

**TOWN OF CUMBERLAND  
PLANNING BOARD MEETING MINUTES  
Tuesday, January 21, 2020 at 7:00 pm**

**A. Call to Order:** Chairman Auclair opened the meeting and noted that the Board is missing Steve Moriarty tonight because he is attending the State of the State presentation.

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

**C. Election of Officers - Chairman and Vice Chairman:**

Ms. Sawchuck nominated Paul Auclair for the Chairman, seconded by Mr. Record. There were no other nominations for Chairman. The nomination for Paul Auclair as Chairman was then **VOTED, 5 yeas, 1 abstained (Auclair) - motion carries.**

Mr. Kenny nominated Jason Record as the Vice Chairman, seconded by Ms. Sawchuck. There were no other nominations for Vice Chairman. The nomination for Jason Record as Vice Chairman was then **VOTED, 6 yeas - motion carries.**

**D. Approval of the Minutes of the November 19, 2019 Meeting:** Mr. Saunders moved to approve the minutes of the November 19, 2019 meeting as written, seconded by Mr. Kenny and **VOTED, 6 yeas - motion carries.**

**E. Staff Site Plan Approvals:**

**1. Town of Cumberland - Minor Staff Site Plan Review approval for the placement of an existing historical building on the Prince Memorial Library parcel, Tax Assessor Map U10, Lot 17. (Project approved and placement delayed until spring.)**

Town Planner Carla Nixon explained that this project involved the relocation of the brick historical society building located on Blanchard Rd. next to Sevee & Maher Engineers. The building will be lifted up and moved to sit next to the Library. The foundation has been put in. There were issues with how to structurally support the building during the move and this will happen in the spring.

**F. Minor Change Approvals:** None.

**G. Hearings and Presentations:**

**1. TABLED - Public Hearing: ~~Amendment to an Approved Subdivision "Plan of Property in Cumberland, ME for William J. Serretta Jr." to approve the transfer of a portion of Lot 2 owned by Gary & Linda Gagne to Lot 3 owned by Karen Herold. Applicant: Karen Herold, 67 Wild Apple Ln.~~** This item was tabled prior to the meeting.

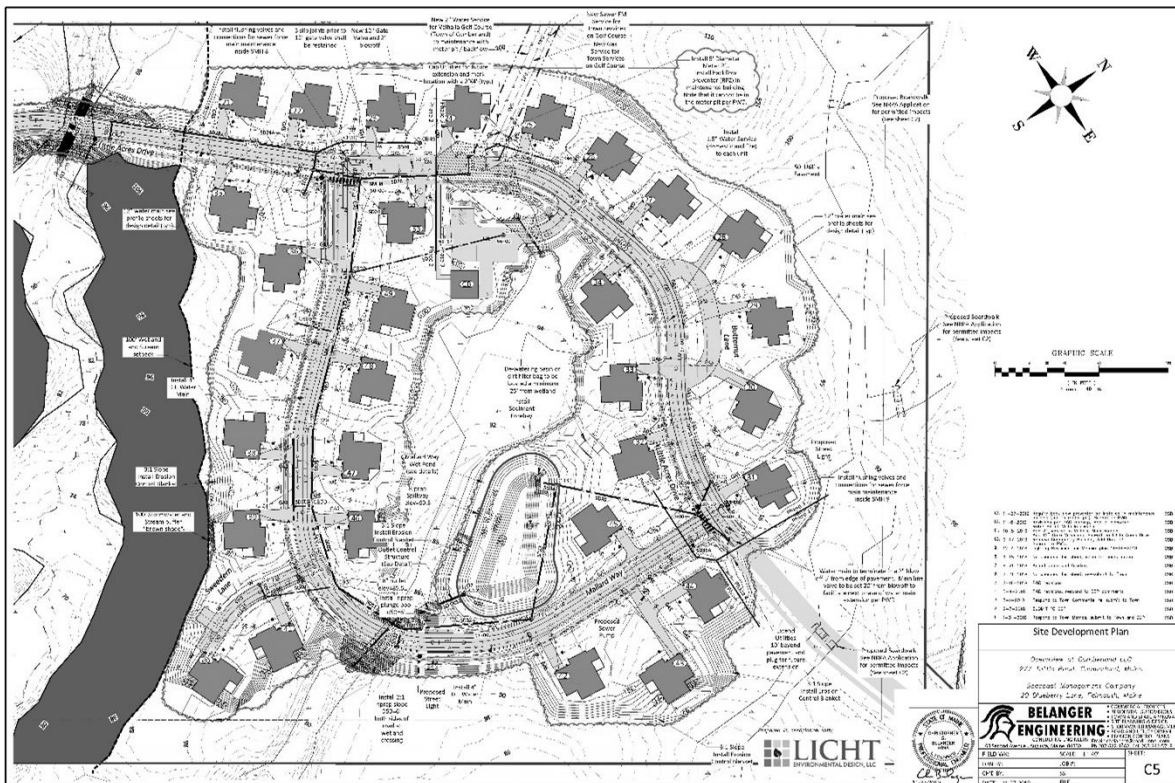
**2. TABLED - Public Hearing: ~~Site Plan Review for a change of use from a non-conforming convenience store with gas sales to a non-conforming auto sales and repair shop in the RR1 Zone, located at 174 Main St., Tax Assessor Map U09, Lot 8.~~**

**Applicant:** ~~Mathew Almy & Mark Axelsen~~. **Representative:** ~~Jim Fischer, P.E.,~~  
~~Northeast Civil Solutions.~~ This item was tabled prior to the meeting

**3. Public Hearing: Amendment to an Approved Subdivision for OceanView at Cumberland, LLC (Phase 1) to increase the number of units from 52 to 53 without a community building. Tuttle Rd., Tax Assessor Map R04, Lot 5. Applicant:** Ocean View at Cumberland, LLC / John Wasileski. **Representative:** Frederic Licht, P.E, LSE, Licht Environmental Design, LLC.

