

**TOWN OF CUMBERLAND
PLANNING BOARD MEETING MINUTES
Tuesday, January 15, 2019 - 7:00 pm**

A. Call to Order: Chairman Moriarty opened the meeting at 7:00 pm and welcomed the newest Planning Board member Jason Record. Chairman Moriarty thanked Jeff Davis, whose term expired in December, for his years of service on the Board.

B. Roll Call: Present: Steve Moriarty, Paul Auclair, Bill Kenny, Jason Record, Joshua Saunders, Ann Sawchuck & Peter Sherr. **Staff:** Carla Nixon - Town Planner, Bill Shane - Town Manager & Christina Silberman - Administrative Assistant.

C. Election of Officers: Chairman and Vice Chairman: Mr. Saunders nominated Paul Auclair as Chairman of the Board, seconded by Bill Kenny. There were no other nominations. The nomination was **VOTED, 7 yeas, unanimous - motion carries.**

Chairman Auclair took the Chairman's seat and thanked Mr. Moriarty for his service, his leadership and his example.

Mr. Saunders nominated Bill Kenny as the Vice Chairman, seconded by Mr. Moriarty. There were no other nominations. The nomination was **VOTED, 7 yeas, unanimous-motion carries.**

D. Approval of Minutes of the December 18, 2018 Meeting: Ms. Sawchuck referred to her comments on page 4 of the minutes and requested a minor change. Mr. Saunders moved to approve the minutes of the December 18, 2018 meeting as amended, seconded by Mr. Kenny and **VOTED, 6 yeas, 1 abstained (Record) - motion carries.**

E. Staff Site Plan Approvals: None.

F. Minor Change Approvals: None.

G. Hearings and Presentations:

1. Public Hearing: Amendment to an approved Major Site Plan for the Belted Cow to reduce the size of the proposed building at Cumberland Foreside Village Lot #5, Route 1, Tax Assessor Map R01, Lot 11-5. Applicant: Belted Cow Realty, LLC; Representative: Tom Greer, PE, Walsh Engineering.

Bill Walsh, PE of Walsh Engineering, said he is here filling in for Tom Greer who had a conflict with another meeting. Mr. Walsh said they are here for an amendment to an approved site plan. Mr. Walsh displayed an aerial picture and outlined the location of the site. Mr. Walsh reviewed the site plan that was previously approved.

Mr. Walsh displayed the proposed amended site plan and described the changes which reduce the size of the building footprint from 15,970 sf down to 14,150 sf. The truck turn around area has been reduced as Belted Cow has determined that they do not need the loading dock. The grading along the back side of the site has been pulled closer in to the building to reduce blasting.

Mr. Walsh said that there will be six parking spaces for the Belted Cow which is what they have determined their need to be. The remainder of the 10,000 sf will have one parking space per 250 sf of area.

Mr. Walsh referred to the review engineer's comments and reported that they have provided the DOT permit for the entryway (from Route 1).

Mr. Walsh noted that waivers were granted as part of the original approval and he thinks that they do not have to revisit them.

Mr. Walsh said that they are waiting for the DEP permit and he hopes it will be coming soon.

Chairman Auclair asked if the photometric plan has been provided and Mr. Walsh said it has. Ms. Nixon said the new plan was in the Board's packet. Ms. Nixon noted that there is no light trespass at the property lines.

Mr. Saunders clarified the proposed new parking plan. The previous parking plan was approved for 54 spaces. The applicant now proposes 46 spaces. The proposed new building size has been reduced by roughly 1,800 sf.

Mr. Moriarty confirmed that the building proposed tonight is on the same footprint as the prior building and that the driveway location hasn't changed. Mr. Walsh agreed. Mr. Walsh noted that the back of the parking area has changed. They are saving some of the trees and the underdrain soil filter will be smaller. Mr. Moriarty confirmed that the building is no closer to any lot line than before and Mr. Walsh agreed. The lighting is more or less the same.

Mr. Kenny asked if the loading dock is no longer needed because there will not be any 18 wheelers coming in. Mr. Walsh said that this is correct. Belted Cow found that they needed a big truck two times a year and they figured out that they can do things differently using box trucks.

Chairman Auclair said one question had been why the direct access to Route 1 and the applicant response was that if easements became available in the future they might change this. Mr. Walsh said that there is a shared driveway proposed to come in between two nearby lots and across the back but it doesn't make sense to go that distance. The proposed driveway for Belted Cow (from Route 1) has always been allowed and is approved with the MDOT permit.

Mr. Saunders, referring to the parking, said that the condition of approval for the prior approval indicates the number of parking spaces to be utilized by Belted Cow is 12 and the remaining 42 spaces would be shared by the other businesses located in the building. Mr. Saunders asked if the reduction is coming from Belted Cow or the other businesses. Mr. Walsh replied that there will be 6 spaces for the Belted Cow and there will be forty spaces for the other units. Mr. Sherr pointed out that 40 spaces for a 10,000 sf building meets the requirement of one space for every 250 sf. Mr. Saunders noted that a waiver or condition of approval will still be needed for the Belted Cow spaces.

