

**TOWN OF CUMBERLAND  
PLANNING BOARD MEETING MINUTES  
Tuesday, September 19, 2017 - 7:00 pm**

**A. Call to Order:** Chairman Moriarty opened the meeting at 7:03 pm and apologized for the slightly late start due to a workshop the Board held tonight at 6 pm to discuss accessory dwelling units. Chairman Moriarty noted that Item #3 has been tabled and will not be taken up tonight. Item #4 has also been tabled.

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

**C. Approval of Minutes of the August 15, 2017 Meeting:** Mr. Saunders moved to accept the minutes of the August 15, 2017 meeting as written, seconded by Mr. Auclair and **VOTED, 6 yeas, unanimous - motion carries.**

**D. Staff Site Plan Approvals: Major Staff Review for Alan & Diane Blanchard, 169 Greely Rd., to add a 2,400 sq. ft. greenhouse.** Ms. Nixon reported that this Staff Site Plan Approval is for the Blanchard family at 169 Greely Road who are starting to produce vegetables year round. The approval is for a 2,400 sq. ft. high-hoop greenhouse on the Blanchard's property. Ms. Nixon said that notices were sent to abutters and there were no comments. Ms. Nixon added that the Blanchards hope to partner with Spring Brook Farm.

**E. Minor Change Approvals:** None.

**F. Hearings and Presentations:**

**1. Public Hearing: Preliminary Major Subdivision and Site Plan Review for Higbee Notch - 8 multiplex units at 251 Gray Road, Tax Map U21, Lot 18 in the Village Office Commercial 1 zoning district. Owner: Denise Morgan; Applicants: Denise Morgan, Megan Morgan and Nathan Pelsinski. Representative: Nancy St. Clair, P.E., St. Clair Associates.**

Chairman Moriarty introduced the item and noted that there was a sketch plan review on this matter one month ago and a public hearing was held at that time.

Nancy St. Clair, St. Clair Associates, noted that she is here with Denise Morgan, the land owner and co-applicant, and with Megan Morgan and Nate Pelsinski who are also co-applicants for the Higbee Notch Subdivision.

Ms. St. Clair displayed an aerial photo of the area that the Board had requested previously and described the area surrounding the site on Gray Road near the Gray town line. Chairman Moriarty asked if there is a street sign or if the property is unmarked. Ms. St. Clair replied that the property is unmarked at this point. The site is near the crest of the hill and there is a sale sign on the property next to the site. Just ahead of the sale sign, there is a grass trail coming into the site.

## Higbee Notch Subdivision



Preliminary Subdivision Plan

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Ms. St. Clair showed a zoomed in aerial photo of the site with an overlay of the proposed plan. She noted that the cleared area was previously disturbed by the prior owner and an access road had been built coming into the site. Ms. St. Clair identified neighboring houses.

Ms. St. Clair explained that the applicants propose a two lot split of the property. The property is about 5.85 acres. There is a little bit of frontage on Route 1 and the property abuts the Piscataqua River along the back. The proposal is for a shared access drive off Higbee Lane. Higbee Lane will be a residential access street with a short hammerhead that will be paved and will be 22' wide with 2' shoulders. The access drive will be gravel and will also be 22' wide with gravel shoulders. There will be parking for each of the two buildings. Each building will have four market rate apartments in it for a total of eight apartments on the site. The buildings will be clustered in the area that had been previously disturbed.

Ms. St. Clair said that there is quite a bit of land area from the limits of the work down to the river. They will be dealing with shoreland zoning and the buildings will be well outside of the 100' building setback in the shoreland zone. The limit of development is consistent with the restrictions in shoreland zoning.

Ms. St. Clair said that several months ago the applicants sought a zone change for the property and were successful in adjusting the zone lines so the property is all within the VOC 1 district. Multi-family housing is allowed in the VOC 1 district.

Ms. St. Clair pointed out two purple boxes on the displayed photo and said these are the proposed septic locations that are based on passing soil test pits.