Chairman Auclair introduced the item.

Rick Licht, P.E. - Licht Environmental Design, LLC, displayed a portion of the OceanView at Cumberland Phase 1 plan and explained that with the genesis of Phase 2 with a community center, they want to change the proposed community center in Phase 1 to a unit.



Mr. Licht noted that the total count of units from phase 1 would increase from 52 to 53 units. The maintenance garage would remain. There is no change in utilities or stormwater management. A driveway to service the unit would be added.

Ms. Buffinton referred to the 50' buffer and noted that the project is very visible from Maurice Way and asked if plantings are pending. Mr. Licht replied that yes, there will be plantings and a berm. Chris Wasileski, OceanView at Cumberland, confirmed this.

Chairman Auclair opened the public hearing.

Rick Doane, 4 Catalpa Ln., said he doesn't have any overwhelming concern as an abutter regarding this change but suggested that this is premature. The project is

approved with a community center. There is another project that wants to append itself to the approved project with a prospective community center. If the Board does away with the community center in this action, there will be a 50 unit approved subdivision and no approved community center.

Chairman Auclair replied that this is a good point and the Board could make it a condition of approval that Phase 2 is approved.

John Jensenius, 44 Laurel Ln., Recreation Trails Subcommittee Chair, said they have no problems with the extra home being here. Mr. Jensenius noted that the original plans call for a trail that goes to the community center and they want to ensure that this trail will be on the final plans. Mr. Jensenius added that the Subcommittee is disappointed in the timing on some of the trails that have not been built in areas where there isn't any construction. The Subcommittee hopes to work with OceanView on a timeframe so the trails get built in a timely fashion.

Chairman Auclair closed the public hearing.

Mr. Licht said that the applicant would agree to a condition of approval that the approval of this item be subject to Phase 2 being approved.

Mr. Licht reported that they had a site walk and looked at the trails. The next step is to work on the back trail by Val Halla. Mr. Licht said that they are concerned about doing trail work while there is construction equipment on site. Mr. Wasileski added that work on stormwater piping is being done in the area. Mr. Wasileski said that when the underground utilities are done, they will go in and flag and cut the trail.

Mr. Kenny said that he doesn't have a problem with a condition of approval and asked when the new community center will be available. Mr. Wasileski replied that Phase 1 residents have been interested in using the building (Phase 2) as a community center currently. Mr. Wasileski said they see the ground floor being used almost immediately. Improvements would be made when they begin work on Phase 2.

Chairman Auclair noted that there are no requested waivers for the amendment and the finding of facts are the same as before.

Mr. Saunders moved to waive the reading of the findings of fact since there has been no change to them, seconded by Mr. Kenny and **VOTED, 6 yeas - motion carries.**

Mr. Saunders moved to adopt the findings of fact as presented, seconded by Mr. Kenny and **VOTED, 6 yeas - motion carries.**

**FINDINGS OF FACT - Chapter 250 - Subdivision of Land:** The purpose of these standards shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Cumberland, Maine, the Board shall consider the following criteria and before granting approval shall determine that the proposed subdivision:

**1. Pollution.** The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:

- A. The elevation of the land above sea level and its relation to the floodplains;
- B. The nature of soils and subsoil and their ability to adequately support waste disposal;
- C. The slope of the land and its effect on effluents;

D. The availability of streams for disposal of effluents; and

E. The applicable state and local health and water resource rules and regulations;

***The parcel is above sea level and not within a floodplain. The project will use public water and sewer. A groundwater impact assessment was provided by the applicant and reviewed and approved by the Town Engineer.***

***Based on the information provided, the standards of this section have been met.***

**2. Sufficient Water.** The proposed subdivision has sufficient water available for the reasonable foreseeable needs of the subdivision;

***The subdivision will be served by public water. There is a letter on file, dated July 31, 2018, from the Portland Water District stating the District's ability to serve the proposed project.***

***Based on the information provided, the standards of this section have been met.***

**3. Municipal Water Supply.** The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used;

***The subdivision will utilize a municipal water source. There is a letter on file, dated July 31, 2018, from the Portland Water District stating the District's ability to serve the proposed project.***

***Based on the information provided, the standards of this section have been met.***

**4. Erosion.** The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;

***The applicant has submitted an erosion and sedimentation control plan that is consistent with the current Maine Erosion and Sediment Control Best Management Practices. This plan has been reviewed and approved by the Town Engineer.***

***Based on the information provided, the standards of this section have been met.***

**5. Traffic.** The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed;

***A traffic study was performed by Maine Traffic Resources and reviewed and approved by the Town Engineer. An MDOT Entrance permit has been issued.***

***Based on the information provided, the standards of this section have been met.***

**6. Sewage disposal.** The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services, if they are utilized

***The project will utilize public sewer. A letter indicating there is sufficient capacity is on file from both the Portland Water District and the Town of Falmouth. There is a letter dated 5/22/18 from Town Manager Bill Shane stating that the Town agrees to accept the sewer design flow from the project. A charge of \$500 for each of the units will be charged to the applicant.***

***Based on the information provided, the standards of this section have been met.***

**7. Municipal solid waste disposal.** The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized;

***Cumberland provides curbside trash collection and recycling through a contracted waste hauler. Based on a conversation with the Director of Public Services, the addition of 52 new homes will not cause a burden on the municipality's ability to dispose of solid waste.***