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

Mr. Moriarty asked if the Board needs to go through the entire review process or if the Board can readopt their findings. Ms. Nixon said the findings are good the way they are and didn't change. Mr. Sherr suggested the Board review the waivers and conditions of approval as part of the amendment. Mr. Saunders referred to the minutes for the prior approval and reviewed the waivers. Mr. Saunders noted that the parking was not waived and the Board made the change as a condition of approval.

Mr. Saunders moved to waive the reading of the Findings of Fact, seconded by Mr. Sherr and **VOTED, 7 yeas, unanimous - motion carries.**

Ms. Nixon said that sheet C1.1, existing conditions, states that the trail is to be removed. Ms. Nixon said that the trail is there now and is used by people that live in the area and she does not see where the trail will be relocated to. Mr. Walsh said that the trail will stay and will be realigned where it will cross the drive.

Mr. Saunders moved to add a condition of approval to the seven that are proposed to state that "The applicant has shown parking for 46 vehicles. The number of parking spaces to be utilized by the Belted Cow business shall not exceed six. The remaining 40 spaces shall be shared by the other businesses that are located in the building", seconded by Mr. Moriarty and **VOTED, 7 yeas, unanimous - motion carries.**

Ms. Nixon proposed another condition of approval be added regarding the DEP SLODA permit amendment to state "The applicant shall provide a copy of the MDEP SLODA permit prior to the preconstruction conference".

Mr. Saunders pointed out that motions are not needed for each condition of approval. With Ms. Nixon's proposed condition of approval, there are now nine conditions of approval.

Mr. Saunders moved to approve the amendment to an approved Major Site Plan for the Belted Cow at Cumberland Foreside Village Lot 5, Route 1, Tax Assessor Map R01, Lot 11-5 subject to the Limitation of Approval, the Standard Condition of Approval and the nine proposed Conditions of Approval, seconded by Mr. Kenny and **VOTED, 7 yeas, unanimous - motion carries.**

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

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

Conditions of Approval:

1. All outstanding fees shall be paid prior the issuance of a building permit.
2. A preconstruction conference shall be held prior to the start of construction.
3. All clearing limits shall be clearly flagged by the applicant and inspected and approved by the town engineer prior to the preconstruction conference.
4. A performance guarantee in an amount acceptable to the Town Manager and Town Engineer shall be provided prior to the preconstruction conference.
5. There shall be no indoor or outdoor storage of any hazardous materials.
6. The applicant shall obtain a sign permit from the Town of Cumberland that shows consistency with the Route 1 Standards.
7. The applicant shall comply with all state and local fire regulations.
8. The applicant has shown parking for 46 vehicles. The number of parking spaces to be utilized by the Belted Cow business shall not exceed six. The remaining 40 spaces shall be shared by the other businesses that are located in the building.
9. The applicant shall provide a copy of the MDEP SLODA amendment prior to the preconstruction conference.

Ms. Nixon asked if a motion is needed to waive the reading of the Findings of Fact. Mr. Saunders said that the Board did this. Ms. Silberman noted that the Board did vote to waive the reading of the Findings of Fact but did not yet vote to adopt the findings.

Mr. Saunders moved ex post facto to adopt the Findings of Fact as written, seconded by Mr. Kenny and **VOTED, 7 yeas, unanimous - motion carries.**

Chapter 229 – SITE PLAN REVIEW**SECTION 10: APPROVAL STANDARDS AND CRITERIA**

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

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

This is an approved subdivision parcel that is suitable for development as proposed. There are no known environmentally sensitive areas on the parcel. The site is not located within habitat for rare and endangered plants and animals, or significant wildlife or fisheries habitat. There are no wetlands or other environmentally sensitive areas on the site as evidenced by letters received from State agencies during subdivision review.

Based on the above findings of fact and with the approved waiver for providing updated wetlands information, the Board finds the standards of this section have been met.

10.2 Traffic, Circulation and Parking

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

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

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

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

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

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

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

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

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

a. No use which generates less than one hundred (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.

b. 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.

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

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

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

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

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

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

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

10.2.3.4 All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular,

pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

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

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

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

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

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

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

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

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

The Town Engineer has noted several areas of concern relating to parking, access and circulation.

Based on the above findings of fact and with the proposed condition of approval, the Board finds the standards of this section have been met.

10.2.5 Building and Parking Placement

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

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

10.2.6 Pedestrian Circulation: The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/ exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect the amenities such as parks or open space on or adjacent to the site.

The layout of the parking area allows for safe vehicular and pedestrian circulation. The receipt of the MDOT Entrance Permit is a condition of approval.

Based on the above findings of fact and with the proposed condition of approval, the Board finds the standards of this section have been met.

10.3 Stormwater Management and Erosion Control

10.3.1

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

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

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

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

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

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

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

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

10.3.2 Erosion Control

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

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

A complete stormwater report has been completed for the proposed development and has been included in submission packet. An erosion control report has been prepared and is included in the submission packet. The Town Engineer has reviewed and approved the stormwater and erosion control plan.

