

TOWN OF CUMBERLAND PLANNING BOARD MEETING MINUTES
Tuesday, April 20, 2021 at 7:00 pm

Call to Order: Chairman Auclair opened the meeting at 7 pm.

Roll Call: Present: Paul Auclair, Amanda Billing, Bill Kenny, Lorraine Rardin, Jason Record & Ann Sawchuck, **Staff:** Carla Nixon - Town Planner, Christina Silberman - Administrative Assistant & Bill Shane - Town Manager. **Absent:** Joshua Saunders.

Approval of the Minutes of the February 16, 2021 Regular Meeting and the February 23, 2021 & March 16, 2021 Workshop Meetings. Chairman Auclair referred to the minutes of February 16th and noted that the last item in the chart for site preparation has “less than five acres” and “greater than five acres” and he asked what happens if it is five acres. Ms. Nixon noted an amendment is needed. Mr. Record moved to accept the minutes as provided for February 16, 2021, February 23, 2021 and March 16, 2021, seconded by Mr. Kenny and **VOTED, 6 yeas, unanimous - motion carries.**

Staff Site Plan Approvals: Registered Caregiver Facility to be located at 212 Gray Road as shown on Tax Assessor Map U20, Lot 64 in the Village Center Commercial (VCC) zoning. Ms. Nixon reported that this approval is for a registered caregiver facility which, under State law, is for dispensing medical marijuana. Chairman Auclair said that the review mentions that nobody ever goes into the building and they come out to the car. Ms. Sawchuck asked if people will never go into the building. Ms. Nixon replied that this is what the application states and if they do anything different, they are supposed to let the Town know.

Minor Change Approvals: None.

Hearings and Presentations

1. Public Hearing: Sketch Plan Review for 14 lot major subdivision, Blanchard Oaks, on a 51.78-acre parcel located at 365 Blanchard Rd. Extension, Tax Assessor Map R08, Lot 68A. Applicant/Owner: Chris Axelson. Representative: Travis Letellier, P.E. Northeast Civil Solutions, Inc.

Chairman Auclair introduced the item and noted that 51.78 acres is the total acreage and includes what the McCormick’s will retain and to be accurate it is 44.15 acres (for the subdivision).

Ms. Nixon noted that prior to the subdivision ordinance being amended to have the conservation subdivision provisions included, there was a step called sketch plan review for major subdivisions. When the conservation subdivision ordinance went into effect, the Planning Board had a planning board workshop in advance of the applicant starting the formal process. Ms. Nixon explained that it wasn't noticed that the sketch plan step was kept in the ordinance. Essentially, the sketch plan review is exactly what was done in the workshop. Because the ordinance has not yet changed, we have to go through this step. Chairman Auclair asked what the Board’s role is tonight. Ms. Nixon recommended the Board reiterate tonight that they recommend the conservation subdivision.

Mr. Kenny remarked that what is new since the workshop is the applicant wanting to give 22 acres to the Town and he asked when it is time for the Board to talk about that. Ms. Nixon replied that it is not now because the Board has not formally started the review process.

Ms. Sawchuck said that the sketch plan was very complete and gave the Board a lot of information and she asked if the Board can anticipate that will always be the case. Ms. Nixon replied that what is asked for in sketch plan seems actually to be less than what is asked for with the with the Planning Board workshop. Ms. Sawchuck asked what would be next for the applicant. Ms. Nixon replied that for a major subdivision there will be preliminary approval and then final approval. Ms. Sawchuck said that she thinks this is an appropriate change for this situation.

Travis Letellier, P.E. Northeast Civil Solutions, Inc., (via Zoom) noted that this is essentially a redundant meeting because they had the workshop last month and the plan hasn't really changed. Mr. Letellier said there is an update about the open space. The applicant is leaning toward keeping it as homeowner association land rather than turning it over to the Town. Mr. Letellier reported that Chris and Mandy Axelsen have gone ahead with the purchase of the property and they own it now under an LLC. Schooner Ventures will be the applicant for the preliminary plan going forward. Mr. Letellier asked if there were any questions.

Mr. Record asked if the applicant would be open to trails and public access within the open space. Mr. Letellier responded that the applicants are looking to develop the road then sell the lots and it will be up to the future homeowners' association. Mr. Letellier can't speak for the future owners of the lots. Chairman Auclair said that this would be good information to have at the next step.

Chairman Auclair thanked Mr. Letellier and opened the public hearing.

Nicole Nevulis, 354 Blanchard Rd. Ext., said she has lived here for about ten years and she is in support of this neighborhood going in. Ms. Nevulis noted that there is also a small neighborhood with three lots going in and the use of the fair-grounds for racing, which is another effort that she supports. Ms. Nevulis said that the combination of these things raises concerns in regard to the traffic on Blanchard Rd. Extension. Ms. Nevulis shared concerns with the impacts of the development on the fire pond and its existing state as well as concerns with the aquifer. Ms. Nevulis is in support of the Town doing a study on the aquifer. Ms. Nevulis shared many issues with traffic and said that she has seen enough over the years that it's going to get to the point that the cost is going to be a life if we don't do something with this development now. Ms. Nevulis said adding these residences with the traffic from the fairgrounds has a very big impact and they would like to protect their way of life. Ms. Nevulis thanked the Board for their time and service.

Chairman Auclair thanked Ms. Nevulis and noted that many of the things she talked about the Board can do nothing about but a few things they can. As part of the next step, there'll be a water study, hydrological study, a traffic study and the Board can encourage that the Town improve the signage. Chairman Auclair noted Bill Shane is here tonight and he can hopefully bring these things to the appropriate people.

Shelton Waldrup (via Zoom) expressed concern with traffic and the fact there is not a sign indicating that Blanchard Extension is a dead end. Mr. Waldrup said he would appreciate a speed bump or stop sign as there is near Val Halla.

Chairman Auclair closed the public hearing.

Mr. Record asked if the Board has the ability, as part of this project, to add speed bumps. Mr. Shane, Town Manager, replied that the Board can make a recommendation to the Town Council. Mr. Shane added that typically a neighborhood meeting is held and speed bumps are extremely divisive. There are five neighborhoods with speed bumps now.

Mr. Record asked Ms. Nixon about the public comment regarding having a four way stop. Ms. Nixon replied that when you look at the plan, you will see that there is a significant vernal pool that would make this difficult to do.

Ms. Nixon asked Mr. Letellier if these homes will have sprinklers. Mr. Letellier replied yes, they will not need to take advantage of the fire pond. There will be individual sprinklers for each home.

The Board agreed unanimously to have the project continue as a conservation subdivision.

2. Public Hearing: Site Plan Review for construction of an 11,900 square foot indoor boat storage building on Lot B at 191 Middle Road as shown on Tax Assessor Map R02, Lot 27A in the Rural Industrial (RI) zoning district. Applicant/Owner: 199 Middle Road, LLC. Representative: Norman Chamberlain II, P.E., Walsh Engineering Associates.

Chairman Auclair introduced the item.

Norman Chamberlain II, P.E., Walsh Engineering Associates (via Zoom) showed a plan of the project and reported that an application was approved in 2019 for a second building. The plan has been modified to move the building outside of an easement and in doing so, the building pushes into the wetlands but reduces the amount of impervious surface by 419-sf. Mr. Chamberlain pointed to the areas of wetland impact and explained that they are going to the Army Corp of Engineers for a self-verification notification to account for the wetland impacts that are under the 4,300-sf allowed by DEP.

Mr. Chamberlain described the proposed lighting plan with no lights on one side.

Chairman Auclair asked Ms. Nixon about her review comments and Ms. Nixon replied that she is good with all of them.

Chairman Auclair referred to there being references to no storage of hazardous materials and noted the plan is to store boats that have fuel tanks. Chairman Auclair asked if this is an issue. Mr. Chamberlain said that he is not aware of a problem with this. Steve Arnold, Yarmouth Boat Yard, said that this has never been an issue with any of the buildings he has. Chairman Auclair said he presumed that the Fire Department is aware of this. Mr. Chamberlain replied that he would think so because they are storing boats inside the building. Chairman Auclair commented that he finds it a little incongruous that the application says there is no hazardous material stored within the building but there could be many gallons of gasoline.

Mr. Record said he remembers from 2019 that there was a fair amount of public comment and he is happy to see that no lights are proposed for the south side of the building. Mr. Record recalled that the applicant was storing boats behind the building and there would not be a lot of boats out front that were viewable from the road. Mr. Record also recalls a comment about work being done in the new building and the potential for noise associated with this work. Mr. Record asked Mr. Chamberlain to address these.

Mr. Chamberlain responded that any work will be cleaning and buffing hulls and nothing mechanical will go on in the building. Boats outside the building will be the agreed upon number of 15 after the second building goes in. Chairman Auclair asked if the boat storage is shown on the diagram and Mr. Chamberlain said yes and he identified the areas on the displayed plan.

Mr. Kenny said that he lives on Friar Ln. and because he is in the association and people know he is on the Board, he has been getting questions from people and his reply has been that he can't comment. Mr. Kenny said he wants the Board to be aware of this and he does not think he has a conflict. Chairman Auclair asked the Board for a show of hands if they feel Mr. Kenny has a conflict and no hands were raised.

Chairman Auclair referred to the waiver request from an updated drainage analysis and asked if this is waiver is required. Ms. Nixon said that it might be a good idea and added that it is a judgment call with the little difference in impervious surface.

Chairman Auclair opened the public hearing.

Dale Spugnardi, 189 Middle Rd., said his is the property most affected by this industrial park. This is the third time Mr. Spugnardi has come here for this. Mr. Spugnardi said that he moved here 16 years ago and he shared history of the business site. There was always a dispute about the property line. Mr. Spugnardi said that when he came two years ago, he asked that no lights be put on his side of the new building and he explained the lighting issues he had with the first building.

