

**TOWN OF CUMBERLAND
PLANNING BOARD MEETING MINUTES
Tuesday, June 20, 2017 - 7:00 pm**

A. Call to Order: Chairman Moriarty opened the meeting at 7 pm and announced that Item #4 on the agenda for a public hearing on a proposed change to the Zoning Ordinance to permit a Senior Housing Community Overlay District was withdrawn from the agenda and will not be taken up tonight. The item will be back before the Board at a later time.

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

C. Approval of Minutes of the May 16, 2017 Meeting and the May 30, 2017 Meeting: Mr. Saunders moved to approve the minutes of the May 16, 2017 meeting as written, seconded by Mr. Sherr and **VOTED, 6 yeas, unanimous - motion carries.** Mr. Saunders moved to approve the minutes of the May 30, 2017 meeting as written, seconded by Mr. Sherr and **VOTED, 5 yeas, 1 abstained (Boivin), motion carries.**

D. Staff Site Plan Approvals: None.

E. Minor Change Approvals: None.

F. Hearings and Presentations:

1. Public Hearing: Final 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 reported that the Board granted preliminary approval on April 25, 2017. Ms. Maloney-Kelly recused herself from this item because she is a direct abutter.

Dan Diffin, Sevee and Maher Engineers, said he is here tonight with Ben Grover of Walnut Hill Investments. Mr. Diffin said that the preliminary approval in April included 5 conditions that have been addressed. This is a 10 lot subdivision off Blackstrap Road on about 26 acres of property. The zoning here requires 2 acre lots. Mr. Diffin showed a plan of the subdivision and pointed out the lot outlines, the stormwater treatment areas and the buffers. Mr. Diffin showed an aerial photo of the lot after it was forested in 2015. Mr. Diffin noted that one of the conditions of approval for the preliminary plan was to analyze the number of trees and this has been provided in the Board's packet.

Mr. Diffin displayed the grading plan and said that a couple of changes have occurred due to Peer Review Engineer and Town Planner comments. Level spreaders were added along lots 5 and 6. Minor changes were made to the stormwater system that have been approved by DEP and are included on the submitted permit. Some tweaks were made to buffering and setbacks. Mr. Diffin pointed out the location of a stream near some heavy slopes that will not be disturbed and noted that the project is well outside of any stream setbacks.

Mr. Diffin said that one of the conversations early on in this process was that the road was much steeper coming into the site and town review comments were that the road should be brought up to smooth the transition and to reduce the amount of export of material off

the site. The road is now graded at 2% from Blackstrap Road into the property. The grade off the roadway into the lots will be 8% for a nice driveway grade.

The tree count plan that has been provided to the Board was displayed. Mr. Diffin said it is pretty sparse over the 20 acres or so that is shown in a lighter hatch with about 120 trees of 10" in width or more. The trees shown in the dark green area are in a resource protection zone and were not counted.

Mr. Diffin said at the preliminary plan approval there were 5 conditions and he explained how they were addressed.

Chairman Moriarty said that this plan is for a traditional subdivision as opposed to a cluster subdivision and the lots are at least as large as what is required in this zone. Mr. Diffin agreed and said the requirement is 2 acres or more.

Chairman Moriarty said it is not clear to him if the well advisory zone still exists. Mr. Diffin explained that the well advisory zone will exist until the State and the Town agree to remove it. A "no further action" letter was issued by DEP and they no longer monitor this area for contaminated water in existing wells. Chairman Moriarty asked if there were any abnormalities when the wells were last tested and Mr. Diffin replied no, or they would have continued testing. Mr. Auclair said that he read somewhere that if nothing is found in the water, the well would be retested in 5 years and he asked if that is the normal interval. Mr. Diffin said that this is a direct recommendation of John Sevee and Lisa Jacob, Geologists from Sevee and Maher. John Sevee has been heavily involved with the aquifer here. Mr. Auclair referenced a comment in the review under #4 regarding the depth of the road and that soil/groundwater conditions at this depth are unknown. Mr. Diffin said that additional test pits have been done for the septic systems on the lots due to review comments and they went down 20' and did not find any groundwater.

Mr. Boivin noted that the Fire Chief's comment was to add sprinklers but the subdivision is not on public water and he asked how the volume will be accomplished. Mr. Diffin said that the subdivision is on top of an aquifer. Mr. Boivin asked if there is a loss of power should there be a surge tank. Mr. Diffin said the plan is to sprinkle the buildings but he cannot comment on how they will accomplish this within the buildings.