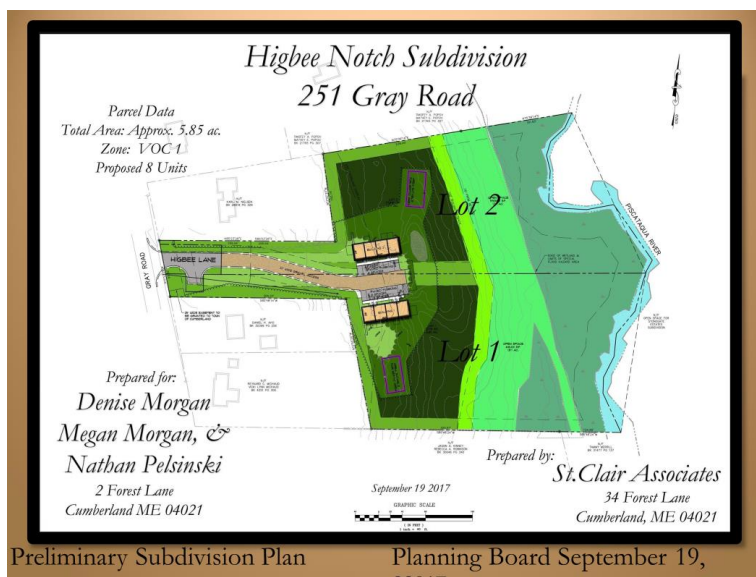
## Higbee Notch Subdivision



Preliminary Subdivision Plan

Planning Board September 19, 2017

Ms. St. Clair displayed a slide of the site plan and said that there will be paved parking for each of the buildings with two parking spaces per unit. Ms. St. Clair identified the clearing limits that exist on the property now. The applicants anticipate that the clearing area will go a little further out and Ms. St. Clair identified the area.



Preliminary Subdivision Plan

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Ms. St. Clair reported that a prehistorical archaeological study was conducted on the site with a number of test pits and nothing was discovered. Based on the terrain of the site, the soil conditions and the findings, Ms. St. Clair is confident that there will be no adverse impact on any significant prehistoric cultural materials.

Ms. St. Clair referred to construction access at Higbee Ln. and noted that the ordinance requires underdrains as part of the road. Ms. St. Clair said that they are asking for a waiver on this 105' section for underdrains. Open ditches are proposed along both sides of the road that will be deep enough to allow for drainage. There is 16' to 20' of

vertical grade change from Route 100 to the development area and overall the site has a 46' vertical grade change.

Ms. St. Clair said the power is proposed to come in from the overhead power from Gray Road. The project proposes overhead power for 300' to a drop pole and then underground power to serve both buildings. The peer review has indicated that the ordinance requires underground electric. Ms. St. Clair asked for the Board's thoughts on this waiver.

Ms. St. Clair said a waiver had been requested on a storm water study. The peer review suggests that they have this study. Ms. St. Clair said she will provide this as part of the final application materials.

Ms. St. Clair referred to trash collection and said they propose a designated area for residents to place their trash for weekly collection near the hammerhead of Higbee Ln. which will be off of Route 100 and they will provide an easement for this.

Ms. St. Clair said the project will be phased and they hope to complete phase one within 1 to 2 years of approval and then to complete phase two within 3 to 5 years after phase one. Ms. St. Clair said that she understands that the Board has constraints within the ordinance and asked for as much time as possible for the phase two building.

A financial capacity letter has been provided for phase one. Ms. St. Clair asked that there be a condition of approval that a phase two financial capacity letter will be provided by the applicant prior to moving forward with phase two.

Ms. St. Clair said that they are requesting a waiver on having a nitrate study done.

Jeff Davis noted that he works with applicant Denise Morgan's husband and feels this will not impact his decision.

Chairman Moriarty asked if each of the two septic areas shown will serve 4 units. Ms. St. Clair replied that this is correct and added that each septic system will be designed to serve 8 bedrooms. Chairman Moriarty asked about well locations. Ms. St. Clair said there will be a 100' distance from the septic systems to the wells and she indicated possible well locations. There will be one well for each 4 unit building. Chairman Moriarty asked about the proposed ditching and Ms. St. Clair explained the proposal for the ditches.