Mr. Spugnardi said he has asked that they do not cut any more vegetation because it's a swamp there. A huge tree fell on Mr. Spugnardi's house last year. There is just too much water. Mr. Spugnardi referred to the lot being bulldozed and all the new buildings and impervious stuff and asked why his area is filling up with water. Mr. Spugnardi said that there is nothing to stop the water coming on his property. Mr. Spugnardi has pictures of six trees that have fallen in two years because of the water being pushed onto his lot. Mr. Spugnardi said he wants to see the requirements done two years ago with no wall packs on the side of the building facing him and no more cutting of vegetation.

Mr. Spugnardi said that all of a sudden in the last year he has sulfur (in his water) and something is going on here. Mr. Spugnardi said he doesn't know if this is due to the additional runoff on his property hitting his well line or because of the salt that they put next to the boat yard which was supposed to be put on a pad and wasn't but since may have. Mr. Spugnardi said that he understands that the building is coming and he asked that the Board protect him.

Mr. Chamberlain said that they are proposing to add vegetation between the new building and Mr. Spugnardi's house. They are not looking to cut any more trees except near the corner of the existing building where they will widen the road to be able to get boats down

through. Mr. Chamberlain noted that it will be enhanced over what exists today. Mr. Chamberlain said that the water generally is running through a Town easement and comes down to a culvert next to the property and he does not think the project's water would be impacting Mr. Spugnardi in any way.

Mr. Spugnardi commented that it is not exactly stormwater, it is a swamp. Mr. Spugnardi had walked the property long before there was ever a boat yard there and he would be up to his knees in water. Mr. Spugnardi said that they had to fill this (wet area) so does the water stop coming, no, it pushes over further. Mr. Spugnardi said that he saw the tress on the map and asked if these are 4' saplings because they're not any protection for 10 to 15 years. Mr. Spugnardi asked for the things that were agreed to two years ago regarding lights and vegetation.

Mr. Chamberlain showed the lighting plan. Ms. Nixon said that lights on the south side will be removed. Mr. Chamberlain answered additional questions about the lighting. Mr. Chamberlain said that the buffer will be enhanced between the buildings and Mr. Spugnardi's house and up along Middle Rd.

Chairman Auclair confirmed that the lighting issue is resolved and Mr. Spugnardi agreed. Chairman Auclair commented that from what he has heard, he doesn't see that the Board should waive the drainage analysis.

Mr. Spugnardi said once the new storage building goes in, the outside storage will be for 15 boats and he asked what happens if there are 30. Chairman Auclair said that the Town has an enforcement officer who enforces what is approved by the Board.

Catherine Papkee (via Zoom), Friar Ln., said that there are wetlands running up and down Friar Ln. and she does not want the study to be waived. Ms. Papkee said she is concerned with the size of the trucks and wear and tear on Middle Rd. because it is not set up for that type of weight. Mr. Chamberlain said that the trucks would be legal and wouldn't be overweight or outside what is normally on the road. This is for boat storage. In the fall they'll be bringing the boats in and leaving them until spring so there will be little activity outside of these times. Mr. Chamberlain noted that Ms. Papkee's issues with noise and traffic may be from the other businesses that share the entrance.

Chairman Auclair asked what the largest boat is that could be stored. Mr. Arnold replied maybe 36'. A majority will be 32' and less. Mr. Arnold said that there are about 60 boats stored outside now and this will be cut back to 15. The new building will store 30 to 32 boards depending on the length. The site will be like a ghost town from mid-November until about April 15th. Mr. Arnold said they tow the boats with a F150 or F550 and are out pretty quick.

Riikka Morrill, Friar Ln., voiced concern about the further industrial development on this section of Middle Rd. and the accompanying traffic and noise. Ms. Morrill said she is awoken at night at all hours to the sounds of trucks and there is noise of the daily work happening at and around the area proposed for further development. Ms. Morrill said that further industrial development this close to residential neighborhoods is not in line with the Town's quiet residential community reputation. Ms. Morrill added that this plan seems like a change to the otherwise mostly retail uses of the space abutting this lot. She questioned if this scale of development is appropriate given its proximity to residences. Ms. Morrill is

concerned with the noise, impact on property value of the surrounding area and the aesthetic of further industrial development. Ms. Morrill said she does not support this project. She asked that any building permitted this close to residences be required to be pushed back as far as possible and that there be robust landscaping on all sides. Ms. Morrill said it is important that there be clear noise restrictions placed on the entire area limiting hours of operations and deliveries.

Chairman Auclair asked what time boats are normally delivered or removed. Mr. Arnold said generally it is 8 to 5 which are their working hours and there would be only three or four boats a day.

Chairman Auclair closed the public hearing.

Mr. Shane said that Town ordinances deal with the rate of runoff on a project, not the volume or quantity. Mr. Shane described the elevations of the site and provided some history on the problem with drainage town wide. Mr. Shane stated that decades of development have impacted the groundwater table. This area has scantic soils which do not drain well and absorb and hold a lot of water. Mr. Shane said from a stormwater standpoint, everything drains from the back of the lot so a stormwater analysis is not going to make much difference to any of these homes.

Chairman Auclair said that drainage doesn't have to related to stormwater and he asked Mr. Shane if there is a distinction. Mr. Shane replied that we are talking about two different types of water. Groundwater is under the surface. Stormwater, on the surface, is basically created by runoff and is what the Town controls. Mr. Shane said that there is sheet flow all across the area and the homes are surrounded by wetlands that retain 10 times the water of their weight. The Town really couldn't do a lot.

Mr. Chamberlain said that in 2019 a drainage study was performed and showed that there was no increase in stormwater runoff. The amount of impervious surface has been reduced and they are asking not to have to update the study. Mr. Chamberlain said that basically, the study would show the same answer as back in 2019.

Mr. Record asked about the new location of the building from what was approved in 2019 and Mr. Chamberlain outlined the changes and the related impact to the wetland.

Mr. Record said that he is not in favor of waiving the study given what has been said and because the building has been moved.

Ms. Billings agreed with Mr. Record and said it doesn't seem that it will cause too much harm to the applicant's process.

Mr. Kenny asked if they can formally limit the hours of operation and Mr. Shane replied only during construction.

Ms. Sawchuck said that she doesn't think the Board should change the conditions from 2019 and she thinks it is a good move to have the stormwater update because of the concern.

Mr. Kenny moved to deny the waiver request, seconded by Mr. Record and **VOTED, 6 yeas, unanimous - motion carries.**

Chairman Auclair reviewed the prepared findings of fact. One amendment was noted. Mr. Record moved to accept the findings of fact as read and amended, seconded by Ms. Sawchuck and **VOTED, 6 yeas, unanimous - motion carries.**

Chapter 229 – SITE PLAN REVIEW, SECTION 229-10: APPROVAL STANDARDS AND

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

A. Utilization of the Site: Utilization of the Site - The plan for the development, including buildings, lots, and support facilities, must reflect the natural capabilities of the site to support development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

There are some areas of wetland that were previously undocumented but now are shown on the plan and a Self-Verification Notification permit from the Army Corps of Engineers is listed as a condition of approval. The site is not located on a sand and gravel aquifer. Based on the above finding of fact, the Board finds the standards of this section have been met.

B. Traffic, Circulation and Parking

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

(a) Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.

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

(c) The grade of any proposed drive or street must be not more than +3% for a minimum of two (2) car lengths, or forty (40) feet, from the intersection.

(d) The intersection of any access/egress drive or proposed street must function: (a) at a Level of Service D, or better, following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or (b) at a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated.

(e) Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if it is safe and does not promote short cutting through the site.

(f) Where it is necessary to safeguard against hazards to traffic and pedestrians and/ or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.

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

(h) The following criteria must be used to limit the number of driveways serving a proposed project:

[1] No use which generates less than one hundred (1) 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.

[2] No use which generates one hundred (1) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all access ways must not exceed sixty (60) feet.

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

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

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

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

(a) Projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing.

(b) Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).

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

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

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

(a) Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.

(b) All parking spaces, access drives, and impervious surfaces must be located at least fifteen (15) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within fifteen (15) feet of the front property line. Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24) feet in width.

(c) Parking stalls and aisle layout must conform to the following standards.

Parking Angle	Stall Width	Skew	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

(d) In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.

(e) Parking areas must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.

(f) Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

There will be no visitors to the site, only a few employees will be on site on an occasional basis, therefore there is no need for pedestrian systems. Parking for YBY employees is shown on the plan in a parking area near Middle Road. Based on the above finding of fact, the Board finds the standards of this section have been met.

(5) Building and Parking Placement

(a) The site design should avoid creating a building surrounded by a parking lot. Parking should be to the side and preferably in the back. In rural, uncongested areas buildings should be set well back from the road so as to conform to the rural character of the area. If the parking is in front, a generous, landscaped buffer

between road and parking lot is to be provided. Unused areas should be kept natural, as field, forest, wetland, etc.

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

(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.

There are no changes to the parking. The building is located in an area that is appropriate. Due to the use of the building, there is no need for pedestrian ways. Based on the above findings of fact, the Board finds the standards of this section have been met.

C. Stormwater Management and Erosion Control

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

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

(b) Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.

(c) The applicant must demonstrate that on - and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding and erosion of shoreland areas, or that he / she will be responsible for whatever improvements are needed to provide the required increase in capacity and / or mitigation.

(d) All-natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.

(e) The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.

(f) The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.

(g) The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

(2) Erosion Control

(a) All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and / or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.

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

The stormwater management report submitted with the application was from 2018. A current stormwater management report is required. A proposed condition of approval will address the need to provide a current stormwater management report prior to the preconstruction conference. Based on the above findings of fact, the Board finds the standards of this section have been met.