Mr. Auclair referred to review comment #2 with a recommendation for the Planning Board to decide who bears the cost of testing and asked if the Board should determine this tonight. Mr. Diffin said they propose that the developer will bear the cost of testing initially and if the water looks good, further testing will be taken on by the homeowner. Mr. Diffin said that if there is an issue, a treatment/filtering system will be put in during construction to treat the water. Ms. Nixon suggested adding an 8th condition of approval that the developer will provide a passing water test prior to issuance of a certificate of occupancy. Ms. Nixon said this way the Code Officer will not allow someone to take occupancy of the house until the Town knows there is a passing water test and no concern for the homeowner. Mr. Diffin said that before anyone moves in, a test will be done on the water to ensure that the VOCs (volatile organic compounds) are not above the limits outlined in the well advisory zone. Mr. Diffin asked that the language of the proposed condition be specific to the contaminant of concern, the VOCs. Ms. Nixon asked about the State drinking water requirements for other things like arsenic and if this is part of the test. Mr. Diffin replied that these would be a requirement of the test. Mr. Saunders asked if well

tests are normally done prior to certificates of occupancy being issued and Ms. Nixon said no.

Chairman Moriarty opened the public hearing.

Terry Maloney-Kelly, a direct abutter and recused Planning Board member, said she is in support of this project and she welcomes new neighbors into the community. Ms. Maloney-Kelly said people call her a person that is against gravel pits and she is an environmentalist. She grew up watching the gravel pits being built in this end of town and it is not just about the gravel, it's everything. The trees that will come off this lot are just the beginning. Ms. Maloney-Kelly said it is hard for her when any kind of development requires clear cutting, much less removal of soils, plant life and wildlife. It was hard for her to hear that this property was going to be excavated.

Ms. Maloney-Kelly gave Mr. Grover credit for giving her a call and she said they had a great conversation. Mr. Grover was upfront about the fact that this property is very attractive for the value of the gravel on it, as is other property in the neighborhood. Mr. Grover wants to work with the neighbors to mitigate the impact because he knows what they live with every day right now with an ungoverned gravel extraction operation in a residential zone. Ms. Maloney-Kelly said she was willing to work with Mr. Grover because an alternative could be one person buying this property and planning to build a house on lot #6 and taking every bit of gravel that they can take and the Town not able to do a thing about it. There is an ordinance in place but it has not protected them because it is a residential zone and if you have a residential building permit you can pretty much do what you want because the State overrides what is best for the neighborhood. Ms. Maloney-Kelly thanked Mr. Grover for working with the neighborhood.

Ms. Maloney-Kelly said that she doesn't think it would be fair if Mr. Grover had to put up any kind of bond for damage to the road because there are gravel trucks on the road every day almost all year long and she urged the Board not to put in this type of stipulation.

Ms. Maloney-Kelly noted that an adjacent 40 acre parcel was clear cut 5 years ago and is now being extracted for gravel so all of the material, wildlife and plant life is being stripped. 8 acres was just clear cut on Route 100 less than 1 mile away. On the agenda tonight there was another subdivision adjacent to this one that got tabled and Ms. Maloney-Kelly said she has to believe there are trees coming down. Ms. Maloney-Kelly said that as a Planning Board member, she looks at projects individually but there is a need to step back and look at the big picture and the impact environmentally that one project adds to a zone.

Ms. Maloney-Kelly noted that in the Board's materials there is a letter from Inland Fisheries and Wildlife about the potential for bats on this property and the need perhaps for a study. Ms. Maloney-Kelly said that there are bats in the neighborhood and it is nice to sit out on the porch to watch them. The bats and other wildlife will be affected by this project.

Ms. Maloney-Kelly said she supports the project and welcomes new neighbors but is concerned for them for the environment which they are moving into for a residential zone. The Town Council is going to address the failure of the ordinance that restricted gravel extraction in the RR1 and RR2 zone. Ms. Maloney-Kelly thanked the Town for mitigating the amount of gravel coming off this site and said it will make life with the noise shorter for the neighbors.

Chairman Moriarty closed the public hearing.

Chairman Moriarty said that in the Board's materials are the April 10th comments from the Peer Review Engineer and noted that preliminary review was granted April 25th. He asked if there are any outstanding peer review issues. Ms. Nixon said no. Peer Review Engineer Al Palmer noted in his June 16th review that he reviewed the latest packet and all prior comments were adequately addressed with one exception for the domestic water supply notes and whether the notes should be added to the deeds.