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

10.4 Water, Sewer, Utilities and Fire Protection

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

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

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

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

The proposed water, sewer will be provided by the Portland Water District. An ability to serve letter from the Portland Water District is on file.

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

10.5 Water Protection

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

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

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

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

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

There is no outdoor storage of petroleum products. A dumpster and underground propane tank are shown on the site plan.

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

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

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

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

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

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

10.8 Exterior Lighting: The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated. All exterior lighting must be designed and shielded to avoid undue glare, adverse impact on neighboring properties and rights - of way, and the unnecessary lighting of the night sky.

The submission included a photometric plan that shows adequate lighting for safe use during nighttime hours, however there is slight light trespass at the rear property line. A revised plan is a proposed condition of approval.

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

10.9 Buffering and Landscaping

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

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

A landscaping plan is included in the plan set; it shows a mixture of plantings that are suitable to the site and provide for a pleasing effect and buffering for adjacent properties.

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

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

Potential point source generators of noise are the heating and ventilation equipment and delivery trucks. With these design considerations it is not anticipated that this development would generate excessive noise beyond the limits of the site. Development maintenance activities may produce elevated noise levels periodically. The noise could come from, but is not limited to, the operation of lawn mowers, snow removal equipment, and sweeper/vacuum trucks. The buffer areas provided are expected to minimize noise impact on adjacent properties. There will be a period of time during the construction phase that may create elevated noise levels compared to normal operation of the development, but will not be permanent noises associated with the development. Anticipated noises that could possibly occur during construction could come from, but are not limited to, equipment noise. It is anticipated that no adverse impact will occur on the surrounding area.

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

10.11 Storage of Materials

10.11.1 Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.

10.11.2 All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.

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

There will be no outdoor storage of petroleum products. A screened dumpster is shown on the plan.

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

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

- **Technical Ability:** *The applicant has retained Walsh Engineering to prepare plans and site permit applications; Additional consulting professional include: surveyor, soils scientist, architect and landscape architect.*
- **Financial Capacity:** *The applicant has provided a letter from Wells Fargo. The Board shall consider whether this constitutes evidence of financial capacity.*

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

Route One Design and Performance Standards: The project is subject to the Route 1 Design Standards.

Compliance with Route 1 Design Standards: *The development will be in general compliance with the Route 1 Design Standards. Specifically, the development has been designed by a licensed Civil Engineer to provide the qualities desired by the Design Standard. The proposed building has been set back from Route 1 which along with existing and proposed vegetation will provide a visual buffer to the Route 1 corridor. The building architecture consists of gabled roofs and clapboard siding. Building elevations are included in Attachment 12. Since the proposed development footprint is compact, open space has been provided around the development. The large open space onsite provides for ample area for snow storage. Erosion and sedimentation control will be in accordance with the MDEP BMP's. Stormwater runoff will be controlled through a level lip spreader. Municipal water service will be utilized for the development. Electrical, telephone, and cable service will be underground to minimize visual distractions along the Route 1 corridor. The onsite lighting will be fully shielded to limit light trespass. The minimum illumination required to provide safe lighting levels at the building has been provided.*

1.2 Site Planning and Design

1.1 Master Planning: On properties that are large enough to accommodate more than a single structure, developers will be expected to prepare a conceptual master plan to show the Planning Board the general location of future buildings, parking lots,

circulation patterns, open space, utilities, provisions for stormwater management, and other components of site development.

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

FINDING: This project is on an approved subdivision lot.

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 applicant used licensed professional consultants in the design of the project.

1.3 Vehicular Access: Development along Cumberland's Route 1 corridor should promote safe, user-friendly and efficient vehicular movement while reducing both the number of trips on the roadway and the number of curb cuts wherever possible. The vehicular movements discussed in this chapter, both on-site and off-site, shall be designed by a professional engineer and shall be in conformance with all Maine Department of Transportation requirements.

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

1.3.1 Route 1 Curb Cuts: To promote vehicular, bicycle and pedestrian safety, the number of curb cuts on Route 1 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 1. 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 1's level of service and to promote safe and easily understandable vehicular movements. Where curb cuts will interrupt sidewalks, ADA requires that the cross slope not exceed 2% in order to maintain accessibility.

New driveways and existing driveways for which the use has changed or expanded require a Maine Department of Transportation "Driveway Entrance Permit." The Planning Board will not grant project approval until the Town has been provided a copy of the permit, or alternately, until the applicant provides the Town a letter from the DOT stating that such a permit is not required. The MDOT may also require a Traffic Movement Permit if the number of vehicle trips exceeds the threshold established by the MDOT.

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

1.3.2 Site Circulation: Internal vehicular movement on each site should be designed to achieve the following goals: to ensure the safety of motorists, delivery vehicles, pedestrians and cyclists by providing clear cues to the motorist as to where to drive or park, etc., once they enter the site.