***Based on the information provided, the standards of this section have been met.***



**8. Aesthetic, cultural and natural values.** The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

***Letters are on file from the relevant state agencies stating that the subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat or rare and irreplaceable natural areas.***

***Based on the information provided, the standards of this section have been met.***

**9. Conformity with local ordinances and plans.** The proposed subdivision conforms to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;

***The plans have been reviewed and approved by the town planner, the town engineer and town department heads.***

***Based on the information provided, the standards of this section have been met.***

**10. Financial and technical capacity.** The subdivider has adequate financial and technical capacity to meet the standards of this section;

***Technical capacity is evidenced by the use of the following experts: a professional engineer, a licensed land surveyor, a traffic engineer and a licensed soils scientist.***

***Evidence of financial capacity is evidenced by a letter dated 12/20/17 from SIS Bank stating that developer has solid financial capacity and that the bank has approved financing for the acquisition, infrastructure development, and home construction for the project.***

***Based on the information provided, the standards of this section have been met.***

**11. Surface waters; outstanding river segments.** Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38 chapter 3, subchapter I, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of the body of water;

***The proposed subdivision will not adversely affect the quality of the mapped wetlands or unreasonably affect the shoreline of the stream on the parcel. Plans include a MEDEP 75' stream setback to protect the resource.***

***Based on the information provided, the standards of this section have been met.***

**12. Ground water.** The proposed subdivision will not alone, or in conjunction with, existing activities, adversely affect the quality or quantity of ground water;

***The project will not utilize any groundwater from wells. Infiltration of stormwater is limited to the installation of BMP's along the access road which meet all DEP standards for treatment of stormwater prior to discharge of groundwater.***

***Based on the information provided, the standards of this section have been met.***

**13. Flood areas.** Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;

***The parcel is shown on FEMA floodplain maps as being in Zone C (area of minimal flooding).***

***Based on the information provided, the standards of this section have been met.***

**14. Storm water.** The proposed subdivision will provide for adequate storm water management;

***A stormwater management plan was submitted as part of the application packet and has been reviewed and approved by the Town Engineer for conformance with Chapter 250-38 of the Cumberland Subdivision Ordinance.***

***Based on the information provided, the standards of this section have been met.***

**15. Freshwater wetlands.** All potential freshwater wetlands, as defined in 30-A M.R.S.A. §4401 (2-A), within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

***All wetlands within the proposed subdivision have been delineated and mapped by Mark Hampton Associate, Inc. and shown on the project plans. A DEP Tier 1 permit has been issued.***

***Based on the information provided, the standards of this section have been met.***

**16. River, stream or brook** Any river, stream, or brook within or abutting the proposed subdivision has been identified on any map submitted as a part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, Section 480-B, Subsection 9. [Amended; Effective. 11/27/89]

***There is a stream on the property which is depicted on the plans.***

***Based on the information provided, the standards of this section have been met.***

Mr. Saunders moved to approve the amendment to an approved subdivision for OceanView at Cumberland, LLC (Phase 1) to increase the number of units from 52 to 53 without a community building subject to the Standard Conditions of Approval, the Limitation of Approval and the one Condition of Approval, seconded by Mr. Kenny and **VOTED, 6 yeas - motion carries.**

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

**LIMITATION OF APPROVAL:** Construction of the improvements covered by any site plan approval must be substantially commenced within twelve (12) months of the date upon which the approval was granted. If construction has not been substantially commenced and substantially completed within the specified period, the approval shall be null and void. The applicant may request an extension of the approval deadline prior to expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to two (2) 1 year extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

**CONDITIONS OF FINAL PLAN APPROVAL:**

1. That OceanView at Cumberland Phase 2 is approved with a Community Center.

**4. Public Hearing: Preliminary Major Subdivision Review for OceanView at Cumberland, LLC (Phase 2) – 52 dwelling units plus 1 community building. Greely**

**Rd., Tax Map R04, Lot 34A. Applicant:** Ocean View at Cumberland, LLC / John Wasileski. **Representative:** Frederic Licht, P.E, LSE, Licht Environmental Design, LLC.

Chairman Auclair introduced the item.

Chris Wasileski, OceanView at Cumberland, LLC, introduced himself and said he is here tonight with Attorney Scott Anderson, Engineer Rick Licht, Construction Manager Christian Haynes and Traffic Engineer Diane Morabito. Mr. Wasileski shared the following information on the Cumberland Crossing by OceanView Phase 2 project;

- \* Identical, Detached Cottage Units to Phase I Cumberland Crossing by OceanView; 52 Units Total Buildout in Phase II. "A" & "B" Energy Efficient model cottages starting at 1600 SF, standard grid-tied Solar Panels, Generators, Fireplaces, Sunrooms, Natural Gas Boilers, Customizable...
- \* Responded to Police and Fire Chief Memos on Road Details from Sketch Plan – Police and Fire Chiefs have indicated their support for our revised plan and details relative to the Road via e-mail confirmation to Town Staff.
- \* Pool included with Community Center conversion of former farmhouse – Common Area parking with appropriate buffering part of this application as well (Refer to Landscape Architect / Engineers SK Plans).
- \* Working with Trails Committee on connections to Valhalla along with our Phase I Cumberland Crossing Trails – once completed will be an impressive network of outdoor hiking / snowshoe / XC skiing trails when complete...
- \* Our Team has met with Greely Rd. Abutters on Stormwater, Buffering and other questions about the Road Location, etc.
- \* Rick Licht (LED) has information on DEP / NRPA Submittals, which he can convey to the Board as needed...
- \* This project has the same development plan and pre-sale goals as Phase I Cumberland Crossing... 50% Pre-Sales per Sub Phase...
- \* 50% Pre-Sales in any given street or sub-phase prior to connection of underground utilities and infrastructure construction – We can provide Proposed Street Names for the subsequent hearing date...