Mr. Auclair asked about fire protection. Ms. St. Clair said that there is a fire hydrant less than 1,000' from the property line which meets the criteria. Ms. St. Clair said they do need to have a formal meeting with the Fire Chief. Mr. Auclair asked if there will be a private way. Ms. St. Clair said that the Higbee Notch portion will be designed to meet the standards for a municipal street and the access drive will remain private. Mr. Auclair asked about a landscape plan. Ms. St. Clair said there will be foundation plantings. The buildings are a fair way back from neighboring houses and there are wooded areas between them. Mr. Auclair asked about proposed lighting and Ms. St. Clair said there will be residential building mounted lighting at the entrances and a cut sheet will be provided for the lights.

Mr. Sherr confirmed that the requested waivers are for the underdrains, the nitrate study, the landscape plan, the lighting photometric plan, and the underground electric.



Mr. Auclair asked about the sight distance study and asked if Ms. St. Clair is using a prior approval from 2006. Ms. St. Clair said a new study will be forthcoming and they will seek reapproval of the entrance permit for the site.

Mr. Saunders noted that the peer review for the underdrain waiver recommends that a minimum depth for the ditch be provided and Ms. St. Clair has indicated it will be approximately 24 inches deep. Mr. Saunders questioned if the peer review approves this depth and asked if Ms. St. Clair is fine with making this a condition of approval. Ms. St. Clair replied absolutely. Mr. Saunders asked if Ms. St. Clair would do a landscape plan showing locations of plantings. Ms. St. Clair said that she plans to work with staff on this.

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

Mr. Saunders asked about phasing for the project. Mr. Auclair asked if financial capacity is needed for phase 2. Ms. Nixon explained that with the Allen's Farm project, the Board approved it with a condition that the letter of financial capacity for the first building was sufficient and financial capacity will have to be proved for subsequent buildings. This project can be approved similarly. Mr. Saunders asked about the time frame. Ms. Nixon clarified that for a site plan, construction must be substantially commenced within 12 months/1 year and substantial completion must be done within 24 months/2 years or a time period specified by the Board. Ms. Nixon said that the Board could say they have up to two years to complete all 8 units or the Board could say this approval is for phase 1 which would give the applicants up to 24 months to complete phase one and then the applicants could come back for phase 2 and get another 24 months for this. Ms. Nixon clarified that for a subdivision, completion is within 2 years of approval and it could be phased.

The applicant proposes to complete phase one in 1 to 2 years and phase two in 3 to 5 years. Phase 1 improvements will be the construction of Higbee Lane, the gravel access drive, the first building and parking for the first building. Phase 2 will be the second building and parking for the second building. Mr. Sherr suggested allowing 2 years for phase 1 and 2 years for phase 2 back to back and if the applicants need more time, they can come back to the Board. Mr. Saunders suggested making proof of financial capacity for phase 2 a condition of approval.

Mr. Saunders asked if the requested waivers have to be approved during preliminary approval. Mr. Sherr suggested tabling action on the requested waivers. Ms. Nixon said that the Board does not have to approve waivers at preliminary review but usually the Board does this so the applicant knows they can go on to final approval with the design based on waivers that were granted. Ms. Nixon added that the Board has communicated enough tonight that Ms. St. Clair understands what is likely to be granted. Mr. Sherr said that he is not comfortable granting a waiver regarding the stormwater until the pre and post stormwater calculations are provided.

Chairman Moriarty asked what the plan is regarding the DOT Entrance Permit. Ms. St. Clair replied that the DOT Entrance Permit will be filed for reapproval and will be provided as part of the Board's final review. Chairman Moriarty referred to the 2006 DOT Entrance Permit that was granted and asked what type of structure this was for.

Code Enforcement Officer Bill Longley replied that in 2005/2006 there was a large number of trucks hauling material to this site from out of town and he received a lot of complaints about this. Mr. Longley said he talked with the trucking company and they agreed to stop hauling because they had no approved access from the highway to the site and so the 2006 permit was obtained to satisfy the access requirements.

Chairman Moriarty noted that there are a lot of unanswered issues and suggested that it is premature for preliminary approval with so much outstanding. Mr. Sherr agreed and noted that the applicant can come back for preliminary and final review next time by addressing everything all at once, as the Board has done before. Mr. Sherr said another option is that the Board could consider approving preliminary review with conditions of approval that the applicant continue to address the waiver submittals, the Peer Review Engineer's review and the staff review. Chairman Moriarty said he would not mind combining preliminary and final review but it seems that preliminary approval would be premature tonight. Mr. Saunders said that if the Board were to approve preliminary review tonight, there would be a lot of conditions of approval.