LEFT OFF REVIEW HERE

Chairman Moriarty noted that the one issue that has been pointed out is whether or not there ought to be language contained in each deed or not relative to the well advisory zone which still exists or whether it is sufficient to simply have the language on the subdivision plan itself. Mr. Diffin stated that he misspoke earlier about the testing time frame and he clarified that testing has been going on until 2014 and levels have been reducing since 1997. In 2014, the no further action letter was issued.

Chairman Moriarty reviewed the findings of fact criteria for subdivision review. Ms. Nixon noted that finding #8 states "...the finding for preliminary approval ..." and "for preliminary approval" should be stricken. Mr. Saunders moved to adopt the findings of fact as amended, seconded by Mr. Sherr and **VOTED, 5 yeas, 1 recused (Maloney-Kelly), motion carries.**

FINAL 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. An MDOT Entrance permit is on file. 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.*

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. *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.*

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 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. Notes have been added to the subdivision plan which will be recorded at the Cumberland County Registry of Deeds regarding this issue. The Planning Board has placed a condition of approval that these notes also be included in each of the lot deeds. With the proposed condition of approval, 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 granted by MEDEP. A copy of the stormwater management report supporting the application was provided in the packet. 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.*

Chairman Moriarty reviewed the recommended conditions of approval. The Board discussed the conditions of approval regarding the well advisory zone. Consensus of the Board is that the developer is responsible to test the wells up front, the homeowner is responsible for any future testing and notes about the well advisory zone will be included in the deeds. Mr. Saunders moved to approve final plan review for Spring Valley, 10 lot major subdivision, 29 Blackstrap Road, tax map: R07A, lot 1 A subject to the standard conditions of approval, the limitation of approval and the 8 recommended conditions of approval, seconded by Mr. Auclair and **VOTED, 5 yeas, 1 recused (Maloney-Kelly), 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 de minimis 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) 1 year 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 APPROVAL:

1. All outstanding fees shall be paid prior the issuance of a building permit.
2. A performance guarantee in an amount acceptable to the Town Manager and Town Engineer shall be provided prior to the preconstruction conference. In addition, a check for 2% of the cost of public improvements shall be provided prior to the preconstruction conference.
3. A preconstruction conference shall be held prior to the start of construction.
4. All clearing limits shall be clearly flagged by the applicant and inspected and approved by the town engineer prior to the preconstruction conference.
5. A blasting permit, if needed, shall be obtained from the Town Code Enforcement Officer prior to blasting.
6. The Town Manager shall approved the name for the proposed private way prior to the preconstruction conference.
7. The following notes shall be added to the plan, the deeds to the lots and to the Homeowner's Association documents:

DOMESTIC WATER SUPPLY NOTES:

1. Domestic water supply for the Spring Valley Subdivision will be private wells on individual lots.
 2. This subdivision is located within the limits of the historical West Cumberland Well Advisory Zone established by MEDEP, 1992, associated with a former solvent spill.
 3. Before initial use, wells should be tested for volatile organic compounds (VOCS) utilizing US EPA method 8260 in addition to Maine Department of Health and Human Services (DHHS) drinking water quality standards. The homeowner should retest the well after 5 years of use.
 4. If VOCS are detected at levels exceeding established State and Federal threshold limits, residences should be equipped with an appropriate point-of-entry treatment system or filter capable of providing potable water after treatment or filtration that meets established state and federal drinking water quality standards.
8. The Developer will provide results of water testing as detailed in 7-3 above prior to the issuance of a Certificate of Occupancy for each home.

2. Public Hearing: Amendment to an Approved Site Plan: MSAD 51 to Construct a Performing Arts Center at Greely High School. Tax Map U-11, Lot 1. Applicant: MSAD 51, Representatives: Pat Carrol, LLA, Carrol Associates and Tom Greer, P.E., Pinkham and Greer.

Chairman Moriarty introduced the item.

Tom Greer, Pinkham & Greer, explained that Pat Carrol will not be here tonight but with him tonight is Steven Blatt.

Steven Blatt said his firm has been involved with the MSAD 51 campus for the last 10 years and this project is quite rewarding. Mr. Blatt said this is a contained building site and is very succinct. Mr. Blatt said if the project is approved tonight they hope to go out to bid in July and, if they can, they will start construction at the end of August.