Rick Licht, P.E., Licht P.E. - Licht Environmental Design, LLC, displayed the Town Zoning Map and indicated the location of the project. The applicant is seeking major subdivision approval, site plan approval and a shoreland zone permit. Mr. Licht described how Phase 1 and Phase 2 will be connected. Mr. Licht referred to a section of road that was proposed to be gravel at the sketch plan review and reported that, due to input from public safety, this will be a non-gated, paved road all the way out to Greely Rd. Mr. Licht noted that they have asked for a waiver to maintain the existing driveway in its current condition and for a section of road in the preservation area that cannot be widened.

Mr. Licht reviewed the layout of the Phase 2 plan. Mr. Licht noted that the community center would be the repurposing of the Godsoe farmhouse. The existing barns will

remain in equestrian and agricultural use for now. Mr. Licht indicated an area on the plan that will be for gravel overflow parking and said there will be minor increases in parking around the community center.

Mr. Licht said that water, sewer, gas, electric and cable utilities will continue from Phase 1 to Phase 2. Mr. Licht noted that the Town has expressed interest in extending water, sewer and gas out to Greely Rd and the applicant will provide an easement for this. Mr. Licht said that the farm currently has an onsite well and wastewater system. The developer is thinking of bringing a new service directly into the farm from Greely Rd. rather than wait while the water comes in through the development, which could be a few years.

Mr. Licht showed an aerial photo and indicated the required 500' preservation area that is called out specifically in the Senior Housing Overlay District. Mr. Licht said that the front acreage is about 8.5 - 9 acres. The area is to be preserved with minimal uses, mostly agricultural. It allows for underground utilities and a foot path. The applicant does not want to widen or change the driveway and has asked for a waiver. Mr. Licht described how the road will connect through Phase 2 to the existing driveway. Mr. Licht said that they have had a fire truck test and the Police and Fire Depts. support this.

Mr. Licht outlined the topography of the parcel. A proposed culvert for a brook crossing and the location of a stormwater system were identified. Mr. Licht described existing and proposed trails and noted that they are working with the Trails Committee on developing a trail system that connects to Greely Rd. Mr. Licht said that they cannot cross the wetlands with a trail because there would be quite an impact to do so.

Mr. Licht displayed a plan showing the FEMA 100 year floodplain and reported that there is an error in the floodplain location shown. Mr. Licht said that they have done a study of the watershed and have come up with a more accurate floodplain. A letter of map amendment will be provided to FEMA to revise the flood map of this area.

Mr. Licht showed a photo of the existing access drive and said it is about 14' wide with 1 - 1.5' shoulders. The applicants request to use this, in its current state, as the main access out to Greely Rd. They don't expect a lot of traffic to be using it. Borings of this roadway were done and found that there is a solid subbase there. They propose grinding the pavement, re-shimming and repaving it to the same width.

Mr. Licht showed a picture of an area to the left of the existing driveway and said that the new roadway will come through here and connect to the pavement. The Ordinance requires 20' of pavement without curb or 22' with curb. They propose a 20' roadway. A problem in the preservation area is that they are not allowed to increase the impervious area. Mr. Licht showed a plan of the area and said that they propose for 128 feet to take the gravel road and do a 12' wide paved section with a full gravel base width of 18' and grassed shoulders. Mr. Licht said this way it serves as a through road and the Fire and Police Chiefs find this acceptable. Mr. Licht noted that they did a fire truck test to ensure that the truck can manoeuver the roadway and it worked fine.

Mr. Licht showed a picture of the barn where a gravel parking area will be. Mr. Licht outlined a plan of the community center.



Mr. Licht showed a plan of the proposed cul-de-sac road and said they want to know how the Board feels about not having a sidewalk. Chairman Auclair confirmed that Mr. Licht is only referring to the cul-de-sac road and asked for the length of the road. Mr. Licht confirmed it is the cul-de-sac road and said it is about 1,100'.

Mr. Licht described the stormwater plan. The Ordinance requires a Cumberland County Soil and Water review. Mr. Licht feels that this is redundant and he asked for a waiver if one is needed. Mr. Licht reviewed waiver requests. Mr. Licht referred to a comment from the Peer Review about areas where there is no esplanade and said that there are some areas where they cannot include an esplanade and if a waiver is needed he is requesting one for this also. Mr. Licht reviewed the status of outside agency permits.

Mr. Licht said that they are considering a change to the gravel parking area shown on plans for 38 spaces. They don't think they need this many and will be proposing a smaller gravel parking area with an area for a firetruck turn around. Mr. Saunders asked if this is intended to be parking for the community center as well and Mr. Licht replied that it is. Mr. Licht said there are about 5 spaces closer to the community center and an area in front of the barn where people can park. Mr. Saunders said that when they come back for approval they may need a waiver for parking requirements. Chairman Auclair questioned what category this building will fall under in Chapter 315 of the ordinance which dictates the number of parking spaces. Mr. Licht said they will look at this and come back with some tables and numbers. Mr. Wasileski added that at the Falmouth facility with peak events there is a mixture of transportation with concierge cars, vans or buses, golf carts and personal vehicles.

Mr. Licht referred to the trail system and a discussion about a possible snowmobile connection. Mr. Licht said that the overlay ordinance does not permit this, it permits a walking trail only. The applicant doesn't feel this is a consistent use and is objectionable to having this snowmobile trail.