Mr. Saunders asked Ms. St. Clair if she has a clear understanding of what is needed. Ms. St. Clair said that she does have a pretty clear understanding of what is needed and would like to combine preliminary and final review approval for the next meeting. Ms. St. Clair asked about the waiver for overhead vs. underground electric, and other waivers to see if the rest of the Board is on the same page as Mr. Sherr and Mr. Saunders. Mr. Auclair said he would be in favor of the overhead/underground electric waiver but wants to see this shown on the plan. Mr. Davis agreed. Chairman Moriarty said he is sticking with the nitrate study requirement until he is convinced that it is superfluous, he would like to see an illustration of plantings and other design features, he does not see a need for a photometric plan but would like a visual of the exterior lighting proposed, he wants to hear more about the stormwater management and he is ok with the proposed utility (electric) issue. Ms. Maloney-Kelly said she is on the same page as the rest of the Board and does not have a problem with the electric overhead for 300' then going underground.

Ms. Maloney-Kelly asked about the trash collection. Ms. St. Clair pointed out the proposed area where tenants could leave their trash and recycling and said there will be an easement so the trash truck could go in to do the collection and turn around. Ms. St. Clair said they went out on trash day to look at other multifamily projects in the area and this is the same approach Emerald Green has and is the same with Neba Way. Ms. St. Clair said that when phase 2 comes along they propose to add a pad and an enclosure in the trash collection location. Mr. Sherr asked that the trash collection location be shown on the plan.

Ms. St. Clair noted that the proposed location of the utility pole for overhead electric to come in 300' before going underground is currently shown on the grading plan.

Mr. Auclair moved to table preliminary approval for Higbee Notch, seconded by Mr. Sherr and **VOTED, 6 yeas, unanimous - motion carries.**

**2. 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.

Chairman Moriarty introduced the item.

Wayne Wood, surveyor for the project, explained that Tom Greer of Pinkham and Greer was unable to make it tonight so he is filling in.

Ms. Nixon shared a letter that was just received from Inland Fisheries and Wildlife stating that the project will have no adverse impacts. A letter was also received from the Department of Agriculture and Forestry stating that there are no rare botanical features documented within the project area. Ms. Nixon said these letters may be noted as proposed conditions of approval but they are now here. The letter from the Maine Historic Preservation Commission is outstanding.

Chairman Moriarty said this is a project for Minor Subdivision Review for 4 lots and does not require a Sketch Plan Review.

Mr. Wood said this project is a 4 lot minor subdivision off Stratton Woods Ln. which is an existing road. Comments from the peer review by Sevee and Maher have been addressed. Other than the letter pending from the Maine Historic Preservation Commission, the application is complete.

Mr. Saunders noted that in a May 30th letter to Ms. Nixon it is noted that plans will be submitted to CCSWCS (Cumberland County Soil & Water Conservation) for review but there is a waiver request for this. Mr. Saunders asked why a waiver is requested if the plans were submitted. Ms. Nixon responded that there is dated language in the Ordinance that should be removed. At one time, plans were sent to Cumberland County Soil & Water Conservation for review and the applicant would pay a fee for this. When the Town started using peer review engineers, this became a duplicated effort that is no longer needed and a waiver is not required for this. Mr. Wood said they will withdraw their request for this waiver.

Mr. Auclair referenced a note regarding a solvent spill and a recommendation that notes be added to the plan. Note #3 talks about initial well testing and that the homeowner should retest after 5 years. Mr. Auclair asked who will test the water before the initial use. Mr. Wood confirmed with Mr. Crotty that the developer will do the initial test. Mr. Saunders asked if it is normal that the developer have a water test. Ms. Nixon said that the Town does not typically require a water test as part of the review and approval. Applicants must show that there is an adequate supply of water. Ms. Nixon said that this parcel is adjacent to the Spring Valley Subdivision that the Board approved two months ago. This is in a well advisory zone and Mr. Greer asked to use this same language for this project. Mr. Auclair asked if the Spring Valley approval required that a note be added to the deeds. Ms. Nixon said that she does not believe that the note needed to be in the deed and it should be noted on the plan.