Landscaping, to reduce impervious areas, is encouraged as much possible.

Every effort should be made to restrict paved surfaces to a maximum of two sides of the building. The site should not feature a building surrounded by drive lanes and parking.

To ensure safe and easily understandable circulation, parking spaces, directional arrows, crosswalks and other markings on the ground should be painted on the pavement paint or shown by other suitable methods.

FINDING: The site plan illustrates the above requirements.

1.3.3 Driveways between Parcels: Driveways between adjacent parcels should be used where feasible in order to make deliveries easier and reduce unnecessary trips and turning movements on Route 1.

These driveways should provide safe, direct access between adjacent lots, but only where the paved areas of the two adjacent lots are reasonably close together. However, they are inappropriate where they would require excessive impervious (paved) area or impose undue financial burden on the owner. All such driveways between parcels should have pedestrian walkways when possible.

FINDING: N/A

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

1.4.1 Location of Building on the Site: In placing the building on the site, the designer should carefully consider the building's relationship to existing site features such as the size of the site, existing vegetation and topography, drainage, etc., as well as the abutting land uses.

The site design should make every effort to avoid creating a building surrounded by parking lot. In addition, buildings should generally be square to Route 1 and should avoid unusual geometry in building placement unless the site requires it.

FINDING: The building faces Route 1 and shows parking to the side and rear of the building.

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 1, the Route 1 façade should still be made interesting and attractive to drivers on Route 1.

FINDING: The façade facing Route 1 is interesting and attractive and features defined entrance areas.

1.4.3 Building Setbacks: If adjacent building facades are parallel with Route 1 and buildings have consistent setbacks from Route 1, the visual effect from the road will be orderly and attractive. Side and rear building setbacks must conform to the requirements of the underlying zone.

FINDING: The location of the building conforms to all setbacks.

1.4.4 Hillside Development: When a proposed development is located on a hillside that is visible from Route 1 or from other public areas, its presence will be much more obvious than development on a level site. Because of this, it is even more important that the structure be designed to fit harmoniously into the visual environment. The use of berms and plantings, where appropriate, will help soften the impact of buildings located in open fields.

Site clearing should also be minimized and vegetation should be retained or provided to minimize the visual impact of the development. Issues of drainage, run-off and erosion should also be closely examined.

FINDING: N/A

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

FINDING: All ADA requirements will be complied with.

1.5 Parking: **Objective:** Development should provide safe, convenient and attractive parking. Parking lots should be designed to complement adjacent buildings, the site and the Route 1 corridor without becoming a dominant visual element. Every effort should be made to break up the scale of parking lots by reducing the amount of pavement visible from the road. Careful attention should be given to circulation, landscaping, lighting and walkways.

FINDING: The parking areas feature landscaping, lighting and walkways.

1.5.1 Location: Parking lots should be located to the side or rear of buildings. Parking should only be placed between the building and Route 1 if natural site constraints such as wetlands or topography, allow no other option. If parking must be built between the building and Route 1, it should be limited, if at all possible, to only one row of parking spaces and be adequately buffered.

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

1.5.2 Landscaping: A 25' landscaping easement to the Town of Cumberland will be required of each new development that is on Route 1. This easement will provide an area for the Town to install curbing, if needed, a sidewalk and the planting of trees. Beyond this easement, the developer will provide adequate landscaping to insure that views from Route 1 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 1 and the building, existing healthy trees should be maintained in their natural state. Where there are few or no trees in the 25' buffer, the buffer area should be landscaped either with trees, or with flowering shrubs, fencing, or such architectural elements as stone walls.

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

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

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

FINDING: There is ample area for snow storage within the site.

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

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

1.6 Service Areas: Objective: Service areas include exterior dumpsters, recycling facilities, mechanical units, loading docks and other similar uses. Service areas associated with uses along Route 1 should be designed to meet the needs of the facility with a minimum of visual, odor or noise problems. They should be the smallest size needed to fit the specific requirements of the building and its intended operation, and should be fully screened from view by either plantings or architectural elements such as attractive fences.

1.6.1 Location: Service areas should, if possible, be located so that they are not visible from Route 1 or from the building entrance. Locations that face abutting residential properties should also be avoided wherever possible.

Dumpster, recycling facilities and other outdoor service facilities should be consolidated into a single site location, in accordance with appropriate life safety requirements.

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

1.6.2

Design: Service areas should be designed to accommodate the turning movements of anticipated vehicles, and should be separated from other vehicle movements, parking areas and pedestrian routes.

Wherever possible, service drives should be separated from areas where people will be walking by landscaped islands, grade changes, berms, or other devices to minimize conflicts.

Gates on enclosures should be designed to prevent sagging or binding. Wooden fencing is always preferred, but where chain link is necessary for safety considerations, it should be screened by landscaping and painted a dark color, or coated with dark vinyl.

