

TOWN OF CUMBERLAND PLANNING BOARD MEETING MINUTES
Tuesday, January 18, 2022

A. Call to Order: Chairman Auclair called the meeting to order at 7:00 pm.

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

C. Election of Officers - Chair and Vice Chair: Chairman Auclair introduced the item and noted that two Board members have expressed interest in serving as Chair.

Mr. Kenny nominated Jason Record for Chair, seconded by Mr. Saunders. There were no other nominations for Chair. The nomination of Jason Record for Chair was then **VOTED, 6 yeas, unanimous – motion passes.**

Mr. Saunders nominated Bill Kenny for Vice Chair, seconded by Mr. Record. There were no other nominations for Vice Chair. The nomination of Bill Kenny for Vice Chair was then **VOTED, 6 yeas, unanimous – motion passes.**

Chairman Record traded seats with Mr. Auclair and took over the role of Chair.

D. Approval of the Minutes of the December 21, 2021, meeting: Mr. Saunders moved to approve the minutes, seconded by Mr. Auclair. Corrections were noted to the prepared minutes. The minutes as amended were then **VOTED, 5 yeas, 1 abstained (Rardin) – motion passes.**

E. Staff Site Plan Approvals: None.

F. Minor Change Approvals: None.

G. Hearings and Presentations:

1. Public Hearing: Major Subdivision Sketch Plan Review for a 10-unit condominium, Evergreen Estates, on a 2.83 acre parcel located at 246 Gray Rd., Tax Assessor Map U21, Lot 5A in the Village Medium Density Residential (VMDR) Zone.

Owner/Applicant: SVR, LLC. Representative: Craig Burgess, PE, Sebago Technics, Inc.

Chairman Record introduced the item noting that the sketch plan review is the first step in this major subdivision review process.

Town Planner Carla Nixon referred to her memo to the Board and noted that Town ordinance requires a major subdivision in a zoning district other than RR1 or 2, be proposed as either a traditional or a cluster design. The applicant is only proposing a cluster design. Ms. Nixon said she has been asked about the intersection of Old Gray Rd. and Gray Rd. and the Board can talk about this as well.

Matt Orr, Sebago Technics (in place of Craig Burgess) displayed a plan of the project for a five duplex, ten condominium unit cluster off Old Gray Rd.



The design is closer to Old Gray Rd. to keep the impervious area to a minimum. The total development will be less than one acre therefore not requiring a DEP stormwater or site law permit. There are wetlands to the south of the site. No vernal pools were found in a survey in the spring of 2021. Mr. Orr noted that DEP could require a permit by rule in the event of any impact to the wetlands. Mr. Orr further described the project and noted that they will request a waiver of the high intensity soil survey. There has been discussion on where the connection for this development will lead to, whether as it exists today or with a new intersection to be created off Gray Rd.

Mr. Auclair asked how far the entrance to the site is from the Old Gray Rd. intersection. Mr. Orr said he believes it is roughly 300'.

Town Manager Bill Shane said that there are pieces in motion with this plan. The Town is gathering information. The developer understands that the intersection is a V and is tough to get in and out of. Old Gray Rd. would have to be rebuilt from the intersection to the entrance of this new subdivision. Mr. Shane noted there is potential for other options for road entrances and water line extensions but there has not been a lot of time to see if these will work. Mr. Shane is hopeful that there will be a concept for off-site improvements that will be beneficial to the neighborhood. Chairman Record referred to an easement to address drainage issues in the area. Mr. Shane said that this area is further down Old Gray Rd.

Mr. Auclair said that this is not a State Rd. and asked who has authority for the road. Mr. Shane said the Town has authority over Old Gray Rd.

Chairman Record said that a new entrance would be a major upgrade if it could and he has concerns about the way this project enters onto the road. This could be a safety issue.

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

Chairman Record asked if the project went through the traditional subdivision design process. Mr. Orr said that he is not sure and the intent is to go with a clustered subdivision due to the density and the wetlands.

Chairman Record said that the Town does not have the conservation subdivision option in this zone and asked if the same logic applies with a clustered subdivision, that open space remains forever. Ms. Nixon agreed.

Mr. Saunders moved that the Board's preference is that a cluster design is preferable for the ten unit condominium project located at 246 Gray Rd., Tax Assessor Map U12, Lot 5A, seconded by Mr. Kenny and **VOTED, 6 yeas, unanimous – motion passes.**

2. Public Hearing: Recommendation to Town Council to amend the Official Overlay Zoning Map for Cumberland, Maine to eliminate the Medical Caregiver overlay zone from the Village Center Commercial zoning district.