D. Water, Sewer, Utilities and Fire Protection

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

(2) Sewage Disposal Provisions: The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code. If provisions are proposed for on-site waste disposal, all such systems must conform to the Subsurface Wastewater Disposal Rules.

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

(4) Fire Protection: The site design must comply with the Fire Protection Ordinance. The Fire Chief shall issue the applicant a "Certificate of Compliance" once the applicant has met the design requirement of the Town's Fire Protection Ordinance.

There is a well on site. Public sewer is provided by the Portland Water District. An ability to serve letter from the Portland Water District is on file. There is electrical service on site. Based on the above findings of fact, the Board finds the standards of this section have been met.

E. Water Protection

(1) Groundwater Protection: The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to the public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

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

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

(a) No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxious, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

(b) All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.

There will be no outdoor storage of environmentally harmful products.

(3) Aquifer Protection: If the site is located within the Town Aquifer Protection Area, a positive finding by the Board that the proposed plan will not adversely affect the aquifer is required.

The site is not located within the Town Aquifer Protection Area.

F. Floodplain Management: If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Town's Floodplain management provisions.

The site is not located within a floodplain. See Attachment 9 for a FEMA Flood map of the area. Based on the above finding of fact, the Board finds the standards of this section have been met.

G. Historic and Archaeological Resources: If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

A letter from the Maine Historic Preservation Commission stating that there are no historic or archaeological resources on the site was submitted as part of the subdivision review. Based on the above finding of fact, the Board finds the standards of this section have been met.

H. 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 site plan shows an appropriate amount of limited lighting on the new building. Based on the above findings of fact, the Board finds the standards of this section have been met.

I. Buffering and Landscaping

(1) Buffering of Adjacent Uses: The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade, and / or a combination of these or other techniques.

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

Landscaping was done around the perimeter of the site following the original approval. No additional landscaping is proposed around the proposed building, however new landscaping is shown for the revised entrance area. The Applicant has stated that there shall be clearing of trees or vegetation on the site. Based on the above findings of fact, the Board finds the standards of this section have been met.

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

There will be a period of time during the construction phase that may create elevated noise levels compared to normal operation of the development but will not be permanent noises associated with the development. Anticipated noises that could possibly occur during construction could come from, but are not limited to, equipment noise. It is anticipated that no adverse impact will occur on the surrounding area once the boat storage building is built. Based on the above findings of fact, the Board finds the standards of this section have been met.

K. 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.

There will be no outdoor storage of petroleum products. There is no dumpster shown on the plan. Based on the above findings of fact, the Board finds the standards of this section have been met.

L. Capacity of the Applicant: The applicant must demonstrate that he / she has the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan.

Technical Ability: The applicant has retained Walsh Engineering to prepare the amended site plan.

Financial Capacity: The applicant has provided a letter from Androscoggin Bank stating that the applicant has the capacity to finance the project as proposed.

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

M. Design and Performance Standards: The project is not subject to any Design Standards.

The proposed conditions of approval were reviewed. Ms. Nixon asked if the Board wants to be more specific about the size and type of trees to be planted and suggested 6' to 7'-high spruce trees. The Board agreed.

Mr. Record moved to approve construction of an 11,900 square foot indoor boat storage building on Lot B at 191 Middle Road as shown on Tax Assessor Map R02, Lot 27A in the Rural Industrial (RI) zoning district, subject to the eight conditions of approval as read by Carla Nixon, seconded by Ms. Billings and **VOTED, 6 yeas, unanimous - motion carries.**

CONDITIONS OF APPROVAL:

1. Any outstanding fees shall be paid to the Town prior to the issuance of a building permit.
2. The facility is approved for boat storage only. There shall be no boat or engine maintenance, or storage of hazardous materials on the site.
3. The applicant shall provide a copy of the Self Verification Notification permit from the Army Corps of Engineers.
4. The project site is within the Town's regulated Urbanized Area and is subject to the Town's Stormwater Management Ordinance, Chapter 242. A Post-Construction Stormwater Management Plan in accordance with the requirements of Chapter 242 is required.
5. The Expiration of Approval as shown above shall be listed as a note on the plan.
6. The applicant shall provide an as-built plan upon completion of construction.
7. The applicant shall provide an updated stormwater management plan which shall be reviewed and approved by the Town Engineer prior to the preconstruction conference.
8. The applicant shall provide a revised landscaping plan showing the placement of 6' - 7' high spruce trees in the locations shown on the approved plan.

Chairman Auclair called for a short break and then the meeting resumed.

3. Public Hearing: Site Plan Review for construction of a 10,280 square foot professional office building on Condominium Unit 3, at 2 Faraday Drive as shown on Tax Assessor Map U-20, Lot 73 in the Village Center Commercial (VCC) zoning district. Owner/Applicant: Green SIP Construction, Inc. Representative: Peter Biegel, Licensed Landscape Architect, Land Design Solutions.

Chairman Auclair introduced the item.

Peter Biegel, Land Design Solutions, displayed a plan of the multiple development project and said that this is the last portion of the project being developed. Mr. Biegel provided history on the development. This project will be a 1.3-acre professional office on condominium lot three. Mr. Biegel displayed the site layout and described the plan for a two-story building. Mr. Biegel shared the grading, drainage and erosion control plan and said that changes shown in blue are in response to the peer review.

Mr. Biegel explained that everything except this site was involved with the stormwater permit. A year or so ago, when the multiplex project was going through the permitting process, a detention pond was designed to go in the multiplex greenspace knowing something had to be done with the stormwater and this was talked about with DEP. Mr. Biegel described the stormwater plan.

Mr. Biegel showed the utility plan and pointed out the location of the engineered septic system for over 2,000 gallons per day, which is larger than needed. This project tripped the DEP Site Location and Development Act threshold and it is in queue at DEP. DEP will be looking at all aspects of the septic system and stormwater. The project will tie into the utility pole that is in the front and they will tie into the natural gas line along the street. All utilities will be underground. Mr. Biegel further described the project site.

Mike Hayes, Architect, presented the plans for the two-story building.

Chairman Auclair asked if any design standards apply. Ms. Nixon replied that the Route 100 Standards apply. Chairman Auclair referred to comment about an unnecessary walkway. Mr. Biegel pointed to the area where there are parking spaces closest to Route 100 and said they are talking about not having a sidewalk here because it is not needed for pedestrian circulation and the space could be used as a snow storage area.

Mr. Hayes said that they expect to have four tenants in the building but the two larger spaces could be divided.

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

Mr. Shane asked about the 25' future sidewalk easement and said an area should be reserved to construct future sidewalks on the corridor. Mr. Biegel identified this area on the plan.

Chairman Auclair asked Ms. Nixon if she is aware of any conflicts with the standards because of the sidewalk. Ms. Nixon replied no and said it was a very complete application.

Mr. Biegel said he assumed they would need a traffic study waiver request. There was a study done with the original project. Mr. Biegel reported that he contacted DOT and told them about the project and they told him that they did not trip the threshold for needing to do anything and are all set. Chairman Auclair asked if Mr. Biegel has this in writing. Mr. Biegel said yes and he displayed and read the email from DOT.

Chairman Auclair asked if a waiver was necessary. Ms. Nixon said that it is a judgement call of the Board whether they want to waive the traffic study or the Board can say that they have enough information. The general consensus of the Board was that a waiver was not needed.

Chairman Auclair reviewed the prepared findings of fact. Amendments were noted. Mr. Record moved to accept the findings of fact as read and amended, seconded by Mr. Kenny and **VOTED, 6 yeas, unanimous - motion carries.**

Chapter 229 – SITE PLAN REVIEW, SECTION 229-10: APPROVAL STANDARDS AND

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

A. Utilization of the Site: Utilization of the Site - The plan for the development, including buildings, lots, and support facilities, must reflect the natural capabilities of the site to support development.

Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural

communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

The proposed development of Condominium Unit 3 is as anticipated and shown on the master plan and subdivision approval. There are no environmentally sensitive areas on the site. Based on the above findings of fact, the Board finds the standards of this section have been met.

B. Traffic, Circulation and Parking

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

(a) Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.

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

(c) The grade of any proposed drive or street must be not more than + 3% for a minimum of two (2) car lengths, or forty (40) feet, from the intersection.

(d) The intersection of any access/egress drive or proposed street must function: (a) at a Level of Service D, or better, following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or (b) at a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated.

(e) Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if it is safe and does not promote short cutting through the site.

(f) Where it is necessary to safeguard against hazards to traffic and pedestrians and/ or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.

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

(h) The following criteria must be used to limit the number of driveways serving a proposed project:

(1) 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.

(2) No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all access ways must not exceed sixty (60) feet.

(2) Access way Location and Spacing

Access ways must meet the following standards:

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

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

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

(a) Projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing.

(b) Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).

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

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

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

(a) Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.

(b) All parking spaces, access drives, and impervious surfaces must be located at least fifteen (15) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within fifteen (15) feet of the front property line. Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24) feet in width.

(c) Parking stalls and aisle layout must conform to the following standards.

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

(d) In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained, as necessary.

(e) Parking areas must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.

(f) Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

(5) Building and Parking Placement

(a) The site design should avoid creating a building surrounded by a parking lot. Parking should be to the side and preferably in the back. In rural, uncongested areas buildings should be set well back from the road so as to conform to the rural character of the area. If the parking is in front, a generous, landscaped buffer between road and parking lot is to be provided. Unused areas should be kept natural, as field, forest, wetland, etc.

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

(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.

There is an existing paved entrance (Faraday Drive) into the development from Route 100. The access to this part of the development will be via two access drives from Faraday Drive into the office building's parking areas. There is a sidewalk along the building front to the front door. An MDOT entrance permit was obtained in January 2016. The MDOT did not require an updated permit application be submitted for

this phase. A letter from the applicant will be included that negates the need for further traffic study. Based on the above findings of fact, the Board finds the standards of this section have been met.