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

1.6.3 Buffering/Screening: Service areas should be screened to minimize visibility from sensitive viewpoints such as Route 1, nearby residential dwellings, public open space, pedestrian pathways, and building entrances. Landscape screening may consist of evergreen trees, shrubs, and/or planted earth berms. Architectural screening may consist of walls, fences or shed structures, and should complement the design of the main structure through repetition of materials, detailing, scale and color.

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

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

1.7 Open Space: Objective: In order to provide an attractive, hospitable and usable environment, future development along Route 1 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: The subdivision plan provided for areas of open space. There is one such area adjacent to this development.

1.7.1 Internal Walkways: Internal walkways should invite pedestrians onto the property and make them feel welcome.

Walkways extending the full length of a commercial building are encouraged along any façade that features a customer entrance and an abutting parking area. Such walkways should be located five to ten feet from the face of the building to allow for planting beds. Such walkways should be shown on the project's landscaping plan.

Wherever feasible, interconnections between adjacent properties should be developed to encourage pedestrian movement and reduce vehicle trips.

At a minimum bituminous concrete should be used as the primary material for internal walkways, except that for entrance areas and other special features the use of brick or special paving shall be encouraged. Walkways should be separated from parking areas and travel lanes by raised curbing. Granite is strongly preferred for its durability, appearance and low maintenance requirements.

Driveway crosswalks should be marked by a change in pavement texture, pattern or color to maximize pedestrian safety in parking and other potentially hazardous areas.

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

1.7.2 Landscaping: Where there are trees in the 25' buffer between Route 1 and the building, existing healthy trees should be maintained in their natural state. Where there are few or no trees in the 75' buffer, the buffer area should be landscaped either with trees, or with flowering shrubs, fencing, or such architectural elements as stone walls.

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

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

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

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

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

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

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

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

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

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

1.9 Erosion, Sedimentation and Stormwater Management

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

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

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

1.10 Utilities: Objective: It is important to make efficient use of the utility infrastructure that exists along the Route 1 corridor, and to ensure that utility connections to individual development lots are as inconspicuous as possible.

FINDING: Utilities will be underground.

1.10.1 Water and Sewer: All proposed development along the Route 1 Corridor must connect to the municipal water supply and the municipal sewer, wherever such connections are available. Proposed connections are subject to review by the Town and/or its peer reviewers.

FINDING: Project will connect to public water and sewer located along Route 1.

1.10.2 Electric, Telephone and Cable: Electric, telephone, cable and other wired connections from existing utilities on Route 1 should be made to individual development lots via underground conduit wherever possible. This prevents the accumulation of unsightly overhead wires, and preserves the natural character of the corridor.

FINDING: Utilities will be underground from Route 1

2. Building Types: The purpose of these guidelines is to encourage architectural styles within the Route 1 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, 1 and a half story Greek Revival “capess” with dormers, in white clapboard with corner pilasters or columns, and Victorians buildings with more steeply pitched roofs, porches and gingerbread trim. Except for mill buildings, the scale and nature of older commercial buildings in towns like Cumberland and Yarmouth, was similar to that of houses of the same period. Modern interpretations and versions of these styles, are entirely appropriate and encouraged. Because of their larger size, traditional barns are also sometimes used as inspiration for modern commercial buildings.

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

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

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

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

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

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

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

2.1.3 Detailing: Each historical period also has its characteristic embellishments. Federal buildings may have a decorative fanlight over the entrance door. Greek revival buildings have corner-boards in the form of pilasters or even rows of actual columns across 1 façade, below a pediment. Victorian buildings use a wealth of turned columns and decorative scroll-work and shingle-work. Too many embellishments can look “busy”, and mixing the details of several periods or styles can also spoil the desired effect. Modern interpretations of older styles often used simplified forms to suggest the details that were more elaborately defined in earlier periods.

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

2.1.4 Building Materials: Traditional siding materials common to Northern New England are brick, painted clapboard and either painted or unpainted shingles. Contemporary materials that have the same visual characteristics as traditional materials (e.g., cementitious clapboards or vinyl siding) are acceptable if attention is paid to detailing (e.g., corners, trim at openings, changes in material). Metal cladding is not permitted.

Common traditional roofing materials are shingles – cedar originally or asphalt now, as well as standing seam metal. Where visible, the roofing color should be selected to complement the color and texture of the building's façade. Roofing colors are usually darker than the color of the façade.

Colors commonly found in historic New England houses vary by period. In the Federal and Greek revival periods, white was the most common color, often with green or black shutters. But houses were not infrequently painted "sober" colors such as dull mustard or gray. In the Victorian period much brighter colors were often used, with trim in complementary colors. The characteristic colors for barns are white, barn red, or weathered shingle.

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

2.2 Large Scale Buildings Objective: Due to their visibility and mass, the design of new large structures (10,000 square feet or greater) have the ability to greatly enhance or detract from Route 1's visual character. These structures should be designed as attractive pieces of commercial architecture that are responsive to their site and compatible with adjacent development.