Chairman Moriarty said the Board had a public hearing in March for this project. Chairman Moriarty said that this is basically a site plan review. Ms. Nixon agreed and said it is site plan review of an amendment for an approved site plan.

Mr. Greer showed a plan of the project and noted that there was a past approval for an addition to go at the end of one of the high school buildings and the performing arts center will be added there as part of the master plan. The performing arts center is larger than

what was originally looked at for this location. Mr. Greer explained the current bus loop that goes around the parking lot which will stay intact. The parking lot will be expanded as part of the original master plan. Additional parallel parking spaces are proposed to be added along the far edge of the bus loop. Mr. Greer said that a parking study has been done on the campus in its entirety and there is plenty of parking to meet peak demand for events. The school will have a facilitator to coordinate events to make sure parking is available.

Mr. Greer said they are revising the stormwater management and have gone through DEP to treat all of the impervious area including the parking lot and the building. The water is public water and all of this work will be done on the inside and extended from the existing building including the sprinkler system and the domestic supply lines. There will be a few bathrooms in the performing arts center but the majority of the facility is in the high school and they will use those restrooms. Mr. Greer said that although this facility looks like it is a performing arts center for the community as a whole, it will function as another facility for the high school and the majority of the use will be by high school students. Mr. Greer said the sewer pipe will connect to a sewer line that is near the track.

Mr. Greer said that on the backside of the site they will connect a road that will allow access to a loading dock to get supplies into the building and set up stage materials for events. This will also allow a second emergency access area. There will be a plaza outside in the front that will be as pedestrian friendly as possible and in the summer a small band may play there.

Mr. Greer said that there will be a fairly steep bank overlooking the track and this may be a place for people to sit and watch a track meet. The banks will be seeded with a wildflower mix to prevent erosion and minimize maintenance and will only have to be mowed once a year.

Mr. Greer said all of the construction equipment will use the proposed parking area for staging of materials for construction of the building and the whole area will be cordoned off.

Mr. Greer said this will be a huge improvement to the Town of Cumberland. This has been approved by the voters and they are fulfilling the needs of the voters.

Mr. Auclair said that the bond is 9.5 million which is about \$1,300 per adult and child in Town and he asked how the costs will be controlled to stay within budget. Mr. Greer said he has been asked to make sure that the site costs are reasonable. A cost estimator is hired as part of the architectural design and each step of the design process will have a budget put together. Mr. Greer said that they will make sure the project is on budget as it goes out to bid. There are always some items in the project that are nice to have but may be removed in order to meet the budget and they will have to stay within the bond approved amount. Mr. Auclair asked if they are legally obligated to stay within that amount and Mr. Greer said he believes so.

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

Chairman Moriarty asked if there are any unresolved peer review issues and Ms. Nixon said there are none.

Chairman Moriarty reviewed the standards for site plan approval. Mr. Saunders moved to adopt the findings of fact as written, seconded by Mr. Auclair and **VOTED, 6 yeas – unanimous, motion carries.**

SECTION 229 - 10: SITE PLAN APPROVAL STANDARDS AND CRITERIA

The following criteria shall be used by the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

1. Utilization of the Site. The plan for the development, including buildings, lots, and support facilities, must reflect the natural capabilities of the site to support development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation. **The project work limits do not impact any environmentally sensitive areas, as evidenced by the State and Federal agency contacts. An amended MDEP SLODA permit was applied for and received on May 5, 2017. The Board finds the standards of this section have been met.**

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

1. Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.
2. Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.
3. The grade of any proposed drive or street must be not more than +3% for a minimum of two (2) car lengths, or forty (40) feet, from the intersection.
4. The intersection of any access/egress drive or proposed street must function: (a) at a Level of Service D, or better, following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or (b) at a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated.
5. Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if it is safe and does not promote short cutting through the site.
6. Where it is necessary to safeguard against hazards to traffic and pedestrians and/ or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.
7. Accessways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.
8. The following criteria must be used to limit the number of driveways serving a proposed project:
 - a. No use which generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.
 - b. No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all accessways must not exceed sixty (60) feet.

3. Accessway Location and Spacing. Accessways must meet the following standards:

1. Private entrance / exits must be located at least fifty (50) feet from the closest unsignalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the accessway. This requirement may be reduced if the shape of the site does not allow conformance with this standard.

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

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

1. Projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing.
2. Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).
3. The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.
4. All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

As shown on the site plan, all of the above criteria have now been met for final approval. The Board finds the standards of this section have been met.