C. Stormwater Management and Erosion Control

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

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

(b) Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.

(c) The applicant must demonstrate that on - and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding and erosion of shoreland areas, or that he / she will be responsible for whatever improvements are needed to provide the required increase in capacity and / or mitigation.

(d) All-natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.

(e) The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.

(f) The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.

(g) The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

(2) Erosion Control

(a) All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and / or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.

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

A stormwater management report (including erosion control) was submitted in the application and reviewed by the Town Engineer. A Maine DEP Site Location of Development Act permit is required and is under review at this time by MDEP. This review by MDEP will include a stormwater review. Based on the above findings of fact, the Board finds the standards of this section have been met.

(D) Water, Sewer, and Fire Protection

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

(2) Sewage Disposal Provisions: The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code. If provisions are proposed for on-site waste disposal, all such systems must conform to the Subsurface Wastewater Disposal Rules.

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

(4) Fire Protection: The site design must comply with the Fire Protection Ordinance. The Fire Chief shall issue the applicant a "Certificate of Compliance" once the applicant has met the design requirement of the Town's Fire Protection Ordinance.

The proposed development will utilize public water for both domestic drinking water and fire protection. There is a letter on file from the PWD indicating capacity to serve the development. A private septic system has been designed that complies with all local and state subsurface Waste Disposal rules. There will be underground electric, cable and telephone/data from the utility pole in front of the property. There will also be a connection to the natural gas main on Route 100. The building will be sprinkled. Based on the above findings of fact, the Board finds the standards of this section have been met.

E. Water Protection

(1) Groundwater Protection: The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to the public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

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

(a) No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxious, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

(b) All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.

(3) Aquifer Protection: If the site is located within the Town Aquifer Protection Area, a positive finding by the Board that the proposed plan will not adversely affect the aquifer is required.

The site is located within the Town Aquifer Protection Area. There will be no storage or discharge of fuel, chemicals, chemical or industrial wastes, biodegradable raw materials or liquid, gaseous or solid materials. The project does involve a sewage disposal system with a capacity of two thousand (2,000) gallons per day and the proposed wastewater disposal design is in compliance with all state and local plumbing rules. Based on the materials included in the application, the Board finds that the standards of this section have been met.

F. Floodplain Management: If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Town's Floodplain management provisions.

The site is not located within a floodplain. See Attachment 6 of the application for a FEMA Flood map of the area. Based on the above finding of fact, the Board finds the standards of this section have been met.

G. Historic and Archaeological Resources: If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

A letter dated November 2015 is on file from the Maine Historic Preservation Commission stating that there will be no impact on historical or archaeological resources. Based on the above finding of fact, the Board finds the standards of this section have been met.

H. 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 exterior lighting will include pole mounted fixtures in the parking lot and light bollards at the building entrance. The catalogue cut sheets show that the fixtures are full cut-off and the photometric plan provided shows 0.0 footcandles at the property line. The parking area lighting will be set to turn off when the businesses are closed. Based on the above findings of fact, the Board finds the standards of this section have been met.

I. Buffering and Landscaping

(1) Buffering of Adjacent Uses: The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade, and / or a combination of these or other techniques.

(2) Landscaping: Landscaping must be provided as part of site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a pleasing site character. The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties. ***Street tree plantings are shown on the landscape plan along Route 100 and Faraday Drive. The plantings are a mixture of spruce trees, shrubs and hydrangeas. There is proposed landscaping surrounding the building and parking area also. Based on the above findings of fact, the Board finds the standards of this section have been met.***

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

The proposed office building use will not cause noise levels that would be a nuisance for neighboring properties. Based on the above findings of fact, the Board finds the standards of this section have been met.

K. 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.

There is no proposed outdoor storage of materials. Based on the above findings of fact, the Board finds the standards of this section have been met.

L. Capacity of the Applicant: The applicant must demonstrate that he / she has the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan.

Technical Ability: The applicant has retained a licensed land surveyor, professional engineer, soils scientist, architect and landscape architect to prepare plans and the application.

Financial Capacity: There is a letter on file from Hub Financing indicating a willingness to fund up to \$2,300,000 for the proposed project.

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

M. Design and Performance Standards

(1) Route 100 Design Standards

(2) Route 1 Design Standards

(3) Town Center District Design and Performance Standards

(4) Village Mixed Use Performance Standards.

Route 100 Design Standards will apply.

Route 100 Design Standards Ordinance Requirements

1. Site Planning and Design

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

On sites with multiple buildings, the outdoor space defined by the structures should be designed as a focal point for the development, with provisions for seating and other outdoor use. Landscaping, bollards and other site features should maintain a safe separation between vehicles and pedestrians.

FINDING: *A master plan was provided for the property. The first two phases are complete. This is the third and final phase.*

1.2 Professional Design: Developers shall have their site plans designed by licensed professionals (civil engineers, architects or landscape architects) as required by State of Maine professional licensing requirements to address the health, safety, welfare and visual pleasure of the general public, during all hours of operation and all seasons of the year.

FINDING: *The site design was done by a Maine Licensed Landscape Architect. The building design was done by Grant Hays Associates, inc. Mike Hays is a Maine Licensed Architect.*

1.3 Vehicular Access: Development along Cumberland's Route 100 corridor should promote safe, user-friendly and efficient vehicular movement while reducing both the number of trips on the roadway and the number of curb cuts wherever possible. The vehicular movements discussed in this chapter, both on-site and off-site, shall be designed by a professional engineer and shall be in conformance with all Maine Department of Transportation requirements.

FINDING: *There is one access point from Route 100 for the three-phase development.*

1.3.1 Route 100 Curb Cuts: To promote vehicular, bicycle and pedestrian safety, the number of curb cuts on Route 100 should be kept to a minimum. Adjacent uses are encouraged to use shared driveways wherever possible, thereby reducing the number of turning motions onto and off of Route 100. This practice will increase motorist, bicycle and pedestrian safety, and has the added environmental benefit of helping to reduce impervious (paved) area. Driveways and their associated turning movements should be carefully designed and spaced to reduce interruptions in Route 100's level of service and to promote safe and easily understandable vehicular movements. Where curb cuts will interrupt sidewalks, ADA requires that the cross slope not exceed 2% in order to maintain accessibility. New driveways and existing driveways for which the use has changed or expanded require a Maine Department of Transportation "Driveway Entrance Permit." The Planning Board will not grant project approval until the Town has been provided a copy of the permit, or alternately, until the applicant provides the Town a letter from the DOT stating that such a permit is not required. The MDOT may also require a Traffic Movement Permit if the number of vehicle trips exceeds the threshold established by the MDOT.

FINDING: *Only one curb cut into Route 100 was required for this project. All three phases access their sites by the one internal roadway: Faraday Drive.*

1.3.2 Site Circulation: Internal vehicular movement on each site should be designed to achieve the following goals: to ensure the safety of motorists, delivery vehicles, pedestrians and cyclists by providing clear cues to the motorist as to where to drive or park, etc., once they enter the site. Landscaping, to reduce impervious areas, is encouraged as much possible. Every effort should be made to restrict paved surfaces to a maximum of two sides of the building. The site should not feature a building surrounded by drive lanes and parking. To ensure safe and easily understandable circulation, parking spaces, directional arrows, crosswalks and other markings on the ground should be painted on the pavement paint or shown by other suitable methods.

FINDING: *The plan reflects all of the above recommended features.*

1.3.3 Driveways between Parcels: Driveways between adjacent parcels should be used where feasible in order to make deliveries easier and reduce unnecessary trips and turning movements on Route 100. These driveways should provide safe, direct access between adjacent lots, but only where the paved areas of the two adjacent lots are reasonably close together. However, they are inappropriate where they would require excessive impervious (paved) area or impose undue financial burden on the owner. All such driveways between parcels should have pedestrian walkways when possible.

FINDING: *There are only three phases and interconnectivity among the three uses is not necessary or feasible.*

1.4 Building Placement: Objective: Buildings should be placed on their sites in a way that is sensitive to existing site conditions and respectful of adjacent uses.

1.4.1 Location of Building on the Site: In placing the building on the site, the designer should carefully consider the building's relationship to existing site features such as the size of the site, existing vegetation and topography, drainage, etc., as well as the abutting land uses. The site design should make every effort to avoid creating a building surrounded by parking lot. In addition, buildings should generally be square to Route 100 and should avoid unusual geometry in building placement unless the site requires it.

FINDING: *This development, like the previous two phases, reflects the above criteria.*

1.4.2 Building Entrances: The building's main entrance should be a dominant architectural feature of the building, clearly demarcated by the site design and landscaping. Main entrances should front onto the most convenient parking area. At building entrance areas and drop-off areas, site furnishings such as benches, sitting walls and, if appropriate, bicycle racks should be encouraged. Additional plantings may be desirable at these points to clearly identify the building entrance and to invite pedestrians into it. Where building entrances do not face Route 100, the Route 100 façade should still be made interesting and attractive to drivers on Route 100.

FINDING: *There is a prominent and attractive building entrance that faces the internal road but is visible from Route 100 also.*

1.4.3 Building Setbacks: If adjacent building facades are parallel with Route 100 and buildings have consistent setbacks from Route 100, the visual effect from the road will be orderly and attractive. Side and rear building setbacks must conform to the requirements of the underlying zone.

FINDING: *All setbacks are conforming and appropriate.*

1.4.4 Hillside Development: When a proposed development is located on a hillside that is visible from Route 100 or from other public areas, its presence will be much more obvious than development on a level site. Because of this, it is even more important that the structure be designed to fit harmoniously into the visual environment. The use of berms and plantings, where appropriate, will help soften the impact of buildings located in open fields. Site clearing should also be minimized and vegetation should be retained or provided to minimize the visual impact of the development. Issues of drainage, run-off and erosion should also be closely examined.

