are looking at alternative properties but would like to stay in the Cumberland area and see this as a perfect development to take part in. They plan to have a small shop where they may do some light electrical work as part of the ongoing operations but primarily it will be an office based engineering and technical staff. Chairman Moriarty asked if all operations from Route 9 will be moved to this building and Mr. Mahoney said yes.

Mr. Saunders asked if the elevations are changing at all and Ms. Holmes said the elevations haven't changed.

Chairman Moriarty opened the public hearing.

Ron Copp, 25 Interurban Dr., said he is a direct abutter to the property. He has no concern with moving the building closer to the road. He is concerned about the buffer between this building and his property. Mr. Copp said he thinks this is much better than a shoe manufacturing facility.

Rhonda Small, 34 Maurice Way, said her husband's business is across the street and on one of the previous drafts for this project the access to the housing in the back went right up past the proposed parking lot for this building. Ms. Small asked what will happen with the access drive when they put the housing in. Mr. Palmer responded that there is a deferment for when this part of the drive will be constructed. When the development was originally proposed the driveway was going to go past this parking lot with a connection at the rear. Mr. Palmer said that in looking at the change in shifting the building to the front it doesn't make sense to build 300 feet of driveway as part of this project so the decision was made to move it to the residential development to extend the driveway. When the driveway is done, it will still be in the same proposed location when they come back for phase 2. There is no demand for this driveway as part of this project but it will be done later as part of the residential part. Mr. Palmer pointed out the perimeter parking that is

drawn with dashed lines on the revised plan and said with the change in use, and Mr. Mahoney's anticipated employee count, these spaces are not anticipated to be necessary initially. These parking spaces were on the approved plan and Mr. Palmer said that they do not want to give them up and want to be able to defer them until there is an increase in demand.

Ms. Small asked if this project will mean that the purchase of the blue house and the yellow house that are currently there will have to be completed for this to happen. Mr. Palmer said that both houses will be purchased and would be removed in order for this project to happen.

Mr. Copp asked if this project will trigger the removal of the current Allen's store. Mr. Palmer responded that they are not proposing any modification to the original proposal relative to the store. Mr. Palmer believes that during the hearings for phase 1 originally there was a commitment to remove the store and nothing different is being proposed as part of this application. Mr. Palmer noted that this amendment request only includes 3 things, shifting the building, deferring a portion of the driveway and deferring construction of some of the parking spaces. Mr. Palmer clarified that the store will be removed at this time.

Ms. Small asked if this project encompasses tax map U20 lot 74, lot 73 and a portion of the larger Allen parcel and Mr. Palmer said yes.

Chairman Moriarty closed the public hearing.

Ms. Nixon said that there are no waivers requested and the findings have not really been modified since the original submission so waiving the reading of the findings of fact is fine and the conditions of approval have been relisted and are unchanged.

Mr. Saunders moved to waive the reading of the findings of fact, seconded by Ms. Maloney-Kelly and **VOTED, 4 yeas, unanimous - motion carries**. Mr. Saunders moved to adopt the findings of fact as written, seconded by Mr. Davis and **VOTED, 4 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: 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 Angle	Stall Width	Skew Width	Stall Depth	Aisle Width
90°	9'-0"		18'-0"	24'-0" 2-way
60°	8'-6"	10'-6"	18'-0"	16'-0" 1-way
45°	8'-6"	12'-9"	17'-6"	12'-0" 1-way
30°	8'-6"	17'-0"	17'-0"	12'-0" 1 way

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 MaineDOT 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. 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 and the HHE-200 forms were included in the original submission.

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

10.5 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 utilize subsurface water or 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. A dumpster and underground propane tank are shown on the site plan.

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.

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 and has not changed. 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. A dumpster and underground propane tank are shown on the site plan.

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 Gorrill Palmer to prepare plans and site permit applications; Boundary Points Land Surveyors of Cumberland, ME for survey services; and Barry J. Hosmer of Portland, ME for landscape architecture.*

Financial Capacity: *A term sheet is included.*

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 Attachment 12. 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.

1.2 Site Planning and Design

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

On sites with multiple buildings, the outdoor space defined by the structures should be designed as a focal point for the development, with provisions for seating and other outdoor use. Landscaping, bollards and other site features should maintain a safe separation between vehicles and pedestrians. **FINDING: The entire parcel has been master planned to be built out in 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: Gorrill Palmer Engineers is a fully licensed civil engineering firm.

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: With the proposed condition of approval for submission of the MDOT Entrance Permit prior to the preconstruction conference, this finding will be met.

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: With the proposed condition of approval for submission of the MDOT Entrance Permit prior to the preconstruction conference, this finding will be met.**

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 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: 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 shared 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 “capess” with dormers, in white clapboard with corner pilasters or columns, and Victorians buildings with more steeply pitched roofs, porches and gingerbread trim. Except for mill buildings, the scale and nature of older commercial buildings in towns like Cumberland and Yarmouth, was similar to that of houses of the same period. Modern interpretations and versions of these styles, are entirely appropriate and encouraged. Because of their larger size, traditional barns are also sometimes used as inspiration for modern commercial buildings.

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

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

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

FINDING: *N/A*

2.4.3. Mixed Use Buildings: Buildings containing mixed uses (e.g., health club on the first floor with professional offices on the second floor) are encouraged. The architecture of a mixed-use building can reflect the different uses on the upper floors by a difference in façade treatment, as long as the building has a unified design theme.

FINDING: *N/A*

2.5 Residential Structures

Objective: Cumberland’s future housing stock in the Route 100 corridor should be well designed and constructed, and is encouraged to have some connection to the traditional styles of New England

residential architecture. The large mass of multiplex dwellings, can be broken up by façade articulation and architectural detailing in order to reduce their apparent size.