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

1. Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.
2. All parking spaces, access drives, and impervious surfaces must be located at least fifteen (15) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within fifteen (15) feet of the front property line. Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24) feet in width.
3. Parking stalls and aisle layout must conform to the following standards;

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

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

A Parking Demand and Trip Generation Evaluation was prepared by Randy Dunton, PTE, of Gorrill Palmer Engineers. It was reviewed and approved by the Town's Traffic Peer Review Engineer, Thomas Errico, P.E., of T. Y. Lin International as well as by Town Staff. Modifications to the proposed parking plan were made as a result of these reviews; the current plan is in conformance with all ordinance requirements. The Board finds the standards of this section have been met.

6. Pedestrian Circulation. The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/ exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential,

recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect the amenities such as parks or open space on or adjacent to the site.

Modifications to the proposed pedestrian circulation plan were made as a result of comments made by department heads and the peer review engineers; the current plan is in conformance with all ordinance requirements. The Board finds the standards of this section have been met.

7. Stormwater Management. Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

1. To the extent possible, the plan must retain stormwater on the site using the natural features of the site.
2. Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.
3. The applicant must demonstrate that on - and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding and erosion of shoreland areas, or that he / she will be responsible for whatever improvements are needed to provide the required increase in capacity and / or mitigation.
4. All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.
5. The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.
6. The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.
7. The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

The plans have been reviewed and approved by the Town Engineer who has found that the proposed plan meets all of the above ordinance requirements. The Board finds the standards of this section have been met.

8. Erosion Control.

1. All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and / or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.
2. Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 1991, and as amended from time to time.

An erosion control plan has been reviewed and approved by the Town Engineer and Maine DEP. The Board finds the standards of this section have been met.

9. Water Supply Provisions. The development must be provided with a system of water supply that provides each use with an adequate supply of water. If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source of distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows. **The site is currently served by public water. A letter dated May 24, 2017 from the Portland Water District (PWD) is on file which states the PWD has the ability to serve the needs of the proposed project. The Board finds the standards of this section have been met.**

10. Sewage Disposal Provisions. The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code. If provisions are proposed for on-site waste disposal,

all such systems must conform to the Subsurface Wastewater Disposal Rules. **The project will utilize public sewer. The sewer plans have been reviewed and approved by the Town's peer review engineer. The Board finds the standards of this section have been met.**

11. Utilities. The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground. **The proposed project meets the above standards. The Board finds the standards of this section have been met.**

12. Groundwater Protection. The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to the public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine. **The project is served by public water and sewer. There will be no adverse impact on groundwater on or near the site. The Board finds the standards of this section have been met.**

13. Water Quality Protection. All aspects of the project must be designed so that:

1. No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxious, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
2. All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.

The project involves no storage for fuel, chemicals, chemical or industrial waste of biodegradable raw materials. No discharges of unsuitable materials are contemplated. The erosion control plan contains appropriate procedures to reduce the risk of spills or other threats to stormwater or groundwater. The Board finds the standards of this section have been met.

14. Capacity of the Applicant. The applicant must demonstrate that he / she has the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan. **The applicant has provided evidence of technical capacity through use of professional engineers and architects. The applicant submitted a letter indicating that the project will be financed by a bond that was approved on November 8, 2016. The Board finds the standards of this section have been met.**

15. Historic and Archaeological Resources. If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation. **The site does not contain any historic or archaeological resources as evidenced by the Greely Campus Master Plan permitting process. The Board finds the standards of this section have been met.**

16. Floodplain Management. If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Town's Floodplain management provisions. **The site is located within Zone C (Area of Minimal Flooding) as depicted on FEMA Flood Insurance Rate Map 230162 0015 B. The Board finds the standards of this section have been met.**

17. Exterior Lighting. The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated. All exterior lighting must be designed and shielded to avoid undue glare, adverse impact on neighboring properties and rights - of way, and the unnecessary lighting of the night sky. **The submission packet included information on site lighting for this project. Lighting will include a series of pedestrian bollard lights to light the walkway, and a single pole light to light the new pedestrian plaza. No additional pole lights in the parking areas will be**

installed as the existing lighting is sufficient for the additional parking areas. The Board finds the standards of this section have been met.