FINDING: *N/A*

1.4.5 Universal Accessibility: Development of all properties, buildings, parking lots, crosswalks, walkways and other site features must comply with the applicable standards of the Americans with Disabilities Act (ADA).

FINDING: *All ADA requirements have been met.*

1.5 Parking: Objective: Development should provide safe, convenient and attractive parking. Parking lots should be designed to complement adjacent buildings, the site and the Route 100 corridor without becoming a dominant visual element. Every effort should be made to break up the scale of parking lots by reducing the amount of pavement visible from the road. Careful attention should be given to circulation, landscaping, lighting and walkways.

FINDING: *The parking is located to the front of the building and has two access points from Faraday Drive.*

1.5.1 Location: Parking lots should be located to the side or rear of buildings. Parking should only be placed between the building and Route 100 if natural site constraints such as wetlands or topography, allow no other option. If parking must be built between the building and Route 100, it should be limited, if at all possible, to only one row of parking spaces and be adequately buffered.

FINDING: *There is no parking between the building and Route 100.*

1.5.2 Landscaping: A 25' landscaping easement to the Town of Cumberland will be required of each new development that is on Route 100. This easement will provide an area for the Town to install curbing, if needed, a sidewalk and the planting of trees. Beyond this easement, the developer will provide adequate landscaping to ensure that views from Route 100 are attractive and to buffer the presence of the parking and buildings. Parking should be separated from the building by a landscaped strip a minimum of five to ten feet wide. Landscaping around and within parking lots will shade hot surfaces and visually soften the appearance of the hard surfaces. Parking lots should be designed and landscaped to create a pedestrian-friendly environment. A landscaped border around parking lots is encouraged, and landscaping should screen the parking area from adjacent residential uses. Tree plantings between rows of parking are very desirable. Granite curbs, while more expensive, are more attractive and require less maintenance than asphalt ones. Where there are trees in the 25' landscaping easement between Route 100 and the

building, existing healthy trees should be maintained in their natural state. Where there are few or no trees in the 25' buffer, the buffer area should be landscaped either with trees, or with flowering shrubs, fencing, or such architectural elements as stone walls. Where plantings do not survive or grow to a point where they no longer serve as effective buffers, they shall be replaced or enhanced to meet the intent of the approved plan.

FINDING: *The 25' landscape easement to the Town is shown on the plan. There are landscaped islands in the parking lot.*

1.5.3 Snow Storage: Provision should be made for snow storage in the design of all parking areas, and these areas should be indicated on the site plan. The area used for snow storage should not conflict with proposed landscaping or circulation patterns. These areas should be sited to avoid problems with visibility, drainage or icing during winter months.

FINDING: *Locations for snow storage are shown on the plan.*

1.5.4 Impervious Surfaces: The amount of paved surface required for parking, driveways and service areas should be limited as much as possible in order to provide green space, reduce run-off and preserve site character. This will have the added benefit of reducing construction and maintenance costs.

FINDING: *The plan reflects these recommendations.*

1.6 Service Areas: Objective: Service areas include exterior dumpsters, recycling facilities, mechanical units, loading docks and other similar uses. Service areas associated with uses along Route 100 should be designed to meet the needs of the facility with a minimum of visual, odor or noise problems. They should be the smallest size needed to fit the specific requirements of the building and its intended operation and should be fully screened from view by either plantings or architectural elements such as attractive fences.

FINDING: *There are no proposed service areas.*

1.6.1 Location: Service areas should, if possible, be located so that they are not visible from Route 100 or from the building entrance. Locations that face abutting residential properties should also be avoided wherever possible. Dumpster, recycling facilities and other outdoor service facilities should be consolidated into a single site location, in accordance with appropriate life safety requirements.

FINDING: *N/A*

1.6.2 Design: Service areas should be designed to accommodate the turning movements of anticipated vehicles, and should be separated from other vehicle movements, parking areas and pedestrian routes. Wherever possible, service drives should be separated from areas where people will be walking by landscaped islands, grade changes, berms, or other devices to minimize conflicts. Gates on enclosures should be designed to prevent sagging or binding. Wooden fencing is always preferred, but where chain link is necessary for safety considerations, it should be screened by landscaping and painted a dark color or coated with dark vinyl.

FINDING: *N/A*

1.6.3 Buffering/Screening: Service areas should be screened to minimize visibility from sensitive viewpoints such as Route 100, nearby residential dwellings, public open space, pedestrian pathways, and building entrances. Landscape screening may consist of evergreen trees, shrubs, and/or planted earth berms. Architectural screening may consist of walls, fences or shed structures, and should complement the design of the main structure through repetition of materials, detailing, scale and color.

Where plantings do not survive, or where they grow to a point where they no longer serve as effective screens, they shall be replaced or supplemented to meet the intent of the plan as approved by the Planning Board.

FINDING: *N/A*

1.7 Open Space: Objective: In order to provide an attractive, hospitable and usable environment, future development along Route 100 should have generous amounts of open space and attractive site details for such elements as pavement, curbing, sitting and other public areas, landscaping, planters, walls, signage, lighting, bollards, waste receptacles and other elements in the landscape.

FINDING: *Open space areas are provided as part of the master plan.*

1.7.1 Internal Walkways: Internal walkways should invite pedestrians onto the property and make them feel welcome. Walkways extending the full length of a commercial building are encouraged along any façade that features a customer entrance and an abutting parking area. Such walkways should be located five to ten feet from the face of the building to allow for planting beds. Such walkways should be shown on the project's landscaping plan. Wherever feasible, interconnections between adjacent properties should be developed to encourage pedestrian movement and

reduce vehicle trips. At a minimum bituminous concrete should be used as the primary material for internal walkways, except that for entrance areas and other special features the use of brick or special paving shall be encouraged. Walkways should be separated from parking areas and travel lanes by raised curbing. Granite is strongly preferred for its durability, appearance and low maintenance requirements. Driveway crosswalks should be marked by a change in pavement texture, pattern or color to maximize pedestrian safety in parking and other potentially hazardous areas.

FINDING: The above recommendations are reflected in the plan.

1.7.2 Landscaping: Where there are trees in the 75' buffer between Route 100 and the building, existing healthy trees should be maintained in their natural state. Where there are few or no trees in the 75' buffer, the buffer area should be landscaped either with trees, or with flowering shrubs, fencing, or such architectural elements as stone walls. Where plantings do not survive or grow to a point where they no longer serve as effective buffers, they shall be replaced or enhanced to meet the intent of the approved plan.

FINDING: There are no existing trees in the buffer. Street trees will be planted as part of the landscape plan.

1.7.3 Usable Open Space: Whenever possible, site plans should provide inviting open spaces where people can sit, relax and socialize. Open spaces should be thought of as outdoor rooms, with consideration to ground surfaces, landscaping, lighting and other physical elements. Examples of such spaces include a forecourt outside a building entrance, or a peaceful place outdoors where employees can sit down and eat lunch or have breaks.

FINDING: there are open space areas on the site.

1.8 Buffering of Adjacent Uses: Objective: Buffering or screening may be necessary to effectively separate quite different land uses such as housing and office or commercial buildings. Plantings, earth berms, stone walls, grade changes, fences, distance and other means can be used to create the necessary visual and psychological separation.

1.8.1 Appropriateness: The selection of the proper type of buffer should result from considering existing site conditions, distances to property lines, the intensity (size, number of users) of the proposed land use, and the degree of concern expressed by the Planning Department, Planning Board, and abutting landowners. Discussions regarding the need for buffers, and appropriate sizes and types, should begin at the sketch plan stage of review.

1.8.2 Design: Buffers and screens should be considered an integral part of the site and landscaping plans. Stone walls, plantings, fencing, landforms, berms, and other materials used for buffers should be similar in form, texture, scale and appearance to other landscape elements. Structural measures, such as screening walls, should likewise be related to the architecture in terms of scale, materials, forms and surface treatment.

1.8.3 Maintenance: Where plantings do not survive, or where they grow to a point where they no longer serve as effective buffers, they shall be replaced or supplemented to meet the intent of the plan as approved by the Planning Board.

FINDING: The proposed buffers around the development include berms and landscaping. This phase shows there will be trees and shrubs installed.

1.9 Erosion, Sedimentation and Stormwater Management: Objective: Protecting the natural environment in Cumberland is as much a priority in these design guidelines as protecting the visual environment. A developer should take every measure possible in the construction and operation of a project to ensure that little or no adverse impact to the natural environment occurs. These measures should be as visually attractive as possible.

1.10.1 Erosion and Sedimentation: Before any site work, construction or the disturbance of any soil occurs on a property, methods, techniques, designs, practices and other means to control erosion and sedimentation, as approved or required by the Maine Department of Environmental Protection, shall be in place. For guidance developers should refer to "Maine Erosion and Sedimentation Control Handbook for Construction – Best Management Practices," produced by the Cumberland County Soil and Water Conservation District and the Maine DEP.

FINDING: The erosion and sedimentation control plan has been reviewed by the Town Engineer and is currently being reviewed by MDEP.

1.10 Utilities: Objective: It is important to make efficient use of the utility infrastructure that exists along the Route 100 corridor, and to ensure that utility connections to individual development lots are as inconspicuous as possible.

FINDING: All utilities will be underground from Route 100 and/or Faraday Drive.

1.10.1 Water and Sewer: All proposed development along the Route 100 Corridor must connect to the municipal water supply and the municipal sewer, wherever such connections are available. Proposed connections are subject to review by the Town and/or its peer reviewers.

FINDING: *There will be a connection to the public water line.*

1.10.2: Electric, Telephone and Cable: Electric, telephone, cable and other wired connections from existing utilities on Route 100 should be made to individual development lots via underground conduit wherever possible. This prevents the accumulation of unsightly overhead wires and preserves the natural character of the corridor.