Chairman Record introduced the item and noted that this area is in West Cumberland.

Mr. Shane noted that on Monday night, the Town Council will be preparing to adopt new standards for medical caregiver marijuana licensing. Mr. Shane reported that several years ago, the Town developed three zones, one on Route 100, one on Route 9 in the HC zone and one on Route 1 in the OC South zone to be identified as medical caregiver areas. Very quickly thereafter, there were three right next to each other on Route 100. Mr. Shane said that the Council feels that this area, where the Town is looking to do some serious economic development to, has enough of these types of uses. The Council has recommended to eliminate the Medical Caregiver Overlay district for Route 100 and leave them for the HC and the OC South zone. The request tonight asks the Board to make a recommendation to the Council.

Chairman Record referred to the other overlay areas and asked how many medical caregivers are there. Mr. Shane replied there are none in the other two areas. Mr. Shane added that there are an estimated 38 medical caregivers in Cumberland presently. If the licensing ordinance goes through, all of the caregivers will be required to be licensed within 90 days. Chairman Record asked if they would have to be in the overlay zones. Mr. Shane replied, no, they would not, these caregivers predate the Town's licensing ordinance and would be grandfathered in place. Mr. Shane said these caregivers still have to meet the licensing requirements, such as hours of operation.

Mr. Shane said a lot of the Town licensing requirements are identical to what medical marijuana caregivers have to do under current licenses with the State. Mr. Shane stated that the three people that are getting licensed now on Route 100 have worked very closely with the Town on the development of the licensing ordinance and have given the Town a lot of positive feedback. Mr. Shane said the Town is comfortable with anyone that comes forward with a new medical marijuana caregiver operation would have to locate in one of the two districts in the future. Discussion ensued about the approximate 38 medical caregivers that are spread throughout the Town.

Mr. Kenny referred to the three businesses that are operating on Route 100 now and asked if they are grandfathered. Mr. Shane replied that they are. Mr. Kenny asked what happens if they sell their business. Mr. Shane replied that the use would not be transferable.

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

Mr. Saunders moved that the Board make a recommendation to Town Council to amend the Official Overlay Zoning Map for Cumberland, Maine to eliminate the Medical Caregiver Overlay Zone from the Village Center Commercial Zoning District, seconded by Mr. Auclair.

Chairman Record asked if the Village Center Commercial zoning district exists only in West Cumberland. Ms. Nixon said that is correct.

Ms. Rardin said that this will leave the Town with two medical caregiver overlay zones and asked if there are concerns that, as new folks apply for licenses in these overlays, the Town will visit this topic again to remove overlays. Mr. Shane said that it will be an interesting couple of years. Mr. Shane thinks there will be changes at the State and the Town will have to watch what happens. The Town is not allowed to restrict the number of licenses in Town and are not allowed to restrict this type of occupation. Ms. Rardin said that there is licensing that occurs at the State level and a Town ordinance would impose a local license to be able to operate in Cumberland. Mr. Shane confirmed this.

Ms. Rardin asked if the meeting to look at this area for redevelopment has been set. Mr. Shane replied that the meeting is set for February 28th at the West Cumberland Recreation Hall. Mr. Shane reported on plans with the DOT looking at the intersection of Skillin/Blackstrap Rds. and Rte. 100 to have a roundabout instead of a four-way stop.

Ms. Rardin asked if the moratorium (on medical marijuana caregivers) was extended by the Town Council at their January 10th meeting. Mr. Shane replied yes.

The prior motion to make a recommendation to Town Council to amend the Official Overlay Zoning Map for Cumberland, Maine to eliminate the Medical Caregiver Overlay Zone from the Village Center Commercial Zoning District was then **VOTED, 6 yeas – unanimous, motion carries.**

H. Administrative Matters/New Business: Chairman Record noted that a correction is needed on the Town website which lists board member Lorraine Rardin under staff contacts.

I. Adjournment: Mr. Kenny moved to adjourn the meeting at 7:35 pm, seconded by Ms. Sawchuck and **VOTED, 6 yeas – unanimous, motion carries.**

A TRUE COPY ATTEST:

Jason Record, Planning Board Chair

Christina Silberman, Admin. Asst.