18. Buffering of Adjacent Uses. The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade, and / or a combination of these or other techniques. **There are no proposed changes to the buffering and landscaping currently provided. The Board finds the standards of this section have been met.**

19. Noise. The development must control noise levels such that it will not create a nuisance for neighboring properties. **Any associated noise generated by activities in the proposed performing arts center will be contained within the building and will not create a nuisance for neighboring properties. The Board finds the standards of this section have been met.**

20. Storage of Materials.

1. Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.
2. All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.
3. Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition.

The application states that dumpsters and solid waste handling will be unchanged from current conditions. A four (4') foot fence with gates has been added around the perimeter of the stormwater treatment area. The Board finds the standards of this section have been met.

21. Landscaping. Landscaping must be provided as part of site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a pleasing site character. The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties.

Plan sheet L 3.0 shows that there will be 12 new trees and a variety of perennials, grasses and groundcover planted on the site. The proposed landscaping plan has been reviewed and approved by Town Staff and the Town Engineer. The Board finds the standards of this section have been met.

22. Building and Parking Placement.

1. The site design should avoid creating a building surrounded by a parking lot. Parking should be to the side and preferably in the back. In rural, uncongested areas buildings should be set well back from the road so as to conform with the rural character of the area. If the parking is in front, a generous, landscaped buffer between road and parking lot is to be provided. Unused areas should be kept natural, as field, forest, wetland, etc.
2. Where two or more buildings are proposed, the buildings should be grouped and linked with sidewalks; tree planting should be used to provide shade and break up the scale of the site. Parking areas should be separated from the building by a minimum of five (5) to ten (10) feet. Plantings should be provided along the building edge, particularly where building facades consist of long or unbroken walls.

There will be an additional 58 parking spaces constructed for this project. All parking is to the front of the building. Plan sheet L 3.0 shows that there will be 12 new trees and a variety of perennials, grasses and groundcover planted on the site. The Board finds the standards of this section have been met.

Chairman Moriarty reviewed 2 proposed conditions of approval. Mr. Saunders said that Mr. Errico's report has 3 proposed conditions of approval and he asked if there is a reason only 1 of these conditions is proposed. Ms. Nixon said that all 3 could be conditions. Mr. Sherr moved to approve an amendment to the approved site plan for MSAD 51 to construct a performing arts center at Greely High School, tax map U11, lot 1 subject to the

standard conditions of approval, the limitation of approval and the 4 conditions of approval, seconded by Mr. Auclair and **VOTED, 6 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 de minimis 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) 1 year 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 APPROVAL:

1. A preconstruction conference shall be held prior to the start of construction.
2. The applicant shall conduct a monitoring survey within the first six months of occupancy to evaluate conditions related to parking, traffic, and pedestrian conditions. The applicant shall provide a summary of the monitoring study to the Planning Board.
3. A parking management plan shall be prepared that outlines strategies for managing parking according to event size and conditions. These strategies may include: on-site traffic control personnel; provision of remote parking and shuttle bus transportation; restrictions on when events can occur and the appropriate protocol for communication between the School Department and Town staff; etc.
4. The applicant shall conduct a monitoring study annually for the first three years of operation. The outcome of the monitoring may require revisions to the parking management plan.

~~3. TABLED Public Hearing: Subdivision Review: Stratton Woods—4 Lot Minor Subdivision. 50 Stratton Woods Lane. Tax Map R07, Lot 55. Applicant: Steven Crotty Construction; Representative: Tom Greer, P.E., Pinkham and Greer Engineers.~~ This item was tabled prior to the meeting.

~~4. TABLED Public Hearing: Recommendation to Town Council to add Section 315.28.4 to the Cumberland Zoning Ordinance to permit Senior Housing Community Overlay District.~~ This item was tabled prior to the meeting.

G. Administrative Matters/New Business: Mr. Boivin said that at previous meetings there was a thought to remove the paper materials and go with electronic means. Ms. Nixon said that the new fiscal year begins July 1st and at that point there is money in the Town's budget for the Planning Board to be given tablets that will contain the Board's materials electronically. Ms. Nixon said that these will probably be ready by August and training will be provided. Mr. Boivin asked if the tablets will stay at Town Hall and Ms. Nixon said board members can take them home. Mr. Boivin asked if the Board will be given town email addresses and Ms. Nixon said yes.

H. Adjournment: Mr. Sherr moved to adjourn the meeting at 8:27 pm, seconded by Mr. Auclair and **VOTED, 6 yeas – unanimous, motion carries.**

A TRUE COPY ATTEST:

Stephen Moriarty, Board Chair

Christina Silberman, Administrative Asst.