Mr. Sherr noted that the Board usually asks that wetlands be excluded from the building envelopes on the site plan and that proper setbacks are shown for the wetlands. Mr. Sherr said that the building envelope for lot #4 stops in the wetland and asked if this could be corrected. Mr. Wood said yes they will fix this. Mr. Saunders noted that preliminary review is not needed for this application and the Board is hearing final review now so this plan revision should be a condition of approval.

Mr. Saunders said that a waiver should be added for overhead electric and asked where the overhead electric will run. Mr. Wood said that the poles already exist on Stratton Woods Ln. and they do not plan to take them down and bury the electric.

Chairman Moriarty opened the public hearing.

Matt Dobson, 83 Upper Methodist Rd., said he is an abutter to this parcel on two sides and he has a couple of concerns. Mr. Dobson said that there are three houses in this area that have dug wells and he wants to make sure that these wells aren't going to be contaminated by the leech beds that will be going in. Mr. Dobson would also like to see where the houses will be. Mr. Wood showed Mr. Dobson the site plan. Mr. Dobson asked if the house on lot 4 will be able to look into his backyard or if there will still be some tree coverage. Mr. Dobson also asked if the road will be upgraded to town specs because the water runs down the hill and washes into his property.

Mr. Wood said that a stormwater study was done for Stratton Woods Ln. and the peer review indicates that Stratton Woods Ln. meets the current standards with the exception of the surface gravel that is there now. The road will be regraded and crowned to the town standard with the proper material. Mr. Wood said that the ditching was deemed to meet the standards for the road.

Mr. Wood said the houses on lots 3 and 4 will be near the front of the lots and will be quite a bit away from Mr. Dobson's property. Septic systems are required to be at least 100' away from any well. Mr. Dobson showed the location of the three dug wells that abut this project. Mr. Dobson's well is directly downhill from the house that is being built here now and he is worried about where the natural spring runs. Mr. Dobson said he does not want to lose his water and asked if there is some kind of promise that he won't have an issue once all these houses are in. Chairman Moriarty asked what kind of wells are being proposed with this project. Mr. Wood said he believes they will be drilled wells.

Mr. Dobson asked if they could fix the end of the entrance to Upper Methodist Road because Stratton Woods Ln. washes out every time it rains. Mr. Dobson suggested that Stratton Woods Ln. be paved five feet in at this end of the road. Chairman Moriarty asked if Stratton Woods Ln. is public or private and what type of surface it is. Mr. Wood replied that Stratton Woods Ln. is a private road with a gravel surface that exists currently.

Chairman Moriarty closed the public hearing.

Ms. Maloney-Kelly confirmed that Mr. Dobson's concern is with Stratton Woods Ln. and the water flow is not from Upper Methodist Road. Mr. Dobson said that the Town has made a swale here but it really needs a ditch. Ms. Maloney-Kelly asked if there is a culvert here and Mr. Dobson said there is no culvert.

Ms. Nixon asked Mr. Longley if the Town requires paved aprons for private ways that are gravel roads. Mr. Longley said that if Stratton Woods Ln. is an approved private way, it was done before he worked for the Town so he can't answer this. Ms. Nixon said the Board may want to consider a condition of approval that a paved apron be installed. Mr. Sherr asked if the applicant is willing to provide a 5' apron at the end of the road and Mr. Crotty indicated that he would.



Mr. Saunders moved that due to the unique characteristics of the project that the Board will not require paving of Stratton Woods Ln. except for the approved condition of approval regarding the last 5' of Stratton Woods Ln. towards Upper Methodist Rd., seconded by Mr. Sherr and **VOTED, 6 years, unanimous - motion carries.**

Mr. Saunders moved that due to the unique characteristics of this site that the Board waive the requirement for high intensity soils mapping, seconded by Mr. Sherr and **VOTED, 6 years, unanimous - motion carries.**

Mr. Saunders moved that due to the unique nature of the site that the Board waive the requirement for the road being in the center of the right of way, seconded by Mr. Sherr and **VOTED, 6 years, unanimous - motion carries.**

Mr. Saunders moved that due to the unique nature of the site that the Board waive the requirement for underground electrical service to allow for the existing overhead electrical service to the site, seconded by Mr. Davis and **VOTED, 6 years, unanimous - motion carries.**