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

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

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

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

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

2.2.3 Architectural Details

Large structures should have the same degree of detailing found in well-designed smaller and medium sized buildings along the Route 1 corridor. Architectural details can be used to reduce the scale and uniformity of large buildings. Elements such as colonnades, pilasters, gable ends, awnings, display windows and appropriately positioned light fixtures can be effective means of achieving a human scale.

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

2.2.4 Facades and Exterior Walls

Unbroken facades in excess of 80 feet are overwhelming whether they are visible from Route 1, 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 1 or other roadways should have transparent openings (e.g. display windows or entry areas) along 30% or more of the length of the ground floor. Blank or unadorned walls facing public roads, residential neighborhoods, or abutting properties are boring and unattractive.

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

2.2.5 Building Entrances

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

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

2.3 Linear Commercial Buildings

Objective: Linear commercial structures, such as multi-tenant offices or commercial buildings may be appropriate along Route 1 provided that they are designed with façade and roofline elements that reduce their sense of large scale and add visual interest.

2.3.1 Design

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

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

2.3.2 Façade Design

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

FINDING: N/A

2.3.3 Focal Points

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

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

2.3.4 Façade Offsets

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

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

2.3.5 Rooflines

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

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

2.4 Smaller Freestanding Commercial Buildings

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

2.4.1 Single Use Buildings

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

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

2.4.2 Franchise Design

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

FINDING: N/A

2.4.3. Mixed Use Buildings

Buildings containing mixed uses (e.g., health club on the first floor with professional offices on the second floor) are encouraged. The architecture of a mixed-use building can reflect the different uses

on the upper floors by a difference in façade treatment, as long as the building has a unified design theme.

FINDING: N/A

2.5 Residential Structures

Objective: Cumberland's future housing stock in the Route 1 corridor should be well designed and constructed, and is encouraged to have some connection to the traditional styles of New England residential architecture. The large mass of multiplex dwellings, can be broken up by façade articulation and architectural detailing in order to reduce their apparent size.

FINDING: N/A

2.6 Residential Care Facilities

Objective: Ensure that the future needs of Cumberland's aging population are met in healthy and well-designed facilities, and that the architecture and site design of such facilities fit into the Cumberland context.

FINDING: N/A

2.7 Hotels

Objective: To ensure that any future hotels in the Town of Cumberland are in keeping with the character of the surrounding area, and that the scale and design respects the architectural context of the region.

Using traditional building materials and colors is encouraged, and the use of large blocks of bright, primary colors is discouraged.

The signage and lighting standards contained in this publication will help as well.

FINDING: N/A

2.7.1 All Building Types: Awnings and Canopies

Awnings and canopies can enhance the appearance and function of a building by providing shade, shelter, shadow patterns, and visual interest. Where awnings are used, they should complement the overall design and color of the building.

Whether fixed or retractable, awnings and canopies should be an integral element of the architecture. They should be located directly over windows and doors to provide protection from the elements. Awnings or canopies should not be used as light sources or advertising features. Graphics and wording located on canopies and awnings will be considered part of the total signage area. Any such graphics shall be designed as an integral part of the signage program for the property, and coordinated with other sign elements in terms of typeface, color and spacing.

3. Signage

Signs play a central role in providing much-needed information and setting the tone for the Route 1 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 1 in Cumberland should be identified by attractive, legible signs that serve the need of the individual business, while complementing the site and the architecture. All signage shall comply with the requirements of the Zoning Ordinance of the Town of Cumberland.

3.1.1 Signage Plan

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

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

3.1.2 Sign Location

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

FINDING: This has been met.

3.1.3 Sign Design

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

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

3.1.4 Sign Colors

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

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

3.1.5 Sign Content

To ensure a clear and easily readable message, a single sign with a minimum of informational content should be used. As a general rule no more than about 30 letters should be used on any sign.

Lettering on any sign intended to be read by passing motorists needs to be legible at the posted speed limit. In general a minimum letter height of 6 inches is appropriate. Smaller letters can require motorists to slow down thereby creating traffic and safety hazards. Upper and lower case lettering is preferred to all upper case, as it is easier to read.

The use of variable message "reader boards", sponsor logos, slogans or other messages that promote products or services other than the tenants' are not permitted.

Signage for any proposed development should prominently feature its assigned street address to facilitate general way-finding and e-911 emergency response.

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

3.2 Sign Type

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

3.2.1 Building Mounted Signs

Building or façade mounted signs should be designed as an integral element of the architecture, and should not obscure any of the architectural details of the building. Signage should be mounted on vertical surfaces and should not project past or interfere with any fascia trim. Signs should be located a minimum of 18" from the edge of a vertical wall, however the overall proportions of both the wall and sign should be taken into consideration in the placement of the sign.

Flush mounted (flat) signage should be mounted with concealed hardware. Perpendicularly mounted hanging signs should be mounted with hardware designed to complement the building's architecture. All metal hardware should be corrosion and rust resistant to prevent staining or discoloration of the building.

FINDING: N/A

3.2.2 Freestanding Signs

An alternative to a façade-mounted sign is a freestanding "pylon" sign. These signs are typically located between the building and the roadway right-of-way, adjacent to the site's vehicular entry point.