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 Major Site Plan Amendment to the West Cumberland Manufacturing Facility, 197 Gray Road, tax map U20, lots 70A, 70E, 73 & 74, subject to the Limitation of Approval, the Standard Condition of Approval and the 10 proposed Conditions of Approval, seconded by Mr. Davis. Ms. Maloney-Kelly noted that during the public hearing there was a question relative to buffering and landscaping and asked if the Board will address this. Chairman Moriarty said his assumption is that the buffering shown is the same as what would have been there for the manufacturing building. Mr. Palmer said there is no change. Mr. Copp said that he is requesting more buffering because there is a new proposal. Mr. Copp added that people might not like the looks of his operation and he is requesting more buffering on the side between his property. There are 7 trees shown on the plan and he would like to see twice as many trees. Mr. Davis clarified that Mr. Copp is not talking about the width of the buffer but just the number of plantings and Mr. Copp said that is correct. Mr. Palmer said that the change of use does not drive an increase in noise or any other factors and if anything it will probably be quieter but going from 7 to 14 trees is not a hardship so if the Board wants to make this a condition they will comply. Mr. Palmer said they will submit an updated landscaping plan to the Town Planner that results in 12-14 trees along the buffer for review and approval. The motion was then **VOTED, 4 yeas, unanimous - motion carries.**

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

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

Conditions of Approval:

1. The MDEP Stormwater Permit shall be submitted to the Town Planner prior to the preconstruction conference.
2. The MDOT Entrance Permit shall be submitted to the Town Planner prior to the preconstruction conference.
3. All outstanding fees shall be paid prior the issuance of a building permit.
4. If more than 1 acre of area will be disturbed on the project site, the applicant shall provide the Planning Department with a copy of the MDEP General Construction permit prior to the issuance of a building permit.
5. A preconstruction conference shall be held prior to the start of construction.
6. All clearing limits shall be clearly flagged by the applicant and inspected and approved by the town engineer prior to the preconstruction conference.
7. A performance guarantee in an amount acceptable to the Town Manager and Town Engineer shall be provided prior to the preconstruction conference.
8. There shall be no indoor or outdoor storage of any hazardous materials.
9. The applicant shall obtain a sign permit from the Town of Cumberland that shows consistency with the Route 100 Standards.
10. The applicant shall comply with all state and local fire regulations.

6. Public Hearing: Request for Rezoning: 251 Gray Road, for entire lot, as shown on tax map U21, lot 18, to be located in the VOC 1 District. *Applicant:* Nathan Pelsinski and Megan Morgan.

Chairman Moriarty introduced the item and said this would place the entire lot in the Village Office Commercial 1 district (VOC1) and right now the lot is divided between the Rural Residential 2 (RR2) district and the VOC1 district.

Nathan Pelsinski introduced his girlfriend Megan Morgan and showed a map of the current lot and described the area. Mr. Pelsinski said they hope to get the zone changed so the lot is all in the VOC1. Chairman Moriarty asked if they own the entire parcel and Mr. Pelsinski said right now they are under contract. Mr. Saunders asked if this is one lot currently and Ms. Morgan said it is one lot.

Chairman Moriarty opened the public hearing.

Kathy Merrill, 17 Tammy Ln., said that the front of the parcel used to have the old Leighton Tavern on it and it was moved to the Foreside in the 70s. Ms. Merrill said in the back there is a lot of ledge and it abuts the old interurban trolley line. Chairman Moriarty asked Ms. Merrill if she has an opinion on the proposal. Ms. Merrill said she would like to see them get the zone change.

Tammy Merrill, 199 Gray Rd., pointed out her property on the map and asked what the intention is for this property. Ms. Morgan said the long term plan is something similar to Emerald Drive, their first proposal is to do half of that and she and Me. Pelsinski plan to live there and rent the other units. Chairman Moriarty asked for clarification on what Emerald Dr. is and Ms. Morgan said it is two 3 unit buildings.

Chairman Moriarty closed the public hearing.

Mr. Saunders asked what the VOC1 district will allow on a lot of 6.3 acres in terms of density. Mr. Longley responded that the property is only served by septic so the density would be driven by the septic and he thinks it is 8,000 sq. ft. per bedroom.

Chairman Moriarty noted that the VOC1 allows businesses and professional offices as well as multiplex dwellings, bed & breakfasts and municipal uses.

Ms. Nixon said that this item is a rezoning request and the Board will make a recommendation to the Town Council.

Mr. Saunders moved to recommend to Town Council to approve the request for rezoning of 251 Gray Road for the entire lot, as shown on tax map U21, lot 18, to be located fully in the VOC1 District, seconded by Ms. Maloney-Kelly and **VOTED, 4 yeas, unanimous - motion carries.**

G. Administrative Matters / New Business: Ms. Nixon said that this past month a change was made to start putting all of the application materials, both electronically and in paper form on the website so people can go on the website, go to the Planning Board and click on the project to see the information that was submitted. This has been well received. This led to a discussion with the Town Manager about the Planning Board members, if interested, being issued tablets like the Town Council and the materials would be sent via email instead of paper copies. Mr. Saunders said he is in favor of this. Ms. Nixon noted that board members could still receive paper plans if they want them. The Board gave a general consensus in favor of this. Town Councilor Ron Copp said that if he can do it, anyone can do it and the Council going to the iPads was the best thing.

H. Adjournment: Mr. Saunders moved to adjourn the meeting at 9:48 pm, seconded by Mr. Davis and **VOTED, 4 yeas - unanimous, motion carries.**

A TRUE COPY ATTEST:

Stephen Moriarty, Board Chair

Christina Silberman, Administrative Asst.