Chairman Moriarty reviewed the proposed findings of fact. Mr. Saunders moved to adopt the findings of fact as amended, seconded by Mr. Auclair and **VOTED, 6 years, unanimous - motion carries.**

#### **MINOR 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. 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. 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 between 50-100 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 40 trips per day. 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 dated April 15, 2017 was submitted. The report was prepared by Mark J. Hampton LSE, CSS. 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 4 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, significant wildlife habitat or rare and irreplaceable natural areas. Based on the information provided and with the proposed Condition of Approval for receipt of a letter from the Historic Preservation Commission 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 evaluator.*

*There is a letter on file from Bangor Savings Bank stating that the applicant has the financial capacity to complete the requirements of the Stratton Woods Subdivision.*

*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;

*There are no rivers or streams within the proposed subdivision. A small area of wetlands is located on Lot 4 but it does not meet the definition of wetlands of special significance as defined by Maine DEP.*

*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 will be tested for volatile organic compounds in addition to Maine Dept. of Health and Human Services drinking water quality standards. 4 notes have been placed on the subdivision plan regarding this issue.*

*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. 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 was completed by Mark H. Hampton, CSS, LSE. The .31 acres of wetlands are shown on the plan. 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 no rivers, streams or brooks on the subject parcel. Based on the information provided, the standards of this section have been met.*

The Board reviewed the proposed conditions of approval. Mr. Sherr moved to approve a subdivision for Stratton Woods, 4 Lot Minor Subdivision, 50 Stratton Woods Lane, tax map R07, Lot 55 subject to the Standard Conditions of Approval, the Limitations of Approval and the 8 modified Conditions of Approval as amended this evening, seconded by Mr. Auclair and **VOTED, 6 years, unanimous - motion carries.**

**STANDARD CONDITION OF APPROVAL:** This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents, except 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 (if Staff Review, the Town Planner or Staff Review Committee) prior to implementation. This condition shall be included on all site plans.

**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 within 12 months of the date upon which the approval was granted, the approval shall be null and void. If construction has not been substantially completed within 24 months of the date upon which approval was granted or within a time period as

specified by the Planning Board, the approval shall be null and void. The applicant may request an extension of the deadline to commence or complete construction 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 one-year extensions to the period 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.

**PROPOSED CONDITIONS OF APPROVAL:**

1. The proposed Protective Covenants and Home Owners Association documents shall be submitted for review and approval by the Town Planner and Town Attorney prior to the preconstruction conference.
2. A letter from the Maine Historic Preservation Commission stating there will be no adverse impact on historic resources shall be submitted to the Town Planner prior to the preconstruction conference.
3. The final plan shows the building envelope for lot 4 as excluding the wetland area.
4. That a five foot paved apron be installed at the intersection of Stratton Woods Lane and Upper Methodist Road.
5. That a preconstruction conference be held prior to beginning construction.
6. That a performance guarantee in a form acceptable to the Town Manager be provided prior to the preconstruction meeting.
7. That all fees be paid prior to the preconstruction meeting.

**~~3. TABLED Public Hearing: Recommendation to the Town Council to amend the Town of Cumberland Zoning Ordinance Chapter 315, Section 28.4B - Senior Housing Community (SHC) Overlay District and to amend the Official Zoning Map of the Town of Cumberland to include a portion of a lot located at 228 Greely Road, Tax Map R04 Lot 34A.~~** This item was tabled.

**~~4. TABLED Public Hearing: Recommendation to the Town Council to amend the Town of Cumberland Zoning Ordinance Chapter 315, Section 4 (Word Use and Definitions—Accessory Dwelling Unit) and Section 45 (Conversions).~~** This item was tabled.

**G. Administrative Matters/New Business:** Chairman Moriarty said that the Board may schedule an off night workshop on the accessory dwelling unit issue.

**H. Adjournment:** Mr. Auclair moved to adjourn the meeting at 8:40 pm, seconded by Mr. Sherr and **VOTED, 6 yeas, unanimous - motion carries.**

A TRUE COPY ATTEST:

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Stephen Moriarty, Board Chair

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Christina Silberman, Administrative Asst.