FINDING: *Service will be via underground lines.*

2. Building Types: The purpose of these guidelines is to encourage architectural styles within the Route 100 corridor that draw their inspiration from traditional New England examples. “Vernacular” or commonly used styles that are well represented in Cumberland are center-chimney Federal buildings in brick or clapboard, 100 and a half story Greek Revival “capes” with dormers, in white clapboard with corner pilasters or columns, and Victorians buildings with more steeply pitched roofs, porches and gingerbread trim. Except for mill buildings, the scale and nature of older commercial buildings in towns like Cumberland and Yarmouth, was similar to that of houses of the same period. Modern interpretations and versions of these styles are entirely appropriate and encouraged. Because of their larger size, traditional barns are also sometimes used as inspiration for modern commercial buildings.

2.1 General Architectural Form: Traditional New England buildings look like they do because of the climate, the materials and technologies available for building and the styles and fads of the 19th century. This is what is meant when people talk about “vernacular architecture”. It is the architecture that develops in a particular geographic area. Typically, while there may be architects who work in a particular “vernacular”, vernacular architecture evolves over time and is not the product of a particular person’s powerful vision. These guidelines encourage the use of materials and forms that are characteristic of the construction of ordinary houses and commercial buildings of 19th century in northern New England, and particularly in Maine. Modern interpretations and versions of these materials and forms are entirely appropriate and encouraged.

FINDING: *The building design reflects the above criteria.*

2.1.1 Roofs: Because of the need to shed snow, New England roofs have generally been pitched rather than flat. Federal roofs are sometimes gambrel-shaped. In the Greek Revival style they are often gabled or have dormers, and have decorative “returns” at the bottom edge of the gable or dormers, suggesting the pediment of a Greek temple. Victorian houses typically have more steeply sloped roofs. Flat roofs are to be avoided.

FINDING: *The roofline reflects the above criteria.*

2.1.2 Windows: Windows are typically vertical rectangles, often with two or more panes of glass. They may have shutters. If shutters are used, each should be wide enough to actually cover half of the window. Horizontal and vertical “lights”, rows of small panes of New England buildings such as parapets. Where parapets are used to break up a flat roofline, the height of glass, are common over and next to doors. Window frames often have a decorative wood or stone pediment over them.

FINDING: *The windows reflect the above criteria.*

2.1.3 Detailing: Each historical period also has its characteristic embellishments. Federal buildings may have a decorative fanlight over the entrance door. Greek Revival buildings have corner-boards in the form of pilasters or even rows of actual columns across 100 façade, below a pediment. Victorian buildings use a wealth of turned columns and decorative scroll-work and shingle-work. Too many embellishments can look “busy”, and mixing the details of several periods or styles can also spoil the desired effect. Modern interpretations of older styles often used simplified forms to suggest the details that were more elaborately defined in earlier periods.

FINDING: *The detailing reflects the above criteria.*

2.1.4 Building Materials: Traditional siding materials common to Northern New England are brick, painted clapboard and either painted or unpainted shingles. Contemporary materials that have the same visual characteristics as traditional materials (e.g., cementitious clapboards or vinyl siding) are acceptable if attention is paid to detailing (e.g., corners, trim at openings, changes in material). Metal cladding is not permitted. Common traditional roofing materials are shingles – cedar originally or asphalt now, as well as standing seam metal. Where visible, the roofing color should be selected to complement the color and texture of the building’s façade. Roofing colors are usually darker than the color of the façade. Colors commonly found in historic New England houses vary by period. In the Federal and Greek Revival periods, white was the most common color, often with green or black shutters. But houses

were not infrequently painted “sober” colors such as dull mustard or gray. In the Victorian period much brighter colors were often used, with trim in complementary colors. The characteristic colors for barns are white, barn red, or weathered shingle.

FINDING: The building materials reflect the above criteria.

2.2 Large Scale Buildings: Objective: Due to their visibility and mass, the design of new large structures (10,000 square feet or greater) have the ability to greatly enhance or detract from Route 100’s visual character. These structures should be designed as attractive pieces of commercial architecture that are responsive to their site and compatible with adjacent development.

FINDING: The building reflects the above criteria.

2.2.1 Design and Massing: Large structures should be designed so that their large mass is broken up into smaller visual components through the use of clustered volumes, projections, recesses and varied façade treatment. The design should provide variation to add shadow and depth and a feeling of reduced scale.

FINDING: The building reflects the above criteria.

2.2.2 Site Design: Wherever possible, large buildings should fit into the existing topography and vegetation, and should not require dramatic grade changes around their perimeter. Landscaping, site walls, pedestrian amenities and existing trees can be effective in reducing the apparent scale of large buildings.

FINDING: The building reflects the above criteria.

2.2.3 Architectural Details: Large structures should have the same degree of detailing found in well-designed smaller and medium sized buildings along the Route 100 corridor. Architectural details can be used to reduce the scale and uniformity of large buildings. Elements such as colonnades, pilasters, gable ends, awnings, display windows and appropriately positioned light fixtures can be effective means of achieving a human scale.

FINDING: The building reflects the above criteria.

2.2.4 Facades and Exterior Walls: Unbroken facades in excess of 80 feet are overwhelming whether they are visible from Route 100, other roadways or pedestrian areas, or when they abut residential areas. Breaking up the plane of the wall can reduce this sense of overwhelming scale. Where the plane of the wall is broken, the offset should be proportionate to the building’s height and length. A general rule of thumb for such projections or recesses is that their depth shall be at least 3% of the façade’s length, and they shall extend for at least 20% of the façade’s length. Other devices to add interest to long walls include strong shadow lines, changes in rooflines, pilasters and similar architectural details, as well as patterns in the surface material and wall openings. All façade elements should be coordinated with the landscape plan. Facades of commercial buildings that face Route 100 or other roadways should have transparent openings (e.g. display windows or entry areas) along 30% or more of the length of the ground floor. Blank or unadorned walls facing public roads, residential neighborhoods, or abutting properties are boring and unattractive.

FINDING: The building reflects the above criteria.

2.2.5 Building Entrances: Large structures should have clearly defined and highly visible entrances emphasized through such devices as significant variations in rooflines or cornice lines, changes in materials, porticos, landscape treatments, distinctive lighting or other architectural treatments.

FINDING: The building reflects the above criteria.

2.3 Linear Commercial Buildings: Objective: Linear commercial structures, such as multi-tenant offices or commercial buildings may be appropriate along Route 100 provided that they are designed with façade and roofline elements that reduce their sense of large scale and add visual interest.

2.3.1 Design: Buildings with multiple storefronts should be visually unified through the use of complementary architectural forms, similar materials and colors, consistent details, and a uniform signage size and mounting system.

FINDING: The building reflects the above criteria.

2.3.2 Façade Design: The use of covered walkways, arcades, or open colonnades is strongly encouraged along long facades to provide shelter, encourage people to walk from store to store, and to visually unite the structure. Pedestrian entrances to each business or tenant should be clearly defined and easily accessible.

FINDING: The building reflects the above criteria.

2.3.3 Focal Points: Linear commercial buildings can include a focal point – such as a raised entranceway or clock tower, or other architectural element – to add visual interest and help reduce the scale of the building.

FINDING: *The building reflects the above criteria.*

2.3.4 Façade Offsets: Variations in the plane of the front façade add visual interest. They also create opportunities for common entries, and social or landscaped spaces.

FINDING: *The building reflects the above criteria.*

2.3.5 Rooflines: Variations in rooflines, detailing, cornice lines and building heights should be incorporated into the design to break up the scale of linear commercial buildings.

FINDING: *The building reflects the above criteria.*

2.4 Smaller Freestanding Commercial Buildings: Objective: Smaller freestanding commercial buildings can easily make use of traditional New England building forms and should be designed to be attractive pieces of architecture, expressive of their use and compatible with surrounding buildings.

2.4.1 Single Use Buildings: Buildings that are constructed for use by a single business are generally smaller in scale than multi-tenant buildings. Single use buildings should be designed to be attractive and architecturally cohesive. To the greatest extent possible, the same materials, window types and roof types should be used throughout.

FINDING: *N/A*

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

FINDING: *N/A*

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

FINDING: *N/A*

2.5 Residential Structures: Objective: Cumberland’s future housing stock in the Route 100 corridor should be well designed and constructed, and is encouraged to have some connection to the traditional styles of New England residential architecture. The large mass of multiplex dwellings, can be broken up by façade articulation and architectural detailing in order to reduce their apparent size. Building form and massing can conform to traditional New England residences by using gable or gambrel roofs with generous overhangs. Traditional vertically hung windows are encouraged. Garages should not constitute a major element of the front of the house that faces the street, but should be located to the side or rear wherever possible. Dwellings with ells and additions, and ones with multiple roof planes harken back to traditional New England farm and seaside homes. Box-like, ranch or split-level “contractor modern” type dwellings do not particularly reflect Maine styles. Similarly, traditional New England building materials such as wooden shingles and clapboards are encouraged. Modern low-maintenance materials such as cemeticious shingles and clapboards may be substituted.

FINDING: *N/A*

2.6 Residential Care Facilities: Objective: Ensure that the future needs of Cumberland’s aging population are met in healthy and well-designed facilities, and that the architecture and site design of such facilities fit into the Cumberland context. The design of Residential Care Facilities can also draw on the local vernacular architecture of gable roofs, multiple building forms and traditional materials. Landscaping, site design and resident amenities will also be of concern to the Planning Board. The site should offer outdoor amenities such as decks, terraces, gardens, gazebos, lawns or similar features. Residential Care Facilities should be buffered from roadways and adjacent uses as much as possible.