As with façade-mounted signage, design and content standards shall apply. Because freestanding signs amount to architecture themselves, it is important that they be carefully designed to complement

the associated building. This will entail similar forms, materials, colors and finishes. Landscaping surrounding the base of such signs shall be consistent with the landscaping of the entire site.

Where a freestanding sign lists multiple tenants, there should be an apparent hierarchy: i.e., Address, name of the building or development, primary tenant, other tenants.

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

3.2.3 Wayfinding Signs

To prevent visual clutter and motorist confusion, additional smaller signs indicating site circulation are generally discouraged. However they are sometimes needed to clarify complex circulation patterns. Wayfinding signage is also sometimes required to indicate different areas of site usage, such as secondary building entries, loading, or service areas. The Planning Board shall exercise its discretion in the requirement or prohibition of such signs.

Where required, wayfinding signage should be unobtrusive, no taller than absolutely necessary, and shall complement the overall architecture and signage plan in terms of materials, color, form and finishes.

FINDING: N/A

3.3 Sign Illumination

Only externally lit signs are permitted in the Route 1 corridor because, compared with internally lit signs, the direction and intensity of the light can be more easily controlled. Externally illuminated signs are made of an opaque material and have a dedicated light fixture or fixtures mounted in close proximity, aimed directly at the sign face. The illumination level on the vertical surface of the sign should create a noticeable contrast with the surrounding building or landscape without causing undue reflection or glare.

Lighting fixtures should be located, aimed and shielded such that light is only directed onto the surface of the sign. Wherever possible, fixtures should be mounted above the sign and be aimed downward to prevent illumination of the sky.

FINDING: TBD

4. Lighting

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

4.1 Good Lighting

Objective: Good lighting does only the job it is intended to do, and with minimum adverse impact on the environment. Common sense and respect for neighbors goes a long way toward attaining this goal. The applicant should provide sufficient lighting for the job without over-illuminating.

Fixtures should be fully shielded, giving off no light above the horizontal plane. They should also direct the light onto the intended areas. Fully shielded produce very little glare, which can dazzle the eyes of motorists and pedestrians.

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

4.2 The Lighting Plan

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

4.2.1 Elements of the Lighting Plan

In addition to meeting the requirements of the Zoning Ordinance, the Lighting Plan should contain a narrative that describes the hierarchy of site lighting, describes how lighting will be used to provide safety and security, and describes how it will achieve aesthetic goals. The Lighting Plan should include specifications and illustrations of all proposed fixtures, including mounting heights, photometric data, and other descriptive information. It should also include a maintenance and replacement schedule for the fixtures and bulbs.

The Planning Board may require a photometric diagram that shows illumination levels from all externally and internally visible light sources, including signage.

The location and design of lighting systems should complement adjacent buildings, pedestrian routes, and site plan features. Pole fixtures should be proportionate to the buildings and spaces they are designed to illuminate.

Buffers, screen walls, fencing and other landscape elements should be coordinated with the lighting plan to avoid dark spots and potential hiding places.

Where proposed lighting abuts residential areas, parking lot lighting and other use-related site lighting should be substantially reduced in intensity within one hour of the business closing.

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

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 sky glow.

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.

These elements have been incorporated into the design of the site.

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

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 1 watts and should not create glare or light trespass onto abutting properties.

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

2. Public Hearing: Recommendation to the Town Council to repeal and replace Chapter 250 – Subdivision Ordinance, to include a conservation subdivision option.

Chairman Auclair introduced the item.

Town Manager Bill Shane said that he thinks that this is singly the most important piece of zoning legislation that the Town has done in the sixteen years that he has been here.

This will have a significant impact on how the Town grows in the future. The Town has, over the years, done multiple surveys and the people in Cumberland like two and four acre zoning.

Mr. Shane displayed a map showing what the Town's zones look like today and said that there are just under 14,000 acres of residential land. The biggest zones, shown in the blue and the yellow on the map, comprise about 82% of the residential land in Town, well over 11,000 acres of land. Mr. Shane said this is fairly impressive. 82% of the land in the Town of Cumberland, for residential development, will now, if approved by the Town Council with the Board's recommendation, be subject to a conservation subdivision. Mr. Shane noted that this proposal has taken a long time and has been a very deliberate process.

Mr. Shane reported that currently there are about 2,200 lots in the Town of Cumberland that are two acres or less in size, there are about 615 lots that are between two and four acres in size and there are about 900 lots that are greater than four acres in size.

Mr. Shane explained the different types of development in subdivisions. A traditional subdivision is where the acreage is divided by what the underlying zone allows for lot size, this is not done a lot because it chews up a lot of land. There is a cluster provision that tries to shrink the lots and now there is the conservation subdivision.