Mr. Licht responded to peer and staff review comments. The Fire and Police Chiefs' emails indicate that they are acceptable with the project. Mr. Licht referred to the peer review memo and said they are in agreement with everything Mr. Diffin talked about.

Scott Anderson, Atty. for OceanView, clarified that the Godsoe property was owned by two different family trusts. Two deeds conveyed the land to OceanView. Ms. Nixon was given one of the deeds which raised the question of who owns the other 50 percent. Ms. Nixon now has the other deed to show OceanView owns all of the land.

Chairman Auclair asked about the primary use of the road in from Greely Rd. Mr. Licht replied that the primary use is to access the community center for events and by the sales staff that will work in the community center. Mr. Licht said that some of the residents may drive but most will come from inside the development and will be encouraged to use the internal networks to get to the community center. Mr. Licht said that they do not expect this to be used as a through road. Chairman Auclair noted that there will be no gate so it could be a through road. Mr. Licht agreed and referred to a Ms. Nixon's point about Harris Rd. that it is there and might be quicker but it doesn't register. Mr. Licht continued that it is not a gated community but when you drive in you know you are in a private community. Speed will be 25 mph and to get through the

development would take a bit. Chairman Auclair said that it seems that the people that live closest to Greely Rd. are going to use that end of the road.

Mr. Saunders cited Section 250-36 that indicates that esplanades may be required at the discretion of the Planning Board and he doesn't think a waiver is needed. Mr. Saunders suggested the applicant look at traffic for a potential waiver and cited Section 250-37A(3) that states private streets are permitted only when the average daily traffic is less than 50. Mr. Saunders asked if the applicant is moving forward under the assumption that they will get the floodplain redrawn. Mr. Licht replied yes. Mr. Saunders noted that if this isn't approved by the time the applicant is back, it would likely be a condition of approval. Mr. Saunders asked that the Town Manager confirm with the Police and Fire Departments that they are okay with the road.

Ms. Buffinton referred to road access from Greely Rd. and said that allowing residents to use the road, as well as safety vehicles, is an interconnected feature that helps diminish the traffic on the other end. Ms. Buffinton noted that the nature of the road coming in from Greely Rd. looks like a driveway. Ms. Buffinton encouraged the developer not to put an obvious sign there to encourage the public to cut through.

Ms. Buffinton encouraged use of sidewalks for safety. Ms. Buffinton asked about field surveys for rare botanical features as well as speaking with the U.S. Fish and Wildlife about endangered species. Mr. Licht replied that they have done the U.S. Fish and Wildlife review. There is nothing listed relating to the Natural Heritage letter. A walkthrough was conducted with Mark Hampton, Soils Scientist, and nothing was noted.

Mr. Record said he agrees with Ms. Buffinton about the sidewalk. Mr. Record asked if we have notes from Chief Rumsey and Chief Small about endorsing the road. Ms. Nixon said yes, they sent her an email saying they are comfortable with the plan. Mr. Record confirmed that the overlay that is being referenced is the one that was put in place last January. Ms. Nixon said yes. Mr. Record said he has great concern with the road not being the proper width going all the way through and he thinks a proper road would help balance the flow of traffic. Mr. Record asked if it would be possible to do a study with A vs. B.

Diane Morabito replied that they have assumed, based on existing traffic patterns, that only 15% of the traffic will come out Greely Rd. regardless of the width. Most of the traffic is destined to and from the east and south and there is not that much of a draw for traffic to the north and west. Ms. Morabito predicted there would be five or six vehicles in an hour and the odds that they will be passing each other on the short section is very minimal. There should be wide enough shoulders so that the vehicles could pass each other. Mr. Licht reviewed the overlay language and noted that conversations with the Town's legal counsel agree that they can't increase the impervious area. They came up with a creative solution for this stretch of road to provide a stable driving environment but not increase the impervious area.

Mr. Record noted that the overlay language was developed recently and asked if there was a legal way to resolve this catch 22. Atty. Anderson replied that the original goal when the language was drafted was to not have a through road. Atty. Anderson noted that the Chiefs were primarily concerned with emergency vehicle access especially for

mutual aid and not that the residents have access from both sides. A proposal to put up gates and give the Chiefs keys so they could get through was rejected. The goal has always been to make sure to provide emergency access from Greely Rd. without encouraging use from both roadways. Atty. Anderson explained that the reason for the waiver is that theoretically they have to comply with the road standards but they also have to comply with the overlay requirement.

Further discussion was had about the overlay requirements. Ms. Nixon outlined how the overlay language was developed. Mr. Record asked if the language can be changed. Ms. Nixon replied not easily and noted it could be a six month process. Mr. Saunders pointed out that this project would be grandfathered anyway and Ms. Nixon agreed. Mr. Record said he does not think it is appropriate to have such small roads serving 104 houses for overall safety and for balance and flow.

Mr. Kenny said that he likes the idea of the narrow look to slow down the cars going through. Mr. Kenny added that he thinks that it is essential to have sidewalks.

Ms. Sawchuck asked for a summary of what goes into the traffic study. Ms. Morabito said that the traffic study looks at the number of trips that will be generated and she explained how a study is conducted. Ms. Morabito outlined the traffic study for the project and answered questions from the Board.

Chairman Auclair called for a short break. Chairman Auclair resumed the meeting opened the public hearing.

Rick Doane, asked if there is any intent for construction related traffic to come in off Greely Rd. Mr. Wasileski replied that the intent is to explore construction traffic related to the pool, the community center and part of the roadway from Greely Rd. Mr. Wasileski continued that the house construction primarily will proceed to come from Tuttle Rd. but as they get closer in Phase two, there may be construction traffic coming in from Greely Rd.