FINDING: *N/A*

2.7 Hotels: Objective: To ensure that any future hotels in the Town of Cumberland are in keeping with the character of the surrounding area, and that the scale and design respects the architectural context of the region. Using traditional building materials and colors is encouraged, and the use of large blocks of bright, primary colors is discouraged. The signage and lighting standards contained in this publication will help as well.

FINDING: *N/A*

2.7.1 All Building Types: Awnings and Canopies: Awnings and canopies can enhance the appearance and function of a building by providing shade, shelter, shadow patterns, and visual interest. Where awnings are used, they should complement the overall design and color of the building. Whether fixed or retractable, awnings and canopies should be an integral element of the architecture. They should be located directly over windows and doors to provide protection from the elements. Awnings or canopies should not be used as light sources or advertising features. Graphics and wording located on canopies and awnings will be considered part of the total signage area. Any such graphics shall be designed as an integral part of the signage program for the property, and coordinated with other sign elements in terms of typeface, color and spacing.

FINDING: *N/A*

3. Signage: Signs play a central role in providing much-needed information and setting the tone for the Route 100 corridor. They inform motorists and pedestrians and have a direct effect on the overall appearance of the roadway. Signage should not create visual clutter along the roadway, yet must provide basic, legible information about commercial goods and services. Signs should be compatible with the architecture and the context of the development.

3.1 Sign Design: Objective: Commercial uses along Route 100 in Cumberland should be identified by attractive, legible signs that serve the need of the individual business, while complementing the site and the architecture. All signage shall comply with the requirements of the Zoning Ordinance of the Town of Cumberland.

3.1.1 Signage Plan: For development proposals requiring one or more signs, the applicant shall provide a detailed signage plan as part of Site Plan or Subdivision review. The signage plan should show the location of all signs on a site plan drawing and on building elevations, as well as sign construction details, dimensions, elevations, etc., and accurate graphic representations of the proposed wording.

FINDING: *TBD with sign permit application*

3.1.2 Sign Location: Signs should be placed in locations that do not interfere with the safe and logical usage of the site. They should not block motorists' lines of sight or create hazards for pedestrians or bicyclists. Roof mounted signs are not encouraged.

FINDING: *Complies*

3.1.3 Sign Design: The shape and materials and finish of all proposed signage should complement the architectural features of the associated building. Simple geometric forms are preferable for all signs. All signage shall comply with the requirements of the Zoning Ordinance of the Town of Cumberland.

FINDING: *TBD with sign permit application*

3.1.4 Sign Colors: Signs should be limited to two or three contrasting colors that are clearly complimentary to the colors of the associated building.

FINDING: *TBD with sign permit application*

3.1.5 Sign Content: To ensure a clear and easily readable message, a single sign with a minimum of informational content should be used. As a general rule no more than about 30 letters should be used on any sign. Lettering on any sign intended to be read by passing motorists needs to be legible at the posted speed limit. In general a minimum letter height of 6 inches is appropriate. Smaller letters can require motorists to slow down thereby creating traffic and safety hazards. Upper and lower case lettering is preferred to all upper case, as it is easier to read. The use of variable message "reader boards", sponsor logos, slogans or other messages that promote products or services other than the tenants' are not permitted. Signage for any proposed development should prominently feature its assigned street address to facilitate general way-finding and e-911 emergency response.

FINDING: *TBD with sign permit application*

3.2 Sign Type: Objective: To ensure that any sign type complements the architecture of the associated building, and to ensure that they are attractively designed and functional while clearly delivering the intended information.

3.2.1 Building Mounted Signs: Building or façade mounted signs should be designed as an integral element of the architecture, and should not obscure any of the architectural details of the building. Signage should be mounted on vertical surfaces and should not project past or interfere with any fascia trim. Signs should be located a minimum of 18" from the edge of a vertical wall, however the overall proportions of both the wall and sign should be taken into consideration in the placement of the sign. Flush mounted (flat) signage should be mounted with concealed hardware. Perpendicularly mounted hanging signs should be mounted with hardware designed to complement the building's

architecture. All metal hardware should be corrosion and rust resistant to prevent staining or discoloration of the building.

FINDING: TBD with sign permit application

3.2.2 Freestanding Signs: An alternative to a façade-mounted sign is a freestanding “pylon” sign. These signs are typically located between the building and the roadway right-of-way, adjacent to the site’s vehicular entry point. As with façade-mounted signage, design and content standards shall apply. Because freestanding signs amount to architecture themselves, it is important that they be carefully designed to complement the associated building. This will entail similar forms, materials, colors and finishes. Landscaping surrounding the base of such signs shall be consistent with the landscaping of the entire site. Where a freestanding sign lists multiple tenants, there should be an apparent hierarchy: i.e., Address, name of the building or development, primary tenant, other tenants.

FINDING: TBD with sign permit application

3.2.3 Wayfinding Signs: To prevent visual clutter and motorist confusion, additional smaller signs indicating site circulation are generally discouraged. However they are sometimes needed to clarify complex circulation patterns. Wayfinding signage is also sometimes required to indicate different areas of site usage, such as secondary building entries, loading, or service areas. The Planning Board shall exercise its discretion in the requirement or prohibition of such signs. Where required, wayfinding signage should be unobtrusive, no taller than absolutely necessary, and shall complement the overall architecture and signage plan in terms of materials, color, form and finishes.

FINDING: TBD with sign permit application

3.3 Sign Illumination: Only externally lit signs are permitted in the Route 100 corridor because, compared with internally lit signs, the direction and intensity of the light can be more easily controlled. Externally illuminated signs are made of an opaque material and have a dedicated light fixture or fixtures mounted in close proximity, aimed directly at the sign face. The illumination level on the vertical surface of the sign should create a noticeable contrast with the surrounding building or landscape without causing undue reflection or glare. Lighting fixtures should be located, aimed and shielded such that light is only directed onto the surface of the sign. Wherever possible, fixtures should be mounted above the sign and be aimed downward to prevent illumination of the sky.

FINDING: Complies

4. Lighting: Outdoor lighting is used to identify businesses and illuminate roadways, parking lots, yards, sidewalks and buildings. When well designed and properly installed it can be very useful in providing us with better visibility, safety, and a sense of security, while at the same time minimizing energy use and operating costs. If outdoor lighting is not well designed or is improperly installed it can be a costly and inefficient nuisance. The main issues are glare (hampering the safety of motorists and pedestrians rather than enhancing it), light trespass (shining onto neighboring properties and into residential windows), energy waste (lighting too brightly or lighting areas other than intended or necessary), and sky glow (lighting shining outward and upward washing out views of the nighttime sky).

4.1 Good Lighting: Objective: Good lighting does only the job it is intended to do, and with minimum adverse impact on the environment. Common sense and respect for neighbors goes a long way toward attaining this goal. The applicant should provide sufficient lighting for the job without over-illuminating. Fixtures should be fully shielded, giving off no light above the horizontal plane. They should also direct the light onto the intended areas. Fully shielded produce very little glare, which can dazzle the eyes of motorists and pedestrians. The height and positioning of fixtures is also important, since even well shielded fixtures placed on tall poles can create light trespass. Fixtures should be positioned to uniformly illuminate the subject area. Hot spots created by too-bright or too-low fixtures make the in between areas seem dark, which can create safety problems. High efficiency lamps are encouraged. Shielded lights can be lower in wattage, and will actually light an area better than unshielded high-output lights because they don’t waste light by casting it outward and upward.

FINDING: Complies

4.2 The Lighting Plan: Objective: As part of Site Plan or Subdivision review the Planning Board may, at its discretion, require that a lighting plan be provided. It should be prepared by a professional with expertise in lighting design. The intent of the lighting plan is to show how the least amount of light possible will be provided to achieve the lighting requirements.

4.2.1 Elements of the Lighting Plan: In addition to meeting the requirements of the Zoning Ordinance, the Lighting Plan should contain a narrative that describes the hierarchy of site lighting, describes how lighting will be used to provide safety and security, and describes how it will achieve aesthetic goals. The Lighting Plan should include

specifications and illustrations of all proposed fixtures, including mounting heights, photometric data, and other descriptive information. It should also include a maintenance and replacement schedule for the fixtures and bulbs. The Planning Board may require a photometric diagram that shows illumination levels from all externally and internally visible light sources, including signage. The location and design of lighting systems should complement adjacent buildings, pedestrian routes, and site plan features. Pole fixtures should be proportionate to the buildings and spaces they are designed to illuminate. Buffers, screen walls, fencing and other landscape elements should be coordinated with the lighting plan to avoid dark spots and potential hiding places. Where proposed lighting abuts residential areas, parking lot lighting and other use-related site lighting should be substantially reduced in intensity within one hour of the business closing.

FINDING: Complies

4.3 Types of Lighting

4.3.1 Façade and Landscaping Lighting: Lighting on the front of a building can highlight architectural features or details of a building and add depth and interest to landscaping. This style of lighting should not be used to wash an entire façade in light or light the entire yard. Rather should be used to emphasize particular aspects of the project. All fixtures should be located, aimed and shielded so that they only illuminate the façade or particular plantings and do not illuminate nearby roadways, sidewalks or adjacent properties. For lighting a façade, the fixtures should be designed to illuminate the portion of the face of the building from above, aimed downward, to eliminate skyglow.

4.3.2 Parking Lot and Driveway Lighting: Parking lot and driveway lighting should be designed to provide the minimum lighting necessary for safety and visibility. Poles and fixtures should be in proportion to the roadways and areas they are intended to illuminate. All fixtures should be fully shielded or “cut-off” style, such that no light is cast above the horizontal plane. Decorative fixtures are strongly encouraged as long as they meet the cut-off criteria, and their design and color complements the architecture and landscaping of the project.