Mr. Shane said that when this started, people were very excited about a conservation subdivision but the Council didn't want to impact land owner rights. All subdivisions today go through two steps. Net residential acreage is calculated first. This is the total acres of the subdivision minus undevelopable acres of the parcel. This comes out to be what the developable acres result in. The next step takes the developable acreage and divides it by the lot size of the district and this gives you the number of lots. A conservation subdivision will be a little different. The number of lots is consistent with a conservation subdivision and will have the same number of lots as there is today. Instead of looking at developable acres, the conservation subdivision looks at 50% of the total acreage of the parcel and 50% of the land remaining will be protected in the future from development.

Mr. Shane explained that the Planning Board will have a much larger part in how a conservation subdivision is developed. The developer will meet with the Planning Board in a workshop to discuss and look over what high value lands exist. High value lands could be farmlands, significant wetlands, forested lands or a whole host of things. Mr. Shane said that if the Town is trying to protect an area of forest connected to a trail system, this may become priority one for the Board. If there is a vista with open space and farmland that the Town wants to protect, that may be priority one. Mr. Shane added that there can be a lot of combinations for what should be protected. The Board will have a lot to say in this process.

Mr. Shane said that he is very excited about this. There are a lot of details, corrections and adjustments that have to be made to the Subdivision Ordinance to allow for a conservation subdivision. If the ordinance has to be tweaked along the way, the Town can fix things. Mr. Shane said that a lot of time was spent on this and he appreciates the time the Board has put into this. Mike Schwindt, Chair of the Conservation Subdivision

Committee, with his team went through a similar process. Taking what the Conservation Subdivision Committee team did and trying to put it into the Subdivision Ordinance was more challenging than realized. Mr. Shane said that the product that comes out in the end will be worth the effort. Mr. Shane applauds the Board and the Conservation Subdivision team for sticking with this.

The Board discussed proposed changes to the draft ordinance.

Chairman Auclair opened the public hearing.

Mike Schwindt said that the Town has been working on this for the better part of two and a half years. There are lots of edits that can be made and these can be worked on. Mr. Schwindt asked that the Board recommend this and move it on to the Town Council.

Chairman Auclair thanked Mr. Schwindt for his leadership on the Conservation Subdivision Committee.

Chairman Auclair closed the public hearing.

Ms. Sawchuck referred to page 36 section 250-31(B) of the draft which indicates that buildings shall be located in the forested portions of the subdivision and asked if this is what the Town does. Chairman Auclair said that the Town is trying to buffer buildings from view. Mr. Moriarty noted that articles one through seven of the ordinance have been reviewed and from article eight to the end, nothing has really been done. Mr. Moriarty said that this was deliberate because it would take a long time and the heart of the conservation subdivision is within the first several articles.

Mr. Moriarty said that when this matter is done, he will propose that the Board establish a subcommittee to tackle articles 8 through 13 and report back to the Board as expeditiously as possible. Mr. Moriarty continued that he has no problem passing on articles eight through thirteen knowing that they haven't been looked at in years and will need a tune up.

Mr. Moriarty moved that the Board recommend to the Town Council that Chapter 250 of the Cumberland Code titled Subdivision Ordinance be deleted and replaced with the version of Section 250 titled Subdivision of Land that is before the Board tonight with all of the changes as shown in the draft before the Board, seconded by Mr. Saunders. Mr. Moriarty moved to amend the motion to amend the definition of Net Residential Acreage to strike the word "available" in the first line right before subparagraph a and to amend the language on page twelve in section 250-8-5 such that it will read "Altering approved Common Open Space", seconded by Mr. Saunders. The amendment to the main motion was then **VOTED, 6 yeas, 1 abstained (Record) – motion carries**. The motion as amended was then **VOTED, 6 yeas, 1 abstained (Record) – motion carries**.

Mr. Moriarty suggested that a subcommittee of the Planning Board be appointed to look at pages 33 to the end of the subdivision ordinance draft to determine what is redundant, archaic or obsolete and needs to be tuned up. Mr. Moriarty, Chairman Auclair and Ms. Sawchuck volunteered to serve on the subcommittee. Chairman Auclair asked Mr. Schwindt if he would be willing to serve on the subcommittee. Mr. Schwindt replied that he would serve. Mr. Moriarty moved to appoint a subcommittee of the Planning Board consisting of the Chairman (Paul Auclair), Mike Schwindt, Ann Sawchuck and himself

(Steve Moriarty), seconded by Mr. Kenny and **VOTED 7 yeas, unanimous – motion carries.**

H. Administrative Matters/New Business: Ms. Nixon said that she expects next month to have OceanView for sketch plan of phase two and Christmas Creek Subdivision for subdivision review.

Chairman Auclair asked if the vote was positive on the Board's recommendation for the senior housing overlay. Mr. Moriarty replied that it did pass by a four to two vote. Mr. Kenny noted that there was one abstention.

I. Adjournment: Mr. Sherr moved to adjourn the meeting at 8:04 pm, seconded by Mr. Saunders and **VOTED, 7 yeas, unanimous - motion carries.**

A TRUE COPY ATTEST:

Paul Auclair, Board Chair

Christina Silberman, Administrative Asst.