Mr. Doane said that he thought that typically when a subdivision was approved there was an intent that construction begin within a couple of years. Ms. Nixon replied that the Town allows projects to be phased. Mr. Doane said that he thinks this is a good project and reminded the Board that there is a legal disagreement on the ability to access Tuttle Rd. from the Godsoe parcel.

Mr. Doane said that the concerns he has are that this project brings 50+ units of traffic to Tuttle Rd. and this traffic could easily go to Greely Rd. Mr. Doane is concerned with perpetual construction. Mr. Doane said he assumes that before OceanView would build the first house on the Godsoe parcel we are into 2024-2025 and he noted that this is without a recession and we are talking about \$600,000.00 homes.

Mr. Doane said his family owns frontage along Tuttle Rd. The traffic is not terrible but it is noisy at times and disruptive to their lifestyle. Mr. Doane asked the Board to consider the issue of access to Greely Rd. Mr. Doane pointed out that the Ordinance says you can have a 2,000' or 2,500' dead end road at the Board's discretion. Mr. Doane said this project, without access to Greely Rd., is a 5,000' dead end road and there are legitimate public safety issues with this. The applicant has tried to solve this using the

driveway that is very tight. Mr. Doane said he will cut through to Greely Rd. if the road is built. It defies common sense to think that this is not going to happen. Mr. Doane said that the bottleneck around the Godsoe farm is an accident waiting to happen. Mr. Doane referred to prior conversations that the community center is going to be open to the public. Mr. Doane noted that you will have 200 residents, potentially, and members of the public competing for 25-30 parking spaces. There will be parking on the roads and traffic merging with pedestrians and golf carts.

Mr. Doane asked for relief to an eight to ten year construction cycle build out running construction vehicles through 20' wide residential streets to get to out to Tuttle Rd.

Chairman Auclair noted that the Town will enforce what is in the ordinance and asked if there is a completion deadline. Ms. Nixon said that she believes there is a completion deadline in the Site Plan Ordinance but not in the Subdivision Ordinance. Mr. Saunders referenced the limitation of approval for Phase 1 and said the time should be the same. Ms. Nixon clarified that the time limitation is for the completion of the infrastructure.

Tom Netland, 212 & 216 Greely Rd., said that as an abutter, he will have the greatest direct impact from this project. Dr. Netland has concerns about the buffering issue and the stormwater. Dr. Netland quoted an excerpt from the language for the Senior Housing Overlay, "A minimum fifty-foot buffer shall be required along the entire perimeter of a Senior Housing Community. No cutting or clearing shall be permitted within the fifty-foot buffer area, except as required for purposes of installing or connecting utilities, roads and trails. Roads, trails and utilities may be located within the 50 foot buffer area as required by this subsection when necessary due to the physical limitations of the property..." Dr. Netland said he assumes the intent of the language is to allow things to get into a property and not necessarily to run the entire length of a boundary.

Dr. Netland identified an area on the aerial plan where the road will abut his property line and said this is his primary area of concern but also where the utilities come in off Greely Rd. Dr. Netland said that the way the language is written it sounds like you can put roads and utilities anywhere and he is not sure this is the intent of the language. Ms. Nixon noted that the Town Manager might want to refer to this but she believes the reason it ended up the way it did is because it is the shortest distance.

Dr. Netland said he shares concerns about the traffic and thinks the amount of traffic is being downplayed. Dr. Netland said that there will be people walking and biking and if there is not an adequate buffer or fence, people will be almost invited to wander over to the open area with the pond and he is not thrilled about the idea of a bunch of people traipsing onto his property.

Dr. Netland identified his property line and the 50' buffer line on the plan. Dr. Netland noted a cottage on the plan that appears to be built into the buffer zone. Dr. Netland identified sections of the road, sidewalk and utilities located within the buffer with areas that approach within five to seven feet of his property. Dr. Netland said he is not convinced it is about what can and can't be done but about how much it costs. Dr. Netland identified an area where the road could easily be put in and said it will impact



wetlands but would cost a lot more money. Dr. Netland would like to see the road moved out of the buffer zone and noted that he doesn't think this is in compliance.

Chairman Auclair asked if the road can't be moved, is there an alternate solution that would appease Dr. Netland's concerns. Dr. Netland replied that one option is for OceanView to purchase a strip of his land to move the buffer zone back.

Mr. Licht replied that they empathize with Dr. Netland. They don't want the road to be in the buffer. Mr. Licht said they will look at this and work with Dr. Netland. Mr. Licht explained that the avoidance of wetlands is a stringent process.

The predevelopment drainage plan was displayed showing elevations. Dr. Netland noted that he got the stormwater information yesterday. It is a huge packet and difficult to process in one day. Dr. Netland expressed concerns with the stormwater in the southwest corner and how it will be treated.

The post development drainage plan was displayed. Dr. Netland said he thinks a lot of stuff is headed to his property. Dr. Netland identified features on the plan that are located on his property. Dr. Netland said it seems that some of the stormwater is being modeled to a lower level and he doesn't understand how you have 7 acres of impervious and you wind up with less water than beforehand on the flood analysis. Dr. Netland said that it looks like his property is a major catch basin and he is concerned with this.

Mr. Licht explained the modeling and treatment process for the stormwater.

Town Manager Bill Shane said that while there is going to be more water, it is not leaving the site any faster than before the development. Mr. Shane noted that the volume can't be regulated, the rate is regulated and the Town's Engineer will model this and check all the work.

Mr. Shane said that the road issue relating to this project started with the Land Trust. It was crucial to the Land Trust that the Town protect the scenic vista, as it was to the Planning Board.