FINDING: Complies

4.3.3 Pedestrian Lighting: Places where people walk, such as sidewalks, stairs, sitting areas, curbs and landscaping should be adequately but not excessively illuminated. Mounting heights for pedestrian lighting should be appropriate in design and scale for the project and its setting. Bollard fixtures of 3’ to 4’ in height and ornamental fixtures of up to 12’ in height are encouraged. Fixtures should be a maximum of 100 watts and should not create glare or light trespass onto abutting properties.

FINDING: Complies

The conditions of approval were reviewed. Ms. Sawchuck asked about the condominium documents. Ms. Nixon explained that there are overall bylaws for what is considered the four condominium units. Ms. Nixon said that the applicant is proposing that these units (in the new building) will be sold and there will be condominium documents for that as well. Jim Schmidt, Project Manager, added that there is an overall condominium declaration that deals with the four lots. Unit one is Casco Systems and was sold directly to them. The second unit is the 20 townhouse units and they have their own condominium declaration and association and this building will be similar and will have its own declaration and association.

Mr. Record moved to approve for construction a 10,280 square foot professional office building on Condominium Unit 3, at 2 Faraday Drive as shown on Tax Assessor Map U-20, Lot 73 in the Village Center Commercial (VCC) zoning district subject to the conditions of approval as read by Carla Nixon numbered one through eight, seconded by Mr. Kenny and **VOTED, 6 yeas, unanimous - motion carries.**

CONDITIONS OF APPROVAL:

1. The draft condominium documents shall be reviewed and approved by the Town Attorney prior to the preconstruction conference.
2. A preconstruction conference shall be held prior to the start of construction.

3. A performance guarantee in an amount and form acceptable to the Town Manager will be required prior to the preconstruction conference.
4. All clearing limits shall be flagged and approved by the Peer Review Engineer prior to the preconstruction conference.
5. A blasting permit, if required, shall be obtained from the Code Enforcement Officer.
6. All legal and technical review fees shall be paid to the Town prior to the preconstruction conference.
7. Any required local, state or Federal permits shall be submitted to the Town Planner prior to releasing the plat for recording.
8. An electronic copy of the as-built plans shall be submitted to the Town Planner prior to the release of any remaining inspection fees.

4. Public Hearing: Recommendation to the Town Council on an Amendment to Section 315-76 C Demolition Permits to add that the Historical Society shall be contacted upon submission of an application.

Chairman Auclair introduced the item and said that it is fairly straightforward. Mr. Shane added that this is more of a housekeeping item. Chairman Auclair read the added language.

Mr. Record asked if the Historical Society is a government body. Mr. Shane said that they are not a Town department but they occupy the building that will be at the library and they function as the keeper of all historical records. Mr. Shane added that the Council has no issue with this. Mr. Record asked if this creates a slippery slope of having to contact others for Town matters. Mr. Shane replied that the Town ensured that we are not mandating anybody delay anything. The Historical Society may wish to make a courtesy call to ask if they can take photos and felt like this was needed in case a building has historical value.

Chairman Auclair opened the public hearing.

Mr. Kenny asked if a building were being moved, would they need a demolition permit. Mr. Shane said he believes that it would.

There were no public comments and Chairman Auclair closed the public hearing.

Ms. Sawchuck suggested the ordinance language refer to the "Cumberland" Historical Society.

Mr. Record moved that the Board recommend to Town Council an amendment to Section 315-76 C-Demolition Permits to add that the Cumberland Historical Society shall be contacted upon submission of an application and the verbiage will be as read by Chairman Auclair with the addition of Cumberland in front of Historical Society, seconded by Ms. Rardin and **VOTED, 6 yeas, unanimous - motion carries.**

Proposed amendment to Chapter 315-76 Permits and fees, section C. Demolition Permits

C. Demolition permits. The fee for a permit for the demolition of a building or structure shall be established by order of the Town Council. No permit shall be issued until notice of the application has been posted in the Town office for at least 10 days. The Cumberland Historical Society shall be contacted upon submission of application.

Aministrative Matters/New Business: Mr. Record said he had a message to read and maybe have more discussion. Mr. Record explained that what prompted him to write this

was a discussion with the School Board recently. Mr. Record said that he is sure the Board has heard comments about the growth in Town. "It's sort of the Planning Board's fault" was a comment Mr. Record got in a recent exchange. Mr. Record said that he wrote the following email and he will read it as he wrote it and comment more at the end:

Like you, my assumption when joining the Planning Board was to help plan and shape and control the Town's future. After all, it is right there in the name, planning. I can tell you, like I'm sure you know too well, things are different from the inside. The reality of a Planning Board is very little authority to plan. The Planning Board is 95 percent judicial. We try to weed through all the ordinance and simply make sure the rules are followed, ordinance that change often for various reasons and interests. If anything, I am probably one of the ones that sometimes tries to stretch the rules in favor of slowing development. I have often dissented. There is almost no tool to slow development. I've talked with our State Rep, who was also on the Planning Board, as well as Bill Shane and others and spent lots of time thinking about growth at a high level. There are a few punch lines when you weed through it all. One of which is, if your town is not growing, even if it is neutral, it is dying. Negative growth results in lower property values. Most people would claim to not want growth, but they also don't want lower property values. Even if you have a geography that becomes saturated, either physically or by way of imposed limitations if there is no more new building and if the area is still desirable, then property values, cost to buyers, will still go up maybe even at a greater rate because people still want to go there. I think I alluded to the rest of this last year in one of my comments. On the other side, I think we are lucky to have Bill Shane. The Town Manager of any town has a job to do and people want new and better for their town which costs money so, the Town Manager must welcome growth or his budget is not manageable or at least improvements will be difficult. Eventually, with inflation, even maintaining what you have becomes impossible without new revenue growth. So, any Town Manager that says they want to squelch growth is well maybe not serving the town well. The punchline is, if you really want to stop growth, simply make your town undesirable and be willing to pay a greater portion of the total bill. Taxes - when there are no new taxpayers and there is inflation and maintenance and costs, etc., and by the way since your town is now undesirable, your property values will drop. I realize this is a silly premise to do purposefully and should not be our goal. I'm sure smarter people than me came to understand this much quicker but it has taken me a couple years in being on the inside to fully appreciate the forces in play. One other thing that is an unrelenting force is the money involved in developing desirable areas. Inherently, the motivation - money - of a developer is almost always going to win in the long term over people or organizations that resist what they are doing. People get exhausted with an often moral fight but the desire for profit rarely seems to wane. So, development seems always to find a way legally too. I have learned that even if we tightened up dramatically the building permits allowed, we could get into a legal battle with developers since they have a right to develop their land within the ordinance. So, we are only one developer with deep pockets away from having to remove any of those limits after substantial legal costs I would assume. The only true effective and realistic way I can see to slow growth is increasing the minimum lot size. That would be nearly impossible to do because even people that love their privacy now eventually someday want to cash out, meaning their now empty land will soon have houses on them. By southern Maine standards, we have large minimum lots in RR1 and RR2. The GPCOG report that the Town did a couple years ago was also very interesting. The punch line to that was that our bulging schools were not caused by new houses in recent years but were caused by grandma and grandpa finally selling and those houses being backfilled with young families with kids. So, if we really want to help the budging schools, we should help grandma and grandpa stay put. In the end the only people that can afford to fully preserve their privacy and help protect what they love and truly stop growth are very rich people with that buy big ranches or similar somewhere but the schools on that ranch are probably not as good nor the community feel. I am in favor of trying to slow the growth curve because bubbles aren't good and the correction from that will be more painful. But how do you slow all of the above in a controlled manner? I have come full circle now you can see. I have put some thought into this little problem. I do think maybe the Planning Board should change their name.

Mr. Record said he wants to ask Mr. Shane about updating the GPCOG report and he would be in favor of this. Mr. Record suggested that the Planning Board put together a statement that helps people understand all the various things in play, similar to his email. Mr. Record asked if anyone else would be in favor of this and encompassing the various historical things like the GPCOG report.

Mr. Record said that a couple of years ago, the Town did a survey about lot size. A survey asking people about increasing lot size would be interesting and would put the onus back on the residents in some way. A survey would be important to offer that question about increasing lot size. That's really the only way that you could actually control growth. Mr. Record said that he would be interested to hear or see what most people would say to that.

Mr. Shane responded that when the Town first increased their lot sizes, they had to do it not based on a survey, but based on a study that related to the ability to process wastewater on lots and the soil types. Mr. Shane noted that technology has changed and he thinks there could be quarter acre lots. The original study was back in the 80's or 70's. Mr. Shane said that the Town could still ask those questions and it probably would take a more technical analysis than GPCOG has the ability to give us. Mr. Shane said that when the Town did the growth study and the growth impact ordinances, those were all based on a substantial study that reported back and said this is what the town looks like today. That study was done probably in the early 2000's so it probably wouldn't be a bad idea to ask the Council to come back and do another look because things are changing.

Mr. Shane noted that the schools failed miserably at projecting population growth - and this wasn't on them. The Town plateaued right around 2000 when we were supposed to crash and burn. The school shut properties because they were heading for a place where school population numbers were going to go down dramatically and they never really did. Mr. Shane provided more information on school population.

Mr. Shane said he doesn't think it's a bad idea get into planning mode instead of the application processing mode. It is important to sit back and take a breath and plan and say where are we heading and do our growth ordinances line up with that. Mr. Shane said he is happy to bring that message back to the Council.

The Board had more discussion about the school population, the housing market, property tax issues and growth. Mr. Shane described the Comprehensive Plan and its purpose.

Adjournment: Mr. Kenny moved to adjourn the meeting at 10:03 pm, seconded by Mr. Record and **VOTED, 6 yeas, unanimous - motion passes.**

A TRUE COPY ATTEST:

Paul Auclair, Board Chair

Christina Silberman, Admin. Asst.