Mr. Shane said that the Fire and Police Chiefs have signed off on the ability of public safety vehicles to get down the road and this has nothing to do with traffic. Mr. Shane referred to traffic and peak hours and said that the ordinance in place today calculates 10 trips per home and this works. In the busy commuter hours, morning and afternoon, these developments will generate a miniscule amount of traffic. Mr. Shane added that there will be impacts and there are impacts everywhere.

Mr. Shane said that many of these homes will have generators and he asked the Board to consider that we try to comply with the Ordinance of 65 decibels at the property line. This is something to look at as this goes forward.

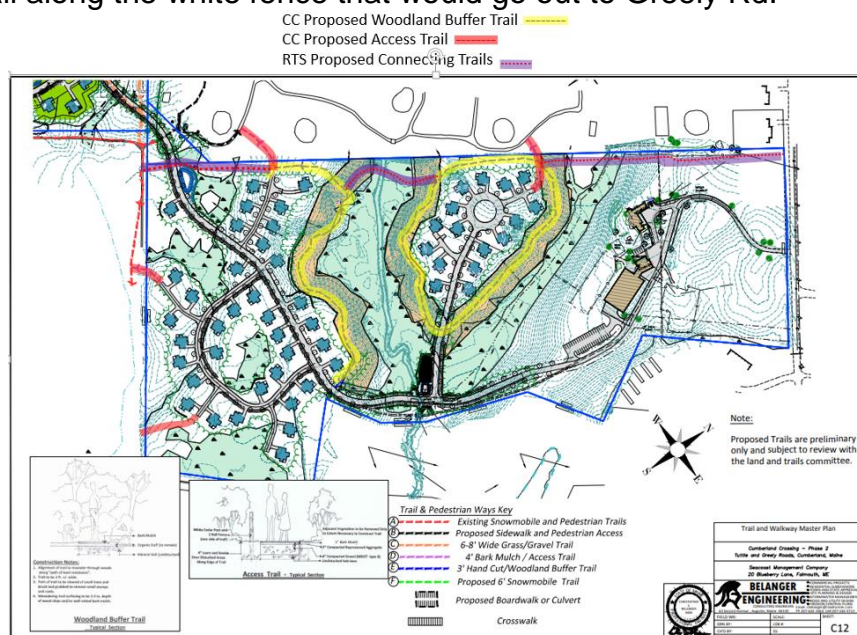
Mr. Shane commented that he heard tonight that OceanView is allowing for an easement for water and sewer and he thought that water would be connected to Greely Rd. Mr. Shane said that the water has to be interconnected through the development and not paid for by the Town of Cumberland. Mr. Shane said that the easements should be to the Portland Water District who will maintain the lines in the future.

Mr. Shane said that we struggled in Phase 1 to get trails done. Ninety percent of the heavy lifting was done by the Public Works Dept. Mr. Shane said he does not want this to continue and he wants to take another look at the trails. There are a lot of trails in Phase 1 that are yet to be developed. Mr. Shane wants to make sure that trails continue to be developed and are not dismissed or replaced with cart paths on the golf course that for six months of the year are not accessible.

John Jensenius, 44 Laurel Ln. and Chair of the Recreational Trails Subcommittee of the Lands & Conservation Commission, said that the Subcommittee is responsible also for looking at sidewalks. It was hard to see on the diagram where all the sidewalks went. Mr. Jensenius asked if the sidewalk extends the whole way to the community center. Regarding the cul-de-sac road, the Subcommittee has no issue whether the sidewalk is there or not. There is a cul-de-sac road in Phase 1 that has no sidewalk. Mr. Jensenius said that there may be other options, such as a trail to the community center.

Mr. Jensenius referred to the trails shaded in yellow on the displayed plan and said these are minimal effort/impact trails that are not in construction areas, except where they cross a road. Mr. Jensenius asked that, with the delay of many of the trials in Phase one, a priority be set to get these done early in the project. Mr. Jensenius described the access trails highlighted in red on the plan. Mr. Jensenius noted that the access trail shown on the lower left of the plan is not shown on OceanView's plan but it was discussed as a possibility during the site walk last Friday.

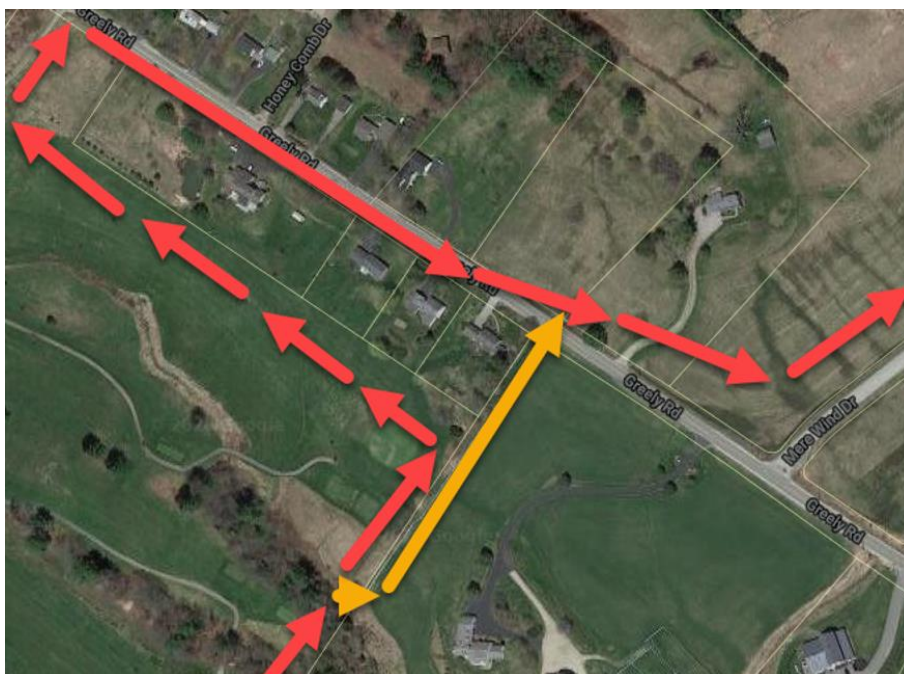
The Subcommittee looks at connectivity of trails. Mr. Jensenius said that part of the plan is to use the golf course that is available four months of the year. This will work for wintertime but not from April through November. The Subcommittee would like to see connector trails that run through the 50' buffer, shown in purple on the plan. Mr. Jensenius said that these do go through wetlands but it is important to have connectivity not just in the winter but also in the summer. Mr. Jensenius identified a possible connector trail along the white fence that would go out to Greely Rd.



Mr. Jensenius displayed a plan of trails for the entire property (Phase 1 and 2) and pointed out the trails that have not been done yet.

Mr. Jensenius said that they had a request from the Moonlight Snow Skimmers to have a snowmobile trail along the white fence and out to Greely Rd. A current snowmobile trail runs along Greely Rd. Mr. Jensenius said that from a safety perspective, the Trails Subcommittee recommends putting the snowmobile trail along the white fence.

Shawn McBrierty, 1 Willow Ln., Lands & Conservation Subcommittee, Snowmobile Club President, said he has seen a lot of changes in regards to trails over the years and the Committee has done a lot of work to ensure that recreational trails continue. Mr. McBrierty referred to a plan showing the location of the current snowmobile trail in red. Mr. McBrierty said that there are almost 300 yards running along Greely Rd. The Snowmobile Club is requesting that the snowmobile trail be allowed to run along the area shown in yellow on the plan which provides a much safer access way.



Mr. McBrierty shared a video of the existing trail going out to and along Greely Rd. and noted that this is not a safe situation.

Mr. McBrierty said that the Snowmobile Club has been in Cumberland for almost 50 years. They work through about 30 miles of trails and manage with a shoestring budget. The Club appreciates the efforts of OceanView. Mr. McBrierty reported that he recently asked Mr. Wasileski to look at the 7 pm to 7 am restriction on the trail and they are not going down that road. Mr. McBrierty said that as far as he knows, this is the only trail in Maine with a permitted time use and it makes it difficult to groom the trails and for people coming and going to Rachel's for dinner. Mr. McBrierty said he recalls hearing at a meeting that Loni Allen had agreed to the time restriction but recently he spoke with the Allens who said they had not agreed to the restriction. The Club prefers to have open access. Mr. McBrierty said that the Club does a good job working with the Town and local land owners to coral these issues and be an advocate for the sport.

Chairman Auclair closed the public hearing.

Mr. Wasileski credited Bill Shane and the Public Works Department for taking the lead on the trails and the bridgework. OceanView coordinated efforts and paid for part of the work. Mr. Wasileski also credited the Trails Subcommittee and Moonlight Snow Skimmers Club. Mr. Wasileski said they will continue working with Mr. Jensenius on the timing of the trails. Mr. Wasileski said they have a concern with construction and open trenches and sending people walking onto an active job site.

Chairman Auclair noted that the Board is not ready to grant preliminary approval and suggested the Board consider the waivers. Ms. Buffinton noted that the applicants may seek additional waivers and asked if the Board should consider them all at once. Chairman Auclair replied that they do not have to be all at once. Chairman Auclair referred to a waiver for esplanades and Mr. Saunders said they do not need a waiver for this because there is no requirement.

Mr. Saunders moved that due to the unique character and conditions of this project that the Board waive the requirement to show true north on subdivision plans, seconded by Mr. Kenny and **VOTED, 6 yeas, unanimous - motion carries.**

Mr. Saunders referred to the waiver for street signs and said he prefers not to waive this and to have it as a condition of approval. Chairman Auclair agreed.

Mr. Saunders moved that due to the unique character and conditions of the project that the Board waive the requirement to show locations of trees over 10" in diameter within the project, seconded by Mr. Kenny and **VOTED, 6 yeas, unanimous - motion carries.**

Mr. Saunders moved that due to the unique character and conditions of this project that the Board waive the road width requirement along Little Acres Rd. from Greely Rd. to the future community building parking area from 20 feet to the existing road width as well as waiving the requirement for a 20 foot road for a 130 foot section in front of the residence to a 12 foot wide paved road with a total of 18 feet in width of appropriate base and subbase materials in construction to be grassed over; the grassed area built to support the weight of vehicles, seconded by Mr. Kenny. The Board further discussed the waiver. The motion was then **VOTED, 5 yeas, 1 nay (Record) - motion carries.**

Mr. Saunders moved to table Preliminary Major Subdivision Review for OceanView at Cumberland, LLC (Phase 2), seconded by Ms. Buffinton and **VOTED, 6 yeas, unanimous - motion carries.**

**H. Administrative Matters/New Business:** Chairman Auclair reported that he and Steve Moriarty are attending a neighborhood meeting tomorrow night, here at 6 pm, to begin discussions about the new Public Works Garage.

**I. Adjournment:** Mr. Kenny moved to adjourn the meeting at 10:16 pm, seconded by Ms. Sawchuck and **VOTED, 6 yeas, unanimous - motion carries.**

**A TRUE COPY ATTEST:**

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Paul Auclair, Board Chair

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Christina Silberman, Administrative Asst.